

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEBLRD6094/26-S3

Appeal by Iarnród Éireann against the decision made on the 21st day of May, 2026 by Dublin City Council to grant, subject to conditions, a permission to R & D Developments Limited (in receivership) in accordance with plans and particulars lodged with the said Council.

Proposed Development: A large-scale residential development comprising a purpose-built student accommodation scheme in two number blocks ranging in height from one to six storeys with associated bicycle parking, accessible car parking space, public plaza, communal open spaces, internal amenity spaces and all ancillary works. The development shall comprise: (a) demolition of the former 'Matt's of Cabra' public house and associated structures (approximately 376.55 square metres), (b) construction of a purpose-built student accommodation scheme consisting of 249 number student bedspaces arranged in 32 number clusters of 4, 7, 8, 9 and 10-bedroom units (including 13 number accessible units and 10 number studio units) each with associated shared kitchen/living/dining areas in two number blocks ranging in height from one to six storeys, (c) internal amenity spaces (approximately 347.1 square metres) including a student lounge area, laundry room, postal room and a reception/office/kitchen/tearoom across the ground

floor and first floor levels, (d) external amenity areas (approximately 2,971.4 square metres) including one number outdoor terrace at fourth floor level of Block A (approximately 193.1 square metres), (e) approximately 405.5 square metres of public open space in the form of a public plaza fronting Fassaugh Avenue, (f) switch room, ESB substation, sprinkler room and bin storage all in a single storey services building along the eastern site boundary, (g) a total of 308 number bicycle parking spaces at surface level (258 number long term, covered bicycle parking spaces including 12 number cargo bicycle parking spaces and 50 number visitor bicycle parking spaces), (h) vehicular access to be provided from Fassaugh Avenue, (i) one number accessible car parking space proposed within the site, (j) it is proposed that the development will be used for short term tourist or visitor accommodation outside of academic term times, in accordance with the definition of student accommodation. The development will also provide for all associated service connections, public lighting, cold water storage and thermal store room, hard and soft landscaping, planting, formal activity equipment, removable bollards, tactile paving, boundary treatments, nature-based SuDS features, green and blue roofs, and all associated site clearance, excavation and development works above and below ground, all on a site of approximately 0.54 hectares at the Former 'Matt's of Cabra' Public House, 2A Fassaugh Avenue, Dublin.

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

In coming to its decision, the Commission had regard to the following:

- (a) the location of the site on lands zoned for Sustainable Residential Neighbourhoods within the Dublin City Development Plan 2022-2028 and the location of the subject site within the City Centre of Dublin,
- (b) the provisions of the Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES),
- (c) the provisions of the Project Ireland 2040 National Planning Framework,
- (d) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness,
- (e) the provisions of the Climate Action Plan 2025 issued by the Department of Climate, Energy and the Environment, and the provisions of Ireland's 4th National Biodiversity Action Plan 2023-2030 issued by the Department of Housing, Local Government and Heritage in 2024,
- (f) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024,
- (g) the provisions of the Urban Development and Building Height Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December 2018,

- (h) the provisions of the Planning Design Standards for Apartments issued by the Department of Housing, Local Government and Heritage in 2025,
- (i) the provisions of the Dublin City Development Plan 2022-2028 including the 'Z1 – Sustainable Residential Neighbourhoods' zoning for the site, and Appendix 3 policy for Density and Building Height in the City,
- (j) the documentation submitted with the planning application, including the report prepared by AGL Consulting Geotechnical Engineers entitled Preliminary Soil Nail Slope Design for Future Widening of Railway Cutting, submitted by the applicant as part of the additional information request from Dublin City Council,
- (k) the submissions and observations received on file including from the planning authority, prescribed bodies, and first and third parties,
- (l) 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,
- (m) the planning history in the vicinity of the site, and,
- (n) the report of the Planning Inspector.

Appropriate Assessment Screening

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 nature, scale and location of the proposed development, the documents submitted with the planning application and appeal including the Appropriate Assessment Screening Report, the Inspector's Report, and the submissions on file. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that the project would not be likely to have a significant effect on the South Dublin Bay Special Area of Conservation (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024) either alone or in combination with other plans or projects. Furthermore, the Commission noted that other Natura 2000 sites are too remote from the subject site for the appeal site to have a possible connection or pathway. It is, therefore, determined that Appropriate Assessment (Stage 2) under section 177V of the Planning and Development Act 2000, as amended, is not 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 information set out in Schedule 7A to the Planning and Development Regulations, 2001, as amended, identifies and describes adequately the effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development, which is below the thresholds in respect of Paragraphs 10 (b)(i) and (iv), Paragraph 10 (f) (ii), and Paragraph 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on land zoned 'Z1 – Sustainable Residential and Z3 Neighbourhood Centre',
- (c) the existing use of the site and the pattern of development in the vicinity,
- (d) the availability of public water and foul services to serve the proposed development, and
- (e) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and the content of the applicant's Environmental Impact Assessment Screening Report and other supporting documentation,

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 that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development in this urban location, would not seriously injure the residential or visual amenities of the area or of properties in the vicinity, would be acceptable in terms of layout, urban design and height, would be acceptable in terms of pedestrian safety and convenience, would provide for adequate active travel measures through the provision of cycle and pedestrian infrastructure, would adequately be accommodated within the municipal wastewater network, and would not be detrimental to the conservation objectives of the South Dublin Bay Special Area of Conservation (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024) Natura 2000 sites or to the quality of receiving waters.

The proposed development would be consistent with the Climate Action Plan, 2025, the Climate Action and Low Carbon Development (Amendment) Act 2021, would comply with the Z1 – Sustainable Residential Neighbourhoods and Z3 Neighbourhood Centre zoning provisions of the Dublin City Development Plan 2022-2028 and 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 24th day of April, 2024, 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 student accommodation hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) or accommodation related to a Higher Education Institute, during the academic year, or as tourist/visitor accommodation only during academic holiday periods. The development shall only be occupied as tourist/visitor accommodation for short-term letting periods of not more than two months and shall not be used as independent and separate self-contained permanent residential units.

Reason: In the interests of clarity, amenity and the proper planning and sustainable development of the area.

3. The proposed development shall be implemented as follows:
- (a) The student accommodation shall be operated and managed by an on-site management team on a 24 hour, full time basis, A detailed Student Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to the first occupation of the development. Any changes in the operation and management of the accommodation shall be the subject of a new planning application. The development shall not be used for the purposes of permanent residential accommodation, as a hotel, hostel, aparthotel or similar use without a prior grant of permission.
 - (b) Student House Units shall not be amalgamated or combined.
Reason: In the interests of the amenities of occupiers of the units and surrounding properties.
4. In relation to landscaping, the developer shall comply with following requirements of the planning authority:
- (a) Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect throughout the life of the site development works.
 - (b) The approved scheme will be implemented fully in the first planting season following completion of the development or completion of any phase of the development, and any vegetation which dies or is removed within three years of planting shall be replaced in the first planting season thereafter.

- (c) Prior to commencement of development, all boundaries and treatment of same shall be submitted to, and agreed in writing with, the planning authority.
- (d) Within two years of first occupation, the Landscape Architect shall submit a Landscape Completion Report to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented and for bond release. The landscape scheme shall have regard to the Guidelines for Open Space Development and Taking in Charge, copies of which are available from the parks and landscape services division of the planning authority.
- (e) Prior to the commencement of development, an ecologist shall be appointed by the applicant to undertake a detailed site survey for bat roosts in all structures to be demolished and to seek appropriate licences from the National Parks and Wildlife Association if found present. Prior to commencement of development, an additional site survey for birds shall be carried out and submitted to the planning authority. All mitigation, monitoring and enhancement measures within the Ecological Impact Assessment Report submitted with the application shall be carried out under the supervision of an ecologist appointed by the applicant and in particular site clearance of any site vegetation shall be restricted to September and October and the scheme shall deploy bat friendly external lighting.
- (f) The proposed artwork shall be submitted to, and agreed in writing with, the planning authority prior to installation.

Reason: In the interests of amenity, ecology and proper planning and sustainable development, and of residential amenity and to secure the integrity of the proposed development including open spaces.

5. The construction of the development shall be managed in accordance with a Construction Management 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) 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,
 - (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) provision of parking for existing properties during the construction period,

- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (k) 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,
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (m) 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 available for inspection by the planning authority;

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

6. The western boundary of the site shall be designed and constructed so as not to interfere with or compromise the safety of the construction or operation of the permitted Dart + South-West project. In this regard prior to the commencement of development, the applicant shall submit to the planning authority for written consent the precise specification, alignment and construction details of the boundary treatment and boundary wall adjacent to the railway line, having consulted with Irish Rail. Furthermore, the applicant shall submit feedback on foot of this consultation to the planning authority prior to any written agreement being reached with the planning authority.

Reason: In the interest of safety and to ensure that the proposed development does not compromise the delivery of the Dart+ South-West project.

7. Prior to the commencement of development, the applicant shall confirm that any works within the Dart+ South-West substratum acquisition and that any works in proximity to the substratum acquisition shall maintain the required safe clearances to the soil anchors and shall be subject to written consent with the planning authority in consultation with the Dart + South-West Team, Irish Rail and the National Transport Authority. The applicant shall submit feedback on foot of this consultation with the above consultees to the planning authority prior to any written agreement being made with the planning authority.

Reason: In the interest of safety and to ensure that the proposed development does not compromise the delivery of the Dart + South-West project.

8. Prior to commencement of development, the applicant shall submit to the planning authority for written agreement, a revised servicing and delivery plan which indicates the location of the servicing/set down parking bay within the curtilage of the site. The parking bay shall be separate from the proposed accessible car parking space.

Reason: In the interest of road safety.

9. 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 interests of public health and surface water management.

10. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

11. (a) The nature, extent, and location of archaeological material on the site shall be determined by way of post-demolition archaeological testing. Trial trenches shall be excavated to the top of the archaeological deposits only.
- (b) The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and

approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. 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.

12. 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 and shall take account of trees within the drawing. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

13. Proposals for an 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 apartment and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning 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.

14. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

15. The developer shall ensure that electronic communications/digital connectivity infrastructure supporting fixed broadband services as well as mobile network services including ducting or internal conduits, are provided within the scheme prior to occupation of the first unit hereby.

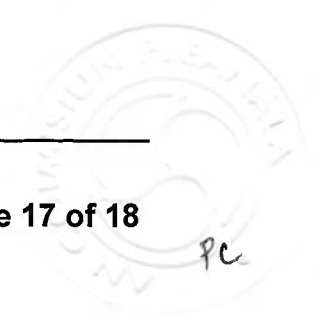
Reason: To ensure that all new developments provide open access connectivity arrangements directly to the individual premises.

16. 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.

17. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



18. 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 reinstatement of infrastructure 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 reinstatement 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 of the development.



Paul Caprani

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



Dated this 6th day of October 2026.