



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319684-24

|                                     |                                                                                                                                       |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <b>Development</b>                  | Retail use of a previous restaurant with provision of an off-licence subsidiary to retail use, signage and all associated site works. |
| <b>Location</b>                     | Unit 3, Swiss Cottage, Swords Road, Dublin 9                                                                                          |
| <b>Planning Authority</b>           | Dublin City Council North                                                                                                             |
| <b>Planning Authority Reg. Ref.</b> | WEB1196/24                                                                                                                            |
| <b>Applicant(s)</b>                 | AHA Unity Brothers Ltd                                                                                                                |
| <b>Type of Application</b>          | Permission                                                                                                                            |
| <b>Planning Authority Decision</b>  | Grant Permission                                                                                                                      |
| <b>Type of Appeal</b>               | Third Party v Refuse                                                                                                                  |
| <b>Appellant(s)</b>                 | Myers Supermarket Santry Ltd.                                                                                                         |
| <b>Observer(s)</b>                  | None                                                                                                                                  |
| <b>Date of Site Inspection</b>      | 18 <sup>th</sup> November 2024                                                                                                        |
| <b>Inspector</b>                    | Gerard Kellett                                                                                                                        |

## **1.0 Site Location and Description**

- 1.1.** The subject site Swiss Cottage which was formerly a pub but now comprises a six-storey residential development for 120 units with retail units on the ground floor level comprising a laundrette at unit 1, a coffee shop at unit 2 and a 'Spar' shop unit no.3 which is the subject of this application. The subject land is on the eastern side of Swords Road.
- 1.2.** Santry Place is to the immediate west comprising a six-storey residential development. To the south is a two-storey building comprising, the 'Cottage Barbers' and a 'Trade Electrical Group.' To the north front the Swords Road are two storey buildings including various commercial and retail uses such as a pharmacy, tanning salon and takeaways.

## **2.0 Proposed Development**

- 2.1.** Permission is sought for permission of change of use of ground floor from previously a restaurant to a retail use with provision of an off-licence subsidiary to the retail use, signage and associated works. The proposed development has a stated floor area of 155sqm.
- 2.2.** It was clear from my site inspection that works for which planning permission is sought has commenced, with the unit fully open to the public with the off-licence area on display in store. I note the matter of enforcement of unauthorised works falls under the jurisdiction of the Planning Authority. It is important to note that permission cannot be granted for the retention of any development that requires Environment Impact Assessment (EIA), EIA screening determination or Appropriate Assessment (AA) which I will address below.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority granted permission on the 16<sup>th</sup> of April 2024 subject to 10.no conditions.

#### Notable condition(s):

- Condition no 2: The following shall apply to the off-licence: a) The off-licence area shall not exceed 10% of the trading area of the existing retail unit. b) The area for the display area of alcohol products shall be limited to that area of the shop only as detailed on the plans. c) No advertising of the sale of alcohol products on the façade/frontage of the premises. d) No display of alcohol products or advertising of the sale of alcohol products on or near both the entrance and the windows. e) The area for the display of alcohol products should be secure and monitored.
- Condition no. 3. Prior to the commencement of development a noise minimisation plan must be produced, subject to the agreement with the Planning Authority, and put in place as soon as reasonably practicable to prevent noise nuisance during early morning deliveries.
- Condition no.6. The developer shall comply with the following requirements of the Air Quality Monitoring & Noise Control Unit of Dublin City Council:
  - a) The hours of operation during the demolition and construction phase shall be restricted to 7.00am to 6pm, Monday to Friday, and 8.00am to 2.00pm on Saturdays. Permission to work outside of these hours must be subject to the approval of Dublin City Council. Noise Control
  - b) The LAeq level measured over 15 minutes (daytime) or 5 minutes (nighttime) at a noise sensitive premises when plant is operating shall not exceed the LA90 (15 minutes day or 5 minutes night), by 5 decibels or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.

c) Noise levels should not be 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.

d) No musical apparatus shall be used within any outdoor dining area.

e) Music or amplified music shall not be audible outside the premises or within the nearest noise sensitive residents. Deliveries

f) Prior to the commencement of deliveries a noise minimisation plan must be produced, subject to the approval of the Planning Authority, and put in place as soon as reasonably practicable to prevent noise nuisance during early morning deliveries.

g) All drivers delivering to the proposed development carry out the delivery process using best practice to prevent a noise nuisance.

h) Deliveries to the premises may only take place between the hours of 7am and 8pm. Reason: In order to safeguard the amenities of adjoining premises, residential amenity, and the general surroundings.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planner's Report forms the basis for the decision to grant permission stating the following below:

- The shop unit has an internal area of 155sqm. The proposal seeks to broaden the range of goods / services available to the existing local customer base within walking distance in the local neighbourhood, and commuters taking

public transport, enabling the small shop to compete fairly with the other shops in the area offering similar services.

- The proposed shop would be located at the ground floor of a predominantly residential development and would provide for day to day needs of the residents of this development. The subject unit is within a parade of retail units which would fit within the definition of a neighbourhood centre as set out in Section 5.3 of Appendix 2 of the Dublin City Development Plan 2022-2028 (Retail Strategy).
- The Dublin City Development Plan 2022-2028 also outlines support for the provision of good quality convenience to cater for daily shopping needs (Section 7.5.4 of the Development Plan refers). Policies CCUV25, CCUV27 and CCUV28 also support the provision of convenience retail at neighbourhood level.
- The subject unit was initially granted permission for a restaurant use and traffic generation figures would not largely vary.
- The floor area of the retail unit is 155m<sup>2</sup>. The floor area set aside for the part off Licence would be circa 10.96%. This would be over what would be permissible under Section 15.14.8 of the Development Plan. A condition was attached to reduce the display area to no more than 10% of the floor area of the shop.
- The provision of an off-licence is an open for consideration use within this zoning.
- The proposed signage is acceptable as it is located within the fascia board. The signage would be illuminated by silhouette illuminated lettering, which is considered to be acceptable.

The report also provides a description of the site, indicates the planning history, identifies the land use zoning designation and associated policy context from the Dublin City Development Plan 2022-2028. No concerns with respect to AA or EIA were raised.

### 3.2.2. Other Technical Reports

- Environmental Health Officer – No objection subject to conditions relating to noise and restriction on deliveries.
- Drainage Division – No objection subject to conditions.

### 3.3. Prescribed Bodies

- Irish Water: No comments received.

### 3.4. Third Party Observations

One third-party submission was made on the application making the following points:

- Over proliferation of retail units in the area
  - The area has no capacity for additional floor retail store. The appellant has provided a map identifying existing retailers within 2km of the site.
- Lack of new residential development
  - The appellant asserts there has been no extensive residential development to support the introduction of a new retail store, especially as there are already many retailers supplying the local area.
- Traffic Congestion and No Cycle facilities
  - There would be increased traffic generated in an already heavily congested area.
  - There is lack of car parking provided.
  - The Planning Authority has given consideration for delivery trucks.

## 4.0 Planning History

**ABP REF: 306987-20** – Refers to a grant of permission by An Bord Pleanála for a Strategic Housing Development (SHD) in August 2020 for 120 no. Build to Rent apartments comprising (26 no. 1 bed, 91 no. 2 bed and 3 no. 3 bed units), ranging in height from 3 storeys on the eastern boundary to 7 no. storeys on the western / northern boundary. The proposed development amended and superseded the development on site permitted under ABP-303358-19.

**ABP REF: 303358-19** – Refers to a grant of permission by An Bord Pleanála for a Strategic Housing Development (SHD) for demolition of the existing single storey licensed premises on site and the construction of a Build-to-Rent Apartment Scheme on lands at Swiss Cottage Public House, Swords Road and Schoolhouse Lane, Santry, Dublin 9. The proposed development comprises 110 no. units (11 no. 1 bed and 99 no. 2 bed units) and will range in height from 3 no. storeys on the eastern boundary to 6 no. storeys on the western / northern boundary.

**PA REF: 2532/18** – Refers to a refusal by the Planning Authority in 2018 for demolition of the former Swiss Cottage Bar and Restaurant and the construction of a five storey over basement mixed-use development comprising 2 no. retail / commercial units, 1 no. café / restaurant unit, and 1 no. takeaway unit at ground floor level, all with associated signage; 89 no. apartments with 100 no. car parking spaces and 45 no. bicycle spaces. There were two reasons for refusal, the first relating to the failure to provide a minimum ratio of 33% dual aspect apartments and the provision of single aspect north-facing apartments without a compensatory outlook; and the second relating to the developments scale massing and position forward of the building line on Swords Road.

## 5.0 Policy Context

### 5.1. Development Plan

The Dublin City Development Plan 2022 – 2028 is the relevant Development Plan for the area and the following policies and objectives are relevant to the proposal.

The subject site is zoned 'Z3' – (Neighbourhood Centres) which the objective is, '*To provide for and improve neighbourhood facilities*'.

#### Chapter 7 – The City Centre, Urban Villages and Retail

- Policy CCUV25 (Neighbourhood Centres / Local Shopping): To support, promote and protect Neighbourhood and Local Centres which play an important role in the local shopping role for residents and provide a range of essential day to day services and facilities.
- Section 7.5.4 (Convenience and Retail Service Shopping): The provision of good quality convenience and retail service shopping to cater for daily shopping needs plays an important role in ensuring viable sustainable neighbourhoods where convenience retail and local services are within easy walking distance for residents. Convenience retailing (supermarkets) has expanded significantly in Dublin City over the last 10 years helped by population growth and policy support in the last development plan, specifically in the inner city. Many convenience operators have notably adapted their store model to suit urban / city centre sites with no car parking in some cases. This new convenience retail provision has provided greater consumer choice and competition and in many areas, has had regeneration benefits and provided much needed neighbourhood scale retail provision.
- Policy CCUV27 (Provision of Convenience Retail): To promote convenience retail development in the city, particularly in new regeneration areas and where such development can provide an important anchor to secure the vitality and viability of Key Urban Villages, urban villages and neighbourhood centres.

- Policy CCUV28 (Provision of Retail Services): To support and promote the development of retail service development at all levels of the retail hierarchy in the city.

#### Chapter 15 – Development Standards

- Section 15.14.8 (Off Licences): In considering planning applications for off licence premises or extensions to existing off-licence premises, the following criteria shall be applied:
  - The context and character of the street where the aim is to maintain and improve the vitality of the shopping experience by encouraging a range of convenience and/or comparison retail shops.
  - The range of uses at ground floor in an area where the aim is to strengthen the retail character and ensure the proposal will not result in a proliferation of similar retail service outlets such as, internet cafés, call centres, bookmakers, takeaways, amusement arcades and car rentals resulting in a predominance of similar non-shop frontages.
  - The size of the proposed off-licence in the context of the size of premises in the area.
  - Where a part off licence is proposed as part of a convenience unit, that the floor area used for the display of alcohol products is subsidiary to the main use of the shop and that area in general should be no more than 10% of the total floor area.
  - The location of the display area of alcohol products shall be in an unobtrusive position, not near the entrance or windows of the shop and preferably to the rear of the premises.

- The area for the display of alcohol products shall be detailed on the floor plans and the display of alcohol products shall be limited to this area only.

In the case where a grant of planning permission is considered, the provision will be strictly regulated, and regard shall be given to the need to impose the following conditions:

- Limiting the display area of alcohol products to that area of the shop only as detailed on the plans.
  - No advertising of the sale of alcohol products on the façade/frontage of the premises.
  - No display of alcohol products or advertising of the sale of alcohol products on or near both the entrance and the windows.
- Transport and Mobility: Technical Requirements – Appendix 5
  - Retail Strategy – Appendix 2

## **5.2. Section 28 Guidelines**

Retail Planning Guidelines (2012)

## **5.3. Natural Heritage Designations**

The site is not located within or adjacent to any designated Natura 2000 site. The nearest Natura 2000 site(s) are as follows:

- Baldoyle Bay Special Protected Area (SPA) (Site code:004016) 7.4km to the east of the site.
- Baldoyle Bay Special Area Conservation (SPC) (Site code:0040199) 7.4km to the east of the site.
- South Dublin Bay and River Tolka Estuary Special Protected Area (SPA) (Site code: 004024) 4km to the southeast of the subject site.

- The North Bull Island Special Protected Area (SPA) (Site code: 004006) 5.6km to the east of the site.
- North Dublin Bay Special Area of Conservation (SAC) (Site code: 000206) 5.6km to the east of the site.

#### **5.4. EIA Screening**

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

The proposed 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. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

A third-party appeal has been lodged by Brock Mc Clure Planning and Development Consultants on behalf of the appellant (Myers Supermarket Santry Ltd) against the decision of Dublin City Council to grant planning permission. The grounds of appeal can be summarised as follows:

- Over proliferation of retail units in the area
  - The area has no capacity for additional floor retail store. The appellant has provided a map identifying existing retailers within 2km of the site.
- Lack of new residential development

- The appellant asserts there has been no extensive residential development to support the introduction of a new retail store, especially as there are already many retailers supplying the local area.
- Traffic Congestion and No Cycle facilities
  - There would be increased traffic generated in an already heavily congested area.
  - There is lack of car parking provided.
  - The Planning Authority has given no consideration for delivery trucks.

## **6.2. Planning Authority Response**

None received.

## **6.3. Observations**

None received.

## **7.0 Assessment**

Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Over Proliferation of Retail Units
- Traffic & Parking
- Other Matters

## **7.1. Principle of Development**

- 7.1.1. The subject site has a specific 'Z3' – (Neighbourhood Centre) zoning as per the Dublin City Council Development Plan 2022 – 2028 which has the objective, *'to provide and improve neighbourhood facilities'*. A retail shop use and ancillary off licence is a permitted in principle use within this zoning. Furthermore, the proposed development is supported by policies, CCUV25 (Neighbourhood Centres / Local Shopping), CCUV27 (Provision of Convenience Retail), and CCUV28 (Provision of Retail Services) of the Plan which all seek to support and promote the delivery of convenience retail at designated Neighbourhood Centres which in my view the site is located. Therefore, I consider the principle of development is acceptable, subject to the considerations below.

## **7.2. Over Proliferation of Retail Units**

- 7.2.1. Over proliferation of retail units and the lack of new residential development in the area to support this proposed development has been raised in the grounds of appeal.
- 7.2.2. The subject site has a neighbourhood centre 'Z3' zoning and is set within a parade of purpose-built retail units (a laundrette and coffee shop) granted under ABP-303358 which in my view is acceptable. Furthermore, in my view the use is within the definition of a neighbourhood centre as set out in section 5.3 of Appendix 2 of the Dublin City Development Plan 2022-2028 (Retail Strategy), that, *"...consist of a shopping parade with a small supermarket / grocery store with a limited range of supporting shops such as a butcher or chemist and retail services like hairdressers and possibly other services such as post offices serving a small, localised catchment population. These centres play an important role in serving the needs of those without access to a car"*.
- 7.2.3. The grounds of appeal have submitted a map stating there is already numerous convenience stores and supermarkets supplying the needs of the local area. That the area has no capacity for an additional retail. The appellant refers to Tesco's (approx. 517 metres), M & S (approx. 210 metres), Lidl (approx. 250 metres) Circle (approx.

260 metres), all to the southwest of the site and a Centra (approx.360 metres) to the north.

- 7.2.4. I have considered this map and the grounds of appeal pertaining the over proliferation of convenience and supermarkets stores. In my view the presence of several shops in the area does not necessarily constitute over proliferation. I believe it is reasonable for a designated neighbourhood area, which this is, to have a variety of uses and that there may be an offer of several similar uses. Given this, I do not consider that a proliferation or indeed, an over-concentration occurs in respect of the subject development and the proposed development in my view is acceptable.
- 7.2.5. I have also reviewed the planning history for the immediate area, and I note large scale residential developments have been permitted and completed in the area, such as Santry Place to the immediate west of the site which includes approx. 321 apartment units. Furthermore, the subject site relates to an existing six storey residential development for 120 no. apartments with commercial/retail at ground floor level and permission has been granted at Chadwick's hardware site to the northwest for approx. 350 apartment units (not commenced). Hence, the immediate surrounding area in my view is residential.
- 7.2.6. In that context, I consider the proposed development is acceptable, would in fact support the need for more retail services and would cater for day-to-day convenience needs/demands of the residents of this development and adjoining residential areas. These residential areas are within walking distance of the site and in my opinion would reduce the need to drive.
- 7.2.7. Therefore, in my view the proposed development is located on lands zoned 'Neighbourhood Centre' as set out in the Dublin City Development Plan 2022 – 2028 and as such I consider would not lead to the over proliferation of retail units in this area.

### **7.3. Traffic & Parking**

- 7.3.1. The appellant has raised in the grounds of appeal the issue of increased traffic resulting from the proposed development, the lack of car parking for the development, and that no consideration was given for delivery vehicles. I note no Transportation Section report from the Planning Authority is on file.
- 7.3.2. The car parking standards outlined in Appendix 5 of the Dublin City Development Plan prioritise reducing parking requirements for developments in urban areas served by public transport. In my view, the site is located in a highly accessible urban area, adjacent to the Swords Road (R132), a major arterial route with frequent public transport options with nearby bus stops enhance connectivity, reducing the reliance on private vehicle use to the shop.
- 7.3.3. I note, the previously permitted development (ref: ABP-303358-19) provides parking for 34 cars and includes bicycle storage. For the proposed retail unit (155sqm), the Development Plan specifies a parking requirement of 1 space per 75sqm, equating to 2 number spaces. In addition, the availability of formal on-street parking along Schoolhouse Lane to the north, in my opinion, provides sufficient capacity to meet this modest requirement.
- 7.3.4. Given the site's accessibility, the existing on-site and nearby parking provisions, and the minimal additional parking demand generated by the proposed development which in my view is acceptable. Therefore, I am satisfied the proposed development is unlikely to cause any significant increased traffic or parking issues and complies with the Appendix 5 (Transport and Mobility: Technical Requirements) of the Development Plan.
- 7.3.5. I acknowledge the concerns raised pertaining access for delivery vehicles to the site. I note a dedicated loading bay was included as part of the original permitted scheme, which I consider to be an acceptable provision. This loading bay is located on Schoolhouse Lane, approximately 30 metres to the north of the site. Therefore, I am satisfied that adequate provision has been made to accommodate delivery vehicles.

## **7.4. Other Matters**

- 7.4.1. I consider it reasonable to attach conditions regarding hours of deliveries and the control of noise from the operation of the premises in the interest of residential amenity, having regard to the nature of the development located at ground level with residential accommodation above. I note the Environmental Health Officer of Dublin City Council raised no objection subject to noise and deliveries conditions. If the Board is of a mind to grant details of same can be secured by way of appropriate conditions.
- 7.4.2. I note the floor area set aside for the part off licence would be circa 10.96% which is over the 10% requirement of section 15.14.8 (Off Licences) of the Development Plan. The Planning Authority had attached a condition seeking the applicant to submit a revised drawing in compliance with the above. I am of the view that this small increase in floor of 0.96% is de minimus in the overall context of the proposed floor area and in my opinion a condition seeking a revised floor area in line with above is not justified in this case.
- 7.4.3. The appellant has raised the issue of lack of cycle infrastructure in Santry. This in my view is a matter for Dublin City Council and not for the Board to consider.

## **8.0 Appropriate Assessment Screening**

Refer to Appendix 2. Having regard to nature, scale, and location of the proposed development and nature of the receiving environment and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

I recommend that permission should be granted for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

Having regard to the Dublin City Development Plan 2022 – 2028, the 'Z3' zoning objectives (Neighbourhood Centres), and the policies regarding 'Neighbourhood Centres' specifically Policy CCUV25 (Neighbourhood Centres / Local Shopping), Policy CCUV27 (Provision of Convenience Retail), Policy CCUV28 (Provision of Retail Services), and the location of the site within an established residential area, it is considered that the proposed development, subject to compliance with the conditions set out below, would comply with the zoning objective for the site, as set out in the Dublin City Council Development Plan 2022 – 2028, would not seriously injure the residential amenity of the area, would not lead to an over concentration of convenience retail in the area, would not seriously impact on traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained in accordance with the agreed particulars.

**Reason:**           **In the interest of clarity.**

2. Noise from the operation of the premises shall not give rise to sound pressure levels (Leq 15 minutes) measured at any noise sensitive locations which exceed the following limits (i) 55 dB(A) between the hours of 08.00 and 18.00 Monday to Saturday inclusive (excluding Bank Holidays), or (ii) 35 dB(A) at any other time.

**Reason:**           **To protect the residential amenities of residents in adjacent premises.**

3. The developer shall comply with the following requirements in relation to deliveries:

a) All drivers delivering to the proposed development shall carry out the delivery process using best practice to prevent a noise nuisance. To affect this, a noise minimisation plan must be produced, subject to the approval of the Environmental Health Unit of the Planning Authority and put in place as soon as reasonably practicable to prevent noise nuisance during early morning deliveries.

b) Deliveries to the premises shall only take place between the hours of 7am and 8pm

**Reason: To protect the residential amenities of residents in adjacent premises.**

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

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Gerard Kellett

Planning Inspector

17<sup>th</sup> December 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

|                                                                                                                                                                                                                |                                                                                   |                                                     |                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------|
| <b>An Bord Pleanála<br/>Case Reference</b>                                                                                                                                                                     | ABP-319684-24                                                                     |                                                     |                                            |
| <b>Proposed Development<br/>Summary</b>                                                                                                                                                                        | Change of use of a restaurant to retail use and off licence and associated works. |                                                     |                                            |
| <b>Development Address</b>                                                                                                                                                                                     | Unit 3, Swiss Cottage, Swords Road, Dublin 9                                      |                                                     |                                            |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings) |                                                                                   | <b>Yes</b>                                          |                                            |
|                                                                                                                                                                                                                |                                                                                   | <b>No</b>                                           | √                                          |
| <b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>                                                            |                                                                                   |                                                     |                                            |
| <b>Yes</b>                                                                                                                                                                                                     |                                                                                   |                                                     |                                            |
| <b>No</b>                                                                                                                                                                                                      | √                                                                                 |                                                     | No further action required.                |
| <b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>                                                                                                  |                                                                                   |                                                     |                                            |
| <b>Yes</b>                                                                                                                                                                                                     |                                                                                   |                                                     |                                            |
| <b>No</b>                                                                                                                                                                                                      | √                                                                                 |                                                     | Proceed to Q4                              |
| <b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>                                                                                   |                                                                                   |                                                     |                                            |
| <b>Yes</b>                                                                                                                                                                                                     |                                                                                   |                                                     | Preliminary examination required. (Form 2) |
| <b>5. Has Schedule 7A information been submitted?</b>                                                                                                                                                          |                                                                                   |                                                     |                                            |
| <b>No</b>                                                                                                                                                                                                      | √                                                                                 | Screening determination remains as above (Q1 to Q4) |                                            |
| <b>Yes</b>                                                                                                                                                                                                     |                                                                                   |                                                     |                                            |

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

## **Appendix 2**

### **AA Screening**

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The site is not located within or adjacent to any designated Natura 2000 site. The nearest Natura 2000 site(s) are as follows:

- Baldoyle Bay Special Protected Area (SPA) (Site code:004016) 7.4km to the east of the site.
- Baldoyle Bay Special Area Conservation (SPC) (Site code:0040199) 7.4km to the east of the site.
- South Dublin Bay and River Tolka Estuary Special Protected Area (SPA) (Site code: 004024) 4km to the southeast of the subject site.
- The North Bull Island Special Protected Area (SPA) (Site code: 004006) 5.6km to the east of the site.
- North Dublin Bay Special Area of Conservation (SAC) (Site code: 000206) 5.6km to the east of the site.

The development is located within a neighbourhood centre location and comprises the *change of use of a restaurant to retail use and off licence and associated works.*

Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The nature of the development.
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.