



An
Coimisiún
Pleanála

Direction
CD-021163-25
ACP-323280-25

The submissions on this file and the Inspector's report were considered at a meeting held on 04/11/2025.

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:

Patricia Calleary
Patricia Calleary

Date: 04/11/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

In coming to its decision, the Commission performed its functions in relation to the making of its decision, 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, 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, and also had regard to the following:

- (a) the location of the site within a suburban, transitional zonal area, on lands zoned 'Objective A' within the Dún Laoghaire-Rathdown County Development Plan 2022-2028, where the objective is to provide residential development and improve residential amenity while protecting the existing residential amenities,
- (b) the policies and objectives of the Dún Laoghaire-Rathdown County Development Plan 2022-2028,
- (c) the policies and objectives set out in the National Planning Framework (revised 2025), Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 and Dublin Metropolitan Area Strategic Plan,
- (d) Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021,
- (e) the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024,
- (f) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in December 2022 (updated 2023),
- (g) the Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018, and to the Building Height Strategy of the County Development Plan 2022-2028,
- (h) the Design Manual for Urban Roads and Streets (DMURS) (2013),
- (i) the Childcare Facilities, Guidelines for Planning Authorities (2001),
- (j) the Planning System and Flood Risk Management (including the associated Technical Appendices) 2009,
- (k) the Water Action Plan 2024, A River Basin Management Plan for Ireland,
- (l) the targets and objectives of the National Biodiversity Action Plan 2023-2030,

- (m) the climate action objectives of the Dún Laoghaire-Rathdown Climate Action Plan 2024-2029,
- (n) the nature, scale, height and design of the proposed development,
- (o) the pattern of existing and permitted development in the area,
- (p) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- (q) the submissions and observations received in connection with the planning application and appeal, and
- (r) the report and recommendation of the Planning Inspector.

Screening for Appropriate Assessment – Stage 1

The Commission considered that the Natura Impact Statement submitted with the application, and all other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on neighbouring European sites. The Commission agreed with the screening assessment and determination carried out in the Inspector's Report that the South Dublin Bay Special Area of Conservation (Site Code 000210) and South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024) are the only European sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment – Stage 2

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an appropriate assessment of the implications of the proposed development on the South Dublin Bay Special Area of Conservation (Site Code 000210) and South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024) in view of these 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, the following:

- (a) the conservation objectives for the European sites,
- (b) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (c) the mitigation measures which are included as part of the current proposal.

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 aforementioned European sites.

In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of these European sites in view of the sites' conservation objectives. The determination is based on:

- (a) A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the South Dublin Bay Special Area of Conservation (Site Code 000210) and South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024).
- (b) Detailed assessment of in combination effects with other plans and projects.
- (c) No reasonable scientific doubt as to the absence of adverse effects on the integrity of these European sites.

Environmental Impact Assessment Screening

The Commission completed an Environmental Impact Assessment screening determination of the project and considers that the Environmental Impact Assessment Screening Report and other documents submitted by the applicant identify and describe adequately the direct, indirect, and cumulative effects of the project on the environment. Regard has been had to:

- (a) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, in particular:

- the nature and scale of the proposed development which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended, and location within a suburban area on lands zoned 'Objective A' under the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and served by public infrastructure,
 - the absence of any significant cultural or archaeological environmental sensitivity in the vicinity,
 - the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001, as amended,
- (b) the results of other relevant assessments of the effects on the environment submitted by the applicant, and
- (c) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including those identified in the Construction and Environmental Management Plan, Hydrological and Hydrogeological Risk Assessment Report, Natura Impact Statement, Ecological Impact Assessment, Noise Impact Assessment and Noise Technical Note, and in particular the proposal to provide a high quality design and a detailed landscape plan with ecological and biodiversity enhancement measures to mitigate the visual impact of the proposal and the impact on the designated Barnacullia Landscape Character Area.

The Commission concluded that there would be no real likelihood of significant effects on the environment arising from the proposed development and that the preparation and submission of an Environmental Impact Assessment report (EIAR) would not, therefore, be required.

Proper Planning and Sustainable Development

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this accessible, zoned and serviced location, would be

acceptable in urban design, scale, height and scale, would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would not result in an adverse impact on the Barnacullia landscape character area, would be acceptable in terms of pedestrian and traffic safety, would provide an acceptable form of residential amenity for future occupants and would be consistent with the relevant provisions of the statutory development plan and with the relevant provisions of Ministerial Guidance including promoting compact growth and directing development to serviced zoned lands and transitioning to a climate resilient low carbon economy. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 19th day of May, 2025, and the further plans and particulars received by An Coimisiún Pleanála on the 3rd day of September, 2025, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented in full.

Reason: To protect the integrity of European Sites.

3. (a) The mitigation and monitoring commitments identified in the submitted Ecological Impact Assessment, Wildlife Refuge and Biodiversity Management Plan, Tree Report, Construction and Environmental Management Plan and Landscape Plan shall be carried out in full, except

as may otherwise be required in order to comply with the following conditions. Three rocket bat boxes shall be installed within the permitted development under the supervision of a bat specialist. Details of the boundary treatment to the wildlife refuge corridor shall be submitted to the planning authority for its written approval.

- (b) Prior to commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments in a single document, as identified in the submitted documents and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement.

Reason: In the interest of biodiversity.

- 4. (a) The noise and vibration mitigation and monitoring measures outlined in the submitted Noise Impact Assessment and Noise Technical Note submitted to An Coimisiún Pleanála on the 3rd day of September, 2025 shall be implemented in full.
- (b) Noise and vibration monitoring locations for the purposes of the rock breaking activities shall be agreed in writing with the planning authority prior to commencement of any such activity on site.
- (c) Monitoring results shall be submitted to the planning authority at weekly intervals for noise and ground vibration, or as otherwise agreed with the planning authority.

Reason: To protect the amenities of property in the vicinity.

- 5. (a) Prior to commencement of the development, the developer shall submit details of the delineation of the public and communal open space to the planning authority for its written approval.
- (b) Prior to commencement of the development, the developer shall submit details of the boundary treatment to Woodside Road to the planning authority for its written approval.

Reason: In the interest of clarity.

6. A final Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. 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 (including ecological clerk of works).

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

7. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

8. The landscaping scheme set out in the submitted Landscape Design Rationale and shown on drawing numbers 23170_Blackglen_PA_J_LM/LD1/LD2/LD3/SLP/HLP/PFD/BT/GIM/POS, as submitted to the planning authority on the 28th day of January, 2025 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter their opinion on compliance of the completed landscape scheme with the approved landscape

proposals within six months of substantial completion of the development hereby permitted.

Reason: In the interests of residential and visual amenity and in the interest of biodiversity.

9. The developer shall engage the services of a qualified arborist as an arboricultural consultant for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of consultant prior to commencement of the development. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the submitted Tree Report. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work – Recommendations. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the Tree Report and submitted to the planning authority upon completion of the works.

Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

10. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate that Sustainable Urban Drainage System measures have been installed and are working, as designed, and that there has been no misconnections or damage to storm water drainage infrastructure during construction shall be submitted to the planning authority for written agreement.

Reason: in the interest of public health and surface water management.

11. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

12. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

13. (a) 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. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

- (b) The finalised lighting design scheme for the internal and external lighting of the permitted development shall be signed off by a bat specialist and shall incorporate measures to minimise light spill pollution and preserve dark corridors and shall be submitted to the planning authority for its written approval.

Reason: In the interests of amenity and public safety.

14. 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.

15. The internal road network serving the proposed development (including turning bays, junctions, parking areas, footpaths, kerbs, pedestrian crossings and the underground car parks) shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

16. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning 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 shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

17. Not more than 50% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed at that stage of the development.

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

18. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections to allow for the provision of future charging points and, in the case of 20% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

19. Safe and secure bicycle parking spaces, including provision for in-situ charging of electric bikes, shall be provided within the site in accordance with the detailed requirements of the planning authority.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

20. (a) The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the planning authority on the 28th day of January, 2025. The specific measures detailed in Section 6 of the MMP to achieve the objectives and modal split targets for the development shall be implemented in full following first occupation of the development. The developer shall

undertake an annual monitoring exercise to the satisfaction of the planning authority for the first five years following first occupation of the development and shall submit the results to the planning authority for consideration and placement on the public file.

- (b) Prior to commencement of the development, the developer shall submit details to the planning authority for its written approval of correspondence seeking an agreement with a car/club sharing service provider to locate such vehicles within the proposed development.

Reason: To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

- 21. (a) Prior to commencement of the development, a Stage 2 Road Safety Audit shall be submitted to the planning authority for its written approval.
- (b) Prior to occupation of the development, a Stage 3 Road Safety Audit shall be submitted to the planning authority for its written approval.

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

- 22. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot and for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

- 23. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours 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 planning authority.

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

24. (a) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.
- (b) Details of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of sustainable transport and safety.

25. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November, 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

26. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for

Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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 reducing waste and encouraging recycling.

27. (a) The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all ground disturbances associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.
- (b) 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 planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.
- (c) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department of Housing, Local Government and Heritage, shall be complied with by the developer.
- (d) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning 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: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

28. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

29. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a

percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

30. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

31. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

Reason: To ensure the satisfactory completion of the development.

32. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.