



An
Coimisiún
Pleanála

Direction
CD-020605-25
ABP-321931-25

The submissions on this file and the Inspector's report were considered at a meeting held on 05/09/2025.

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.

Planning

Commissioner: Eamonn James Kelly **Date:** 05/09/2025
Eamonn James Kelly

DRAFT WORDING FOR ORDER

Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission had regard to:

- (a) Section 15(1) of the Climate Action and Low Carbon Development 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 Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy,

national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State,

- (b) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive,
- (c) the relevant provisions of the European Union Directive 2011/92/EU as amended by Directive 2014/52/EU (Environmental Impact Assessment Directive) on the assessment of the effects of certain public and private projects on the environment,
- (d) the nature, scale, and extent of the proposed development,
- (e) the provisions of the National Planning Framework First Revision, April 2025,
- (f) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, January 2024,
- (g) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, December 2018,
- (h) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, July 2023,
- (i) the provisions of the Design Manual for Urban Roads and Streets, 2019,
- (j) the provisions of the Eastern and Midland Regional Assembly, Regional Spatial and Economic Strategy 2019-2031,
- (k) the provisions of the Dublin City Development Plan 2022-2028 including the 'Z14 - Strategic Development and Regeneration Areas' zoning for the site,
- (l) the provisions of the Park West - Cherry Orchard Local Area Plan, 2019,
- (m) the documentation submitted with the planning application, such as the Environmental Impact Assessment Report and the Appropriate Assessment Screening Report,
- (n) the submissions and observations received on file,
- (o) 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 on European Sites,
- (p) the availability in the area of public transport infrastructure,
- (q) the planning history in the vicinity of the site, and,

- (r) the report of the Planning Inspector.

Environmental Impact Assessment:

The Commission completed an environmental impact assessment of the proposed development, taking account of:

- (a) the nature, scale, location, and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies, and observers during the course of the application, and,
- (d) the Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, 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 during the course of the application.

Reasoned Conclusion on Significant Effects:

The Commission considered that the main significant direct and indirect effects of the proposed development on the environment are and would be mitigated where relevant, as follows:

Population: There would be significant positive impacts on population due to the increase in housing stock within the local area.

Air Quality and Noise and Vibration: The subject site is in relatively close proximity to existing residential properties. Construction activity could give rise to dust and noise nuisance from the subject site to nearby receptors. Recommended mitigation measures in this regard are well-proven, good practice measures and are capable of being successfully implemented.

Landscape and Visual: The current development site is an undeveloped greenfield/brownfield fenced off area close to a motorway and a railway line and is of limited visual amenity. No adverse landscape or visual impact would result from the proposed development.

Traffic and Transport: There is both a commuter rail service and a bus route close to the site which would encourage the use of public transportation and reduce the need for car trips.

Climate: The development would be consistent with the broad planning and climate framework that is in place as it would sustainably develop a greenfield/brownfield urban site which is adequately served by public transport. It would contribute to compact growth and sustainable mobility objectives.

Biodiversity: The development site is of limited biodiversity value and there would be no significant adverse impact on flora or fauna as a result of the proposed development.

Proper Planning and Sustainable Development/Likely Significant Effects on the Environment:

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the development objectives and other provisions of the Park West – Cherry Orchard Local Area Plan, 2019, with the zoning objectives and other policies and objectives of the Dublin City Development Plan 2022-2028, would positively contribute to compact growth and would make efficient use of an appropriately zoned greenfield/brownfield site within the urban area of Dublin city in an area well served by public transport, would positively contribute to an increase in housing stock and commercial/retail floorspace, would be acceptable in terms of urban design and layout and building height, would be acceptable in terms of pedestrian and traffic safety, and would provide an acceptable form of residential amenity for future occupants. The proposed development would not seriously injure the residential or visual amenities of the area or significantly increase traffic volumes in the area. The proposed development 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 any mitigation measures set out in the Environmental Impact Assessment Report or any conditions of this approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

In default of agreement, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of clarity.

2. The mitigation measures identified and contained within the Environmental Impact Assessment Report, and all other plans and particulars submitted with the application, shall be implemented in full, except where otherwise required by conditions attached to this permission.

Reason: In the interests of clarity, and of protecting the environment and public health.

3.
 - (a) The proposed development shall be carried out on a phased basis, in accordance with the phasing plan submitted with the application, drawing COP-PH2-CCK-S1b-00-DR-A-1032 refers.
 - (b) No unit shall be occupied until the Public Open Space A (2,050 square metres in area) delineated by a purple dashed line and shown on drawing number COP-PH2-CCK-S1b-00-DR-A-1020 entitled 'Site Layout Sheet 1' is complete and operational.
 - (c) No unit shall be occupied until the childcare facility located on the ground floor of Block 5 Phase 1 and illustrated at Figure 4.4 *Proposed Layout of Childcare Facility* of the Cherry Orchard Point Phase 2: Planning Report dated February 2025, is complete and available for use.

- (d) Work on any subsequent phases shall not commence until such time as the written agreement of the local authority is given to commence the next phase. Details of further phases or changes shall be as agreed in writing with the local authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

4. The developer shall implement all treatments set out in "Boundary Treatment Plan Drawing number 102".

Reason: In the interest of residential amenity.

5. Appropriate noise mitigation measures shall be incorporated into the fabric of the buildings to comply with noise insulation requirements.

Reason: In the interest of residential amenity.

6. The developer shall engage a suitably qualified archaeologist, to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping and groundworks.

Prior to the commencement of such works, the archaeologist shall consult with, and forward to the local authority archaeologist, or the National Monument Service, as appropriate, a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains, shall be necessary. Should archaeological remains be identified, during the course of archaeological monitoring, all works shall cease in the area of archaeological interest, pending a decision of the local authority, in consultation with the National Monuments Service, regarding appropriate mitigation preservation in-situ, or excavation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the local authority, following consultation with the National Monuments Service, shall be complied with by the developer.

Following the completion of all archaeological work on site, and any necessary post-excavation specialist analysis, the local authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring, and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: In order to conserve the archaeological heritage of the site, and to secure the preservation and protection of any remains that may exist within the site.

7. The internal road network serving the proposed development, including turning bays, junctions with the public road, parking areas, footpaths and kerbs, homezones, raised tables, signage, shall be in accordance with the detailed construction standards, and requirements of the local authority for such works, and with the relevant provisions of the Design Manual for Urban Roads and Streets (DMURS). In default of agreement, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interests of amenity and of traffic and pedestrian safety.

8. All service cables associated with the proposed development (such as electrical, telecommunications, and communal television) shall be located underground. Ducting shall be provided by the developer, to facilitate the provision of broadband infrastructure, within the proposed development.

Reason: In the interests of visual and residential amenity.

9. Public lighting shall be provided, in accordance with a final scheme to reflect the indicative details in the submitted Outdoor Lighting Report, and these details shall be placed on the file, and retained as part of the public record. The detail shall include measures for the protection of bats. Such lighting shall be provided in each phase, prior to the making available for occupation of any residential unit in that phase.

Reason: In the interests of residential amenity, protection of bats, and public safety.

10. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the local authority for such works and services.

Reason: In the interests of public health and surface water management.

11. The developer shall enter into water and/or waste water connection agreement(s) with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

12. The site shall be landscaped in accordance with the detailed scheme of landscaping which accompanied the application submitted, unless otherwise agreed in writing with the local authority, prior to commencement of development. The landscape scheme shall be implemented fully in the first planting season, following completion of each phase of the development, and any trees or shrubs which die, or are removed within three years of planting, shall be replaced in the first planting season thereafter.

Reason: In the interests of residential and visual amenity.

13. (a) Residential car parking spaces shall be in accordance with the details set out in the document "Mobility Management and Travel Plan January 2025".

(b) A minimum of 10% of all car parking spaces, shall be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and

agreed in writing, with the local authority, prior to the occupation of the development.

- (c) Prior to the occupation of the development a Parking Management Plan shall be prepared for the development which shall be placed on the file and retained as part of the public record.
- (d) The bicycle parking quantity shall be provided as per the bicycle parking standards of the Dublin City Development Plan 2022-2028 and shall comply with Specific Planning Policy Requirement 4 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Resident cycle parking spaces shall be secure, conveniently located, sheltered, and well lit. Key/fob access shall be required to resident bicycle compounds. All cycle parking design including visitor parking shall allow both wheel and frame to be locked. Electric bike charging facilities within the resident cycle parking areas shall be provided. All cycle parking shall be in situ prior to the occupation of the development.

Reason: To ensure that adequate car and bicycle parking facilities are available to serve the proposed development.

14. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation, and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be prepared and shall be placed on the file and retained as part of the public record. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.
 - (c) This plan shall also include the provision of a glass bottle recycling bank, ideally within close proximity to community/retail uses.

Reason: In the interest of residential amenity, to ensure the provision of adequate refuse storage, and as per the development objective for the site as set out in the Park West – Cherry Orchard Local Area Plan 2019.

15. The proposed development shall be carried out in accordance with the Resource and Waste Management Plan submitted with the application, as set out in the Environmental Protection Agency's Best Practice Guidelines for Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), and shall adhere to best practice and protocols. The Resource and Waste Management Plan shall implement the specific proposals as to how the Resource and Waste Management Plan is measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. All records (including for waste and all resources) pursuant to the Resource and Waste Management Plan shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

16. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be placed on the file and retained as part of the public record. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
 - (b) Location of areas for construction site offices and staff facilities.
 - (c) Details of site security fencing and hoardings. Hoardings shall include a one square metre area on each frontage detailing site management contact details.
 - (d) Details of on-site car parking facilities for site workers during the course of construction.

- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (f) Measures to obviate queuing of construction traffic on the adjoining road network.
- (g) Measures to prevent the spillage or deposit of clay, rubble, or other debris on the road network.
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any road or footpath during the course of site development works.
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the local authority.
- (n) A community liaison officer shall be appointed for the duration of the construction works.

Reason: In the interests of amenities, public health, and safety.

17. A Construction and Environmental Management Plan (CEMP) shall be prepared and be placed on the file and retained as part of the public record. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils,

groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interests of environmental protection and orderly development.

18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0800 to 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the local authority.

Reason: In order to safeguard the residential amenities of properties in the vicinity.

19. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the local authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the local authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the local authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

19. (a) All areas not intended to be taken in charge by the local authority shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the local authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.