

An
Coimisiún
Pleanála

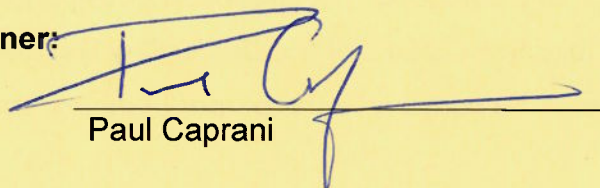
Direction
CD-021172-25
ABP-315183-22

The submissions on this file and the Inspector's report were considered at a meeting held on 06/11/2025.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning

Commissioner:


Paul Caprani

Date: 06/11/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Having regard to the Z9 zoning of the development area of the site, the objective of which is "*To preserve, provide and improve recreational amenity, open space and ecosystem services*", as per the Dublin City Development Plan 2022 – 2022, the Commission noted that many of the sites zoned Z9 in the current City Development Plan are predicated on the importance of these sites as an ex-situ inland feeding sites of birds of conservation interest including Light-Bellied Brent Goose, and the protective function which this zoning objective provides as indicated in the Natura Impact Report prepared as part of the Dublin City Development Plan 2022-2028. The Commission considered that while Section 14.7.9 of the Development Plan permits limited residential development in certain specific and exceptional circumstances, the

extent of residential development, i.e. 580 no. apartments and 100-bed nursing home proposed on these lands, which is not considered to be a limited degree of residential or commercial development associated with a sporting facility or other associated use. Therefore the proposed development would contravene materially the said zoning objective and therefore, would be contrary to the proper planning and sustainable development of the area. Furthermore the Commission considered having regard to the rationale behind the Z9 zoning objective, that a material contravention of the development plan would not be warranted or justified in this instance.

2. Objective CUO25 of the Dublin City Development Plan 2022 – 2028 requires that large scale developments over 10,000 sq. m. must provide at a minimum for 5% community, arts and culture spaces as part of the development. The proposed development does not provide for any such floor area, notwithstanding the fact that a minimum total area of c.3,560 sq.m of community, arts and culture space would be required to comply with this specific objective. The proposed development, therefore, would materially contravene Objective CUO25 of the Dublin City Development Plan 2022 – 2028, and therefore would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the submitted Natura Impact Statement, adverse effects on site integrity of the North Bull Island SPA (004006), South Dublin Bay and River Tolka Estuary SPA (004024), Baldoyle Bay SPA (004016), Malahide Estuary SPA (004025) and Rogerstown Estuary SPA (004015) cannot be excluded in view of the conservation objectives of these sites and reasonable scientific doubt remains as to the absence of such effects in particular, adverse effects on the conservation objective of Light Belled Brent Geese (LBBG) of “Distribution” and “Population Trend” and their specific targets. A reasonable scientific doubt exists as to the impacts of the proposed development on the site integrity of the above listed Natura 2000 sites, and adverse impacts therefore cannot be ruled out without further analysis and assessment, and therefore the precautionary principle has been adopted. It is considered that the proposed development would, therefore, materially contravene Policy GI9, Policy GI10 and Policy GI13 of the Dublin City Development Plan, 2022-2022 for the protection of European sites, and hence would be contrary to the proper planning and sustainable development of the area.

Note: The Commission noted inspector's final reason for refusal, however while the Commission agreed with the inspectors concerns that the potential impact on wintering birds had not been satisfactorily identified and assessed in the EIAR, it was considered that any perceived shortcomings in the EIAR in respect of the evaluation of the impact on wintering birds has already been referred to and covered in the Commissions third reason for refusal above.