Inspector's Report

ACP-323763-25

Development	Internal and external alterations to walls at basement and ground floor level, construction of new floor level at basement level, provision of a outdoor terrace, construction of a five storey extension to include amenity roof terrace with swimming pool, a bar/café, a restaurant and a 24 no. bedroom boutique hotel and all ancillary works necessary to facilitate the development.
Location	166A Shelbourne Road, Ballsbridge, Dublin 4, D04 NN88.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB2619/25.
Applicant(s)	Badlands Development Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.

Type of Appeal	First Party.
Appellant(s)	Badlands Development Limited.
Observer(s)	None.
Date of Site Inspection	10th and 21st December 2024.
Inspector	Kathy Tuck

Contents

1.0 Site Location and Description

1.1. The subject site, which has a stated area of 0.022ha is located at No. 166A Shelbourne Road, Ballsbridge Dublin 4. Ballsbridge is situated c.3km to the south-east of Dublin City Centre and is well served by a number of Dublin Bus routes. Sandymount DART Station is situated within c.900m to the east of the subject site. The subject site is situated c.300m from the RDS and approximately c.750m from the Aviva Stadium.

1.2. The appeal site currently comprises the former Ulster Bank, which is a detached single-storey over basement red brick building located adjacent to Ball's Bridge, with the River Dodder forming the eastern boundary of the site.

1.3. The local area comprises an array of shops and restaurants. The site is bounded to the north side by a 2-storey commercial building with a 3-storey modern return at No 164 Shelbourne Road.

2.0 Proposed Development

2.1. This application is seeking permission for the following:

2.2. At basement floor level - removal of external and internal walls and construction of new floor level within a revised and reconfigured building footprint.

2.3. At ground floor level - removal of northern and western external walls, partial removal of eastern external wall to River Dodder, removal of all internal wall partitions, extension of the internal floor area and provision of a new outdoor terrace along the River Dodder.

2.4. The removal of existing chimney, elevational alarm panels/glazing/lighting/signage and boundary gate/railings to Shelbourne Road and the construction of a five storey extension of contemporary design and finish atop the existing single-storey building to include amenity roof terrace with swimming pool all ancillary works necessary to facilitate the development inclusive of structural works, new stair/lift cores, ESB substation, elevational planting and drainage works.

2.5. The resulting will provide for a six storey over basement level building which will accommodate a bar/café at ground floor level, a restaurant at first floor level and a 24

no. bedroom boutique hotel from second to fifth floor level with ancillary plant, staff area, bin store and bicycle parking area at basement level.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority of Dublin City Council on the 1st of November 2025 issued a decision to refuse planning permission for the following 2 no. reasons:

1. Having regard to the height and scale on a restricted visually prominent site, it is considered that the proposed development would constitute overdevelopment of the site and would have an unreasonable overbearing and visually dominant effect on adjoining sites. The development would constitute an incongruous feature, would detract from the visual amenities of the area and would be contrary to policy BHA9 and Section 15.5 of the Dublin City Development Plan 2022-2028. The proposal would constitute an overdevelopment of the site, would create a precedent for similar type undesirable development and would be contrary to the proper planning and sustainable development of the area.
2. The development is located on a heavily trafficked road, where several roads converge, and there is limited on-street carparking and set down availability. As a result, it is considered that the development would generate excessive drop-offs, servicing activity and overspill parking on the adjacent streets. The proposed development would, therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the Dublin City Development Plan 2022-2028 in this regard and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the location of the subject site, details of the proposed development, the land use zoning of the site, a summary of observation,

submission and consultee reports received, relevant planning history pertaining to the subject site, relevant sections of the Dublin City Plan 2022-2028 and relevant National Planning Policy.

The assessment also provides for an EIA Screening determination. It notes that the application was accompanied by an Appropriate Assessments Screening Report and also a Natura Impact Assessment. The assessment of the NIS notes that further information would be required in relation to alien invasive species and mitigation measures.

The assessment concludes that while the retention and restoration of the two main facades of the existing building is welcomed, given then location of the site on a small, constrained site located within the River Dodder conservation area, the level of demolition to this historic structure is significant and although it is noted that it is not a protected structure, the proposed vertical extension is significant and the high-quality design with a simple palette of materials aims to be distinct.

The assessment further recognises that the application site is located on a busy road network, where several roads converge at the Pembroke Road/ Shelbourne Road / Merrion Road / Ballsbridge Terrace and Elgin Road junctions. This creates an area with significantly high levels of both pedestrian / cycling and vehicular activity, resulting in significant existing traffic pressure.

The Planning Officer further considered that the visual impact assessment submitted demonstrates that the proposed six storey contemporary designed hotel development does not successfully integrate into the character of its immediate context, and given the height, scale and proposed plot ratio on a restricted site in a sensitive location, the proposal would represent overdevelopment of this site.

The report recommends that permission be refused in line with the decision issued.

3.2.2. Other Technical Reports

- Parks, Biodiversity and Landscape Services Division: Report requests the following further information:
    - Updated bat/protected species survey.
    - Information requested to provide evidence as how the applicants will prevent construction pollution accessing the River Dodder, within the NIS.

- Dr Melinda Lyons Report on Bull Island should be included in the NIS list of associated literature and referred to appropriately as relevant scientific data.
- Invasive Species if on applicant's land is their responsibility to manage appropriately - reference to mitigation included in the CMP is required to also be included in the NIS.
- Recommended that grey water recycling is incorporated in the development, not simply attenuation.
- Closer compliance with the WFD and request on-site SWD to include blue/green roofs, walls and grey water recycling.
- Lighting proposals require further consideration.

- Drainage Division: The report received recommends that a request for further information be issued. The assessment stated that it was not possible to assess if satisfactory proposals for management of surface water, flood risk and basement development can be provided for this development. The following was sought:
  - A Basement Impact Assessment, assessing the impact of the proposed basement construction on the surrounding environment and structures, is required.
  - An existing public surface water culvert (brick tunnel) running through the basement and discharging into the river Dodder here. No detail has been provided regarding the proposed basement works or how this DCC asset will be impacted and/or protected. The exact location and levels of this culvert must be accurately determined on site. Layout and cross-sectional drawings detailing the culvert and proposed basement works are required.
  - Site Specific Flood Risk Assessment (SSFRA) needs to be revised. Most of the building beside the estuary is within Flood Zone A, as noted in the Development Plan 2022-2028 Strategic Flood Risk Assessment, and therefore a Justification Test for development management is required.
  - site boundary is shown extending beyond the existing building line, out over a section of the river. The extent of site ownership should be clarified.
  - not clear that the potential environmental effects during and post construction have been fully considered. The drawings indicate: removal of sections of the

existing wall riverside at ground level, works to the existing River Dodder retaining wall, and provision of a new terrace overhanging the River Dodder. No indication is given as to how these works will be carried out and whether access from the river will be necessary.

  - Outline Construction Environmental Management Plan (CEMP) contains a number of errors - there are references to comments from An Bord Pleanála, compliance with Louth County Council requirements, Monitoring of River Dee in County Louth and a number of references to a site in County Louth.
  - Clarity is needed around the surface water management proposals.

- Transportation Planning Division: Requests the following further information:
  - Additional on-street loading facilities are required in order to service the development.
  - Demonstrate that the proposed development can be adequately serviced (refuse storage/auto tracking for refuse collection/operational requirements).
  - Revised proposals for cycle parking required.
  - Revised drawings indicating 1no. shower for staff usage.
  - Submitted additional details regarding construction access.
  - Site address is stated as 166A Shelbourne Road and applications documents referring to access from Pembroke Road. Clarity, confirmation and consistency on the site address and access is required.
- City Archaeologist: No objection subject to conditions
- Environmental Health Officer: No objection subject to conditions

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

The Planning Authority received 13 no. submissions with regards to the proposed development. The Planning Officer sets out a detailed summary of all submission received within their assessment. The broad themes are as follows:

- Negative impact of traffic volumes/parking shortages.
- Construction impact concerns.
- Height/Visual Impact
- Overdevelopment/Overlooking/Overshadowing
- Flooding impacts – impact on River Dodder.
- Overconcentration of hotel use in the area.

4.0 Planning History

PA Ref 3514/24: Planning permission granted for change of use from bank to café/wine bar.

PA Ref 3940/23: Permission Granted to carry out external works for the removal of ATM in brickwork with replacement brick to match existing. Carry out the removal of the Ulster Bank Shop Front signs, bus stop sign and the removal of all blue Ulster Bank general signage. Carry out internal works for the removal of the ATM's, as well as the removal of loose furniture and general Ulster Bank signage and on all floors.

PA Ref 3907/06: Permission granted for the installation of a new low energy operator to the existing lobby door and the regrading of existing footpath to provide level entry access, and all ancillary site works to the main entrance of the front facade of Ulster Bank.

PA Ref 4987/05: Permission granted for the removal of the existing 3 No. externally illuminated fascia signs, canopy over ATM and 1 No. projecting sign. Theses to be replaced with 3 no. new internally illuminated fascia signs and 1 no. new internally illuminated projecting sign,

including new welcome and security signs at entrance. Replace surround to existing ATM.

PA Ref:1770/05 Permission granted to remove 2no existing bollards, construct new barrier rail and kerbing, and to provide disabled access to premises at 166A, Shelbourne Road, Ballsbridge, Dublin 4.

5.0 Policy Context

5.1. Dublin City Development Plan2022-2028

5.1.1. The subject site is zoned under objective Z4 - Key Urban Villages / Urban Villages which seeks To provide for and improve mixed-services facilities.

5.1.2. The site is located within the zone of archaeological constraint for Recorded Monument 018-059, Ball's Bridge, and within the River Dodder Conservation Area.

5.1.3. Chater 4 '*Shape and Structure of the City*' includes guidance on urban density, increased height, landmark / tall buildings, urban design and architecture. In terms of urban density Chapter 4 recognises that RSES and Dublin MASP promotes greater densification and more intensive forms of development along strategic public transport corridors. Greater height at appropriate locations will be considered. Fig. 4:1: proves a map Key Views and Prospects.

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

- Policy SC11 – Compact Growth
- Policy SC13 – Green Infrastructure
- Policy SC16 – Building Height Locations
- Policy SC17 – Building Height
- Policy SC19 – High Quality Architecture
- Policy SC20 – Urban Design
- Policy SC21 – Architectural Design
- Policy SC22 – Historical Architectural Character

5.1.5. Chapter 6 '*City Economy and Enterprise*' refers to guidance on hotels, and this includes the avoidance of overconcentration of hotel development in areas of the city which currently have high levels of existing hotels given the wider objectives to create a rich and vibrant range of uses in the city centre. The following policy is relevant to the proposed development.

- Policy CCE28 – Visitor Accommodation

5.1.6. Chapter 11 '*Built Heritage and Archaeology*'. In accordance with Figure 11-2 'Dublin's Historic Core', the appeal site is located within the Georgian Core (Z8). The appeal site is also located within a designated area of Record of Monuments and Places (RMP). The following policy is relevant to the proposed development.

- Policy BHA9 - Conservation Areas
- Policy BHA10- Demolition in conservation areas
- Policy BHA26 – Archaeological Heritage

5.1.7. Chapter 14 '*Land-use Zoning*' as outlined above refers to the Z5 land use zoning objective, the subject of the appeal site, and the general role of the zone in land use terms. Chapter 14 also includes guidance in respect of Transitional Zone Areas (section 14.6), is relevant in respect of the proposed development given that the appeal site adjoins a land use 'Residential Neighbourhoods (Conservation Areas) situated to the immediate north. This guidance specifically notes that it is important to avoid abrupt transitions in scale and land-use between zones and in cases abutting residential areas the predominantly mixed-use developments will pay particular attention to scale, density and design of development proposals, and to landscaping and screening proposals

5.1.8. Chapter 15 '*Development Management Standards*' includes guidance on hotel development.

S. 15.5 provides guidance identifying the high level characteristics which shape the urban design response to a site to ensure the creation of good quality urban environments. Development proposals should make the most efficient use of land by delivering an optimum density and scale of development for the site having regard to its location within the city. Certain areas of the city, such as those located adjacent to high quality public transport will lend themselves to a more intensive form of

development. Similarly, brownfield and infill sites can also achieve greater densities subject to the location and proximity to other services. Appendix 3 of the plan sets out guidance regarding density and building height in the city in order to achieve sustainable compact growth.

S. 15.14.1 advises it is a requirement to ensure a balance is achieved between providing for adequate levels of visitor accommodation and other uses in the city such as residential, social, cultural and economic uses. The plan advises '*there will be a general presumption against an overconcentration of hotels and aparthotels'*. In cases where the Council considers there is overconcentration of hotel uses in the city the applicant will be required to demonstrate that the proposed development fully complies with Policy CEE28. The Plan also advises on operational management including access and servicing.

5.1.9. Section 15,15.2.2 'Conservation Areas' sets out guidance for all planning applications for development in Z2 (Residential Conservation Area) and Z8 (Georgian Conservation Area) which are both adjacent to the appeal site.

5.1.10. Appendix 3 'Height Strategy' recognises the role that height plays in the achievement of compact cities and refers to key factors that will determine height will be '*the impact on adjacent residential amenities, the proportions of the building in relation to the street, the creation of appropriate enclosure and surveillance, the provision of active ground floor uses and a legible, permeable and sustainable layout'.* The strategy includes guidance on plot ratio and site coverage and advises that the default height within the city within the canal ring is 6 storeys. In relation to more intensive development abutting lower intensity development, the Plan advises '*where a development site abuts a lower density development, appropriate transition of scale and separation distances must be provided in order to protect existing amenities*', and further that proposals for increased height in the city centre sensitive areas must demonstrate that they have no impact on these sensitive environments.

5.1.11. Heights greater than 6-storeys within the Canal Ring will be considered on a case-by-case basis subject to the performance criterial set out in Table 3. Table 3 sets out the performance criteria in assessing proposals for enhanced height, density and scale.

5.1.12. Appendix 9 ‘Basement Development Guidance’ sets out general guidance regarding basement developments, and in particular information to be contained in a Basement Impact Assessment.

5.1.13. Appendix 16 ‘Sunlight and Daylight’ provides guidance to applicants carrying out daylight and sunlight assessments with the aim to offer clarity on the required technical approach, such that a standardised methodology and set of metrics are used by applicants completing daylight and sunlight assessments.

5.2. Regional Policy

5.2.1. Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES), 2019.

The RSES supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the region. It advocates sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development.

5.3. National Policy

- National Planning Framework: First Revision (NPF).
- Climate Action Plan, 2024

5.4. Planning Guidelines

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010).

5.5. Natural Heritage Designations

The subject site is not located within or is not adjoining any Natura 2000 Sites. The subject site is located c1.5km to the west of the South Dublin Bay SAC (site code 000210) and the South Dublin Bay and Tolka Estuary Spa Site Code (004024) and the South Dublin Bay pNHA. The site is also situated c.5.1km to the south-west of the

North Dublin Bay SAC (Site Code 000206), North-West Irish Sea SPA (004236) and the North Bull Island SPA (Site Code 004006).

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

The Commission received at 1st Party Appeal against the decision of the Planning Authority to refuse permission for the proposed development on the 29th September 2025. The grounds of the appeal can be summarised as follows:

1. Policy Compliance.

- Proposal accords with the Dublin City Development Plan 2022-2028 and consider findings of reason no. 1 to be incorrect.
- Compliance with Policy BHA9
  - Site is located within a designated Conservation Area associated with the River Dodder
    - Site does not form part of an Architectural Conservation Area (ACA) and does not contain or adjoin any protected structures.
  - The AHIA and LVIA both confirm that while the loss of the existing building fabric is of limited consequence in heritage terms, the proposed development will have at most, a slight impact on the wider Conservation Area.
  - Proposal provides an opportunity to enhance the character of the River Dodder Conservation Area through the introduction of a high-quality

contemporary building of distinctive architectural merit and accords fully with Policy BHA9.

- Proposal has been conceived with a clear emphasis on enhancing, rather than detracting from, the character and distinctiveness of the Conservation Area – current building on site has limited architectural value and does little to contribute positively to the setting.
- Contended that the proposal will reinforce the area's distinctiveness by introducing a contemporary landmark that reflects the dynamism of Ballsbridge as a key urban village within Dublin.
- Proposal reinstates a sense of architectural presence and urban legibility at this important riverside site by activating both Shelbourne Road and the River Dodder frontage - development reinstates the historic function of the site as a prominent, lively corner plot.
- Proposal significantly improves the relationship between the site and the public realm.
- Design is a striking yet sensitive example of contemporary architecture of exceptional quality response to the surrounding built form in terms of scale, rhythm and materials, while introducing a bold, design-led landmark that enriches the Conservation Area - precisely the type of contribution envisaged by BHAQ.
- Existing building does not significantly contribute to the character or integrity of the Conservation Area. Its replacement with a building of design quality and distinctiveness will serve to enhance the Conservation Area's integrity and contemporary relevance, ensuring that it continues to evolve as a living urban district.
- The proposed boutique hotel, café and restaurant are entirely compatible with the Z4 zoning objective and the character of the Conservation Area – will bring vitality, economic activity and footfall, ensuring the site's long-term viability and contributing positively to the function of Ballsbridge area.
- Contended that the proposal satisfies Policy BHA9. It replaces an undistinguished structure with a landmark building of contemporary design

quality, improves the public realm and river frontage, and introduces compatible, vitality-generating uses.

- Compliance with Section 15.5
  - Subject site is a brownfield site, being previously developed but currently underutilised, and occupying a prominent location within Ballsbridge - situated adjacent to major transport corridors, within walking distance of the DART and key destinations such as the RDS and Aviva Stadium.
  - Development Plan actively supports the redevelopment of the site at an increased scale and intensity, provided it delivers design quality, enhances the surrounding environment, and contributes positively to the public realm.
  - proposed six-storey building represents an efficient use of scarce urban land, consistent with the Development Plan's strategy for compact, sustainable growth.
- Section 15.5.1 – Brownfield
  - contended that the proposed scheme addresses each of these considerations set out under the plan that is relevant to the development.
    - represents a distinctive, contemporary landmark building of exceptional architectural quality - striking yet carefully considered addition to the Ballsbridge townscape, innovation on brownfield sites.
    - Consistency with surrounding built environment: responding to the varied scale of development in Ballsbridge, including recent taller additions.
    - height and form are consistent with an area undergoing sensitive intensification.
    - Active and vibrant public realm - Activity at street level and vertically:
    - Materials and finishes - Palette of high-quality materials is designed to complement the surrounding area while achieving durability and distinctiveness
    - Mix of uses - Combination of hotel, café, and restaurant contributes positively to the area's vitality, complementing surrounding residential, office, and leisure uses.

- Section 15.5.4: Height
  - Appendix 3 of the City Plan outlines 3 no. general categories of height in: Prevailing height/ Locally Higher Buildings/ Landmark/Tall Building.
  - consider that the proposed 6 no. storey height is not representative of a high building due the central urban location of the subject site and the form and scale of existing built form within the immediate vicinity.
  - degree of variance with regards to building height within the immediate area - comparatively increased height as presented in Section 2.0 of this appeal (see list below).
  - Proposal will result in a higher building on site but, due to the presence of multiple buildings within a 250m radius of the site (comparable height) the proposal will not result in a locally higher building.
  - Height is only apparent from a limited number of viewpoints within the wider locational context.
  - Proposed hotel development will harmonise appropriately with the established built form of the immediate surrounding area.
  - Subject site could accommodate the proposed height of up to six storeys as the new top floor is appropriately setback from the street frontage to Shelbourne Road so as to not significantly impact on the visual aesthetic of the streetscapes and is to be finished in uniquely contemporary style so as to contribute to the visual interest of the streetscape.
- Section 15.5.6: Plot Ratio and Site Coverage
  - Planning Officer's Report acknowledges plot ratio of 4.5 and a site coverage of 97.8% - exceeding Table 2 of Appendix 3 of the Development Plan and states "It is not considered that the Applicant has put forward a compelling case for a significant increase in plot ratio for this site."
  - plot ratio and site coverage standards set out above are indicative.
  - Development Plan explicitly recognises that: "*Higher plot ratio and site coverage may be permitted in certain circumstances such as: Adjoining major public transport corridors, where an appropriate mix of residential and commercial uses is proposed*"

- Section 3.2 of Appendix 3 confirms that strategic approach is that the highest densities should be located at the most accessible and sustainable locations – therefore scale Justified given:

  - Subject site lies directly on a major transport corridor
  - Within walking distance of Lansdowne Road DART station.
  - Are undergoing comprehensive brownfield redevelopment that maintains and restores the established red-brick frontage to Shelbourne Road.
  - majority of surrounding sites in Ballsbridge also exhibit similar site coverage, meaning that the proposed development is consistent with the established urban grain.

- While the proposed plot ratio and site coverage exceed the indicative ranges, the Development Plan explicitly states that "any development with a plot ratio over 3.0 must be accompanied by a compelling case."

- The subject site, located within the Central Area, is ideally positioned for higher density development, benefitting from exceptional accessibility, urban renewal objectives, and a design-led approach.

• <u>Section 15.5.7 Materials and Finishes</u>

- Submitted that the proposed development responds comprehensively to the requirements of Section 15.5.7 as follows:

  - carefully curated selection of materials that respond to the tones, textures, and architectural character of Ballsbridge, while ensuring that the building presents as a distinctive contemporary landmark.
  - long-life materials have been specified.
  - maintain its visual integrity over time, contributing positively to the public realm throughout its lifecycle.
  - material specification and detailing have been developed to minimise opportunities for vandalism or anti-social behaviour.
  - incorporates sustainable construction practices, including the use of responsibly sourced materials, the reuse of demolition material where feasible, and the specification of materials with low embodied energy.

Green roofs and bioretention measures further enhance the building's environmental performance.

- Section 15.5.8 Architectural and Design Statements
  - Architectural Design Statement has been prepared to accompany this application - included at Appendix B of this appeal .
  - sets out the design rationale, explains how the proposed development responds to the site context addressing matters of urban design, massing, materiality, sustainability, and placemaking, and illustrates how the proposal achieves a high-quality architectural response that both respects and enhances the existing character of the area.

- Submitted that the proposed development is demonstrably consistent with the principles and objectives of Section 15.5.
- As a brownfield site in a highly accessible location, it is precisely the type of site where more intensive, design-led development is envisaged by the Development Plan.
- The development achieves high architectural quality, introduces vibrant and compatible uses, and makes efficient use

2. Height Scale and Design Quality.

Contextual Response and Massing

- The development has been carefully calibrated to respond to its immediate context at the junction of Shelbourne Road, Pembroke Road and the River Dodder – design statement makes clear that the project:
  - began with e respectful approach to the historic Ulster Bank building- retaining its principal red-brick facade as a civic base setting them against a new, contemporary addition and consciously recessive and disciplined in form – All recognised by the Planning Officers report.
- Recognised at pre-app stage but considered a more subtle height deviation to be a more appropriate design response in the context of the immediate area.
  - Desing responded to comments and originally proposed 9 storey hotel was reduced to 6 stories.

- material finish and the manner in which the architecture of the existing building is complemented by the distinctly contemporary new build element was supported by both departments and it was clarified that it was not intended to change the material finish of the existing building.

- Refusal reason cites that the building will be visually dominant and overbearing - Considered to be unfounded.
  - massing studies submitted
  - proposal sits comfortably among established and emerging mid-rise forms in the immediate vicinity.
    - The building is neither: excessively tall/visually out of scale.
  - It provides setbacks, slender proportions, and articulated facades ensure that its mass is visually broken down, avoiding the monolithic character that might otherwise appear overbearing.
- Design approach softens scale and visual impact through a number of deliberate architectural measures:
  - deep setbacks at first floor level, ensuring the new mass reads as a lighter crown above the retained facades
  - Planted brise-soleil, which filters views and enhances privacy while contributing greenery to the streetscape.
  - Ground-floor activation, with café, bar and lobby space animating the public realm throughout the day and evening.

<u>Architectural Expression and Materiality</u>

- The proposal has been conceived to deliver a distinctive yet contextually sensitive addition to the Ballsbridge townscape.
- The design intent was to create a robust civic base through the retention of the principal red-brick facade of the former Ulster Bank building, above which a new, lightweight and recessive extension is introduced.
- This careful layering of old and new ensures the proposal does not read as an incongruous insertion but as a thoughtful architectural response to its setting.

- Retained red-brick facades provide continuity with the established character of Shelbourne Road, while the new upper levels adopt a restrained palette of glazing, slender vertical elements, and planted brise-soleil.
    - Choices introduce depth and visual softness, ensuring that the building integrates seamlessly with the surrounding townscape rather than dominating it.
    - the proposal's architectural expression makes a positive contribution to the visual amenities of the area.

Relevant Precedent

- 1,3,5,7,9,11 Eglinton Road scheme in Donnybrook (ABP Ref. 307267)
- Glasnevin Autos, 54 Glasnevin Hill development (ABP Ref. 308905)
- Site at 493-511 North Circular Road & 39-41A Dorset Street Lower (The Big Tree), Dublin (ABP 308193).
- Lands off Clonliffe Road (formerly part of the Holy Cross College Lands), Clonliffe Road, Drumcondra, Dublin 3.
- DIT /TUD site, Kevin Street Lower, Dublin 8 (ABP Ref 309217)
- 'Former Des Kelly Site', North Circular Road, Royal Canal Bank and Phibsborough Road, Dublin 7 (ABP Ref 315984)

I would guide the Commission to pages 38-50 of the 1st Party Appeal where these cases are discussed. I note that I have undertaken a review of this section of the appeal.

3. Traffic and Servicing and Access.

- Planning Officer raised concerns regarding the practicality of refuse collection and servicing arrangements, noting that the proposals "may give rise to traffic hazard and obstruction of road users on Shelbourne Road" and did not provide sufficient clarity as to how service vehicles would operate without conflict with other users.
    - These concerns have been comprehensively addressed through the detailed engineering strategies prepared by TENT Engineering – appeal accompanied by updated assessment.

- Servicing Strategy (with and without Bus Connects options), the Waste Management Strategies, and the Construction Vehicle Swept Path Analyses, all demonstrate unequivocally that servicing and refuse operations can be safely and efficiently accommodated within the curtilage of the site.

- Updated TENT report clarifies and resolves the stated concerns, specifically addressing:
  - Servicing Arrangements:
    - layout provides a dedicated loading bay which accommodates deliveries, servicing, and refuse collection vehicles.
    - Swept path analyses confirm that vehicles can safely enter and exit the site in a forward gear, in compliance with best practice guidance.
  - Waste Strategy:
    - Refuse vehicles will service bins from the designated storage area directly to the loading bay, with collection operatives wheeling bins a short, safe distance to the vehicle.
    - This arrangement ensures that refuse collection does not obstruct traffic on Shelbourne Road
  - With and Without Bus Connects:
    - The engineering team has prepared alternative layouts to account for both the existing road geometry and the future Bus Connects corridor.
    - In both scenarios, the servicing solutions remain workable, safe, and policy compliant.
  - Construction Traffic:
    - Drive-in and drive-out manoeuvres for construction vehicles have also been modelled and demonstrated to operate safely without undue impact on the adjoining network.
    - This directly addresses any concerns regarding obstruction during the temporary construction phase.

- Planning Officer acknowledged that the site's central location benefits from excellent accessibility by sustainable modes of transport, including bus, DART, and cycling infrastructure. These factors significantly mitigate any reliance on car based Travel.
- Site's zoning and urban context strongly support the type and intensity of development proposed, including the associated servicing requirements.
- updated engineering submission provided with this appeal confirms and strengthens the conclusions already reached at application stage:
    - provides clear, evidence-based demonstration that all servicing, refuse, and delivery operations can be conducted safely and without adverse impact on the public road network.

4. Environment, Biodiversity and Parks Division Concerns.

- Not explicitly referenced in the Council's reason to refuse permission, consider it important to address the comments of Dublin City Council's Parks, Biodiversity and Landscape Services Division,

a) Surface Water Drainage and Water Framework Directive (WFD)

requested closer compliance with the Water Framework Directive (WFD), specifically the inclusion of on-site sustainable water drainage measures such as blue/green roofs, green walls, and greywater recycling:

- these measures were already included in the application documentation, particularly in the Surface Water Drainage Report and Drawings.
- development incorporates bio-retention planters, blue-green roof construction, and attenuation systems consistent with the principles of sustainable urban drainage.
- omission in the Parks Division's report appears to stem from an oversight rather than a lack of provision

b) Natura Impact Statement and Proximity to Bull Island

- Reference was made in the Planner's Report to additional data, specifically the Dr Melinda Lyons report on Bull Island:

- appointed ecologist considers that given the significant geographical separation of the subject site from Bull Island, and the absence of direct pathways for impact, no additional assessment is required.
- consistent with the conclusions of the Natura Impact Statement (NIS) submitted with the application.
- supplementary letter provided by appointed ecologist accompanies the appeal to this end.

c) Lighting Impacts on the River Dodder

- the proposed scheme does not include any downward-facing or spill lighting towards the river corridor.
- Internal illumination will be contained within the building envelope, and we are content to accept a planning condition to ensure compliance with best practice in this regard.
- This approach is consistent with guidance from Bat Conservation Ireland and is proportionate to the scale of development.

d) Bat and Protected Species Surveys

- Biodiversity Officer requested an updated bat/protected species survey of the existing building.
- bat survey was undertaken in the 2025 season, covering both internal and external assessments, and was submitted with the planning application.
- timing of the survey and the seasonal limitations of further surveys with the season now closed until April:
  - the survey submitted remains valid.

e) EIAR Screening

- Parks and Biodiversity Division suggested EIA Screening should have been submitted.
- An EIAR screening is not required in this case given the scale of development and the conclusions of the NIS.

The appeal makes reference to a number of buildings within the immediate environment of the site on pages 8-13 of the 1st party appeal.

The appeal also includes for international and national precedents of how design-led architecture can successfully deliver exemplar landmark buildings within sensitive urban contexts – Please refer to pages 20 -24 of the 1st Party Appel.

The 1st Party Appeal also included for 4 no. appendices which area as follows:

1. Appendix A – A copy of the decision issued by Dublin City Council
2. Appendix B – The architectural Design Statement as prepared by ODOS Architects which was submitted as part of the application documentation.
3. Appendix C - Drawings and supplementary documentation as prepared by TENT Engineering Consultants.

   The cover letter of this appendix can be summarised as follows:

   - Delivery service with and without Bus connects:

     Option 1 (Preferred): convert a disabled parking space on Shelbourne Road into a loading bay. The disabled parking space will be relocated and replace a regular parking space.

     Shelbourne road has a number of restaurants/shops that would benefit from the loading bay. The deliveries currently occur by parking on street, affecting traffic. Our site would benefit from the close proximity of the proposed loading bay (S8m).

     Option 2: existing loading bay further down Merrion Rd is used. This bay is actually used for deliveries of the nearby restaurants/cafes.

     The loading bay is located approx. 100m from the site. Deliveries would need to be brought on foot to our site. 2 minor roads need to be crossed and delivery staff would more than likely be using pallet lifters.

     Refer to Drawing '25044-X-LOO-DR-TNT-CE-3001_SERVICING STRATEGY WITHOUT BUSCONNECTS OPTION 1 AND 2 'for the detailed strategy on plan.

- Bin Strateqy without Bus connects

  Option 1: Bins (A No. 660L wheelie bins) are placed in front of the building, refuse vehicle stops on street while the bin collectors are loading the truck. Bin collection likely happening early in the morning, the impact on traffic should stay relatively low as other vehicle can overtake the truck while it is waiting.

  Option 2 (preferable): loading bay above can be used for the refuse truck to park on it while the bin collectors gather the bins and load the on the truck. No traffic impact should occur.

  Refer to Drawing '25044-X-LOO-DR-TNT-CE-3002_WASTE STRATEGY WITHOUT BUSCONNECTS' for he detailed strategy on plan.

- Bin Strategy with Bus connects:

  The only viable option would be to use option 2 from above as a bus stop is introduced in front of the site.

  Please refer to drawing 25044-X-LOO-DR-TNT-CE-3052_WASTE STRATEGY WITH BUSCONNECTS for the detailed strategy on plan.

- Construction vehicle entering and leaving the site:

  Please refer to drawings 25044-X-LOO-DR-TNT-CE-3053_CONSTRUCTION VEHICLE DRIVE IN and 25044-X-LOO-DR-TNT-CE-3054_CONSTRUCTION VEHICLE DRIVE OUT for the tracking of the construction vehicles.

4. Appendix D – Letter addressing ecological matter prepared by project ecologist.

- **Submissions/Observations**

- Only relevant submissions outlined relate to the River Dodder.
- Potential impact has been outlined in the ECiA and mitigation is proposed.
- No instream works are proposed

- There is a c.3-4m vertical wall above the river to the development site – no works proposed to such.

- **Biodiversity**

Requirement for updated bat survey:

- unclear as to why this is required – survey was undertaken on the 20th May 2025 1 month before application was lodged.

Vibration impacts from construction on fish and aquatics:

- It is expected that there will be some vibration to the river Dodder due to the presence of 3-4m high wall which would be expected to transfer vibration directly to the river.
- It is important to note that the building is a protected structure and the banks of the river would potentially be susceptible to damage if excessive vibration was experienced.
- As a result of the sensitive nature of the protected structure and the river walls it would be expected that the vibration form the works would be kept to an absolute minimum, would be short term and only during working hours.
- Proposed works are also proximate to a busy bridge with 5 lanes of traffic which would itself cause a level of vibration to the bed of river.
- Impacts on fish and aquatics within the river would not be expected to be significant due to the sensitive way that the building would need to be constructed which would in effect limit the vibration.

How the applicant will prevent construction pollution accessing the River Dodder:

- Reference is made to pg 14 of the CEMP - Surface Water Mitigation During Construction (downstream impacts)

Parks and Biodiversity seeking closer compliance with the WFD and request on-site SWD to include blue/green roofs, walls and grey water recycling:

- Can be dealt with via condition

A lighting survey is required

- No external lighting is proposed on River Dodder side of the proposal.
- Internal lighting can be subject to detailed design to prevent spill onto river Dodder.

- **Screening for Appropriate Assessment**

Suggest that Dr Melinda Lyons Report on Bull Island is included in the NIS list of associated literature and referred to appropriately as relevant scientific data - hares still living on Bull Island, and includes one, not two National Nature Reserves:

- Noted -however Bull Island is a significant distance from the proposed development.

Parks and Biodiversity Division require further information in relation to alien invasive species and mitigation measures:

- Himalayan Balsam was noted in the vicinity of the works – the bed of the river Dodder.
- No works proposed in this are and there is a 3-4m vertical Wall above the invasive species.
- No risk that the proposed works will impact on this species or results in further spread of the species.

7.2. Planning Authority Response

A response from the Planning Authority was received on the 23rd November 2025 and requests that the decision be upheld. It further states that in the event that the decision is overturned and permission is granted and that the following conditions be included:

- Payment of a Section 48 development contribution.
- Payment of a Bond.
- A social housing condition.
- A naming and numbering condition.

7.3. Observations

None received.

8.0 Assessment

8.1. Introduction

8.1.1. Having examined the application details and all other documentation on file, including the appeal, having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Principle of Development.
- Building Height – 1st Reason for Refusal.
- Built Heritage.
- Traffic Issues – 2nd Reason for Refusal.
- Other Issues.

8.2. Principle of Development

8.2.1. The subject site is zoned under objective Z4- Key Urban Villages /Urban Villages which seeks *"To provide for and improve mixed-services facilities*". The applicant is seeking permission for a 5 storey extension to the existing building to provide for a 24-bedroom hotel with ancillary uses including an outdoor terrace, a restaurant, a bar/café and swimming pool at roof level resulting in a 6 storey above basement hotel.

8.2.2. The 2022-2028 Dublin City Development Plan acknowledges the importance of the tourism industry stating that '*Dublin is the most important overseas tourism destination in the country and tourism is a central pillar of the city's economy.'* However, I note that the City Plan further seeks to avoid overconcentration of visitor accommodation in areas of the city centre but at the same time recognises the importance of tourism industry and the need to provide for much needed additional accommodation for tourists visiting the city. There is an overarching aim within the City Plan to promote a mix of uses within the City Centre Area and this is encapsulated within Policy SC3

which seeks to "*promote a mixed-use land use policy in the city centre, including the provision of high quality, sustainable residential development, and facilitating the conversion of both old office buildings and over shop spaces to residential.*" Furthermore, Section 4.5.1 of the City Plan states that '*a focus of the strategy for the city will be to encourage a more liveable inner city, balanced economic investment and an increased focus on residential development*.'

8.2.3. In this context, the applicant prepared and submitted a Hotel Concentration and Justification, which formed part of the planning assessment (section 5.5) submitted with the application. The assessment identifies 12 premises within a 1 km radius of the site. The submitted report also looks at the need for tourist accommodation, stating that Dublin, at 83.4%, has the highest hotel occupancy rate across 35 no. European countries. The assessment concluded that given the location of the subject within 4km of 46 no. tourist attractions justifies the site's suitability for short-term hotel letting, giving incoming tourists the advantage of being able to explore nearby attractions by foot, with a wide array of destinations available to suit the interests of all visitors. It further states that the survey demonstrates that no over concentration exists.

8.2.4. Having regard to the land use zoning and the assessment presented by the applicant in term of hotel concentration, I consider that the use accords with the zoning objective and the Applicant have demonstrated that there is not an overconcentration of hotel uses within this area.

8.3. Building Height and Design – 1st Reason for Refusal.

8.3.1. The proposed development is seeking to provide for a 5-storey extension over the existing ground floor plate of the building to provide for a boutique hotel. The height of the proposal will have a finished ridge level of c.25.8m as it addresses Shelbourne/Pembrook Road from the ground floor to the top of the proposed concrete fin, which reduces to c.23.61m at roof level. When viewed from Ballsbridge the building would have a roof level of c.23m, and a fin level of c.25.71m. The original building on site is single storey in nature and while it is not included within the Record of Protected Structures however the site is situated within the River Dodder Conservation Area.

8.3.2. The Planning Authority within their assessment of the Height, Design and Visual Impact states that the design and materials represent a high-quality innovative design.

However, it was considered that the key issue for development proposals incorporating increased building height within sensitive locations, is whether the proposal can be successfully integrated into the character of the area. It was considered by the Planning Officer that when the proposed development is assessed in relation to Table 3 of Appendix 3, the high quality and innovative design would create a distinctive design and provide legibility to the area, however given the small and restricted nature of the site, there is no opportunity to provide a transition in height to adjoining properties and therefore it was concluded that the proposed height on such a restricted site would be overbearing on adjoining streets.

8.3.3. The adjoining properties to the north of the subject site, along Shelbourne Road, are 2 stories in height, with the exception of the Further Education College, which steps up to 3 stories where it addressed the River Dodder but is set back from the streetscape. There is a core area on Shelbourne Road where the prevailing height remains at two stories and includes for some residential dwellings, all of which are indicated as being Protected Structures, and commercial offerings. While I note that the wider Ballsbridge area has been subject to developments of increased heights, which have all been referenced by the Appellant within their appeal, I consider the immediate context of the subject site to be predominantly 2/3 storeys in height.

8.3.4. I note that while reference to the performance criteria set out in table 3 of appendix 3 of the Dublin City Development Plan is made within the Planning Officers report, the report does not set out a full assessment of these criteria. The proposed development has a stated area of c.0.022Ha and the proposed development has a stated area of c.1,011 sq. metres. The ground floor of the proposed development has been calculated at c.214.9sq.m. As such, the proposal would generate a plot ratio of 4.5 with site coverage being calculated at 97.8%. Table 2 of Appendix 3 of the 2022-2028 Dublin City Development Plan provides indicative plot ratio and site coverage for conservation areas as 1.5-2.0 for plot ratio and 45-50% for site coverage.

8.3.5. The appellant in their 1st party appeal makes reference to the Building Height Guidelines, 2018 which they state calls for more compact, efficient use of brownfield and inner-urban land. From a review of the Building Height Guidelines for Planning Authorities, 2018 I further note that Section 1.10 makes reference to building heights of at least 6 storeys to be appropriate within the canal ring in Dublin. The subject site

is not located within the canal ring so I therefore do not accept that the deviation from the prevailing height can be justified under these Section 28 Guidelines.

8.3.6. Having regard to the deviation from the prevailing height proposed and the deviation from the plot ratio and site coverage as identified in Table 2 of Appendix 3, I consider that the plans submitted by the appellant should now be considered in the context of Table 3 of Appendix 3 of the Dublin City Development Plan 2022-2028 in order to establish if the enhanced height proposed would contribute positively to the surrounding area. I have therefore applied the relevant performance criteria to the amened scheme submitted to the Commission in Table 1 below.

Table 1: Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale

	Objective	Assessment
1	*To Promote Development with a Sense of Place and Character*	The subject site is located at a prominent corner location at the junction of Shelbourne Road and Ballsbridge which shares its eastern (rear) elevation with the River Dodder. The site is currently occupied by a decorative single storey building which previously operated as a bank. The site is zoned under Objective Z4 - Key Urban Villages / Urban Villages which seeks *"To provide for and improve mixed-services facilities*". While I note that the existing building is not a Protected Structure it is situated within the River Dodder Conservation Area, and as such afforded some level of protection. The adjacent bridge is a protected structure and listed in the Record of Monuments and Places (RMP) under the National Monuments Acts. The Architectural Heritage Impact Assessment submitted concludes that the portion of the building which is to be demolished will have a very significant impact on the architectural heritage of the building itself, but 'slight' in the context of the architectural heritage of the

		surrounding area. However, from a review of the AHIA it is not clear to me how this conclusion was arrived at. Given the prominent location at this junction site which is considerably constrained given the site area and the position of the River Dodder to the east together with it being situated within a Conservation Area, any development needs to be cognisant of these constraints. While I welcome the intention of the applicant to retain the front (western) facade of the original building and incorporate the principle proportions of the opes as they address Pembroke Road, I do have a significant concern relating to the overall volume and height of the proposed structure on this constrained site which I also consider to be situated at a prominent location. Notwithstanding the high quality of architectural merit put forward within the overall design ethos, I would still have concern over the visual impact it would have upon the streetscape as I consider the proposed would be incongruous with this area of Ballsbridge given the height proposed. The constrained nature of the site together with the excessive height gives rise to issues of overbearance not only on the adjoining buildings but also the wider area. Image no. 8 of the photomontages, submitted, emphasis the overbearing the proposed development will have upon Shelbourne Road and the residential units, which are included on the list of Protected Structures. The proposal will also be visually dominant when viewed from the east from the centre of Ballsbridge. The area situated in the immediate context of the site along Shelbourne Roa and to the east of the subject site, along Pembroke Road which is considered to be the

		main centre of Ballsbridge, comprises of two/three storey buildings. Currently when traveling in a westerly direction from Ballsbridge the current view is one of greenery and low-lying buildings, as presented in Image 5 (existing) of the photomontages. The introduction of the proposed development is completely out of context with area and is overbearing on the wider area. I consider that this is evident in image no. 5 (proposed) of the Photomontages submitted. Policy BHA9 of the Dublin City Development Plan 2022-2028 states that development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. I fail to see how the proposed development complies with this requirement and as such I do not consider that the proposal has been designed to be sensitive to the Sense of Place and Character of the surrounding area.
2	*To Provide Appropriate Legibility*	The inclusion of the bar and café at ground floor level, with access from Pembroke Road and the inclusion of a terrace area addressing the River Dodder, would re-introduce the street function which has been non-existent since the building has become vacant. The proposed use will strengthen the function of the Ballsbridge Area. However, I consider that the proposed development, due to the excessive height on this constrained site, has failed to positively contribution to legibility of the River Dodder Conservation Area. It is considered that the introduction of a building of 6 stories at this prominent location will be visually dominant and overbearing upon the immediate streetscape and wider Ballsbridge area.

3	*To provide Appropriate Continuity and Enclosure of Streets and Spaces*	While the hotel use will increase passive surveillance and pedestrian footfall, the deviation in height would be overbearing upon the surrounding street networks and give rise to a feeling of enclosed space. The maximum ridge level of the building is c.5m with a plot ratio of 4:5 and site coverage of 97.8%. Both the plot ratio and site coverage would both significantly exceed that identified in Table 2 of Appendix 3 of the City Plan which is identified as being 1.5-2.0 and 45-60% for conservation areas. I consider that this deviation from the recommended plot ratio and site coverage another indicator that the proposal represents the overdevelopment of this constrained site.
4	*To provide well connected, high quality and active public and communal spaces.*	Given the proposed use of the development there is no requirement to provide any public open space. Significant microclimate impacts in terms of wind would not be anticipated on a building of this scale and as such surrounding streets would not be expected to experience negative impacts in this regard.
5	*To Provide High Quality, Attractive and Useable Private Spaces*	All of the proposed hotel rooms are provided with access to natural daylight. The applicant has also submitted as part of the application documentation a daylight and sunlight assessment which considered the VSC and APSH of 13 no. properties within the vicinity. Of the 63 windows analysed for VSC one was determined to be potentially impacted by the proposed development. All other windows were determined to be compliant with the BRE guide for VSC requirements, remaining over 27% and / or experiencing a reduction less than 20% when compared to the existing conditions. The proposed

		development was determined to not negatively impact on any existing neighbouring buildings with regards to daylight availability. In terms of APSH all windows were determined to be fully compliant with the methodology and were found to be not negatively impacted by the proposed development in terms of sunlight availability. I note that Section 5.2 of Appendix 16 of the 2022-2028 Dublin City Development Plan states that daylight and sunlight assessment should include a VSC assessment, a APSH assessment, an Assessment of Winter Sunlight Hours and also of sunlight on the ground. The assessment as submitted failed to consider the Winter Sunlight Hours and sunlight on the ground and therefore does not comply with the requirements of Section 5.2 of Appendix 16 of the City Plan.
6	*To Promote Mix of Use and Diversity of Activities*	The proposed development provides for a mix of activities. The uses proposed are considered acceptable in term of the land use zoning and support its location.
7	*To ensure high quality and environmentally sustainable buildings*	The applicant is proposing to retain part of the existing façade of the building which is welcomed and contributes towards achieving the aims of Policy CA6 of the City Plan *'Retrofitting and Reuse of Existing Buildings*'. The applicant has also submitted a energy analysis report which sets out analysis of the building with a VRF (Variable Refrigerant Flow) and mechanical ventilation with heat recovery to bedroom spaces, and direct electric radiators to back of house areas. Full compliance with the energy, carbon emissions and renewable energy contribution requirements of TDG Part L 2022 of the

		building regulations was determined for the proposed building.
8	*To Secure Sustainable Density, Intensity at Locations of High Accessibility*	The development is appropriately located in a central, highly accessible area with excellent access to frequent public transport. However, I consider that the development of this site needs to represent a balance between the location of the site proximate to high-quality transportation corridor and to the historic character of the adjoining buildings and within the River Dodder Conservation Area.
9	*To Protect Historic Environments from Insensitive Development*	The proposed development site is situated within the River Dodder Conservation Area and proximate to a number of Protected Structures, namely 'Ballsbridge Bridge'. The Planning Officer in their assessment noted that while the retention of the two principal facades is welcomed, the extent of demolition is of concern. While I do consider that the overall design ethos of the building is of a significantly high standard, I am also of the opinion that the proposal in terms of the deviation from the established height would have a negative impact on the established historic character of the conservation area. The height placed upon this restrictive site is jarring with that of the established pattern along both Pembroke Road and Shelbourne Road and this is evident within the Photomontages submitted. While I note that the ground floor design has retained the proportions to the original building, which was welcomed by the Planning Officer, the overall deviation from the established pattern of development would have a

		detrimental visual impact on the surrounding conservation area. Overall, I consider that the design would need to be significantly amended or the scale of the site increased in order for the scheme to accord with the requirements of BHA9 of the Dublin City Development Plan 2022-2028 that meets a balance between the location of the subject site and the historic context of the surrounding buildings.
10	*To Ensure Appropriate Management and Maintenance*	Matters of security, management of public/communal areas, waste management, servicing and delivery can all be satisfactorily addressed by condition in the event that the Commission grant permission.

8.2.10 Section 15.5 of the City Plan provides guidance on identifying the high-level characteristics which shape the urban design response to a site to ensure the creation of good quality urban environments. While this section of the City Plan recognises that certain areas of the city, such as those located adjacent to high quality public transport will lend themselves to a more intensive form of development, they will also need to demonstrate compliance with appendix 3 which sets out guidance regarding density and building height in the city in order to achieve sustainable compact growth.

8.2.11 The Appellant within their 1st party appeal has addressed each section of this part of the City Plan and sets out how it is considered that the development compliance. I consider that the appellant in this instance has places an over-reliance on the high architectural merit of the scheme together with its location in a highly accessible area with access to frequent public transport, and failed to consider the restrictive nature of the site together with its location within the River Dodder Conservation area.

8.2.12 I note further that Section 15.5.1 of the Plan notes with regard to brownfield regeneration that proposal should undertake an analyse and review of the surrounding built environment to ensure the new development is consistent with the character of the area. The proposal has therefore failed to comply with the requirements of Section 15.5 in this regard.

8.2.13 Overall, I consider having regard to the constrained nature of the subject site, its location at the prominent junction of Shelbourne Road and Pembrook Road within Ballsbridge, and being situated with the River Dodder Conservation area proximate to the bridge which is a protected structure and listed in the Record of Monuments and Places (RMP) under the National Monuments Acts, the proposed development would have a detrimental impact on the established historic character of this area of Ballsbridge in terms of visual dominance and overdevelopment and would therefore not accord with the requirements of Policy BHA9 of the Dublin City Development Plan 2022-2028.

8.3.8. The quantum of development being proposed, which significantly exceeds the established height of the surrounding area, represents overdevelopment of the site and does not meet the performance criteria as set out within Table 3 of appendix 3 of the City Development Plan. Furthermore, the proposal having regard to the elevational treatment would be incongruous with the streetscape and negatively impact upon the historic context of the conservation area. Having regard to the forgoing I recommend that permission be refused.

8.4. **Built Heritage**

8.4.1. While I note that there is no report on file from the Conservation officer of the Local Authority, the Planning Officer in their assessment did note concern over size, scale and massing of the proposed development on this restricted site within a conservation area. This was reflected within the decision to refuse permission where it was considered that the proposal would be contrary to policy BHA9 of the Dublin City Development Plan 2022-2028 .

8.4.2. Section 11.5.3 of the Dublin City Development Plan notes that while red-lined Conservation 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. It is further stated that the special interest/value of Conservation Areas lies in the historic and architectural interest and the design and scale of these areas.

8.4.3. These comments are all encapsulated within policy BHA9 of the City Plan which states that '*Development within or affecting a Conservation Area must contribute positively*

to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible'. The policy provides for 7 enhancement opportunities for buildings that are situated within these areas.

8.4.4. The applicant has made a conscious attempt to retain part of the front façade of the building and utilised the existing opes in terms of their dimensions, however the AHIA submitted notes that the quantum of demolition which is required would be 'very significant' in the case of the architectural heritage of the building itself, but 'slight' in the context of the architectural heritage of the surrounding area.

8.4.5. I have addressed this policy under point 1 and point 9 of Table 1 above. However, to reiterate to the Commission, notwithstanding the high quality of architectural merit put forward within the overall design ethos, I would still have concern over the visual impact it would have upon the streetscape as I consider the proposed would be incongruous with this area of Ballsbridge. I am of the opinion the proposed development has failed to consider the character of the surrounding area and through the excessive height proposed on this constrained site, has failed to protect and enhance the character and appearance of the area and its setting.

8.4.6. I therefore recommend that the Commission uphold the decision of the Planning Authority and refuse permission.

8.5. Traffic Issues – 2nd Reason for Refusal.

8.5.1. As previously stated, the subject site is situated at a prominent location adjacent to Ballsbridge Bridge and at the junction of Pembroke Road and Shelbourne Road. The report of the Transportation Planning Division recognises the prominent location of the site and states that it is located at a busy intersection facilitating two-way movement on the Ballsbridge Bridge/ Pembroke Road and a 50km/h speed limit applies and in an area of high footfall.

8.5.2. The report goes on to raise a number of concerns with regard to traffic issues which include potential conflict between road users and traffic congestion as a result of the Servicing and Deliveries strategy for the hotel, this includes refuse collection and operation details of the restaurant; the proposed cycle parking layout; the lack of staff facilities to encourage active travel; and the proposed construction access.

8.5.3. While the report from the Transportation Section sought to have these issues addressed by way of further information, the Planning Officer considered that the concerns raised were reasonable, would constitute significant further information and as such they formed the second reason for refusal.

8.5.4. The Appellant in their response has provided for a number of alternative solutions to overcome the concerns raised with regard to servicing and deliveries to the hotel. The supplementary report from the project engineer provided for two options for deliveries which included the conversion of an existing wheelchair parking bay situated on Shelbourne Road to a loading bay. The second option would be utilising an existing loading bay on Merrion Road which is already utilised to service a number of commercial properties in the vicinity.

8.5.5. With regard to refuse collection the alternative solutions proposed that the bins are placed in front of the building, refuse vehicle stops on street while the bin collectors are loading the truck, which usually happens in the early morning. Alternatively, the new loading bay proposed on Shelbourne Road can be utilised.

8.5.6. In the first instance I note from undertaking a site visit that the assumptions of the Planning Authority are correct in that this area is heavily trafficked not only by vehicles but also by footfall. The site addresses the R118 (Pembroke Road) which is one of the main arteries into the City Centre and will soon provide for the recently permitted Belfield/Blackrock to City Centre Bus Connects Routes. The footpath to the front of the building is lined with bollards to stop cars from pulling in.

8.5.7. The existing accessible parking bay, discussed in option 1 for refuse collection, is situated c.57m from the proposed entrance to the building. While the existing loading bay on Merrion Road is situated in excess of c.100m from the proposed entrance of the site. In addition, the report of the Planning Officer noted that additional pedestrian crossings are planned in and around the junction with Anglesea Road, resulting in a reduction in the extent of on-street parking and loading facilities.

8.5.8. I note that the options put forward by the appellant all rely on utilising areas which are outside of the redline boundary associated with this application and as such they would require legal consent from the Local Authority. This was not submitted as part of the appeal documentation and therefore could not be conditioned or relied upon to be undertaken.

8.5.9. With regard to refuse collection, the alternative solutions are again relying on utilising areas outside of the control of the applicant. In addition, there is also a reliance on the times refuse collections will happen which cannot be controlled by either the applicant or a condition of planning.

8.5.10. While I accept that the subject site is situated within an area that is well serviced in terms of public transport, I consider that it would still generate a significant level of drop-off and servicing activities which would negatively impact upon this heavily trafficked area and reduce further the already limited number of on-street car parking bays and loading docks. Furthermore, I consider that the failure of the applicant to provide for some sort of loading bay or drop off facility on site further indicates that the proposal represents overdevelopment of this restrictive and constrained site. Therefore, I recommend that the commission retain the second reason for refusal which was included by the Planning Authority.

8.6. **Other Issues.**

8.6.1. Surface Water Management

Both the reports for the Parks and Biodiversity Section and the Water Services Section of the Planning Authority raised concerns over the surface water management proposed. It was considered that the surface water proposal put forward by the applicant was not adequate and that more clarity is required around the surface water management proposals. The report requests that the level of attenuation provided by the proposed roof system should be confirmed and details of the flow controls from all SuDS elements should be provided.

The appellant stated within their appeal that these measures were already included within their application documentation submitted as part of the original application. It is contended that the proposal has incorporated bio-retention planters, blue-green roof construction, and attenuation systems consistent with the principles of sustainable urban drainage.

I note from a review of the Engineering Services Report submitted by the applicant that section 4 sets out the surface water drainage proposal to serve the site. Reference is made to a surface water culvert which runs below Pembroke Road to the south of the site and through the corner of the site which discharges directly into the Dodder

River with no treatment to the surface water. It was deemed not practical to discharge the surface water generated from site into this surface water culvert.

Therefore, it is proposed that surface water generated on site will be attenuated within the site using blue roofs and raised bio-retention planters and then discharged into the combined sewer mains to the west of the site below Shelbourne Road at a reduced discharge rate of 2 L/sec. The report provides further details on the SuDs features proposed and the quantum's at which they will be provided. Furthermore, details of the Blue Roof proposals have been indicated on drawing no. 0026-TCE-01-XX-C-100 titled 'Blue Roofs Details' and also on drawing no. 0026-TCE-01-XX-C-003 title 'SuDS Masterplan.'

I therefore do not accept the concerns raised by the Water Services Section of the Planning Authority and consider that there may have been an overview on their part with respect to documentation provided by the applicant.

8.6.2. EIA Screening

The report of the Parks and Biodiversity Division states that the applicant should be requested to submit an EIA Screening determination for the proposed development. The Appellant within their appeal state that there is no requirement in this case given the scale of development and the conclusions of the NIS.

I note that the submission of and EIA Screening Determination is not a statutory requirement. I would draw the Commission to Section 6 of my report above and Appendix 1 and Appendix 2 of my report below, where I have undertaken an EIA Screening determination which concluded that an EIA would not be required.

8.6.3. Bat Survey

The Parks and Biodiversity Division of the Planning Authority stated within their report that only one emergent survey for Bats was included within the EcIA and that an updated bats survey should be sought by way of further information.

The appellant in response stated that it was unclear as to why this is required as the survey was undertaken on the 20th May 2025 – one month before application was lodged.

From a review of the Bat Survey, which formed appendix 1 of the ECIA submitted, I note that the information provided was significantly lacking. The assessment did not

set out the methodology utilised in that no details of what areas of the building were surveyed were provided, no detail at to the times the survey was undertaken was provided with only a simple reference to dusk being included, and no of the level of experience the person who undertook the survey was given. The assessment has simply provided.

In the event that the Commission are minded to grant permission for the proposed development, it is considered that a revised and updated bat survey should be requested to be submitted by way of a request for further information.

9.0 Appropriate Assessment

9.1. Stage 1 - Appropriate Assessment Screening

9.1.1. I am satisfied that the information on file which I have referred to in my assessment allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites. I have reviewed the applicant's 'Screening for Appropriate Assessment' and 'Natura Impact Assessment' which was submitted to the Planning Authority 9th July 2025 and I have carried out a full Screening Determination for the development and it is attached to this report in Appendix 3.

9.1.2. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development is likely to have a significant effect on the qualifying interests of the South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), and the North Bull Island SPA (Site Code 00406) and 'alone' in respect of the direct connect from the site via the River Dodder.

9.1.3. An appropriate assessment is required on the basis of the effects of the project 'alone'. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, is required on the basis of the effects of the project 'alone'.

9.2. Stage 2 - Appropriate Assessment

9.2.1. The following is an objective assessment of the implications of the proposal on the relevant Conservation Objectives (CO) of the South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), and the North Bull Island SPA (Site Code 00406) based on the scientific information provided by the applicant and taking into account expert opinion. It is based on an examination of all relevant documentation, analysis and evaluation of potential impacts, findings and conclusions. A final determination will be made by the Commission.

9.2.2. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness. Possible in-combination effects were also considered. A full description of the proposed development is set out on page 5 of the Screening report and the potential impacts from the construction and operational phases are set out in Table 8 of the NIS.

9.2.3. In the absence of mitigation, the potential for significant effects could not be excluded for the South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), and the North Bull Island SPA (Site Code 00406).

9.2.4. The report of the Parks, Biodiversity and Landscape Services Division raised some concern over the NIS as submitted and considered that some revision was needed which could be achieved by way of condition. The report noted that the information provided with regard to Bull Island (page 44 of the NIS) is outdate and refence should have been made to a specific report which has been prepared on Bull Island (Dr Melinda Lyons Report). In addition, concern was raised over Invasive Species and notes that if Himalayan balsam is found to be on the subject site, that it is the responsibility of the application to manage appropriately and remove in compliance with the Invasive Species Act. It was further noted that mitigation included in the Construction Management Plan (CMP) is not included in the NIS. The final concern relates to the surface water treatment, and it is considered that all grey water should be recycled on site and not simply attenuated.

9.2.5. With regard to the information provided about Bull Island (North Bull Island SPA (Site Code 00406)) I consider that the omission of the report referenced by the Biodiversity Officer of the Panning Authority would not impact the outcome of the NIS and it may have been an oversight on the Applicants site. The Special Conservation Area of Bull Island is situated c.5km to the north-east of the subject site, and I therefore do not consider that the proposed development will impact qualifying interest of Bull Island in terms of vibration or noise.

9.2.6. I note that the applicant has stated that there is no invasive species found on the subject site. This was stated in the Ecological Impact Assessment (EcIA), the CEMP and the NIS submitted. The EcIA states that invasive species were found on the bank of the River Dodder, to the east of the site, and it was considered that due to its location it will not have an effect on the proposed development as it outside the works area. The CEMP states that surveys will be carried out by the project ecologist in relation to the presence of invasive species.

9.2.7. Himalayan balsam was the Invasive Species found adjacent to the site and I note that this invasive species spreads by way of its seeds and this may be of what it of concern to the Planning Authority. The appellant states in their 1st party appeal (appendix D) that no works are proposed along the bed of the River Dodder and that there is a 3-4m vertical wall above where the Himalayan balsam was found.

9.2.8. I consider, having regard to the nature of the Invasive Specie referenced and its proximity to the site together with all the mitigation set out within the NIS together with the EcIA, CEMP and the CMP I do not consider this to be an issue.

9.2.9. I have discussed the issue of Surface Water Management under section 8.5.3 of this report above. Finally, with regard to the concerns raised over mitigation, I note that all mitigation proposed whether it be in the NIS, EcIA, CMP or CEMP will be required to be complied with by way of condition.

9.2.10. However, I note that the applicant within their AA Screening screened in the North-West Irish Sea SPA as it was considered that the proximity of the subject site to the River Dodder, it is considered that there is a direct hydrological pathway to this SPA. However, the NIS submitted failed to include and assessment of the North-West Irish Sea SPA and consider the impacts of the proposed developments may have upon the SPA. While it may be the instance that mitigation proposed within the NIS may

cover any potential impact , in this instance and with the lack of information provided to me I can not rule out any impact to this SPA. In the event that the Commission are minded to grant permission for this development they may want to seek an updated NIS be submitted which sets out a consideration of the North-West Irish Sea SPA .

9.2.11. I have reviewed the Conservation Objectives listed for each of the following sites on the NPWS website (www.npws.ie) the South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), and the North Bull Island SPA (Site Code 00406)and presented them for each of the Natura 2000 sites which have screened in within Appendix 4 of my report below. This information has been compiled from the information contained in the NIS and the NPWS Website.

9.2.12. Integrity Test

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

9.2.14. Based on the information provided in the application, I am satisfied that I am satisfied that adverse effects from deterioration of the water quality in River Dodder can be excluded for potential impact on the QI of the South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), and the North Bull Island SPA (Site Code 00406) and the QI will not be adversely affected in view of the Conservation objectives for the site.

9.3. Appropriate Assessment Conclusion

The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act, 2000, as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), and the North Bull Island SPA (Site Code 00406).

Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects, after the mitigation measures identified have been undertaken, would not adversely affect the integrity of South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), and the North Bull Island SPA (Site Code 00406)). This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), and the North Bull Island SPA (Site Code 00406)
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), and the North Bull Island SPA (Site Code 00406).

10.0 **Water Framework Directive**

10.1. The impact of the proposed development in terms of the WFD is set out in Appendix 5 to this report. The subject site is located at 166A Shelbourne Road, Ballsbridge, Dublin 4. The site is currently occupied by a vacant single storey building. Permission is being sought for the provision of a 5-storey extension above the existing building to provide for a hotel and all associated uses.

10.2. No open watercourses were recorded within the confines of the Proposed Development site. The application site shares its eastern boundary of the site with the River Dodder. In addition, there is an existing surface water culvert running through the basement and discharging into the river Dodder.

10.3. The site is located within the Liffey and Dublin Bay Catchment (area number 09) and the Dodder_SC_010 hydrological sub-catchment, and the Liffey and Dublin Bay

hydrometric Area (09). The groundwater waterbody risk is 'Not at risk' and the groundwater status of this catchment is assigned a status of 'Good' in the Water Framework Directive (WFD) groundwater monitoring programme.

10.4. The project uses standard construction/ pollution control methods, materials and equipment, and the process managed through the implementation of the CEMP. The application was accompanied by a NIS which set out detail mitigation measures. A surface water management system including SuDS features is also proposed.

10.5. Further to the provisions of Appendix 5 I conclude that on the basis of objective information, 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.

11.0 Recommendation

I recommend that the Commission uphold the decision of Dublin City Council and refuse planning permission for the reasons set out below.

12.0 Reasons and Considerations

1. Having regard to the prominent location of the subject site at the junction of the Shelbourne Road and Pembroke Road and its restricted nature of the site, it is considered that the proposed development would be visually dominant and overbearing upon the adjoining area and the River Dodder Conservation Area, in which it is also situated. The development would constitute an incongruous feature in the streetscape, would detract from the visual amenities of the wider area and would therefore fail to comply with Table 3 of Appendix 3, Policy BHA9 and Section 15.5 of the Dublin City Development Plan 2022-2028 and would constitute overdevelopment of this restrictive site. The proposal would therefore not be in keeping with the proper planning and sustainable development of the area.

2. The development is located on a heavily trafficked road, where several roads converge, and there is limited on-street carparking and set down availability. As a result, it is considered that the development would generate excessive drop-offs, servicing activity and overspill parking on the adjacent streets. The proposed development would, therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the Dublin City Development Plan 2022-2028 in this regard and would be contrary to the proper planning and sustainable development of the area.

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

Kathy Tuck
Planning Inspector

5th Janurary 2026

Appendix 1

EIA Pre-Screening

Case Reference	ACP-323763
Proposed Development Summary	A five-storey extension to include amenity roof terrace with swimming pool, a bar/café, a restaurant and a 24-no. bedroom boutique hotel and all ancillary work necessary to facilitate the development.
Development Address	166A Shelbourne Road, Ballsbridge, Dublin 4, D04 NN88
	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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ 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)?	
☐ Yes, it is a Class specified in Part 1. **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	State the Class here
☒ 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?	

☐ 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.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	
☒ 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)**	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.

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 ☐	**Screening Determination required (Complete Form 3)**
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____ **Date:** _____

Appendix 2

EIA Preliminary Examination

Case Reference	ACP-323763-25
Proposed Development Summary	A five storey extension to include amenity roof terrace with swimming pool, a bar/café, a restaurant and a 24 no. bedroom boutique hotel and all ancillary works necessary to facilitate the development.
Development Address	166A Shelbourne Road, Ballsbridge, Dublin 4, D04 NN88
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development is seeking to retain the existing building on site and provide for a 5 story extension to provide for a hotel use. The site has a stated area of c. 0.022ha and shares its eastern boundary with the river dodder. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development site is located within the inner city in an area. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the City Development Plan.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	Having regard to the location of the subject site within the city centre which is removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.

cumulative effects and opportunities for mitigation).	
Conclusion	
There is no real likelihood of significant effects on the environment.	**EIA is not required.**

Inspector: _____Date: _____

Appendix 3

Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of development site characteristics and potential impact mechanisms	Permission is sought for the construction of new floor level at basement level, provision of a outdoor terrace, construction of a five storey extension to include amenity roof terrace with swimming pool, a bar/café, a restaurant and a 24 no. bedroom boutique hotel and all ancillary works necessary to facilitate the development. The eastern boundary of the subject site is shared with the River Shannon. The applicant states that no in stream works are proposed. Water supply and waste-water treatment will be from connection to public mains. Surface water is proposed to be attenuated within the site using blue roofs and raised bio-retention planters and then discharged into the combined sewer mains to the west of the site below Shelbourne Road at a reduced discharge rate of 2 L/sec. The surface water will be slowed and partially filtered on-site by means of a blue roof system and thus not increasing downstream flow rates. There are no water courses of other ecological features of note on the site however as noted above, the eastern boundary of the subject site is shared with the River

	Dodder which provides for a direct connection to the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and the North Bull Island SPA.
Screening report	Yes
Natura Impact Statement	Yes
Relevant submissions	Yes: Report from the Parks, Biodiversity and Landscape Services Division of the Planning Authority notes the following concerns: o Information requested of evidence how the applicants will prevent construction pollution accessing the River Dodder within the NIS; o Dr Melinda Lyons Report on Bull Island should be included in the NIS list of associated literature and referred to appropriately as relevant scientific data ; and o Invasive Species if on applicant's land there is a responsibility to manage appropriately - noted reference to mitigation in the CMP is required in the NIS.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The European sites potentially within a zone of influence of the proposed development are listed in the table below.

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections[2]	Consider further in screening[3] Y/N
South Dublin Bay SAC	Mudflats and sandflats not covered by seawater at low tide [1140]	1.5km	Yes - direct connection via the River Dodder	**Y**

Site Code 000210	Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]			
North Dublin Bay SAC Site Code 000206	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395]	5.1km	Yes - direct connection via the River Dodder.	**Y**

South Dublin Bay and River Tolka Estuary SPA Site Code 004024	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999]	1.5km	Yes - direct connection via the River Dodder.	**Y**

North Bull Island SPA Site Code 004006	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162]	5.1km	Yes - direct connection via the River Dodder.	**Y**

	Turnstone (Arenaria interpres) [A169] Black-headed Gull (Chroicocephalus ridibundus) [A179] Shoveler (Spatula clypeata) [A857] Wetland and Waterbirds [A999]			
North-West Irish Sea SPA (site code 004236)	Red-throated Diver (Gavia stellata) [A001] Great Northern Diver (Gavia immer) [A003] Fulmar (Fulmarus glacialis) [A009] Manx Shearwater (Puffinus puffinus) [A013] Cormorant (Phalacrocorax carbo) [A017] Shag (Phalacrocorax aristotelis) [A018] Common Scoter (Melanitta nigra) [A065] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Lesser Black-backed Gull (Larus fuscus) [A183] Herring Gull (Larus argentatus) [A184]	5.1Km	Yes - direct connection via the River Dodder.	**Y**

	Great Black-backed Gull (Larus marinus) [A187] Kittiwake (Rissa tridactyla) [A188] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200] Puffin (Fratercula arctica) [A204] Little Gull (Hydrocoloeus minutus) [A862] Little Tern (Sternula albifrons) [A885]			

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

I conclude that the proposed development alone would result in likely significant effects on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and the North Bull Island SPA . The proposed development would have likely significant effect in combination with other plans and projects on any European sites in the absence of mitigation measures. Further assessment is required for the project.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would be likely to give rise to significant effects on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and the North Bull Island SPA, in view of the Conservation Objectives of those sites and Appropriate Assessment (and submission of a NIS) is therefore required.

This determination is based on:

- Nature of works;
- Potential hydrological connection to the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and the North Bull Island SPA via the River Dodder which the subject site shares its eastern boundary with.

Appendix 4

Appropriate Assessment

Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] 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 the construction of new floor level at basement level, provision of an outdoor terrace, construction of a five storey extension to include amenity roof terrace with swimming pool, a bar/café, a restaurant and a 24 no. bedroom boutique hotel and all ancillary works necessary to facilitate the development in view of the relevant conservation objectives of the South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), and the North Bull Island SPA (Site Code 00406) based on scientific information provided by the applicant and considering expert opinion set out in observations on nature conservation received from the Department of Housing, Local Government and Heritage. The information relied upon includes the following: • Natura Impact Statement prepared by Altemar Marine & Environmental Consultancy. • The National Parks and Wildlife Website. • The Environmental Protection Agency GIS Mapping Services. • The determination undertaken by Dublin City Council Planning Authority. • The report from the Parks, Biodiversity and Landscape Services Division of the Planning Authority. 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

Report from the Parks, Biodiversity and Landscape Services Division of the Planning Authority notes the following concerns:

- Information requested of evidence how the applicants will prevent construction pollution accessing the River Dodder within the NIS;
- Dr Melinda Lyons Report on Bull Island should be included in the NIS list of associated literature and referred to appropriately as relevant scientific data ; and
- Invasive Species if on applicant's land there is a responsibility to manage appropriately - noted reference to mitigation in the CMP is required in the NIS.

I have provided an assessment of all the concerns raised within the report of the Parks, Biodiversity and Landscape Services Division of the Planning Authority under Section 9.2.4-9.2.9 of my report above.

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

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

(i) Water quality degradation (construction and operation)
(ii) Invasive Species

See Table 8 NIS

Qualifying Interest features likely to be affected	**Conservation Objectives**	**Potential adverse effects**	**Mitigation measures (summary)** Table 9 of the NIS.
Mudflats and sandflats not covered by seawater at low tide [1140]	Maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC	The range of the species that are of conservational interest may extend into the proposed development site, and are located downstream of the proposed works. Demolition and construction works have the potential for downstream impacts on aquatic biodiversity through the introduction of silt and petrochemicals. Existing drainage networks on site, surface water runoff or works in the vicinity of the drainage networks on onsite could lead to dust, hazardous	A wide range of mitigation is presented in Table 9 of the NIS. Some include <u>Demolition:</u> • Ensure effective water suppression is used during demolition operations. Hand held sprays are more effective than hoses attached to equipment as the water can be directed to where it is needed. In addition, high volume water suppression systems, manually controlled, can

		material, soil or silt laden runoff entering adjacent river. Surface water runoff on site during construction may lead to silt or contaminated materials from the site entering the River Dodder with downstream impacts on the SAC.	produce fine water droplets that effectively bring the dust particles to the ground. • Avoid explosive blasting, using appropriate manual or mechanical alternatives. • Bag and remove any biological debris or damp down such material before demolition. <u>Measures Specific to Earthworks</u> • Re-vegetate earthworks and exposed areas/soil stockpiles to stabilise surfaces as soon as practicable. • Use Hessian, mulches or trackifiers where it is not possible to re-vegetate or cover with topsoil, as soon as practicable. • Only remove the cover in small areas during work and not all at once. During dry and windy periods, and when there is a likelihood of dust nuisance, a bowser will operate to ensure moisture content is high enough to increase the stability of the soil and thus suppress dust. • Due to the proximity of the River Dodder, an ecologist will oversee ground and enabling works in particular the excavation of material from the perimeter of the site and works related to the retaining wall.

Annual vegetation of drift lines [1210]	None provided in the SCCO document.	Same as above.	As above
Salicornia and other annuals colonising mud and sand [1310]	None provided in the SCCO document.	Same as above.	As above
Embryonic shifting dunes [2110]	None provided in the SCCO document.	Same as above.	As above

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

(i) Water quality degradation – Construction Phase

There is a direct connection via the River Dodder to this SAC for the proposed development both at construction and operation phase.

Surface water runoff generated by the proposed development during operation will be collected and attenuated on site via SUDs measures as indicated within the NIS (pg 4 and 5). The SuDs measures include blue roofs and raised bio-retention planters

Water quality of SAC remains vulnerable. Good quality water is necessary to maintain the populations of the Annex II animal species listed being the Cormorant, Tufted Duck, Goldeneye and Common Tern. Decrease in water quality would compromise conservation objectives for Annex II species listed and increase sedimentation could alter habitat quality for spawning or nursery grounds. SuDs are not relied upon by the applicant to mitigate impact on Natura 2000 site. Thus the potential for likely significant effects arising from operation-related surface water discharge is deemed negligible.

In considering the potential for significant effects from construction related surface water discharge on the above-mentioned Natura 2000 site, and considering standard controls and standards implemented during the construction of a development of this scale, I think that the proposed development is unlikely to result in impacts of such magnitude that could undermine the conservation objectives for this site.

Table 9 of the NIS presents a wide range of mitigation measures which are considered to be site specific which includes for the implementation of a CEMP and best practice pollution control measures to prevent the release of silt and chemicals and reduce the risk of accidental pollutions. The CEMP will be implemented by the Contractor during the construction phase. On review of the CEMP submitted covers all potentially polluting activities and include mitigation measures for critical elements such as storage and handling of harmful materials.

Mitigation measures and conditions

- Surface Water runoff from the site will be discharged through settlement tanks before being discharged to the surface water network, upstream of any petrochemical interceptors.

- Dust control measures will be in place during demolition. As this is an urban environment with sensitive receptors including pedestrians proximate to the site with the lack of sensitive ecological receptors proximate to the site, the standard measures to comply with Health & Safety would be deemed to be adequate. Plant refuelling activities.
- Oil/diesel spillages and risk of ground and surface water contamination. All mobile plant to be refuelled in a central refuelling area where a spillage containment sump will be constructed within the refuelling area. All collected fuel will be disposed offsite under license.
- A record of all spillages will be kept and monitored.
- Storage of materials, sediment being washed into drains or watercourses. Stockpiling of loose materials and soil will be kept to a minimum of 5m from drains. In the event that stockpiles are required, they will have suitable barriers to prevent runoff of fines into the drainage system. Damping down of stockpiles will need to take place in dry windy weather to prevent wind-blown movement of fines.
- Fuel, oil and chemical storage will be sited within a bunded area. The bund must be able to take the volume of the largest container plus 10% and be located at least 5m away from drains and the River Dodder. Bunds will be kept clean and spills within the bund area will be cleaned immediately to prevent groundwater contamination.
- Construction operations outside of daylight hours will be kept to a minimum in order to minimise disturbance to fauna in addition to roosting bird species. All gull species are protected under the Wildlife Acts. An ecologist will be consulted in relation to gull mitigation prior to the demolition commencing to ensure no breeding is occurring. Should the demolition commence during the bird nesting season Weekly checks will be carried out on the roof to inspect for nests, prior to the eggs being laid. Nests would be removed prior to laying of eggs. If eggs have been laid it will be necessary to apply for a licence for their removal from NPWS and the eggs/juveniles reared off site. Consultation will take place with the NPWS prior to and during the demolition phase.

(ii) Spread of invasive species

Invasive species can rapidly take over and negatively alter the natural balances of an ecosystem. The applicant identified the presence of a listed Invasive Species (Himalayan balsam) on the bed of the River Dodder adjacent to the eastern boundary of the site. It is considered due to the presence of 3-4m vertical wall above where the Himalayan balsam was found there will be no contamination to the subject site.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS (pages 35-37). 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 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 impacts would be temporary in nature and mitigation measures are described to prevent t ingress of silt laden surface water and other construction related pollutants. Monitoring measures are proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

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 South Dublin Bay SAC (Site Code 000210). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

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

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

(i) Water quality degradation (construction and operation)
(ii) Spread of invasive species

See Table 6 within the NIS

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in North Dublin Bay SAC.	Given the nature of the works, all of these effects would be expected to be localised in nature restricted to the immediate vicinity of the site. However, without the presence of mitigation measures there is a potential for downstream effects if significant quantities of pollution or silt were introduced into the River Dodder with potential for downstream impacts on North Dublin Bay SAC.	A wide range of mitigation is presented in Table 9 of the NIS. Some include *Measures Specific to Demolition* • Ensure effective water suppression is used during demolition operations. Hand held sprays are more effective than hoses attached to equipment as the water can be directed to where it is needed. In addition, high volume

		the range of the species that are of conservational interest may extend into the proposed development site, and are located downstream of the proposed works. Existing drainage networks on site, surface water runoff, or works in the vicinity of the drainage networks on onsite could lead to dust, hazardous material, soil or silt laden runoff entering adjacent river. Surface water runoff on site during construction may lead to silt or contaminated materials from site entering the River Dodder with downstream impacts on the SAC. If on-site concrete production is required or cement works are carried out in the vicinity of watercourses there is potential for contamination of watercourses. Impacts on the SAC from upstream sources have the potential to directly impact on the qualifying interests of the SAC in the absence of mitigation measures.	water suppression systems, manually controlled, can produce fine water droplets that effectively bring the dust particles to the ground. • Avoid explosive blasting, using appropriate manual or mechanical alternatives. • Bag and remove any biological debris or damp down such material before demolition. *Measures Specific to Earthworks* • Re-vegetate earthworks and exposed areas/soil stockpiles to stabilise surfaces as soon as practicable. • Use Hessian, mulches or trackifiers where it is not possible to re-vegetate or cover with topsoil, as soon as practicable. • Only remove the cover in small areas during work and not all at once. • During dry and windy periods, and when there is a likelihood of dust nuisance, a bowser will operate to ensure moisture content is high enough to increase the stability of the soil and thus suppress dust. • Due to the proximity of the River Dodder, an ecologist will oversee ground and enabling works in particular the excavation of material from the perimeter of the site and works related to the retaining wall. In addition, standard site hoarding will be provided along	

			the boundaries of the site (where possible) as a typical security measure, however, this will also provide an additional protection measure against dust leaving the site. The Contractor will be required to consult with an ecologist prior to the beginning of works to identify any additional measures that may be appropriate and/or required.
Annual vegetation of drift lines [1210]	To restore the favourable conservation condition of Annual vegetation of drift lines in North Dublin Bay SAC.	As per the mudflats and sandflats.	As above.
Salicornia and other annuals colonising mud and sand [1310]	To restore the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in North Dublin Bay SAC	As per the mudflats and sandflats.	As above.
Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]	To maintain the favourable conservation condition of Atlantic salt meadows (Glauco Puccinellietalia maritimae) in North Dublin Bay SAC.	As per the mudflats and sandflats.	As above.
Mediterranean salt meadows (*Juncetalia maritimi*) [1410]	To maintain the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi) in North Dublin Bay SAC	As per the mudflats and sandflats.	As above.
Embryonic shifting dunes [2110]	To restore the favourable conservation condition of Embryonic shifting dunes in North Dublin Bay SAC	No impact	None required – this habitat is restricted to areas above the high tide line and would therefore not be impacted by any potential construction related surface water discharge.
Shifting dunes along the shoreline with Ammophila	To restore the favourable conservation condition		None required – see as above.

arenaria (white dunes)	of Shifting dunes along the shoreline with Ammophila arenaria ('white dunes') in North Dublin Bay SAC.		

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

(i) Water quality degradation

There is the potential for water quality impacts to arise as a result of the proposed works due to proximity to the River Dodder which is a direct connection to this Natura 2000 site. There is the potential for suspended solids pollution, dust generation and concrete / cement spillages due to the proximity to the lake. This can lead to adverse water quality pollution, altering of pH levels which can negatively affect the habitat utilized by this species.

Mitigation measures and conditions

- Surface Water runoff from the site will be discharged through settlement tanks before being discharged to the surface water network, upstream of any petrochemical interceptors.
- Dust control measures will be in place during demolition. As this is an urban environment with sensitive receptors including pedestrians proximate to the site with the lack of sensitive ecological receptors proximate to the site, the standard measures to comply with Health & Safety would be deemed to be adequate. Plant refuelling activities.
- Oil/diesel spillages and risk of ground and surface water contamination. All mobile plant to be refuelled in a central refuelling area where a spillage containment sump will be constructed within the refuelling area. All collected fuel will be disposed offsite under license.
- A record of all spillages will be kept and monitored.
- Storage of materials, sediment being washed into drains or watercourses. Stockpiling of loose materials and soil will be kept to a minimum of 5m from drains. In the event that stockpiles are required, they will have suitable barriers to prevent runoff of fines into the drainage system. Damping down of stockpiles will need to take place in dry windy weather to prevent wind-blown movement of fines.
- Fuel, oil and chemical storage will be sited within a bunded area. The bund must be able to take the volume of the largest container plus 10% and be located at least 5m away from drains and the River Dodder. Bunds will be kept clean and spills within the bund area will be cleaned immediately to prevent groundwater contamination.
- Construction operations outside of daylight hours will be kept to a minimum in order to minimise disturbance to fauna in addition to roosting bird species. All gull species are protected under the Wildlife Acts. An ecologist will be consulted in relation to gull mitigation prior to the demolition commencing to ensure no breeding is occurring. Should the demolition commence during the bird nesting season Weekly checks will be carried out on the roof to inspect for nests, prior to the eggs being laid. Nests would be removed prior to laying of eggs. If eggs have been laid it will be necessary to apply for a licence for their removal from NPWS and the eggs/juveniles reared off site. Consultation will take place with the NPWS prior to and during the demolition phase.

(ii) Spread of invasive species

As stated above, Invasive species could also be introduced or spread easily due to the presence of such in the proximity of the subject site. However, It is considered due to the presence of 3-4m vertical wall above where the Himalayan balsam was found there will be no contamination to the subject site.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS (pg 35). 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. Plans and projects that could act in combination with the proposed development are detailed and assessed within pages 35 - 37 of the NIS submitted.

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 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 impacts would be temporary in nature and mitigation measures are described to prevent t ingress of silt laden surface water and other construction related pollutants. Monitoring measures are proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

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 (Site Code 000206). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

NAME OF SAC/ SPA (SITE CODE): South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) **Summary of Key issues that could give rise to adverse effects (from screening stage): [examples]** **(i) Water quality degradation (construction and operation)** **(ii) Spread of invasive species** **See Table 6 within the NIS**			
Qualifying Interest features likely to be affected	**Conservation Objectives**	**Potential adverse effects**	**Mitigation measures (summary)**
Light-bellied Brent Goose (Branta bernicla hrota) [A046]	To maintain the favourable conservation condition of Light-bellied Brent Goose in South Dublin Bay and River Tolka Estuary SPA	Given the nature of the works, all of these effects would be expected to be localised in nature restricted to the immediate vicinity of the site. However, without the presence of mitigation measures there is a potential for downstream effects if significant quantities of pollution or silt were introduced into the River Dodder with potential for downstream impacts on South Dublin Bay and River Tolka Estuary SPA. The habitats of conservation interest of this SPA are not on site. However, the range of the species that are conservation interests would potentially be downstream of the proposed works. Demolition and construction works have the potential for downstream impacts on aquatic biodiversity through the introduction of silt and	*Measures Specific to Demolition* • Ensure effective water suppression is used during demolition operations. Hand held sprays are more effective than hoses attached to equipment as the water can be directed to where it is needed. In addition, high volume water suppression systems, manually controlled, can produce fine water droplets that effectively bring the dust particles to the ground. • Avoid explosive blasting, using appropriate manual or mechanical alternatives. • Bag and remove any biological debris or damp down such material before demolition. *Measures Specific to Earthworks* • Re-vegetate earthworks and exposed areas/soil stockpiles to stabilise surfaces as soon as practicable.

		petrochemicals. Existing drainage networks on site, surface water runoff, or works in the vicinity of the drainage networks on onsite could lead to dust, hazardous material, soil or silt laden runoff entering adjacent river. Surface water runoff on site during demolition may lead to silt or contaminated materials from site entering the River Dodder with downstream impacts on the SPA. If on-site concrete production is required or cement works are carried out in the vicinity of watercourses there is potential for contamination of watercourses. The use of plant and machinery, as well as the associated temporary storage of construction materials, oils, fuels and chemicals could lead to pollution on site or in adjacent watercourses. Impacts on the SPA from upstream sources have the potential to directly impact on the qualifying interests of the SPA in the absence of mitigation measures.	• Use Hessian, mulches or trackifiers where it is not possible to re-vegetate or cover with topsoil, as soon as practicable. • Only remove the cover in small areas during work and not all at once. • During dry and windy periods, and when there is a likelihood of dust nuisance, a bowser will operate to ensure moisture content is high enough to increase the stability of the soil and thus suppress dust. • Due to the proximity of the River Dodder, an ecologist will oversee ground and enabling works in particular the excavation of material from the perimeter of the site and works related to the retaining wall. In addition, standard site hoarding will be provided along the boundaries of the site (where possible) as a typical security measure, however, this will also provide an additional protection measure against dust leaving the site. The Contractor will be required to consult with an ecologist prior to the beginning of works to identify any additional measures that may be appropriate and/or required.
Oystercatcher (Haematopus ostralegus) [A130]	To maintain the favourable conservation condition of Oystercatcher in South Dublin Bay and	Same as above	Same as above

	River Tolka Estuary SPA,		
Ringed Plover (Charadrius hiaticula) [A137]	To maintain the favourable conservation condition of Ringed Plover in South Dublin Bay and River Tolka Estuary SPA	Same as above	Same as above
Grey Plover (Pluvialis squatarola) [A141]	Grey Plover is proposed for removal from the list of Special Conservation Interests for South Dublin Bay and River Tolka Estuary SPA	Same as above	Same as above
Knot (Calidris canutus) [A143]	To maintain the favourable conservation condition of Knot in South Dublin Bay and River Tolka Estuary SPA	Same as above	Same as above
Sanderling (Calidris alba) [A144]	To maintain the favourable conservation condition of Sanderling in South Dublin Bay and River Tolka Estuary SPA,	Same as above	Same as above
Dunlin (Calidris alpina) [A149]	To maintain the favourable conservation condition of Dunlin in South Dublin Bay and River Tolka Estuary SPA,	Same as above	Same as above
Bar-tailed Godwit (Limosa lapponica) [A157]	To maintain the favourable conservation condition of Bar-tailed Godwit in South Dublin Bay and River Tolka Estuary SPA	Same as above	Same as above
Redshank (Tringa totanus) [A162]	To maintain the favourable conservation condition of Redshank in South	Same as above	Same as above

	Dublin Bay and River Tolka Estuary SPA,		
Black-headed Gull (Chroicocephalus ridibundus) [A179]	To maintain the favourable conservation condition of Black-headed Gull in South Dublin Bay and River Tolka Estuary SPA	Same as above	Same as above
Roseate Tern (Sterna dougallii) [A192]	To maintain the favourable conservation condition of Roseate Tern in South Dublin Bay and River Tolka Estuary SPA	Same as above	Same as above
Common Tern (Sterna hirundo) [A193]	To maintain the favourable conservation condition of Common Tern in South Dublin Bay and River Tolka Estuary SPA	Same as above	Same as above
Arctic Tern (Sterna paradisaea) [A194]	To maintain the favourable conservation condition of Arctic Tern in South Dublin Bay and River Tolka Estuary SPA	Same as above	Same as above
Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of the wetland habitat in South Dublin Bay and River Tolka Estuary SPA	Same as above	Same as above

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

(i) Water quality degradation

The South Dublin Bay and River Tolka Estuary SPA comprises a substantial part of Dublin Bay. It includes the intertidal area between the River Liffey and Dun Laoghaire, and the estuary of the River Tolka to the north of the River Liffey, as well as Booterstown Marsh. A portion of the shallow marine waters of the bay is also included. In the south bay, the intertidal flats extend for almost 3 km at their widest. The sediments are predominantly well-

aerated sands. Wintering bird species feed within the estuary. There has been no significant decrease in the range, timing and intensity of use of areas by all of the above named species, other than that occurring from natural patterns of variation.

There is the potential for water quality impacts to arise as a result of the proposed works due to proximity to the River Dodder which is a direct connection to this Natura 2000 site. There is the potential for suspended solids pollution, dust generation and concrete / cement spillages due to the proximity to the lake. This can lead to adverse water quality pollution, altering of pH levels which can negatively affect the habitat utilized by these species.

Mitigation measures and conditions

- Surface Water runoff from the site will be discharged through settlement tanks before being discharged to the surface water network, upstream of any petrochemical interceptors.
- Dust control measures will be in place during demolition. As this is an urban environment with sensitive receptors including pedestrians proximate to the site with the lack of sensitive ecological receptors proximate to the site, the standard measures to comply with Health & Safety would be deemed to be adequate. Plant refuelling activities.
- Oil/diesel spillages and risk of ground and surface water contamination. All mobile plant to be refuelled in a central refuelling area where a spillage containment sump will be constructed within the refuelling area. All collected fuel will be disposed offsite under license.
- A record of all spillages will be kept and monitored.
- Storage of materials, sediment being washed into drains or watercourses. Stockpiling of loose materials and soil will be kept to a minimum of 5m from drains. In the event that stockpiles are required, they will have suitable barriers to prevent runoff of fines into the drainage system. Damping down of stockpiles will need to take place in dry windy weather to prevent wind-blown movement of fines.
- Fuel, oil and chemical storage will be sited within a bunded area. The bund must be able to take the volume of the largest container plus 10% and be located at least 5m away from drains and the River Dodder. Bunds will be kept clean and spills within the bund area will be cleaned immediately to prevent groundwater contamination.
- Construction operations outside of daylight hours will be kept to a minimum in order to minimise disturbance to fauna in addition to roosting bird species. All gull species are protected under the Wildlife Acts. An ecologist will be consulted in relation to gull mitigation prior to the demolition commencing to ensure no breeding is occurring. Should the demolition commence during the bird nesting season Weekly checks will be carried out on the roof to inspect for nests, prior to the eggs being laid. Nests would be removed prior to laying of eggs. If eggs have been laid it will be necessary to apply for a licence for their removal from NPWS and the eggs/juveniles reared off site. Consultation will take place with the NPWS prior to and during the demolition phase.

(ii) Spread of invasive species

As stated above, Invasive species could also be introduced or spread easily due to the presence of such in the proximity of the subject site. However, It is considered due to the

presence of 3-4m vertical wall above where the Himalayan balsam was found there will be no contamination to the subject site.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS (pg 35). 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. Plans and projects that could act in combination with the proposed development are detailed and assessed on pages 35 37 of the NIS submitted.

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 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 impacts would be temporary in nature and mitigation measures are described to prevent t ingress of silt laden surface water and other construction related pollutants. Monitoring measures are proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

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 South Dublin Bay and River Tolka Estuary SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

NAME OF SAC/ SPA (SITE CODE): North Bull Island SPA (Site Code 004006)

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

(i) Water quality degradation (construction and operation)
(ii)
(iii)Spread of invasive species

See Table 6 within the NIS

Qualifying Interest features	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)

likely to be affected			
Light-bellied Brent Goose (Branta bernicla hrota) [A046]	To maintain the favourable conservation condition of Light-bellied Brent Goose in North Bull Island SPA	Given the nature of the works, all of these effects would be expected to be localised in nature restricted to the immediate vicinity of the site. However, without the presence of mitigation measures there is a potential for downstream effects if significant quantities of pollution or silt were introduced into the River Dodder with potential for downstream impacts on North Bull Island SPA. The habitats of conservation interest of this SPA are not on site. However, the range of the species that are conservation interests would potentially be downstream of the proposed works. Demolition and construction works have the potential for downstream impacts on aquatic biodiversity through the introduction of silt and petrochemicals. Existing drainage networks on site, surface water runoff, in the vicinity of the drainage networks on onsite could lead to dust, hazardous material, soil or silt laden runoff entering adjacent river. Surface water runoff on site during demolition may lead to silt or contaminated materials from site entering the	*Measures Specific to Demolition* • Ensure effective water suppression is used during demolition operations. Hand held sprays are more effective than hoses attached to equipment as the water can be directed to where it is needed. In addition, high volume water suppression systems, manually controlled, can produce fine water droplets that effectively bring the dust particles to the ground. • Avoid explosive blasting, using appropriate manual or mechanical alternatives. • Bag and remove any biological debris or damp down such material before demolition. *Measures Specific to Earthworks* • Re-vegetate earthworks and exposed areas/soil stockpiles to stabilise surfaces as soon as practicable. • Use Hessian, mulches or trackifiers where it is not possible to re-vegetate or cover with topsoil, as soon as practicable. • Only remove the cover in small areas during work and not all at once. • During dry and windy periods, and when there is a likelihood of dust nuisance, a bowser will operate to ensure moisture

		River Dodder with downstream impacts on the SPA. If on-site concrete production is required or cement works are carried out in the vicinity of watercourses there is potential for contamination of watercourses. The use of plant and machinery, as well as the associated temporary storage of construction materials, oils, fuels and chemicals could lead to pollution on site or in adjacent watercourses. Impacts on the SPA from upstream sources have the potential to directly impact on the qualifying interests of the SPA in the absence of mitigation measures	content is high enough to increase the stability of the soil and thus suppress dust. • Due to the proximity of the River Dodder, an ecologist will oversee ground and enabling works in particular the excavation of material from the perimeter of the site and works related to the retaining wall. In addition, standard site hoarding will be provided along the boundaries of the site (where possible) as a typical security measure, however, this will also provide an additional protection measure against dust leaving the site. The Contractor will be required to consult with an ecologist prior to the beginning of works to identify any additional measures that may be appropriate and/or required.
Shelduck (Tadorna tadorna) [A048]	To maintain the favourable conservation condition of Shelduck in North Bull Island SPA	Same as above	Same as above
Teal (Anas crecca) [A052]	To maintain the favourable conservation condition of Teal in North Bull Island SPA,	Same as above	Same as above
Pintail (Anas acuta) [A054]	To maintain the favourable conservation condition of Pintail in North Bull Island SPA,	Same as above	Same as above
Oystercatcher (Haematopus ostralegus) [A130]	To maintain the favourable conservation condition of	Same as above	Same as above

	Oystercatcher in North Bull Island SPA		
Golden Plover (Pluvialis apricaria) [A140]	To maintain the favourable conservation condition of Golden Plover in North Bull Island	Same as above	Same as above
Grey Plover (Pluvialis squatarola) [A141]	To maintain the favourable conservation condition of Grey Plover in North Bull Island SPA	Same as above	Same as above
Knot (Calidris canutus) [A143]	To maintain the favourable conservation condition of Knot in North Bull Island SPA.	Same as above	Same as above
Sanderling (Calidris alba) [A144]	To maintain the favourable conservation condition of Sanderling in North Bull Island SPA.	Same as above	Same as above
Dunlin (Calidris alpina) [A149]	To maintain the favourable conservation condition of Dunlin in North Bull Island SPA	Same as above	Same as above
Black-tailed Godwit (Limosa limosa) [A156]	To maintain the favourable conservation condition of Black-tailed Godwit in North Bull Island SPA,	Same as above	Same as above
Bar-tailed Godwit (Limosa lapponica) [A157]	To maintain the favourable conservation condition of Bar-tailed Godwit in North Bull Island SPA	Same as above	Same as above
Curlew (Numenius arquata) [A160]	To maintain the favourable conservation condition of Curlew in North Bull Island SPA	Same as above	Same as above
Redshank (Tringa totanus) [A162]	To maintain the favourable conservation	Same as above	Same as above

	condition of Redshank in North Bull Island SPA		
Turnstone (Arenaria interpres) [A169]	To maintain the favourable conservation condition of Turnstone in North Bull Island SPA	Same as above	Same as above
Black-headed Gull (Chroicocephalus ridibundus) [A179]	To maintain the favourable conservation condition of Black-headed Gull in North Bull Island SPA	Same as above	Same as above
Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of the wetland habitat in North Bull Island SPA as a resource for the regularly occurring migratory waterbirds that utilise it.	Same as above	Same as above

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

(i) Water quality degradation

There is the potential for water quality impacts to arise as a result of the proposed works due to proximity to the River Dodder which is a direct connection to this Natura 2000 site. There is the potential for suspended solids pollution, dust generation and concrete / cement spillages due to the proximity to the lake. This can lead to adverse water quality pollution, altering of pH levels which can negatively affect the habitat utilized by this species.

Mitigation measures and conditions

- Surface Water runoff from the site will be discharged through settlement tanks before being discharged to the surface water network, upstream of any petrochemical interceptors.
- Dust control measures will be in place during demolition. As this is an urban environment with sensitive receptors including pedestrians proximate to the site with the lack of sensitive ecological receptors proximate to the site, the standard measures to comply with Health & Safety would be deemed to be adequate. Plant refuelling activities.
- Oil/diesel spillages and risk of ground and surface water contamination. All mobile plant to be refuelled in a central refuelling area where a spillage containment sump will be constructed within the refuelling area. All collected fuel will be disposed offsite under license.
- A record of all spillages will be kept and monitored.

- Storage of materials, sediment being washed into drains or watercourses. Stockpiling of loose materials and soil will be kept to a minimum of 5m from drains. In the event that stockpiles are required, they will have suitable barriers to prevent runoff of fines into the drainage system. Damping down of stockpiles will need to take place in dry windy weather to prevent wind-blown movement of fines.
- Fuel, oil and chemical storage will be sited within a bunded area. The bund must be able to take the volume of the largest container plus 10% and be located at least 5m away from drains and the River Dodder. Bunds will be kept clean and spills within the bund area will be cleaned immediately to prevent groundwater contamination.
- Construction operations outside of daylight hours will be kept to a minimum in order to minimise disturbance to fauna in addition to roosting bird species. All gull species are protected under the Wildlife Acts. An ecologist will be consulted in relation to gull mitigation prior to the demolition commencing to ensure no breeding is occurring. Should the demolition commence during the bird nesting season Weekly checks will be carried out on the roof to inspect for nests, prior to the eggs being laid. Nests would be removed prior to laying of eggs. If eggs have been laid it will be necessary to apply for a licence for their removal from NPWS and the eggs/juveniles reared off site. Consultation will take place with the NPWS prior to and during the demolition phase.

(ii) Spread of invasive species

As stated above, Invasive species could also be introduced or spread easily due to the presence of such in the proximity of the subject site. However, It is considered due to the presence of 3-4m vertical wall above where the Himalayan balsam was found there will be no contamination to the subject site.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS (pg 35). 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. Plans and projects that could act in combination with the proposed development are detailed and assessed within section 6 of the NIS submitted.

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 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 impacts would be temporary in nature and mitigation measures are described to prevent t ingress of silt laden surface water and other construction related pollutants. Monitoring measures are proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

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 Bull Island SPA (Site Code 004006). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appendix 5

Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	**ABP-322763-25**	**Townland, address**	166A Shelbourne Road, Ballsbridge, Dublin 4, D04 NN88
Description of project		A five storey extension to include amenity roof terrace with swimming pool, a bar/café, a restaurant and a 24 no. bedroom boutique hotel and all ancillary works necessary to facilitate the development.	
Brief site description, relevant to WFD Screening,		Site is located within an area of little elevation with freely draining earths, located in a urban location. The subsoil on the site is identified as a man made comprising of concrete or artificial surfaces.	
Proposed surface water details		Surface water generated on site will be attenuated within the site using blue roofs and raised bio-retention planters and then discharged into the combined sewer mains to the west of the site below Shelbourne Road at a reduced discharge rate of 2 L/sec.	
Proposed water supply source & available capacity		It is proposed to connect to the existing mains to serve the proposed development in terms of water supply.	

Proposed wastewater treatment system & available capacity, other issues	It is proposed to connect to the existing mains to serve the proposed development in terms of waste water.
Others?	Not applicable

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	**Distance to (m)**	**Water body name(s) (code)**	**WFD Status**	**Risk of not achieving WFD Objective e.g.at risk, review, not at risk**	**Identified pressures on that water body**	**Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)**
River Waterbody	Situated on the eastern boundary.	DODDER_050 IE_EA_09D010900	Moderate	Monitoring	N/A	existing culvert within the site which flows to a drain into the river;

						Construction could cause surface water and
Groundwater waterbody	Underlying site	Dublin (IE_EA_G_008)	Good		N/A	existing culvert within the site which flows to a drain into the river; Construction could cause surface water

Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	**Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or**

							'uncertain' proceed to Stage 2.
1.	Site clearance & Construction	DODDER_050 IE_EA_09D010900	Existing	existing culvert within the site which flows to a drain into the river. Construction works.	Mitigation proposed as part of the NIS, EcIA and CEMP submitted. Standard Construction Measures / Conditions	No	Screened out
3.	Site clearance & Construction	Dublin (IE_EA_G_008)	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
OPERATIONAL PHASE							
3.	Surface	DODDER_050 IE_EA_09D010900	Existing	Suds measures incorporated in design.	Mitigation proposed as part of the NIS submitted.	No	Screened out
4.	Ground	Dublin (IE_EA_G_008)	None	None	No	No	Screened out

DECOMMISSIONING PHASE							
5.	NA	NA	NA	NA	NA	NA	NA