



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318742-23

#### Development

Remove Condition 21 from a previously granted permission under ABP-309646-21 (Ref SD20A/0234) for a development comprising Demolition of existing enterprise and retail buildings and construction of a mixed-use development comprising 1 five-storey and 1 six-storey apartment blocks comprising 86 apartments (48 two-bed and 38 one-bed), 4 commercial units at ground floor level in Block A, and basement parking for 96 bicycles, 81 cars, and 5 motorcycles, accessed off Watery Lane. Condition 21 relates to Section 47 of the Planning and Development Act 2000, that restricts all 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 house.

#### Location

Clondalkin Enterprise Centre, Watery Lane, Clondalkin, Dublin 22

|                                     |                             |
|-------------------------------------|-----------------------------|
| <b>Planning Authority</b>           | South Dublin County Council |
| <b>Planning Authority Reg. Ref.</b> | SD23A/0255                  |
| <b>Applicant</b>                    | Clapton Ireland Ltd         |
| <b>Type of Application</b>          | Permission                  |
| <b>Planning Authority Decision</b>  | Refuse Permission           |
| <b>Type of Appeal</b>               | First Party                 |
| <b>Appellant</b>                    | Clapton Ireland Ltd         |
| <b>Observer</b>                     | None                        |
| <b>Date of Site Inspection</b>      | 11 <sup>th</sup> April 2024 |
| <b>Inspector</b>                    | Emma Nevin                  |

## **1.0 Site Location and Description**

- 1.1. The appeal site is located to the east of the junction between Watery Lane and Orchard Road in Clondalkin village. A development granted permission under SD20A/0234 (ABP-309646-21) is currently under construction. The permitted development consists of commercial units and apartments over two blocks.
- 1.2. Residential development adjoins the site to the north, south and east, including the Orchard Lodge block of apartments located immediately to the south of the subject site. Commercial/retail units are located opposite the subject site, on the western side of Watery Lane in a village centre development.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the removal of Condition No. 21 of the development permitted under ABP-309646-21, (PA Ref: SD20A/0234), that the developer enter into an agreement with the planning authority pursuant to section 47 of the Planning and Development Act 2000, that restricts all 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 house.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority refused permission on the 24<sup>th</sup> November 2023 for the following reason:

*“It is considered that the proposed omission of Condition 21 on the previously granted permission under SD20A/0234 (ABP-309646-21), would be inconsistent with national policy, in particular Circular Letter NRUP 03/2021 - Ministerial Planning Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), Regulation of Commercial Institutional Investment in Housing dated 19th May 2021, regarding the bulk sale or purchase of residential units. As such, the proposed development would be contrary to proper planning and sustainable development”.*

### **3.2. Planning Authority Reports**

- 3.2.1. A Planning Report dated 24<sup>th</sup> November 2023 have been provided.
- 3.2.2. The planners report concluded that *“having regard to the VC zoning objective of the site, and relevant policies and objectives in national policy and the South Dublin County Development Plan 2022-2028, it is considered that the omission of this condition would be inconsistent with national policy (Circular Letter: NRUP 03/2021), regarding the bulk sale or purchase of residential units. As such, it is considered that permission should be refused for development as proposed under this application”*.
- 3.2.3. Other Technical Reports
- Housing Department – No report received.

### **3.3. Prescribed Bodies**

Dept. of Housing, Local Government & Housing - No report received.

Dept. of Defence – No objection subject to condition/observation.

### **3.4. Third Party Observations**

None received.

## **4.0 Planning History**

Since 1999 the land within the appeal site have been the subject of a considerable number of applications for changes of use and ancillary development to the original enterprise centre. These applications have been permitted.

The following most recent applications on the site are of relevance:

PA. Ref. SD23A/0214 – Permission granted by the local authority on 26<sup>th</sup> January 2024 for modifications to previously approved application granted by An Bord Pleanála, grant reference ABP-309646-21, for two additional one bed apartments on the second floor of Block B east side of the site.

ABP-309646-21 (PA. Ref. SD20A/0234) – Permission granted by An Bord Pleanála on the 17<sup>th</sup> November 2021, for demolition of existing two storey and single storey enterprise and retail buildings on site including a car repair and maintenance garage,

hair and beauty salon, grocery store, pet store and sports facility; first floor level apartments; construction of a mixed use development comprising of 1 five storey and 1 six storey apartment block comprising 86 apartments (48 two bedroom and 38 1 bedroom; commercial units at ground floor level in Block A (525sq.m); 96 bicycle parking spaces (88 basement level and 8 surface level); 81 car parking spaces and 5 motorcycle parking spaces at basement level; all engineering, landscaping, lighting and site works necessary to facilitate the development; communal landscaped open space at surface level (1600sq.m) and private amenity space in the form of a balcony; vehicular access to the basement car park from Watery Lane.

## **5.0 Policy Context**

### **5.1. South Dublin County Development Plan 2022-2028**

- 5.1.1. The appeal site is located within zoning objective 'VC' – *'To protect, improve and provide for the future development of Village Centres'*, in the Development Plan.

Residential development is permitted in principle under this land use zoning objective.

- 5.1.2. The following objectives and sections of the South Dublin County Development Plan 2022 – 2028 are of relevance:

- 2.4 Strategic Context
- 2.4.2 Ministerial Guidelines
- Policy CS1: Strategic Development Areas
- 2.6.1 Land Capacity Study
- Land Capacity Sites
- Figure 9: Housing Capacity Sites
- 2.6.5 Core Strategy
- 2.6.6 Housing Strategy
- 2.7 Settlement Strategy

- Policy CS3 - “Promote and facilitate housing and population growth in accordance with the overarching Core Strategy to meet the needs of current and future citizens of South Dublin County”.
- CS3 Objective 6 – “To ensure the phased development of new housing areas in tandem with the delivery of physical and social infrastructure provision as identified within Local Area Plans or as informed by assessments carried out by the Planning Authority”.
- Policy CS6: Settlement Strategy - Strategic Planning Principles
- Policy NCBH1: Overarching
- NCBH1 Objective 1
- Policy NCBH2: Biodiversity
- Policy NCBH3: Natura 2000 Sites
- Policy NCBH13: Archaeological Heritage
- Policy NCBH14: Landscapes
- Policy NCBH19: Protected Structures
- *Policy NCBH20: Architectural Conservation Areas*
- *Policy GI1: Overarching*
- *Policy GI2: Biodiversity*
- *Policy GI3: Sustainable Water Management*
- *Policy GI4: Sustainable Drainage Systems*
- *Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods*
- *Policy QDP3: Neighbourhood Context*
- *Policy QDP7: High Quality Design – Development General*
- *Policy QDP7: High Quality Design – Street Frontage*
- *Policy QDP7: High Quality Design – Adaptability and Inclusivity*
- *Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG)*

- *Policy QDP9: High Quality Design - Building Height and Density*
- *Policy QDP11: Materials, Colours and Textures*
- *QDP14 Objective 3 – “To prepare a LAP for Clondalkin, the extent of the boundary to be defined, which will be guided by the Local Area Plans Guidelines for Planning Authorities, 2013 (Department of the Environment, Community and Local Government) or any superseding guidelines...”.*
- *Policy H7: Residential Design and Layout*
- *Policy H8: Public Open Space*
- *Policy H9: Private and Semi-Private Open Space*
- *Policy H10: Internal Residential Accommodation*
- *Policy H11: Privacy and Security*
- *Policy H13: Residential Consolidation – “Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County”.*
- *H13 Objective 5 – “To ensure that new development in established areas does not unduly impact on the amenities or character of an area”.*
- *Policy IE4: Flood Risk*
- *12.3.1 Appropriate Assessment*
- *12.3.2 Ecological Protection*
- *12.3.3 Environmental Impact Assessment*

## **5.2. National Policy Context**

- 5.2.1. As the proposed development is for modifications of an extant residential permission, I highlight that the national policy context includes the National Planning Framework 2040 (reiterated at regional level by the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031) and Housing for All, A New Housing Plan for Ireland, 2021.

### **5.3. Relevant Guidelines**

5.3.1. I also identify key national planning policy as including several Section 28 Ministerial planning guidelines:

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, (Sustainable Residential Development Guidelines).
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines).
- Regulation of Commercial Institutional Investment in Housing' (June 2023).
- Circular Letter: NRUP 01/2023 - Certain Amendments to Section 28 Ministerial Planning Guidelines.
- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities' (May 2021).
- Circular Letter: NRUP 03/2021 - Ministerial Planning Guidelines under Section 28 of the Planning and Development Act 2000 (as amended).
- Development Management, Guidelines for Planning Authorities, 2007.

### **5.4. Natural Heritage Designations**

5.4.1. The subject site is not located within a designated European Site. The closest such site is the Grand Canal (Site Code: 002104) proposed Natural Heritage Area, which is within 1km of the site. However, the proposed site is not connected with any of the aforementioned European Sites, and having regard to the scale of the development there is not likelihood of any significant effect on any adjoining European Site.

### **5.5. EIA Screening**

5.5.1. I refer the Board to the completed Form 1 and Form 2 in Appendix 1. Having regard to the nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the



proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. A first part appeal has been received in relation to the local authority decision to refuse permission for the removal of a condition from a previously granted planning application. The grounds of appeal are summarised below:

- In granting permission under ABP-309656-21 (Reg. Ref. SD20A/0234) An Bord Pleanála imposed, incorrectly a condition prohibiting the bulk purchase of units within the then proposed scheme.
- The provision to impose such a condition relates to preventing the bulk purchase of own door housing or duplex type housing developments, the Circulars make clear this does not apply to apartment developments, which the proposal is.
- The planning authority in there is assessment failed to distinguish between houses and apartments, but rather considered the provision relates to all residential development which is an incorrect interpretation.
- The developer does not propose to privately sell any of the units approved under the permission, it is their business model to retain ownership of unit and manage them for rental purposes.
- However, it may well be that the individual owners of the company may not wish to continue the day-to-day management of this completed building and should be allowed to sell the development either on an individual basis by apartment or to a potential purchaser who would continue to manage the development.
- It is clear the position of the Department of Housing Local Government and Heritage, that this type of condition was intended to be applied to individual houses and own door duplex units and not to apartment schemes.

- The Board is invited to remove the condition.

## **6.2. Planning Authority Response**

- 6.2.1. A submission has been received from the Planning Authority stating that the Planning Authority confirms its decision, and the issues raised in the appeal have been covered in the Chief Executive Order.

## **6.3. Observations**

None received.

## **7.0 Assessment**

- 7.1. Having examined the application details and all other documentation on file, including the appeal, having inspected the site, and having regard to the relevant local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Scope of Appeal
- Planning History
- Condition No. 21 - granted under ABP-309646-21 (PA Ref. SD20A/0234) – subject of appeal
- Appropriate Assessment

## **7.2. Scope of Appeal**

- 7.2.1. The proposed development entails permission for a residential apartment development (granted under ABP-309646-21 (PA Ref. SD20A/0234) on site located within the existing village. As noted above, construction work is on-going on site. I have read all of the documentation attached to this file including the appeal and the report of the Planning Authority, in addition to having visited the site and as specified in the development description and public notices, I am satisfied that the appeal is against the imposition of Condition No. 21 of the decision to grant permission issued by the Board under ABP-309646-21 (PA Ref. SD20A/0234).

- 7.2.2. I consider it is appropriate that the appeal should be confined to Condition No. 21 only and I am satisfied that the appeal relates only to a condition/conditions that the decision provides that the permission shall be subject to, and that the determination by the Board of this application, as if it had been made to it in the first instance, would not be warranted. As such, I conclude that it would be appropriate for the Board to use the provisions of Section 139 of the Planning and Development Act 2000, as amended, in this case.

### **7.3. Planning History**

- 7.3.1. Of relevance is the planning history pertaining to this site, in particular the permission granted under ABP-309646-21 (PA Ref. SD20A/0234) for the apartment scheme currently under construction, which is the subject of this appeal.
- 7.3.2. Permission was granted by the local authority (PA Ref. SD20A/0234) in February 2021, however, no specific condition pertaining to Section 47 of the Planning and Development Act 2000, that restricts all 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, was applied. I note that a Part V condition was applied, as standard.
- 7.3.3. The decision was then appealed, by a third party, to An Bord Pleanála. The Board Order to grant permission was dated 16<sup>th</sup> November 2021, and included Condition 21, pertaining to Section 47 of the Planning and Development Act 2000, that restricts all 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.
- 7.3.4. It appears that this condition was included to accord with the Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities', however, no commentary/rationale was provided in the inspectors' report in relation the aforementioned guidelines or for the inclusion of Condition 21. Additionally, the reasons and considerations of the Board Order under ABP-309646-21, did not specify the guidelines or refer to the inclusion of the condition.
- 7.3.5. The most recent refusal issued by the local authority (PA Ref: SD23A/0255) considered that the omission of Condition 21 would be inconsistent with national policy, in particular Circular Letter NRUP 03/2021 – Ministerial Planning Guidelines

under Section 28. The local authority also noted that South Dublin County Council imposes similar conditions relating to similar residential developments of similar scale, and highlights that the condition relates to the sale of units and not the rental management of same.

- 7.3.6. Notwithstanding, I consider that the main consideration of the appeal to be the application of the condition as per the requirements of the 'Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities' (May 2021, updated July 2023), by both An Bord Pleanála and the local authority.

**7.4. Condition No. 21 – granted under ABP-309646-21 (PA Ref. SD20A/0234) – subject of appeal**

- 7.4.1. Condition No. 21 of the Board Direction to Grant Permission made by An Bord Pleanála requires that *"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 residential unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all 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.*

*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"*

In this regard, I reference the 'Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities', (May 2021) and the updated 'Regulation of Commercial Institutional Investment in Housing', (June 2023), which identifies planning conditions to which planning authorities and the Board must have regard in granting planning permission for new residential development including housing and/or duplex units (5 or more units). The purpose of these guidelines is to ensure that **own-door housing units and duplex units in lower density housing developments** are not bulk purchased for market rental purposes by commercial institutional investors in a manner that causes the displacement of individual

purchasers and/or social and affordable housing including cost rental housing, as per the wording of Condition 21.

- 7.4.2. I note that these guidelines only apply to bulk purchasing of new houses and duplex units, i.e. own-door units and not apartment units. The local authority refusal (under SD23A/0255) refers specifically to the development being inconsistent with Circular Letter NRUP 03/2021, however the circular states that,

*“The purpose of the guidelines is to ensure that new ‘own-door’ houses and duplex units in housing developments are not bulk-purchased by commercial institutional investors in a manner that causes the displacement of individual purchasers and/or social and affordable housing including cost-rental housing. The guidelines set out two alternative planning conditions to which planning authorities and An Bord Pleanála must have regard, in granting planning permission for new residential development that includes 5 or more houses and/or duplex units...”*

*“Relevant decisions relate to applications that include 5 or more houses and/or duplex units, that are not specified as ‘build-to-rent’ development at planning application stage”.*

I also reference Circular Letter: NRUP 01/2023, in this regard which amended the Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021) (hereafter ‘Institutional Investment Guidelines’), which states that,

*“These Guidelines stipulated that those applications that specifically identified BTR units in their scheme did not come under the remit of the Guidelines. However, with the removal of the specific BTR design criteria (SPPR 7 and SPPR 8) in December 2022, there is no longer a planning policy rationale for excluding BTR applications from appropriate planning conditions which prohibiting bulk- purchasing of new houses and duplex units. **Apartments continue to be excluded from the requirements set out within these Guidelines**”.*

- 7.4.3. The development proposed and permitted under ABP-309646-21 (PA Ref. SD20A/0234) related to the demolition of the existing two-storey and single storey enterprise and retail buildings (1547 sqm) on the site, and the construction of a mixed-use development (10,140 sqm) comprising two blocks providing 86 apartments (i.e. 38 one-bed and 48 two-bed units) over a basement carpark.

7.4.4. Therefore, as per the wording of the above guidance, apartment development was specifically excluded from the requirements of the guidelines, and as such, I consider that the requirements as set out in the guidelines are not applicable in this instance, and Condition 21 should be omitted from the Board Order ABP-309646-21 (PA Ref. SD20A/0234).

#### **7.4. Appropriate Assessment**

7.4.1. Having regard to the nature and limited scale of the proposed development and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

### **8.0 Recommendation**

8.1. Having regard to the forgoing I recommend that Condition 21 of ABP-309646-21 (PA Ref. SD20A/0234) should be OMITTED for the reason and considerations set out below.

### **9.0 Reasons and Considerations**

1. Having regard to the nature of the condition that the decision provides that the permission shall be subject to, which is the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs South Dublin County Council under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended to –

- (i) OMIT Condition No. 21 of Board Order ABP-309646-21 (PA Ref. SD20A/0234) for the reason as follows:

Having regard to the location, nature, extent and scale of the development proposed including type of residential units proposed, on a site within Clondalkin village, the zoning of the site, wherein it is an objective to protect, improve and provide for the future development of village centres, and the

provisions of the South Dublin County Development Plan, 2022 – 2028, it is considered that the provisions of the Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities', (May 2021) and the 'Regulation of Commercial Institutional Investment in Housing', (June 2023), including Circular Letter NRUP 03/2021 and Circular Letter: NRUP 01/2023 should not apply to the residential units to be provided as part of this development, which comprise of apartment units.

Condition No. 21 of ABP-309646-21 (PA Ref. SD20A/0234) is, therefore, not warranted.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



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Emma Nevin  
Planning Inspector

29<sup>th</sup> May 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

|   |   |   |   |
|---|---|---|---|
| <b>An Bord Pleanála<br/>Case Reference</b>  | 318742-23   |   |   |
| <b>Proposed Development<br/>Summary</b>   | Permission to remove a Remove Condition 21 from a previously granted permission under ABP-309646-21 (Ref SD20A/0234). |   |   |
| <b>Development Address</b>  | Clondalkin Enterprise Centre, Watery Lane, Clondalkin, Dublin 22  |   |   |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings)  |   | <b>Yes</b>                                  | X   |
|   |   | <b>No</b>                                   |   |
| <b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>    |   |   |   |
| <b>Yes</b>  |   |   |   |
| <b>No</b>   | X   |   | Proceed to Q.3  |
| <b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b> |   |   |   |
|   |   | <b>Threshold</b>                            | <b>Comment<br/>(if relevant)</b>                              |
| <b>No</b>   |   | N/A   |   |
| <b>Yes</b>  | X   | Class 10 Infrastructure Projects (b)<br>(i) | This application relates solely to the removal of a condition |
|   |   |   | Proceed to Q.4  |




| 4. Has Schedule 7A information been submitted? |   |                                  |
|--|---|----------------------------------|
| No   | X | Preliminary Examination required |
| Yes  |   | Screening Determination required |

## Appendix 1 - Form 2

### EIA Preliminary Examination

|  |   |                      |
|--|---|----------------------|
| An Bord Pleanála Case Reference  | 318742-23   |                      |
| Proposed Development Summary   | Permission to remove a Remove Condition 21 from a previously granted permission under ABP-309646-21 (Ref SD20A/0234).   |                      |
| Development Address  | Clondalkin Enterprise Centre, Watery Lane, Clondalkin, Dublin 22  |                      |
| The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations. |   |                      |
|  | Examination   | Yes/No/<br>Uncertain |
| Nature of the Development<br><br>Is the nature of the proposed development exceptional in the context of the existing environment?   | Proposal to remove a Remove Condition 21 from a previously granted permission under ABP-309646-21 (Ref SD20A/0234), which comprises mixed-use development comprising 1 five-storey and 1 six-storey apartment blocks comprising 86 apartments (48 two-bed and 38 one-bed), 4 commercial units at ground floor level in Block A, and basement parking for 96 bicycles, 81 cars, and 5 motorcycles. However, the proposal is not considered exceptional in the context of the existing environment. | No                   |
| Will the development result in the production of any significant waste, emissions or pollutants?   | The proposal would be connected to the public water mains and the public waste water and surface water sewerage systems.  |                      |
| Size of the Development<br><br>Is the size of the proposed development exceptional in the context of the existing environment?   | Site measuring 0.38ha. The proposal would entail the construction of a mixed-use development (10,140 sqm) comprising two blocks over a basement car park.<br><b>However, this application relates solely to the removal of a condition.</b>   | No                   |
| Are there significant cumulative considerations having regard to other existing  | The development permitted is under construction on site, however there are no other developments under construction in the proximity of the site.   |                      |

|   |   |    |
|---|---|----|
| and/or permitted projects?  |   |    |
| <p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p> | <p>The appeal site is some 1km from the Grand Canal (Site Code: 002104) proposed Natural Heritage Area.</p> <p>The other nearest European site is located above 1km from the site and therefore can be excluded in terms of the potential for effects on other European sites during construction and operational phases of the proposed development.</p> | No |
| <p style="text-align: center;">Conclusion</p> <p><b>There is no real likelihood of significant effects on the environment.</b></p> <p><b>EIA not required.</b></p>  |   |    |

Inspector:  \_\_\_\_\_ Date: 29<sup>th</sup> May 2024

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_  
(only where Schedule 7A information or EIAR required)

