



An
Coimisiún
Pleanála

Direction
CD-020929-25
ABP-321278-24

The submissions on this file and the Inspector's report were considered at a meeting held on 09/10/2025.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions. The Commission also decided that the acquisition of the land and substratum of land as proposed, and the acquisition of the easements and other rights over land as proposed, are necessary for the proposed development.

Planning

Commissioner:

Eamonn James Kelly

Date: 20/10/2025

Eamonn James Kelly

DRAFT WORDING FOR ORDER

Reasons and Considerations

The Commission in exercise of the powers conferred on it by Section 43 of the Transport (Railway Infrastructure) Act 2001 as amended and substituted (including by inter alia the European Union (Railway Orders) (Environmental Impact Assessment) (Amendment) Regulations 2021 (Statutory Instrument No. 743/2021) (hereafter also referred to as the “Act of 2001” or “Principal Act”) in coming to its decision, performed its functions in a manner consistent with section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable perform its functions in a manner consistent with the Climate Action Plan 2024, Climate Action Plan 2025, national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans, the furtherance of the national climate objective, and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

In coming to its decision, the Commission also had regard to the following:

- a) EU legislation including, in particular, the relevant provisions of;
 - Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive),
 - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive),
 - Directive 2000/60/EC (Water Framework Directive), and
 - Sustainable and Smart Mobility Strategy 2020 (EU Commission 2020).
- b) National Policy and Guidance including the following;
 - Project Ireland 2040 encompassing the National Planning Framework and the National Development Plan,
 - Climate Action Plan, 2024 / 2025, and
 - National Biodiversity Action Plan 2023-2030.

c) Regional and Local Policy including the following;

- The Transport Strategy for the Greater Dublin Area 2022-2042,
- Eastern & Midlands Regional Spatial & Economic Strategy, 2019-2031,
- The Dublin City Development Plan 2022-2028, and
- The Fingal County Development Plan 2023-2029.

d) Other relevant guidance documents.

e) The following matters;

- the nature, scale and design of the proposed development as set out in the planning application and the characteristics and pattern of development along the railway corridor and in the vicinity,
- the documentation and submissions of Transport Infrastructure Ireland (applicant), including the environmental impact assessment report and associated documentation submitted with the application, and the range of mitigation and monitoring measures proposed,
- the submissions and observations made to An Coimisiún Pleanála in connection with the application,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites, and
- the report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to planning and sustainable development, appropriate assessment, environmental impact assessment and compulsory acquisition.

Environment Impact Assessment

The Commission completed an Environmental Impact Assessment of the proposed development taking into account:

- (i) the nature, scale and extent of the proposed development,
- (ii) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (iii) the submissions made in the course of the application; and
- (iv) the inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Commission agreed with the examination, set out in the inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Commission considered, and agreed with the inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows:

Population and Human Health

- Positive long term impacts through facilitation of faster and more reliable public transport services, improved pedestrian and cyclist safety, reduced traffic congestion, improved air quality and noise reduction, improved road/street safety, more social interaction and positive accessibility and amenity impacts for community areas.
- Adverse short-term impacts from the construction phase in terms of access restrictions, noise, vibration, dust, contaminated material, traffic and visual impact. This will be mitigated through compliance with the

CEMP and measures outlined in the Land, Soils, Water, Air and Climate and Material Assets sections of the EIAR.

- Adverse impacts from the temporary and permanent acquisition of land. This will be mitigated through provision of amended access arrangements and replacement boundaries.

Biodiversity

- Neutral to slight impacts in terms of direct habitat loss and fragmentation; physical degradation of habitats; disturbance (visual and audible) and displacement of protected faunal species; pollution of surface and groundwater networks; air (dust) pollution; and spread of invasive non-native species. Mitigation will protect water quality through works scheduling, invasive species management, measures to mitigate against the release of suspended solids, fuels and oils, and cements, and measures to minimise disturbance to protected species.

Land, Water, Air and Climate

- Land: Adverse impacts through acquisition of properties on a temporary basis; acquisition of properties on a permanent basis; and demolition of structures, including boundary walls / fencing.
- Water: Potential impacts during construction from runoff, groundworks and watercourse disturbance. A Surface Water Management Plan and CEMP have been developed to detail the control and management measures for avoiding, preventing, or reducing any significant adverse impacts on the surface water environment.
- Air: Potential impact on quality during the construction phase is from construction dust emissions and nuisance dust deposition. Appropriate construction dust mitigation measures have been outlined for the construction phase in the Construction and Environmental Management Plan.

- Airborne Noise and Vibration: Potential for construction and operational impacts. Following mitigation, there will be moderate to significant impacts for brief periods when works are immediately adjacent to sensitive properties.
- Climate: Beneficial long term cumulative impact of the proposed Luas Finglas scheme during the operational phase due to the overall reduction in road traffic greenhouse gas emissions.

Material Assets, Landscape and Visual Amenity

- Material Assets: Potential for slight to moderate adverse impacts on Utilities and Infrastructure during the construction phase through diversion/interruption of services that will be mitigated through prior notification given to all the impacted property owners and precautions will be implemented to protect the infrastructure from damage, including localised confirmatory surveys. Potential for significant positive impacts on Traffic & Transport during the operational phase from improvements for walking, cycling, public transport and people movements, and reductions in general traffic and associated greenhouse gas emissions.
- Landscape and Visual Amenity: Potential for moderate to significant impacts through the introduction of an uncharacteristic new element or feature that would lead to an overall change in landscape character and quality of the Royal Canal and Tolka Valley Park Local Landscape Character Areas. The overall residual impact on landscape character and visual amenities will be positive as the proposed scheme becomes increasingly integrated within its setting.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other

development in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the inspector.

Appropriate Assessment – Stage 1

The Commission agreed with and adopted the screening assessment and conclusion carried out in the inspector's report that the relevant European Sites in respect of which the proposed development has the potential to have a significant effect are:

- South Dublin Bay Special Area of Conservation;
- North Dublin Bay Special Area of Conservation;
- Rockabill to Dalkey Islands Special Area of Conservation;
- North Bull Island Special Protection Area;
- South Dublin Bay and River Tolka Estuary Special Protection Area; and
- North West Irish Sea Special Protection Area.

Appropriate Assessment – Stage 2

The Commission considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for each of the aforementioned Sites, in view of the Sites' Conservation Objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Commission considered, in particular,

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, specifically upon the European sites,
- ii. the mitigation measures which are included as part of the current proposal,
- iii. the conservation objectives for these European Sites, and
- iv. the views of prescribed bodies in this regard.

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects would not adversely affect the integrity of the European Sites, in view of the Sites' conservation objectives.

Proper Planning and Sustainable Development

The Commission considered that the proposed scheme would deliver a key component for achieving the policy objectives of the National Planning Framework and will enable delivery of compact sustainable growth in Dublin City. It would also provide safer and improved infrastructure for pedestrians and cyclists and would deliver sustainable connectivity and integration with other transport services. The public realm along the tram corridor would also be improved.

The Commission considered that the proposed scheme, subject to compliance with the conditions set out below, would be in accordance with, and has balanced the requirements of, national, regional and local planning policies including relevant policies and objectives set out in the Dublin City Development Plan 2022-2028 and the Fingal County Development Plan 2023-2029 and having regard to all relevant provisions, including zoning objectives, at or adjoining the overall scheme area. It is further considered that the need, justification and purpose of the proposed scheme has been adequately demonstrated, that it is acceptable in terms of its likely effects on the environment and that an approval for the proposed scheme would be consistent with national climate ambitions and with the relevant provisions of the Climate Action Plan 2024 / 2025 through the delivery of an efficient, low carbon and climate resilient public transport service, which supports the achievement of Ireland's emission reduction targets. It is considered that the proposed scheme would accord with European, national, regional and local planning, is acceptable in respect of its

likely effects on the environment, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed 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 prior to commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented.

Reason: To protect the integrity of European Sites.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report shall be implemented.

Reason: To protect the environment.

4. The proposed development shall be amended as follows:

(a) The 'grasscrete paving to vehicle access area' and the bicycle shelter on the eastern side of St Margaret's Stop, as indicated on Drawing Plan Number D1-AL 33 B-C, shall be re-positioned so that the grasscrete paving runs behind the bicycle shelter hugging the adjacent residential boundary.

- (b) The layout of all junctions and all cycling facilities shall be designed in accordance with the detailed standards set out in DMURS and the Cycle Design Manual (National Transport Authority, 2023).
- (c) Pinch points shall be in line with the road user hierarchy as designated within DMURS, i.e., the width of the general traffic lanes should reduce first, then the width of the cycle track should be reduced before the width of the pedestrian footpath is reduced. Footpaths and cycle lanes shall not be reduced below 2 metres where there is scope to reduce the adjoining general traffic lane to 2.75 metres.

Revised drawings showing compliance with these requirements shall be submitted to the planning authorities for written agreement before commencement of development.

Reason: In the interests of pedestrian and cyclist safety.

- 5. A wider gateway access no greater than 14 metres with a long sliding gate no greater than 15 metres from Lagan Road into Fashionflo Ltd., similar to that outlined in Option 5 set out in the report of 10th day of June 2025 prepared by Transport Insights accompanying Fashionflo's submission following the Commission's invitation to respond to TII's submission of 27th day of March 2025, shall be provided.

Revised drawings showing compliance with these requirements shall be submitted to the planning authority for written agreement before commencement of development.

Reason: In the interests of clarity.

- 6. The new access road through Jamestown Industrial Estate to serve existing businesses along St. Margaret's Road shall be designed to include pedestrian and cyclist priority.

Revised drawings showing compliance with these requirements shall be submitted to the planning authority for written agreement before commencement of development.

Reason: In the interests of clarity and for pedestrian and cyclist safety.

7. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

8. Prior to the commencement of development, the developer, and/or any agent acting on its behalf, shall finalise in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and Environmental Impact Assessment Report and a demonstration of proposals to adhere to best practice and protocols.

The updated CEMP shall also include details of intended construction practice for the development, including hours of working, compound/works area lighting, noise management measures, surface water management proposals, utilities, and interactions with Iarnród Éireann interfaces. The development shall be constructed in accordance with the updated CEMP.

Reason: In the interest of protecting the environment, the landscape, European sites, and sensitive receptors and in the interest of public health.

9. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Construction Traffic Management Plan and a Construction Stage Mobility Management Plan for the construction phase of the development for the written agreement of the planning authority. The Construction Stage Mobility Management Plan shall promote the use of public transport, cycling and walking by personnel accessing and working on the construction site. The Construction Traffic Management Plan shall include identification of mitigation measures to protect operational Luas infrastructure. The agreed Construction Traffic Management Plan and Construction Stage Mobility Management Plan shall be implemented in full during the course of construction of the development.

Reason: In the interest of traffic safety and promoting sustainable travel during the construction period.

10. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.

Reason: In the interest of environmental protection and public health.

11. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of public safety and visual amenity.

12. Prior to commencement of development, a comprehensive agreement shall be put in place and agreed in writing between Transport Infrastructure Ireland and the local authorities on the procedures for the handing over and handing back of the tram corridor and taking in charge arrangements.

Reason: In the interests of orderly development.

In addition, the Commission determined, in accordance with Section 47DD of the Transport (Railway Infrastructure) Act 2001, as amended, that the amount due to be recouped from the applicant by the Commission is:

€20,236.00

Breakdown of the costs to be attached to the final Order.

Note

1. The Commission noted the submission of TII on the 27th day of March 2025, the Observers submissions seeking a new access following the Commission's invitation to respond to TII's submission of the 27th day of March 2025, and the Inspector's assessment and subsequent recommended condition number 6 in relation to Brooks Timber and Building Supplies Ltd.

On the facts of the case, the Commission noted (i) the existing direct access to Ballyboggan Road from this site, (ii) the extent of the remaining curtilage around this site, (iii) the proposal for a new second access from this site traversing a new sloped two-way cycle path approximately 50-60 metres downhill from the previous junction with the cyclepath, (iv) that Broombridge Road would be hosting a ramped two-way tram system and associated infrastructure at this location, (v) that the ramped Luas warranted the CPO of a private access to remove gated access to FashionFlo Ltd. directly opposite,

and (vi) the potential environmental impacts of a new access at this particular location have not been assessed, particularly with respect to traffic circulation patterns, traffic safety, and pedestrian, cyclist and tram safety.

The Commission determined that sufficient space exists within the remaining curtilage of Brooks Timber and Building Supplies to ensure operational continuity and safety of staff and customers on the site. While sufficient justification has not been presented to warrant further consideration, or agreement to, a proposed second access, the consideration of compensation as part of the Railway order and compulsory purchase order process will not preclude the Observers from pursuing this access should they so choose through a separate application for consent in the future.

2. The Commission noted the Inspector's recommended Condition 3(a) concerning a cycle strategy and 3(b) concerning a public realm strategy and cycle track provision. The Commission also noted Item number 1 of the submission from the National Transport Authority and were satisfied that the subsequent response from TII was an acceptable approach to addressing the issue of cycling strategy. On that basis, the Commission omitted recommended Condition 3(a).

The Commission also considered the EIAR including in particular Appendix A21.2 Urban Integration Report therein, and considered the engagement with the public realm strategy, including as it related to the environment around St Helena's Stop and Farham pitches, was sufficiently robust as to not warrant the inclusion of recommended Condition number 3(b).

3. The Commission were satisfied that an appropriate Road Safety Audit would be undertaken to inform the detailed design stage such that the Inspector's recommended Condition 4 could reasonably be omitted.
4. The Commission was satisfied that the requirements set out in the Inspector's recommended Conditions 10, 11, 13, 14, 15, 16, 18, 19 and 20 constituted

elements of the package of mitigation measures contained in the EIAR. In light of Condition number 3 above to implement all mitigation measures contained in the submitted EIAR, the Commission was satisfied that Conditions 10, 11, 13, 14, 15, 16, 18, 19 and 20 represented duplication and could therefore reasonably be omitted.

5. The Commission had regard to the submission from the Parks, Biodiversity & Landscape Services Division in Dublin City Council that a stop in Tolka Valley Park should be considered to act as a catalyst for tourism and amenity value. While the Commission noted the response of TII that the route option assessment was not justified from a catchment perspective, the Commission also noted the planning authority commentary that such a stop may improve access to the park for communities in the adjoining area, particularly as brownfield sites are developed. The Commission concluded that the works the subject of this Order did not prejudice an additional stop in the park at a future date.