

An
Coimisiún
Pleanála

Commission Order ABP-318309-23

Planning and Development Act, 2000, as amended

Planning Authority: Dublin City Council

APPLICATION by Jacqui McElhinney and Francis Mackey, care of FP Logue LLP, Lenin House, Rear 25 Strand Street Great, Dublin, requesting An Coimisiún Pleanála to consider and determine, in accordance with its powers under article 120(3)(cc) of the Planning and Development Regulations, 2001, as amended, whether Dublin City Council should be directed to prepare an Environmental Impact Assessment Report in respect of the proposed amendment of approved Part 8 application reference 2870/15 development of the Royal Canal Greenway Phase 4 along the Royal Canal between Cross Guns Bridge, Phibsborough, Ashtown, Dublin.

DECISION

DIRECT the local authority to prepare an Environmental Impact Assessment Report in respect of the said proposed development based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the following:

- (a) European Union Directive 2011/92/EU and Directive 2014/52/EU,
- (b) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives),
- (c) Article 120(3)(cc)(ii)(II) of the Planning and Development Regulations, 2001, as amended,
- (d) the criteria set out in Schedule 7 and the information provided in Schedule 7A of the Planning and Development Regulations, 2001, as amended,
- (e) the development does fall under Schedule 5, Part 2, Class 15 of the Planning and Development Regulations, 2001, as amended, having regard to the criteria set out in Schedule 7,
- (f) the nature and scale of the proposed development which is under the threshold in respect of Class 10b(iv) (Infrastructure – Urban Development) of the Planning and Development Regulations, 2001, as amended,
- (g) the Environmental Impact Assessment of Projects, Guidance on Screening, European Commission, 2017,
- (h) the insufficiency of information in relation to the public lighting design of the proposed development, including the absence of survey information in relation to its potential effects,
- (i) the uncertainty regarding contaminated sediment proposed to be removed as part of the works and uncertainty regarding associated characteristics of the proposed development,
- (j) the location of the proposed development and the separation distances from the European Sites,
- (k) the hydrological connections between the site and the European Sites,
- (l) the potential for significant effects on the environment arising from the proposed development, including likely significant effects on biodiversity and bat species which are an Annex IV species, subject to strict protection under the Habitats Directive (92/43/EEC), and as recognised in Article 3(1)(b) of Directive 2011/92/EU and recital 11 to Directive 2014/52/EU,
- (m) the potential for significant effects on the environment arising from the proposed development, including likely significant effects on the Royal Canal

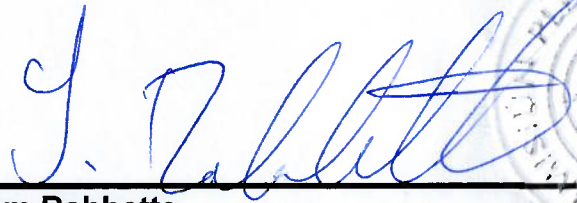
waterbody, which is afforded 'good' status under the Water Framework Directive,

- (n) the potential for significant effects on the environment arising from the proposed development, including likely significant effects on 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), designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC,
- (o) the potential for significant effects on the environment arising from the proposed development, including likely significant effects on the Royal Canal proposed Natural Heritage Area (Site Code: 002103),
- (p) the Dublin City Development Plan 2022-2028,
- (q) the submissions made by the applicant requesting a determination and by the local authority,
- (r) the further information submitted by the local authority and the applicant's submission on the further information submission,
- (s) the report of O'Donnell Environmental, Biodiversity and Sustainability Consultants,
- (t) the two number reports of the Environmental Scientist, and
- (u) the updated report and recommendation of the Inspector,

the Commission concluded that with respect to:

1. the specific nature of the proposed development,
2. its location within the Royal Canal proposed Natural Heritage Area (Site Code: 002103),
3. the hydrological connection via the canal with a number of Natura 2000 Sites as cited above, and
4. the response from the local authority to An Coimisiún Pleanála's request for further information on canal sediment to be removed, and construction and operational phase potential impacts on bats,

the Commission could not be satisfied that the proposed development would not have a real likelihood of significant effects on the environment and, in applying the precautionary approach, the Commission considered that the proposed development would be likely to have significant effects on the environment and, accordingly, that the preparation and submission of an Environmental Impact Assessment Report is, therefore, required.



Tom Rabbette

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate the
seal of the Commission.**

Dated this

7th

day of

July

2026