

An  
Coimisiún  
Pleanála

**Direction**  
**CD-022291-26**  
**ACP-323851-25**

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The submissions on this file and the Inspector's report were considered at a meeting held on 30/06/2026.

The Commission decided to approve the proposed development generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

#### **Reasons and Considerations**

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 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.

And in coming to its decision, the Commission had regard to the following:

1. European legislation, including in particular:
  - (a) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,

- (b) Directive 2011/92/EU (The Environmental Impact Assessment Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule Six (paragraphs one and two) of the Planning and Development Regulations 2001, as amended, and
  - (c) 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.
2. National legislation including in particular:
- (a) Section 177AE of the Planning and Development Act 2000, as amended which sets out the provisions in relation to local authority projects which are subject to appropriate assessment.
3. National, Regional policy and guidance in particular:
- (a) National Planning Framework First Revision April 2025 which supports the development of a region-focused strategy to manage growth and environmentally focused planning at a local level,
  - (b) Irelands 4<sup>th</sup> National Biodiversity Plan 2023-2030.
  - (c) Regional Spatial & Economic Strategy for the Eastern and Midlands Region 2019-2031.
4. Local planning policy including in particular:
- (a) The provisions of the Kildare County Development Plan 2023-2029.
5. Other relevant national policy and guidance documents:
- (a) The nature, scale and design of the proposed development as set out in the application for approval and the existing character of the area,
  - (b) 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,
  - (c) The Natura Impact Statement submitted,

- (d) The submissions and observations made to An Coimisiún Pleanála in connection with the application.
- (e) the further information response received from the local authority on the 9<sup>th</sup> day April 2026.
- (f) The report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment.

#### **Appropriate Assessment: Stage 1:**

The Commission noted that the proposed development is not directly connected with or necessary for the management of a European Site. The Commission completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the screening report for appropriate assessment submitted with the application and the report and screening assessment completed by the Inspector. The Commission agreed with the Inspector's assessment and conclusion that the European Sites for which there are potential for significant effects are the North Dublin Bay Special Area of Conservation (Site Code: 000206), South Dublin Bay Special Area of Conservation (Site Code: 000210), South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), North Bull Island Special Protection Area (Site Code: 004006), North-West Irish Sea Special Protection Area (Site Code: 004236), Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), Dalkey Islands Special Protection Area (Site Code: 004172) and Howth Head Coast Special Protection Area (Site Code: 004113). The Commission concluded, in agreement with the Inspector, that appropriate assessment is required for those European Sites.

#### **Appropriate Assessment: Stage 2:**

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and carried out an appropriate assessment of the implications of the proposed development for European Sites in

view of the conservation objectives for the North Dublin Bay Special Area of Conservation (Site Code: 000206), South Dublin Bay Special Area of Conservation (Site Code: 000210), South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), North Bull Island Special Protection Area (Site Code: 004006), North-West Irish Sea Special Protection Area (Site Code: 004236), Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), Dalkey Islands Special Protection Area (Site Code: 004172) and Howth Head Coast Special Protection Area (Site Code: 004113). The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment and to allow it to reach complete, precise and definitive conclusions for appropriate assessment. In completing the assessment, the Commission considered, in particular, the following:

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

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 European Sites, in view of the Site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

This conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects of relevance and took into account all submissions received during the course of the application.

## **Proper Planning and Sustainable Development**

It is considered that by reason of scale, form and extent, and that subject to compliance with the following conditions, the proposed development would be in accordance with the relevant provisions of the Kildare County Development Plan 2023-2029. The proposed development would not have significant negative effects on the environment or the community in the vicinity, would not pose a flood risk or a risk to water quality, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity and would not adversely impact on the cultural, archaeological and built heritage of 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, on the 10th day of November 2025, as amended by the further particulars submitted on the 9<sup>th</sup> day of April 2026 except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on file and retained as part of the public record.

**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 (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. The mitigation measures identified in the Environmental Report and Flood Risk Assessment submitted with the application shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

**Reason:** In the interest of protecting the environment.

4. Prior to commencement of works, the developer shall prepare a final Construction Environmental Management Plan (CEMP), which shall be adhered to during construction. This plan shall reflect all required mitigation for the project and provide details of intended construction practice for the development, including hours of development and construction works, noise and dust management measures and off-site disposal of construction/demolition waste. The CEMP shall be submitted to the Local Planning Authority to be held on file prior to the commencement of works.

**Reason:** In the interest of public safety and amenity.

5. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and supervise and implementation of mitigation measures. The ecologist shall be present during the construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

**Reason:** In the interest of nature conservation and biodiversity.

6. The local authority and any agent acting on its behalf shall ensure that all plant and machinery used during the construction works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

**Reason:** In the interests of nature conservation and mitigating ecological damage

associated with the development.

7. (a) All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 10 of Ireland's State of the Environment Report 2024 shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.

(b) A project archaeologist shall be appointed to oversee and advise on all aspects of the scheme:

(i) The project archaeologist shall liaise with the Department of Housing, Local Government & Heritage and the Planning Authority to agree in advance an overall strategy for archaeological works to be carried out both in advance of and in parallel with the construction of the development.

(ii) This shall include the scope of any Archaeological Monitoring as well as any additional mitigation measures that may be required to protect archaeological heritage.

(iii) Should archaeological remains be identified during the course of archaeological monitoring, all works shall be suspended in the area of archaeological interest pending a decision, in consultation with the Department of Housing, Local Government & Heritage regarding appropriate mitigation (preservation *in situ* / excavation). Any further archaeological mitigation requirements shall be complied with in full.

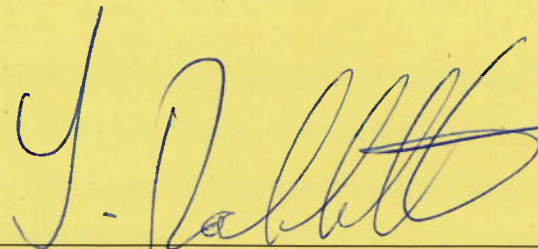
(c) The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 10 of the Ireland's State of the Environment Report 2024 and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction

activity.

- (d) Following the completion of all archaeological works on site and any necessary post-excavation specialist analysis, a final report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required shall be furnished to the Department of Housing, Local Government & Heritage and retained on file by the planning authority. All resulting and associated archaeologist costs shall be borne by the local authority and any agent acting on its behalf.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

**Planning  
Commissioner:**



Tom Rabbette

**Date:** 30/06/2026