



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP.322648-25**

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### Development

Demolish part of existing hospital building and rear extensions and construct a new 3-6 storey building with roof plant and refurbish a 3-storey existing building for use as a Primary Care Centre with ancillary pharmacy with works to a Protected Structure

### Location

Former Baggot Street Community Hospital including No. 19 Haddington Road, Junction of Haddington Road and Eastmoreland Lane, Dublin 4

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

3583/24

### Applicant(s)

Health Service Executive

### Type of Application

Planning permission

### Planning Authority Decision

Grant permission with conditions

### Type of Appeal

First / Third Party

**Appellant(s)**

Health Service Executive  
Bryan Kearney  
Rikita Callow  
Eamonn Hoey  
Pembroke Road Association

**Observer(s)**

Phillip O'Reilly  
Esther Murnane & Others  
R. John McBratney

**Date of Site Inspection**

17<sup>th</sup> September 2025

**Inspector**

Mary Kennelly

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## 1.0 Site Location and Description

- 1.1. The site is located on the corner of Haddington Road and Eastmoreland Lane, close to the junction of Haddington Road and Baggot Street Upper. It forms part of a complex of interlinked buildings in the ownership of the Health Service Executive comprising the former Royal City of Dublin Hospital, a Protected Structure, which fronts onto Baggot Street, and the former Haddington Road Community Hospital (which fronts onto Haddington Road).
- 1.2. The site of the proposed development incorporates the following:
- No. 19 Haddington Road – a 3-storey over basement Victorian red-brick building with a single storey modern extension to the rear (to be retained).
  - The former Baggot Street Community Hospital/Haddington Road Community Care Centre – a three-storey red-brick and concrete structure with a flat roof dating from the 1950s, with frontage to both Haddington Road and Eastmoreland Lane (to be demolished).
  - Single-storey flat-roofed extensions to the rear of the Royal City of Dublin Hospital (RPS 446) (to be demolished).
  - Part of the public footpath along Haddington Road.
- 1.3. The site area is given as 0.1050ha, of which 0.088ha is in the ownership of the applicant, the Health Service Executive, with the balance of the site (0.0170ha) comprising public footpath and road. The total floor area of the existing buildings forming part of the site is given as 1,548sq.m and it is stated that all buildings are currently vacant and have been for at least 4 years. Some of the buildings to be demolished are internally linked to the Royal City of Dublin Hospital (RCD Hospital). To the south and south-east of the site, there is an open yard and a 2-storey granite building known as the Drummond Wing, which are part of the complex but are outside of the application site.
- 1.4. The northern boundary of the site is with Haddington Road, and the eastern boundary is with Eastmoreland Lane. The western boundary is formed partly by a private un-named laneway to the rear of Nos. 2-4, 6, 8, 10 and 12 Baggot Street

Upper (all Protected Structures, RPS Nos. 435, 438, 440, 442 and 444, respectively) and partly by the rear of the RCD Hospital Protected Structure (446). The southern boundary of the site follows the edge of a flat-roofed single-storey extension to the rear of the Haddington Road buildings, with the Drummond Wing building (also known as the Granite building', and part of the Protected Structure) and yard area to the east. The Granite building also has frontage to Eastmoreland Lane, to the south of the site.

- 1.5. There are several Protected Structures in the vicinity of the site. In addition to Nos. 2-14 Baggot Street referenced above, all of the buildings to the east of the Royal City of Dublin Hospital as far as Eastmoreland Place (Nos. 20-52 Baggot Street Upper) are Protected Structures, including the Dylan Hotel (RPS 2427). The three-storey terraced houses to the north of Eastmoreland Lane, Nos. 21-51 Haddington Road, are not, however, Protected Structures, but are located within Zone Z2 Residential Neighbourhoods (Conservation Area).
- 1.6. The residential properties closest to the site are No. 21 Haddington Road, No. 1A Eastmoreland Lane and No. 2 Eastmoreland Lane, which are c.3.5m distant, directly opposite the site. No. 21 Haddington Road is subdivided into two apartments, one on each of two floors. The first-floor apartment is accessed from Haddington Road and has a rear roof terrace and a rear return. The Garden Flat (No. 1A) is accessed via a garden door and a patio area off Eastmoreland Lane. The first floor flat (No. 21) has a window in the rear return (set back from the lane) and a roof terrace over the return which overlook the site. No. 2 Eastmoreland Lane fronts directly onto the lane opposite the site.

## 2.0 Proposed Development

- 2.1. It is proposed to demolish the 3-storey 20<sup>th</sup> century building fronting Haddington Road and the non-original single-storey flat roof extension to the rear of the RCD Hospital building (RPS 446). It is proposed to redevelop the site as a Primary Care Centre with ancillary pharmacy which will include the construction of a new purpose-built structure with a GFA of 3,133m<sup>2</sup> and to refurbish both the facades and interior of the 3-storey Victorian building, (19 Haddington Road, GFA 236m<sup>2</sup>), providing for a total gross floor area of c.3,369m<sup>2</sup>. The proposal includes the infilling of the

basement area. The proposed new primary healthcare building will range in height from 3 to 6 storeys with a plant enclosure set-back at roof level.

- 2.2. The new building will be linked into the former No. 19 Haddington Road building. Part of the demolition works will involve the removal of a single-storey modern extension to the rear of and connected to the RCD hospital building (RPS 446). These works will require infilling of the opening to the rear return of the Protected Structure with brickwork to match the existing, in addition to repointing and repairs to the brickwork. No other works are proposed to the Protected Structure.
- 2.3. The main entrance will be from Haddington Road with secondary entrances from Eastmoreland Lane and the truncated lane to the south. It is proposed to provide for a set-down/loading bay on Haddington Road. Cycle parking will be provided in the form of an internal bicycle store at ground floor level and visitor bicycle parking on Haddington Road. Internal plant and waste areas are provided for, as well as an ESB substation.
- 2.4. The proposed development is intended to provide a full range of primary care community and continuing services in accordance with the Government's Health Strategy 'Quality and Fairness, A system for You' and the 'Primary Care Strategy – Primary Care – a New Direction'. The intention is that the PCC would provide a single point of access to health services and to offer an alternative to hospital care for the management and care of long-term conditions, thereby reducing waiting lists as patients would only be referred to hospital for complex needs.
- 2.5. The proposed Primary Care Centre will include the following:
  - Ancillary Pharmacy
  - Public Health Nursing
  - Occupational Therapy
  - Physiotherapy
  - Primary Care Social Work
  - Speech and Language Therapy
  - Dietetics
  - Children's Services Visiting Clinicians

2.6. The application was accompanied by a series of documents including the following:

- Planning Application Report
- Architectural Design Statement incorporating Photomontages
- Report on Architectural/Historic Significance of Structures & Potential Impacts
- Engineering Assessment Report
- Flood Risk Assessment
- Surface Water Management Plan
- Traffic & Transport Assessment
- Construction and Demolition Method Statement
- Structural Decoupling Report
- Outline Construction Management Plan
- Appropriate Assessment Screening Report
- Bat Survey
- An Energy Sustainability Statement including a Demolition Justification Report
- An Operational Waste Management Plan

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The Planning Authority decided to grant permission subject to 15 no. conditions.

These were generally of a standard type and included the following conditions:

Cond 1. Plans and particulars – lodged with application and FI submitted on 27/03/25.

Cond. 2 Development contribution €199,485.20 in accordance with the GDCCS.

Cond. 3 Required revisions:

(a) Omit fourth floor and redesign remaining floors to ensure symmetry and rhythm retained.

- (b) Eastern Elevation – revise fenestration to prevent overlooking
  - (c) Southern Elevation – revise fenestration to prevent overlooking
  - (d) Northern Elevation – revise fenestration to prevent overlooking
- Cond. 4 No additional development above roof parapet level without a further grant of planning permission.
- Cond. 5 Flat roofs not to be used as amenity terraces without a further grant of planning permission.
- Cond. 6 Details of the materials, colours and textures of all external finishes to be submitted and agreed in writing with the planning authority.
- Cond. 7. Requirement to lodge security and lighting proposals for Eastmoreland Lane prior to commencement of development.
- Cond. 8 Requirements of Conservation Officer – various including specific requirements regarding the closing up of openings following decoupling and works to No. 19 Haddington Road including the need to retain and refurbish certain elements such as original walls, historic features, timber sash windows and the historic shopfront. Other requirements included a revised roof plan (No. 19), revised pipework on the east elevation and specific requirements regarding stone cleaning, waterproofing and lime pointing.
- Cond 9 Submission for agreement, a Maintenance Plan and Schedule of Works for the Protected Structure to plan necessary short, medium and long-term maintenance and repair programmes and to budget accordingly.
- Cond. 10 Requirements of Transport Division.
- (a) Cycle parking (16 long-term, 12 short-term, 2 cargo spaces and requirements regarding layout, security and changing rooms
  - (b) Details of design and materials regarding changes to the public road/footpath to be submitted and agreed
  - (c) Construction Management Plan including construction traffic management
  - (d) Mobility Management Plan

(e) Details of materials of public areas to be taken in charge

(f) Costs incurred at developer's expense.

- Cond. 11 Requirements of Drainage Division including SUDs for the management of surface water and separate foul and surface water systems.
- Cond. 12 Requirements of City Archaeologist – including the need to carry out an Archaeological Impact Assessment prior to commencement of works
- Cond. 13 Construction hours
- Cond. 14 Streets to be kept clean during construction
- Cond. 15 Noise restrictions during construction
- Cond. 16 Comply with Codes of Practice Drainage, Transport and Noise & Air Pollution Sections of P.A.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

3.2.2. The ***Initial Planning Report (19/06/24)*** assessed the proposed development under various headings, which may be summarised as follows -

- Principle of development/compliance with zoning – the proposal for a Primary Care Centre was considered to be acceptable in principle in terms of the Z4 zoning and that it was in accordance with the HSE policy for the provision of such centres. It was also noted that a Primary Care Team had operated from the site until 2019 and the reinstatement of PC services at this location was welcomed, as was the development of a vacant site in a prominent location. However, concerns were raised regarding the potential impact of the proposals on the long-term sustainable and appropriate conservation-led refurbishment and adaptive re-use/redevelopment of the former RCD Hospital (RPS 446). The concern centred around piecemeal development and splitting the complex into two lots, thereby restricting future development/reuse potential of the Protected Structure, which is vacant and at risk of deterioration, as well as impacting on the setting of the RPS.

In addition, the potential for adverse impacts to arise on the architectural character and setting of the principal Protected Structure (due to inadequate buffers) and on the adjacent Protected Structures on Baggot Street Upper, were of concern as well as the impact on the streetscape of Haddington Road, which is a Z2 Conservation Area.

- Demolition of buildings on site – The demolition involves buildings which directly abut the Protected Structure. It was considered that the submitted Decoupling Report was quite light on detail. FI was requested in respect of methodology for the protection of the fabric of the PS and detailed drawings. A Demolition Justification Report was also required.
- No. 19 Haddington Road - The proposed layout of the building raised several concerns regarding the treatment of the historic structure. The ‘gutting’ of the building with the apparent loss of historic architectural features was unacceptable. The large corridor area and several entrances onto Haddington Road were considered inappropriate in terms of the legibility of the structure and the amenity of some of the clinical rooms was questionable in terms of patient privacy. A revised layout was requested.
- Eastmoreland Lane and the ‘Granite Building’ – the proposed new building would be 1.5m from the Granite Building (a Protected Structure) and would create a laneway (providing access to the cycle store) which would not be overlooked by the public realm. In addition, the proposed windows in the elevation facing the Granite Building are unacceptable as they would overlook and interfere with the future use of the PS. Revised plans were requested to ensure greater legibility between the two buildings and the omission of the windows.
- Height and Design – it was generally accepted that the overall design, including the finer details of the structure, the curved walls and unusual angles, was considered to be acceptable. However, it was considered that the height and scale of the building did not adequately respect the locational context which contains several important Protected Structures. It was considered that the height of the proposed new building on Haddington Road would be excessive and that the height and close proximity of the structure

would overwhelm the existing historic buildings within the site. It was noted that the Conservation Officer had recommended that the height be reduced by two floors to form a 5-storey shoulder height building with a set-back single-storey attic storey to conceal the plant at roof level, and that the 'link' structure to the rear of No. 19 Haddington Road be reduced by one storey. The floor-ceiling windows at the rear were considered to be inappropriate. Revised plans were requested. Clarification of the intended use of the setback areas was also considered necessary.

- Access and movement – It was pointed out that the lane to the southwest does not currently have access to the site but that it is proposed to create access, which needs clarification. The Division was satisfied with the proposed waste provisions and with the absence of any car parking provision. However, issues were raised regarding the bicycle parking provision in terms of the number and type of spaces and security of the cycle storage and the need for it to be provided in a conveniently accessible location which is sheltered and well lit. the low staff parking (12 no.) was of concern. Further issues included the trip generation rates used in the TRICS as they were based on urban areas with much lower populations and poorer quality public transport options.
- Ecology – Reference was made to the Appropriate Assessment Screening Report which contained several errors and omissions which needed to be addressed.

3.2.3. The recommendation was for the submission of **Further Information** which was received **on 27<sup>th</sup> March 2025**. The **Second Planning Report** (dated 08/05/25) assessed the response to the FI received on 21/01/25 as follows:

***Item 1 – Request to re-examine the potential reuse of the former Hospital and submission of feasibility studies***

- The applicant provided some background to the alternatives considered in the feasibility studies. It was pointed out that the re-use of the main hospital building as a PCC was ruled out due to serious challenges in respect of structure, fire safety, access, services, conservation, cost and time. In January 2024, the HSE registered the former hospital on the state's register

for disposal which allows other public bodies to express an interest in the property. It was submitted that the absence of a confirmed use for the PS should not hinder the development of the Haddington Road part of the site. In addition, the HSE has secured funding for remedial works to the Protected Structure and the Conservation Architectural Team have been assisting the HSE in progressing appropriate, sensitive remedial works to the PS.

- The P.A. Planner's Report acknowledged the placement on the State Register but considered that a masterplan for the entire site would be the best approach as the original design for the PCC significantly impinges on the potential redevelopment/reuse of the PS. However, it was accepted that there is a need for a PCC at this location and it was considered that the proposed development could be modified by condition to address these issues. It was also suggested that should the applicants consider that a reduced floorspace would not meet its needs, that consideration could be given to including the Granite Building in the overall development of the PCC.

***Item 2 – Request to provide Demolition Justification Report and to clarify the methodology for protection of the Protected Structure***

- The Demolition Justification Report pointed out how the replacement of the existing building would significantly reduce carbon emissions and improve energy efficiency. However, no cost analysis or carbon calculations were provided to support the demolition as opposed to retention and refurbishment. Notwithstanding this, it was accepted that the existing building was of no architectural merit and there was no objection to its demolition and replacement in principle, provided that the replacement building respected the architectural character and setting of the Protected Structures on the site and in the surroundings.
- The revised drawings and additional details submitted were generally considered to be satisfactory. However, it was noted that the proposed floor area (3,369m<sup>2</sup>) exceeded the HSE requirements by c.400m<sup>2</sup> (indicative schedule – 2,978m<sup>2</sup>).
- *The P.A. was generally satisfied with the response.*

***Item 3 – Request to revisit redline boundary and separation distances from Protected Structure as well as fenestration overlooking Granite Building***

- The red line was amended to exclude the rear return of the principal Protected Structure, as requested. Revisions were also made to increase the separation distance from the Granite Building to between 2.25m and 2.45m, which was considered satisfactory. However, the response to Item 3(c) was unsatisfactory. The removal of the curved corner was acceptable but the increase in fenestration which would overlook adjoining spaces had not addressed the issue of overlooking and potential impact on the future use of adjoining buildings. It was further considered that the legibility between the new and original structures had not been adequately addressed.
- It was considered that the separation distances and fenestration patterns could be modified by way of condition. The proposed 1.8m obscure glazing was considered to be an inappropriate response and a more robust suite of mitigation measures would be required to address overlooking, including obscure glazing, fritted glass, louvres and a reduction in the overall size and number of windows facing the rear of structures on Baggot Street and the open space to the rear of the Granite Building and the Baggot Street Hospital.

***Item 4 – Revisit the treatment of No. 19 Haddington Road, the way in which it is integrated into the development, its proposed use and connections with the new building***

- The revised scheme addressed the scale and massing of the building by reducing its height and bulk along Eastmoreland Lane and stepping the building down in order to create a more sensitive relationship between the old and the new. A proposed glazed lightwell has been introduced between No. 19 and the new building on Baggot Street and an additional separation has been provided between No. 19 and the new building on Eastmoreland Lane. The retention of the two separate entrances was justified on the basis of the maintenance of the character of the original building and in terms of the functionality of the pharmacy as part of the development.
- The Conservation Officer was satisfied with the revised form and footprint which provided a more respectful separation between the buildings but

questioned the likely success of planting in such a 'chasm-like' area. The Area Planner considered that notwithstanding the improved separation distances, the overall height of the new build would still have an overbearing effect on No. 19 and reiterated that one floor should be omitted.

***Item 5 – Concerns regarding height and design – request to omit fourth floor, revisit plant at roof level, revisit design of ground floor elevation to Eastmoreland Lane and first /second floor plans***

- Applicant declined request to omit fourth floor on the basis that the omission would not have a drastic effect on the overall perception of the development, particularly when viewed from a distance and even less so from street level. However, the roof plant area was revised with a reduction in height of 900mm. In addition, the cycle parking provision was enhanced in terms of the security, accessibility and the number of spaces by providing a gated access from Eastmoreland Lane via the new separation gap to the south of No. 19 Haddington Road, as well as additional visitor and electric bicycle spaces.
- The Area Planner was not satisfied with the applicant's response in terms of reducing the height by one floor but considered that this could be achieved by means of a condition. The reduction in height at roof plant level and the provision of the lightwell to the west of No. 19 were welcomed.
- The Conservation Officer was very dissatisfied with the attempts to reduce the height and scale of the new building and recommended refusal of permission. It was considered that the height reduction amounted to just 1.85m at the top level and 0.5m at the 'shoulder' level. The adverse impact of the development was particularly evident in Photomontage Views 1, 4 and 5 and would have a serious injurious impact on the setting and architectural character of the former Baggot Street Hospital (PS) and on the Granite Building, which forms part of the Hospital complex of buildings, as well as on the Protected Structures along Baggot Street and the Residential Conservation Area along Haddington Road. It was concluded that:-

“The proposed development would overly upset the relative balance that currently exists within the Haddington Road and Baggot St. Upper streetscapes and the more modest mews/ rear Eastmoreland Lane and

would contravene Policy BHA2(b) and (d) and BHA9 and create an undesirable precedent for future development adjacent to Protected Structures, historic streetscapes and Residential Conservation Areas. I recommend a refusal of the proposed development for the reasons noted.”

- The Area Planner noted the CO’s comments but was of the opinion that subject to conditions, the new-build portion of this development could be more sensitively designed to be more respectful of the adjoining properties.

***Item 6 – Revised 3D visuals to be provided without foliage in full bloom***

- The applicant submitted a revised verified view CGI which reflects the amendments made by way of FBI response would stop these have provided both the summer and winter version which show the trees with and without foliage. The proposed colour of the materials are also shown in these images.
- *The applicant’s response was considered acceptable.*

***Item 7 – Revised Appropriate Assessment Screening Report***

- The applicant submitted our revised appropriate assessment screening report which addressed the issues raised by the planning authority.
- *The applicant’s response was considered acceptable.*

***Item 8 – Address concerns of Conservation Officer with revised/updated drawings –***

- The applicant has included all floor plans for the former Baggot Street Hospital, has included key heights and levels on the updated drawings, has provided a detailed color-coded set of historic maps and recorded drawings for No. 19. These additional details were generally considered to be acceptable. In terms of the additional detailed drawings (elevations, sections and plans and cornice details and window details) for No. 19 Haddington Road, The Conservation Officer recommended several specific conditions to be attached to any permission.

***Item 9 – Request to address concerns of Transport Division – Clarify access proposals from laneway off Haddington Road, provide additional details regarding cycle provision and address concerns regarding TRICS trip generation data used –***

- The Transportation Division was satisfied with the revised drawing (2119-PA-101Rev.B) which clarified that access is no longer proposed from the laneway. Dissatisfaction was expressed however regarding the low level of cycle parking proposed and it was requested that increased staff and visitor cycle parking be provided. In addition, the cycle parking layout and security was considered to be less than ideal, but it was stated that these matters could be addressed by means of condition.
- The TRICS data was still considered to be unsatisfactory as it would not accurately reflect the anticipated travel demand for the proposed development. Given the car-free nature of the proposal, combined with the incomplete TRICS data, it was considered that the inadequate cycle parking provision must be addressed and that a Mobility Management Plan should also be conditioned.

3.2.4. **Appropriate Assessment Screening** was undertaken by the P.A., and it was concluded that a Stage 2 Appropriate assessment would not be required. A screening exercise for **sub-threshold EIA** was also carried out which concluded that the proposed development could be excluded at preliminary examination stage and that a screening determination was not required.

3.2.5. **In conclusion**, the P.A. was satisfied that the proposed development on this site would be acceptable in principle. However, in order to protect the amenities of the area and of adjoining properties, it was considered necessary to include a series of robust conditions to ensure that the overall height is reduced by one floor (omission of fourth floor) and to provide a suite of measures to alleviate overlooking of adjoining properties which would be more durable. The failure to engage in a meaningful way to seek a suitable future use and to prevent the further deterioration of the Protected Structure (Baggot Street Hospital) was considered to be disappointing. As a result, it was proposed to address this matter by means of a range of conditions to ensure that the important protected structures in the overall complex are correctly maintained until they are redeveloped.

3.2.6. In response to the concerns raised by third parties regarding the nature of the uses within the centre, it was considered that the specific internal operational details or services provided within the facility do not amount to a material change of use,

provided that the overall use remains within the scope of healthcare or institutional use. Furthermore, concerns raised regarding specific activities within the facility would fall under the remit of the HSE's operational governance and healthcare regulation, rather than planning control. A grant of permission was recommended subject to conditions.

### 3.2.7. Other Technical Reports

- **Drainage (7/5/24)** – no objection subject to conditions.
- **Archaeology (5/6/24)** – no objection subject to conditions. (as reflected in summary of P.A. Decision and planning reports above).
- **Transport division (7/6/24 and 8/4/25)**– The comments made are as reflected in summary of P.A. Decision and planning reports above. Permission was recommended subject to conditions.
- **Conservation Officer (11/6/24 and 17/4/25)** – The comments made are as reflected in summary of P.A. Decision and planning reports above. A split decision was recommended with permission (subject to conditions) being granted for the refurbishment of No. 19 Haddington Road and refusal of permission for the new building.

### 3.3. Prescribed Bodies

- **Heritage Council (4/6/24)** – Recommended that further information be sought from the applicant to address the issue of the potential continued dereliction of the Royal City of Dublin Hospital. Concerns were expressed that unless a tangible use is identified for the property, the structure will be a key feature over the long term in the City's Buildings At Risk register.
- **Uisce Eireann** – No comments received.
- **An Taisce** – no comments received.
- **Dept. Housing, Local Government and Heritage** – no comments received.
- **Failte Ireland** – no comments received.
- **The Arts Council** - no comments received.

### 3.4. Third Party Observations

Twelve observations were submitted to the planning authority which are summaries in the Initial Planning Report (15/11/24). The main topics raised are as follows:

- Proposed use unacceptable – the facility will be used as an addiction centre and was formerly used as a methadone clinic which attracted a lot of anti-social behaviour. The proposed pharmacy is inappropriate as there are already two in the area.
- Design, scale and height – does not have regard for neighbourhood context and has no regard for the Protected Structure at Baggot Street Hospital. It is not clear how the historic fabric of No. 19 Haddington Road would be protected.
- Residential Amenity – The proposed development will result in overlooking, overbearing presence and overshadowing on adjoining properties. It will also result in increased noise pollution and interfere with the natural ventilation required for No. 12 Baggot Street Cleaner’s business.
- Traffic and parking – access and parking is of concern. The loading bay on Haddington Road would interfere with local businesses and bin collections. The gateway onto the laneway is unacceptable.
- Appropriate Assessment – the Appropriate Assessment Screening is flawed.
- Consultation – there has been no community consultation about the project.

## 4.0 Planning History

4.1. No relevant planning history on this site.

## 5.0 Policy Context

### 5.1. Revised National Planning Framework, 2025

5.1.1. The National Planning Framework (NPF) is the Government’s high level strategic plan for shaping the future growth and development of Ireland to 2040. The Revised NPF takes account of changes that have occurred since the publication of the first

NPF in 2018. The NPF supports the future growth and success of Dublin as Ireland's leading global city of scale, requiring the city to grow by at least 50% by 2040 (NPO8) with 40% of future housing development to be located within the existing 'footprint' of built-up areas (NPO7). A key focus is the commitment towards compact growth which encourages better use of under-utilised land and buildings, including infill and brownfield land, with higher housing and jobs densities, better serviced by existing facilities and public transport (NSO1). It also seeks to deliver Transport Oriented Development at scale at suitable locations, along existing and planned high-capacity public transport corridors (NPO10).

- 5.1.2. The NPF contains several policy objectives that articulate the delivery of healthy communities as follows:

**Section 6.2 Healthy Communities** – Sláintecare and a universal health and social care system is the overarching vision and policy direction for Ireland's healthcare system. The objective is that everyone has access to the right care, in the right place and at the right time.

**National Policy Objective 36** - Support the objectives of public health policy including the Healthy Ireland Framework and the National Physical Activity Plan through integrating such policies, where appropriate and at the applicable scale, with planning policy.

**National Strategic Outcome 10 – Access to Quality Childcare, Education and Health Services** - The development of new healthcare facilities requires that consideration be given to the location, number, profile and needs of the population to ensure access to the most appropriate care, while also ensuring quality of care, particularly in relation to more complex acute hospital services. The ongoing implementation of Sláintecare and the Strategic Healthcare Investment Framework will have an important influence the type and scale of regional healthcare services. Expanding Community and Primary Care is at the heart of Sláintecare vision. The development of Primary Care Centres (PCCs) is an important part of this vision. This will include the appropriate provision of PCCs and accommodation based on local service and population needs. Expansion of primary care will involve refurbishments of existing buildings and where necessary new builds.

## 5.2. **Regional Spatial and Economic Strategy for the Eastern & Midland Region (2019-2031)**

5.2.1. The RSES is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. Chapter 5 contains the Dublin Metropolitan Area Strategic Plan (MASP) and Chapter 9 Addresses Quality of Life including Access to Childcare, Education and Health Services for the region (9.6)

5.2.2. Healthcare (9.6) – It is stated that availability and access to health services is central to creating healthier places and that in addressing lifestyle-induced illness and an aging population, the provision of educative and primary healthcare can support lifestyle adjustments that help people avoid tertiary care, leading to a more effective and less burdened healthcare system. It is noted that gaps in the Region's healthcare infrastructure, in particular the demand and capacity for primary care, acute care and social care services, need to be addressed to meet the health care needs of a growing and ageing population.

**RPO9.23** - Facilitate the development of Primary Health Care Centres, hospitals, clinics, and facilities to cater for the specific needs of an ageing population in appropriate urban areas in accordance with RSES settlement strategy and core strategies of development plans.

## 5.3. **Design Manual for Urban Roads and Streets (2019)**

5.3.1. DMURS sets out guidance for new and existing roads incorporating good planning design practice. It places a strong focus on the needs of pedestrians, cyclists and public transport and on improving the safety of streets and enhancing placemaking.

## 5.4. **Urban Development and Building Height Guidelines (2018)**

5.4.1. These guidelines set out national policy on building height in urban areas. Consolidation and densification, with greater building heights, can be considered in appropriate locations such as city and town centre areas, sites with significant public transport capacity and connectivity, but having regard to the need to achieve very high quality in terms of architectural, urban design and public realm outcomes.

## 5.5. Climate Action Plan (CAP24 and CAP25)

- 5.5.1. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead to meeting Ireland's national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.
- 5.5.2. Climate Action Plan 2025 builds upon the 2024 Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.
- 5.5.3. **CAP 24** implements carbon budgets and sectoral emissions ceilings and sets a roadmap for achieving a 50% reduction in out emissions by 2030 and reaching net zero by 2050. The Plan requires a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions by 2030. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips and improved modal share.
- 5.5.4. **CAP 25** seeks to reduce transport emissions further by including a 20% reduction in total kilometres travelled relative to business-as-usual, a 50% reduction in fuel usage and significant increases to sustainable transport trips and modal share. In terms of buildings, the operational emissions in the built environment sector have decreased by 21% since 2018 and that the achievement of the first sectoral emissions ceiling is within reach of being achieved. However, a number of additional initiatives are set out including the transposition of the Energy Performance of Buildings Directive. It is also proposed to seek the phasing out of fossil-fuel boilers and increase the number of BER assessors.

## 5.6. National Biodiversity Action Plan (NBAP) 2023-2030

- 5.6.1. The National Biodiversity Action Plan sets the biodiversity agenda for the period 2023 – 2030. The Objectives of the NBAP seek to promote biodiversity as follows:  
Objective 1 Adopt a whole of government, whole of society approach to biodiversity.

Objective 2 Meet urgent conservation and restoration needs.

Objective 3 Secure nature's contribution to people.

Objective 4 Enhance the evidence base for action on biodiversity.

Objective 5 Strengthen Ireland's contribution to international biodiversity initiatives.

## 5.7. Dublin City Development Plan 2022-2028

5.7.1. The site is **zoned Z4, Key Urban Villages/Urban Villages**, the objective for which is to provide for and improve mixed-services facilities. It is stated that Key Urban villages (formerly District Centre) function to serve the needs of the surrounding catchment providing a range of retail, commercial, cultural, social and community functions that are easily accessible by foot, bicycle or public transport, in line with the concept of the 15-minute city. Primary Care Centres are permissible uses in this zone.

5.7.2. **Chapter 3 – Climate Action** – includes policies and objectives in line with the overall objectives of national climate action policy. Relevant policies include –

**CA3 - Climate Resilient Settlement Patterns, Urban forms and Mobility** – To support the transition to a low carbon, climate resilient city by seeking sustainable settlement patterns, urban forms and mobility.

**CA6 – Retrofitting and Reuse of Existing Buildings** - To promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible.

**CA7 – Energy Efficiency in Existing Buildings** - To support high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings, including retrofitting of appropriate energy efficiency measures in the existing building stock.

5.7.3. **Chapter 4 – Shape and Structure of the City** seeks to achieve a high quality, sustainable urban environment, which is attractive to residents, workers and visitors. Relevant policies are -

**SC10 – Urban Density** – ensure appropriate densities and creation of sustainable communities in accordance with national guidance.

**SC11 – Compact Growth** – promote compact growth and sustainable densities through consolidation and intensification of infill and brownfield lands, particularly on public transport corridors subject to certain criteria.

**SC16 – Building Height Locations** - recognise the predominantly low-rise character of Dublin City whilst also recognising the potential and need for increased height in appropriate locations including the city centre subject to achieving a balance between reasonable protection of amenities and environmental sensitivities, protection of residential amenity and the established character of an area.

**SC19 – High Quality Architecture** - To promote development which positively contributes to the city's built and natural environment, promotes healthy placemaking and incorporates exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods.

**SC21 – Architectural Design** - To promote and facilitate innovation in architectural design to produce contemporary buildings which contribute to the city's character, and which mitigates, and is resilient to, the impacts of climate change.

**Chapter 7 – The City Centre, Urban Villages and Retail** Over the next plan period, the strategic approach is to strengthen the hierarchy of urban villages in the inner suburbs and outer city, and the Key Urban villages and Urban villages will play a key role in the development of the concept of the 15-minute city.

**CCUV13** - To promote the temporary use of vacant premises in order to reduce the level of vacancy on streets in the city's urban centres including Key Urban Villages as this can compromise the vitality of urban centres. Temporary uses which can contribute to the economic, social and cultural vitality of the city centre, Key Urban Villages and other centres and which allow public access will be encouraged (pending permanent occupancy).

**7.5.3 Urban villages** - have an important role to play in the creation of sustainable neighbourhoods in both the established urban villages and in developing areas. Their focus will be on providing convenient and attractive access by walking and cycling to local goods and services needed on a day-to-day basis. This will

become more important as the city's population increases, requiring quality services at a local level in line with the core strategy.

**CCUV20 – Mixed Use Key Urban Villages/Urban Villages** - To support the development, regeneration and/or consolidation of Key Urban Villages/urban villages as appropriate, to ensure these centres continue to develop their mixed used role and function adding vitality to these centres including through the provision of residential development.

**Chapter 11- Built Heritage Chapter** – recognises the importance of the city's heritage to the collective memory of communities and the richness and diversity of its urban fabric. The overarching strategic policy is to support quality place-making and exemplar urban design, which has a clear synergy with the built heritage and archaeology. Relevant policies include -

**BHA 2 – Development of Protected Structures** – That development will conserve and enhance protected structures and their curtilage and will achieve certain specific objectives including -

- (b) Protect structures included in the RPS from any works that would negatively impact their special character and appearance
- (c) Ensure that works are carried out in line with the best conservation practice
- (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.
- (e) 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.

**BHA 9 – Conservation Areas** - 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.

**BHA 10 – Demolition in Conservation Areas** - There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit.

**BHA 11 – Rehabilitation and Reuse of Existing Older Buildings**

- (a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition and redevelopment.
- (b) Encourage the retention and or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfront (including signage and associated features), pub fronts and other significant features.
- (c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric.

**BHA 24 – Reuse and Refurbishment of Historic Buildings** – DCC will positively encourage and facilitate the careful refurbishment of the historic built environment for sustainable and economically viable uses and support the implementation of the National Policy on Architecture as it relates to historic buildings, streetscapes, towns and villages, by ensuring the delivery of high quality architecture and quality place-making, and by demonstrating best practice in the care and maintenance of historic properties in public ownership.

5.7.4. **Chapter 15 - Development Standards** – Section 15.14 addresses Commercial Development and 15.15 addressed Built Heritage and Archaeology.

**15.14.6 Medical and Related Uses** – DCC will support the provision of medical related uses in urban villages....Primary Care Centres require purpose-built structures and facilities, and these should primarily be facilitated in urban villages and neighbourhood centres.

**15.12.2.2 – Conservation Areas** – all planning applications for development in conservation areas shall, *inter alia*:

- 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 surrounding properties.

## 5.8. Natural Heritage Designations

5.8.1. The site is not located within or adjacent to any designated sites. The closest European Sites are as follows:

- South Dublin Bay SAC
- South Dublin Bay and River Tolka Estuary SPA

## 6.0 EIA Screening

6.1.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in the appendices to this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of the 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. Nature of the appeals

7.1.1. A first party appeal has been submitted against certain conditions attached to the P.A. decision. In addition, 4 no. third-party appeals have been received against the decision to grant permission.

### 7.2. Third-party Grounds of Appeal

7.2.1. The third-party appeals were received from the following:

Pembroke Road Association

Eamonn Hoey (Craft Cleaners 12 Upper Baggot Street)

Ritika Callow

Bryan Kearney, 31 Haddington Road

7.2.2. The main issues arising from the third-party appeals may be summarised as follows:

- **Subdivision of hospital complex** – Concern was expressed that the proposed development, which would sever the site from the Baggot Street Hospital site with no rear access, would render the hospital building worthless and impede its potential for redevelopment/reuse, which would harm the character of the area. It would also endanger the future health of the Protected Structure. The fragmentation of the site, given the historic and strategic significance of this public asset and community facility, which was donated to the local community, would reduce its heritage coherence, its development potential and its strategic benefit to the local community.
- **Height and scale** – the site is located in a ‘Transitional zone’ (Zone Z4 immediately adjacent to Z2 - Residential Conservation Area Zone). In such locations, it is important to avoid any abrupt transitions in scale and land-use between the zones and to avoid development that would be detrimental to the environmentally more sensitive zone, in order to protect the amenities of that zone. The building is too tall and overwhelming and does not adequately relate to the sensitive and historic character of the area. It does not respect the setting of the Royal City of Dublin Hospital (RPS 446) or of the Haddington Road conservation Area. The submissions rely on the height of buildings along the canal to justify the excessive height, but the canal environment is totally different with open space and mature trees which enhance the vistas and mitigate the impacts of taller buildings.
- **Need for Primary Care Centre** – the HSE has not adequately demonstrated the need for a PCC of this scale at this location, and inadequate consideration of alternative locations given. Reference is made to a previous application for a PCC as part of a medical facility development further along Haddington Road (PL29S.242401(PA Ref. 2576/13)). The PCC element of this scheme was stated as 1,774sq, but it is now proposed to provide 3,369sq.m, with no justification for the increase in floor space. Reference is also made to the existing Sandymount PCC which currently operates from Clonskeagh. It is

queried whether the proposed PCC is designed to cater for a much larger population base including parts of the Inner city, which is considered to be inappropriate to the Z4 zoning for this district centre/urban village.

- **Nature of uses proposed for PCC** – Concern was expressed about the layout of the pharmacy, which it was considered appeared to resemble a methadone clinic, and the need for a pharmacy in this area was also questioned, given the number of pharmacies in the vicinity. Concerns were also raised regarding the prospect that the proposed development might incorporate addiction services and in particular, a methadone clinic or drug treatment centre, and the associated issues of anti-social behaviour. Reference is made to PL29S.242401, whereby An Bord Pleanala granted permission subject to a condition prohibiting the use of the PCC as a Drug Treatment Centre or Methadone clinic and also prohibited a pharmacy use, without a further grant of permission.
- **Material change of use** – one of the appellants considered that the HSE had abandoned the medical use of the site by allowing the use of the hospital to lapse, as evidenced by the advertising the building on the State Register for disposal. It was further submitted that the previous ‘drug treatment facility’ had been ‘abandoned’ and that the current proposal represents a new Drug Treatment Facility (for Fentanyl) with a much wider catchment area, which represents a change of use. Furthermore, it is considered that the large scale of demolition and construction surpasses the originally permitted use, which effectively amounts to a material change of use.
- **Impact on amenities and businesses** – the access to the laneway serving Nos. 4-12 Upper Baggot Street should not be permitted. There was never access onto this laneway, apart from an illegal one during Covid, and it would result in serious injury to residential amenities. The proposed development could give rise to additional noise pollution due to the plant on the roof. It will also result in increased dust and pollution which would interfere with the operation of the dry cleaner’s premises which requires natural ventilation and a crossflow of fresh air.

- **Access and parking** –The lack of parking spaces is grossly inappropriate for the nature of the development which will cater for people who are likely to be sick and/or disabled. It will create additional pressures on parking capacity in the surrounding area, which is already subject to metering and clearways. The size of the catchment area is such that the public transport services would be overwhelmed. The proposed development does not include an ambulance bay for transporting patients to hospital when required. In addition, the loading bay will create pressure on businesses in the area who rely on the existing space, such as Hertz (who need it to park a transporter) and for bin lorries collecting waste.
- **Infrastructural deficiencies** – The proposed development is unsuitable for this site given the infrastructural deficiencies which caused the premises to be vacated in 2019. These included inadequate water supply, foul sewerage and severe public health hazards. There is no waste management plan or details of how hazardous waste will be managed. It is submitted that the site should not be subdivided until these deficiencies are addressed.
- **Procedural matters** – issues were raised regarding various administrative issues including a failure to accept a second objection from one of the appellants, a failure to disclose matters such as the protected structure status of the building, the use of the rear yard as a commercial car park, the installation of electrical charging points and an assertion that the HSE does not have sufficient title to pursue the application.
- **Lack of Consultation** – it is claimed that there has been no meaningful consultation on the application with the local community.
- **Governance issues** – one appellant has raised concerns regarding the governance by the HSE in terms of the management of the property as a public asset and called for a public inquiry into the matter.

### 7.3. First-party Grounds of appeal

- 7.3.1. The first-party appeal is accompanied by a planning statement by the applicant's agent and by Appendix B – a Visual Comparative Analysis by the Project Architect illustrating the amendments made to the scheme at Further Information stage and

comparisons with the scheme as originally submitted, in order to demonstrate the reduction in scale, height and impact on adjoining properties.

The First-party appeal is against **Conditions 3(a) and 9**, which read as follows:

**3(a)** The fourth floor shall be omitted entirely. The remaining floors shall be redesigned accordingly to ensure setbacks to each level are symmetrically spaced and the rhythm of the elevations maintained.

**Reason:** In the interests of orderly development, residential and visual amenity.

**9.** In accordance with the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended), in order to ensure that the Protected Structure does not become further endangered, the applicant shall submit to the Conservation Office for their written agreement, a maintenance plan and schedule of works for the Protected Structure to plan necessary short, medium and long-term maintenance and repair programmes and to budget accordingly. The program of work shall be based on a thorough inspection of the Protected Structure and complex by a suitably qualified historic buildings expert, (RIAI Grade 1 or 2 Conservation Architect or equal). As set out by the Department of Housing, Local Government and Heritage, it is recommended that an architect with an expertise in the conservation of old buildings should be involved.

A series of illustrated booklets known as the 'Advice Series' was published by the Government in 2015 in an effort to guide owners and others responsible for historic structures on how best to repair and maintain their properties. The booklets cover the topic of maintenance, which shall be considered in the development of the maintenance plan and schedule.

The plan shall be checked and updated every year to identify and document changes and potential problems.

**Reason:** In order to protect the architectural character and setting of the Protected Structure at the former Baggot Street Hospital.

### **Appeal against Condition 3(a)**

7.3.2. The appellant points out that the P.A. had requested the omission of the fourth floor as part of the FI request due to *'concerns regarding the overall height and design of*

*the structure .... in particular when considering its sensitive position in relation to adjoining structures and overall streetscape*'. The applicant's response was to reassess the overall height issue *without removing the fourth floor* or removing 'key floorspace'. It was argued that this floorspace is required for the facility to operate efficiently and to provide the level of service, with an appropriate level of client confidentiality.

- 7.3.3. It is submitted that the applicant has gone to considerable lengths to reduce the massing of the building by reducing the floor-to-ceiling heights for each floor and by removing most of plant from the roof-top and relocating it within the floor plan of the building. Specifically, the overall height has been reduced by c.1.85m (24.95m to 23.1m) and the gross floor area has been reduced by 424m<sup>2</sup> (from 3,133m<sup>2</sup> to 2,709m<sup>2</sup>). In addition, the footprint of the building has been reduced to provide for a greater separation distance between the PCC and the 'Granite Building' and No.19 Haddington Road. This has resulted in a built form which is more slender, it is submitted, with a reduced visual mass and a more refined architectural expression, which combine to lessen the visual prominence and overbearing impacts on surrounding structures.
- 7.3.4. The first party appellant submits that given the location of the site in an established urban setting, with a high level of commercial properties which benefit from high frequency public transport, the revisions submitted as FI are considered to strike an appropriate balance between achieving the correct density in the policy context of seeking to make more efficient use of highly accessible city centre lands and achieving development which is sensitive to the built heritage environment, including sites close to protected structures. Reference is made to previous permissions in the city centre for taller buildings in proximity to Protected Structures.
- 7.3.5. The first party appellant provides a detailed analysis of national and local policy on increased density and building heights and provides an assessment of how the proposed development complies with these policies. It was stated that the proposed development was in compliance with the **National Planning Framework** (NPO11, NPO64, and SPPR1) of the **Urban Development and Building Height Guidelines**, in terms of achieving more efficient use of land on accessible sites in a centrally located area. An analysis of the degree to which the proposal complies with the Building Height Guidelines is set out in Table 1 and an analysis of the level of

compliance with regional policy and the policies and objectives of the Dublin City Development Plan is also set out in the grounds of appeal. The proposal was considered to be in accordance with 9.2.3 of the RSES guidelines.

- 7.3.6. **Urban Development and Building Height Guidelines** - Table 1 examines, in turn, the proposal at the scale of the city, of the neighbourhood/district and of the site/building, in accordance with SPPR3 of the Building Height Guidelines. It was concluded that at the 'Scale of the City', the proposed tall building is well located in terms of accessibility by public transport and to residential areas, would replace a vacant, underutilised building which contributes little to the public realm or historic setting with a new building which has been sensitively designed to respect its setting. At the 'Scale of the District/Neighbourhood', it was considered that the proposed building is not monolithic and would make a positive contribution to the urban design and legibility of the area and to the mix of uses in the area. At the 'Scale of the Site/Building', it was considered that the proposed development would respect and enhance its setting and would also be sustainable, comfortable and compliant with daylight and sunlight requirements.
- 7.3.7. **Dublin City Development Plan 2022-2028** – Reference was made to Policies CCUV20, SC8 and SC9 in terms of compliance with the objectives for mixed-use development in the urban villages and inner-city suburbs and with Policies SC11 and CCUV22 in terms of supporting intensification and compact growth. It is contended that the proposed development fully aligns with the objectives for urban villages.
- 7.3.8. The appellant has also responded to the concerns raised in the Conservation Officer's report by stating the proposed development contributes positively to the setting of the PS by 'disentangling' the non-original structures at the rear and by ensuring that the decoupling of these structures, (by means of a conservation-based methodology), will not harm the character or integrity of the PS. It is further submitted that the proposed new building is barely visible from Baggot Street and that the views from Haddington Road are typical of a city view with different elements, building heights and roof profiles composing the overall view, which is consistent with an Urban Village centre. It is further submitted that the new building provides a sense of arrival rather than the weak and uninviting view at present and also presents active frontages to the side and rear, instead of blank gable walls.

### **Comments on Conditions 3(b), 3(c) and 3(d)**

7.3.9. Although it is not intended to appeal the remaining elements of Condition 3, the appellant contends that they are unnecessary as the creation of a '4-sided' building provides added animation through the additional articulation of the elevations by means of the fenestration pattern, with no 'rear' or 'side' elevations. Specifically, the proposed fenestration on the southern elevation would overlook a plaza type area behind the Granite Building and the PS. The eastern elevation would overlook Eastmoreland Lane and would not project beyond the rear building line of the properties fronting onto Haddington Road. It is refuted, therefore, that the proposed development would impede the future use of the adjoining buildings or result in any negative impact on the residential or visual amenities of the area.

### **Appeal against Condition 9**

7.3.10. It is submitted that Condition 9 is *ultra vires* and contrary to the advice contained in both the Development Management Guidelines for Planning Authorities (2007), and the OPR Practice Note PN03. Reference is made to section 3.15 of PN03 which advises against seeking to control how a development is conducted following the grant of a permission. Reference is also made to Section 7.3 of the DM Guidelines, which sets out 6 criteria that apply to conditions attached to a planning permission, which are also reflected in the OPR advice note.

7.3.11. It is submitted that the condition does not meet the 6 criteria as follows:

- (1) **The condition should be necessary** – The former hospital building is outside of the red line boundary and the P.A. has alternative means at its disposal to address the issues regarding securing the future of the Protected Structure and prevent endangerment of the PS (sections 57, 59 and 60 of the P&D Act 2000, as amended, as well as provisions under Part IV of that Act).
- (2) **Conditions should be relevant to planning** – where a condition requires the carrying out of works, or regulates the use of land, its requirements must be connected with the development permitted on the land to which the application relates. The site is self-contained, and the development can be undertaken without interacting with the PS, which is outside the redline and great care has been taken in the decoupling of the PS from the site of the proposed development.

- (3) **Conditions should be relevant to the development permitted** – the condition is not relevant to the development being permitted as it is outside the red line and the proposed new building and the existing PS are not intertwined.
- (4) **Conditions should be enforceable** – it is not enforceable as it places an open-ended and un-costed burden on the current owners of the overall property. The 2007 guidelines advise against the use of such conditions that are open-ended and require ongoing monitoring/reporting or the undertaking of works.
- (5) **Conditions should be precise** – it is submitted that condition 9 is extremely vague and imprecise and would place an overwhelming burden on the applicant.
- (6) **Conditions should be reasonable** – it is submitted that the condition is so unreasonable that it would place a severe burden on the applicant to undertake unspecified and un-costed works to the adjoining protected structure. Furthermore, it could have the opposite effect in that it could discourage potential purchasers for the hospital building as a third party would be responsible for un-costed works. The applicant would find themselves in the bizarre situation of being responsible for compliance with a condition relating to the property of a third party. In addition, it could delay the development of the subject site due to the uncertainty involved.

#### 7.4. Applicant Response to third party appeals

7.4.1. The First Party response was submitted on the 30<sup>th</sup> of June 2025. The main points may be summarised as follows:

- **Compliance with Policy Provisions** - The proposed development is in accordance with the Government's Sláintecare strategy to reform the health service and to deliver Primary Care Centres as single points of access to health services. The national and regional planning policy framework strongly supports the achievement of sustainable and compact urban growth in accessible locations. The proposed form, height and density of the development as proposed is considered to be fully aligned with these policies

in terms of the delivery of a PCC in this centrally located urban area which is highly accessible to amenities and facilities and is served by existing and planned high-quality public transport.

- The proposal is also considered to accord with the Development Plan policies for Urban Villages as it provides for a mix of healthcare and community uses and would add vibrancy and vitality to the area, restore the building-street relationship and provide for a safer and more attractive public realm. It is also considered to be compliant with the development management requirements with a plot ratio of 2.8 (as revised at FI stage) and a site coverage of 52% and is in accordance with the Building Height strategy. It is considered that the proposal is also consistent with the policies regarding car parking and bicycle parking and with climate change objectives.
- The proposal is considered to be in accordance with the CDP policies on Protected Structures as it is submitted that the proposed works will not negatively affect the character or special interest of the Protected Structure but will enhance it by revealing and repairing the full rear elevation and separating it from the new building. The proposed development is considered to accord with the conservation area policies, given its location immediately adjacent to a conservation area. It is submitted that the demolition of the existing bland, utilitarian structures and their replacement with a more considered and higher quality building, in conjunction with the upgrade works to No. 19 Haddington Road, would greatly improve the character, setting and visual quality of the nearby conservation areas.
- **Height and Design of building** – reference is made to the first party appeal justifying the height and design of the proposed building, which has been summarised above (7.3). It is strongly contended that the development as proposed (and revised) of this central, brownfield and underused site is entirely in keeping with the policies and objectives of the CDP at the heart of a designated ‘urban village’. As no new or additional issues are raised in the response to the grounds of appeal, it is not considered necessary to reiterate the justification given in the detailed first party appeal.

- **Uses within the Primary Care Centre** – in response to the concerns regarding the inclusion of methadone dispensing and drug treatment services, it is confirmed that Methadone services will be provided at the PCC along with drug counselling services. It is stated that such services are already successfully being provided within established primary care centres in Arklow Bray and Dun Laoghaire, demonstrating their compatibility with community health care settings such as that proposed. It is emphasized that the said drug treatment service forms just one component of a broader range of community health services to be provided on site and does not represent the sole function of the facility.
- **Inclusion of a pharmacy** – it is stated that the “ancillary pharmacy” will operate like a dispensary or hospital pharmacy as opposed to a traditional “high street” pharmacy, with a shopfront and open access to the general public. It is further stated that such ancillary pharmacies form an integral part of the primary care service offer and are typically used to support services such as vaccination and immunisation programs and the dispensing of medications in a community health care setting. It is submitted that many high street pharmacies provide methadone services subject to strict regulatory control by the HSE and the pharmacy regulator, and that methadone dispensing is not an uncommon service provided by pharmacies and such a service does not normally require separate planning permission. However, the applicant is willing to accept a condition that the pharmacy will only operate ancillary to the PCC.
- **Material Change of Use** - several third parties had referenced a permission for a PCC granted in Haddington Road over 10 years ago, which has not been implemented (PA Ref. 2576/13, PL29S.242401). It is pointed out that this development proposal related to a significantly larger development (GFA 6,056m<sup>2</sup>) for a private medical clinic which had included a proposed PCC and that it had pre-dated Sláintecare. It was noted that the Inspector had recommended refusal on a single ground relating to traffic. An Bord Pleanála had granted permission subject to conditions, one of which prohibited the provision of a drug treatment centre/methadone clinic (Cond. 2) and one of which prohibited the inclusion of a pharmacy (Cond.4), both without the grant

of a further planning permission. It is stated that the development description (for the current application) specifically mentions ‘ancillary pharmacy’ and that the uses specified included public health nursing, immunisation, vaccination, primary care social work and dietetics, all of which would apply to general substance misuse services, which would include methadone treatment. It is submitted that the specific activities carried on within the PCC fall within the scope of the established healthcare or institutional use, and that as such, a material change of use does not arise.

- **Infrastructure availability and waste management** – in response to the concerns regarding inadequate water and wastewater facilities, reference is made to the suite of technical documents submitted with the planning application. These include an Engineering Assessment, a Flood Risk assessment, a Traffic and Transport Assessment and a Construction Management Plan. In addition, a letter of confirmation of Feasibility has been issued by Uisce Eireann and no objections have been raised by the Infrastructure sections of the planning authority. With regard to waste management, reference is made to the submitted Operational Waste Management Plan which details all the potential waste streams, including medical waste, and the proposals for management of each type of waste.
- **Ambulance Bays and parking provision** – the Transportation Division had no objection to the lack of parking provision and was satisfied that the loading bays were sufficient to accommodate both set-downs and deliveries. A TTA has also been submitted to justify the case for no parking provision. The facility will not provide accident and emergency services, so there is no need for ambulance bays.
- **Procedural issues and lack of consultation** – it was submitted that the appropriate procedures were followed and that the public notices had included reference to the Protected Structure. The provisions of Section 34(13) of the Planning and Development Act 2000 (as amended) were noted, which states that “a person shall not be entitled solely by reason of a permission under this section to carry out any development.” It was further submitted the third

parties were not disadvantaged by the process as appeals had been submitted to An Coimisiún Pleanála within the appropriate timeframes.

## 7.5. Planning Authority Response

7.5.1. The planning authority has not responded to the grounds of appeal.

## 7.6. Observations

7.6.1. Observations were received from three third-parties, namely Philip O' Reilly, R. John McBratney and Esther Murnane and Others. The issues raised generally reflected those raised in the third-party grounds of appeal. In the interests of efficiency, it is not proposed to reiterate points already made and summarised above. However, the following additional comments are of note:

- The maximum height on Haddington Road is the prevailing height of 4 storeys with a maximum of 3 storeys on Eastmoreland Lane. This has been confirmed by recent planning decisions in the area including one by An Bord Pleanála at 25 Haddington Road (320820).
- Eastmoreland Lane is a narrow, restricted lane which was designed as a service lane and has no capacity to accommodate a new building of the scale and height proposed.
- A significant level of traffic currently uses Eastmoreland Lane and Haddington Lane opposite the proposed development which is likely to cause significant disruption during construction.

## 7.7. Further Responses to Appeal

7.7.1. Further responses have been submitted by the third-party appellants and by some observers.

7.7.2. Appellants **Pembroke Road Association** submitted two responses, one to each of the first party appeal (02/07/25) and the third-party appeal (16/07/25). Further responses were also received from Appellants **Ritika Callow** (21/07/25) and **Eamonn Hoey** (21/07/25). The points made generally reiterate those made in the earlier submissions from third-party appellants and observers and issues raised in

the assessment for the application by the planning authority. These matters have been summarised above and in the interests of efficiency, it is not proposed to reiterate the points made and summarised already. However, the following additional comments are of note:

- *Curtilage of Protected Structure* – it is submitted that the site of the proposed development incorporating the former Haddington Road building were intrinsically and functionally connected to the Protected Structure and cannot be parcelled off by drawing a red line. The description of the site as a 'brownfield site' is refuted as the site is clearly within the curtilage of the Protected Structure and comes within the scope of Part IV of the P&D Act 2000 (as amended). As clarified by the Supreme Court in *Sherwin v An Bord Pleanála* [2024], planning permission cannot be granted lawfully in the absence of a complete and reasoned assessment of heritage impacts across the entire curtilage. In the interests of preventing further endangerment of the Protected Structure, which is a building of exceptional architectural merit and a key element in the townscape, the current proposal should be rejected in favour of a comprehensive plan for the entire site.
- *Overdevelopment of the site* – the proposed intensification of healthcare services, including a methadone clinic, and the addition of two Primary Care Teams, as well as the expanded catchment area for the PCC, has a direct impact on the required building scale and massing. This intensification of use has resulted in a proposal which represents overdevelopment of the site which is inconsistent with Z2 zoning policy and is incompatible with the character and scale of the surrounding area.
- *Implications of inclusion of methadone clinic* – the admission by the applicant to the inclusion of drug treatment /addiction services constitutes a material change of use from that originally presented in the application. A clear distinction is drawn between the introduction of a purpose-built, high-footfall methadone treatment clinic and dispensing a small number of prescriptions to methadone patients within an existing pharmacy. It also raises potential impacts in terms of the safety of the community, particularly due to the

proximity to schools and the lack of safeguarding and child protection. The application is therefore materially and legally deficient.

- *Waste management* – although a waste management booklet is provided, it does not contain a ‘Waste Management Plan’ and in particular, details of how hazardous waste will be collected, stored and safely removed from the site.
- *Reliance on planned infrastructure* – it is submitted that the applicant has relied on the proposed BusConnects Core Bus Corridor to justify pedestrian permeability, modal shift and reduced car dependency, which is the subject of an ongoing judicial review.
- *Procedural matters* – several further claims of invalidity of the application or inadequacy of procedures have been made in these responses. They include claims of a failure to include a pharmacy or a Drug Treatment Centre in the public notices, failure to adequately display site notices.

7.7.3. Further responses were also received from two **observers**, namely **R. John McBratney** (17/07/25) and **Phillip O’Reilly** (21/07/25).

7.7.4. The points made by the observers generally reflect the points made by third party appellants and observers, which have already been summarised above. However, Observer **Mr. McBratney** (owner of No. 21 Haddington Road) has pointed out that the description of his property in the submitted documents is incorrect. He states that No. 21 Haddington Road comprises 2 no. apartments, No. 21 Haddington Road (upper floor) and No. 1A Eastmoreland Lane (garden flat) and that the rear garden of No. 21 Haddington Road is in fact the closest residential garden to the site, which he believes is 5.5m distant (not 8.9m as stated in the submitted documents). Observer **Mr. Philip O’Reilly** submits that the existing 1950s building should be refurbished to accommodate the PCC rather than demolishing it and constructing a much larger building which does not respect the scale and character of the area.

## 8.0 Assessment

### 8.1. Introduction

8.1.1. **Third-Party Appeal** - It is considered that the main issues arising from the third-party appeal are as follows:

- Principle of development
- Nature and extent of the use
- Impact on Protected Structure and Built Heritage of the area
- Height, Density and Scale
- Impact on amenities of properties in the vicinity
- Adequacy of infrastructural capacity
- Traffic and transport
- Procedural matters

8.1.2. **First Party Appeal** - The main issues arising from the first-party appeal are firstly, building height (Cond. 3(a) requirement to omit fourth floor) and secondly, the appropriateness of Cond. 9 requiring post permission submission of maintenance plan for Protected Structure.

### 8.2. Principle of development

8.2.1. The National Planning Framework (Revised) and the Regional Spatial and Economic Strategy for the Eastern and Midlands Area seek to encourage more efficient use of under-utilised land and buildings, including infill and brownfield land, with higher housing and jobs densities, better serviced by existing facilities and public transport. A key element of the Revised NPF is to seek to strive for more compact urban forms, particularly in areas which are highly accessible and to deliver Transport Oriented Development, at scale, at suitable locations, along existing and planned high-capacity public transport corridors. There is also a focus in both the NPF and the RSES on the delivery of greater access to universal health and social care. RPO 9.23 specifically seeks to facilitate the development of Primary Health Care Centres

in appropriate urban centres. Expanding Community and Primary Care is at the heart of the Government's Sláintecare Programme and the continued provision of PCCs is an important part of this vision.

- 8.2.2. The site is Zoned Z4 - 'Urban Village' - which is essentially a neighbourhood centre with a range of existing services, facilities and amenities within walking distance of the site. whereby the proposed use as a Primary Care Centre (PCC) with an ancillary pharmacy, is permissible in principle. It is situated close to the junction of two main roads, Baggot Street and Haddington Road, on the approach to the city centre near the Grand Canal. The area is characterised by mature residential development intermixed with commercial and community uses. Baggot Street forms part of a recently successful planning application for a BusConnects Bus Priority corridor (Belfield/Blackrock to City Centre) (ABP.313509-22), which is currently subject to a Judicial Review. Notwithstanding this, the site is very well served by existing bus routes (38, 38A, 39, 39A) and is approx. a 15-minute walk from Grand Canal Dock Dart station. Thus, the site is considered to be highly accessible by public transport and by active travel modes and is located within an established village with a range of services and facilities, which is considered to be an appropriate location for a PCC.
- 8.2.3. The site is currently vacant and underutilised. It comprises primarily a disused twentieth century building which was formerly used as a medical facility and which forms part of a larger complex centred around an iconic former hospital building (a Protected Structure), with a number of associated buildings to the rear. The developer considers it to be a brownfield, infill site which is underutilised and given its accessibility, is ideally suited to redevelopment at a higher density in accordance with national policy which seeks a more compact form of development.
- 8.2.4. I would agree that in principle, the site's location, accessibility and underused nature would favour an increase in density. However, the site is located in an architecturally and historically sensitive environment in close proximity to several protected structures and a designated Residential Conservation Area and, importantly, forms part of a larger complex containing an important Protected Structure, which it is proposed to separate from the site of the proposed development. It is considered, therefore, that notwithstanding the proposal to bring a disused building/site back into use, the principle of subdividing the site and the development of part of the site at a

significantly increased density requires a more cautious approach in terms of alignment with conservation policies. These matters will be discussed in more detail below in terms of the impact on the Protected Structure and Conservation Area but at this point, it is necessary to examine the principle of subdivision, demolition and construction of a new building in isolation from the remainder of the site.

8.2.5. The submitted documents indicate that the feasibility of incorporating the PCC into the existing hospital building had been explored in some detail by the applicant, but that it had been concluded that the re-use of the main hospital building had presented serious challenges in respect of the structure, fire safety, access, services, conservation, cost and time. I note that the planning authority had acknowledged this and that the HSE had placed the hospital building on the State Register for disposal, but the P.A. had considered that a Masterplan for the entire site would have been the best approach to secure the future use and conservation of the hospital building.

8.2.6. In addition to the Feasibility Studies mentioned above, the Demolition Justification Report and the Architectural Heritage Impact Assessment have provided an examination of the possibility of the 1950s building being repurposed and had concluded that it was not suitable for adaptation to an alternative community use. It was also found that the embodied carbon (i.e. total GHG emissions generated during demolition/construction) would be relatively high due to the outdated building materials, mechanical and electrical systems, all of which would have to be replaced and upgraded, as well as the inefficient energy performance of the existing building. In contrast, the proposed new building would incorporate low-carbon construction materials, sustainable building practices and energy efficient technologies to minimise its overall environmental footprint. It is noted, however, that no carbon calculations or cost analysis were presented. Notwithstanding this, it is accepted that the retention and repurposing of the existing building, which is of no architectural merit, would be likely to result in substantial embodied carbon which could outweigh the advantages of a new building for this type of development. As such, the principle of demolition in this case is acceptable.

8.2.7. I would also accept that the re-use of the hospital building as a PCC is likely to present significant challenges as it is an old building with aged infrastructure and is a Protected Structure which would need careful and sensitive adaptation. However, it

is considered that the subdivision of the site in order to accommodate a new purpose-built PCC, with no indication of how the remainder of the site, (including the Protected Structure which is the central focus of the site), would be used in the future also creates significant challenges, not least in terms of the potential impacts on the longevity and conservation of the Protected Structure, as well as on its curtilage and setting, and the compatibility of any future use of the remainder of the site. As stated previously, these matters will be discussed below, but at this point, I wish to confirm my agreement with the planning authority that the most appropriate approach for the overall site would be to develop a phased Masterplan which would address all of these issues and provide for a more holistic and comprehensive approach to the redevelopment of this important site, rather than a piecemeal approach, such as that currently presented.

8.2.8. **In conclusion**, having regard to the planning policy context, the underutilised nature of the site and its location close to existing amenities and public transport services, it is considered that the proposed development of the site as a Primary Care Centre is considered to be acceptable in principle. Demolition of the 1950s building and modern extensions is also considered acceptable in principle. The appropriateness of the subdivision and piecemeal development of the site, however, is not considered to be ideal, but the acceptability of this approach will depend to a certain extent on the potential impacts on the character and setting of the Protected Structure.

### 8.3. **Nature and Extent of Use and Material Change of Use**

8.3.1. Several third-party submissions claimed that the proposed development would constitute a material change of use due to the inclusion of a Methadone clinic /Drug Treatment Facility and the intensification and scale of the proposed use compared with the previous use. In addition, it was considered by some that the previous use had been abandoned and that the proposed development therefore constituted a 'material change of use'. Some submissions also considered the failure to specifically identify 'ancillary pharmacy' and 'methadone clinic' or 'drug treatment facility' in the description of development and public notices as a matter which invalidated the application. Furthermore, some believe that the inclusion of an ancillary pharmacy is designed primarily to service the 'methadone clinic'.

8.3.2. The published notices (25/04/24) included the following statement in the detailed description of the proposed development:

*“The proposal will consist of a replacement Primary Care Centre incorporating an ancillary pharmacy to be known as the Haddington Road Primary Care Centre”.*

The proposed development involves the use of the site as a ‘Primary Care Centre’ including the demolition of existing buildings and the construction of a purpose-built facility. The site has hitherto been used as a medical/community facility incorporating a community hospital with an outpatient clinic and a ‘Primary Care Team’ and has been used as a health centre/clinic for many years. Anecdotally, it is stated in some submissions that the site has previously accommodated some form of drug treatment facility.

8.3.3. The term ‘Primary Care Centre’ does not seem to be defined in planning legislation. However, a document on the Dept. of Health Website entitled Project Ireland 2040 – Primary Care Centres’ provides some insight into what is involved –

Expanding Community and Primary Care is at the heart of Sláintecare vision. The starting point for service delivery in the sector is the Primary Care Team (PCT) consisting of general practice, public health nursing, occupational therapy, physiotherapy and speech and language therapy. These teams support populations of around 7,000 to 10,000 people and operate alongside wider community network services that include oral health services, audiology, dietetics, ophthalmology, podiatry and psychology services.

[The] current hospital-centric configuration is not suited to the changing demographic profile and health needs of the country...there are clear benefits to bringing together staff who in many cases have previously operated from older, more dispersed locations....PCCs can support the delivery of integrated care by facilitating closer coordination and cooperation between health professionals from across different disciplines. They also provide a single point of access to services for the individual and can serve as a resource more broadly for the community, creating a focal point for local health initiatives or providing community groups with a place to meet.

- 8.3.4. The applicant has stated that the Primary Care Team that had previously operated from the site had to relocate temporarily due to the poor state of the buildings and facilities at the site. The proposed development is designed to accommodate two Primary Care Teams which have been operating from dispersed locations in the wider area. The range of services to be provided appears to be consistent with those provided in a PCC, although it is noted that GP services are not proposed to be included. It is intended to provide medical care and therapy treatments for a wide range of medical issues to the local population including nursing care (public health nurse), dietetics, speech and language therapy and physiotherapy. The proposed layout shows significant areas of the proposed building allocated to these uses.
- 8.3.5. The need for and design of the 'ancillary pharmacy' has also been explained, in that it is not proposed to provide a commercial high street type of pharmacy with cosmetics and other products normally sold in such retail premises. Instead, the proposed pharmacy is designed to support and complement to range of healthcare services on offer within the PCC. In relation to the dispensing of methadone, it is pointed out that this service is regularly provided in retail pharmacies without the need for a separate planning permission and that this occurs without issue. It is considered that it would be unreasonable to prohibit this element of the use on this basis. I would agree with the planning authority that the operation of the PCC is a matter for the HSE and is not a planning issue. Furthermore, it is considered that the need for a Primary Care Centre at this location and the services to be provided is a matter for the HSE and is not a planning matter.
- 8.3.6. In conclusion, having regard to the information provided by the HSE regarding the nature of the use, I do not accept that the primary purpose of the proposed development is to provide a 'Methadone Clinic' or 'Drug Treatment Facility', and I do not accept that it is necessary to include this aspect of the services to be provided in the description of development. The proposed development clearly states that it is proposed to provide a Primary Care Centre, including an ancillary pharmacy, which provides for a range of uses which are generally consistent with the use as a health centre/clinic, and that this in turn is generally consistent with the previous use of the site. Although the use of the site is to be intensified, the said intensification forms part of the current planning application/appeal and this is generally in accordance with the national, regional and local policy framework to provide for more compact

development as discussed at 8.2 above. I do not accept that the use of the site as a medical facility/health centre has been abandoned, as the site has remained vacant since the Primary Care Team moved out due to the poor state of repair of the buildings and has remained vacant while the applicant has been exploring options for the future use of all of the buildings on the site. It is considered, therefore, that the proposed development does not involve a material change of use.

#### **8.4. Impact on the Protected Structure and Conservation Area**

- 8.4.1. In addition to the submitted drawings (as revised), I would refer An Coimisiún to the Architectural Heritage Impact Assessment (AHIA), the Architectural Design Statement and the Structural Decoupling Report, each of which were submitted with the planning application (25/04/24), and the Justification for Demolition Report and Response to the FI submitted with the FI (27/03/25). It is noted that the main hospital building (Nos. 14/16/18 Upper Baggot Street also known as the Royal City of Dublin Hospital) and the associated Drummond Wing (Granite Building) is a Protected Structure (RPS 446). However, neither the 3-storey 20<sup>th</sup> century building to be demolished nor No. 19 Haddington Road are Protected Structures, and none of the buildings are included in the NIAH database.
- 8.4.2. In addition, there are several Protected Structures in the vicinity of the site and there are two Conservation Area designations (Z8 and Z2) nearby. The Protected Structures include Nos. 2-4, 6, 8, 10 and 12 Upper Baggot Street (RPS Nos. 435, 438, 440, 442 and 444, respectively), which is the group of terraced properties extending along Baggot Street from the corner with Haddington Road to the hospital building. The buildings forming the terrace to the south-east of the hospital building (fronting Baggot Street Upper as far as and including the Dylan Hotel on the corner with Eastmoreland Place) are also protected (i.e. Nos. 20-52 even). The terraced properties to the north-east of the site along Haddington Road (Nos. 21-51 odd) and those on the northern side of Eastmoreland Lane all form part of the Z2 'Residential Conservation Area' designation, the objective for which is to protect and/or improve the amenities of residential conservation areas'. Part of Haddington Road adjacent to the western boundary of the site is located within a Red-Hatch Conservation Area. St. Mary's Church on Haddington Road is also a Protected Structure.

- 8.4.3. The appeal site is therefore bounded on all sides by either Protected Structures or buildings which form part of a Conservation Area, and as such, is located within a sensitive historical and architectural environment. As the site forms part of the hospital complex associated with the Royal City of Dublin Hospital (RPS 446), which was functionally and historically connected to the main hospital building, all of which is currently in the ownership of the HSE, the subject site could be considered to form part of the curtilage of the Protected Structure, as per the guidance at 13.1.5 of the Architectural Heritage Protection Guidelines.
- 8.4.4. The AHIA **Statement of Significance** for the Royal City of Dublin Hospital (RCDH) (**Building 1** and **Building 2**, see Fig. 2.2.1, page 7 of the AHIA) noted that it is a Protected Structure of National significance which contains elements of architectural, artistic, technical, social and historical special interest. It is described as an important landmark structure within the streetscape, which is emphasised by the positioning of the building, set back from the main building line, and that the façade and roof-scape are of particular architectural interest. It is a 4-storey building with attic with an ornate brick and terracotta façade. The evolution and expansion of the hospital buildings from its early beginnings in 1831 as a community hospital operating from a single house, is described in Section 3 of the AHIA. At the end of the 19<sup>th</sup> century, the main hospital building, as it currently presents to the street, was transformed with a new flamboyant façade of Ruabon brick and buff terracotta and additional floors added to designs by Victorian Architect Albert A. Murray. The ‘Drummond Wing’ or ‘Granite Building’, (**Building 5**) had been constructed in c.1866 to treat infectious diseases and linked to the main building by a covered walkway.
- 8.4.5. The Statement of Significance (AHIA) concluded that **Building 3**, (the 3-storey building to be demolished), comprises a much-altered 1950s building which is not of sufficient architectural quality to warrant preservation. However, it was stated that No. 19 Haddington Road, (**Building 4**) although not protected, makes a positive contribution to the character and appearance of the area and the streetscape. This building, (which is to be retained, refurbished and adapted for re-use as part of the proposed development), is described as of architectural and artistic interest, particularly the façade with fine stone-carved terracotta and brick moulded pilasters, attractive classical window surrounds and a fine timber multi-arched shopfront window design.

8.4.6. The evolution of the complex of buildings over the years has resulted in 4-storey brick returns being added to the rear of the main hospital building, as well as a series of flat-roofed modern extensions which currently occupy the majority of the land to the rear of Building 1 and are sandwiched between Building 3 and Building 5. It is proposed to subdivide the complex into two separate lots, one lot containing the main hospital building (and rear returns) and the Granite Building, and the other lot containing the remainder of the site, (i.e. Building 3, No. 19 Haddington Road and the modern single-storey extensions to the rear/side of the hospital extending as far as Haddington Road and Eastmoreland Lane). All of these structures, apart from No. 19 Haddington Road, would be demolished and the new PCC would be constructed on the cleared site. This would necessitate the 'decoupling' of some of these extensions from the fabric of the Protected Structure.

8.4.7. The potential impacts on the built heritage identified in the submitted documents, the third-party submissions and in the Planning and Conservation Officers' reports relate to the following matters -

- **Subdivision of site** – Impacts on the future protection of the Protected Structure by excluding it from the remainder of the site and the implications including potential endangerment of the historic building, which is already in a poor state of repair.
- **Demolition and decoupling works** – the extent of the demolition and associated decoupling works. The impact of the decoupling works on the historic fabric and special interest of the Protected Structure, the Granite Building and No. 19 Haddington Road.
- **No. 19 Haddington Road** - Impacts of the internal and external alterations and adaptive re-use works on the character, historic fabric and legibility of No. 19 Haddington Road.
- **Impact on the Setting and Curtilage of Protected Structure and built heritage of the area** - Impacts of the proposed development, (including the erection of a 6-storey building within the curtilage of the PS), on the character and special interests of the Protected Structure, the historic buildings within and adjoining the site and of the heritage assets in the wider area.

I will address each of these potential impacts in turn.

## **Subdivision**

- 8.4.8. The subdivision and permanent separation of a large part of the curtilage of a protected structure is not considered to be in accordance with best conservation practice. The Architectural Heritage Protection Guidelines, 2011, (AHPG) recommends that proposals for the re-use of an existing PS should normally be made and considered together with those for any new development, which can then be phased in such a way to ensure that conservation works to the PS are satisfactorily carried out (13.5.4). This is particularly relevant where the conservation works to the PS may be costly and it is important to ensure that the protected structure is successfully conserved and that the works are satisfactorily completed.
- 8.4.9. The P.A. had raised concerns regarding this issue in the FI request (Item 1) and had sought the submission of feasibility studies for the refurbishment and adaptive reuse of the hospital complex as well as a re-examination of the potential re-use of the former hospital building. Following the submission of FI, the Conservation Officer's (C.O.) second report (17/04/25) noted the content of the feasibility studies and the associated problems with the adaptation and re-use of the PS. However, the current condition and state of repair of the PS raised further concerns regarding the nature of the defects (such as water ingress, defective floors and roof timbers) and the urgent need for conservation repairs to prevent further deterioration. It was emphasised that a conservation-led approach would be required to address defects using the principle of minimum intervention. It was emphasised that the onus was on the building owner to ensure that the PS is properly maintained and noted that the owner had recently been awarded a 2025 Built Heritage Investment Scheme (BHIS) Conservation Grant for works to the roof and chimneys of the Baggot Street Hospital which would help with funding some of the repairs.
- 8.4.10. The CO concluded that pending the consideration of more suitable and less impactful uses for the Protected Structure, the building fabric must be protected from any further deterioration by pro-active conservation-led repairs which should be executed in accordance with best conservation practice and with an input from a Grade 1 or Grade 2 Conservation Architect. In addition, any further 'opening-up' or investigative works should be the subject of a Section 5 application. Notwithstanding the difficulties in finding an appropriate use for the hospital building and that the HSE had put it on the State Register with a view to disposing of it, the Area Planner

believed that the best option was for the comprehensive redevelopment of the site, guided by a Masterplan. However, it was also accepted that there is a need for a PCC at this location and on this basis, the proposal was considered acceptable subject to modifications and a condition requiring the applicant to carry out a programme of works to ensure that the PS would not be endangered by reason of neglect and further deterioration while awaiting a new use. The appropriateness of this condition will be discussed later as part of the assessment of the first party grounds of appeal.

8.4.11. I would agree that the proposed subdivision of the site is not ideal in that the failure to find an appropriate use for the principal building is likely to render the Protected Structure more vulnerable to continued vacancy and deterioration of the fabric of the building. As alluded to in the AHPG (13.5.4) and referenced above, a new development within the grounds of a Protected Structure which is in need of repair would normally provide the funds for what can often be costly repairs to a Protected Structure, and in general, it is advisable to ensure that the repairs are carried out first before the new building is completed. Thus, by subdividing the site and separating ownership, which allows the new development to leapfrog the restoration of the PS, the risk of the Protected Structure remaining vacant and vulnerable to further deterioration increases significantly. However, Section 57 of the Planning and Development Act 2000 (as amended) specifies that the onus for ensuring that the PS is maintained in good condition remains with the owner of the building.

8.4.12. On the other hand, the applicant has pointed out that the demolition of the series of single-storey modern extensions to the rear and the redevelopment of an existing large disused building within the complex allows for a clearly defined lot which is significantly less encumbered. I also consider that the removal of the non-original extensions and the 1950s building positively contributes to the restoration of the character and setting of the Protected Structure by decluttering the space around the original buildings and restoring the relationship between the hospital and the Granite building. I would generally agree with this point of view provided that the replacement building is appropriately respectful of the Protected Structure (which will be addressed below) and that it would not, by reason of its design, hinder any future use of the PS. In these circumstances, the subdivision of the property could be considered in principle.

### **Demolition and decoupling works**

- 8.4.13. The revised scheme altered the red line (as requested) to exclude the rear return of the PS and also provided for increased separation distances between the proposed building and No. 19 Haddington Road, the Granite Building and the rear return of the Protected Structure. The FI was also accompanied by additional information from the applicant's Structural Engineer together with amended/additional drawings which has demonstrated to the satisfaction of the CO that the proposed decoupling works will ensure the protection of the building fabric and be in accordance with best conservation practice. I note that the previous proposals to block up the openings with blockwork have been amended to include the use of brickwork, and that this has also been addressed by a condition in the P.A. decision.
- 8.4.14. It is considered, therefore, that the extent of demolition is acceptable and that the decoupling works, subject to the approval of a detailed methodology and the works being overseen by a suitably qualified Conservation Architect, would be sensitively handled and would therefore be acceptable subject to appropriate conditions. Should An Coimisiún be minded to grant permission, conditions similar to those set out in Condition 8 of the P.A. decision should be attached to any such permission.

### **No. 19 Haddington Road**

- 8.4.15. The proposed retention and refurbishment of No. 19 Haddington Road was welcomed and supported by the CO. However, some of the alterations to the interior had been considered regrettable, including the loss of the staircase, decorative ceiling mouldings and window linings and the virtual 'gutting' of the internal partitions, as this would result in the loss of historic fabric and the legibility of the floorplan. Concern had also been expressed regarding the decoupling of the building to be demolished from No. 19 Haddington Road. These concerns formed part of Item 4 of the FI request.
- 8.4.16. The CO was generally satisfied with the revised drawings and additional details. However, further modifications were considered necessary which have been set out in detail in Condition 8 of the PA decision. These related to various requirements including further amendments to the internal layout, the roof plan and windows in order to ensure that as much of the original historic features are retained and restored in accordance with best conservation practice. Other elements of the

condition related to the detailed brickwork associated with the decoupling of the building to be demolished, the restoration of the shopfront and repairs and maintenance works to brickwork, stonework and rainwater goods. Certain works included in the proposed development were prohibited such as the use of abrasive blasting techniques for stone cleaning and the use of repellents in waterproofing works.

- 8.4.17. It is noted that the first party has not appealed Condition No. 8 and as such, it is considered that should An Coimisiún be minded to grant permission, a condition requiring such matters to be addressed should be attached to any such permission.

#### **Setting and Curtilage of Protected Structure and Built Heritage of Area**

- 8.4.18. Dublin CDP (2022) policy **BHA2** requires that new development is sensitively designed and sited to respect the character and setting of the Protected Structure and in particular states –

- (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.
- (e) 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

This policy is generally in alignment with the requirements of the Architectural Heritage Protection Guidelines which state that a PS should remain the focus of its setting and seek to preserve any formal relationship between a Protected Structure and its ancillary buildings/features and with the street.

- 8.4.19. Section 11.5.3 of the CDP addresses the ‘Built Heritage Assets’ of the city such as conservation area zonings which contribute to the streetscape and character of an area. Development which enhances the setting and character of a Conservation Area is encouraged. Policy **BHA9** seeks to protect the special interest and character of the Conservation Areas (zoned Z8 and Z2) and 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.

- 8.4.20. The CO's initial report (11/06/24) had expressed concern regarding the height, scale and massing of the proposed new building, which had failed to respect and complement the special architectural character and setting of the Protected Structure. It was stated that the proposed building height significantly exceeded the eaves height of the PS and would upset the traditional balance within the urban block in an unsatisfactory and adverse manner. In addition, the height was considered excessive in terms of its relationship to Haddington Road and the separation distances from the rear façade of the PS were unsatisfactory with an adverse impact on the relationship with the Granite Building and other Protected Structures in the area. The CO had sought a reduction in height of two storeys to form a five-storey 'shoulder' building, with a setback roof plant area to protect the views from the rear of the PS and of the adjoining Protected Structures. It was further requested that the link structure be reduced by one storey and that in the absence of a firm plan for the re-use of the hospital building, at least a sufficient amenity value to the rear should be retained in order to present a more attractive redevelopment opportunity.
- 8.4.21. The Area Planner did not agree with the CO's request to omit two floors but was, however, also concerned about the excessive height and scale of the building, the excessive amount of fenestration and the lack of appropriate separation distances providing a buffer around the PS. Given its sensitive position in relation to the adjoining historic structures, the P.A. (in the F.I. request) had sought a reduction by one storey, (i.e. omitting the fourth floor), improved separation distances, a redesign of the fenestration overlooking the courtyard and a reduction in the scale of the roof plant area. The applicant, however, declined the request to omit a floor but instead, agreed to reduce the floor-to-ceiling heights resulting in an overall reduction of 1.85m and 0.5m and to reduce the height and scale of the roof plant area. Some of the separation distances were also increased and the fenestration was amended with the addition of obscure glazing panels to many of the windows overlooking the courtyard and the rear of the PS. This was clearly unsatisfactory to the planning authority and resulted in a condition requiring revisions involving the omission of one

floor, which has been appealed by the first party (and will be discussed further below), and alteration to the fenestration.

- 8.4.22. I would accept that the views of the principal (front) elevation of the Protected Structure from Baggot Street Upper would not be unduly harmed by the proposed new building due to the positioning and the low level of visibility available from this vantage point. However, I consider that the views of the proposed building and its relationship with the PS from Haddington Road, Eastmoreland Lane and from the corner of Haddington Road and Baggot Street Upper would be significantly affected. This is best represented by Views 1, 4 and 5. It is considered that the proposed building would be excessively high and visually dominant in View 4 and would have an overbearing and detrimental impact on the principal Protected Structure, the rear elevation of which is clearly visible to the right. Although this is not the principal elevation of the hospital building, it forms an important part of the setting of the Protected Structure and its relationship with the Granite Building and its curtilage.
- 8.4.23. It is considered that this impact would be exacerbated by the views to and from the Protected Structure from within the hospital complex, i.e. views from the proposed PCC towards the remainder of the hospital complex whereby the status of the Hospital Building and Granite building would seem diminished rather than being the focus of the view, and in views from these buildings and the internal courtyard area towards an excessively tall building with a substantial number of large windows which would overwhelm the adjoining space and structures. I would agree with the P.A.'s view that the excessive number of large-scale windows overlooking the historic building at close proximity and the internal courtyard would add to the overbearing effect of the new building on the remaining curtilage of the PS. I would also have some concerns that this relationship could hinder the success of finding a suitable alternative use for the protected structure and Granite Building.
- 8.4.24. View 1 is taken from the junction of Haddington Road and Baggot Street Upper, towards the corner landmark building occupied by PTSB. This building is a Protected Structure and sits within the red-hatch area, in a prominent location and addresses the corner with two ornate brick and stone facades with an ornate roofscape including peaked gables with crosses at the summit. The proposed 6-storey PCC building sits directly behind this PS and dominates the view, overwhelming and diminishing the architectural detailing of the Protected Structure.

- 8.4.25. View 5 is taken from further to the east along Haddington Road looking towards the corner. At present this view is dominated by the uniformity of the terrace of houses along the tree-lined Haddington Road, which gradually increases in scale and is terminated by No. 19 Haddington Road and the Protected Structures at/near the junction (particularly in winter). The proposed building, because of its height, scale and massing, introduces a new building with a dominant form which dwarfs the smaller historic buildings and obscures their architectural detailing and roofscapes.
- 8.4.26. There are no photomontages of the impact on Eastmoreland Lane, although there are 3D model views included in the submitted documents which serve to illustrate the impact. Eastmoreland Lane, which forms part of the Z2 Residential Conservation Area, has a mews lane/rear lane character, where the dominant buildings are No. 19 Haddington Road (side elevation) and the Granite Building (rear elevation). There is a graduated hierarchy which rises along the lane towards Baggot Street. It is noted that the scale and massing of the proposed building where it addresses the lane has been reduced, but it is still excessively tall relative to its historic neighbours. It is considered that the height, scale and massing of the building fails to respect the character of the lane and the setting of the immediately adjacent historic buildings.
- 8.4.27. Section 5 of the Further Information (architectural) document includes 3D model views of the building as proposed, alongside proposed views with the fourth floor removed. Although the applicant claims that the reduction in height and scale 'would not have a drastic effect', I would disagree and consider that the omission of one floor would significantly improve the relationship with the adjoining buildings.
- 8.4.28. In conclusion, the proposed development would, therefore, by reason of excessive height, scale and massing of the new PCC building, together with the disproportionate number of large windows facing the historic buildings and overlooking the courtyard, be inconsistent with the advice in the AHPG which require that a Protected Structure should remain the focus of its setting (13.7), and that new works should respect and be sensitive to the character and setting of the PS and should not adversely impact on views of the principal elevations of the PS. It would also be contrary to Policies BHA2 and BHA9 which requires that new development does not adversely affect the special character, appearance or setting of a Protected Structure and is sensitively designed and appropriate to the character of a Conservation Area in terms of scale, height, mass, density and materials.

## 8.5. Height, Density and Scale

- 8.5.1. As noted above, the proposed development is generally consistent with national and local policy in terms of seeking to provide for an increased density of development on this site which is centrally located and highly accessible.
- 8.5.2. The strategic approach set out in Appendix 3 of the Dublin City Development Plan 2022-2028, (CDP), states clearly that the highest densities should be located at the most accessible locations, that an urban design and quality-led approach to creating sustainable development will be promoted and that density should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. Where a scheme proposes buildings and densities that are significantly higher and denser than the prevailing context, however, it will be necessary to apply the performance criteria set out in Table 3 (Appendix 3) of the Dublin City Development Plan (2022).
- 8.5.3. Indicative plot ratios and site coverage values are set out in Table 2 of Appendix 3 (CDP). The indicative plot ratio for the Central Area is 2.5-3.0 and for Conservation Areas is 1.5-3.0. The indicative site coverage of for the Central Area is 60-90% and for Conservation Areas is 45-50%. Key Urban Villages and Urban Villages are identified as areas where increased height and density could be achieved as they have the potential to fulfil the '15-minute city' role with compact urban and mixed-use development. However, it is noted that some urban villages have a prevailing low-density character and any proposals for increased height and density will need to have regard to the existing pattern and grain of development to ensure sensitive and successful integration with the existing urban fabric.
- 8.5.4. The proposed development has a stated plot ratio of 3.2 and a site coverage of 60% with a height of 3-6 storeys. The density and scale of the proposed development is, therefore, greater than the thresholds set out in the CDP for Conservation Areas and is even slightly above that recommended for Central Areas (which relates to areas within the canals, which this site is not). However, additional height and density can be considered in certain circumstances including where a site is served by existing or planned high-quality public transport.
- 8.5.5. The appellants consider that the prevailing context is markedly different to the proposed development in terms of density, scale and height of development. In such

circumstances, both the Building Height Guidelines and Appendix 3 of the CDP require an assessment of the specific context in order to determine the appropriate density as refined by the character and nature of the area.

8.5.6. **Table 3 (CDP- Appendix 3)** sets out **10 performance criteria** against which the proposed development is now assessed.

1. To promote development with a sense of place and character

The layout and design of proposed development, which provides for the retention of the corner building (No. 19 Haddington Road) and the erection of a 6-storey Primary Care Centre building which would wrap around the historic building. The building steps down to 4 and 5 storeys where it meets Eastmoreland Lane, and where it is 'wedged' between No. 19 Haddington Road and the Granite Building, separated by very narrow setbacks. The revised scheme (27/03/25) incorporates slightly greater 'gaps' between the new building and these historic buildings with a 2.245m wide glazed corridor at ground floor level adjoining the Granite Building and a wider pedestrian entrance and cycle parking area separating the proposed building from No. 19. A small, landscaped courtyard is provided to the rear forming a buffer with the rear of the hospital building (PS). The revised scheme also reduced the floor-to-ceiling heights of the new building, which has reduced the overall height and shoulder heights of the building by 1.85m and 0.5m respectively.

In terms of Objective 1, it is considered that the proposed development would have a positive impact on the local community by redeveloping part of a vacant site and building as a PCC, which is located in a highly accessible location within the urban village. The new building would also introduce a structure which has a creative design, which is not monolithic and attempts to bridge the transition in scale by means of modulation and use of setbacks. However, it is considered that the height, scale and massing is not sufficiently respectful of the character and scale of the adjoining buildings on Haddington Road and on Eastmoreland Lane, where the scale and form of the historic buildings contrasts starkly with that of the proposed building. Although the separation distances are minimal, they are considered adequate if the height of the building was more respectful of its immediate neighbours. It is

considered that the contemporary design, use of materials and articulation of the elevations facing the street help to create a sense of place and character, but the excessive height results in an overly dominant feature in the streetscape. It is considered that this objective would not be met.

2. To provide appropriate legibility

It is considered that the architectural design, scale and use of materials helps to integrate the new infill building fronting Haddington Road into the streetscape and simultaneously introduces a new contemporary design which would contribute positively to the legibility of both the street and the proposed development. However, the proposed height and fenestration pattern of the four-storey façade with two further recessed floors fronting onto Eastmoreland Lane, which is characterised by smaller-scale buildings and/or rear/side elevations, consistent with its mews/service type character would have a negative effect on the legibility of this laneway. It is considered, however, that the proposed internal courtyard and gated accessways which would provide for future access between the existing and new buildings within the overall complex would help to increase in the level of permeability through the development, which is currently impenetrable.

It is considered that this objective would be partially met in terms of improved permeability and enhanced legibility on Haddington Road, but not in terms of the legibility of Eastmoreland Lane, as the scale and form of development does not adequately respect the character of the lane.

3. To provide appropriate continuity and enclosure of streets and spaces

The proposed development would ultimately open up a currently impenetrable site which is currently disused and closed-off to the surrounding community and would provide passive surveillance and ground floor activity and animation at street level, which would positively contribute to the urban design of the area. However, it would result in an inappropriate scale and overbearing impact on the adjoining streets due to the excessive height and scale of the new building, which is considerably taller than the adjoining structures on this narrow lane. It is considered that this objective would not be met, unless the height and scale is addressed.

4. To provide well connected, high quality, active public and communal spaces

The proposed development would contribute to the enhancement of the public realm which would prioritise pedestrians, cyclists and access to public transport. The proposed development does not include any car parking provision and provides for adequate amounts of cycle parking facilities. It would also provide for active ground floor uses with increased connectivity with the public street. The provision of the rear courtyard and separation distances between the proposed building and the existing buildings on the site would also help to achieve quality communal spaces in the future and adequate access to sunlight and daylight. It is considered that this objective would be met.

5. To provide high quality, attractive and useable private spaces

The proposed building is designed for health service and community use and does not require the provision of high quality private outdoor space as, would be the case for residential development. However, the remainder of the site, namely the Hospital building and Granite Building, in due course, could have at least some element of residential use. The design of the building incorporates a small, landscaped courtyard which has a dual function of providing some useable private open space and providing a buffer between the older and new buildings. However, the layout of the site and the fenestration pattern on the rear-facing elevations of the new building result in a considerable number of large windows overlooking the courtyard and some of the rear windows of the existing historic buildings within the complex at close proximity. It is noted, however, that in the revised scheme there are no windows proposed in the south-west corner where the proposed PCC building would be at the closest point to the rear of the Protected Structure. Thus, the proposed building is likely to result in overlooking and loss of privacy to the hospital complex, particularly the internal courtyard area, due to its proximity to the older buildings and the fenestration pattern proposed. This is potentially problematic as the future use of the hospital and Granite Building is not yet known and it could compromise efforts to find a suitable new use. It is considered that this objective is unlikely to be met.

6. To promote a mix of use and diversity of activities

The proposed development does not provide for a mix of uses. However, it would provide for a community use which would be located in the heart of the urban village at Baggot Street Upper with the wide range of existing services and facilities available there. It is considered, therefore, that the community use would contribute to the provision of mixed and sustainable development in terms of the 15-minute city initiative. It is considered that this objective would be met.

7. To ensure high quality and environmentally sustainable buildings

The buildings have been designed to take advantage of solar gain and to ensure that plentiful levels of natural daylight and sunlight will reach habitable rooms and associated external spaces. The application was also accompanied by a Daylight, Sunlight and Overshadowing Assessment, which will be discussed further below, but had concluded that there would be no significant overshadowing and no significant loss of daylight or sunlight to adjoining properties.

Reports have been submitted outlining the energy sustainability and embodied carbon impacts of the proposed development, as well as the levels of solar gain and natural ventilation. These include the Environmental Analysis Report and the Demolition Justification Report. It is noted that the proposed development with a BER of A3 is favourable compared with the existing building on site, thereby ensuring a significant decrease in energy consumption and associated carbon emissions. In addition, the proposed development has been designed to comply with Part L of the Building Regulations 2022 in that it will achieve NZEB (Nearly Zero Energy Buildings) by employing the latest energy efficient technology in all aspects of the building design, technology and layout. Mitigation measures to minimise the embodied carbon emissions are also proposed such as reusing and recycling materials.

The Infrastructure Design Report and Site-Specific Flood Risk Assessment Report also provide details of the surface water management strategy for the

site, including nature-based SUDs solutions and public surface water infrastructure provision.

It is considered, therefore, that the proposed development has been designed to ensure that the proposed buildings are of a high quality and are environmentally sustainable and that this objective would be met by the proposed development.

8. To secure sustainable density, intensity at locations of high accessibility

As previously noted, the site is located in a very accessible location on an arterial route that is served by several frequent bus routes and a planned BusConnects corridor and is also on the edge of an Urban Village (Baggot Street Upper) with a wide range of amenities available. It is considered, therefore, that the proposed development meets this objective.

9. To protect historic environments from insensitive development

The site is not located within a Conservation Area and does not include any Protected Structures or buildings on the NIAH of National Monuments. However, the site forms part of a complex of buildings associated with a Protected Structure, the Royal City of Dublin Hospital and the associated Granite Building and the Haddington Road Residential Conservation Area (Z2) is immediately to the east/northeast and the buildings fronting Baggot Street Upper adjoining the site (to the north and south of the hospital) are all Protected Structures. In addition, the Georgian Area Conservation Area (Z8) extends as far as the junction of Haddington Road and Baggot Street Upper.

As discussed previously above (8.4), the height, scale and massing of the building does not adequately respect the character and setting of the existing historic environment in terms of the impact on the remaining buildings within the site, which are Protected Structures, the Protected Structures in the vicinity of the site and the Conservation Areas in the vicinity of the site. The subdivision of the site would increase the risk of endangerment of the principal PS, but the demolition of non-original extensions would help to restore the relationship between the PS and the Granite Building. The restoration of No. 19 Haddington Road and the decoupling works would enhance the overall character of the Protected Structure and its curtilage.

Thus, on balance, the demolition of buildings and construction of a new building within the curtilage of the PS would not adversely affect its character and setting, provided that the design, height and scale provides for an appropriate relationship with the PS.

However, the excessive height of the proposed PCC building together with the proposed fenestration pattern of the southern elevation overlooking the internal courtyard, with a disproportionate amount of glazing close to the PS, would result in a visually dominant and overbearing structure within the curtilage of the PS which would adversely affect the special character and setting of the PS. In addition, views of the principal PS and of several other Protected Structures within the urban block from the surrounding area would be adversely affected by the excessively high and visually dominating new structure, which would also have a detrimental effect on views from within the adjoining Conservation Areas. It is considered, therefore, that the proposed development would not meet this objective.

10. To ensure appropriate management and maintenance

In terms of the operational management of the facility, it is considered that it would be in the interests of the HSE to ensure that the facility is appropriately managed in order to provide an appropriate service to the local community. Should An Coimisiún be minded to grant permission, it is considered that a condition should be attached which would require that matters of security and management of public areas be the subject of an Operational Management Plan which should be submitted and agreed with the planning authority prior to commencement of development. It is noted that an Operational Waste Management Plan and a Services Report for the proposed development have been submitted which were considered satisfactory by the P.A. It is considered that this objective would be met, subject to appropriate conditions.

***Conclusions regarding Height, Scale and Density of development***

- 8.5.7. The proposed development would meet certain objectives such as providing for high density at an accessible location, high quality sustainable buildings, contributing to a mix of uses and activities, to increased permeability and to enhanced public spaces. However, it would fail to meet (or fully meet) the objectives to protect a historic

environment from insensitive development, to provide for a sense of place and character with good legibility and continuity/enclosure of streets and spaces and good quality private spaces. As such, it does not fully meet the 10 objectives set out in Table 3 of Appendix 3 of the CDP which addresses the Dublin City Height Strategy where the proposed development exceeds the prevailing height and/or density of the area.

- 8.5.8. SPPR3 of the Building Height Guidelines, which have been incorporated into the CDP Height Strategy was addressed by the applicants in their submission. In terms of SPPR3, it is considered that the site is strategically located in a highly accessible location on brownfield lands on an arterial route within easy walking distance of the Upper Baggot Street neighbourhood centre (an Urban village) which provides a wide range of services, facilities and amenities. As such, at the **Scale of the City**, this is a location that would be favoured for increased height and density in the Urban Development Building Height Guidelines (SPPR 3, Scale of the City) and as a key location in the P.A.'s Building Height Strategy (Appendix 3 of the CDP).
- 8.5.9. At the **Scale of the Neighbourhood**, it is considered that whilst the prevailing scale and mass of buildings in the vicinity is varied, with some buildings of a similar or slightly greater scale than that proposed in the wider area, the neighbourhood in the immediate vicinity of the site is generally of a relatively low density with mainly 3-4 storey buildings along Upper Baggot Street and Haddington Road. In general, the buildings which are of a greater height/scale tend to be located on the city side of the canal or further to the south in the vicinity of Burlington Road and Waterloo Road. There is also evidence of some taller and/or more imposing buildings along Baggot Street Upper (5-storeys) and at the junction with Haddington Road, which takes advantage of the corner location. This can be seen from the plan showing Building Height Context at section 8.0 of the Architectural Design Statement submitted with the application. In this context, the neighbourhood is one which has evolved over several centuries with varying styles and scales of development, but which is predominantly 3-4 storeys in the vicinity of the site. Although the varied architectural styles would make it more amenable to absorb change, the height at 6-storeys with a roof plant enclosure would create a precedent, particularly on Haddington Road, which tends to be of a lower scale.

8.5.10. At the **Scale of the Site/Building**, it is noted that the site area represents a subdivision of the hospital complex site and the truncation of linkages between existing buildings within the complex. The site is also currently unoccupied and is under-utilised relative to the intensity of surrounding development and that a greater intensity of use would be expected in a vibrant urban village location with excellent accessibility, at the edge of central area of the city, just outside the canal ring. However, this taller building would be wedged between the retained grounds associated with the Protected Structure and a narrow mews lane, where the character is primarily characterised as a service lane with mainly small-scale buildings and rear and side elevations of larger ones. The 6-storey building is sited close to the rear of the retained Protected Structure and the proposed internal courtyard, and the height is graduated down to 4-storeys where it meets the lane but remains a full storey taller than the adjoining Victorian No. 19 Haddington Road and two storeys taller than the adjoining Granite Building. It is considered, therefore, that the nature and character of the site and the sensitive historic environment are such that there is little capacity for change and to absorb a development of the scale and height proposed, which is significantly greater than that prevailing in the immediate environs.

8.5.11. **In conclusion**, it is considered that the site is one which is capable of absorbing some degree of change and that there is a justifiable case for increased density at this location. However, due to the sensitive nature of the historic environment, to the prevailing height of generally 3-4 storeys in the vicinity of the site, and in particular to the location of the proposed building within the curtilage of the principal Protected Structure, within an area which is characterised by a considerable number of Protected Structures and built heritage assets in close proximity to the site, the proposed development needs to respect the character and setting of these historic buildings and streetscapes and needs to align to a greater extent with the prevailing density, height and scale in the surrounding area. It is considered that the development as currently proposed would not meet these objectives. However, a reduction in height may be sufficient to overcome these difficulties. This will be discussed further below.

## 8.6. Impact on the amenities of the area

- 8.6.1. In terms of residential amenity of neighbouring properties, the third-party appellants have raised a number of issues relating to overlooking, overshadowing and an overbearing presence of the proposed new PCC building as well as potential noise impacts from the roof plant. The planning authority was also concerned about overlooking from the new building of the courtyard and rear elevations of the PS.

### Overlooking and Overbearing

- 8.6.2. As noted previously, the closest residential properties are located to the north-east on Eastmoreland Lane (Nos. 1A and 2), and Nos. 21, 23 and 25 Haddington Road. (As previously noted, No. 1A Eastmoreland Lane is in fact the garden flat of No. 21 Haddington Road). However, the footprint of the proposed building does not extend beyond the rear building line of the properties fronting onto Haddington Road. Thus, there is little or no opportunity for overlooking of the rear gardens of these properties from the windows on the eastern or southern elevations of the PCC, other than from an oblique angle. The green roofs are not intended as recreational spaces and as such, do not pose a risk of intrusion in terms of privacy. No. 2 Eastmoreland Lane is further along the lane, on the far side of the Granite Building and would not be overlooked. I note that condition 3(d) of the P.A. decision had sought the revision of the fenestration on the elevation facing Eastmoreland Lane, including omission of some windows, reduction in size and measures such as opaque glazing. However, I am not convinced that this would be necessary for the reasons outlined above.
- 8.6.3. It is considered, therefore, that there would be no significant loss of privacy for the adjoining residential properties from the proposed development. Similarly, the outlook from these properties would not be unduly affected. However, in terms of the overbearing presence on the laneway, it is considered that the height of the building is excessive and that a reduction in height would be warranted.
- 8.6.4. As mentioned previously, the southern elevation of the PCC contains a considerable amount of glazing in the form of large windows, which would overlook the proposed internal courtyard between the Granite Building and the rear of the Protected Structure. It is noted that the revised scheme (27/03/25) changed the profile of the rear/side of the building by eliminating the curved corner and the proposed windows on the south-western corner of the PCC building were also omitted, which

significantly improved the relationship between the proposed building and the PS. Condition 3(b) requires the fenestration on the elevation facing the Granite Building and the proposed courtyard to be revised to address the issue of overlooking of the adjoining protected structure and courtyard. Condition 3(c) requires the fenestration on the elevation facing the rear of the properties fronting onto Baggot Street Upper to be revised to prevent overlooking. It is considered that Conditions 3(b) and 3(c) would address the concerns raised above and should be attached to any permission, should An Coimisiún be minded to grant permission.

### Overshadowing

- 8.6.5. The Sunlight, Daylight and Overshadowing Assessment (SDOA) considered shadows cast by the proposed development on March 21<sup>st</sup>/Sept 21<sup>st</sup>, June 21<sup>st</sup> and December 21<sup>st</sup>, with the assumption that the sun is shining for every hour shown. The shadow analysis found that minor additional shadowing would occur at the Haddington Road properties (March 0800-1200 and December 1000-1200) and at the Eastmoreland Lane properties (March 1400-1600, June 1400-1800 and December 1400) with minor additional shading at Percy Place (December 1200-1400), with no additional overshadowing on any of the properties in the vicinity throughout the rest of the year.
- 8.6.6. The impact of the proposed development on sunlight reaching the amenity spaces of properties in the vicinity focussed on the closest 3 gardens to the rear of Haddington Road. It was found that on March 21<sup>st</sup>, the existing amenity spaces would receive the same amount of sunlight with the proposed development in place when compared with the existing situation. Thus, the proposed development complies with the BRE standards (3<sup>rd</sup> Edition).
- 8.6.7. Annual Probable Sunlight Hours (APSH) were also assessed against the BRE standard for windows of occupants receiving at least a quarter (25%) of APSH, including 5% during the winter months (21<sup>st</sup> Sept. to 21<sup>st</sup> March), or are greater than 0.8 times their former value with the proposed development in place or the reduction in sunlight across the year is less than 4%. Having regard to the BRE Guidance, the existing dwellings which have living area windows that face within 90 degrees of south have been included in the assessment. Only two of the existing buildings in the vicinity fit the requirements and the remainder of the buildings were excluded on that

basis that there would be no noticeable reduction in sunlight hours. The two buildings were (1) Eastmoreland Lane – southern elevation of the Granite Building and (2) Haddington Road – opposite the proposed development. A total of 21 points were tested and the results show that the proposed development would have no impact on the sunlight received on these neighbouring properties.

- 8.6.8. The BRE guidance on daylight states that the Vertical Sky Component of the adjoining buildings should be above 27% or not less than 0.8 times their former value. Four properties were assessed in accordance with the guidelines. (1) No. 21 Haddington Road and (4) Haddington Road opposite proposed PCC were each assessed as being compliant with no discernible difference in VSC. (2) Southern Elevation of the Granite Building – of the 11 windows assessed, all had VSC's greater than 27% or 0.8 times their former value, but for two windows the value was less than 0.8 times the former value. However, for these windows, the VSC was between 15% and 27%, which was deemed to be adequate in accordance with the BRE guidance. Similarly, (3) Baggot Street Upper (rear elevation), of the 22 windows assessed, all but one had VSC's of 27% or 0.8 times the former value and the single window with less than 0.8 times the former value, the VSC was between 15% and 27%, which was deemed adequate.
- 8.6.9. Although the Hospital building lies vacant and there is no known intended use at this point in time, a VSC assessment was carried out for this building. Of the 46 points tested, 22 points (48%) had a VSC value of greater than 27% or not less than 0.8 times their former values. The majority of the 24 remaining points fell between 19% and 25% and 5 no. windows fell below 15% VSC values.
- 8.6.10. Some observers raised concerns regarding the potential for noise nuisance from the roof plant and the potential for dust pollution which could affect the adjacent dry cleaners business. The site is located in a busy urban village with considerable environmental noise from the range of activities and uses in the vicinity of the site (including pubs and restaurants) and from the traffic on the adjoining roads. As the PCC would only operate during the day, any noise associated with the roof plant is unlikely to cause any significant loss of amenity to the neighbouring properties.
- 8.6.11. In terms of the dust nuisance, it is assumed that this relates to the construction and demolition phases, as it is unlikely that any dust would be generated during the

operational phase. An Outline Construction Management Plan was submitted with the application (CS Consulting Dec. 2023). This includes dust prevention measures for the control of any nuisance dust and site airborne particulate matter. The contractor will monitor dust levels continuously and all activities will be required to comply with established standards. Mitigation measures for the control of dust and airborne particles are also outlined in the OCMP, including the use of appropriate water-based suppression methods and adherence to the maximum dust deposition thresholds. It is considered that should An Coimisiún be minded to grant permission, a condition requiring the submission of a Construction and Environmental Management Plan for written agreement by the P.A. prior to commencement of development should be attached to any such permission.

8.6.12. **In conclusion**, it is considered that the proposed development has been designed to minimise the potential impacts on the residential amenities of adjoining properties in terms of overlooking, overshadowing and outlook. However, the impact on the Protected Structure due to the height, scale, design, fenestration pattern and proximity of the proposed building could potentially influence the intended use of this building by reason of overlooking and/or overshadowing concerns. It could also necessitate changes to the Protected Structure, such as enlargement of windows to enable adequate daylight or removal of windows or fitting with obscure glazing, which could potentially affect the character of the Protected Structure. On balance, however, it is considered that the redesign of the fenestration pattern and the reduction in height as set out in Condition 3 of the P.A. decision is likely to address most of these concerns.

## 8.7. Adequacy of Infrastructural Capacity

8.7.1. Several third parties raised concerns that the existing sewers and watermains serving the site were not fit for purpose and would not be suitable to serve the new development and that there was no plan to manage waste, including hazardous waste. It is noted, however, from the submitted documents (Engineering Services Report (Dec. 2023) and FI Response by CS Consulting (March 2025) and the relevant drawings, that it is proposed to install a new watermains connection, and new foul and stormwater sewer connections as part of the proposed development. An Operational Waste Management Plan has also been submitted.

- 8.7.2. A ground penetrating radar survey was carried out in order to locate the existing underground services. It is stated that this gives a much clearer indication of where the underground services are than historical maps. In addition, it is stated that prior to commencement of development, the contractor will carry out detailed intrusive and non-intrusive testing to identify all buried services, which will be decommissioned in accordance with BS6187-2011.
- 8.7.3. **Foul sewerage** – A new sewer network will be installed within the development site as shown in Drawing H089-CSC-ZZ-XX-DR-C-0002. It is proposed to discharge all foul effluent generated within the proposed development into the existing 225mm diameter vitrified clay combined sewer along Eastmoreland Lane. A pre-connection enquiry has been issued to Uisce Eireann, and a Confirmation of Feasibility has been received, indicating that it is feasible for the development to connect to the 225mm vitrified clay combined sewer along Eastmoreland Lane without infrastructural upgrades.
- 8.7.4. **Water supply** – It is proposed to provide for a new watermain connection for the proposed development which will tie into the existing 100mm PVC watermain along Eastmoreland Lane, as shown on Drawing No. H089-CSC-ZZ-XX-DR-C-0003. A pre-connection enquiry has been issued to Uisce Eireann, and a Confirmation of Feasibility has been received, indicating that it is feasible for the development to connect to the 100mm PVC watermain without infrastructural upgrades.
- 8.7.5. **Surface Water Drainage** – The GPR survey did not indicate any public storm sewer in the vicinity. However, there are combined sewers adjacent to the site. There is a 225mm diameter vitrified clay combined sewer on Eastmoreland Lane and a 300mm diameter vitrified clay combined sewer along Baggot Street Upper to the south of the development. The survey information also indicated an existing 990 x 620 brick combined sewer along Haddington Road to the north of the site.
- 8.7.6. It is proposed that the development will discharge surface water by gravity, following attenuation on site, to the 225mm combined sewer. However, the system within the site will be designed to facilitate any future separation of the existing combined public drainage network. Details are shown on Drawing No. H089-CSC-ZSZ-XX-DR-C0002. It is stated that the effluent generated by the proposed development, combined with the separation and attenuation of storm flows, will have minimal

impact on the receiving drainage infrastructure. Details of the proposed SUDs measures are also contained in the documentation and drawings submitted with the application. The P.A. Drainage Section was satisfied with the proposed drainage arrangements subject to standard conditions.

- 8.7.7. **Waste Management** – An Operational Waste Management Plan (Awn Consulting Dec. 2023) and a Construction and Demolition Waste Management Plan (CS consulting Dec. 2023) were submitted with the application. It is stated that both the OWMP and the CDWMP have been prepared in accordance with current legal and industry standards for waste management, with estimates provided of the different types and quantities of waste likely to be generated from the proposed development during the construction and operational phases and strategies are provided for managing the different waste streams generated. It is also stated that regard has been had to national and regional waste policy and guidelines, an overview of which is set out in both documents.
- 8.7.8. In terms of the operational phase, the typical waste categories are set out at 3.2 of the OWMP which include typical non-hazardous waste, (e.g. organic, glass, dry recyclables etc.), as well as ‘Healthcare Waste’, which takes the form of either ‘non-risk healthcare waste’ (i.e. non-clinical waste) and ‘healthcare risk waste’ (i.e. hazardous waste). Hazardous waste has been further subdivided in this Plan into ‘non-clinical hazardous waste’ (e.g. batteries, printer cartridges) and ‘clinical risk waste’ (i.e. generated from the treatment of patients). The healthcare risk waste generated at the PCC will generally be disposed of in yellow bags (bandages, gloves etc.) or in yellow sharps buckets (e.g. needles, syringes).
- 8.7.9. Fig 3.2 shows the classification and colour-coding of healthcare risk waste as recommended in the HSE guidance documents ‘Healthcare Risk Waste Management’ (2010) and ‘HSE Waste Management Awareness Handbook’ (2011). It is intended that wastes will be segregated on site in accordance with this guidance and also in order to maximise the re-use, recycling and recovery of waste with diversion from landfill wherever possible, in accordance with national policy and legislation. Details of waste stream segregation, storage and collection are provided in the Plan.

- 8.7.10. It is considered that the proposed waste management plan has demonstrated that the waste generated by the proposed development will be appropriately segregated and stored, with sufficient storage capacity for the estimated quantity of each waste stream. All waste collected will be transported by licensed waste contractors to registered and licensed facilities. It is considered that the waste management plan will ensure that all waste generated during the operational phase will be managed in accordance with current waste management policies and legislation.
- 8.7.11. In conclusion, it is considered that the infrastructural capacity serving the proposed Primary Care Centre is adequate in terms of water supply, foul and storm sewerage services and waste management.

## **8.8. Traffic and transport**

- 8.8.1. Concern was raised by third parties regarding the proposal to provide no on-site parking, the lack of an ambulance bay, the location of the loading bay, the lack of public transport capacity and the over-reliance on the BusConnects scheme, for which planning permission has recently been granted, but which is currently subject to Judicial Review. There was also some concern about the proposal to introduce an access point onto the laneway off Haddington Road. In terms of the absence of any parking provision, concern is raised regarding the practicality of this given that the people attending the facility will generally be infirm, unwell or potentially have a disability and that on-street parking supply in the area is already under severe pressure, and consequently, there is concern that it would lead to parking and traffic congestion on the local road network.
- 8.8.2. The Planning Authority's Transport Division raised no objections to the absence of any parking provision but expressed concerns regarding the low level of cycle parking provision and associated facilities, particularly in light of the car-free nature of the development. It is noted that Condition No. 10 of the P.A. decision specifies the additional cycle parking facilities that are required to be provided, which seems reasonable. In addition, the applicant was asked in the FI request to address the issue of proposed access from the laneway off Haddington Road, which resulted in a revised set of drawings omitting the proposed access onto this laneway, which is considered to be satisfactory.

8.8.3. The Dublin City Development Plan 2022-2028 - Development Standards (15.16) states that the policy approach is to promote the integration of land use and transportation, improved public transport and active travel infrastructure, an increased shift towards sustainable travel modes and an increased focus on public realm and healthy place making. The site of the proposed development is located within Zone 2 and the parking standards for medical facilities in this zone (Table 2 of Appendix 5) states that the maximum car parking provision is 2 spaces per consulting room, which would be 94 spaces in the case of the current proposal.

8.8.4. Section 4.0 of Appendix 5 of the CPD states that a relaxation of the car parking standards will be considered for Zone 1 and Zone 2 for any site located within a highly accessible location and the criteria include the following:

- Locational suitability and advantages of the site.
- Proximity to High Frequency Public Transport services (10 minutes' walk).
- Walking and cycling accessibility/permeability and any improvement to same.
- The range of services and sources of employment available within walking distance of the development.
- Availability of shared mobility.
- Impact on the amenities of surrounding properties or areas including overspill parking.
- Impact on Traffic Safety including obstruction of other road users.
- Robustness of Mobility Management Plan to support the development.

8.8.5. The application was accompanied by a Traffic and Transport Statement and an Outline Construction Management Plan. The TTS also included an Outline Mobility Management Plan. Section 3.0 provides a description of the Receiving Environment, in which the accessibility of the site by foot, by bicycle and by public transport is outlined. It is noted that the site is very well served by public transport. It is stated that bus-stops within a 5-minute walk of the development site are served by 8 no. Dublin Bus routes, of which 3 routes currently operate with peak frequencies of 10 minutes or less. In addition, the site is located within a 15-minute walk of the Luas Charlemont stop, which is planned to become an interchange station under the plans

for Metrolink. The site is also adjacent to the planned B-spine bus route (along Baggot Street) under the BusConnects programme which is intended to deliver a mid-day frequency of 4-minutes, with additional bus routes continuing along this route. It is considered, therefore, that the site is very well served by High Frequency Public Transport services. Although the BusConnects scheme is still planned rather than approved, it is considered that the existing level of public transport services is already very high in this area, and as such, I do not accept that the proposed development is reliant on this approval of this scheme.

- 8.8.6. In addition to the public transport services, the TTS points out that the Greater Dublin Area Cycle Network Plan (NTA 2022) includes a proposed Primary Orbital Route along Baggot Street, with a secondary route along Haddington Lane. It is further pointed out that there is a proposed Greenway alongside the Grand Canal. This demonstrates the walking and cycling accessibility of the area. The location of the site in the centre of an urban village with a wide range of services and amenities, which are within easy walking distance of the surrounding neighbourhood also shows that the site has locational suitability and advantages with a range of services within walking distance. The TTS also pointed out that within a 5-minute walk of the site, there is a Dublin Bikes sharing station, 2 no. Go-Car share services and a Yuko car station, which demonstrates the availability of shared mobility in the area.
- 8.8.7. The proposed development includes a Mobility Management Plan which is designed to promote and enhance travel via more sustainable modes of transport. The MMP includes a range of measures designed to reduce car dependency for staff and visitors and to increase the use of more sustainable travel modes. Once the development is occupied, it will be possible to establish patterns of behaviour including initial modal splits and to develop percentage targets for modal splits to be achieved with measures tailored to the users of the building to support the modal shift. Condition 10(d) of the PA decision also requires the submission of a final MMP for written agreement and the appointment of a Mobility Manager, which seems reasonable.
- 8.8.8. There is pay-and-display on-street parking along Haddington Road and to a lesser extent along Baggot Street Upper, with further on-street parking available on Percy Place and to the north of the canal bridge, along Wilton Terrace and Herbert Place. Although the on-street parking appeared to be in demand at the time of my site

inspection (10am on a Wednesday morning), I observed that there were several free spaces near the site with a reasonable turn-over rate, as there are time restrictions on the pay-and-display parking spaces.

- 8.8.9. It is considered that the proposed PCC is likely to contribute to additional demand for on-street parking, but given the high degree of accessibility of the site by a variety of modes of travel including walking, cycling and public transport, and given its location within the urban village and the synergy created by proximity to other services, it is considered that the lack of parking provision is unlikely to give rise to a significant level of overspill parking. Furthermore, the site has been used as a health clinic in the past with no on-site parking available. However, it is considered that a significant amount of cycle parking should be provided to compensate for the lack of car parking on site.
- 8.8.10. The proposed development (as revised 27/03/25) includes 12 long-term secure cycle parking spaces which would be accessed from Eastmoreland Lane and 4 no. visitor parking spaces on Haddington Road, in front of the building. There are a further 2 no. electric bike stands adjacent to the shared passageway between the proposed building and the Granite building. The P.A. Transport Division was not satisfied with the response to the FI (27/03/25) in terms of the quantity of cycle spaces, as no additional long-term spaces were proposed, the number of visitor spaces was reduced from 12 to 4, and the design of the cycle parking area and stands (which did not comply with the Sheffield Guide) was substandard. Furthermore, there was no provision for cargo bikes and the changing facilities for cyclists were considered to be inadequate as they were located on the fourth floor, well removed from the cycle parking area.
- 8.8.11. Condition 10(a) of the P.A. decision required the provision of a minimum of 16no. long term cycle spaces and 12no. short-term spaces, which are to be provided in separate locations and whereby the long-term parking is to be secure, conveniently located, sheltered and well-lit, with convenient access to shower and changing facilities. In addition, a minimum of 2 no. cargo bikes are to be provided. Given that the proposed development involves the reduction in CDP car parking standards from 94 spaces to zero, I would agree with the P.A. that additional cycle parking spaces and facilities, as outlined in Condition 10(a), should be required to serve the

development. Should An Coimisiún be minded to grant permission, a similarly worded condition should be attached to any such permission.

- 8.8.12. In response to the objections to the absence of an ambulance bay, the applicant has stated that there will be no Accident and Emergency facility at the proposed Primary Care Centre and as such, a dedicated ambulance bay is not required. This seems reasonable. Some observers also raised concerns that the service/loading bay was inadequate and may conflict with other business users of the space. The proposed loading bay is located on Haddington Road and will serve as both a drop-off space for patients and for deliveries and collections. The P.A. Transport Division had no issues with the location, size or layout of the proposed service/loading bay.
- 8.8.13. In conclusion, it is considered that the access and parking provisions for the proposed Primary Care Centre are appropriate given the highly accessible location of the site and its proximity to existing services and the community that would be served by the proposed development, provided that the cycle parking and associated facilities are improved and a Mobility Management Plan is agreed prior to commencement of the use.

## **8.9. Procedural Matters and Consultation**

- 8.9.1. Third party appellants raised concerns that the processes involved in the consideration and determination of the planning application by the planning authority were inadequate in respect of accepting the application notwithstanding the failure to disclose firstly, the Protected Structure status of the hospital building and secondly, inclusion of a pharmacy and drug treatment facility within the proposed PCC. In addition, it was asserted that the HSE did not have sufficient title to make the application and that there should be a public inquiry into the manner in which the HSE has governed the site as owner of the property. Furthermore, concerns were raised regarding the failure to mention the existing use of the rear yard for car hire purposes and the installation of electric charging points. Finally, it was asserted that there was no meaningful pre-application consultation undertaken by the applicant with the local community.
- 8.9.2. The issues regarding the validity and processing of the planning application by the planning authority are outside of the remit of An Coimisiún Pleanála. However, it is

noted that the description of development on the public notices did mention the protected status of the hospital and that the proposed development included an ancillary pharmacy. As discussed previously, the proposed development is for a Primary Health Care Centre which is a health clinic providing a range of health-related services, including a drug treatment service amongst many other services. It is not considered necessary to list each of the individual services that would be on offer at the facility in the description of development.

- 8.9.3. In response to the claims that the applicant does not have sufficient interest in the lands to make the application, it is considered that the provisions of Section 34(13) of the Planning and Development Act 2000 (as amended) are relevant, which states that “a person shall not be entitled solely by reason of a permission under this section to carry out any development.” Thus, the onus is on the applicant to ensure that they have sufficient interest in order to carry out the development.
- 8.9.4. With regard to the lack of meaningful consultation, I am not aware of any requirement to carry out pre-application consultations with the local community in advance of submitting a planning application to a local authority. I would also agree with the first party’s response that the third parties do not appear to have been disadvantaged by the process, as there has been full participation and engagement the planning and appeals process to date.
- 8.9.5. Claims regarding the failure to highlight the current use of the rear yard as part of a commercial operation involving car hire and the installation of electric vehicle charging points are noted. However, the area in question is on the far side of the Granite Building and hence, outside of the red line boundary. It is not clear whether there is any new or additional use of part of the hospital complex ongoing and what its planning status might be, but it is considered that this is a matter for the planning authority as An Coimisiún Pleanála does not have any enforcement powers.
- 8.9.6. Many of the third parties have criticised the manner in which the HSE, as owner of the hospital complex, has allowed the site and buildings, particularly the Protected Structure, to fall into vacancy and disrepair. Some have called for a public inquiry to be held into the governance of this issue by the HSE. This is not a planning matter and is outside of the remit of An Coimisiún Pleanála.

## 8.10. First Party appeal against Condition 3(a) – Requirement to omit the fourth floor

### 8.10.1. Condition 3(a) requires that -

The fourth floor shall be omitted entirely. The remaining floors shall be redesigned accordingly to ensure setbacks to each level are symmetrically spaced and the rhythm of the elevations maintained.

**Reason:** In the interests of orderly development, residential and visual amenity.

8.10.2. The main grounds of the first-party appeal are summarised above at section 7.3 of my report. I would also refer An Coimisiún to Appendix B attached to the First Party grounds of appeal which sets out the architectural arguments in favour of retaining the fourth floor. There is also some overlap with my assessment of the issues raised in the third party appeals which have been addressed under sections 8.4.18-28 and 8.5 of my report above and I would refer An Coimisiún to those sections, to avoid undue repetition.

### 8.10.3. A brief summary of the grounds of appeal -

**Height already reduced by lowering ceiling heights** – it is argued that considerable effort has already been expended in reducing the height, scale and mass of the building by lowering the overall height by 1.85m, reducing the overall floor area by 424m<sup>2</sup> and by increasing the separation distances, the combined impact of which would lessen the visual prominence and overbearing impacts on surrounding structures.

**Compliance with policy** - The appellant reiterates the view that the proposed development is wholly in accordance with national and local policy to achieve more compact forms of development, particularly on an underutilised site, in a highly accessible location.

**Positive impact on Protected Structure** - It is pointed out that the 'dis-entangling' and careful decoupling of the non-original structures from the protected structure enhances the character and setting of the PS. It is submitted that the proposed building creates a sense of arrival at the urban village and that the views along Haddington Road would be consistent with typical city views comprising different elements in the cityscape.

**Impact of removal of fourth floor** - It is argued that the removal of the fourth floor, which would reduce the height to 21.5m, would have a dramatic impact on the facilities that could be provided at the PCC and that this floor area is essential in ensuring the viability and operational efficiency of the PCC.

**Impact on Eastmoreland Lane** - It is disputed that the proposed development would have an adverse impact on Eastmoreland Lane as it is a narrow, secondary back lane and the visual prominence of the building within the streetscape is minimal. It is further argued that due to the narrow width of the lane, any views from this vantage point are sharply angled and partial resulting in limited and oblique visibility. It is pointed out that the stepped and recessed massing minimises any impact of the scale and bulk of the building and as a result the proposal will not result in an overbearing impact or undue overshadowing of adjacent properties.

**Urban context and precedent** – It is submitted that there are precedents in the surrounding area which demonstrate how increased height can be sensitively integrated within a transitional urban fabric. Examples referenced are the ODOS Housing Scheme on Percy Place (opposite the site), the Baggot Plaza office block on Baggot Street Upper (opposite the Royal City of Dublin Hospital) and Stokes Place office block (corner of St. Stephen's Green and Harcourt Street).

**Overbearing and visual dominance** – it is claimed that the proposed development would not result in an overbearing and visually dominant presence due to a combination of the use of high-quality materials, articulation of the facades, generous upper-level setbacks and considered building lines.

8.10.4. I would accept that the revisions to the scheme (FI 27/03/25) which reduced the height by 1.85m and the footprint of the building would improve its relationship with the Protected Structure and the built heritage assets in the vicinity of the site. I would also accept that the location is one where increased height and density could be achieved and that the removal of the non-original extensions would enhance the setting of the principal Protected Structure. However, I do not agree entirely with the analysis of the impact on Eastmoreland Lane or on the setting of the Protected Structure and the historic built environment.

8.10.5. It is acknowledged that as the lane is relatively narrow (compared with the wider streets in the vicinity), the extent of visibility is somewhat curtailed and the scale of the building from within the lane is difficult to fully appreciate. I would also accept the mitigating effects of lowering the ceiling heights, the stepping down of the building, the choice of materials and the revised separation distances on reducing the scale, mass and bulk of the PCC building and helping to integrate into the streetscape. However, the proposed building remains two full floors above the eaves of the Granite Building and a whole floor above the eaves of the adjoining historic building at No. 19 Haddington Road, which is to be retained and refurbished as part of the scheme, in order to enhance the character and setting of the protected structures in the vicinity and the adjoining conservation area. The juxtaposition of the building wedged between these two historic buildings, which contribute positively to the character of the lane and the area results in a visually obtrusive feature which is both dominant and at odds with the service lane character of Eastmoreland Lane. It is considered that the reduction in height by one floor would address this issue and allow the building to integrate more sensitively into the streetscape.

8.10.6. The Baggot Street Hospital (RPS 446) is an iconic building of great historic and cultural significance to the area. In the past, the curtilage of this building has been overwhelmed by the addition of a series of ad hoc buildings and extensions which have had a detrimental effect on its character and setting. I would therefore agree that the removal of these structures and their careful decoupling from the PS would significantly enhance the setting of the principal PS. However, it is considered that the replacement of these buildings with a new building which, because of its excessive height and scale, would also overwhelm the setting of the PS, and would thereby negate or dilute the enhancement efforts. It is considered that a reduction in height by one floor would help the new building to more successfully integrate into the curtilage of the protected structure and would allow the PS to remain the focus of its setting.

8.10.7. The views of the proposed building from further east along Haddington Road and from the north-western corner of Baggot Street Upper/Haddington Road are also problematic. The proposed 6-storey building, situated between the Victorian 3-storey No. 19 Haddington Road and the 3-storey landmark Victorian building on the corner (PTSB) would result in an overly dominant feature interrupting the gradual rise in

scale towards the village crossroads. It would therefore be a visually discordant feature in the streetscape which would detract from the coherence of the elegant lower density terrace on Haddington Road. The height and scale of the proposed building, when viewed from the north-western corner of the crossroads junction, would result in a structure which would have an overbearing presence and would overwhelm the landmark, ornate, redbrick Victorian (PTSB) building, which is a Protected Structure and terminates a terrace of 3-storey Victorian protected structures along Baggot Street Upper. It is considered, however, that a reduction in height by one floor would address these issues and help the building to integrate successfully into the streetscape, while respecting the character and setting of the Protected Structures and historic buildings in the vicinity.

- 8.10.8. I am not convinced that the precedents referenced in the grounds of appeal have any pertinent relevance to the current proposal as the context (as described above) is very different and each case must be decided on its own merits. The arguments regarding viability and impact on the efficient operation of the facility are noted. However, as suggested in the Area Planner's report, the fourth floor is mainly intended as office and welfare accommodation for staff, which could conceivably be accommodated within the Granite Building or elsewhere within the complex.
- 8.10.9. In conclusion, for the reasons outlined above, I agree with the Planning Authority's decision to attach condition 3(a) requiring the omission of the fourth floor and the redesign of the remaining floors to ensure that the setbacks at each level are symmetrically spaced and the rhythm of the elevations is maintained. I therefore recommend that **condition 3(a) is attached**.

**8.11. First party appeal against Condition 9 – Requirement for maintenance plan for Protected Structure RPS 446**

8.11.1. Condition 9 requires the following:

9. In accordance with the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended), in order to ensure that the Protected Structure does not become further endangered, the applicant shall submit to the Conservation Office for their written agreement, a maintenance plan and schedule of works for the Protected Structure to plan

necessary short, medium and long-term maintenance and repair programmes and to budget accordingly. The program of work shall be based on a thorough inspection of the Protected Structure and complex by a suitably qualified historic buildings expert, (RIAI Grade 1 or 2 Conservation Architect or equal). As set out by the Department of Housing, Local Government and Heritage, it is recommended that an architect with an expertise in the conservation of old buildings should be involved.

A series of illustrated booklets known as the 'Advice Series' was published by the Government in 2015 in an effort to guide owners and others responsible for historic structures on how best to repair and maintain their properties. The booklets cover the topic of maintenance, which shall be considered in the development of the maintenance plan and schedule.

The plan shall be checked and updated every year to identify and document changes and potential problems.

**Reason:** In order to protect the architectural character and setting of the Protected Structure at the former Baggot Street Hospital.

8.11.2. The first-party grounds of appeal are summarised at 7.3 above. There is also some overlap with my assessment of the issues raised in the third party appeals which have been addressed under sections 8.2 and 8.4.8-12 of my report above and I would refer An Coimisiún to those sections, to avoid undue repetition.

8.11.3. The background to this condition can be found in the planning authority reports, which have been summarised and discussed in some detail above. Essentially, due to the prolonged period of vacancy to date and the evidence of continued deterioration and urgent need for conservation repairs to the Protected Structure, the P.A. is concerned that by subdividing the site (permanently) and developing the current proposal for a new PCC on part of the curtilage, without first addressing the need for a new/future use and associated refurbishment of the hospital building, the risks of endangerment of the PS are significantly increased. The proposed solution is to require the owner to address the deterioration and commit to a schedule of future maintenance of the building, which at present is unspecified and would require agreement with the P.A. following a grant of permission for the PCC.

8.11.4. The first party's objection to this is primarily that this would place an unreasonable and unnecessary burden on the owner which is open-ended, unspecified and un-costed. Thus, the HSE could find itself in the difficult position of being responsible for maintenance on a building/site that is in separate ownership. The first party is concerned that this is likely to have the opposite effect to that intended as it could discourage a prospective purchaser from buying the property and that it could result in further delay and uncertainty, which would further endanger the protected structure.

8.11.5. It is further stated that the planning authority has other means at its disposal, in that the primary onus for the maintenance of a Protected Structure under Section 57 of the Planning and Development Act 2000 (as amended) is on the owner of the building and the planning authority has specific powers to require the owner to carry out any works that are deemed necessary in this regard. These powers are set out under Part IV and under Sections 57, 59 and 60 of the Act.

8.11.6. The grounds of appeal submit that the attachment of Condition 9 is *ultra vires* as it does not meet any of the six tests for planning conditions as set out in the Development Management guidelines and more recently in the OPR's Practice Advice Note (PN03) on Planning Conditions. These are

**Necessary** – a planning condition must be necessary and as the PS is outside of the redline boundary and the P.A. has alternative means at its disposal, Cond. 9 fails to meet this test.

**Relevant to planning** – as the requirements relate to lands outside the red line boundary and as the site is self-contained with no need to interact with the Protected Structure, it is argued that this condition is not relevant to planning.

**Relevant to the development** – as the protected structure is outside the red line boundary and the development is not dependent on the P.S., it is asserted that it is not relevant to the development.

**Enforceable** – it is argued that as the condition is open-ended and un-costed and would require ongoing monitoring for compliance, it is unenforceable.

**Precise** – It is considered that the condition is vague and imprecise and that it is not clear what the applicant would be required to do at this stage.

**Reasonable** – it is submitted that the condition would put a severe burden on the applicant to undertake unspecified and un-costed works which could discourage prospective purchasers. In addition, the applicant is likely to become responsible for undertaking works on lands that are no longer in their ownership.

- 8.11.7. I note that the OPR Practice Note (3.8) advises that Grampian conditions such as this should only be used sparingly and only where there is a realistic prospect of the action being performed within a reasonable timeframe. In addition, it is stated that conditions requiring development to be carried out on lands outside of the control of the applicant, prior to the commencement of development, or prior to the occupation of the development, cannot be complied with by the developer and so are not enforceable, and should not be imposed. As the proposed development is predicated on the subdivision of the site and as the P.S. has been put up for sale, there is a realistic chance that this scenario would arise in this case. I would agree therefore that Condition 9 would be unenforceable.
- 8.11.8. Although the objective of the condition seems reasonable and related to the development of the site, I would question whether it is directly related to the development and to the proper planning and sustainable development of the area. The subdivision of the site into separate ownerships would undoubtedly endanger the future of the Protected Structure, but this raises the question of whether the appropriate course of action would be to refuse permission on this basis. However, I tend to agree with the Area Planner's view that the proposal for a PCC at this location is reasonable and justified in policy terms and a refusal of permission would set the entire project back significantly.
- 8.11.9. Given that the P.A. has powers under other sections of the Act to compel the owner to carry out specific works to prevent further deterioration of the P.S. and to ensure its ongoing maintenance, I would agree that the condition is unreasonable and unnecessary. In addition, the wording of the condition, which requires the applicant to compile a schedule of maintenance works which are as yet unknown and could involve ongoing maintenance for years to come is vague and imprecise and would be extremely onerous. This would be an unreasonable requirement.

8.11.10. In conclusion, it is considered that Condition 9 would fail to meet the tests of the basic criteria for planning conditions and would be ultra vires. **Condition 9** should therefore be **omitted**.

## 9.0 AA Screening

9.1. See Appendix 2 of this report for Appropriate Assessment Screening Determination. 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 SAC (site code 000206) or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not therefore required.

9.2. This determination was based on:

- The nature and scale of the proposed works and the lack of impact mechanisms that could significantly affect a European site.
- The distance and lack of any potential pathway for effects between the site and any European sites.

No mitigation measures aimed at avoiding or reducing impacts on European sites were taken into account in reaching this conclusion.

## 10.0 Water Framework Directive Screening

10.1.1. The Water Framework Directive requires that the water quality in all surface and ground water bodies is protected and improved with the aim of achieving 'good status' by 2027 at the latest, and that new development does not compromise this requirement. I have carried out a Stage I Screening Assessment of the proposed development in terms of whether it is likely to compromise WFD objectives or cause a deterioration in the status of any waterbodies. (Refer to Appendix 3)

10.2. I conclude that on the basis of objective information, that the proposed development, subject to mitigation measures set out in the CEMP, the Infrastructure Design Report and the Site Specific Flood Risk Assessment Report, submitted by the applicant, 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 permission be **granted** for the reasons and considerations and subject to the conditions set out below.

## 12.0 Reasons and Considerations

12.1. In coming to its decision, An Coimisiún Pleanála had regard to:

- (a) The Revised National Planning Framework (2025)
- (b) The Regional Spatial and Economic Strategy for the Eastern and Midlands Region (2019-2031)
- (c) The Urban Development and Building Height Guidelines for Planning Authorities (2018)
- (d) The Dublin City Development Plan 2022-2028,
- (e) The highly accessible location of the site within an Urban Village close to the Central Area of the city, which is served by a high-quality public transport network,
- (f) The Protected Structure status of the Baggot Street Hospital (RPS 446), the proximity of the site to several Protected Structures and a Conservation Area and the townscape character and established pattern of development in the vicinity of the site,
- (g) The underutilised nature of the site and its previous planning history,
- (h) The Appropriate Assessment Screening Report,
- (i) The submissions and observations made in connection with the planning application and appeal, and
- (j) The report and recommendation of the Planning Inspector

12.2. It is considered that subject to compliance with the conditions set out below, the proposed development would provide for a Primary Health Care Facility which would result in a compact and sustainable form of urban development at a highly accessible location, would not seriously injure the visual or residential amenities of the area, would not adversely impact the character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the national and local policies for the area and would be in accordance with the proper planning and sustainable development of the area.

12.3. An Coimisiún Pleanála performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the Climate Action Plan 2024 and the Climate Action Plan 2025 and the relevant provisions of the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

### 13.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 27<sup>th</sup> day of March 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity</p>
2.	<p>The development hereby permitted is for a Primary Care Centre and ancillary pharmacy as set out in the plans and particulars submitted with</p>

	<p>the application, as revised and clarified by the Further Information submitted on the 27<sup>th</sup> day of March 2025 and with the planning appeal.</p> <p><b>Reason:</b> In the interest of clarity.</p>
3.	<p>The proposed development shall be amended as follows:</p> <p>(a) The fourth floor shall be omitted in its entirety, and the remaining floors shall be redesigned accordingly to ensure that the setbacks to each level are symmetrically spaced and that the rhythm of the elevations is maintained.</p> <p>(b) The fenestration proposed on the southern (rear) elevation facing the Granite Building and the proposed internal courtyard and on the western (side elevation) facing the rear of the properties fronting onto Baggot Street Upper, respectively, shall be redesigned to provides for a more robust suite of mitigation measures to prevent overlooking of these areas. The measures could include the omission of some windows, the reduction in size of some windows or the provision of opaque glass or fritting or louvres. The revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
4.	<p>As soon as may be subsequent to the decoupling/demolition process, the applicant/developer shall submit, for the written agreement of the planning authority, a revised design and structural details for the construction of the brick wall and the closing up of the openings of the brick returns of the Protected Structure in order to mitigate impacts detected after obtaining full access and investigation of the brick wall construction of the returns. Brick shall be used instead of blockwork and the bond pattern shall match the existing unless otherwise agreed with the planning authority. Pointing samples shall be prepared for the written agreement of the planning authority.</p>

	<p><b>Reason:</b> In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.</p>
5.	<p>Prior to the commencement of <u>Works to No. 19 Haddington Road</u>, the applicant/developer shall submit, for the written agreement of the planning authority, the following revised and/or additional details:</p> <ul style="list-style-type: none"> <li>(a) Ground floor plan – a revised ground floor layout showing the following <ul style="list-style-type: none"> <li>(i) retention of as much as possible of the existing wall between the front and rear rooms,</li> <li>(ii) the relocation of the Universally Accessible WC and GA Office so that they are parallel with and aligned behind the existing wall in the rear room,</li> <li>(iii) the formation of a new door opening between the WC and the front waiting room, and a window hatch between the GA office and the waiting room,</li> <li>(iv) the retention of the existing cornice in place.</li> </ul> </li> <li>(b) Roof plan – the retention of the existing 2 no. chimneys and capping stones on the gable and the central valley, the rainwater down pipes and the hopper heads. Natural slate Bangor Blue coverings and clay ridge tiles shall be used in the roofing works to match the original slate coverings. All roof work shall be executed by a contractor with expertise in the roofing of historic buildings.</li> <li>(c) Protection of historic fabric - Old historic features and fixtures shall be carefully protected against damage (particularly during the demolition works) and shall be retained and refurbished in accordance with best conservation practice. This includes historic joinery including original doors, architraves, windows, historic glass and window joinery, timber floorboards and structure, original plaster ceilings and cornices, external windows surrounds, the historic</li> </ul>

shopfront, and decorative brickwork piers, stone plinths, cills and cappings.

- (d) Historic timber sash windows – original windows shall be retained, repaired, draught-proofed and repainted. Slim Double glazing or laminated historic glass may be considered for the historic frames if required, where no historic glazing exists, or a secondary glazing system may be permissible, subject to agreement with the planning authority.
- (e) Front elevation decoupling - The decoupling of No.19 from the adjoining building shall be carefully executed to avoid any damage to the decorative brick and stone pier on the right-hand side of the single entrance door, which extends beyond the joint line between the brick facade of No.19 and the adjoining building. This is likely to necessitate the incorporation of the entirety of the party wall between the two buildings to ensure that the ground floor pier and stone dressings are retained in its entirety and in an authentic manner. A revised 1:50 proposed elevation and section of No.19 shall be submitted to include a margin of brickwork that will fully support the brick pier and stone dressings and may include quoins to match those on the corner of the building onto Eastmoreland lane.
- (f) Historic shopfront - the shopfront shall be sensitively restored in accordance with best conservation practice and Dublin City Council Shopfront Guidelines and shall include the careful removal of the existing vent in the glazed over a panel above the double entrance doors. The applicant shall investigate, through careful opening up, whether historic fascia board and signage survives behind the vertical timber boarding, and if it exists, this shall be incorporated into the proposal. The historic timber double and single doors to the shop front shall be retained, repaired and refurbished in accordance with best conservation practice.
- (g) Brickwork and stonework - Sound historic lime pointing shall be retained. New repairs shall match the existing pointing technique

	<p>and materials. Marked-up drawings shall be submitted to the planning authority when the building has been inspected at close quarters, indicating proposed repointing and repairs to brickwork, cornice, window surrounds, shopfront and other features.</p> <p>(h) Stone cleaning – Abrasive blasting techniques shall not be used to clean the stone dressings. A cleaning sample shall be prepared using a light-touch low pressure steam clean for the inspection and agreement of the planning authority.</p> <p>(i) Rainwater goods and drainage pipework – A revised drawing of pipework on the east elevation (Drawing No. 2119-PA-050/A 1:50 Elevations Sheet 1 and Drawing No. 2110-PA-051/A 1:50 Elevations Sheet 2) shall be submitted for the written agreement of the planning authority.</p> <p>(j) Waterproofing – The use of applied repellents shall be avoided. The building shall be properly repointed using a lime mortar and all sources of water ingress such as leaking downpipes or hopper heads shall be addressed.</p> <p><b>Reason:</b> In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.</p>
6.	<p>Prior to the commencement of development, the applicant/developer shall submit for the written agreement of the planning authority confirmation that:</p> <p>(a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation.</p> <p>(b) competent site supervision, project management and crafts personnel will be engaged, who are suitably qualified and experienced in conservation works.</p> <p>(c) the architectural detailing and materials shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.</p>

	<p>(d) All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011)</p> <p><b>Reason:</b> In the interest of the protection of architectural heritage.</p>
7.	<p>Details of the materials, colours and textures, including samples, of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
8.	<p>(a) No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment, unless authorised by a further grant of permission.</p> <p>(b) The flat roofs of the proposed structure shall not be used as an amenity terrace unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect existing residential and visual amenities.</p>
9.	<p>(a) The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment (UAIA) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA and/or UAIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, the latter to include, where applicable - geophysical survey, underwater/marine/intertidal survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts), building survey/ analysis, visual impact assessment.</p>

	<p>(b) The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA and/or UAIA.</p> <p>(c) Any further archaeological mitigation requirements specified by the Local Authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer.</p> <p>(d) The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.</p> <p><b>Reason:</b> To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.</p>
10.	<p>Prior to the commencement of development details of the proposed security measures and lighting for the Eastmoreland Lane elevation and for the proposed access lane between the development and the Granite Building shall be submitted for written agreement to the planning authority, and the agreed lighting and security measures shall be implemented prior to occupation of the development.</p> <p><b>Reason:</b> In the interests of visual amenity and public safety.</p>
11.	<p>(a) The loading bay shall be reserved for servicing and delivery purposes only and shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design</p>

	<p>Manual for Urban Roads and Streets (DMURS).</p> <p>(b) A minimum of 16 no. long term safe and secure bicycle parking spaces shall be provided within a dedicated facility of permanent construction, and a minimum of 12 no. visitor bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers, with electric charging points at accessible locations and changing and showering facilities at a convenient location. Details of the layout and marking demarcation of these spaces and the associated facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(c) Prior to the occupation of the development, a Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents/occupants/staff employed in the development. A Mobility Manager shall be appointed, and the development shall be carried out and operated in accordance with the provisions of the agreed Mobility Management Plan (MMP). The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first 5 years following first occupation and shall submit the results to the planning authority for consideration and placement on the public file.</p> <p><b>Reason:</b> In the interest of amenity, of traffic and pedestrian safety and of sustainable transportation.</p>
12.	<p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p><b>Reason:</b> In the interest of sustainable transport and safety.</p>
13.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste</p>

	<p>and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste facilities shall be maintained, and the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
14.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.</p> <p>(a) The drainage for the proposed development shall be designed on a completely separate foul and surface water system with a final connection discharging to the public foul sewer.</p> <p>(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system [or soakpits]</p> <p>(c) The development shall incorporate Sustainable Drainage Systems in the management of surface water.</p> <p>Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p><b>Reason:</b> In the interest of public health.</p>
15.	<p>The developer shall ensure that the development is served by adequate water supply and/or wastewater facilities and shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and wastewater collection network prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water/wastewater facilities.</p>
16.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along</p>

	<p>pedestrian routes through open spaces and shall take account of trees within the landscaping scheme. Such lighting shall be provided prior to the making available for occupation of the development.</p> <p><b>Reason:</b> In the interest of amenity and public safety.</p>
17.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
18.	<p>The areas of communal open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 27<sup>th</sup> day of March 2025. This work shall be completed before the Primary Care Centre is made available for occupation unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In order to ensure the satisfactory development of the communal open space areas, and their continued use for this purpose.</p>
19.	<p>A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. The schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of visual amenity.</p>
20.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <p>(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse</p>

	<p>(b) Location of areas for construction site offices and staff facilities</p> <p>(c) Details of site security fencing and hoardings</p> <p>(d) Details of on-site car parking facilities for site workers during the course of construction.</p> <p>(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.</p> <p>(f) Measures to obviate queuing of construction traffic on the adjoining road network.</p> <p>(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network</p> <p>(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works</p> <p>(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels</p> <p>(k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater</p> <p>(l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil</p> <p>(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>(n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety and environmental protection</p>
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21.	<p>Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p><b>Reason:</b> To safeguard the amenity of property in the vicinity.</p>
22.	<p>Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of reducing waste and encouraging recycling.</p>
23.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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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Mary Kennelly  
Senior Planning Inspector

25<sup>th</sup> September 2025

## Appendix 1 EIA Screening

### Form 1 - EIA Pre-Screening - No EIAR Submitted

<b>Case Reference</b>	ABP.322648.25
<b>Proposed Development Summary</b>	Demolition of buildings, refurbishment of 3-storey Victorian building and construction of a Primary Care Centre including an ancillary pharmacy, 3-6 storeys in height, provision of cycle parking spaces, loading bay, internal plant/waste storage areas, an ESB substation.
<b>Development Address</b>	Junction of Haddington Road and Eastmoreland Lane, incorporating the former Baggot Street Community Hospital (Protected Structure) and 19 Haddington Road and a flat-roofed structure fronting Haddington Road, Dublin 4.
<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>	State the Class here
<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</b>	

**road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?**

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<b>State the Class and state the relevant threshold</b>  Schedule 5, Part 2 -  Class 10(b)(iv) Urban Development where the mandatory thresholds are 2ha, 10ha or 20ha depending on location  The proposed development is for a Primary Health Care Centre in an Urban Village which could be described as a 'Business district, for which the threshold site size is 2ha. The site area for the proposed development is stated as 1.05ha. Thus, the proposed development is sub-threshold in respect of the site size.

**4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?**

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

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

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP.322648.25
<b>Proposed Development Summary</b>	Demolition of buildings, refurbishment of a Victorian 3-storey building and construction of a 3-6 storey building, provision of cycle parking spaces and construction of an ESB substation.
<b>Development Address</b>	Junction of Haddington Road and Eastmoreland Lane, Junction of Haddington Road and Eastmoreland Lane, incorporating the former Baggot Street Community Hospital (Protected Structure) and 19 Haddington Road and a flat-roofed structure fronting Haddington Road, Dublin 4
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></p> <p>(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>	<p><b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b></p> <p>The proposed development comprises the construction of a new building, 3-6 storeys in height, and the refurbishment of a 3-storey Victorian building, which would be integrated into the overall development. The proposed development would take place within the grounds of a former hospital complex which has lain vacant and disused for many years and is centred around an imposing Protected Structure (RPS446), which fronts onto Upper Baggot Street.</p> <p>The development necessitates the demolition of a large 3-storey building (1950s) which was formerly used as a health clinic serving the local community, and the demolition of non-original rear extensions, which would involve the decoupling of the non-original extensions from the rear returns of the Protected Structure. An ancillary structure within the grounds of the Protected Structure, 'the Granite Building', would be retained but would also remain outside of the red line boundary. It represents the development of an underutilised site within the grounds of a PS, in a built-up urban area (Urban village) and is located at the edge of the city centre, just outside the canal ring. The proposed development is not considered to be exceptional in the context of the built-up area.</p> <p>The construction phase will involve the demolition of several buildings on the site which will generate waste. However, the waste material will be re-used</p>

	<p>or recycled where possible and the waste to be transported off site will be minimised. Given the moderate size of the proposed development, it is considered that the level of waste generated would not be significant in the regional or national context.</p> <p>No significant waste, emissions or pollutants would be produced during the construction or operational phases of the development.</p> <p>The proposed development will involve site excavations for foundations. The application was accompanied by a Site-Specific Flood Risk Assessment. It is considered that the potential impacts are site-specific and would have a localised impact which can be addressed by standard mitigation measures.</p> <p>The proposed development would not pose a risk of major accident and/or disaster and is not vulnerable to climate change.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p><b>Briefly comment on the location of the development, having regard to the criteria listed</b></p> <p>The site is located in a built-up, serviced urban area and is not located within or adjoining any environmentally sensitive sites or protected sites of ecological importance. The site of the hospital complex, of which the site forms a part, is a Protected Structure, and there are several Protected Structures and Conservation Areas in the vicinity of the site.</p> <p>The site comprises the former Baggot Street Community Hospital and formerly known as the Royal City of Dublin Hospital, which is acknowledged as being of cultural importance to the local community and to the local area. Documents were submitted which assessed the heritage significance of the building(s) on site and the justification for demolition and concluded that the proposed development would not result in the loss of a building of significant cultural importance and that the artefacts of importance within the site will be retained in situ or stored and reused within the development.</p> <p>The closest European site is the South Dublin Bay SAC which is located c. 2km from the site. There are no hydrological or ecological connections between the subject site and this European site and there are no connections with any of the other European sites</p>

	in the vicinity of the site. As there is no potential pathway for effects, the conclusions of the Appropriate Assessment Screening in my report are that the proposed development would not be likely to have a significant effect on any European site. It is considered that there is no real likelihood of significant cumulative effects having regard to other existing and/or permitted projects in the area.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b>  Having regard to the nature and scale of the proposed development on an urban infill site, which is removed from any sensitive habitats/features, the likely limited magnitude and spatial extent of the effects, and the absence of in-combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the P&D Act 2000 (as amended).
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>

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

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

(only where Schedule 7A information or EIAR required)

## Appendix 2 Appropriate Assessment Screening

### Screening for Appropriate Assessment

#### Screening Determination – Test for likely significant effects

#### **Step 1. Description of the project and local site characteristics**

**Case file: ABP.322648-25**

#### **Brief Description of project**

Construction of Primary Care Centre incorporating refurbishment of Victorian building on site of former Baggot Street Community Hospital, Junction of Haddington Road and Eastmoreland Lane, Haddington Road, Dublin 4

#### ***Brief description of development site characteristics and potential impact mechanisms***

*I refer to Section 1.0 and 2.0 of this report above where the site location and proposed development are described.*

The proposed development involves the demolition of a 1950s, 3-storey hospital building and associated structures comprising rear extensions to the main hospital building (a Protected Structure), construction of a new 3-6 storey building to accommodate a new Primary Care Centre, the refurbishment of a 3-storey Victorian building which will be interlinked with the new building, the decoupling of the rear extensions from the rear returns of the Protected Structure, infilling of a basement area, provision of internal plant and waste storage areas and a substation, provision of cycle parking and a loading bay on Haddington Road.

#### **1. The appeal site**

The appeal site, part of the former Royal City of Dublin Hospital, with a site area of 1.05 hectares is a brownfield, site which is located within the urban village of Baggot Street Upper, to the south of the Grand Canal. The site is bounded on all sides by existing development comprising residential development to the north and northeast, commercial development to the north and along Baggot Street Upper and the remainder of the hospital site to the southeast, south and southwest.

The subject is fully located outside of any European sites and there are no European sites within the immediate surrounding area. The closest European site

to the proposed development is over 2 kilometers distant - South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA. All other European sites are greater than 5 km distant from the proposed development site.

The site comprises largely man-made structures and hard surfaces (BL3). There are several structures within the development site boundary, including the 3-storey brick and concrete hospital building, the Victorian No. 19 Haddington Road and a series of flat-roofed single-storey extensions to the rear of the main hospital building (Protected Structure). The main hospital building and the Granite Building are outside of the site boundary but within the overall hospital complex.

The habitats within the site do not conform to any habitats listed in Annex II of the Habitats Directive. The site is not suitable for foraging habitat for the designated overwintering waterbird species of the South Dublin Bay and River Tolka Estuary SPA or any other European sites. Thus, the site is not capable of supporting any Qualifying Interest of Special Conservation Interest species from any European sites on an ex-situ basis.

There are no waterbodies within or adjacent to the site. The closest watercourse to the site is the Grand Canal, which is situated approx. 50m to the north, and is separated from the site by a built-up environment. There is no potential for any surface waters to directly enter any watercourse and there is no hydrological connectivity between the subject site and the Grand Canal.

No evidence of bat activity or bat roosts were noted within the site, but bat foraging activity is likely along the Grand Canal. No bats which are on listed on Annex 2 of the EU's Habitats Directive were recorded on site.

## ***2. The Proposed Development***

The proposed development (as amended) will consist of the construction of a new 3-6 storey building for use as a Primary Care Centre and the refurbishment of No. 19 Haddington Road which will be incorporated into the development. The scheme will necessitate the demolition of all buildings within the site apart from No. 19 Haddington Road and will include the creation of pedestrian walkways and an internal courtyard together with public lighting, secure bicycle parking internally and at externally at surface level and a substation. Further details are provided in Section 2.0 above.

**Surface / Storm Water** – the existing surface water drainage in the area comprises of a 225mm diameter vitrified clay combined sewer located on Eastmoreland Lane and a 300mm vitrified clay combined sewer which runs along Baggot Street Upper to the south of the site. The proposed surface water drainage system will collect storm water runoff from the proposed development via a proposed new network and following attenuation, will be discharged to the 225mm combined sewer. Sustainable Urban Drainage Systems (SUDS) will be

incorporated to reduce runoff volumes and improve runoff water quality and include green roofs, permeable paving and filter drains leading to an attenuation storage system. Green blue roof technology would be incorporated into the development which will reduce the surface runoff from the roof while also improving the quality of water.

In accordance with the recommendations of the GDSDS, it is proposed to provide a multi-stage attenuation system aimed at providing storm storage facilities, enhance the quality of surface water runoff and to mirror greenfield run-off rates of existing catchments by restricting and maintaining the outflow. Given that the existing development site is predominantly composed of buildings and hard surfacing, these measures will result in a net improvement to surface water run-off characteristics. The planning authority decision included a condition (No. 11) which requires the drainage for the development be designed on a completely separate foul and surface water system with surface water discharging to the public sewer network.

**Foul Water Management** – the proposed development will discharge by gravity to the existing 225mm combined sewer which runs along the boundary with Eastmoreland Lane. This in turn ultimately discharges to the Ringsend Wastewater Treatment Plant. The Ringsend plant is licensed to discharge treated effluent by the EPA (licence number D0034-01) and is managed by Irish Water. A letter from Uisce Eireann is enclosed with the application (dated 08/12/22) confirming that capacity is available to serve the proposed development subject to the applicant entering into a connection agreement. The planning authority decision included a condition (11) which requires the drainage for the development to be designed on a completely separate foul and surface water system with surface water discharging to the public sewer network.

**Water Supply** - Water supply for the development will be via a mains supply. It is proposed to connect to the existing 100mm diameter watermain to the east of the site along Eastmoreland Lane. Uisce Eireann has confirmed the feasibility of this connection, based on a pre-connection enquiry that was submitted to Uisce Eireann to assess the capacity available in the network, subject to a valid connection agreement. The Uisce Eireann confirmation of feasibility letter (dated 8th December 2022) has been included with the application.

**Flood Risk** – A Flood Risk Assessment (FRA) was carried out for the proposed development. The site was assessed in accordance with the OPW Flood Risk Management Guidelines. The site is in Flood Zone C and is at a low risk of tidal, fluvial and groundwater flooding. It is noted that the model predicted that there was a risk that pluvial flooding could occur up to a depth of 0.2m. However, as the proposed development will be fitted with an attenuation system limiting storm-water run-off and on-site storage will be provided in the form of a blue roof and an attenuation tank, with controlled release of storm water, the risk was considered to

be within acceptable limits. There is no increased risk to any nearby properties or developable land as the runoff rate will be attenuated to greenfield runoff levels and the area is not at risk from pluvial flooding. Thus, the risk of downstream flooding will be mitigated and these measures were considered appropriate to mitigate any risk from pluvial flooding.

The FRA concludes that the flood risk mitigation measures, once fully implemented, are sufficient and that the proposed development is deemed appropriate and that a justification test is not required.

**Preliminary Construction Management Plan** – Details of the construction phase as well as environmental pollution control measures are presented in the Outline Construction Management Plan (Dec 2023) submitted with the application. It is submitted that this document will be reviewed and updated / revised as necessary throughout the construction phases. The Outline CEMP describes the proposed stages of work starting with pre-commencement activities, followed by enabling works, development of site compound, phased based construction, traffic management, civil activities and landscaping. Environmental control measures are provided with regard to noise, dust, light, litter (waste) and control measures to prevent impacts upon soils, ground water and surface water.

The submitted AA Screening information report does not identify specific consultations with prescribed bodies but does refer to a desktop review of published documents and information. There are no submissions received from any prescribed bodies recorded on the planning file that refer to matters in relation to AA.

### **3. Potential Impact Mechanisms**

The site is not within or adjoining any European sites and there is no hydrological connection with any European sites. There is no potential, therefore, for any direct impacts such as habitat loss or fragmentation, direct emissions or species mortality or disturbance.

However, potential indirect impacts could arise from the proposed development during both construction and operational phases.

#### **Construction Phase**

- Uncontrolled release of silt, sediments and/or other pollutants to air due to earthworks.
- Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies.

- Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.
- Waste generation during the Construction Phase comprising soils, construction and demolition wastes.
- Increased noise, dust and/or vibrations as a result of construction activity.
- Increased dust and air emissions from construction traffic.
- Increased lighting in the vicinity as a result of construction activity.

### ***Operational Phase***

- Surface water drainage from the Site of the Proposed Development.
- Foul water from the Proposed Development leading to increased loading on wastewater treatment plant.
- Increased lighting in the vicinity emitted from the Proposed Development; and
- Increased human presence in the vicinity as a result of the Proposed Development

## **Step 2. Identification of European sites using the source-pathway-receptor model**

The site is not within or adjoining any Natura 2000 sites. I do not consider that there is potential for any direct impacts such as habitat loss, direct emissions, or species mortality/disturbance. However, indirect effects could potentially arise from the proposed development during both construction and operational phases on sites within the Zone of Influence, provided that a Source-Pathway-Receptor link exists between the subject site and any European site.

A total of 19 European sites were examined in the AA Screening Report, which was based on the 15km threshold distance, as set out below.

European site	Qualifying Interests and Conservation Objectives	Distance from site	Ecological connections	Consider further in Screening Y/N
<b>Special Areas of Conservation</b>				
South Dublin Bay SAC (000210)	<p>Tidal mudflats and sandflats [1140] Annual vegetation of drift lines [1210] Salicornia Mud [1310] Embryonic sifting dunes [2110]</p> <p>Conservation objectives NPWS 2013 <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf</a></p> <p>Statutory Instrument No. 525/2019 (22/10/19) <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf</a></p>	2km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects	N
Malahide Estuary SAC (000205)	<p>Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p>	15km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects	N

	<p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Conservation objectives 27/05/13  <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000205.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000205.pdf</a></p> <p>SI No. 19 of 2019  <a href="https://www.irishstatutebook.ie/eli/2019/si/91/made/en">https://www.irishstatutebook.ie/eli/2019/si/91/made/en</a></p>			
Ireland's Eye SAC (002193)	<p>Perennial vegetation of stony banks [1220]  Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Conservation Objectives NPWS 27/01/17</p> <p>SI No. 501 of 2017</p>	14km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects	N
North Dublin Bay SAC (000206)	<p>Tidal mudflats and sandflats [1140]  Annual vegetation of drift lines [1220]  Salicornia Mud [1310]  Atlantic salt meadows [1330]  Mediterranean salt meadows [1410]  Embryonic sifting dunes [2110]  Marram dunes (white dunes) [2120]  Fixed dunes [2130]  Humid dune slacks [2190]</p>	5.5km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects	N

	<p>Petalworth [1395]</p> <p>Conservation Objectives 06/11/13  <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf</a></p> <p>SI No. 524/2019  <a href="https://www.irishstatutebook.ie/eli/2019/si/524/made/en">https://www.irishstatutebook.ie/eli/2019/si/524/made/en</a></p>			
Lambay Island SAC (000204)	<p>Reefs [1170]  Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]  Phocoena phocoena (Harbour Porpoise) [1351]  Halichoerus grypus (Grey Seal) [1364]  Phoca vitulina (Harbour Seal) [1365]</p> <p>Conservation Objectives NPWS 17/12/24  <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000204.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000204.pdf</a></p>	c.20km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects	N
Rockabill to Dalkey Island SAC (003000)	<p>Reefs [1170]  Phocoena phocoena (Harbour porpoise) [1351]</p> <p>Conservation objectives 07/05/2013  <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO003000.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO003000.pdf</a></p>	10km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other	N

	<p>SI no. 94/2019  <a href="https://www.irishstatutebook.ie/eli/2019/si/94/made/en">https://www.irishstatutebook.ie/eli/2019/si/94/made/en</a></p>		plans or projects	
Rogerstown Estuary SAC (000208)	<p>Estuaries [1130]  Mudflats and sandflats not covered by seawater at low tide [1140]  Salicornia and other annuals colonising mud and sand [1310]  Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]  Mediterranean salt meadows (Juncetalia maritimi) [1410]  Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]  Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Conservation Objectives NPWS 14/08/13  <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000208.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000208.pdf</a></p> <p>SI No. 286/2018  <a href="https://www.irishstatutebook.ie/eli/2018/si/286/made/en">https://www.irishstatutebook.ie/eli/2018/si/286/made/en</a></p>	16km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects	
Howth Head SAC [000202]	<p>Vegetated sea cliffs [1230]  European dry heath [4030]</p> <p>Conservation objectives (06/12/16)</p>	14km	No potential pathways for effects and therefore no likelihood of significant effects	N

	<p><a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000202.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000202.pdf</a></p> <p>Sl. No. 524/2021  <a href="https://www.irishstatutebook.ie/eli/2021/si/524/made/en/pdf">https://www.irishstatutebook.ie/eli/2021/si/524/made/en/pdf</a></p>		occurring from the proposed development alone or in combination with other plans or projects	
Baldoyle Bay SAC (000199)	<p>Mudflats and sandflats not covered by seawater at low tide [1140]  Salicornia and other annuals colonising mud and sand [1310]  Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]  Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Conservation Objectives 19/11/12  <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000199.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000199.pdf</a></p> <p>Sl. No. 472 of 2021  <a href="https://www.irishstatutebook.ie/eli/2021/si/472/made/en/pdf">https://www.irishstatutebook.ie/eli/2021/si/472/made/en/pdf</a></p>	12km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects	N

<p>Rye Water Valley/ Carton SAC (001398)</p>	<p>Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p> <p>Conservation Objectives (22/12/21) <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001398.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001398.pdf</a></p> <p>SI. No. 494/2018 <a href="https://www.irishstatutebook.ie/eli/2018/si/494/made/en">https://www.irishstatutebook.ie/eli/2018/si/494/made/en</a></p>	<p>18km</p>	<p>No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects</p>	<p>N</p>
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**Special Protection Areas**

<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p>	<p>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]</p>	<p>2km</p>	<p>No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects</p>	<p>N</p>
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	<p>Roseate Tern (<i>Sterna dougallii</i>) [A192]  Common Tern (<i>Sterna hirundo</i>) [A193]  Arctic Tern (<i>Sterna paradisaea</i>) [A194]  Wetland and Waterbirds [A999]</p> <p>Conservation Objectives (09/03/15)  <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf</a></p> <p>SI No. 212/2010  <a href="https://www.irishstatutebook.ie/2010/en/si/0212.html">https://www.irishstatutebook.ie/2010/en/si/0212.html</a></p>			
North Bull Island SPA (004006)	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]  Shelduck (<i>Tadorna tadorna</i>) [A048]  Teal (<i>Anas crecca</i>) [A052]  Pintail (<i>Anas acuta</i>) [A054]  Oystercatcher (<i>Haematopus ostralegus</i>) [A130]  Golden Plover (<i>Pluvialis apricaria</i>) [A140]  Grey Plover (<i>Pluvialis squatarola</i>) [A141]  Knot (<i>Calidris canutus</i>) [A143]  Sanderling (<i>Calidris alba</i>) [A144]  Dunlin (<i>Calidris alpina</i>) [A149]  Black-tailed Godwit (<i>Limosa limosa</i>) [A156]  Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p>	5.5km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects	N

	<p>Curlew (<i>Numenius arquata</i>) [A160]  Redshank (<i>Tringa totanus</i>) [A162]  Turnstone (<i>Arenaria interpres</i>) [A169]  Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]  Shoveler (<i>Spatula clypeata</i>) [A857]  Wetland and Waterbirds [A999]</p> <p>Conservation Objectives (09/03/15)  <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004006.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004006.pdf</a></p> <p>SI No. 211/2010  <a href="https://www.irishstatutebook.ie/2010/en/si/0211.html">https://www.irishstatutebook.ie/2010/en/si/0211.html</a></p>			
Northwest Irish Sea SPA (004236)	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]  Great Northern Diver (<i>Gavia immer</i>) [A003]  Fulmar (<i>Fulmarus glacialis</i>) [A009]  Manx Shearwater (<i>Puffinus puffinus</i>) [A013]  Cormorant (<i>Phalacrocorax carbo</i>) [A017]  Shag (<i>Phalacrocorax aristotelis</i>) [A018]  Common Scoter (<i>Melanitta nigra</i>) [A065]  Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]  Common Gull (<i>Larus canus</i>) [A182]</p>	7km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects	N

	<p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]  Herring Gull (<i>Larus argentatus</i>) [A184]  Great Black-backed Gull (<i>Larus marinus</i>) [A187]  Kittiwake (<i>Rissa tridactyla</i>) [A188]  Roseate Tern (<i>Sterna dougallii</i>) [A192]  Common Tern (<i>Sterna hirundo</i>) [A193]  Arctic Tern (<i>Sterna paradisaea</i>) [A194]  Guillemot (<i>Uria aalge</i>) [A199]  Razorbill (<i>Alca torda</i>) [A200]  Puffin (<i>Fratercula arctica</i>) [A204]  Little Gull (<i>Hydrocoloeus minutus</i>) [A862]  Little Tern (<i>Sternula albifrons</i>) [A885]</p> <p>Conservation Objectives NPWS (19/09/23)  <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004236.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004236.pdf</a></p>			
<p>Malahide Estuary SPA (004025)</p>	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]  Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]  Shelduck (<i>Tadorna tadorna</i>) [A048]  Pintail (<i>Anas acuta</i>) [A054]  Goldeneye (<i>Bucephala clangula</i>) [A067]</p>	<p>15km</p>	<p>No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other</p>	<p>N</p>

	<p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]  Oystercatcher (<i>Haematopus ostralegus</i>) [A130]  Golden Plover (<i>Pluvialis apricaria</i>) [A140]  Grey Plover (<i>Pluvialis squatarola</i>) [A141]  Knot (<i>Calidris canutus</i>) [A143]  Dunlin (<i>Calidris alpina</i>) [A149]  Black-tailed Godwit (<i>Limosa limosa</i>) [A156]  Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]  Redshank (<i>Tringa totanus</i>) [A162]  Wetland and Waterbirds [A999]</p> <p>Conservation Objectives NPWS 16/08/13  <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004025.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004025.pdf</a></p> <p>SI No. 285/2011  <a href="https://www.irishstatutebook.ie/2011/en/si/0285.html">https://www.irishstatutebook.ie/2011/en/si/0285.html</a></p>		plans or projects	
Dalkey Islands SPA (004172)	<p>Roseate Tern (<i>Sterna dougallii</i>) [A192]  Common Tern (<i>Sterna hirundo</i>) [A193]  Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Conservation objectives NPWS (29/10/24)</p>	13km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in	N

	<p><a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004172.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004172.pdf</a></p> <p>SI No. 238/2010 <a href="https://www.irishstatutebook.ie/2010/en/si/0238.html">https://www.irishstatutebook.ie/2010/en/si/0238.html</a></p>		combination with other plans or projects	
Rockabill SPA (004014)	<p>Purple Sandpiper (<i>Calidris maritima</i>) [A148] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Conservation Objectives NPWS 08/05/13 <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004014.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004014.pdf</a></p> <p>SI No. 94/2012 <a href="https://www.irishstatutebook.ie/eli/2012/si/94/made/en">https://www.irishstatutebook.ie/eli/2012/si/94/made/en</a></p>	13km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects	N
Baldoyle Bay SPA (004016)	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p>	12km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects	N

	<p>Bar-tailed Godwit (Limosa lapponica) [A157] Wetland and Waterbirds [A999]</p> <p>Conservation objectives NPWS (27/02/13) <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004016.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004016.pdf</a></p> <p>SI No. 275/2010 <a href="https://www.irishstatutebook.ie/2010/en/si/0275.html">https://www.irishstatutebook.ie/2010/en/si/0275.html</a></p>			
Howth Head Coast SPA (004113)	<p>Kittiwake (Rissa tridactyla) [A188]</p> <p>Conservation Objectives NPWS 29/10/24 <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004113.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004113.pdf</a></p> <p>SI No. 185/2012 <a href="https://www.irishstatutebook.ie/2012/en/si/0185.html">https://www.irishstatutebook.ie/2012/en/si/0185.html</a></p>	13km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects	N
Ireland's Eye SPA (004117)	<p>Cormorant (Phalacrocorax carbo) [A017] Herring Gull (Larus argentatus) [A184] Kittiwake (Rissa tridactyla) [A188] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200]</p>	14km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination	N

	<p>Conservation Objectives NPWS 12/11/24  <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004117.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004117.pdf</a></p> <p>SI No. 240/2010  <a href="https://www.irishstatutebook.ie/2010/en/si/0240.html">https://www.irishstatutebook.ie/2010/en/si/0240.html</a></p>		with other plans or projects	
Rogerstown Estuary SPA (004015)	<p>Greylag Goose (<i>Anser anser</i>) [A043]  Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]  Shelduck (<i>Tadorna tadorna</i>) [A048]  Oystercatcher (<i>Haematopus ostralegus</i>) [A130]  Ringed Plover (<i>Charadrius hiaticula</i>) [A137]  Grey Plover (<i>Pluvialis squatarola</i>) [A141]  Knot (<i>Calidris canutus</i>) [A143]  Dunlin (<i>Calidris alpina</i>) [A149]  Black-tailed Godwit (<i>Limosa limosa</i>) [A156]  Redshank (<i>Tringa totanus</i>) [A162]  Shoveler (<i>Spatula clypeata</i>) [A857]  Wetland and Waterbirds [A999]</p> <p>Conservation Objectives NPWS 20/05/13  <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004117.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004117.pdf</a></p>	16km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects	N

	<a href="#">sites/conservation objectives/CO004015.pdf</a>  SI No. 271/2010 <a href="https://www.irishstatutebook.ie/2010/en/si/0271.html">https://www.irishstatutebook.ie/2010/en/si/0271.html</a>			
Lambay Island SPA (004069)	Fulmar ( <i>Fulmarus glacialis</i> ) [A009] Cormorant ( <i>Phalacrocorax carbo</i> ) [A017] Shag ( <i>Phalacrocorax aristotelis</i> ) [A018] Greylag Goose ( <i>Anser anser</i> ) [A043] Lesser Black-backed Gull ( <i>Larus fuscus</i> ) [A183] Herring Gull ( <i>Larus argentatus</i> ) [A184] Kittiwake ( <i>Rissa tridactyla</i> ) [A188] Guillemot ( <i>Uria aalge</i> ) [A199] Razorbill ( <i>Alca torda</i> ) [A200] Puffin ( <i>Fratercula arctica</i> ) [A204]  Conservation Objectives NPWS <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004069.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004069.pdf</a>  SI No. 242/2010 <a href="https://www.irishstatutebook.ie/2010/en/si/0242.html">https://www.irishstatutebook.ie/2010/en/si/0242.html</a>	20km	No potential pathways for effects and therefore no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects	N

**Step 3 Conclude if the proposed development could result in likely significant effects on a European site**

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on European sites. No further assessment is required for the project.

No mitigation measures are required to come to these conclusions

**Screening Determination**

**Finding of no significant effects**

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 SAC or the South Dublin Bay and River Tolka Estuary SPA, or any other European site, in view of the Conservation Objectives of those sites and Appropriate Assessment (and submission of an NIS) is not therefore required.

This determination is based on:

- Scientific information provided in the Screening Report
- The scale of the development on fully serviced lands
- The distance from and lack of any connections to the European sites
- No ex-situ impacts on wintering birds

No direct or indirect impacts arising from the proposed development alone or in combination with other plans/projects are likely to arise due to the considerable distance from any European site and the lack of an ecological link between the site of the proposed development and any European site.

No mitigation measures aimed at avoiding or reducing impacts on European site were required to be considered in reaching this conclusion.

### Appendix 3 Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	322648-25	Townland, address	Junction Haddington Road and Eastmoreland Lane, Haddington Road, Dublin4
Description of project		Demolition of hospital building and associated buildings, refurbishment of Victorian building and construction of a purpose-built Primary Care Centre building with a height of 3-6 storeys, with cycle parking, a loading bay and a substation. The proposed development will discharge wastewater to the public sewer which runs along Eastmoreland Lane adjoining the site to the east and will discharge surface water following a multi-stage attenuation to the public combined sewer on the lane.	
Brief site description, relevant to WFD Screening,		The site (1.05ha) is a brownfield site located on Haddington Road, at the edge of the city centre, c 50m from the Grand Canal. It is located within an Urban Village which is based on the neighbourhood centre at Baggot Street Upper. The site is surrounded by existing development to the east, west and south. The levels on the site are generally flat with slight falls from approx. 11.98mOD along the south-western edge of the site to 8.97mOD towards the north-eastern boundary. It is comprised of man-made surfaces	

	and buildings. There are no surface water features within the site, the closest watercourse being the Grand Canal, c.50m to the north.
Proposed surface water details	Surface water drainage in the area comprises of a 225mm diameter vitrified clay combined sewer located on Eastmoreland Lane to the east of the site. The proposed surface water drainage system will collect storm water runoff from the proposed development via a new internal network system and runoff from hard standing areas will be collected via collectors. Sustainable Urban Drainage Systems (SUDS) will be incorporated to reduce runoff volumes and improve runoff water quality and include green roofs and permeable paving with an underground attenuation storage system. Green blue roof technology will be incorporated into the development which will reduce the surface runoff from the roof while also improving the quality of water. Surface water will be discharged from the site following attenuation at greenfield rates to the 225mm public combined sewer.
Proposed water supply source & available capacity	Uisce Eireann mains water connection. Letter from Uisce Eireann confirming available capacity.
Proposed wastewater treatment system & available capacity, other issues	Wastewater will be discharged from the proposed development by gravity to the existing 225mm combined sewer which runs along the site's eastern boundary with Eastmoreland Lane. This in turn ultimately discharges to the Ringsend Wastewater Treatment Plant. The Ringsend plant is licensed to discharge

	treated effluent by the EPA (licence number D0034-01) and is managed by Irish Water. A letter from Uisce Eireann is enclosed with the application (dated 01/12/23) confirming that capacity is available to serve the proposed development subject to the applicant entering into a connection agreement.
Others?	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g. at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	1km	River Dodder_050 IE_EA_09D01 0900	Moderate	At risk	Urban wastewater Urban run-off	Yes - Hydrological connection to waterbody via public surface water sewer which discharges to the River Dodder  Screened in
Transitional	2km	Lower Liffey Estuary IE_EA__090_0 300	Moderate	At risk	Urban Wastewater Nutrients	Yes – Hydrological link via wastewater sewer - discharges to Ringsend WWTP  Screened in

Transitional	2km	Tolka Estuary IE_EA_090_02 00	Poor	At Risk	Urban Wastewater Nutrients	Yes – Hydrological connection via wastewater sewers which discharge to Ringsend WWTP  Screened <b>in</b>
Coastal Waters	2km	Dublin Bay Coastal WB IE_EA_090_00 00	Good	Not At risk	Not identified	Yes – Hydrological connection via wastewater sewers which discharge to Ringsend WWTP  Screened <b>in</b>
Groundwater body	Underlying site	Dublin GW Body IE_EA_G-008	Good	Under Review	Not identified	Yes – drainage to groundwater – Screened <b>in</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.**

**CONSTRUCTION PHASE**

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Site clearance, Demolition and Construction	River Dodder _050 IE_EA_09D01 0900	Surface water discharged to watercourse via public surface water sewer	Sedimentation, Siltation due to earthworks, vegetation clearance, demolition. Hydrocarbon spillages/leaks from machinery, plant	Standard construction practice CEMP & SUDS which will reduce run-off volumes and improve run-off water quality	No – Mitigation measures will protect water quality and reduce run-off volumes.	Screened out

2.	Site clearance, demolition, construction	Dublin groundwater Body IE_EA_G_008	Drainage to ground water as it underlies the site	Sedimentation, Siltation due to earthworks, vegetation clearance, soil/subsoil stripping and stockpiling. Hydrocarbon spillages/leaks from machinery, plant	Standard construction practice CEMP  Infrastructure Report states that discharge of groundwater to public drainage network may be permitted during the construction stage	No – Mitigation measures will protect water quality and minimise recharge volumes.	Screened <b>out</b>
<b>OPERATIONAL PHASE</b>							
1.	Surface water run-off	River Dodder _050 IE_EA_09D01 0900	Surface water discharged to watercourse via public surface water sewer	Deterioration in water quality from pollution of surface water run-off	Discharges to surface water sewer and ultimately to the watercourse will be controlled by SUDS and green-blue roofs and other standard mitigation measures set out in the	No – Proposed mitigation measures will protect water quality.	Screened <b>out</b>

					infrastructure reports which will ensure that water quality is protected.		
2.	Wastewater discharge	Lower Liffey Estuary IE_EA_090_03 00	Wastewater from proposed development will be discharged to the 225mm public sewer to the east of the site, which in turn discharges to the Ringsend WWTP at Dublin Bay via the Lower Liffey Estuary	Uisce Eireann has confirmed that there is available capacity within the Ringsend WWTP and there is a planned upgrade underway. The proposed connection is deemed acceptable without upgrades.	The Annual Environmental Report for Ringsend WWTP 2023 stated that the WWTP, which discharges to the River Liffey, was non-compliant with emission limit values for BOD, COD, TSS, Total P and Total N due to overloading. It is stated at 2.1.3.1 (Ambient Monitoring summary for the Treatment Plant discharge...)' that the primary discharge from the WWTP	No - No mitigation required	Screened <b>out</b>

					does not have an observable negative impact on the Water Framework Directive status in the Liffey Estuary. No mitigation required.		
3.	Wastewater discharge	Tolka Estuary IE_EA_090_02 00	Wastewater from proposed development will be discharged to the 225mm public sewer to the east of the site, which in turn discharges to the Ringsend WWTP at Dublin Bay	Uisce Eireann has confirmed that there is available capacity within the Ringsend WWTP and there is a planned upgrade underway. The proposed connection is deemed acceptable	The Annual Environmental Report for Ringsend WWTP 2023 stated that the WWTP, which discharges to the River Liffey, was non-compliant with emission limit values for BOD, COD, TSS, Tota P and Total N due to overloading. It is stated at 2.1.3.1 (Ambient Monitoring summary for the Treatment Plant	No - no mitigation required	Screened <b>out</b>

				without upgrades.	discharge...’ that the primary discharge from the WWTP does not have an observable negative impact on the Water Framework Directive status in the Liffey Estuary. No mitigation required.		
4.	Wastewater discharge	Dublin Bay Coastal waterbody IE_EA_090_00 00	Wastewater from proposed development will be discharged to the 225mm public sewer to the east of the site, which in turn discharges to the Ringsend WWTP at Dublin Bay	Uisce Eireann has confirmed that there is available capacity within the Ringsend WWTP and there is a planned upgrade underway. The proposed connection is deemed	The Annual Environmental Report for Ringsend WWTP 2023 stated that the WWTP, which discharges to the River Liffey, was non-compliant with emission limit values for BOD, COD, TSS, Tota P and Total N due to overloading. It is stated at 2.1.3.1	No - No mitigation required.	Screened <b>out</b>

				acceptable without upgrades.	(Ambient Monitoring summary for the Treatment Plant discharge...' that the primary discharge from the WWTP does not have an observable negative impact on the Water Framework Directive status in the Liffey Estuary. No mitigation required.		
3.	Groundwater discharge	Dublin groundwater body IE_EA_G_008	Seepage to groundwater which underlies site	Reduction in groundwater quality	Standard mitigation measures including attenuation on site will protect water quality and minimise recharge volumes	No - quality and volume of groundwater will be protected by proposed mitigation measures.	Screened <b>out</b>