



An
Coimisiún
Pleanála

Inspector's Report ACP-323095-25

Development	Construction of 6 houses and all associated site works. The planning application is accompanied by a Natura Impact Statement.
Location	Site to the rear of No. 67 and 69 Merrion Road, Dublin 4, D04 RD40
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB2691/24
Applicant(s)	James and Harry Simpson
Type of Application	Planning permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	Patricia V. Harrington and Mary Lewis Embassy of India
Observer(s)	Valentine Irwin Thomas Noel Walsh and Laura Viani
Date of Site Inspection	17 th December 2025
Inspector	Sarah O'Mahony

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1.0 Site Location and Description

- 1.1. The 0.1255ha site is situated at the southside of Dublin city centre in the Donnybrook-Sandymount area. The site comprises the rear open space of a dwelling at no. 69 Merrion Road however the rectangular site also spans across to the rear of the open space associated with the adjacent semi-detached no. 67. It is situated southeast of these dwellings which form one pair in a long row of similar semi-detached, three-storey, Victorian, red-brick dwellings.
- 1.2. No. 69, which houses the Embassy of India, and its open space and curtilage do not form part of the site which is fully separated from the site with a boundary wall at the northeast of the site. The southeast boundary of the site is situated adjacent to the private open space of no.71.
- 1.3. There is a laneway situated at the north of the site and between nos. 67 and 65 which provides access to Wanderer's Rugby Club sportsgrounds from Merrion Road, the R118, at the east. It also provides access to the rear of some of the aforementioned dwellings. The car parking area for the sportsgrounds is situated directly adjacent the southwest boundary of the site.
- 1.4. There is a right of way over the laneway to provide access to the side and rear of no.67 and the subject site via a pedestrian gate facing the laneway at the northwest and a vehicular gate facing the carpark at the southwest, both of which appear to be disused.
- 1.5. The site is finished with fruit trees and long grass.

2.0 Proposed Development

- 2.1. Planning permission is sought for development which comprises the following:
 - Sub-division of the rear garden of No. 67 Merrion Road and formation of a new vehicular access onto the adjoining lane, the relocation of an existing pedestrian access gate along the northern boundary of No. 67 Merrion Road and the closure of existing vehicular gates and infill of the existing stone boundary wall to the rear of No. 67 Merrion Road (on a like-for-like basis)
 - 6 no. houses, comprising:

- 2-storey, semi-detached pair of one 2-bedroom house and one 3-bedroom house with north-east and south -west facing terraces / balconies at first floor level respectively.
- 3-storey terrace of 4 no. 4-bedroom houses with south-west facing terraces / balconies at first floor level and south- / south-west facing terraces at second floor level.
- Private amenity space at each unit in the form of rear gardens and roof terraces / balconies.
- Integral bin stores and one car parking space (6 no. spaces in total) will be provided to each unit.
- 5 no. Sheffield bicycle stands are provided (to the front of Unit 1 and Units 3-6). Unit 2 benefits from an integral bicycle storage space.
- The development includes for all associated site works including:
 - Hard- and soft landscaping
 - SuDS measures, an attenuation tank and final discharge to the existing combined sewer.
 - Connection to the existing combined sewer to discharge wastewater.
 - Connection to the existing water mains for potable water.

2.2. The planning application is accompanied by the following documentation:

- Natura Impact Statement.
- Engineering Services Report
- Outline Construction and Environmental Management Plan
- Site Specific Flood Risk Assessment
- Traffic and Transport Statement
- Landscape Report
- Daylight Impact Assessment
- Daylight Performance Assessment

- Part V proposals including a letter from Dublin City Council confirming agreement with the proposal to transfer 1no. on-site unit.
- Planning Statement
- Design Report

3.0 Planning Authority Decision

3.1. Further Information

3.1.1. The Planning Authority requested 3no. items of further information summarised as follows:

- Layout concerns regarding density, open space, scale and height, and how this affects both proposed occupants as well as adjacent properties. A reduction in the height of the terrace units was sought in the revised proposals as well as consideration to omitting 2no. units which may include nos. 2 & 3. The applicant was advised that providing high-level windows only in bedrooms was unacceptable.
- Revisit the Daylight Assessment and ensure compliance with appendix 15 of the CDP, in particular section 5.1, table 1 and 2. All living/dining/kitchen rooms should have a target illuminance of 200lux.
- Transport and access matters including clarification of 24hr vehicular/cyclist/pedestrian access including changes to the existing gates and limiting the width of the new access to 4m in accordance with appendix 5 of the CDP. Provide further detail on the service and delivery arrangements for the site including autotrack drawings and clarity on the extent to which the adjoining sports grounds would be utilised including consent for same. Review the potential conflict between vehicles, pedestrian and cyclists exiting the site and vehicular movements along the laneway as there is no visibility between oncoming traffic and users existing the site including provision of a footpath as previously permitted under ref. 2257/20. And lastly, submit revised cycle parking arrangements ensuring 1no. space caters to an adaptable/cargo bike, ensuring resident parking is sheltered and secure and reference made to Chapter 6 of the NTA Cycle Design Manual.

3.1.2. The applicant's response included:

- A letter of consent from the adjacent sports club.
- Revised architectural drawings omitting unit no. 2. Unit no. 1 was revised to comprise a single and two storey structure, where the single storey element is situated along the common boundary adjoining no. 69 Merrion Road. The layout of the terrace of remaining units was also flipped in a mirror image which improves the relationship between proposed units and adjoining properties by reducing overlooking.
- Revised Daylight Impact Assessment and Daylight Performance Assessment which accounted for the above changes to the layout and which demonstrated compliance with the required targets.
- Revised access drawings including swept path analysis and proposed road layout. A 4m wide access would not permit turning movements and therefore a 5.5m wide access is proposed. The existing gates to the laneway serving the sportsgrounds are now proposed to be removed to ensure unimpeded access to the site. A footpath proposed to be situated alongside the laneway, as previously permitted under a new clubhouse development for the sportsgrounds, was replicated on the site layout drawings. A crossing point is also proposed. With regard to service vehicles it is put forward that the same refuse collection operator which serves the sportsgrounds would also serve the proposed development and therefore it would utilise the sportsgrounds for turning as it currently does. There is sufficient turning space within the site for smaller delivery vehicles such as large vans and small trucks. Turning movements are also demonstrated for fire tenders.

3.2. Decision

3.2.1. Dublin City Council issued a notification to grant permission on 23rd June 2025 subject to 16no. conditions including the following:

7. The flat roof over the living/dining/kitchen and utility room in Unit 1 shall not be used as an amenity terrace or balcony.

Reason: To protect existing amenities.

9. The developer shall comply with the following conditions from the Transportation Planning Division:

(a) Prior to commencement of the development, the applicant/developer shall submit revised vehicular/pedestrian entrance plans for written agreement of the planning authority. Adequate sightlines, in line with the Design Manual for Urban Roads and Streets 2019, from the entrance to the access lane shall be demonstrated. Set back of the building line and boundary wall should be considered. Vehicular access shall be a maximum 5m in width.

....

(c) The existing gate on the access lane shall be permanently removed prior to occupation of the development.

....

Reason: In the interest of proper planning and sustainable development.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- There are two case planner's reports, one recommending further information and the latter assessing it.
- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) issues were screened out.
- The report noted the lack of proposed public open space but given the proximity of the site to Herbert Park and Sandymount Strand as well as the scale of the development, it considered that a condition requiring a contribution in lieu of public open space was not necessary.
- It initially considered the density and height of the design, together with the location of the site to the rear of existing dwellings to be inappropriate but that a smaller scale of development may be acceptable. Following receipt of the further information response, the revised proposal was deemed to be acceptable and it was considered that the proposed development would accord with the zoning objective of the site.

3.3.2. Other Technical Reports

- Engineering Department: Report received stating no objection subject to standard conditions regarding surface water management.
- Transportation Planning Division: 2no. reports received, the first recommending further information and the latter stating no objection subject to specified conditions including a requirement to demonstrate sightlines in accordance with the requirements of DMURS from the new vehicular entrance. The report and condition states that a set back of the building line and boundary wall should be considered in this regard.

3.4. Prescribed Bodies

3.4.1. The application was referred to the following who did not submit observations/reports.

- Iarnród Éireann
- Uisce Éireann
- National Transport Authority

3.5. Third Party Observations

3.5.1. 9no. observations were received from the following:

1. Embassy of India
2. Valentine Irwin
3. Pamela Selby and Gerard Reid
4. Ronan and Paula Traynor
5. Thomas N Walsh and Laura G Viani
6. Ben and Alex Wood
7. Patricia V Harrington and Mary Lewis
8. Seamus and Marina Doherty
9. Michael and Jane Collins

3.5.2. The observations raised the following issues:

- Design is fundamentally the same as previous proposal but has not addressed those reasons for refusal.
- Scale, height and density of proposal represent overdevelopment out of character with Z2 zoning and existing development. A smaller scaled development may be more appropriate.
- Creation of third building line will set a precedent for future backland development.
- Visual impact to conservation area and setting and character of nos. 67, 69 and 71. Poor screening/ lack of landscaping. Overbearing design.
- Overlooking, overshadowing, inadequate separation distances and setbacks all leading to impact on adjoining residential amenity.
- Lack of, or poor quality, private open space. Loss of open space at no. 67 due to subdivision of site.
- Traffic impact due to insufficient car parking and lack of facilities for pedestrians or cyclists on existing busy laneway and public road.
- Security, privacy and operational impacts to Indian Embassy. Impacts to the ambience and aesthetics of the rear garden of the embassy complex which hosts events. Impacts to the view, obstruction of ventilation and overshadowing to embassy.
- Lack of compliance with CDP, particularly sections 14.7.2 (Z2 zoning), 15.4.2 (architectural design quality), 15.5.5 (density) and 15.13.4 (backland development).

4.0 Planning History

4.1. The following relates to the subject site:

- 3354/23, ABP-317234-23: Planning permission sought for 6 no. terraced houses with vehicular access off shared laneway. Permission was refused by the Local Authority. This decision was appealed by the first party and An Bord Pleanála subsequently refused permission for the following reasons:

1. The proposed development by way of its site layout, design, height and scale would have a seriously negative impact on the residential amenity of a residential conservation area and its neighbouring properties and would, therefore, be contrary to the Dublin City Development Plan 2022- 2028, the Z2 zoning objective for the area and section 15.5.2 which refers to Infill Development and section 15.13.4 which refers to backland housing. The proposal, due to its lack of separation between the proposed units and the neighbouring properties would be overbearing and would seriously injure the residential amenity of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The private open space provision for the proposed units within this development is considered to be insufficient falling well below the minimum required open space for units of this size. The poor level of private open space would not be in keeping with the Dublin City Council Development Plan, would result in poor levels of residential amenity and if approved would set an undesirable precedent for future such developments.

4.2. There is extensive planning history on the wider urban area including at the adjacent sportsgrounds. The following is considered relevant:

- Ref. 3886/24, ABP-320780-24: Planning permission sought for demolition of the existing clubhouse building and ancillary structures and the construction of a new 2 storey clubhouse building comprising changing rooms, 2 no. referee rooms, treatment room, kit and store rooms, multi-purpose room, bar, kitchen, storage and toilets at ground floor level, and gymnasium, changing rooms, physiotherapy suite, bar/lounge, kitchen, offices, storage, toilets, staff accommodation and recessed plant room at first floor level, installation of solar PV panels on roof at Wanderer's Football Club, 65A Merrion Road, Ballsbridge, Dublin 4. A notification of decision to grant permission was issued by the Dublin City Council. The applicant appealed the financial contribution condition which An Bord Pleanála attached unchanged.
- 2257/20: Planning permission granted for (a) The demolition of the existing clubhouse building and ancillary structures; (b) The construction of a new 2 storey clubhouse building comprising 6 no. changing rooms, 2 no. referee rooms, treatment

room, kit and store rooms, multi-purpose room, bar, kitchen, storage and toilets at ground floor level, and gymnasium, changing rooms, physiotherapy suite, bar/lounge, kitchen, offices, storage, toilets, staff accommodation and plant room at first floor level; (c) Alterations to existing car parking provision on site reducing spaces by 10 no. from 197 no. to 187 no. (inclusive of 9 no. disabled spaces); (d) The provision of cycle stands for 48 no. bicycles, 7 no. motorcycle parking spaces and 2 no. coach parking spaces; (e) The construction of a single storey ESB substation and switchroom building and a bin store enclosure along the eastern boundary; (f) Installation of signage on the southern elevation of the new clubhouse building; and (g) Associated site development and external works including paving and landscaping, improvements to the access to the site from Merrion Road - resurfacing, the provision of a footpath and security gates, replacement of existing lights to access and parking areas, foul and surface water drainage including a subterranean attenuation tank and the provision of two enclosed areas for the storage of ground maintenance equipment, one in the northern corner and one in the south east corner of the site at 65a, Merrion Road, Ballsbridge, Dublin 4.

- 3188/13: Planning permission granted for change of use of the existing semi-detached three storey property from mixed commercial and multi-occupancy residential use to embassy office use with caretaker mews accommodation and driveway in a landscaped rear garden setting with works to the existing building to include the demolition of previously approved commercial (3458/80) and apartment extensions (3013/82), the internal restoration, refurbishment and extension of the original dwelling with an internal accessibility lift and a glazed link to pavilion style single storey rear garden extension accommodating an open plan embassy library/work space over a basement with secure storage and plant rooms at no. 69 Merrion Road.

- 2337/04: Planning permission granted for development consisting of detached dormer mews for use as a family flat and replace existing garage structure within the rear garden. The accommodation shall comprise 1 bedroom, bathroom, living room, kitchen and study in a dormer structure with basement level storage room, new vehicular entrance to side access road, all within rear garden of no. 65 Merrion Road.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2022-2028 (referred to hereafter as the CDP). The site is zoned Z2 Residential Neighbourhoods (Conservation Areas) which has the following objective:

“To protect and/or improve the amenities of residential conservation areas.”

- 5.1.2. The objective goes on to state:

‘Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. A Zone Z2 area may also be open space located within or surrounded by an Architectural Conservation Area and/or a group of protected structures. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. Chapters 11: Built Heritage and Archaeology, and Chapter 15: Development Standards, detail the policies and objectives for residential conservation areas and standards, respectively. Volume 4 of this plan contains the Record of Protected Structures.

The principal land-use encouraged in residential conservation areas is housing but can include a limited range of other uses. In considering other uses, the guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area.’

- 5.1.3. Chapter 11 refers to Built Heritage and Archaeology and section 11.5.3 expands on the conservation aspect of the Z2 zoning. It states:

‘Whilst these areas do not have a statutory basis in the same manner as protected structures or ACAs, they are recognised as areas that have

conservation merit and importance and warrant protection through zoning and policy application.

.....

all of these areas require special care in terms of development proposals. The City Council will encourage development which enhances the setting and character of Conservation Areas.'

5.1.4. The closest protected structures comprise a row of dwellings south of the site with a separation distance of c.110m to the structure and 50m to its curtilage.

5.1.5. The site is situated in the Outer Suburbs as per the description of the city as set out in Chapter 4.

5.1.6. Policy QSHN6 refers to Urban Consolidation as follows:

To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

5.1.7. Policy QSHN10 seeks to promote residential density at suitable densities in accordance with the Core Strategy, particularly on vacant and/or underutilised sites, while objective QHSNO4 seeks to support the ongoing densification of the suburbs.

5.1.8. Chapter 15 sets out development management standards for a range of topics including open space, car parking, aspect and separation distances. Section 15.5.2 refers to infill development specifically as '*lands between or to the rear of existing buildings capable of being redeveloped i.e. gap sites within existing areas of established urban form*'. It sets out a list of criteria which infill development must meet.

5.1.9. Section 15.8.6 refers to public open space and states: '*All residential development is required to provide for public open space. The public open space requirement for residential developments shall be 10% of the overall site area as public open space.*' Section 15.8.7 however refers to financial contributions in lieu of open space and provides for scenarios where it is not feasible '*due to site constraints or other factors*' to locate public open space on the site however it goes on to state that '*Financial*

contributions in lieu of public open space will only be applicable in schemes of 9 or more units.'

- 5.1.10. Section 15.13.4 refers to backland development as '*development of land that lies to the rear of an existing property or building line.*' As is the case with infill development, a list of criteria is also set out which must be met. It also states however that the Local Authority '*may permit relaxation of some standards to promote densification and urban consolidation in specific areas. The applicant must demonstrate high quality urban design and a comprehensive understanding of the site and the specific constraints to justify the proposal.*'
- 5.1.11. Appendix 3 of the Plan sets out a framework for achieving higher densities as well as taller buildings in the plan area.

5.2. Section 28 Guidelines: Sustainable Residential Development and Compact Settlement Guidelines, 2024

- 5.2.1. The guidelines, hereafter referred to as the Compact Settlement Guidelines, set out a context to create higher density settlements to underpin sustainable development principles. Specific Planning Policy Requirements (SPPRs) are set out including SPPR 1 which refers to minimum standards for separation distances between residential units and opposing windows in habitable rooms, SPPR 2 regarding private open space for houses, SPPR 3 provides for car parking rates while SPPR 4 provides for cycle parking and storage.

5.3. Natural Heritage Designations

- 5.3.1. The site is situated 850m west of South Dublin Bay Special Area of Conservation and proposed Natural Heritage Area as well as South Dublin Bay and River Tolka Estuary Special Protection Area.

5.4. EIA Screening

- 5.4.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered

that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. 2no. third party appeals were received from:

1. The Embassy of India, and
2. Patricia V Harrington and Mary Lewis

6.1.2. The following matters were raised in the appeals which both object to the development:

- The proposed development is largely similar to a previous proposal which was refused permission by the Local Authority and An Bord Pleanála. The Local Authority's decision to grant permission in this case failed to reference previous findings including impacts to existing development. The new design is insufficient to address the previous refusal reasons. Proposing the same scale and mass again does not justify granting permission. Permission should be refused for the same reasons.
- Negative impact to the Embassy complex in terms of impacting the ambience and aesthetics of the rear garden area which hosts important events. It would be impossible to host such events if the development were permitted. Overlooking would impact security and privacy of the embassy.
- Negative impact on neighbouring residential amenity and embassy complex due overlooking, overbearing design and lack of separation distance/setbacks, impact to ventilation, blocked views, reduction in natural light and increased shadowing, impact on privacy.
- Proposed design is out of character with the area which comprises detached units. It represents overdevelopment of a small suburban rear garden with inappropriate setbacks from party walls. Overall scale, mass and orientation results

in a failure to comply with Z2 zoning requirements regarding residential amenity and character of the Victorian built heritage in the conservation area.

6.2. Applicant Response

Procedural

- Specific sections of the Planning Statement submitted with the original application are highlighted regarding the site context, relevant policy and addressing the previous reasons for refusal as well as the further information response.
- Third party concerns were noted and taken on board in the further information request.

Development should be refused as substantially similar to previous refusal

- Neither appeal acknowledges the significant design changes undertaken in response to the further information request including omitting a unit and reconfiguring the row of terraced dwellings which mitigates against overlooking. This represents a significant and material change to the previous scheme. The further information response was not deemed significant by the Planning Authority and therefore the third-party appellants appear to be unaware of the further information stage changes. The concept that the development is the same as the previous refused proposal is misinformed and misconceived.
- 3D modelling is provided to illustrate the differences between both proposals.

Separation Distances and Residential Amenity

- The Case Planner's report noted the further information stage changes and considered them to be acceptable, creating a higher level of residential amenity for both the adjacent properties and future occupants of the site. The response states '*It is evident that the Planning Authority considered the changes proposed to the scheme are adequate to address all associated residential amenity impacts*'. Further, the revised proposal complies with SSPR 1 of the Compact Settlement Guidelines.
- The requirements of those guidelines regarding separation distances are also highlighted in the appeal where the guidelines state 'There shall be no minimum separation distances at ground level or the front of houses, duplex units and

apartment units in statutory development plans and planning applications shall be determined on a case by case basis to prevent undue loss of privacy’.

- The layout of the single storey caretaker’s unit at the rear of no. 69 at the Embassy of India (EoI) property, adjoining the eastern boundary of the site is described and highlights the lack of windows overlooking the subject site and the internal lightwell enclosed at the rear. There is a separation distance of 4-6.75m from first floor elevations to the caretaker’s unit or 10.5m from first floor windows. When regard is had to the depth of the caretaker’s unit there is an adequate separation distance in place to uphold residential amenity.
- The proposed development has a separation distance of 50m from the rear elevation of no. 71 Merrion Road, the adjacent property to the south and southeast. There is a very short interface between this site and the subject site. Given this interface, the depth of private open space to the rear of no. 71 and the 50m separation distance, the appeal suggests that the potential for adverse residential amenity impacts is extremely limited and localised to the very end of the garden along the interface only. Such areas at the rear of long gardens are typically less intensively used for recreational purposes. The orientation and layout of the proposed development, with no windows facing no. 71, would facilitate future development at the rear of no. 71 if sought.

Height, Overlooking and Privacy

- The revised arrangement screens all views from the second-floor terrace towards the rear and away from no. 69 and 71. First floor windows have been directed with views towards nos. 67 and 69, therefore eliminating any overlooking to no. 71 from the terrace. No overlooking will be afforded to the Caretaker’s unit from the terrace due to the lack of windows on the southern elevation and the screened nature of the lightwell. The single first floor window on the eastern elevation of the revised proposed unit no. 1 will have a separation distance of 10.5m to the boundary with no. 29 and 24.5m from the boundary of no. 71. and is therefore *‘more than adequate to prevent significant adverse residential amenity impacts by reason of overlooking and associated loss of privacy/security to neighbours’*. The Planning Authority considered this revised arrangement to be acceptable.

Daylight

- The further information stage report titled 'Daylight Impact Assessment' concluded that all 18no. existing windows assessed achieved 100% conformity with the BRE Guidelines for vertical sky component and therefore reasonable levels of skylight would remain available to neighbouring properties. An assessment was carried out for annual probable sunlight hours (APSH) and also APSH during winter months specifically. It concluded that all 18 windows, set out into 14no. zones, both met and exceeded the advisory minimums with the development in place and therefore it concluded that a reasonable level of both annual and winter sunlight would remain available to all these rooms. The appeal also notes how the report assessed sunlight in neighbouring amenity spaces and the results demonstrated that all outdoor areas assessed in the study would receive levels of solar access exceeding advisory minimum standards. It also noted that the rear amenity area of no. 71 would experience a 1% reduction.
- It is submitted that the applicant has adequately demonstrated that the predicted impacts on daylight/sunlight levels available to neighbouring properties would be negligible. Accordingly, it is submitted that the unsubstantiated grounds of appeal is unwarranted.

Conservation Character/Z2 Zoning

- The preceding sections of the appeal demonstrated how the development would not impact residential amenity.
- This development is not a typical mews layout with access obtained from the rear. This site benefits from a dual frontage.
- The principle of subdivision complies with policies QSHN6, QSHN10 which refer to urban consolidation, urban density and densification of suburbs respectively. SPPR 1, SPPR 2 and SPPR 3 of the compact settlement guidelines are all complied with.
- The principle of development is supported in the previous APB Inspectors Report.
- The site does not demand a pastiche design and the high quality modern/contemporary design provides an appropriate juxtaposition with the older buildings that would complement the character and appearance of the conservation area. Public views of the site are limited due to its backland location and presence of

mature vegetation in the area. Therefore impacts to the character of the area and the visual amenities of the conservation area is extremely limited. The site is adequately removed, both physically and visually, from the nearby Victorian houses to allow its own identity and complementary character to be established complementing the design of the permitted clubhouse which has a visual connection to the site.

- The appeal states that the 6no. units represent overdevelopment but fail to acknowledge the reduction to 5no. units. No reasoned justification is provided as to why the development represents intense overdevelopment which can be a subjective issue. Planning tools such as density, plot ration and site coverage standards are applicable and a table and narrative is provided outlining how the development complies with these standards. It is submitted that none of the resultant metrics/development standards would suggest that the development represents intense overdevelopment.
- References are made to a nearby permitted scheme with similar metrics/density and height etc which was deemed acceptable by An Bord Pleanála. Ref. 3462/21, ABP 312617-22 applies. The appeal also highlights how increased separation distances are proposed in this case.
- The scale, massing and layout of the proposed development is responsive to the appeal site's backland setting and has been sensitively designed to protect and preserve the amenities of adjoining residential properties and that of the area in general. As such the proposal is consistent with the site's Z2 zoning objective.

6.3. Planning Authority Response

6.3.1. Request to uphold the decision and in the event of a grant of permission, that the following conditions are applied:

- Section 48 development contributions,
- Payment of a bond (for unspecified requirements),
- A social housing condition, and
- Naming and numbering.

6.4. Observations

6.4.1. 2no. third party observations were received from

1. Valentine Irwin and
2. Thomas Noel Walsh and Laura Viani

6.4.2. The observations raise the following matters:

- The development is substantially the same as the previous refusal and therefore the refusal reasons still apply.
- Traffic impacts including matters regarding existing sightlines blocked by trees, no right turn and insufficient width on the lane for a footpath. References are made to three specific incidents of traffic accidents in the area.
- Backland development should not permit a third line of development or impact residential amenity. The proposed development would impact views from existing buildings. The scale of the development does not comply with other backland development requirements to meet a higher quality architectural amenity and would set a precedent. A nearby development of 9no. terraced dwellings to the rear of no. 122 Merrion Road has different circumstances and is therefore not comparable.

7.0 Assessment

7.1. Introduction

7.1.1. The Z2 zoning objective seeks to protect and/or improve the amenities of residential conservation areas and this is expanded later where the associated text states *The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.* It goes on to state that *the principal land-use encouraged in residential conservation areas is housing.*

7.1.2. The backland site is situated in the outer suburbs and policies such as SC8, QSHN6 and QSHN10 all seek to promote compact settlements and further intensify the density of the city while Objective QHSNO4 also supports this.

7.1.3. In this context I consider the principle of development is acceptable.

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

- Design and Layout
- Conservation Area
- Traffic

7.2. Design and Layout

7.2.1. I note suggestions that the proposed development is the same as a previous proposal on the site which was refused permission. The appeals and observations contend that permission should be refused again on the same basis due to negative residential amenity impacts as a result of a lack of separation distances between the proposed units and neighbouring properties which was considered overbearing. The applicant has responded to this matter and suggests the layout and design of the proposed development, particularly following a revised proposal at further information stage which removed a unit, means the development is inherently different and therefore the previous refusal reasons no longer apply.

7.2.2. Every planning application is assessed on its own merits and I therefore intend to assess the impact of the current proposal for its potential to impact residential amenity as well as the built heritage and character of the area. The outcome of that assessment will inform any final recommendation and I therefore do not agree with the approach of refusing permission simply due to similarities, or otherwise, with a previous scheme.

7.2.3. Section 15.13.4 of the CDP defines backland development as 'development of land that lies to the rear of an existing property or building line.' No definition is provided for infill development, however having regard to the open nature of the adjacent land to the north and west of the site, I consider backland is a more representative description and classification of the site.

7.2.4. I note commentary in the submissions suggesting that backland development should not be permitted in this location as it would comprise a third line of development. Section 15.13.4 sets out criteria for backland developments to consider as follows in bold text:

Compliance with relevant residential design standards in relation to unit size, room size, private open space etc.

7.2.5. All internal and external residential design standards are met. Sufficient private open space is provided for in each unit as well as storage, car and bicycle parking, integrated bin storage and appropriate windows providing a view from habitable rooms.

Provision of adequate separation distances to ensure privacy is maintained and overlooking is minimised.

7.2.6. The topic of separation distances is raised in the appeals and observations with an emphasis on the proximity of the proposed structures to party boundary walls and separately the matter of overlooking and overshadowing is raised.

7.2.7. On the matter of separation distances, there are no development management standards in the CDP requiring a set back at ground floor from existing party walls. Any works to a party wall may require third party consent which is a civil matter. In this regard, and aside from overlooking and overshadowing, I am satisfied that the principle of locating a new structure adjacent to or in close proximity to a shared property boundary is acceptable, subject to detailed design. I am not of the view that permission should be refused simply due to the principle of a lack of setback from the boundary wall.

7.2.8. I note that the closest proposed dwelling to existing dwellings, the detached unit no.1, is situated 20m from the rear elevations of the row of Victorian terraces forming the setting of the Conservation Area. I also note that the Caretaker's Unit situated at the rear of no. 69, the EoI property, is a ground floor unit with no windows above ground floor. I am therefore satisfied there will be no overlooking to directly opposing windows already in existence as satisfactory separation distances exist in accordance with SPPR 1 of the Compact Settlement Guidelines.

7.2.9. With regard to overlooking to private open space, the Compact Settlement Guidelines do not require any minimum separation distance from windows above

ground floor. This reflects the well-established back to back housing arrangement in the state where most areas of private open space are overlooked from multiple directions.

- 7.2.10. In the case of the proposed development, overlooking to adjacent private open space has been considered and I note that second-floor windows (situated in the terrace of 4no. units only) are situated on the northwest elevation towards each unit's private terrace or in the case of the northernmost unit towards the laneway and carpark of the sportsgrounds. The second-floor terraces themselves only permit views southwest towards the sportsgrounds. There is no second floor in the detached unit no. 1. I also note the Planning Authority attached a condition limiting the use of the flat roof in no. 1 to ensure it is not used as a balcony or terrace and I agree with this provision in order to uphold residential amenity. There is sufficient open space provided at ground level to serve this unit.
- 7.2.11. First floor windows and balconies/terraces in the terrace of 4no. units are orientated mainly to the southwest however each unit has a corner window on the front elevation on the northern corner which overlooks the shared vehicular circulation area or laneway. These corner windows are situated 9m from the rear boundary of the Eol property, no. 69. I note however that the caretaker's unit at the rear of no. 69 is a single storey structure situated immediately adjacent to the boundary wall. In this regard, the actual relevant separation distance to private open space located to the front of the caretaker's unit is 16m from the first floor windows in the terraced units.
- 7.2.12. There is also one first floor window in the detached proposed unit no. 1 which faces southeast towards the private open space in no. 69. This window is situated 10.5m from the party boundary.
- 7.2.13. I note concerns set out in the appeal regarding overlooking and its impacts to both security and amenity of no. 69. It is not clear why overlooking from these new units to the rear open space would lead to a security risk compared to the scale of overlooking already afforded from the adjacent properties. Having regard to the urban character of the site's location, the lack of direct overlooking to internal spaces, and the degree of overlooking afforded to the rear open space of that property, I consider the layout to be acceptable and do not agree that it would impact the amenity or security of the space.

7.2.14. I also note concerns in the appeals regarding overlooking and the associated impact to amenity at no. 71 as well as the applicant's response which highlights the length of that private open space, the location of the development at the farthest end of the long garden from the rear elevation of no. 71, and the extent of overlooking afforded to it with separation distances of 27m from the only window facing that open space. In this context I do not consider it likely that the proposed development would negatively impact residential amenity of that private open space.

That safe and secure access for car parking and service and maintenance vehicles is provided.

7.2.15. The proposed development provides 1no. car parking space to the front of each dwelling.

The scale, form and massing of the existing properties and interrelationship with the proposed backland development.

7.2.16. The proposed development comprises a two-storey detached structure and a terrace of 4no. two and three storey structures all of which are lower than the existing Victorian dwellings. Separation distances are already set out above and I note images of 3D models accurately depict the relationship between the proposed and existing structures. I note that the layout provides a graduated scale of height while the design also breaks down the massing of each structure.

7.2.17. I also note how family homes are provided with onsite car parking and private open space for each unit, in a high-density urban location but at a scale appropriate, in my view, to the site and its sensitive character.

7.2.18. The crenelated and stacked form of the terrace and the flat roof finish of both it and the detached unit are departures from the Victorian dwellings at the east. In my view however the contemporary design together with the two and three storey scale is acceptable and would not detract from the setting of the conservation area. Nor would it detract from the residential amenity of the area as it would not impinge upon sensitive views or block views from existing dwellings to such a degree as to negatively impact the amenity of the occupants within.

7.2.19. Quantitative standards such as density, site coverage and plot ratio all relate to the scale of a development also and I note that some appeals suggest that overdevelopment would occur. I disagree however having regard to the requirement

to maximise the density of serviced urban sites, particularly those serviced by good quality public transport such as the subject site, balanced against the need to respect and protect the character and setting of the conservation area.

7.2.20. In this regard I note that the proposed layout results in a density of 40 units dph while Appendix 3 of the CDP recommends a density of 60-120 dph for the outer suburbs. In this regard the proposed density is below the recommended range and therefore does not represent overdevelopment.

7.2.21. I therefore conclude that in my view the scale, massing and form of the development is unlikely to negatively impact the setting, ambience and aesthetics of adjoining and neighbouring properties.

The impacts on the either the amenity of the existing properties in terms of daylight, sunlight, visual impact etc. or on the amenity obtained with the unit itself.

7.2.22. The appeals suggest that the overbearing design, layout and scale of the proposed development would result in negative impacts related to the above environmental fields of light and visual amenity. They also reference an impact to ventilation and views from existing buildings.

7.2.23. With regard to daylight, sunlight and overshadowing both in terms of internal amenity for proposed occupants, as well as impacts to adjacent properties, I note the applicant's expert reports in this matter which conclude that all windows and amenity spaces assessed meet the relevant standards set out in the BRE guidelines. I accept and agree with the conclusions set out therein and do not consider it likely that the proposed development would negatively impact adjoining property in terms of daylight, overshadowing and internal light levels etc due to the location of the development set back from existing buildings, the scale of the development adjacent to existing private amenity spaces and the orientation of both existing windows and open spaces in relation to the proposed built forms.

7.2.24. With regard to ventilation as raised in the appeal from no. 69, the EoI, I consider the layout, scale and form of the proposed buildings will not result in any negative impact to ventilation to existing properties. The proposed development will be situated adjacent the southwest boundary of no. 69 only and while this is the direction of Ireland's prevailing wind, I consider the scale of the proposed structures, together

with their layout and proximity to the adjacent sites, as well as the extent of remaining open space on the adjacent properties means ventilation of existing properties and buildings will not be affected by the proposed development.

- 7.2.25. In terms of visual amenity and impacts to views from existing buildings, I note the appeals and observations suggest there would be an impact to internal amenity due to a loss of views from existing windows as well as impacts to external amenity spaces due to similar visual impacts.
- 7.2.26. Having regard to the scale of the development, its separation distance from existing windows and the semi-open nature of the backland area, I do not agree that views from windows would be impacted to such a degree as to impact internal amenity. This is also the case for views from external amenity areas as the location of the development set back from all but two rear open spaces, means all other open spaces have direct views to adjacent open spaces, retaining that open character. With regard to the two adjacent properties specifically, I note how the development adjoins a portion, and a minority portion at that, of the adjoining open spaces. Uninterrupted views are still achievable to both sides of no. 69 and in the case of no. 71 the majority of views from that open space would be unimpeded.
- 7.2.27. I further consider that as the two, and partially three storey structures are sufficiently set back from that area of common boundaries, any negative impacts would be minor in nature and reflect the urban character of the area.

The materials and finishes proposed with regard to existing character of the area.

- 7.2.28. A contemporary design and suite of materials and finishes is proposed including buff coloured brick, metal standing seam cladding, timber louvres, aluminium framed windows, galvanised steel balustrades and opaque glass privacy screens. This is a departure from the red brick and pitched roof historic dwellings with their nap render rear elevation and timber sash windows. In my view however the departure does not represent a negative impact and I consider the contemporary design to be acceptable and appropriate for the site, clearly illustrating the different ages and eras of development, essentially maintaining the legibility of the backland area.

A proposed backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.

7.2.29. This standard is met for the relationship between the original Victorian dwellings. The proposed development would be situated within 15m of the Caretaker's unit in no. 69. When regard is had to the layout of that unit however which does not have any windows facing the subject site or any rear or side open space due to its relationship with the main embassy building and subsequent lack of independence as a unit by itself, I consider the shortfall in this standard is acceptable due to the lack of impacts such as overlooking or overshadowing etc and I do not consider it to be material.

A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.

7.2.30. As noted previously, there is sufficient depths provided in each relevant rear garden to uphold residential amenity. The subject site will be subdivided in order to accommodate the proposed development however it will still retain a rear private open space of over 300m² for no. 67 which is more than sufficient to serve the amenity requirements of it.

7.2.31. I note no public open space is proposed on the site and that the applicant refers to a financial contribution in lieu of the 10% required for Z2 lands as provided for in Section 15.8.7 of the CDP. Having regard to the urban location of the site, the small scale of the development and the proximity of the site to public open spaces such as the Donnybrook greenway and Herbert Park, I consider the Planning Authority's approach not requiring the contribution is acceptable.

7.3. Conservation Area

7.3.1. The appeals and observations suggest that the proposed development is out of character with the conservation area relating to the terrace of Victorian dwellings. As noted previously, there are no protected structures adjacent to the site and the closest protected structures comprises a row of dwellings 110m south of the site.

- 7.3.2. I have previously set out my opinion that I consider the scale and massing of the development is acceptable and also discussed the contemporary design and finishes which I consider also to be acceptable. I acknowledge that the overall layout and design of the proposed development is a departure from the established pattern of development, however in my view that departure is not likely to negatively impact the character of the area.
- 7.3.3. The Victorian dwellings retain dominance due to the larger size, detached or semi-detached nature and streetside location. The compact scale of the proposed 5no. dwellings on the backland site will not, in my view, detract from the historic setting of the older dwellings and general built heritage of the area. I also consider there is a sufficient set back between the site and the closest protected structures to negate any negative impacts.

7.4. **Traffic**

- 7.4.1. I note concerns set out in the observations regarding traffic impacts, insufficient sightlines, no right turn, insufficient width on the lane for a footpath and references to previous incidents.
- 7.4.2. The applicant submitted a Traffic and Transport Assessment which concludes with the following statement:
- “the proposed development shall provide an appropriate quantum of car parking, and that the internal road layout of the proposed development is fit for purpose and in compliance with the Design Manual for Urban Roads and Streets.”*
- 7.4.3. Two reports were received from the Transport Department, one seeking further information and the latter outlining no objection subject to conditions.
- 7.4.4. I note the permitted clubhouse in the adjacent sportsgrounds includes a proposal to provide a footpath on the lane. I also note the site is well serviced by public transport and is situated in an area of medium to high level of service.
- 7.4.5. Having regard to the scale of the development with 5 no. car parking spaces serving 5no. units, as well as the proximity of the site to good quality public transport, I

consider the proposed development is not likely to result in a traffic hazard for motorists or vulnerable road users alike.

8.0 Appropriate Assessment

8.1. Appropriate Assessment Conclusion: Integrity Test

- 8.1.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA and North West Irish Sea SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.
- 8.1.2. Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA and North West Irish Sea SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.
- 8.1.3. My conclusion is based on the following:
- Detailed assessment of construction and operational impacts.
 - The proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition for and qualifying interests.
 - Effectiveness of mitigation measures proposed.
 - Application of planning conditions to ensure mitigation measures are adopted and enacted.

9.0 WFD Screening

9.1. Introduction

- 9.1.1. The subject site is located in an urban area 800m east of the River Dodder and 850m west of Dublin Bay.

- 9.1.2. The proposed development seeks to construct 5no. dwellings and connect to all existing public water services.
- 9.1.3. No water deterioration concerns were raised in the planning appeal.
- 9.1.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 9.1.5. The reason for this conclusion is as follows:
- The urban infill nature and modest scale of the works.
 - The location of the site removed from any waterbodies and lack of any hydrological connectivity.
 - Proposed connection to public water services.

9.2. Conclusion

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

10.0 Recommendation

I recommend that planning permission is granted in accordance with the conditions set out below.

11.0 Reasons and Considerations

Having regard to the location of the existing residential site within the built up area of Dublin city on zoned and serviced lands, the provisions of Dublin City Development

Plan 2022-2028, the established pattern of residential development in the Z2 Conservation Area and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be appropriate in terms of design, scale and layout, would not result in the creation of a traffic hazard and would not seriously injure the amenities of neighbouring properties in the area or the character of the conservation area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 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 27th day of May 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.</p> <p>Reason: To protect the integrity of European Sites.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings including boundaries shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>

4.	<p>The flat roof over the kitchen/living/dining area of unit no. 1 shall not be used as private amenity space including as a terrace or balcony.</p> <p>Reason: To protect existing amenities.</p>
5.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
6.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
7.	<p>(a) The vehicular and pedestrian access and internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).</p> <p>(b) The existing access gate on the lane shall be removed permanently prior to occupation of the first unit.</p> <p>(c) Prior to the commencement of development, details of the layout, all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>

8.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
9.	<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>Reason: In the interests of visual and [residential] amenity.</p>
10.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot</p>

	<p>be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
11.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>
12.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
13.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this</p>

	<p>regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
14.	<p>All car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transportation.</p>
15.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
16.	<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</p>

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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Sarah O'Mahony
Planning Inspector

11th March 2026

Appendix 1: Environmental Impact Assessment

Form 1 - EIA Pre-Screening

Case Reference	323095-25
Proposed Development Summary	Construction of 6no. infill dwellings to the rear of existing dwelling including subdivision of site and creation of new accesses.
Development Address	Site to the rear of No. 67 and 69 Merrion Road, Dublin 4, D04 RD40.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<p>Class 10 (b)(i) Construction of more than 500 dwelling units. Threshold = 500 units. Proposal = 6 units</p> <p>Class 10 (b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Threshold = 10ha Proposal = 0.1255ha</p>

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

Form 2 - EIA Preliminary Examination

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</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>The urban site is serviced and its size is not exceptional in the context of the prevailing plot size in the area.</p> <p>A short-term construction phase would be required and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.</p> <p>The size and scale of the proposed development is not significantly or exceptionally different to the existing dwellings.</p>
<p>Location of development</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>The development is situated in an urban area adjacent to and in close proximity to existing residential properties which is not exceptional in the context of surrounding development.</p> <p>It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.</p> <p>The development is removed from designated sites and landscapes of identified significance in the County Development Plan.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative</p>	<p>Having regard to the nature of the proposed development and works constituting development within an existing built up area, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no</p>

effects and opportunities for mitigation).	potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

Appendix 2: Appropriate Assessment

Stage 1: Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	5no. infill dwellings in an urban area with connections to public water services.			
Brief description of development site characteristics and potential impact mechanisms	<p>The 0.1255ha site comprises part of the rear amenity area associated with a dwelling and is also partially located to the rear of an adjacent dwelling. It is also situated adjacent to a large sportsgrounds and in a conservation area for built heritage purposes.</p> <p>All water services would connect to the public system which eventually discharges to Dublin Bay.</p>			
Screening report	Yes			
Natura Impact Statement	Yes			
Relevant submissions	N/A			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests Accessed from the NPWS website 08 th March 2026.	Distance from proposed development	Ecological connections ²	Consider further in screening ³ Y/N
North Dublin Bay SAC (000206)	9no. wetland habitats including dunes, salt meadows and mudflats. 1no. flora species 'Petalwort'. No fauna.	5.2km	<p>The site drains naturally to South Dublin Bay so therefore a theoretical hydrological linkage exists.</p> <p>A similar link exists from the wastewater collection</p>	Yes

South Dublin Bay SAC (000210)	4no. wetland habitats including dunes and mudflats.	900m	network and treatment system in Ringsend which discharges to sea.
North Bull Island SPA (004006)	17no. marine bird species and 1no. general wetland and waterbirds QI.	5.2km	
South Dublin Bay and River Tolka Estuary SPA (004024)	13no. marine bird species and 1no. general wetland and waterbirds QI.	900m	
North West Irish Sea SPA (004236)	21no. marine bird species	5.2km	

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

[From the AA Screening Report or the Inspector's own assessment if no Screening Report submitted, complete the following table where European sites need further consideration taking the following into account:

- (a) Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project (See Appendix 9 in Advice note 1A).
- (b) Are there any design or standard practice measures proposed that would reduce the risk of impacts to surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?
- (c) Identify possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects)

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: North Dublin Bay SAC (000206)	Direct: None	Undermine conservation objectives

<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>	<p>Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.</p> <p>Increased biological loading on receiving waters due to increased population.</p>	<p>related to water quality.</p>
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Likelihood of significant effects from proposed development (alone): No

If No, is there likelihood of significant effects occurring in combination with other plans or projects? No

Possibility of significant effects (alone) in view of the conservation objectives of the site*
No

	Impacts	Effects
<p>Site 2: South Dublin Bay SAC (000210)</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	<p>Direct: None</p> <p>Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.</p> <p>Increased biological loading on receiving waters due to increased population.</p>	<p>Undermine conservation objectives related to water quality.</p>

Likelihood of significant effects from proposed development (alone): No		
If No, is there likelihood of significant effects occurring in combination with other plans or projects? No		
Possibility of significant effects (alone) in view of the conservation objectives of the site* No		
	Impacts	Effects
Site 3: North Bull Island SPA (004006) 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] 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]	Direct: None Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Increased biological loading on receiving waters due to increased population.	Undermine conservation objectives related to water quality.
Likelihood of significant effects from proposed development (alone): No		
If No, is there likelihood of significant effects occurring in combination with other plans or projects? No		

Possibility of significant effects (alone) in view of the conservation objectives of the site*
No

	Impacts	Effects
Site 4: South Dublin Bay and River Tolka Estuary SPA (004024) Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]	Direct: None Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Increased biological loading on receiving waters due to increased population.	Undermine conservation objectives related to water quality.

Likelihood of significant effects from proposed development (alone): No

If No, is there likelihood of significant effects occurring in combination with other plans or projects? No

Possibility of significant effects (alone) in view of the conservation objectives of the site*
No

	Impacts	Effects
Site 5: North West Irish Sea SPA (004236) 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]	Direct: None Indirect: Negative impacts (temporary) on surface water/water quality due to construction related	Undermine conservation objectives related to water quality.

<p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Great Black-backed Gull (<i>Larus marinus</i>) [A187]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p> <p>Little Gull (<i>Hydrocoloeus minutus</i>) [A862]</p> <p>Little Tern (<i>Sternula albifrons</i>) [A885]</p>	<p>emissions including increased sedimentation and construction related pollution.</p> <p>Increased biological loading on receiving waters due to increased population.</p>	
<p>Likelihood of significant effects from proposed development (alone): No</p>		
<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p>		
<p>Possibility of significant effects (alone) in view of the conservation objectives of the site* No</p>		
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</p>		
<p>It is not possible to exclude the possibility that proposed development alone would result significant effects on North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA and North West Irish Sea SPA from effects associated with construction stage sedimentation and pollution and operational stage wastewater.</p>		

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Proceed to AA.

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA and North West Irish Sea SPA in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The connectivity between the site and the European Sites.
- The scale of development proposed with connections to public water services.

Stage 2: Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of 5no. infill units on a backland site in view of the relevant conservation objectives of North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA and North West Irish Sea SPA based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by Biosphere Environmental Services
- National Parks and Wildlife website

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

Submissions/observations

N/A

NAME OF SAC/ SPA (SITE CODE): North Dublin Bay SAC (000206)

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

- (i) Water quality degradation (construction and operation)

Note: the NIS does not list which QIs and associated COs are likely to be affected. The assessment below is carried out based on the Planning Inspector's own assessment.

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
None	Maintain and/or restore favourable conservation condition for all QIs	None – scale of proposed development and dilution factor of the waterbody means there is very little likelihood of sedimentation or contamination impacting the QIs and Cos.	Best practice pollution control measures Application of industry standard controls, and compliance with GSDS and SUDS.

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

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

- (i) Water quality degradation (construction and operation)

Note: the NIS does not list which QIs and associated COs are likely to be affected. The assessment below is carried out based on the Planning Inspector's own assessment.

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
None. Mudfats are the only QI	Maintain favourable conservation condition	None – scale of proposed development and dilution	Best practice pollution control measures

listed with an CO. Mudflats are unlikely to be affected.		factor of the waterbody means there is very little likelihood of sedimentation or contamination impacting the Qis and Cos.	Application of industry standard controls, and compliance with GDSDS and SUDS.
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NAME OF SAC/ SPA (SITE CODE): North Bull Island SPA (004006)

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

- (i) Water quality degradation (construction and operation)

Note: the NIS does not list which QIs and associated COs are likely to be affected. The assessment below is carried out based on the Planning Inspector's own assessment.

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
None	Maintain favourable conservation condition	None – scale of proposed development and dilution factor of the waterbody means there is very little likelihood of sedimentation or contamination impacting the Qis and Cos.	NIS Sections 3.1 and 3.2 Best practice pollution control measures Application of industry standard controls, and compliance with GDSDS and SUDS.

NAME OF SAC/ SPA (SITE CODE): South Dublin Bay and River Tolka Estuary SPA (004024)

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

- (i) Water quality degradation (construction and operation)

Note: the NIS does not list which QIs and associated COs are likely to be affected. The assessment below is carried out based on the Planning Inspector's own assessment.

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
None	Maintain favourable conservation condition	None – scale of proposed development and dilution factor of the waterbody means there is very little likelihood of sedimentation	NIS Sections 3.1 and 3.2 Best practice pollution control measures Application of industry standard controls, and compliance with GDSDS and SUDS.

or contamination impacting the Qis and Cos.

NAME OF SAC/ SPA (SITE CODE): North West Irish Sea SPA (004236)

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

- (i) Water quality degradation (construction and operation)

Note: the NIS does not list which QIs and associated COs are likely to be affected. The assessment below is carried out based on the Planning Inspector's own assessment.

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
None	Maintain and or restore favourable conservation condition	None – scale of proposed development and dilution factor of the waterbody means there is very little likelihood of sedimentation or contamination impacting the Qis and Cos.	Best practice pollution control measures Application of industry standard controls, and compliance with GDSDS and SUDS.

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests. I note the NIS does not refer to the North Irish Sea SPA however it is included in this subject assessment.

Assessment of issues that could give rise to adverse effects view of conservation objectives

No direct impacts, no physical barriers, no impacts to population distribution or numbers. No disturbance to the European sites or barriers to connectivity.

(i) Water quality degradation

The construction stage would require excavations as well as importation of materials such as concrete and hydrocarbons which are contaminants to water quality.

Mitigation measures and conditions

General best practice measures such as materials handling procedures, fuelling procedures and preparation of a Sediment Management Plan. All construction to be carried out in accordance with relevant standards including GDSDS and SUDS.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Based on the information provided, I am / not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. No direct impacts are predicted. Indirect construction impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water including a Sediment Control Plan. Operational stage impacts would be mitigated by the existing wastewater treatment system in place as operated by Uisce Éireann and licensed by the EPA while operational stage surface water would be appropriately managed by SUDS features. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA and North West Irish Sea SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA and North West Irish Sea SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

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

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition for and qualifying interests.
- Effectiveness of mitigation measures proposed
- Application of planning conditions to ensure mitigation measures are adopted and enacted.