Inspector's Report
PL-501574-DR-26

Development	Construction of a flat roofed storage unit on existing rear flat roof extension. Retain new door access, retention of the upgrading works to the ventilation and extraction ducting, with all associated works.
Location	5A, Monkstown Crescent, Monkstown, Blackrock, Dublin, A94WE02
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25A/0448/WEB
Applicant(s)	Madra Entertainment Ltd.
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Longford Terrace Residents Assoc.
Observer(s)	None
Date of Site Inspection	4th September 2026
Inspector	Suzanne Kehely

Contents

1.0 Site Location and Description 3

2.0 Proposed Development 4

3.0 Planning Authority Decision 5

3.1. Decision 5

3.2. Planning Authority Reports 7

3.3. Prescribed Bodies 9

3.4. Third Party Observations 9

4.0 Planning History 10

5.0 Policy Context 11

6.0 EIA Screening 17

7.0 The Appeal 17

7.1. Grounds of Appeal 17

7.2. Observations 21

7.3. First Party Responses 21

7.4. Planning Authority Response 22

7.5. Oral Hearing Request 23

8.0 Assessment 23

9.0 AA Screening 35

10.0 Water Framework Directive 36

11.0 Recommendation 36

12.0 Reasons and Considerations 36

Appendix 1: Technical Note 38

Appendix 2: Form 1 EIA Pre-Screening 50

1.0 Site Location and Description

1.1. The premises at 5A Monkstown Crescent, as outlined in blue, is an extended original mews property that is occupied by a Chinese Restaurant which forms part of a parade of commercial premises along Monkstown Crescent that back directly onto a terrace of residential properties (Protected Structures) on Longford Terrace. There are restaurants to the west, and a retail boutique shop extends across multiple units to the eastern side. This Crescent forms part of Monkstown village. As viewed from the garden at No. 4 Longford Terrace, the rear gardens of these adjacent terraced dwellings extend up to the subject premises immediately to the rear of No.5 Longford Terrace and on the western side of no.6. This terrace is a well-maintained row of large three-bay houses which appear to be mainly in residential use.

1.2. I visited the subject premises on a Friday early evening when the restaurant was open and when the kitchen was likely to be in use and patronage was in low numbers. Weather conditions were dry. The ground floor area comprises a reception area with small bar and dining area to the front and a large dining area to the rear and a kitchen/service area was visible on the western side of the premises. (Floor plans are included in the further information as part of waste management details.)

1.3. At time of inspection, I was refused access by the restaurant manager to the upper floor area - the subject area (as outlined in red) of the existing and proposed works. The floor plans indicate a small upper floor area with two toilets and a corridor /staff area from which there is a new door to the roof area over the ground floor extension. There is an existing centrally positioned store and behind this there is a roof comprising extraction ducting and ventilation (Air Handling Unit - AHU) associated with the restaurant area. This equipment is positioned between the roof store and the rear boundary which backs directly onto no.5 Longford Terrace. The subject site area relates only to the new door to the roof and the roof area.

1.4. As viewed from the rear of no.4 Longford Terrace, I observed lightweight timber fencing along the perimeter of the ground floor roof and rising approximately 2m above the parapet height. External air extraction plant was audible from the garden in no.4 Longford Terrace. The premises at 4a Monkstown Cresent appear to have been extended at first floor level alongside no.5a extension. As viewed from the Church Grounds on the opposite side of Monkstown Crescent, the first-floor facade

is setback from the boundary with Monkstown Cresent as is consistent with the prevailing original mews form. There was visible roof plant to the front.

1.5. In addition to my site inspection photographs, the applicant has submitted photographs of the roof level, and these are appended to the Architects Heritage Impact Assessment. There are also photographs in the 3rd party submissions to the planning authority.

2.0 Proposed Development

2.1. Permission is sought for works in relation to the roof area over the rear ground floor extension of a mews premises with an established restaurant use. The entire site of the premises is outlined in blue in the submitted drawings whereas the site outlined in red includes the roof area and first floor access door only.

2.2. Proposed works consist of:

- the demolition of an existing storage unit and replacement this flat roofed storage unit comprising of an area of 22.08 sq, m on the existing rear flat roof extension – with a 4m setback form both the north and east boundaries and stated, 'to incorporate greater setbacks from neighboring properties.' The new storage unit will be constructed using' lightweight construction and clad with high quality, durable, low maintenance and aesthetically pleasing composite board cladding (Millboard or equivalent') in a 'subtle dark grey colour.' It is proposed use is for storage of dry food and chilled goods with an internal height of 2.8m.
- The erection of a 1.8m high wooden fence and planting along the rear and side boundary of properties with Longford Terrace dwellings on the rear flat roof level of the property material proposed are 'a durable, low maintenance, composite board, Millboard or similar. Planters are proposed on roof pedestals behind the screen
- Retention of new door access onto the first-floor rear extension flat roof area allowing access to proposed new storage unit only. Note: the section drawings or roof plan do not show/annotate the dormer roof profile over the new door opening.

- Retention of the upgrading works to the ventilation and extraction system consisting of a new layout on the rear flat roof of the existing structure.

The application includes:

Architects Heritage Impact Assessment: Provides historical backgrounds on the Architectural Conservation area which dates the subdivision of the mews premises along Monkstown Cresent from the principal dwellings fronting Longford Terrace.

Planning Report: this outlines the site history and compliance with development criteria and policy context and patterns of development. refers to the 40-year use of the site a s a commercial restaurant. Extensive detailed reference is made to planning decisions pertaining to restaurants in neighbouring properties.

Further information

2.3. Noise Impact Assessment prepared by Allegro Acoustics; dated 08/04/2026

2.4. Planning report which sets outs response to request on matters relating to noise, screening and waste management.

- The NIA is referred to in respect of noise.
- Screening: By way of An. Illustrative example of raised bed planter with irrigation, roof level bamboo screening with Millboard cladding is proposed.
- In respect of waste, a Waste Transfer system from Restaurant to an existing Storage Yard is proposed. This is a sperate yard as part of Amerta Chinese Takeaway restaurant area that is c 100m walk around the corner and it is proposed to use a trolley system. It is also explained how all bins including the brown and black bin are stored and management. Grease is stated to be collected weekly with delivery of fresh oil.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Following a response to a request for Further Information and consideration of response, the planning authority, by order on 25th May 2026, issued notification of its decision to grant permission subject to 12 conditions

3.1.2. Conditions notably include:

3. The Applicant and the developments Contractor shall implement the measures detailed within the submitted Noise Impact Assessment prepared by Allegro Acoustics; dated 08/04/2026 document No.: submitted Noise Impact Assessment prepared by Allegro Acoustics; dated 08/04/2026 document No.: DC2695-R01.

REASON: In the interest of public health and in order the safeguard the amenities of property in the vicinity.

4. Within 3 months of the date of this decision, the mitigation works shall be completed and the Applicant shall commission a comprehensive noise impact assessment, undertaken by a suitably qualified acoustic technician, to ensure that the completed works have mitigated the potential for noise nuisance. This assessment must evaluate the system's impact on background noise levels at all nearby residential properties and other noise-sensitive locations. This assessment shall be submitted as a compliance document to Dún Laoghaire-Rathdown County Council (Environmental Enforcement Department) for written approval. If this assessment does not suggest that the potential for a noise nuisance from the development has been mitigated, then additional measures shall be taken with the written agreement of the Planning Authority.

REASON: In the interest of public health and in order the safeguard the amenities of property in the vicinity.

5. There shall be no emissions of malodours, gas, dust, fumes or other deleterious materials on site as would give reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity.

REASON: In the interests of orderly development and the proper planning and sustainable development of the area.

6. … implement the measures detailed within the submitted Further Information response dated April 2026, in relation to operational waste management.

REASON: In the interest of public health and in order the safeguard the amenities of property in the vicinity.

7 requires applicant 'to maintain wooden fence'.

3.2. **Planning Authority Reports**

Initial Planning Reports

3.2.1. While a restaurant use is accepted in principle having regard to the zoning NC, the planning authority was not satisfied that the details submitted meet the criteria for being compatible with criteria for a transitional zone which apples to the site given its proximity to residential properties In a residential zone. In the context of what is consider intensification by reason of the additional storage area which has arisen form the absence of such with the rev refurbishment of the resultant area at ground level. Section 12.6.1 for example requires that an increased floor area should be assessed by reference to impacts such as noise, odour and ventilation. Section 7.5.4.1 (Policy objective RET7) is also cited regarding its support of developing neighbourhood centres subject to protecting residential amenities. Concerns are noted in respect of 3 adjacent residential properties due to noise and odour. On initial assessment the proposal was not acceptable due to a lack of significant information regarding noise.

3.2.2. The extension to the rear is noted not be intrusive on the streetscape, however high-quality screening is considered appropriate.

3.2.3. The following further information was sought:

- Provide a comprehensive Noise Impact Assessment which is to be carried out by a suitably qualified acoustic technician to show if there would be any significant impact on the background noise levels at the nearest noise sensitive locations. This assessment must evaluate the system's impact on background noise levels at all nearby residential properties and other noise-sensitive locations and should be compliant with BS 4142:2014+A1:2019 i.e. the rated noise levels from the proposed development must not constitute reasonable grounds for complaints as defined in BS 4142:2014+A1:2019 "Methods for rating industrial and commercial sound".

- Provide robust mitigation measures which are required to ensure that noise levels from the extraction unit does not adversely impact the background noise levels at the façade of any nearby residential units or noise-sensitive locations.

Final Planning Report

3.2.4. On receipt of details submitted and noting the technical reports the proposal was considered to not adversely impact on residential amenity by reason overshadowing, overlooking or overbearing appearance or environmental nuisance subject to compliance with mitigation measures proposed in the applicants Noise Impact Assessment which is considered to satisfactorily address issues. Nor is it considered to detract from the character of the ACA and that the screening including fast growing bamboos and with dense coverage over a narrow footprint would be acceptable. The measures in respect of waste management are considered to satisfactory address this is subject to a condition requiring these measures to be implemented. overall, the development is considered to be in accordance with the development plant criteria for such uses.

AA Screening: It is stated that in the case of Dun Laoghaire Rathdown County area, the main possible supporting sites would be those of amenity or rough grassland sites within 4km of European Sites, upland forestry, heath or grassland habitat within 2km of the Wicklow Mountains SAC and wildlife corridors such as riparian habitat and associated watercourses connecting to Wicklow Mountains SAC for Otter. These might need a judgement call and the Biodiversity Officer can help. It is clear from the location and nature of the project that there will be no likely significant effects on a Natura 2000 site as there are no known direct pathways including hydrological / hydrogeological links from the proposed development site to any of the Natura 2000 sites examined in this screening report.

EIA /Screening is not considered to be required.

3.2.5. Other Technical Reports

- Transportation Department report of 23/7/25: No objection subject to condition
- Drainage Planning report of 8/7/25: No objection
- Conservation Division: no report
- Environmental Enforcement/ Waste Management: In the initial report, (15/7/25) the proposal was considered to be ‘not acceptable due to a significant lack of information, particularly concerning the noise impact on nearby residential properties’. Not satisfied that the proposal can be undertaken in accordance with normal practices and require further

information to support the application' Information sought in respect of Noise Impact Assessment and robust mitigation measures and an operational waste management plan.

Environmental Enforcement report of 11/5/26: No objection subject to conditions. It notes the requirement for mitigation measures and recommends conditions including the commissioning of a further Impact assessment on completion of mitigation - all within a 3-month time limit of the permission date

3.3. Prescribed Bodies

- EHO report of 10/7/25: Unsupportive of proposed development.
- EHO report of 15/5/26: No objection subject to conditions
- No reports received form An Taisce, The Heritage Council the Arts Council, Failte Eireann or Dep. Housing Local Government and Heritage

3.4. Third Party Observations

3.4.1. 14 letters of observation were submitted to the planning authority objecting to the development primarily on grounds of impact on neighbouring residential amenity and curtailment on enjoyment of property by reason of noise and disturbance form the air handling units. Concerns relate to

- Noise impact – the nature of the impact and concerns with application in this regard are supported by Noise impact Assessment undertaken at nos. 5 and 6 Longford Terrace carried out by Wave Dynamics. This technical report is based on continuously monitoring the noise levels over a period of 5 days (appended to submission McCabe Durney Barnes).
- Odour and air pollution and orientation of fan onto boundary
- Roof level activities – sweeping dirt off roof, light emissions
- Public health
- Loss of privacy
- Fencing and boundaries and haphazard unsightly development – lack of structural viability

- Floodlighting at roof level due to new door to open area
- Frustration at enforcement process of current nuisance
- Issues cannot be addressed by condition due to lack of details and experience of other restaurants in area
- Conflict with Architectural Conservation Area
- Precedent for unauthorised development
- Unauthorised signage

4.0 **Planning History**

4.1. The site

PA ref D25A/0370 refers to permission for illuminated signage at the façade ground floor roof level with the name China Tang. And a decorative horizontal strip. Condition 2 omitted the LED illuminated element and condition 3 omitted the glazed enclosure to the front requiring revised details for written agreement.

Enf. 30224 refers to a live enforcement file on the subject site at time of planning authority report.

4.2. Along Monkstown Crescent

In addition to the comprehensive planning history set out in the planning report pertaining to no 3A, 18A there is also an appeal case. An Bord Pleanála ref 316155 refers to a grant of permission on appeal for retention of existing extraction mechanisms and replacement of extraction fan with new system at 23 Monkstown Cresent further east.

In not agreeing with the Inspector, the Board at the time reasoned that the kitchen extract duct system and fridge condenser unit on the side wall of the existing restaurant would not be detrimental to the amenities of the area as the result noise levels arising from the development at noise sensitive receptor would be below appropriate limits by reference to the Nosie Impact Assessment which the Board accepted as being correct.

5.0 Policy Context

5.1 Development Plan – Dun Laoghaire Rathdown County Development Plan 2022-2028

5.1.1. Site Specific: Zoning and Built Heritage Designations

- The site is in an NC zone 'to protect provide for and improve mixed-us neighbourhood centre facilities'
- Adjoining residential properties are zoned objective A 'to provide residential development and improve residential amenity while protecting the existing residential amenities.'
- Section 13.1.2 in respect of Transitional Zonal Areas applies.
- No. 5 Longford Terrace is a three bay three storey mid 1800s Victorian property overlooking the sea. It is a Protected Structure RPS 636 and is described as 'House'. It is one of a terrace of Protected Structures within Monkstown Architectural Conservation Area
- The site in an ACA

5.1.2. Built Heritage

Sections 11.4.1 describes a protected structure as including lands lying within curtilage … unless otherwise stated.

the protection extends to any features specified as being in the attendant grounds. Built Heritage

Section 12.11.2.3 refers to development in grounds of a Protected Structure

Section 12.11.3 refers to Architectural Conservation areas: The guiding principle is to protect the special expression of the buildings and the unique qualities of the area to ensure future development is sympathetic to its distinctive character.

5.1.3. Development Management - assessment criteria in chapter 12.

Section 12.9.2 refers to environmental noise pollution and noise nuisance and states that Planning Authority will use the Development Management process for larger developments or developments close to residential developments to attach section 34(4) (c) conditions and require a sound impact assessment and mitigation

plan where a noise generating use is proposed a list of design and layout criteria is set out to aid assessment

Section 12 .9.3 refers to Noise, Odour and Vibration Generating Uses: In considering applications for development where the proposed use may cause noise, vibrations and air emissions (for example, gyms, public houses, leisure facilities, restaurants and retail) applicants will be required to demonstrate that consideration has been given to the ventilation strategy for buildings at the design stage, to prevent noise, to minimise the causing of any noise or vibration that might give reasonable cause for annoyance to persons in any premises in the neighbourhood, as per Section 34(4)(c) of the Planning Act, and air emissions that may cause nuisance from equipment and ducting. The design of buildings and services should consider and incorporate acoustic attenuation and mitigation as required, to ensure that the operational phase of the development does not generate unacceptable noise levels or odour nuisance within the receiving environment. Evidence of same by way of a noise assessment and/or any mitigation measures should be provided in any planning application. Assessments and mitigation measures should meet the requirements of the Environmental Health Officer and will be designed to prevent a Noise Nuisance. All sound measurement should be carried out in accordance with ISO Recommendation 1996:2008: Acoustics - Description and Measurement of Environmental Noise, or any subsequent superseding standards. In terms of the visual impact of positioning plant associated with mechanical extract ventilation/ ducting on the exterior of a building, such plant shall be detailed, as relevant, in the planning application, including any screening proposals.

Section 12.6.5 refers to Fast Food Outlets/Takeaways/ Restaurants: The following criteria will be taken into account in the assessment of development proposals for fast food/takeaway outlets, including those with a drive- through facility, and where relevant, for restaurants.

- The need to retain, protect and strengthen the retail overall variety, and multi-use function of the area.
- The adequacy of existing facilities for the sale of hot food for consumption off the premises in the locality. In this regard, the applicant shall submit details of all existing fast food/takeaway outlets within the locality.

- The cumulative effect of the proposed development on the amenities of the area, particularly so in predominantly residential zoned locales.
- The effect of the proposed development on the existing mix of land uses and activities in the area.
- Careful consideration of the location of fast-food outlets in the vicinity of schools and parks.
- **Location of vents and other external services and their impact on adjoining amenities in terms of noise/smell/visual impact.**
- Fast food outlets/takeaways with proposed drive- through facilities will generally only be acceptable within Major Town Centres or District Centres and will be assessed on a case- by-case basis.
- The proliferation or oversupply of certain premises that cause or are likely to cause disturbance or nuisance, detract from amenities or seriously detract from an area generally in terms of use and services mix may be resisted.
- Hours of operation.

5.2 National Guidance for Noise Complaints

National Protocol for Dealing with Noise Complaints for Local Authorities, NIECE 2016 This is the best available guide to Local Authorities for dealing with Noise Complaints. In respect of invoking section 208 of the EPA it states: 'This section gives provision for local authorities, the EPA or any individual to complain to the District Court regarding noise nuisance causing unreasonable annoyance. The Court may order the offending person or body to take specific measures to limit or prevent noise pollution. In relation to general neighbourhood noise problems, Local Authorities may encourage complainants to exert their rights under The Environmental Protection Agency Act 1992 (Noise) Regulations, 1994 (S.I. No. 179 of 1994), which provides straightforward access to the Courts by an individual or groups concerned about excessive noise. The full text of the above sections of the Environmental Agency Act, 1992 may be found in Appendix 1. The template for a notice under this section is prescribed in the Schedule of The Environmental Protection Agency Act 1992 (Noise) Regulations, 1994 (S.I. No. 179 of 1994). It is important to note that most noise complaints fall under the common law concept of

"nuisance" which under EPA Act 1992 is defined as "..noise which is so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance ...". At the core of the concept of nuisance is that there is a person causing the nuisance and a person being impacted by the nuisance. In the absence of being able to substantiate the latter, (for instance if complainants will not facilitate investigations or give evidence in court), it can be very difficult for a local authority to take enforcement action.'

5.3 National Guidance

5.1.4. Ministerial Guidelines - Architectural Heritage Guidelines to planning authorities (2011) Section 3.7 of the Architectural Heritage Protection guidelines (2004, 2011) sets out criteria with respect to Development Control in Architectural Conservation Areas. Section 3.10 sets out criteria for Assessing Proposals within an Architectural Conservation Area. In relation to retention it states: Proposals for retention permission in an ACA should be considered as any other application. Applications for the retention of a development that conflicts with any policies for the area or that would set an undesirable precedent might be made acceptable by imposition of conditions or by requiring the removal and/or replacement of certain elements or details. In such cases the applicant could be asked to submit a visual impact assessment or to revise the proposal in full or with regard to specific details.

Chapter 8 refers to external plant at roof level in ACAs.

5.1.5. Development Management Guidelines (2007) Section 7.1 states Conditions proposed to be attached to permissions, and the reasons for them, should be carefully drafted so that their purpose and meaning are clear. Conditions must always be precise and unambiguous, particularly since the effectiveness of subsequent enforcement action may depend on the wording. Moreover, adequate reasons should be given by planning authorities to justify conditions

5.1.6. OPR Practice Note PN03 (2022) is a guidance note on reasonable planning conditions and draws on the current guidance documents relating to the use of such conditions. Appendix A summarises the test for conditions under the headings of being: necessary, relevant to planning, relevant to development, precise, enforceable and reasonable.

5.2. EPA Guidance

5.2.1. Environmental Protection Agency Office of Environmental Enforcement (OEE) Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4, January 2016): This is a guidance note for EPA licensable activities (Industrial Emissions and IPC). It is cited by the appellant in terms of its submitted inappropriate application. This document recommends a "Best Available Technique" approach to the assessment and mitigation of noise pollution. The document contains typical limit values for daytime (55dB LAr, T), evening (50dB LAr,T) and night time (45dBLAr,T) noise, at sensitive locations, from licensed facilities.

5.3. Legislation on noise regulation

5.3.1. Planning and Development Act 2020 as amended

Section 34 sets out parameters of consideration in the case of planning application and appeal.

Section 34 (2) (a) provides that the planning authority in making its decision is restricted intis consideration of the proposed planning and sustainable development of the area. Sub Section (2) (a)(i) include the provision of the development plan.

Subsection (2) (c) sets out the interface with the EPA.

> Subject to section 98 (as amended by ***section 256*** of this Act) of the **Environmental Protection Agency Act, 1992** , and section 54 (as amended by ***section 257*** of this Act) of the **Waste Management Act, 1996** , where an application under this section relates to development which comprises or is for the purposes of an activity for which an integrated pollution control licence or a waste licence is required, a planning authority shall take into consideration that the control of emissions arising from the activity is a function of the Environmental Protection Agency.

Section 34 (3) requires consideration of application details and written submissions.

Section 34 (4) sets out scope of conditions that may be attached

(*b*) conditions for requiring the carrying out of works (including the provision of facilities) which the planning authority considers are required for the purposes of the development authorised by the permission

(*c*) conditions for requiring the taking of measures to reduce or prevent

(i) the emission of any noise or vibration from any structure or site comprised in the development authorised by the permission which might give reasonable cause for annoyance either to persons in any premises in the neighbourhood of the development or to persons lawfully using any public place in that neighbourhood, or

(ii) the intrusion of any noise or vibration which might give reasonable cause for annoyance to any person lawfully occupying any such structure or site

5.3.2. Environmental Protection Agency Act 1992

Section 107

(1) Where it appears to

(a) a local authority in relation to any premises, processes or works, other than an activity for which a licence is required or

(b) the Agency in relation to an activity for which a licence is required under *Part IV* but has not been issued

that it is necessary to do so for the prevention or limitation of noise, the local authority or the Agency, as the case may be, may serve a notice on the person in charge

(2) A notice pursuant to this section shall indicate requirements for the prevention or limitation of the noise and may

(*a*) specify the measures which appear to the local authority or the Agency, as the case may be, to be necessary in order to prevent or limit the noise

Section 108 individuals can apply directly to the District Court for an order to reduce or prevent the noise after giving 7 days' notice.

Subsection (1) states:

Where any noise which is so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place, a local authority, the Agency or any such person may complain to the District Court and the Court may order the person or body making, causing or responsible for the noise to take the measures necessary to reduce the noise to a specified level or to take specified measures for the prevention or limitation of the noise and the person or body concerned shall comply with such order.

5.3.3. Other standards (also refer to appended technical note)

BS 4142:2014+A1:2019: This is an official British Standard. This provides a standardised framework to evaluate whether noise from commercial or industrial operations is likely to have an adverse impact on people living in nearby residential properties.

5.4. Natural Heritage Designations

5.4.1. The nearest site at a distance of c 160m is
South Dublin Bay and River Tolka Estuary SPA

6.0 EIA Screening

The subject development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended or Part V of the 1994 Roads.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The appeal has been submitted by Mark Munro on behalf of Longford Terrace Residents Association. The submission comprises a 135-page statement (including 7 appendices to Part 1) of a case for an oral hearing and grounds of appeal. Part 2 which focuses on the subject decision. The submission is supplemented with a 25-

page report on submitted failings of the planning authority and the Commission (and formerly in its capacity as ABP) regarding endangerment of public health and damage to historic buildings. The grounds of appeal are based on

Nuisance:

- The nuisances and public health impact arising from the noise and odour emissions. This is by reference to direct experiences of existing plant and also context of the WHO findings on measurable impacts on health and wellbeing. Refers to extreme noise nuisance since March 2025 when the subject AHU for retention installed (page 17) and the plant is noted to be generating 74dB at a distance of 4m from residential gardens based on the applicant's own recordings/details, (page 19.) The ambient noise level for the terrace of house is stated to be 38dB and possibly lower since change to traffic routing. This is stated to be recorded by an independent consultant ICAN – [no report appended to appeal but on is attached the 3rd part submission to PA] submitted. Residents' properties are subject to being also engulfed frequently by grease, soot and contaminants in the odour emissions. This is submitted to be due to a lack of filtration. Intermittent cleansing is ineffective.
- The nuisances were witnessed by the DLRCC Environmental Health Officer on 19th March 2025.
- Vermin control (EHO witnessed) has been required in neighbouring houses and submitted to arise from grease related emissions.
- Failure (of applicant) to implement systems or redesign systems to address nuisance.
- Failure to undertake a noise assessment by a suitably competent expert in accordance with BS 4142 as required and consequent uncertainties in adequate mitigation. Noise Impact Assessment notably weak in terms of its reliance on WHO standards. Unreasonable reliance on 55dB noise level.
- Failure to clearly identify site specific solutions in eliminating nuisance to an acceptable level. The information submitted by the application is considered insufficient in detail (dimensions/setbacks).
- There is uncertainty about what plant equipment exists.
- There is uncertainty in PA decision regarding precise mitigation measures to be installed and the conditions attached by the planning authority lack clarity and

certainty in terms of addressing impacts and achieving a workable solution. The very attachment of condition 4 supports the case that condition 3 lacks certainty. The Cinnamon restaurant case (ABP 316155) is presented as a case in point that is manifestly evident of a failure of addressing the nuisances by condition.

- Lack of evidence of a technical critical review of the NIA by the relevant technical personnel of the Environment divisions in the planning authority.
- The concern of feasibility and achieving full compliance with the condition is supported by reference to the facts of the case and planning history of other similar cases.
- Apparent failure of the planning authority to assess application due to issues summaries on page 57 and overall failure to apply section 12.9 of the DLR development plan 2022-2028 in its assessment.

Inadequate on-site waste storage facilities

- Lack of adequate waste storage on-site
- The reliance on an external site is queried in terms of legitimacy, permanency and enforceability.
- The history of unauthorised development underlines concerns on future management of waste.

Built heritage

- No meaningful assessment of visual impact on roofscape.
- No Conservation officer report.
- The development constitutes an unacceptable impact on building heritage in an Architectural Conservation Area with particular reference to breach of best practice for roof plant for such areas as set out in Architectural Heritage Protection Guidelines. Details lack a comprehensive conservation led approach to whole building. The rationale is not clearly set out. A recirculation system internally for example would be more appropriate and has not been investigated.

Procedural and wider matters of public interest

- Piecemeal approach to site development - site as outlined in red and development therein relates to one element of the restaurant operation on a larger site.

- Undue weight to commercial considerations of applicant.
- The extended period of time for the applicant to respond has prolonged the nuisance in favour of the applicant.
- Emphasis on the importance of separating enforcement procedures from a planning application and that enforcement (in this case) should not be delayed yet it is submitted that DLRCC halted proceedings. ACP should not stay proceedings and should use all its powers to halt noise nuisance.
- Seek refusal based on section 35 of the PDA, 2000 based on an alleged pattern of non-compliance by the restaurant operator. It is submitted such breach of the planning code is the very basis for such a legislative provision.
  The applicant is subjected to the applicant's continuance to frustrate the process while nuisance continues, and this should be taken into account in the decision.
- Concerns about professional expertise and competence in ACP.
- Failure of the authorities to apply EPA Act given the health emergency that exists.

<u>Precedence and public interest:</u>

- Baseline status of extant structures and alterations in existing and adjacent mews should be clearly established as may be unauthorised.
- Other conditions preventing noise rather than reducing it have been used by Dublin City/ABP (306036)/DLRCC and examples are cited:
    - Noise and vibration from the development must be inaudible and imperceptible at the nearest sensitive premises.
    - All plant including extraction ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to noise and odour.
    - Rate noise levels form the proposed development shall not constitute reasonable grounds for complaint as provided for in BS 4142.
- The appellant makes the case that the subject case and its handling raises wider concerns relating to matters of public health, environmental protection, planning enforcement operation of the EPA Act 1992 and inconsistency of decisions and standards applied to AHUs, all of which are submitted to have far reaching implications beyond the immediate concerns of the parties as set out in Page 10

of the appeal. These considerations and interactions of same are submitted to raise matters of national significance (see page 14) and support a case for an oral hearing. A parallel is used with the UK where the Government investigated inconsistencies in approaches to AHU systems as is submitted to be evident in the ACP decisions. The UK, steered by the RTPI, established a best-practice approach (page 12). The appellant's intention was to present further evidence on these grounds of appeal by way of an oral hearing so as to show how this new approach has become standard practice in the UK over 20 years.

- Permission in this instance would be contrary to the spirit of the planning legislation and upholding the State's constitutional framework for public welfare and protecting citizens from unjust attack.
- The appellant criticises the Development plan process in terms of consideration in respect of public health criteria and standards and provides extensive background to the process.
- The applicant should be fined and the impacted resident should be compensated.

7.2. **Observations**

- None

7.3. **First Party Responses**

7.3.1. The agent for the applicant submitted a response to the grounds appeal. In this response the context of the site is summarised by refence to the location in Monkstown village and the surrounding commercial establishments.

- In the first instance it is explained that the grounds of appeal refer to matters out outside the applicant's control and the response accordingly relates to matters pertaining to the subject site regarding noise impacts, odours, details submitted conservation matters and waste storage details.
- Noise: It is clarified that the AHU has been in situ since March 2025 and that the noise impact assessment and mitigations address the issue of noise arsing. It is confirmed that the mitigation measures such as duct attenuators, acoustic enclosure and acoustic barrier will be implemented. – It is later stated that which measure is yet to be decided and that it will be provided in accordance with

condition 3. In addition, it is clarified that the bamboo planting along the permitter will be completed.

- Odour: It is submitted that the noise mitigation measure and bamboo planters will also mitigate this impact.
- With respect to lack of certainty of condition 3, it is pointed out that measures are in accordance with an acoustic consultant's recommendation and that condition 4 requires a subsequent noise assessment after measures have been installed. If measures are assessed do not sufficiently mitigate, additional measures shall be taken.
- Mitigation will be in accordance with the permission, and any further works will be subject of a separate planning permission.
- Ultimately the aim of the mitigation is to ensure neighbours will not experience impacts and that noise will ne be reduced.
- Clarification of details: It is clarified that the existing ducting layout is to remain as is.
- Conservation: The architectural heritage report submitted with the application examines the significance of the building and concludes that the works would be a positive improvement in terms of impact on historical character.
- Waste storage: The further information in this respect, has addressed concerns of the Environmental Enforcement Division and condition 6 also addresses the matter. It is submitted this decision was correct and justified.
- In overall terms the proposal is for a necessary upgrade of the restaurant aligning with proper planning and sustainable development.
- The systemic planning issues raised by the appellant are submitted to be outside the scope of the applicant and the applicant has not made comments in response to these matters as raised in the appeal grounds.

7.4. **Planning Authority Response**

7.4.1. The appeal grounds are considered not to raise any new matters which would change the opinion of the planning authority.

7.5. Oral Hearing Request

7.5.1. The appellant requested an oral hearing. This request was considered further to my memo of 19th august 2026 to the Commission. The request was considered by the Commission on 21st August and in accordance with section 134(3) of the Planning and Development Act, 2000, (as amended), it decided to determine the appeal without an oral hearing. It concluded that there was sufficient written evidence on file to enable an assessment of issues raised with respect to this appeal.

8.0 Assessment

8.1. Issues

8.1.1. This appeal relates to significant external alterations to an established restaurant premises abutting residential property. Having examined the application details and all other documentation on file, the reports of the Planning Authority, the observations received, having conducted an inspection of the site and environs, and having reviewed relevant local policies and guidance, I consider that the principal consideration in the assessment of this appeal centres on nuisance and impact on residential amenity primarily by reason of noise. Other issues relate to built heritage arising from impacts of roof plant on visual amenity and orderly development in an Architectural Conservation Areas. The procedural handling of noise nuisance under the EPA Act and enforcement by public bodies is not a matter that can addressed in the scope of this appeal; however, I appreciate it can give context to the issue and scoping of nuisance and inform the development management process. Accordingly, this assessment is set out under the following headings

- Procedural and Matters of Wider Public Interest
- Principle of Development
- Impact on Residential Amenity
- Impact on Built Heritage
- Other procedural matters and considerations

8.2. Procedural and Matters of Wider Public Interest

8.2.1. The appellants have criticised the failure of the respective competent authorities in managing noise nuisances from development management stage through to enforcement. The appellant makes numerous comments about the alleged failure of DLRCC to issue proceedings under the EPA Act in order to stop the emissions from the subject site. This is expressed by reference to the subject case and the experience of other cases and is in effect critiquing the system for addressing nuisance. The frustration is heightened by the apparent awareness by professionals in environmental health. In this regard I note the NIECE guidance and reference to section 108 provision and approach to enforcement. It states: 'It is important to note that most noise complaints fall under the common law concept of "nuisance" which under EPA Act 1992 is defined as "..noise which is so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance ...". At the core of the concept of nuisance is that there is a person causing the nuisance and a person being impacted by the nuisance. In the absence of being able to substantiate the latter, (for instance if complainants will not facilitate investigations or give evidence in court), it can be very difficult for a local authority to take enforcement action.' It is not within the scope of the appeal to query the processes of enforcement. I do not consider it within the scope of the subject appeal to be a forum for an inquiry into procedures followed in other cases or implementation of other legislative codes outside that which is set out in the Planning Act as being relevant to an appeal under section 37 in consideration of an appeal, notwithstanding the common good intentions. The appeal raises valid planning issues relating to nuisances arising from the subject site and the scope of consideration is set out in the Planning Act.

8.2.2. While I appreciate the frustration, the scope of issues in this case is confined to the considerations under the planning act and particular grounds in relation to the subject site and case. While regard may be had to relevant planning history, the merits of the case stand on their own for consideration, and this is by reference to the relevant guidance and policy context. It is not a forum to review other decided cases. The underlying issue is one of addressing a public health issue and nuisances arising directly from the subject development and in considering this merits of this case I have sought technical input from an experienced environmental engineer who has critically reviewed the methodology and formed an opinion on the

likelihood of addressing nuisances within what I would describe as the 'four walls' of the case. It seems evident that matters have not been clearly resolved and may require a redesign of the system and development at roof level. In considering these issues, I have reviewed the main provisions of the development plan and policy and legal context as cited in section 5 of this report and am particularly mindful of the development management guidelines as restated by the OPR in the framing of conditions as provided for in section 34 of the PDA 2000 in appraising the development and reviewing the decision of the planning authority.

8.3. **Principle of Development**

8.3.1. The proposed development relates to an established restaurant use in a commercial area that is centrally sited in Monkstown Village, and which is zoned NC, 'To protect provide for and improve mixed -use neighbourhood facilities' and where restaurant use is acceptable in principle. I concur with the planning authority that the alterations to the premises are generally acceptable in a principle, however permission is predicated on not giving rise to impacts that would be detrimental to amenities of the adjacent residential development which is governed by the residential zoning and criteria in section 13.1.2 for transitional zones therefore applies to the subject site. Such consideration is also in accordance with RET7 in seeking to protect amenities of surrounding areas in the neighbourhood.

8.3.2. The other issue is that the site relates to an original mews structure in a terrace forming part of an Architectural Conservation Area. In such areas, the external character, particularly as presented to the public realm is a salient consideration.

8.3.3. These issues are accordingly appraised in more detail in order to determine the overall compatibility of the proposed development with the development plan policies.

8.4. **Impact on Residential Amenity**

8.4.1. The main aspect of this case relates to the installation and retention of extensive ducting of approx. 20m in length along the boundaries with private gardens areas of the adjacent dwelling houses. The written objection by the residents of nos. 5 and ,6 includes clear photographs of the new installations at roof level and refers to the replacement of a single vent on the other side of the roof which I consider

considerably alters the ambient setting of the adjacent residences. The critical issue in this case is the impact arising from the scale, positioning, operation and noise and odour of the existing Air Handling Unit on the roof over the ground floor extension to the rear where it adjoins multiple residences. These dwellings are subject of a different residential zoning and therefore the provisions in respect of Transitional Zonal Areas apply. Section 13.1.2 states that in dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone. For instance, in zones abutting 'residential areas' or abutting residential development within mixed-use zones, particular attention must be paid to the use, scale and density of development proposals in order to protect the amenities of these residential properties. The criteria for assessing applications relating to restaurants generally is set out in section 12.6.5 and this specifically refers to the location of vents and other services and their impact on amenities, due to noise and odour. Furthermore, development that generates such emissions is also subject to specific criteria for such nuisances.

8.4.2. In respect of restaurant nuisance, the criteria for noise nuisance (section 12.9.2) and noise odour and vibration uses (section 12.9.3) underlines the importance of an applicant demonstrating that uses such as a restaurant has been designed to prevent nuisances arsing so that they do not give rise to reasonable cause for annoyance in any premises in the neighbourhood. Design of buildings and services should incorporate acoustic attenuation and mitigation as required so as to ensure that the operational phase of the development does not generate unacceptable noise levels or odour nuisance and evidence of same should be provided.

8.4.3. The planning authority has noted the observations and concerns from residents in the area and sought input from the Environmental Health Office which stated that the proposal as presented was not acceptable due to the lack of significant information. It stated that there had been no noise impact assessment supplied by applicant to assess the system's impact on the background noise levels at any nearby residential properties or noise sensitive location and sought that one be caried out. It sought specific information referring to BS 4142:2014+A1:2019 methodology. It also referred to the insufficient mitigation in the form of a timber fence which lacked sufficient acoustic properties.

8.4.4. While the applicant submitted a Noise Impact Assessment Report in response and this was generally to the satisfaction of the planning authority, the grounds of appeal have critiqued this report in terms of its methodology and lack of clarity particularly having regard to the very particular requirements sought initially. The decision of the planning authority as reflected in its consideration is submitted to sustain a lack of clarity and ultimately, the protection of residential amenity is uncertain.

8.4.5. In terms of methodology of the noise assessment, the appellants refer to lack of a proper BS 4142 assessment facilitated by the applicant such as for example by not switching off the AHU system to allow background noise measurements to be taken and therefore failing to measurably determine the extent of nuisance in order to determine mitigation to eliminate nuisance. The relevant standards are also questioned in that it is also submitted that the ENF15 EPA note is inappropriately applied.

8.4.6. One of the main issues in the assessment of this case is accordingly in understanding the level of noise generated, the nature of the nuisance and the feasibility of the conditions in the event of a grant of permission. Given the substantial case made in the submission to the planning authority which included a Noise Impact Assessment and in the appeal against the decision to grant permission and having particular regard to the critique on the applicant's noise impact assessment prepared by Wave Dynamics in the third party submission to the planning authority, I have sought expert input from the Environment Team of An Coimisiun Pleanála in order to undertake a review of the adequacy of the Noise Impact Assessment Report and the veracity of its findings, the robustness of the mitigation measures and the adequacy of conditions attached by the Planning Authority. This technical input should also address the considerable concerns about expertise employed in consideration of this case.

8.4.7. Finbarr Quigley, Senior Environmental Scientist has prepared a technical note (Appendix 1) which addresses the adequacy of the technical information on noise. This technical note (TN) is based on a review of the related elements of all of the submissions including the NIAR submitted by a third party.

8.4.8. This TN refers to specific requirements of the applicant to carry out an assessment in accordance with the BS4142 yet the acoustic consultant adopted noise criterion

based on WHO guidelines which only provide absolute external and internal thresholds and do not assess the relative impact of a specific sound source, do not include a rating for noise character or take account of the prevailing background noise levels and concludes that their application in this context is not considered best practice.

8.4.9. The TN however notes that the applicant's report concludes that the extraction system *"operates as a continuous and dominant noise source with limited masking from other environmental noise sources. As such, the contribution of the plant is clearly distinguishable and is likely to give rise to disturbance in the absence of noise mitigation measures."* Accordingly, notwithstanding the methodology, the applicant has provided what is considered in the TN to be conclusive evidence that the extraction system is highly likely to lead to significant noise complaints from nearby residents.

8.4.10. By way of other measurement of noise, I note TN has reviewed the Noise Impact Assessment Report commissioned by residents as part of its observation to the planning authority. It is noted in the TN to have been prepared by suitably qualified and experienced acoustic technician a in accordance with the best Practice BS4142. The rated specific sound level above background noise level was found to be 9dB above background levels when measured 3m from the façade of the dwelling. The results are accepted. This difference is at the higher end of the adverse impact range as discussed in 4.2.2 above. The assessment also found that the rated specific sound level was found to be 11-12dB above the background levels when measured at the rear of the gardens during the daytime. The report concluded that this is likely to have '*a negative impact on the resident's enjoyment of their own home*'.

8.4.11. The TN notably refers to best practice approach and acknowledges that this NIAR included a BS4142 assessment carried out in accordance with the standard and that its results conclusively prove that the noise from the extractor unit is likely to cause a significant adverse impact on the residents of 5 & 6 Longford Terrace.

8.4.12. Accordingly, I consider there to significant indication of a level of noise nuisance generated by the subject system proposed to be retained. As permission for such is likely to be detrimental to residential amenity permission for such would be contrary to development plan criteria and objectives in respect of protecting such amenity.

Adequacy of mitigation

8.4.13. Notwithstanding the lack of clarity on relative impact as provided by a requested BS4142 assessment, the applicant has proposed 3 noise abatement measures by way of attenuation, enclosure and barrier systems.

8.4.14. The TN critiques these measures and concludes that there is a lack of evidence to support such measures.

In respect of a Duct Attenuator**,** while the acoustic consultant is noted to identify an attenuator which could potentially be installed on the extraction unit the report is critiqued for not comparing the sound insertion loss (SIL) values to the Octave Band Frequencies of the noise emanating from the extractor unit to demonstrate that the silencer would be effective across the various frequencies. In addition, it is noted that there is no evidence that the manufacturer/provider of this silencer unit was consulted or that an expert opinion has been provided on the suitability of this device to mitigate the nuisance noise in this instance. The report also relies on a future performance review rather than calculated evidence of its viability.

- In respect of an Acoustic Enclosure, it is noted that the acoustic consultant advises that if "*the installation of duct attenuators is not feasible*" the applicant should engage the services of a third-party specialist to design and install a "*purpose-designed acoustic enclosure"*. The TN suggests that this measure as described provides a low level of certainty in relation to its efficacy.
- Finally, the applicant's consultant is noted to recommend an Acoustic Barrier in circumstances "*where additional attenuation is required, or where a full enclosure is not practicable…. that a localised acoustic barrier is installed between the plant and the nearest residential receptors*". This is vague as no further details on the location or nature of this proposed barrier have been provided and its lack of clarity is further highlighted by the suggests that a third-party specialist is engaged to advise on this proposed measure.

8.4.15. Accordingly in respect of the mitigation measures recommended in the applicant's report, the TN concludes, reasonably in my judgement, that they are lacking in certainty; there are not site-specific and they do not provide the degree of confidence required to address noise nuisance so that the applicant can conclusively establish

that the extraction system is not likely to lead to significant noise complaints from nearby residents in advance of a decision.

8.4.16. Condition number 3 which relies on implementing these foregoing measures (within the applicant's NIA) and condition 4 which intends to complete mitigation rely on mitigation measures that lack precision and the implementation and enforceability, where required, is therefore uncertain. Given that the conditions are neither precise nor enforceable they do not provide the certainty required to address the identified noise nuisance issues relating to this development.

8.4.17. Furthermore, as the conditions are unlikely to provide the certainty required to address the identified nuisance noise issues relating to this development it can not be concluded with any reasonable degree of certainty that their implementation would be effective in mitigating the nuisance noise which has been demonstrated by the applicant to constitute a significant impact. The recommendations rely heavily on the engagement of a third-party specialist supplier to carry out a further assessment of applicability for the proposed measures

8.4.18. It is further highlighted in the TN that the engagement with third party suppliers to carry out further assessment should have been undertaken prior to a decision. Having regard to the criteria for robust condition of permission I consider the conditions as specified by the planning authority lack certainly in terms of feasibility. Such characteristics of a condition is I consider contrary to the Development Management Guidelines and the more recent guidance on conditions by the OPR as I have cited in section 5.

8.4.19. As the evidence has established that the extraction system is highly likely to lead to significant noise complaints for nearby residents and mitigation measures are lacking in certainty, are not site specific and their efficacy has not been demonstrated, the commission cannot, I consider, be reasonably satisfied that there will be no likely significant noise nuisance.

Noise Prevention

8.4.20. The approach by the applicant to noise management is by noise mitigation based on retaining the AHU /extensive ducting at the existing location which is along the perimeter of the roof and boundary with multiple residential dwellings. I refer in

particular to its positioning along the boundary with the rear gardens of number 5 and 6 and the orientation of the vent onto the boundary. It is also in close proximity to the rear garden of number 4 which serves multiple apartments. The site layout does not appear to have been designed to avoid or minimise noise, which is a prerequisite in restaurant proposals. Given the likely noise nuisance, this should be a first step in protection of amenities. The applicant simply states that it exists whereas based on google maps as referred to in the 3rd party submissions, it has been considerably expanded and re-positioned. The roof layout is not backed up by any before and after floor plans, consideration of options, or rationale for such a juxtaposition of the venting. The extant status of the unauthorized structure is not a basis for justifying the location. Nor do I consider the location of the AHU has been reasonably justified in terms of relying on mitigation through attenuation and barriers rather than noise prevention measures by design in the refurbishment and extension.

8.4.21. I note for example that this development involves the construction of a store for dry goods and there could be an opportunity to use that as barrier so as to place the roof plant between the store and the original building thereby embedding an acoustic barrier and/or enclosure into the layout.

Conclusion

8.4.22. Given the demonstrable supporting evidence of a likely source of noise nuisance, the site layout where the nuisance is unbuffered and also the absence of certainty on mitigation, I do not consider it can be reasonably concluded that the applicant in this particular development has met with the development plan criteria for ensuring amenities of residents are not unduly impacted by reason of noise as required in section 12.9.2 in respect of noise and section 12.9.3 in respect of restaurant uses. For example the applicant is required to ensure that future developments are designed and constructed in such a way as to minimise noise disturbances and prevent noise nuisance by placing acoustic barriers between the noise source and residential units, locating noise sources away from property boundaries and noise sensitive areas and interposing less-sensitive uses between noise sources and sensitive uses so as to ensure that future developments are designed and

constructed in such a way as to minimise noise disturbances and prevent noise nuisance.

8.4.23. More specifically in respect of a restaurant use (and I consider an intensification of such use or material alteration to be within this category of development type), the applicant is required to demonstrate consideration of ventilation strategy at design stage and prevent noise or vibration that may give reasonable cause for annoyance (section 12.9.3) noise odour and vibration generation uses.) The design of buildings and services should consider and incorporate acoustic attenuation and mitigation as required, to ensure that the operational phase of the development does not give rise to undue nuisance. Evidence of same by way of a noise assessment and/or any mitigation measures should be provided in any planning application. The subject roof plant has not been designed in this way, nor has it been sufficiently demonstrated that mitigation is achievable to an acceptable level.

8.4.24. I do not consider the commission can therefore be satisfied that the subject development will not be detrimental to the amenities of the adjacent resident on the basis primarily of noise nuisance and permission should therefore be refused on this basis.

Other amenity and public health related issues

8.4.25. There is also the issue of using the roof area as an external yard, ancillary to restaurant use and likelihood of noise and disturbance due to people, lights, littering, refrigeration, or general use that may be associated with a food store and its access arrangements. There may also be an issue with its cleansing and vermin. The restaurant has no yard area other than a service area to the side. The proposed retention of a new and only door opening onto the roof and provision of an externally accessed food store which is likely to be used daily and the intervening space, is in effect a yard area from which the residents already appear to have experience of detritus deposits. The absence of permanent boundary structures also raises an issue of containment. I do not consider these matters have been sufficiently addressed.

8.4.26. I consider the reliance of the waste management system on a site outside the subject development site and applicant's holding to be problematic. The planning authority refers to its satisfaction with the system subject to condition, however I would question the enforceability of a condition relying on a third-party site outside the applicant's direct control. It is not clear, for example if the yard has capacity. It is also not clear if the subject restaurant, in its refurbishment, has increased the seating and materially changed operations beyond the capacity of the site. There are no comparative details submitted with the application. It is not clear how the restaurant has been managed in the past as no 'before', 'current' or 'after' overall plans have been submitted and reliance on an external site for basic sanitary facilities suggests there may be issues of intensification of use. Based on the application approach, an overall review of this issue is difficult. On balance I consider the approach to the application which relates to only part of the site, but which serves a layout and operation of the entire holding, amounts to piecemeal and disorderly development.

8.5. Built Heritage

8.5.1. There is concern by the appellant about Impact on architectural heritage due to visual impact of the rooftop structures in an Architectural Conservation Area. Reference is also made to it its impact on the Protected Structure no.5 to which the mews was originally attached,

8.5.2. In the first instance I do not consider the mews to form part of the curtilage or attendant grounds of no.5 given the historic pattern of development and independent nature of the mews terrace along Monkstown Crescent. I note the history as provided in the Architectural Heritage report submitted by the applicant. In this regard, for example, I note The ACA as described in the Development Plan and as highlighting in the Architectural Heritage Impact Report specifically refers to the subject mews building along Monkstown Cresent. 'Mews lane development has evolved as a diversification where the carriage houses of the terraces were separated from their original holding. There are a number of distinctive Mews Lanes including Trafalgar Lane, Clifden Lane and Seafield Mews. The conversion of the carriage houses to the rear of Longford Terrace has facilitated a broad range of commercial activities and given sustainable critical mass to the village centre at Monkstown Crescent.'

8.5.3. The proposed alteration to the mews is confined to the rear and comprises an alteration to the original rear roof slope by creating a new opening and inserting a new door with a dormer roof so as to provide level access to the flat roof. This alteration is not fully apparent in the drawings. While it does constitute a material alteration to the original rear elevation and roof profile, I consider this to be minor in itself subject to appropriate materials. However, the roof plant is considerably bulky and obtrusive as viewed from the garden of number 6, in the absence of screen. The existing timber fencing with number 5 is light weight, and I would have concerns about the durability, security and maintenance of such a treatment at a height of almost 2m above parapet level. While the applicant has referred illustratively to screening and bamboo planting with irrigation, in the absence of detailed design embedding such measures into the structure and overall finishes, I would have concerns about the appropriateness of the quality given the location along the residential boundaries. I consider this to be an issue of orderly development and visual amenity rather than one pertaining to built heritage.

8.5.4. I would also comment that while the site as delineated excludes the front part of the mews, there are multiple air handling type units on the roof to the front that are visible from the church grounds across the street. Ideally the whole roof plant should be rationalised in a coordinated matter such that the overall streetscape character in this ACA is retained and not unduly compromised.

8.6. Other Procedural Matters and Considerations

8.6.1. In respect of applying the section 35 provision regarding past compliances, I do not consider it appropriate to invoke this section. Notwithstanding delays in seeking a court order, the application site, based on the information in this case, does not appear to be subject of historic breaches of permission of the Planning Acts other than that relating to the subject development. The other breach appears to relate to signage to the front. While the Commission may wish to seek further details of breaches and enforcement status in this regard, I consider that in view of the scale and nature of development and given that there is a substantive reason for refusal, I see no benefit in seeking such information and invoking the necessary steps to apply this reasoning in a decision.

8.6.2. In respect of the precedence of permission to which the applicant refers in support of permission, I note references to permissions for ducting and first floor storage for example, but the particulars of the respective cases are different in many respects. In the case of a storage area, it was accessed by internal stairs for example. Many cases have different operations, and different ducting arrangements regarding vent opening and location relative to adjacent property and boundaries. While the cases referred to indicate general acceptance in principle to restaurant use, permission is predicated on meeting development criteria having regard to the particular circumstances and merits of the case. The main issue in the subject case is that there is significant demonstrable evidence that the roof arrangements, AHU and operations in this case are likely to have a negative impact on residential amenity of adjacent residential properties and does not therefore meet current criteria.

9.0 AA Screening

9.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended). The subject development seeks retention / permission for an ancillary store and roof plant on the roof area of a single storey extension to a mews structure in an urban area. It is not located within or immediately adjoining any designated Natura 2000 sites. The subject site is approximately 170m south of South Dublin Bay and River Tolka Estuary SPA (004024) and c.300 south east of South Dublin Bay SAC (000210). No nature conservation concerns pertaining to the sensitivities of these sites were raised in the planning appeal

9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:

- The scale and nature of the development in an urban built-up area,
- The absence of connectivity to the nearest European site
- The conclusions of the planning authority on AA screening

9.3. Accordingly, having regard to the screening determination of the Planning Authority. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in

combination with other plans or projects. Likely significant effects are excluded and therefore a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

10.0 Water Framework Directive

10.1. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status) and to prevent deterioration.

10.2. Having considered the nature, small scale and location of the project in a serviced urban area, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies.

11.0 Recommendation

11.1. I recommend that permission be REFUSED for the following reasons and considerations as set out below.

12.0 Reasons and Considerations

Having regard to the nature of the ancillary roof plant proposed to be retained for a restaurant use and its proximity and juxtaposition with multiple residential properties, the Commission is not satisfied that based on the information provided with the application and in the further information submitted in response to the appeal that the proposed development would not give rise to significant noise nuisance for nearby residents. Accordingly, it is considered permission in this instance would mitigate against the protection of amenities in the surrounding area and would therefore conflict with both Policy RET7 seeking the protection of the amenities of the surrounding areas which include the adjoining residential lands where it is an objective ‘to protect the existing residential amenity’ regard being had to the transitional zonal context and provisions for such areas in section 13.1.2 of the Dun Laoghaire Rathdown Development Plan, 2022-2028, whereby it is necessary to

avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone and in zones abutting residential where neighbourhood centre development is supported, the development would not seriously injure the amenities of surrounding properties, or that it would not be prejudicial to public health by reason of generating cause for annoyance to persons resident nearby such that it would be contrary to the Section 12.9.2 ‘Noise Pollution and Noise Nuisance’ and to Section 12.9.3 ‘Noise, Odour and Ventilation generation uses’ of the said Development Plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Whilst the Commission acknowledges the intended improvement nature of the existing and proposed works, it is considered that the design, siting and layout of the overall works is inappropriate for the sensitive residential and heritage contexts and that the development fails to demonstrate that it forms part of an overall design-led strategy to mitigate nuisances in such a sensitive setting. The subject development to be retained would therefore be contrary to the proper planning and sustainable development of the area.

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

Suzanne Kehely
Senior Planning Inspector

12th October 2026

Appendix 1: Technical Note

An Coimisiún Pleanála

Technical Note

R501574_TN_App1

Development	Construction of a flat roofed storage unit on existing rear flat roof extension. Retain new door access, retention of the upgrading works to the ventilation and extraction ducting, with all associated works.
Location	5A, Monkstown Crescent, Monkstown, Blackrock, Dublin, A94WE02
Planning Authority	Dun Laoghaire-Rathdown County Council
Applicant(s)	Madra Entertainment Ltd.
Appellant	Longford Terrace Residents Assoc. (3rd Party)
Type of Application	Normal Planning Appeal
Topics	Adequacy of Noise Impact Assessment, Mitigation Measures and Conditions
Specialist Inspector	Finbarr Quigley Suzanne Kehely

Contents

1.0 Introduction 40

2.0 Relevant Submissions 4040

3.0 Assessment 41

3.1. Request for Further Information 41

3.2. BS 4142:2014+A1:2019 17

3.3. Noise Impact Assessment Report (NIAR) 443

3.4. Recommended Mitigation Measures 4545

3.5. Other Assessments 47

3.6. Planning Authority Decision 48

4.0 Conclusions 48

1 Introduction

1.1 Development Overview

1.1.1 The proposal is for retention of upgrading works to extraction ducting and ventilation (Air Handling Unit - AHU) and construction of a storage unit on the flat roof extension at a restaurant located in a parade of commercial premises that back directly onto a terrace of residential properties (Protected Structures) on Longford Terrace. The rear gardens of these adjacent dwellings are up to and alongside the subject premises.

1.2 Scope of Report

1.2.1 Regarding the grounds of appeal, the third-party responses to same, the technical nature of the issues raised, the Inspector requested assistance from the Environment Team as follows:

- Undertake a review of the Noise Impact Assessment Report and its adequacy
- Undertake a review of the mitigation measures
- Undertake a review of the condition attached by the Planning Authority

In my capacity as Senior Environmental Scientist with over twenty years of professional experience, I have the relevant expertise and qualifications to provide a professional opinion in relation to the items above.

1.2.2 This report to the Inspector and available to the Commission is a written record of my review and examination of the submitted information and will support the Inspectors report in relation to this application.

1.3 Site Location and Description of Proposed Development

1.3.1 The site location and proposed development is described in detail in the Inspectors report and not repeated here.

2 Relevant Submissions

2.1 Third Party Appeal

2.1.1 This is a substantial third-party appeal against the decision to grant permission and the matters raised in the grounds include the following issues:

- The nuisances and public health impact arising from the noise and odour emissions and the failure to identify solutions.
- The conditions attached by the planning authority lack clarity and certainty in terms of addressing impacts and achieving their purpose.

3 Assessment

3.1 Request for Further Information

3.1.1 Following receipt of observations from the Environmental Health Officer and the Senior Executive Scientist relating to noise impacts the planning authority (PA) sought further information (FI) from the applicant as follows:

- *Provide a comprehensive Noise Impact Assessment which is to be carried out by a suitably qualified acoustic technician to show if there would be any significant impact on the background noise levels at the nearest noise sensitive locations. This assessment must evaluate the system's impact on background noise levels at all nearby residential properties and other noise-sensitive locations and should be compliant with BS 4142:2014+A1:2019 i.e. the rated noise levels from the proposed development must not constitute reasonable grounds for complaints as defined in BS 4142:2014+A1:2019 "Methods for rating industrial and commercial sound".*
- *Provide robust mitigation measures which are required to ensure that noise levels from the extraction unit does not adversely impact the background noise levels at the façade of any nearby residential units or noise-sensitive locations.*

3.2 BS 4142:2014+A1:2019

3.2.1 BS 4142:2014+A1:2019 is an official British Standard which provides a standardised framework to evaluate whether noise from commercial or industrial operations is likely to have an adverse impact on people living in nearby residential properties. Because Ireland does not have a single, separate national statutory standard for rating commercial noise, Irish planning authorities and state agencies rely heavily on

BS 4142[1]. The standard is explicitly used to assess outdoor sound levels incident on residential dwellings from sources such as mechanical and electrical plant/equipment such as HVAC systems and kitchen extractors.

3.2.2 A BS 4142 assessment compares the specific noise generated by a commercial source against the pre-existing background noise level. To complete a BS4142 assessment, the following measurements are required:

- Background Sound Level ($L_{A90,T}$): The typical baseline noise level of the area measured without the specific industrial noise source operating.
- Ambient Sound Level ($L_{Aeq,T}$): The totally encompassing sound in a given situation at a given time, usually composed of sound from many sources near and far.
- Residual Sound Level ($L_{Aeq,T}$): ambient sound remaining at the assessment location when the specific sound source is suppressed to such a degree that it does not contribute to the ambient sound.
- Specific Sound Level ($L_{Aeq,T}$): The noise level generated solely by the commercial or industrial source being evaluated.
- Rating Level ($L_{Ar,Tr}$): The Specific Sound Level *adjusted* upward with acoustic character penalties if the sound contains distinctive, annoying features like tonality, impulsivity, intermittency, or distinct hums/clatters.

The difference between the calculated Rating Level and the Background Sound Level determines the likely impact on residents. A difference of +5dB or more is likely to indicate an adverse impact whereas a difference of +10dB or more is likely to indicate a significant adverse impact. The standard requires assessors to evaluate findings within the specific context of the environment (e.g. character of the neighbourhood, time of day, and history of complaints) and guidance on this element of the assessment is provided in a Technical Note published by the Association of Noise Consultants in March 2020[2].

3.2.3 The PA requested that the noise impact assessment relating to this retention application be undertaken in accordance with BS4142.

[1] AACI - Environmental Noise Guidance for Local Authorities (2021)
[2] Acoustics & Noise Consultants - BS 4142 Technical Note (2020)

3.3 Noise Impact Assessment Report (NIAR)

3.3.1 The applicant submitted a Noise Impact Assessment Report dated 08th April 2026 prepared by Allegro Acoustics Ltd. The report was written by Conor Brady who was described as a Senior Acoustic Consultant and an Associate Member of the Institute of Acoustics and does have the required qualifications and experience to be considered "*a suitably qualified acoustic technician."* The scope of the report was to address the FI items identified above by:

- Characterising the existing noise environment
- Assessing the contribution of the extraction system at the nearest noise sensitive locations and.
- Recommending appropriate mitigation measures where necessary

3.3.2 In accordance with best practice, the report described the instrumentation used to complete the noise impact assessment and a copy of the calibration certificate for the Sound Level Meter (SLM) was provided in Appendix B. There was no calibration certificate provided for the Field Calibrator (Serial Number: 87927) provided in Appendix B.

3.3.3 The report outlined that the survey undertaken was unmanned whereby a SLM was left in-situ 4m from the extraction units over the period 20th March to 24th March 2026. Continuous 30-minute measurements were taken during the survey period.

3.3.4 The report outlined that "*accurate determination of representative background noise levels at the nearest noise sensitive locations was not feasible during the survey period."* The reasons for the lack of background noise monitoring were given as:

- Access constraints related to the residential setting and.
- Continuous operation of existing the extractor units between 09:00 and 23:00

No further explanation was provided on the issues relating to access to residential settings or the reasons why the extractor units were not turned off for the required duration (BS4142 requires specific sound reference time intervals of 1h during the day and 15min during the night).

The report continues "*as a result, it was not possible to derive reliable baseline LA90 values for use in a comparative assessment in accordance with BS 4142".*

BS4142 (Section 8.4) allows for scenarios where the existing specific sound source is operating continuously and recommends that the background sound be measured at a location which is not subject to the specific sound and where the residual sound is comparable to that of the assessment location. Justification for considering this should be reported.

Rather than undertake an assessment in accordance with BS4142, the acoustic consultant adopted noise criteria based on WHO Guidelines[3]. The purpose of these guidelines is to:

- Establish Health Thresholds: To define specific, evidence-based decibel limits above which noise causes health issues such as sleep disturbance, cardiovascular problems, hearing impairment, and cognitive impairment in children.
- Guide Environmental Policy: To provide a scientifically sound framework for governments and local authorities worldwide to develop noise regulations, draw up environmental action plans, and set regional planning limits.
- Protect Vulnerable Populations: To identify specific environments where people are more sensitive to noise—such as schools, hospitals, and residential areas—and recommend stricter thresholds for them.
- Provide a Universal Benchmark: To create a standardized, global reference point for evaluating general environmental noise, such as traffic, railways, aircraft, and neighbourhood activities.

The WHO Guidelines provide absolute external and internal thresholds (e.g. 55dB $L_{Aeq,16hr}$ in outdoor living areas to prevent serious annoyance, or 30 dB $L_{Aeq,8hr}$ inside bedrooms). These guidelines do not assess the relative impact of a specific sound source, do not include a rating for noise character, do not take account of the prevailing background noise levels and therefore, their use in this context is not considered best practice.

3.3.5 Notwithstanding the absence of a BS4142 assessment of the impacts of the extraction system, the NIAR stated that "*the acoustic environment in the vicinity of the proposed development is strongly influenced by this plant with measured noise*

[3] World Health Organization (WHO) 1999 Guidelines for Community Noise

levels consistently reaching approximately 75dB L_{Aeq} at a distance of 4m from the source while in operation."

To estimate the expected sound pressure level at the nearest residential property façade (5 Longford Terrace), the applicant has applied a calculation based on standard geometric distance attenuation for a point sound source in a free field (or hemispherical radiation over a hard ground plane), using the inverse square law. The calculation used was:

$$L_2 = L_1 - 20\log_{10}\left(\frac{d_2}{d_1}\right)$$

Where:

L_1 = Initial noise level (75 dB)

d_1 = Initial distance (4 m)

d_2 = Target distance (30 m to nearest residential facade)

Using these values, the predicted noise levels at L_2 were estimated to be 57.5dB L_{Aeq}. According to the report, these predicted values would lead to operational noise levels exceeding the WHO Guideline values by 2-4dB during the daytime, 7-9dB during the evening and 10-14dB during the nighttime period while the extraction system was operating.

3.3.6 The report concludes that the extraction system *"operates as a continuous and dominant noise source with limited masking from other environmental noise sources. As such, the contribution of the plant is clearly distinguishable and is likely to give rise to disturbance in the absence of noise mitigation measures."* The applicant has therefore provided conclusive evidence that the extraction system is highly likely to lead to significant noise complaints from nearby residents.

3.4 Recommended Mitigation Measures

3.4.1 The report recommended three possible mitigation measures which could be applied to the existing extraction unit to provide the required reduction (-14dB) in operational noise level as perceived by the nearest sensitive receptors. These involved the installation of:

- A **Duct Attenuator** – the acoustic consultant identified an attenuator which could potentially be installed on the extraction unit. The model was identified as Ventac GHX MLS2 and the Sound Insertion Loss (SIL) values

for this device were provided in Figure 7 for all 8 Octave Band Frequencies. The report did not compare these SIL values to the Octave Band Frequencies of the noise emanating from the extractor unit to demonstrate that the silencer would be effective across the various frequencies. In addition, there is no evidence that the manufacturer/provider of this silencer unit was consulted or provided an expert opinion on the suitability of this device to mitigate the nuisance noise in this instance. The report also recommended that once the silencer was installed, its performance would need to be reviewed.

- an **Acoustic Enclosure** – the acoustic consultant states that if "*the installation of duct attenuators is not feasible*" the applicant should engage the services of a third-party specialist to design and install a "*purpose-designed acoustic enclosure"*. I would suggest that this measure as described provides a low level of certainty in relation to its efficacy.
- an **Acoustic Barrier** – finally the acoustic consultant states that *"where additional attenuation is required, or where a full enclosure is not practicable…. that a localised acoustic barrier is installed between the plant and the nearest residential receptors*". No further details on the location or nature of this proposed barrier were provided, and the report again suggests that a third-party specialist is engaged to advise on this proposed measure.

3.4.2 The mitigation measures recommended in the report are lacking in certainty and are not site-specific. The measures do not provide the degree of confidence required to be satisfied that their implementation would be effective in mitigating the nuisance noise which has been demonstrated by the applicant to constitute a significant impact. The recommendations rely heavily on the engagement of a third-party specialist supplier to carry out a further assessment of applicability for the proposed measures. In my opinion, this engagement should have been undertaken as part of the overall noise impact assessment and effective site-specific measures should have been identified and detailed within the report.

3.5 Other Assessments

3.5.1 A Noise Impact Assessment Report was commissioned by the residents of 5 & 6 Longford Terrace and submitted as part of an observation in relation to the application to the PA (Ref. 25A/0448). The NIAR was prepared by Wave Dynamics Acoustic Consultants with Sean Rocks and James Cousins credited as the author and reviewer respectively, both of whom are suitably qualified and experienced acoustic technicians.

3.5.2 The NIAR reported the findings of attended and unattended noise surveys undertaken in the rear gardens of 5 & 6 Longford Terrace on the 4th, 9th and 29th April 2025. The equipment employed was detailed along with all the relevant calibration details.

3.5.3 Background monitoring data was undertaken in the absence of the extraction unit in question. This background noise measurement was dominated by road traffic noise and plant and equipment from other nearby commercial premises.

3.5.4 An assessment in accordance with BS4142 was undertaken which demonstrated that there was likely a significant adverse noise impact on the residents of 5 & 6 Longford Terrace during the daytime and nighttime periods due to the noise levels from the extractor unit in question. The rated specific sound level was found to be 9dB above the background levels when measured 3m from the façade of the dwellings. This difference is at the higher end of the adverse impact range as discussed in 3.2.2 above. The assessment also found that the rated specific sound level was found to be 11-12dB above the background levels when measured at the rear of the gardens during the daytime. The report concluded that this is likely to have '*a negative impact on the resident's enjoyment of their own home*'.

3.5.5 I am satisfied that the NIAR discussed above included a BS4142 assessment carried out in accordance with the standard and it's results conclusively prove that the noise from the extractor unit is likely to cause a significant adverse impact on the residents of 5 & 6 Longford Terrace. These findings are based on measurements and not modelling. They align with the conclusions of the NIAR completed by the applicant and more importantly, they quantify the significance of the impact.

3.6 Planning Authority Decision

3.6.1 Having received internal reports from both an Environmental Health Officer and an Executive Scientist accepting the applicants' proposals, the PA granted permission with the following two conditions pertaining to noise impacts:

> **Condition 3.** The Applicant and the developments Contractor shall implement the measures detailed within the submitted Noise Impact Assessment prepared by Allegro Acoustics; dated 08/04/2026 document No.: DC2695-R01.
>
> REASON: In the interest of public health and in order the safeguard the amenities of property in the vicinity.
>
> **Condition 4.** Within 3 months of the date of this decision, the mitigation works shall be completed, and the Applicant shall commission a comprehensive noise impact assessment, undertaken by a suitably qualified acoustic technician, to ensure that the completed works have mitigated the potential for noise nuisance. This assessment must evaluate the system's impact on background noise levels at all nearby residential properties and other noise-sensitive locations. This assessment shall be submitted as a compliance document to Dún Laoghaire-Rathdown County Council (Environmental Enforcement Department) for written approval. If this assessment does not suggest that the potential for a noise nuisance from the development has been mitigated, then additional measures shall be taken with the written agreement of the Planning Authority.
>
> REASON: In the interest of public health and in order the safeguard the amenities of property in the vicinity.

3.6.2 I would contend that these conditions are neither precise nor enforceable and do not provide the certainty required to address the identified nuisance noise issues relating to this development.

4. Conclusions

4.1.1 The applicant has proven conclusively that the extraction system is highly likely to lead to significant noise complaints from nearby residents.

4.1.2 The mitigation measures proposed by the applicant are lacking in certainty, are not site-specific and their efficacy has not been demonstrated.

4.1.3 The conditions applied by the Planning Authority are not precise and their enforceability is uncertain. They are unlikely to provide the certainty required to address the identified nuisance noise issues relating to this development.

Finbarr Quigley
BSc., MSc., AMIOA

Senior Environmental Scientist

8th September 2026

Appendix 2: Form 1 EIA Pre-Screening

Case Reference	PL-501574-DR-26
Proposed Development Summary	Construction of a flat roofed storage unit on existing rear flat roof extension. Retain new door access, retention of the upgrading works to the ventilation and extraction ducting, with associated works.
Development Address	5A, Monkstown Crescent, Monkstown, Blackrock, Dublin, A94WE02
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(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)	
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.**	
☒ 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)**	

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 ☐	
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____ **Date:** _____