



Planning and Development Act 2000, as amended

Planning authority: Dublin City Council

Planning Register Reference Number: WEBLRD6078/25-S3

Appeal by Siobhan Gavin and others and by Others against the decision made on the day 12th day of December 2025 by Dublin City Council to grant, subject to conditions, a permission to Tuath Housing Association CLG in accordance with plans and particulars lodged with the said Council.

Proposed Development: The proposed development will principally consist of: the demolition of four number residential dwellings (Numbers 62–65 Coultry Gardens, approximately 357.6 square metres); the demolition/clearance of nine number gardening and storage structures at the grounds of the 'Muck and Magic Community Garden' (approximately 178.8 square metres); and the construction of a mixed-use development.

The mixed-use development primarily comprises: 463 number residential units as apartments and duplexes (190 number one-bed, 226 number two-bed and 47 number three-bed); crèche (445.7 square metres); and culture/community unit (423.4 square metres). The development has a total gross floor area of 42,617.0 square metres and is primarily proposed in 10 number buildings, generally ranging in height from three number storeys to six number storeys,

as follows: Block number one is six number storeys; Block number 2/3 is six number storeys; Block number four ranges from four number to six number storeys; Block number 5/6 ranges from three number to six number storeys; Block number seven ranges from four number to six number storeys; Block number eight is five number storeys; Block number nine is five number storeys; and the three number duplex blocks are all three number storeys.

The proposed development will also include: new multi-modal junction with Ballymun Road at the site's north-western side; reconfiguration of the road layout and junction of Coultry Gardens and Coultry Road; upgrade of the access lane at the south connecting Coultry Road with Woodhazel Close as a multi-modal site access; internal road and access network; 144 number car parking spaces; one number set-down bay; eight number motorcycle parking spaces; 1,040 number cycle parking spaces; bin stores; green roofs; hard and soft landscaping, including as public open spaces and communal amenity spaces; private amenity spaces as balconies and terraces facing all directions; boundary treatments; public lighting; four number sub-stations and switch rooms; plant rooms; plant, lift overruns and PV panels at roof level; all associated works above and below ground.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

The Commission performed its functions in relation to the making of its decision, in a manner consistent with the Climate Action and Low Carbon Development Act 2015, as amended; the Climate Action Plan 2024 and Climate Action Plan 2025, and had regard to the following:

- (i) the site's location on lands with a zoning objective 'Z1 – Sustainable Residential Neighbourhoods' with the objective: 'To protect, provide and improve residential amenities' and also on lands zoned Z4 – Key Urban Villages/ Urban Villages with the objective: 'To provide for and improve mixed-services facilities' in the Dublin City Development Plan 2022-2028 and which allows for residential development,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin City Development Plan 2022-2028 and appendices contained therein,
- (iii) the provisions of the Ballymun Local Area Plan 2017 (as extended),
- (iv) to Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness,
- (v) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (vi) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),

- (vii) the Design Standards for Apartments, Guidelines for Planning Authorities, July 2025,
- (viii) the availability in the area of a wide range of social and transport infrastructure,
- (ix) to the pattern of existing and permitted development in the area,
- (x) the Planning Report and supporting technical reports of Dublin City Council,
- (xi) to the submissions and observations received, and
- (xii) the report and recommendation of the Planning Inspector.

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening:

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a site in an established urban area, the distances to the nearest European sites,

and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report documentation and the Inspector's report.

In completing the screening exercise, the Commission agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment screening:

The Commission completed an Environmental Impact Assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (c) the location of the site on lands governed by zoning objective 'Z1 – Sustainable Residential Neighbourhoods' with the objective: 'To protect, provide and improve residential amenities' and also on lands zoned Z4 – Key Urban Villages/ Urban Villages with the objective: 'To provide for

and improve mixed-services facilities' in the Dublin City Development Plan 2022-2028, and the results of the strategic environmental assessment of the Dublin City Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),

- (d) the existing use on the site and pattern of development in surrounding area,
- (e) the planning history relating to the site,
- (f) the availability of mains water and wastewater services to serve the proposed development,
- (g) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (h) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction Environmental Management Plan,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development

The Commission considered the proposed development to be generally in accordance with National and Regional Guidance and Local Policy and was satisfied that this subject site, which is located in an established urban area adjacent to the town centre in Ballymun, on appropriately zoned lands, with a range of services available and which is in an accessible location, is suitable for the development of 446 apartment units. The Commission noted the following points after consideration of the proposed development:

- (a) The location of the site within an established urban area. This vacant undeveloped site is located in Ballymun, within the Dublin City administrative area and which has an established history of residential development.
- (b) The lands are suitably zoned for residential development of this nature. Under the Dublin City Development Plan 2022 – 2028, the site is zoned ‘Z1 – Sustainable Residential Neighbourhoods’ with the objective: ‘To protect, provide and improve residential amenities’ and also on lands zoned Z4 – Key Urban Villages/ Urban Villages with the objective: ‘To provide for and improve mixed-services facilities’ in the Dublin City Development Plan 2022-2028 and which allows for residential development.
- (c) The area is well served by community, social, retail and amenity infrastructure. The proposed development provides for a creche and community/ cultural/ art space.
- (d) The area is well served by public transport and active travel measures. The bus network was revised under Phase 6A of the Bus Connects Network Review in January 2025.
- (e) There is a clear requirement for residential units in this part of Dublin City and more specifically in the Ballymun area.
- (f) The proposal is acceptable in terms of meeting the requirements of relevant guidelines including the Apartment Guidelines 2023 and also demonstrates compliance with the Dublin City Development Plan 2022 – 2028 in terms of meeting relevant residential standards.

The Commission considered that the upper floors of Blocks 6 and 7 should be removed, by way of condition, in order to comply with the Ballymun Local Area Plan 2017, and that units shall be removed on the ground floor of Blocks 2 and 3 to increase the area of community/ cultural/ art space, in accordance with Objective CUO25 of the Dublin City Development Plan 2022-2028, the removal of which will also to ensure appropriate increase in the amount of active street frontage on this section of the site, which addresses the Ballymun Road and the Coultry Road. This will result in the loss of 12 units through revisions to Blocks 6 and 7 and a further five units through revisions to the ground floors of Blocks 2 and 3. The overall number of units to be revised from 463 to 446. The Commission considered that, having regard to the totality of information on file, the resultant density is acceptable, it remains within the applicable range of the development plan, and the development retains an appropriate unit mix demonstrating that no Material Contravention issues arise either in the context of the City Development Plan or the Local Area Plan.

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience, and would provide an acceptable form of residential amenity for future occupants. 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, and the further information submitted to the planning authority on the 17th day of November 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. 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 proposed development shall be amended as follows:
 - (a) The 5th floor (6th Storey) of blocks 6 and 7 shall be removed in their entirety, resulting in the removal of five units in Block 6 and seven in Block 7.
 - (b) The ground floor units in Block 2 and 3 shall be omitted and this space is to be revised to provide for Community/ Cultural/ Art space in accordance with CUO25 of the Dublin City Development Plan 2022-2028. This will result in the loss of two units in Block 2 and three units in Block 3.
 - (c) Suitable landscaped buffers/ planting shall be provided for privacy for all ground floor terraces which directly adjoin a footpath unless otherwise agreed in writing with the planning authority.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity, and to comply with the provisions of the Ballymun Local Area Plan 2017 (as amended) and the Dublin City Development Plan 2022-2028.

3. For the avoidance of doubt, the number of residential units permitted by this grant of permission is 446 residential units in the form of 28 number duplexes and 418 number apartment units.

Reason: In the interests of clarity.

4. (a) All elevations which face public streets shall be finished in brick or similar material but shall not include the use of self-coloured or coloured render.
- (b) Details of the materials, colours, and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of clarity and visual amenity.

5. Details regarding the off-site provision of a proportion of the community space requirement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Full details of the occupation of the cultural/ community/ cultural space shall be provided by the developer/ occupier for the written agreement of the planning authority prior to occupation of this space. Details to include the nature of the occupation, indicative layout, date of first occupation, intended units of use, and full details of noise mitigation measures as required by the planning authority.

Reason: In the interest of residential amenity and in the interest of community/ cultural infrastructure provision.

6. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

7. No external security shutters shall be erected on any of the ground floor non-residential premises, unless authorised by a further grant of planning permission. Details of all internal shutters, which shall be of an open lattice design and shall not contain any form of advertising, shall be submitted for the written agreement of the planning authority prior to the commencement of development, and all internal shutters shall conform to that written agreement.

Reason: In the interest of visual amenity.

8. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the proposed buildings (or within the curtilage of the site) in such a manner as to be visible from outside the buildings, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity and public safety.

10. 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.

11. The road network serving the proposed development, including junction tie ins, provision of uncontrolled crossing on Ballymun Road junction, provision of turning bays, parking areas, footpaths and kerbs, access road to service areas, provision of suitable set-down/ pick-up areas/ service delivery areas shall be in accordance with the detailed construction standards of the planning authority for such works. A Stage 3 Road Safety Audit shall be provided in accordance with the requirements of the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

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

12. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development as indicated and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.
- (b) Car parking for the creche and the community/ cultural/ art space shall be clearly identified for that purpose only.
- (c) Car parking for a minimum of 10 number car share spaces shall be clearly identified for that purpose only.
- (d) Prior to the occupation of the development, an updated Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

13. A minimum of 50% of all car parking spaces serving the apartment units should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

14. A total of 1,040 number bicycle parking spaces, room for cargo bicycles and E-Bikes with suitable infrastructure, shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Coimisiún Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

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

15. The developer shall implement in full the recommendations of the submitted Mobility Management Plan which shall be overseen by an appointed Mobility Manager.

Reason: In the interest of promotion of sustainable transport.

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

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

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

Reason: In the interest of public health.

18. (a) The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.
- (b) A fully qualified arborist shall be employed during the site development works.
- (c) A fully qualified Landscape Architect shall be employed during the landscaping phases of the development.

Reason: In the interest of residential and visual amenity.

19. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and 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 planning 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.

20. If, during the course of site works any archaeological material is discovered, the City Archaeologist/ planning authority shall be notified immediately. (The applicant/developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Department of Housing, Heritage and Local Government and the National Museum of Ireland require notification.)

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

21. (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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. 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 provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

22. (a) The developer shall implement in full the recommendation of the Ecological Impact Assessment and the Biodiversity Enhancement Plan.
- (b) The developer shall provide suitable Peregrine ledges on the top of the apartment blocks. Details to be agreed in writing with the planning authority.

Reason: In the interest of ecology and biodiversity development.

23. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Eastern Region.

Reason: In the interest of sustainable waste management.

24. The construction of the development shall be managed in accordance with a Construction Management and Demolition Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) the location of the site and materials compound(s) including area(s) identified for the storage of construction and demolition refuse;
 - (b) the location of areas for construction site offices and staff facilities;
 - (c) details of site security fencing and hoardings;
 - (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 public road network;
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public 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) the 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) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (l) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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 planning authority.

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

25. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

26. Prior to the commencement of development, unless otherwise agreed in writing with the planning authority, the Operational Management Plan should be updated to include the recommended information set out in the Outline Servicing and Operation Management Plan (Traynor Environmental limited, dated 6th August 2025).

Reason: In the interests of orderly development.

27. The developer shall submit a compliance report for agreement in writing with the planning authority verifying the implementation and effectiveness of noise mitigation measures identified in the further information letter dated the 12th day of November 2025 and the previous noise assessment dated the 6th day of August 2025, prior to the occupation of the development.

Reason: In the interest of residential amenity.

28. (a) Prior to the commencement of 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 duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential 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 of

the residential units 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 provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may 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 of the area.

30. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

31. 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.



Tom Rabbette

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 27th day of April 2026