



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321931-25

#### Development

The proposed development of a residential scheme consisting of 137 units (31 two-bed units and 106 three-bed units), provision of landscaped public open space, communal open space for the duplex and apartment units with private open space to serve the proposed units to be delivered through a mixture of rear gardens and terraces.

#### Location

Lands at Park West Avenue, Cherry Orchard, Dublin 10.

#### Planning Authority

Dublin City Council

#### Applicant(s)

Dublin City Council in partnership with The Land Development Agency.

#### Type of Application

Application under section 175(3) of the Planning & Development Act, 2000 (as amended).

#### Prescribed Bodies

Transport Infrastructure Ireland.

Uisce Éireann.

**Observer(s)**

None.

**Date of Site Inspection**

23 June 2025.

**Inspector**

Stephen Rhys Thomas

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## **1.0 Introduction**

- 1.1. This is an application for development approval submitted to An Bord Pleanála under section 175(3) of the Planning and Development Act, 2000 (as amended).

Applications under section 175(3) are made by or on behalf of local authorities when it is proposed to carry out development within its functional area in respect of which an Environmental Impact Assessment Report (EIAR) has been prepared. The application is for 137 residential units.

## **2.0 Site Location and Description**

- 2.1. The site is located in the western suburbs of Dublin city. Park West and Cherry Orchard railway station on the Dublin-Kildare railway line is located a short distance to the south. The M50 motorway is positioned to the west and the site aligns with Park West Avenue along its eastern and northern boundary. The site also adjoins Cloverhill Road to the north west and the roundabout junction with Park West Avenue.
- 2.2. The residential estate of Cedarbrook (two to four storeys in height) is on the east side of Park West Avenue. South of the railway line there is a mixed-use area including the eight-storey residential Crescent building and Park West Business Park. The site subject of the planning application forms part of a wider area of lands that have a planning consent for over 700 units, commercial and community space, ABP-318607-23 refers.
- 2.3. The overall site is relatively flat and comprises a mixture of grass, semi mature trees and hedging. There is a palisade fence along the roadside boundaries. The site forms a part of a much larger land parcel that has permission for a residential mixed use scheme. The site is within an overall masterplan area (phases 1-4) of approximately 13 hectares, and forms part of the Park West - Cherry Orchard Local Area Plan 2019.

## **3.0 Proposed Development**

- 3.1. The proposed development of a residential scheme consisting of 137 units (31 two-bed units and 106 three-bed units), provision of landscaped public open space,

communal open space for the duplex and apartment units with private open space to serve the proposed units to be delivered through a mixture of rear gardens and terraces. Buildings range from two to three storeys in height. ESB substation (265sqm total GFA).

Development Statistics	
Site Area	3.185 ha
Gross Floor Area (Residential)	13,280 sqm
Density	40 units per hectare
Plot Ratio	0.39
Site Coverage	22.46%
Height	2-3 Storeys
Unit Total	137
Open Space	
Public Open Space	2,133 sqm (Phase 1 and 2 lands amounts to 0.418ha or 12.34%)
Communal Amenity Open Space	Communal Amenity Space A – 454 sqm Communal Amenity Space B – 74 sqm Communal Amenity Space C – 74 sqm Total – 602 sqm
Unit Composition	
House	13 two bedroom houses 88 three bedroom houses
Apartment	18 two bedroom apartments
Duplex	18 three bedroom duplexes
Housing Mix	31 two bed – 23% 106 three bed – 77%

Parking	
Car	141 (7 accessible and 71 EV fitted spaces)
Bicycle	Total spaces - 306 Visitor bike spaces - 18
Motorbike	7 spaces
Bins and Bike Stores	261

The proposed development represents Phase 2 of the overall planned development for Development Sites 4 and 5 of the LAP lands. Phase 1 of the overall planned development was approved permission in July 2024 (Bord. Ref: ABP-318607-23).

**Access Arrangements** - Vehicular, pedestrian and cycle access routes to serve the proposed development are provided via the approved Phase 1 entrance to the east of the site along Park West Avenue with further connections provided to the north and to the south to the approved Phase 1 scheme.

Provision of a signalised access junction with associated traffic lights and below ground infrastructure and the relocation of bus stop and shelter along Park West Avenue. The need to provide a signalised junction requires minor alterations to the entrance to the development including adjustment to the paving as previously approved under the Phase 1 scheme.

The proposed development also includes the provision of off-street cycle lanes along Park West Avenue that will provide direct connectivity to the Rail Station to the southeast and Cherry Orchard Park to the east.

**EIAR** - An Environmental Impact Assessment Report (EIAR) was prepared in respect of the Phase 1 approved development which considered the environmental impacts of future phases of the overall planned development for Sites 4 and 5 of the LAP lands, including the proposed development. The present application is accompanied by an Environmental Impact Assessment Report to be read as an Addendum to the approved Phase 1 EIAR.

A complete list of all documentation submitted with the application is listed at section 1.4 of the applicant's Cherry Orchard Point Phase 2: Planning Report.

## **4.0 Planning History**

### **4.1. Subject and Nearby Lands**

- 4.1.1. Table 5.1 of the applicant's planning report details all relevant planning applications in the Cherry Orchard Local Area Plan area, no planning applications for the actual site, the most relevant applications include:

ABP-**318607**-23 – Permission for a mixed use scheme including 708 apartments, supermarket, retail units, community and arts/cultural spaces and childcare facility.

ABP-**316119**-23 - Railway Order Application for DART+ South West Electrified Heavy Railway Order - Hazelhatch & Celbridge Station to Heuston Station, and Heuston Station to Glasnevin. Order made 13 November 2024.

PA Reg. Ref. **4313/22** – to the north east (Development Site 1 in the LAP) – DCC approved a Part 8 development of 172 houses in 2022.

ABP-**312290**-21 – on the opposite side of Park West Avenue and the railway line (Development Site 6 in the LAP) – Permission 750 apartments, a retail unit, creche, community space and a café/bar in seven blocks ranging in height from one to fifteen storeys.

## **5.0 Planning Policy**

### **5.1. National Policy**

#### **5.1.1. National Planning Framework (NPF) First Revision April 2025**

Both Houses of the Oireachtas have approved the Revised National Planning Framework (NPF). The approval by the Seanad and the Dáil followed the decision of Government to approve the Final Revised NPF on 8<sup>th</sup> April 2025.

National Strategic Outcome 1, page 156 of the plan refers.

Population projections have been updated to account for significantly greater population growth than anticipated from the 2018 NPF. Targeted Pattern of Growth, 2022 to 2040 for Dublin City and Suburbs amounts to an additional 295,000 people (at least 1.56 million in total).

Relevant National Policy Objectives include:

National Policy Objective 8 Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.

National Policy Objective 12 Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 22 In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.

National Policy Objective 43 Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 45 Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

#### **5.1.2. Climate Action Plan 2025**

Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

It is noted that the Commission performs its functions in relation to decision making, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and



Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

#### 5.1.3. **National Biodiversity Action Plan (NBPA) 2023-2030**

The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”. This National Biodiversity Action Plan 2023- 2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature’s Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives

#### 5.1.4. **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)**

The Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. There is a renewed focus in the Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards, and quality urban design and placemaking to support sustainable and compact growth.

The site is in an urban neighbourhood of the city. Residential densities in the range 50dph to 250dph (net) shall generally be applied in urban neighbourhoods of Dublin.

**5.1.5. Sustainable Urban Housing: Design Standards for New Apartments Guidelines (July 2023)**

The overall purpose of these Guidelines is to strike an effective regulatory balance in setting out planning guidance to achieve both high quality apartment development and a significantly increased overall level of apartment output. They apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease.

**5.1.6. Design Standards for Apartments, Guidelines for Planning Authorities 2025**

The Guidelines set out policy and guidance in relation to the planning and development of apartments in all housing or mixed -use developments which include apartments that may be available for sale, whether for owner occupation or for individual lease, or for rental purposes. Guidance is also set out regarding purpose built student accommodation.

Circular letter NSP 04/2025 states that:

“The revocation of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’, 2023 (and all preceding updates) does not apply to current appeals or planning applications, i.e. that were subject to consideration within the planning system on or before the 8th of July 2025. These will be considered and decided in accordance with the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’, 2023, or as set out below, where applicable.”

**5.1.7. Design Manual for Urban Roads and Streets (DMURS) (2019)**

The manual seeks to address street design within urban areas by setting out an integrated design approach. It is an aim of the manual to put well designed streets at the heart of sustainable communities. Street design must be influenced by the type of place in which the street is located and balance the needs of all users.

**5.1.8. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES)**

The RSES provides for the development of nine counties / twelve local authority areas, including DCC, and supports the implementation of the NDP. It is a strategic plan which identifies regional assets, opportunities, and pressures and provides

appropriate policy responses in the form of Regional Policy Objectives. It provides a framework for investment to better manage spatial planning and economic development throughout the region.

Section 4.4 states The NPF sets out ambitious targets to achieve compact growth with 50% of housing to be provided within or contiguous to the built-up area of Dublin City and suburbs. To achieve this, the MASP identifies strategic residential and employment corridors along key public transport corridors existing and planned, that contain development opportunities. These include; Dublin Docklands and Poolbeg West, former industrial lands including Naas Road, the regeneration of older social housing projects, Parkwest-Cherry Orchard and Ballymun, large scale urban expansion on the North Fringe of the city, the western suburbs including Adamstown and Clonburris SDZs, Fortunestown near the emerging town of Saggart/Citywest, brownfield lands in Tallaght along with the development of the Hansfield SDZ lands in Blanchardstown.

## **5.2. Development Plan**

### **5.2.1. Dublin City Development Plan 2022-2028**

The site area is identified as 'Z14 - Strategic Development and Regeneration Areas (SDRAs)' on zoning map D. The objective is 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use'.

Chapter 13 sets out the overarching framework and guiding principles for the designated SDRAs. SDRA 4 (Park West / Cherry Orchard) is one of 17 SDRAs. (The Z14 zoning and the SDRA 4 designation do not have the same boundaries; the Z14 zoning covers the masterplan area and Cedarbrook, while the SDRA 4 area is similar to the larger LAP boundary) It has 49 hectares for residential use or a mixture of residential and other uses and supporting infrastructure. Objective SDRAO1 supports the ongoing redevelopment and regeneration of the SDRAs in accordance with the guiding principles and associated map, the qualitative and quantitative development management standards set out in chapter 15, and in line with the overarching principles of architectural design and urban design, phasing, access and permeability, height, urban greening and biodiversity, surface water management,

flood risk, river restoration, sustainable energy, climate change, and cultural infrastructure.

SDRA 4 (Park West / Cherry Orchard) is specifically referenced in section 13.6 of the DCDP. Key guiding principles of urban structure, land use and activity, height, design, and green infrastructure are outlined.

Residential development, as well as shop (local), shop (neighbourhood), childcare facility, community facility, and cultural/recreational building and uses are all identified as permissible uses under the Z14 zoning.

In terms of density, chapter 15 states DCC will support higher density development in appropriate urban locations and new development should achieve a density that is appropriate to the site conditions and surrounding neighbourhood. Table 1 of appendix 3 to the DCDP outlines a general net density range for SDRA development between 100-250dph.

#### Policy Objective CUO25 SDRAs and large Scale Developments

All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area\* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.

\*Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector.”

Appendix 3: Achieving Sustainable Compact Growth Policy for Density and Building Height in the City.

#### 5.2.2. **Park West - Cherry Orchard Local Area Plan 2019**

The City Council, in accordance with the provisions of Section 19 and 20 of the Planning and Development Act, 2000 (as amended), the members approved the extension of the Park West - Cherry Orchard Local Area Plan, until 4<sup>th</sup> November 2029.

Chapter 5 contains the site briefs. The subject site is in site no.4 which is identified as 'M50 – Cedarbrook Avenue Site'. It has an area of 11.5 hectares, which includes the adjoining area to the north west which is subject to a future phase of development. The proposed use is cited as mixed-use with residential predominant. The average density is 75dph, ranging between 50-125dph. Anticipated heights range from two to four storeys up to seven to eight storeys in close proximity to the train station with an opportunity for a landmark building of up to 60 metres in height. There is an estimated capacity of 600-700 units 'subject to detailed design'. A number of development objectives for the site are set out which refer to, inter alia, land uses, density, building height, green space, and access points.

### **5.3. Natural Heritage Designations**

The nearest European site is Rye Water Valley/Carton Special Area of Conservation (SAC) approx. 7.4km to the north west.

The nearest proposed Natural Heritage Area is the Grand Canal (pNHA) approx. 780 metres to the south of the site.

## **6.0 Submissions**

### **6.1. Prescribed Bodies**

**Transport Infrastructure Ireland (TII)** – mitigation measures to address the presence of the existing M50 (and future road schemes) with regard to amenity impacts, be considered.

No responsibility for any future claims in relation to air, noise and environmental matters.

National road drainage does not allow for private connections.

Future commercial development along the boundary of the M50 is anticipated.

**Uisce Éireann (UE)** – Water connection feasible without upgrades.

Wastewater – feasible subject to UE upgrades, works are necessary downstream of the network to increase capacity, a project is underway and scheduled for completion Q4 2029, standard planning condition recommended.

## **6.2. Third Party Submissions**

None.

## **6.3. Applicant's Response**

- 6.3.1. The applicant was invited to respond to the submissions received by the Commission in relation to this application the response is presented as follows:
- 6.3.2. Noise Mitigation (TII Submission): TII comments are noted, the applicant confirms that the mitigation measures outlined in the Environmental Impact Assessment Report (EIAR) will be fully implemented to help address and reduce potential noise impacts for future occupants that might arise from the adjacent M50 motorway.
- 6.3.3. Water and Wastewater Infrastructure (Uisce Éireann Submission): Uisce Éireann comments are noted and the applicant confirms that a condition with reference to water services is acceptable. It should be noted that the applicant has already received a Confirmation of Feasibility (CDS24001410) and will comply with all necessary connection agreements and standards.

## **7.0 Planning Assessment**

### **7.1. Introduction**

- 7.1.1. With respect to the assessment of this planning application there are three separate elements: a planning assessment, an environmental impact assessment (EIA), and an appropriate assessment (AA). The planning assessment section addresses issues that are not more appropriately addressed in the EIA and it should be read in conjunction with both the EIA and AA sections.
- 7.1.2. This is an application for approval submitted to the Board (as it was at the time the application was made) under section 175(3) of the Planning and Development Act, 2000 (as amended). This is required when an application is made by or on behalf of a local authority when it is proposed to carry out development within its functional area in respect of which an EIAR has been prepared, in this case for approval of a residential scheme of 137 dwelling units. The application is made by the Land Development Agency (LDA) on behalf of Dublin City Council (DCC) as per the letter from the acting chief executive of DCC that accompanies the application.
- 7.1.3. The Commission assesses the proposed development, as presented in the application for approval, and considers it in the context of the applicable planning framework and whether it would or would not be consistent with the principle of proper planning and sustainable development. Having examined the application details and all other documentation on file, including statutory consultee submissions, having inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this application, other than those set out in detail within the EIA and AA, are as follows:
- Nature and Principle of Development
  - Layout
  - Building Height
  - Density
  - Residential Amenity
  - Community space
  - Childcare Provision

- Traffic and Transport
- Water Services
- Other Matters
- Conditions

## **7.2. Nature and Principle of Development**

- 7.2.1. This is an application for approval submitted to the Commission under section 175(3) of the Planning and Development Act, 2000 (as amended). This is required when an application is made by or on behalf of a local authority when it is proposed to carry out development within its functional area in respect of which an EIAR has been prepared, in this case for approval of a residential scheme of 137 dwelling units. The application is made by the Land Development Agency (LDA) on behalf of Dublin City Council (DCC) as per the letter from the acting chief executive of DCC that accompanies the application. The application for approval under section 175(3) of the 2000 Act has been made by the Land Development Agency (LDA) on behalf of Dublin City Council (DCC) as per the letter from the acting chief executive of DCC that accompanies the application. This is not an application for permission made under Part 9 of the Land Development Agency Act, 2021, or to which Part 5 of the Planning & Development Act, 2000 (as amended), applies. This means that the application now before the Commission sees the delivery of 137 Social / Affordable Units, that should not be subject to the requirements of section 96 of the 200 Act. The proposed scheme will be delivered by Dublin City Council in partnership with the LDA as such Part 5 obligations do not arise.

### Compliance with the Planning Framework

- 7.2.2. The proposed development for housing is in accordance with the National Planning Framework (NPF) First Revision April 2025, in which National Policy Objective 8 seeks to deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth. National Policy Objective 12 to do with urban place, National Policy Objective 22 that relates to height and car parking, National Policy Objective 43 in terms of location



and National Policy Objective 45 in terms of residential density all apply and have been met by the development as proposed.

- 7.2.3. In terms of the Eastern and Midland RSES 2019-2031, in order to achieve the NPF compact growth target of 50% of housing as per NPO 8, the Metropolitan Area Strategic Plan (MASP) identifies strategic residential and employment corridors along key public transport corridors, existing and planned, that contain development opportunities. Among the areas cited is Park West - Cherry Orchard. The proposed development, by itself and as part of the wider development of other specific sites, would develop part of a development opportunity location identified by the MASP.
- 7.2.4. Dublin City Development Plan 2022-2028 (DCDP) - The subject site is zoned Z14. The proposed development is consistent with the zoning objective 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use'. The proposed residential land use is identified as a permissible use under the zoning. The wider strategic development regeneration area (SDRA 4) of which it is also part includes other zonings e.g. residential, amenity/open space lands/green networks, institutional land, and community and social infrastructure. The current development plan has been adopted since the 2019 LAP was adopted under the previous city plan. Section 13.1 of the current plan states that the guiding principles for the SDRAs should be read in conjunction with the zoning objectives and principles and other objectives and policies of the LAP, but the guiding principles are not intended to be prescriptive. Section 13.6, which describes SDRA 4, states that the key guiding principles (urban structure, land use and activity, height, design, and green infrastructure), reflect the guiding principles of the LAP. I consider the proposed development to be consistent with the high-level provisions of the development plan, the LAP contains more specific site briefs.
- 7.2.5. Park West – Cherry Orchard Local Area Plan 2019 (LAP) - The LAP area reflects the boundary of the SDRA 4 designation. The LAP has an overall area of 267.51 hectares, of which approximately 46 hectares are available for development. The Local Area Plan addresses overall strategies relating to broad issues such as urban function, land use, access, movement, development and 'place'. Site briefs for the 8 key development sites have been established, and these set out the overall aspirations and vision for each. Cherry Orchard Point is located within Site 4, the

M50-Cedarbrook Avenue Site, relevant objectives include: new access on Park West Avenue with strong urban street frontage and a gateway feature at the northern end of the site to Cherry Orchard. The proposed development achieves these objectives and forms the logical extensive of an already permitted residential scheme to the south.

- 7.2.6. Having regard to the foregoing, and as set out in more detail elsewhere in this planning assessment, I consider that the proposed development is consistent with the planning framework in terms of both national strategic objectives as set out in the NPF (compact growth) and at the local level in terms of being consistent with the zoning and development objectives for the site as set out in the LAP.

### 7.3. **Layout**

- 7.3.1. The proposed development is Phase 2, that follows on from the previously permitted first phase of development to the south. According to the Architectural Design Statement, the layout has a uniform and simple 'grid' layout arranged on both sides of a central neighbourhood park that was permitted as part of Phase 1. The subject application is accessed from Park West Avenue by a new internal street that will form part of a 'loop' around the edge of the overall development. The junction of the new street with Park West Avenue is to be signalised and will contribute to the traffic-calming measures for the wider area. Minor streets between blocks are designed as shared surface streets, following the established pattern in Phase 1. Residential blocks comprise a mix of 2-storey houses and 3- storey duplex units, and have active frontages on all four sides. Special 'corner' houses have been designed to address corners and ensure no blank gables, house type C and duplex units refer. The already permitted central neighbourhood park extends via a heavily-landscaped internal street up to the northern boundary, where it opens out into a small local park. This park makes a pedestrian and cycle link to the Cloverhill Road roundabout and the Palmerstown Way flyover, which is an objective of the LAP for a wider green route to Collinstown Park in the northwest.
- 7.3.2. Public Open Space - The proposed development includes the provision of 2,133sq.m landscaped public open space, in addition to the 2,050sq.m of public open space as approved under the Phase 1 scheme. The total quantum of public open space being provided across both phases of development totals 4,183sq.m which represents

approximately 12.34% of the net site area of the Phase 1 and 2 lands. The applicant goes to state that the balance of open space is to be provided in the form of additional open space at the northern end of the subject development, and this aligns with the indicative layout in the LAP. Proposed open spaces are physically and visually linked with the neighbourhood park at the northern edge of Phase 1 by a high-quality landscaped street. The applicant has proposed a common sense layout that includes a semi-private amenity space within block 1, in addition to public open spaces at the margins and as part of the previously permitted overall scheme. The shared space within the rear of Block 1 is well overlooked from each dwelling unit in the group and is intended for the very local use by residents. I anticipate that the use of these spaces will require some kind of management agreement to be in place and for the space to be adequately secured.

- 7.3.3. I find the layout and the design of the scheme to be logical and legible from an urban design perspective. Open spaces are well overlooked and usable. The scale of each building block is such that the perception of an impenetrable street wall should not occur. The stepping up of scale at the interface with permitted development to the south is acceptable and the provision of three storey buildings at corners and at the northern gateway is logical and in accordance with the LAP. I am satisfied that the design approach to the layout of this site is acceptable and follows on from that already permitted and envisaged by the LAP for Cherry Orchard.

#### **7.4. Building Height**

- 7.4.1. The proposed development is for mainly two storey houses and three storey duplex units at corners. Specifically, three-storey duplex buildings are located on the southeast edge of Phase 2 to make the change in height to taller blocks permitted in Phase 1. At the primary entrance into the development from Park West Avenue and at the northernmost end, unusual roof profile of the duplex buildings will create a gate-way feature to the new development on Cherry Orchard Point from the approach along Cloverhill Road. The applicant points out that the proposed scheme with a maximum of 3 storeys systematically follows the guidance as set out under the specific site brief for Site 4, in that the height strategy has carefully considered the LAP requirement to ensure a gradual change in building heights with no significant marked increase in height within transitional areas. Appropriate heights for the site have also been set Cherry Orchard Point Phase 2: Public out in the LAP,

which provides a framework for a cohesive urban structure. The proposed development aligns with the objectives of the LAP. Given the low rise nature of the development and its relationship to other housing schemes (existing and permitted), Appendix 3 of the Development Plan is not applicable in this instance as the proposed two and three storey heights come well within the prevailing height of the area. I do not consider that building height is an issue of any concern. I am satisfied that the proposed development is consistent with the building height development objectives specified in both the LAP and development plan for this SDRA.

## **7.5. Density**

- 7.5.1. The LAP recognises that for each key site identified, it is important that housing design and density is appropriate to its location, reflecting the significance of the SDRA designation as a resource for the future of the city, and cognisant of national planning policy, Development Plan policy and current legislation. Therefore, the LAP sets out a graded approach to density where lower density residential development will be considered to the northern half of the wider area in order to “kick start” development.
- 7.5.2. The applicant states that the proposed density for the scheme has been carefully considered to align with the LAP approach and other requirements. The subject site is furthest away from the train station. Moreover, the development layout strategy of the scheme follows established and best practice principles of good quality urban design centred on creating a sustainable and well-connected community within the Cherry Orchard area. The applicant goes on to state that the design and layout of the scheme coupled with the incorporation of a variety in height, form and materials will create a distinctive character and sense of place and identity for future residents. This approach to the design and layout of the development will result in the creation of a vibrant new urban area that is fully integrated and connected with the existing community.
- 7.5.3. With reference to residential density in particular I note that the approved Phase 1 application (ABP-318607-23) has a net density of 145 units per hectare on a net development area of 4.87ha. When taking into account the subject application (Phase 2) that has a density of 40uph on a net development area of 3.390ha, the combined phases amount to 103uph on an overall development area of 8.193 ha. I

note that One of the LAP site brief development objectives states ‘High density residential development is sought in proximity to the train station, scaling down in height and density towards the northern half of the site’. With reference to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the site is ‘City – Urban Neighbourhood’ as per table 3.1, given its designation as a SDRA. Residential densities in the range 50dph to 250dph (net) shall generally be applied in these areas. Table 1 of appendix 3 to the DCDP outlines a general net density range for SDRA development between 100-250dph. Given the context of the site and the overall masterplan for the area, I am satisfied that the proposed density for the scheme, when taken together with Phase 1, aligns with the residential densities provided for in the LAP and the Compact Settlement Guidelines and is therefore acceptable.

## **7.6. Residential Amenity**

- 7.6.1. The development is a combination of two storey terraced housing and duplex units, all accessed from their own door. Duplex units are three storey and located at the northeastern end of the site, at blocks 1, 2, 3 and 4, two storey terraced houses are located here too. The remainder of the two storey terraced housing is located within blocks 5 and 6. There are 36 duplex units and 101 houses, comprising 13 two bed houses, 88 three bed houses, 18 two bed apartments and 18 three bed apartments. The proposed layout is logical and given the proposed composition of terraced and duplex units, the achievement of good residential amenities for all future occupants is easily achieved. In detail, I look at residential amenity factors such as they relate to overlooking/separation distances, overbearing appearance, space standards, dual aspect, and daylight/sunlight.
- 7.6.2. Overlooking/separation distances - The Sustainable Residential Development and Compact Settlement Guidelines 2024 provide some guidance in relation to conventional housing. Specifically, SPPR 1 references separation distances between windows in terms of limiting overlooking. The applicant states that where minimum separation distances between buildings have been provided, the design has been cognisant of ensuring no undue loss of privacy and will deliver an overall site layout that is legible and provides a high-quality environment for future residents. The proposed development is compliant with the above standards and a separation distance of 16m has been maintained throughout the development. With specific

reference to overlooking, I note that house type B1 (end of terrace) has a blank gable facing across the rear gardens of adjacent housing, this limits any possibility of overlooking. The duplex unit gable walls provide living accommodation at ground floor with windows facing across to shared amenity spaces, upper floors overlook these spaces and separation distances are at least 19 metres.

- 7.6.3. Overbearing appearance – The proposed development comprises mainly two storey terraced houses and some three storey duplex units. The duplex units are grouped together at strategic corners and facing across to taller development to the south of the subject site. Terraced house back on to each other and are two storey in height. Given the entirely domestic scale of the proposed development, two and three storeys, and the separation distances involved, I have no concerns about the potential of any overbearing appearance being a factor of concern for future or existing residents in the area.
- 7.6.4. Space standards – The applicant has prepared two housing quality assessments, one for housing and the other for the duplex apartment units. With reference to houses it is stated that the proposed dwellings have been designed to meet and exceed current standards. The Houses are designed to comply with the "Quality Housing for Sustainable Communities" and "Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities", January 2024. I can see that all houses exceed the minimum floor area requirements for every house type, notably house type C provides 106.4sqm when 92sqm is the minimum requirement. All private rear amenity spaces (rear gardens) are in excess of that required, notably house type B1 provides 61sqm when 40 is the minimum requirement. Rear gardens are well designed, rectangular in shape and designed to maximise solar gain and privacy.
- 7.6.5. In terms of the duplex apartments, the applicant states that these are designed to comply with "Sustainable Urban Housing: Design Standards for New Apartments", July 2023 and "Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities", January 2024. New guidelines (Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025) have been published but are not applicable in this case, section 5.1.6 of my report refers. I am satisfied that the standards applied by the applicant to the design and layout of the

duplex apartments is acceptable and can be assessed without any further reference to the 2025 apartment guidelines.

- 7.6.6. From the table prepared by the applicant, I can see that all units exceed the relevant floor area standards, specifically: all duplex units provide 115sqm when the minimum requirement is 90sqm and all ground floor apartment units provide 73.2sqm where the minimum standard ranges between 63 and 73sqm. Private amenity spaces are provided as either a garden terrace or first floor roof terrace. The minimum requirements are 7 and 9sqm, all units provide from 8.2sqm to over 19sqm, this is acceptable. Adequate separation distances of at least 20 metres separate opposing elevations at first floor and an acceptable level of privacy is maintained.
- 7.6.7. Dual aspect – all residential units are either dual or triple aspect, no further assessment required.
- 7.6.8. Daylight/sunlight – The applicant states that the impact of the proposed Phase 2 development on the existing adjacent residential development of Cedarbrook has been assessed as part of the Daylight and Sunlight Assessment which accompanies this planning application, and there is negligible impact. I agree with this assessment and the Daylight and Sunlight Assessments prepared by the applicant clearly demonstrate this. Specifically with reference to daylight, Section 3 of the report shows that no existing dwelling would be experience a reduction in daylight from the proposed development. It also indicates that any reduction in available daylight to the permitted buildings in Phase 1 will be negligible. In terms of sunlight, all existing properties are beyond the zone of influence from the proposed development. In the permitted development of Phase 1, the windows which face towards the proposed development are oriented to the north-west and require no assessment. Lastly and in terms of amenity space, the shadow study in Section 8 of the report demonstrates on the 21<sup>st</sup> of March, the shadows caused by the proposed development, do not extend to any existing private garden or amenity space. There will be no reduction in sunlight to any neighbouring amenity spaces with a requirement for sunlight. The proposed development meets the requirements of the BRE guidelines (2022).
- 7.6.9. In terms of the amenity on offer for future residents with respect to sunlight/daylight, sections 1.3 to 1.4 of the report provide a summary of findings that I will not repeat here. However, all habitable rooms meet the minimum standard for daylight provision

as per BS EN 17037:2018+A1:2021 as referred to in the BRE guidelines BR209:2022 (third edition). In the assessment of daylight in accordance with IS EN 17037:2018, shown for supplementary information, the vast majority of habitable rooms achieve daylight provision as set out in IS EN 17038:2018 (100% of rooms achieving Minimum Illuminance and 99.1% achieving Target Illuminance). All habitable rooms within the proposed development achieve the minimum target daylight levels set out in BS EN 17037:2018+A1:2021, as referred to in the BRE guidelines BR209:2022 (third edition) and no compensatory measures are required. This is entirely expected given the two and three storey heights proposed, the generous garden provisions, adequate separation distances and overall good house and duplex design. I would not expect any of the units to return poor levels of expected daylight and sunlight results, and they don't, appendices A, B, C and D of the report all refer. As a sample, some rear gardens receive low levels of direct sunlight in the winter, but this is to be expected with rear gardens that face north, appendix D of the report refers. Minimum daylight provision reaches nearly all units, table 6 and 7 of the report refer. Sunlight hours are met in most apartments, table 8 of the report refers, with 31 of the 36 duplex units have a living spaces that achieve the minimum recommended 1.5 direct sunlight hours. All public amenity spaces receive adequate levels of sunlight at all times of the year, figure 5 of the report refers.

7.6.10. I am satisfied that the applicant has referenced and utilised the correct standards in relation to their sunlight/daylight assessment methodology. Appendix 16 of the City Development Plan recognises the lack of clarity in Ireland over the standards and guidance documents that are applicable to daylight and sunlight assessments. There are four key documents that relate, and I am satisfied that the applicant has used the most up to date and correct tools for the job at hand, on this site where adverse sunlight and daylight impacts simply do not arise.

7.6.11. Noise - I note the submission from TII that references the potential for road noise from the nearby M50. The applicant acknowledges the comments submitted by TII and confirms that the mitigation measures outlined in the Environmental Impact Assessment Report (EIAR) will be fully implemented to help address and reduce potential noise impacts arising from the adjacent M50 motorway on future occupiers of the development. I note the contents of the EIAR and I am satisfied that the



potential for any noise nuisance has been adequately assessed and addressed by mitigation measures set out in the EIAR, no further action is required, section 8.14 of the Inspector's Report refers.

- 7.6.12. Residential Amenity Conclusion - I can see that the overall layout and design of the proposed scheme has been well thought through, the Architect's Design Statement, Landscape Package and all associated drawings are noted. Given the foregoing, the reports and drawings prepared by the applicant, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties (existing and permitted) and will enhance the residential amenities associated with Cedar Brook estate and the wider area as a whole.

## **7.7. Community Space**

- 7.7.1. Policy Objective CUO25 of the Development Plan requires that developments of a certain scale (more than 10,000 sq. m.), and developments within SDRAs, should provide at a minimum for 5% community, arts and cultural spaces (predominantly internal) as part of the development proposal. As the applicant states, when applied to the net residential floor space of the proposed development (c. 13,015 sq. m.), a requirement of 288sq.m of community space is required. The applicant goes on to explain that by agreement with the Planning Department, offsite provision of community space is the most appropriate option for complying with the requirements of Policy Objective CUO25 of the Development Plan.
- 7.7.2. In detail, section 4 of Guidance Note 1 of the Toolkit provides direction on identifying the appropriate provision of potential uses and notes how the Development Plan recognises that cultural infrastructure is best delivered in tandem with community uses, particularly in established residential areas such as Cherry Orchard. In this regard, it is considered essential that substantial community space be provided to supplement the approved cultural uses in the Phase 1 scheme, and ensure they can function and operate successfully, and symbiotically with the community spaces.
- 7.7.3. Policy Objective CUO25 of the Plan permits the option of relocating up to half of the 5% requirement to a site immediately adjacent to the area where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the

immediate vicinity. The Toolkit provides further clarity on this provision stating that “consideration will be given to an opportunity to deliver cultural, or community uses within a 1km radius of the site....and for sites located within the SDRA, the positioning of the facility within the SDRA itself meets the criteria of being within the site for the purposes of CUO25 (emphasis added).” The Toolkit further notes that community uses that benefit the development and the wider population will be considered on their merits subject to clear justification and recognises the potential role that capital projects being delivered by DCC in proximity to the application site can play in meeting the 5% requirement.

7.7.4. The applicant notes that it has been agreed that delivery of a running track will be the responsibility of DCC supported by the LDA under the terms of its partnership with DCC following the conclusion of the planning process. Given that the proposed facility will be located within the boundaries of the SDRA and therefore meets the criteria of being within the site for the purposes of CUO25, the 50% offsite limitation does not apply, and the delivery of a sports facility / running track is compliant with the requirements of CUO25. This capital project is a longer-term commitment and a critical component in creating community and social cohesion within the wider Cherry Orchard Area, that will be made possible by the applicant’s contribution to the project. The applicant explains that the LDA is committed to supporting DCC in progressing the delivery of the running track. Ultimately, the implementation of the running track will be the responsibility of Dublin City Council. The substantial quantum of community, arts and cultural uses being delivered under Phase 1 will meet the needs of both the Phase 1 and Phase 2 future residents which will in turn be further enhanced when a Track is operational.

7.7.5. I note that condition 9 of the Board Order with reference to the permitted scheme to the south (ABP-318607-23) refers, specifically, that prior to the completion of Phase 1B, the creche and community, arts and cultural spaces shall be fully fitted out and suitable for immediate occupation and operation. This has relevance to the subject application, that forms a logical part of the already permitted scheme to the south and I am satisfied that the requirements of CUO25 will be adequately met. If necessary a suitably worded condition with reference to phasing could be attached. However, I am satisfied that in this instance, given the quantum of development proposed and that the promoter of the development is the Council via the LDA itself,

the delivery of the community, arts and cultural spaces requirement has already been met.

## **7.8. Childcare Provision**

7.8.1. A creche facility is to be delivered in Phase 1 development already permitted and specifically designed to accommodate the subject site, a total of 135 child spaces will be provided. The applicant explains that the approved creche has an area of 672sqm and is capable of accommodating approximately 135 children of varying age groups. The scale of this creche was informed by a socio-economic profile of the area and population projections arising from the scheme as detailed in the Schools and Childcare Demand Assessment (as part of the Community, Social and Cultural Infrastructure Audit) prepared by the applicant and forms a part of the subject application. The applicant goes to explain that the creche has been scaled with additional headroom to accommodate Phase 2 of the overall development of Site 4, the subject of this application, figure 4.4 of the planning report details the location and layout of the permitted creche.

7.8.2. I note that condition 9 of the Board Order with reference to the permitted scheme to the south (ABP-318607-23) refers, specifically, that prior to the completion of Phase 1B, the creche and community, arts and cultural spaces shall be fully fitted out and suitable for immediate occupation and operation. This is important and should be referenced in any condition with reference to phasing.

## **7.9. Traffic and Transport**

7.9.1. The applicant prepared a Traffic and Transport Assessment and Mobility Management and Travel Plan to support the proposed development proposal. The applicant states that the proposed development has been designed in a manner which prioritises sustainable modes of travel. In this respect I note the provision of good cycle parking, excellent pedestrian and cyclist facilities embedded in the overall design and the availability of both bus and train public transport in the immediate vicinity. The construction phase will result in increase traffic volumes, but this will be a temporary impact and controlled by a construction management plan (CMP), a relevant condition should be attached.

7.9.2. Traffic - The Operational Stage will cause and impact of a predicted 10% or greater increase at all junctions and these are included in the traffic modelling undertaken for

the project. Traffic modelling indicates that all assessed junctions except Junctions 4 and 7 will operate within capacity with the proposed development in place in the Opening Year 2027 through the Design year in 2032 to the future year 2042. The TTA goes on to state that the existing roundabout at the junction of Park West Avenue and Park West Road is likely to reach capacity in 2027 with or without the proposed development. As a result, it is likely to be converted to a signalised crossroads by Dublin City Council about that time. The TTA concludes that overall, the impact of the proposed development at Cherry Orchard Point on the surrounding transportation network will not be significant. I am satisfied that the TTA has robustly modelled the future traffic scenario for the area, taking into account existing and planned development. It is likely that traffic volumes will increase, but the surrounding road network can absorb the level of development planned for. In addition, there are well serviced public transport options in the vicinity together with existing employment base, and emerging social and commercial amenities yet to be delivered.

- 7.9.3. Public Transport – The applicant has prepared a Mobility Management and Travel Plan (MMTP), that sets out the public transport alternatives in the area, section 4.6 refers. In detail the MMTP states that in relation to Rail, the Park West and Cherry Orchard station located to the south, is an intermediate station on the Kildare Commuter Line with regular commuter and inter-city services including stopping services from Portlaoise and Newbridge to Heuston Station and from Hazelhatch and Celbridge to Grand Canal Dock. The journey time to Heuston is some 9 - 11 minutes and the journey time to Grand Canal Dock is some 40 – 45 minutes. There are 5 existing services from Park West and Cherry Orchard to the City Centre during the AM Peak Hour 8 – 9. In terms of bus transport in the area, there is a combination of Dublin Bus and new services provided under the auspices of Bus Connects. Dublin Bus Routes 79 and 79a which formerly served Park West Avenue and the Park West and Cherry Orchard Station were replaced by Bus Connects Routes G1 and 60 in October 2022. Bus stops for these services are located on Park West Avenue, Barnville Walk and Cedar Brook Way. The MMTP sets out targets for a modal shift towards sustainable transport modes and I am satisfied that the proposed site is well served by public transport options.

7.9.4. **Parking - The Sustainable Residential Development and Compact Settlement Guidelines 2024**, provides advice in relation to parking, SPPR 3 and 4 both refer. The proposed car parking ratio for the development is 1 space per unit. Based on those standards, the maximum car parking spaces allowed for by the Guidelines is 137 car spaces, the proposed development provides 141. SPPR 3 specifies that accessible spaces do not count towards the maximum provision, so the 7 accessible spaces (3 Resident and 4 Visitor) being provided can be discounted from the 141 spaces which would then return a total of 134 parking spaces being provided. I can see that the proposed parking is compliant with the guidelines set out in SPPR 3 and policy SMT27 of the development plan that seeks to provide for sustainable levels of car parking and car storage in residential schemes in accordance with development plan car parking standards (Table 2: Maximum Car Parking Standards for Various Land Uses at appendix 5 refers). A total of 306 cycle parking spaces (in curtilage and cargo bike spaces) are to be provided and this exceeds the minimum requirement for 302 cycle parking spaces set out by SPPR 4 and table 1 appendix 5 of the development plan.

7.9.5. On balance, the proposed development is located at a well-served suburban location close to a variety of amenities and facilities. Current public transport options are very good, with frequent bus services and the roll out of BusConnects in the wider area. A large and operational train station is located nearby. There are good cycle and pedestrian facilities in the area and the proposed development will add significant improvements to the public realm in this respect. It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that most of the ingredients are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of the mobility management plan and car parking strategy submitted by the applicant.

## 7.10. **Water Services**

7.10.1. The Infrastructure Design Report submitted with the application outlines in detail the surface water management strategy proposed for the site. In addition, the applicant has prepared a Flood Risk Assessment, the site is located in flood zone C and no justification test is required. The FRA concludes that the development is considered to have the required level of flood protection up to and including the 100 year return

event and overland flow paths have been identified for pluvial flooding exceeding the capacity of the surface water drainage network. As a result of the design measures detailed in the FRA, there is a low residual risk of flooding from each of the surface water risks. The development will not result in an increased flood risk to surrounding properties but will reduce flood risk. There is a low residual risk of flooding from ground water. I am satisfied that detailed aspects to do with surface water drainage, including SuDS measures can be managed by way of an appropriate condition.

7.10.2. Finally, the site can be facilitated by water services infrastructure and Uisce Éireann have confirmed this, details are set out in the Engineering Assessment Report, chapter 4 and 6 refer and appendices A and B also refer. In addition, I note that Uisce Éireann prepared an observation in relation to the current proposal and conditions are recommended. The applicant responded to this submission and states no objection to complying with the recommendations set out by Uisce Éireann. The applicant has already received a Confirmation of Feasibility (CDS24001410) and will comply with all necessary connection agreements and standards. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition.

#### **7.11. Other Matters**

7.11.1. Part V - This is an application submitted to the Commission under Section 175(3) by Dublin City Council in partnership with the Land Development Agency for the provision of 137 social and affordable housing units. As such, Part V obligations do not arise in respect of applications for approval under s175 of the Planning and Development Act 2000 (as amended).

7.11.2. Phasing – the applicant has prepared a proposed phasing plan, drawing COP-PH2-CCK-S1b-00-DR-A-1032 refers. The phasing plan comprises two phases (2A blocks 1, 2, 3, and 4, and 2B blocks 5 and 6), with 106 units in the first phase and 31 units in the second phase. The phasing plan follows on from that already permitted in the larger first overall phase of development to the south with the completion of the main central open space forming phase 1A of that permission, and this is a satisfactory approach to deal with the construction of such a large site. An appropriate condition can address any outstanding matters, such as public open space, childcare and community space provision as necessary.

## **7.12. Conditions**

- 7.12.1. This is an application for a large scale housing development that forms part of an already permitted scheme to the south and a masterplan set out within the local LAP. Any planning conditions that I recommend are standard or technical conditions that would be attached to any large scale residential scheme in Dublin City. In addition, I am cognisant of planning conditions attached to ABP-318607-23 that has been referenced in public notices and described as Phase 1, and how they relate to childcare, community services and open space, with reference to the subject application. In addition to standard and technical conditions, within the body of my report I have referred to the attachment of a condition to reinforce measures (such as those contained within the EIAR) or intentions already set out by the applicant, with reference to open space for example. I do not recommend any conditions that either amend or omit any portion of the development as it has been originally proposed.
- 7.12.2. The proposed scheme is to be delivered by Dublin City Council in partnership with the LDA and includes the provision of 137 social and affordable units. As such Part V obligations do not arise and a Section 47 condition in relation to Investor ownership is not relevant having regard to the applicant/developer involved.

## **8.0 Environmental Impact Assessment (EIA)**

### **8.1. Statutory Provisions**

- 8.1.1. This section sets out an EIA of the proposed project and should be read in conjunction with the planning and appropriate assessment sections of my report. The development provides for 137 residential units on a gross site area measuring 3.185 ha in the Dublin City Council area.
- 8.1.2. Both the amending EIA Directive (Directive 2014/52/EU) and the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 are applicable in this case. The requirement for EIA arises from Item 10 of Part 2 to Schedule 5 of the Planning Regulations and section 172(1)(a) of the Act of 2000 provides that an EIA is required for infrastructure projects that involve:
- (b) (i) construction of more than 500 dwelling units;

(b) (iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

8.1.3. The current proposal is an urban development project that would not be in a built-up business district. The proposals would not exceed thresholds under Schedule 5 of the Planning Regulations. An EIAR was submitted with the application and according to the applicant, a holistic approach to the broader redevelopment of the DCC lands has been adopted. In that context, given the approved Phase 1 (Bord Ref: ABP-318607-23) application, a conservative approach to EIA was adopted that considered all proposed phases of development cumulatively in a 'Parent EIAR' submitted under the Phase 1 application. Hence, an Environmental Impact Assessment Report accompanies this application and updates the various environmental assessments, where relevant, and sets out proposed mitigation measures. The applicant asks that the Environmental Impact Assessment Report be read as an Addendum to, and in conjunction with, the Parent EIAR. I note that the EIAR submitted considered combined impacts, such as they are, and that the overall site area inclusive of the subject were included for examination, as set out in section 1.3 EIAR Study Boundary of the Parent EIAR.

8.1.4. Under article 299A of the Planning Regulations, where a planning application for a sub-threshold development is accompanied by an EIAR and a request for a determination under section 7(1)(a)(i)(I) of the Act of 2016 was not made, the application shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act of 2000.

## **8.2. EIA Structure**

8.2.1. This section of the report comprises the environmental impact assessment of the proposed development in accordance with Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning and Development Act, 2000 (as amended) defines EIA as:

a) consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary



information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and

b) includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

8.2.2. Article 94 of the Planning and Development Regulations, 2001 and associated Schedule 6 set out requirements on the contents of an EIAR.

8.2.3. This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

8.2.4. The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should they agree with the recommendation made.

### **8.3. Issues Raised in Respect of EIA**

8.3.1. This is a development to construct 137 housing units on zoned and serviced land. An EIAR was prepared in November 2023 for the adjacent lands concerning a mixed use scheme for 708 apartments, supermarket, retail units, community and

arts/cultural spaces and childcare facility, permission was granted by the Board. The EIAR for the current proposal is an updated version of the previous EIAR and the issues remain the same, amongst other things, the construction phase and impacts to air quality, noise and vibration would present an impact that can be managed by mitigation. Other factors to do with population, landscape, traffic/transport, climate and biodiversity are viewed as presenting positive outcomes.

#### 8.4. **Compliance with the Requirements of Article 94 and Schedule 6 of the Planning Regulations**

- 8.4.1. In the table that follows, I assess compliance of the EIAR submitted with the requirements of Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations.

A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development, including the additional information referred to under section 94(b).
A description of the proposed development is contained in Chapter 2 of the EIAR, including details on the site location, design, layout and size of the development, arrangements for access, and the construction methodology. In each technical chapter of the EIAR details are provided on use of natural resources and the production of emissions and / or waste where relevant. I am satisfied that the development description provided is adequate to enable a decision.
A description of the likely significant effects on the environment of the proposed development, including the additional information referred to under section 94(b).
An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is comprehensive and sufficiently robust to enable a decision on the project.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development, including the additional information referred to under section 94(b).

The EIAR includes designed in or embedded mitigation measures and measures to address potential adverse effects identified in technical studies. These measures and arrangements for monitoring, are summarised in Chapter 18 of the EIAR titled 'Summary of Mitigation Measures and Residual Impacts', and the contents of the Preliminary CEMP. Mitigation measures comprise standard good practices and site-specific measures that are capable of offsetting significant adverse effects identified in the EIAR.

A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment, including the additional information referred to under section 94(b).

Section 4 of the EIAR provides a description of the range of alternatives considered, including alternative locations, alternative technology / processes, alternative design, size and scale of development, alternative phasing, alternative mitigation measures and a 'do-nothing' alternative scenario. If the development were not to take place, the lands would remain in the present form featuring vacant land, with an opportunity lost to provide 137 residential units on zoned land.

As the application site lands are zoned in the Development Plan as Z14 Strategic Development and Regeneration Area and the Cherry Orchard Local Area Plan 2019 (extended to 2029) as well as the fact that the environmental sensitivities of the site are not such as to preclude development per se, I am satisfied that alternative locations would not need to be considered in detail. The permitted in principle and open for consideration uses for this site are prescribed within the zoning objectives in the Development Plan, which facilitate the development of the site for housing.

The process in arriving at the subject proposals, including consultation with various parties and design team deliberations, is provided as part of section 4 of the EIAR, including the alternative designs and layouts considered. Various opportunities and constraints in relation to the development of the site are outlined, in particular the road accesses, public realm upgrades, are stated to have influenced the design and scale of the final proposed project, as presented. It is clear from the

various documents submitted as part of the application, including the Architectural Design Statement, Landscape Design Statement, Climate Action Energy Statement, Engineering Assessment Report and Building Lifecycle Report, that numerous reasonable alternatives needed to be considered in arriving at the finalised scheme. The Building Lifecycle Report and Climate Action Energy refer to the options being considered in order to achieve energy efficiencies and carbon reductions.

I am satisfied that at the time of lodging the application, there were no alternative processes having regard to the nature of the proposed project, such as alternative construction on or off site.

I am satisfied, therefore, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Commission, and in doing so the applicant has taken into account the potential impacts on the environment.

A description of the baseline environment and likely evolution in the absence of the development.

The baseline environment is addressed in each technical chapter within the EIAR, and the likely evolution of this environment in the absence of the proposed development is described, with particular reference to 'do-nothing scenarios'.

A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.

The methodology employed in carrying out the EIA, including the forecasting methods, is set out in each of the individual chapters assessing the environmental effects.

The applicant has indicated in section 1.3 of the EIAR and each subsequent chapter where difficulties have been encountered (technical or otherwise) in compiling the information to carry out EIA. I comment on these, where necessary in the assessment below and for the reasons stated, I am satisfied that forecasting methods overall are adequate in respect of likely effects.

A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.

This issue is specifically dealt with in each section of the EIAR as relevant. Only low risks have been identified in relation to the project's vulnerability to major accidents and / or disasters. There are no upper or lower-tier Seveso establishments in the proximity of the site and the measures to address risks from spills and potential pollution events, flooding, fire / explosion, and the interaction with the general public and roads. Risks of landslides are not considered substantive in this location particularly given the relatively flat terrain.

The proposed development is primarily residential in nature and will not require large-scale quantities of hazardous materials or fuels, and the proposed uses are unlikely to present significant risk of major accidents or disasters. Having regard to the location of the site, as well as the zoning of the site, I am satisfied that there are unlikely to be any significant effects of the project deriving from major accidents and / or disasters.

Article 94 (c) A summary of the information in non-technical language.

The EIAR submitted with the application comprises a non-technical summary (Volume I), and a main report (Volume II) with appendices. I have read the Non-Technical Summary document, and I am satisfied that the document is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.

Article 94 (d) Sources used for the description and the assessments used in the report.

The sources and references used to inform the description, and the assessment of the potential environmental impacts are set out at the end of each individual chapter in the EIAR. I consider the sources relied upon are generally appropriate and sufficient in this regard.

Article 94 (e) A list of the experts who contributed to the preparation of the report.

A list of the various experts who contributed to the EIAR are set out in a table at section 1.4 of the EIAR. Where relevant, I am satisfied that the introductory

section of each of the EIAR chapters demonstrates the competence of the individuals who prepared each chapter of the EIAR, including details relating to expertise and qualifications.

## **8.5. Consultations**

- 8.5.1. The application has been advertised and submitted in accordance with the statutory requirements. Public participation and consultation are an integral part of the strategic housing development process. Direct and formal public participation in the EIA process was undertaken through the statutory planning application process under section 175(3) of the Planning and Development Act, 2000 (as amended).
- 8.5.2. This EIA has had regard to the submissions received from the Planning Authority, the prescribed bodies and members of the public (none received from the public). I am satisfied that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

## **8.6. Compliance**

- 8.6.1. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the applicant is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects, below.

## **8.7. Assessment of Likely Significant Effects**

- 8.7.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out Section 171A of the Planning and Development Act 2000, as amended:
- Population and human health.
  - Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).
  - Land, soil, water, air and climate.
  - Material assets, cultural heritage and the landscape.
  - The interaction between these factors.

- The vulnerability of the proposed development to risks of major accidents and/or disasters.

8.7.2. In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in the appeal/application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects.

## 8.8. Population and Human Health

8.8.1. No issues raised.

8.8.2. Context: Impacts of the project on population and human health are addressed in chapter 13 of the EIAR. The methodology for the assessment is described, as well as the study area receiving environment and the sources referenced. The assessment is undertaken having regard to the requirements set out in government and industry guidelines for EIA. The assessment methodology includes site surveys, a desk-top survey on human health and the population baseline environment and reference to planning policy. The approach undertaken to derive the significance of effects from the receptor value and the magnitude of impacts is outlined. There are certain limitations with respect to the baseline demographic assessment relying on data collated up to 2016, and that more up-to-date census data for 2022 is not available in its entirety from the Central Statistics Office (CSO). In this regard I note that the area used for statistical analysis purposes in which the application site is located featured an increase of 1,309 persons over the 2016 to 2022 period. While the limitations in relying on 2016 data are noted, I would accept that this would be unlikely to have a significant impediment to the assessment of likely effects of the development on human health and population.

8.8.3. Baseline - The assessment considers attributes and characteristics associated with local land uses, neighbouring facilities and services, transport, health and safety, demographics and human health.

8.8.4. Potential Effects

<b>Summary of Potential Effects</b>	
<b>Project Phase</b>	<b>Potential Direct, Indirect and Cumulative Effects</b>
Do Nothing	Residential units and associated amenities would not be provided at the site and the population and social patterns of the study area would remain.
Construction	<p>Direct, slight, short-term adverse effects for human health predicted to arise from nuisance associated with construction activity (noise, vibration, air quality and traffic).</p> <p>Positive economic effects predicted to arise from the employment and business created during the construction activity.</p> <p>Direct, short term effects for the health and safety of those working on the construction site, as well as those passing the construction activities.</p>
Operation	<p>Direct effects of increased housing for the local population in the area with long-term indirect positive effects for local services from the increased critical mass.</p> <p>Increased amenity space associated with the public open space proposed.</p> <p>Direct effects for the local population arising from impacts on landscape, reducing over time as the population become accustomed to the development.</p>
Cumulative	Other major residential developments within 1km of the site are noted.

8.8.20. Mitigation: Mitigation measures are set out in relation to each of the potential effects of the project. Measures are quite extensive and, in particular, include those



proposed under noise and vibration, materials assets (traffic) and air quality, as set out in relation to the preliminary CEMP to prevent nuisance and undue impacts to human health, such as dust and noise monitoring, controlling emissions to appropriate levels through the use of standard management measures and controlling construction hours and delivery times / haul routes. The imposition of limits by conditions in any grant of permission would further reinforce the preservation of human health.

- 8.8.21. Residual Effects: With the implementation of mitigation measures, including monitoring, residual effects of the project are set out in where relevant, throughout the EIAR. These measures provide that no significant residual effects on human health or population will arise.

#### Direct and Indirect Effects Assessment

- 8.8.1. I have examined, analysed and evaluated chapter 13 of the EIAR, all of the associated documentation and submissions on file in respect of human health and population. I am satisfied that the applicant's presented baseline environment, is comprehensive and that the key impacts in respect of likely effects on human health and population, as a consequence of the development, have been identified.
- 8.8.2. In relation to nuisance arising from increased noise and dust during the construction phase, I am satisfied that these impacts would be mitigated by a suite of appropriate construction phase management measures, including implementation of measures within the dust mitigation measures (Section 5.9.1 and Appendix 5.1 of the EIAR), measures in section 7.5.1 of the EIAR to control noise to specific target levels, and monitoring, resulting in no significant residual effects for human health.
- 8.8.3. In relation to cumulative effects, I note that the adjacent development that has permission for a residential led mixed use scheme across 16 blocks within 9 buildings ranging in height from 4 to 15 storeys, that was itself subject to EIA. Other neighbouring projects would need to incorporate their own measures to limit emissions during construction, and any potential cumulative impacts arising would be short term.

#### Direct and Indirect Effects Conclusion

8.8.4. Having regard to the examination of environmental information in respect of human health and population, in particular the EIAR provided by the applicant and the submissions from the Planning Authority and observers in the course of the application, it is considered that the main significant direct and indirect effects on human health and population are, and will be mitigated as follows:

- significant direct positive impacts for population, due to the substantive increase in the housing stock during the operational phase,
- direct negative effects arising for human health during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including dust management, noise minimisation measures and monitoring, resulting in no residual impacts on human health.

## 8.9. Biodiversity

### Issues Raised

8.9.1. No issues raised.

### Context

8.9.2. Chapter 8 of the EIAR addresses impacts on biodiversity with an Ecological Assessment, Invasive Species Survey, Winter Bird Count, and a Bat Survey report forming part of the application documentation. A detailed list of references providing guidance for this part of the assessment is initially set out in the EIAR. The methodology for the assessment incorporated a desktop survey, identification of sensitive ecological sites and fieldwork, including a bird survey, mammal survey and a bat survey undertaken variously between July 2022 and November 2024. It is noted that an AA Screening report for the project was provided as a separate standalone document accompanying the application. Section 9.0 of my report assesses the proposed development in the context of the conservation objectives for designated European sites within the zone of influence of the project. As with every chapter of the EIAR, the criteria used in establishing the nature of the impact arising from the proposed development is set out.

8.9.3. The applicant noted some limitations to their surveys, including the seasonal factors that affect distribution patterns and habits of species were taken into account when conducting the surveys. The potential of the site to support certain populations (in

particular those of conservation importance that may not have been recorded during the field survey due to their seasonal absence or nocturnal/cryptic habits) was assessed. Due to the nature of the habitats and features recorded within the proposed development site and the surrounding built-up urban context, the timing of these surveys is not deemed to be a significant limitation in this instance.

#### Baseline

- 8.9.4. Habitats identified on site, with the main habitat comprising; Mosaic of Dry Meadows and Grassy Verges (GS2), Recolonising Bare Ground (ED3). There are associated hedgerows (WL1) with an area of Scrub(WS1) to the east across the road. A detailed list of species and their conditions is provided in the applicant's Arboricultural Assessment. No Annex I habitats were recorded within the application site during the applicant's habitat surveys, while 26 bird species, including Herring Gull were observed or heard during walkover surveys. Limited potential for the site to be frequented or utilised by mammals, including bats, is asserted by the applicant. *Buddleia davidii* appears to be the sole invasive non-native species present on site. The site is of negligible to low ecological value.

#### Potential Effects

##### **Summary of Potential Effects**

<b>Project Phase</b>	<b>Potential Direct, Indirect and Cumulative Effects</b>
Do Nothing	The site would remain and the small areas of hardstanding may degrade allowing for some vegetative colonisation, potentially invasive in nature, with a limited increase in biodiversity value.
Construction	Direct permanent loss of trees or damage to trees, with indirect impacts for associated species reliant on these trees.  Direct effects for water should there be a measurable increase in nutrient loading or sedimentation to offsite aquatic habitat.

Operation	<p>Direct permanent effects for water should there be a measurable increase in nutrient loading to offsite aquatic habitat during occupation.</p> <p>Direct effects for bird species due to collision with buildings.</p> <p>Impacts to bat habitat – foraging and commuting with roosting habitat not identified.</p>
Cumulative	Other major residential and infrastructure developments within 1km of the site are noted.

### Mitigation

- 8.9.5. The proposed development appears to largely address the potential primary impacts on habitats on and off the site via measures that are embedded in the overall design of the scheme and the construction methods.
- 8.9.6. To address potential impacts of the project on local ecology, the applicant sets out various avoidance, remedial and alleviation measures to address the negative impacts, including tree protection measures during the construction phase, as well as design measures to avoid impacts to tree-root systems. Various measures would be employed to control surface water runoff, including bunding, and any increased loading to wastewater networks will be addressed via treatment of wastewaters arising at Ringsend WWTP. Ecological monitoring of vegetation would be undertaken, including implementation of an invasive species management plan. Removal and timing of tree removal works would avoid the bird nesting season. Replacement tree planting and other planting would be undertaken to in some means address the loss of existing trees and planting.

### Residual Effects

- 8.9.7. With the implementation of mitigation measures, including monitoring, residual effects of the project are not considered by the applicant to be significant. Any impacts on ecological features would be imperceptible according to the applicant.

### Direct and Indirect Effects Assessment

8.9.8. I have examined, analysed and evaluated chapter 8 of the EIAR, all of the associated documentation and submissions on file in respect of biodiversity. I am satisfied that the applicant's presented baseline environment, is comprehensive and that the key impacts in respect of likely effects on biodiversity, as a consequence of the development have been identified. Common issues that arise for biodiversity a low rise housing development include:

- Bats and disturbance
- Surface water quality.

8.9.9. Bats or evidence of bats using the site for roosting purposes, including the trees on site, was not identified during surveys, and it was concluded that the site was of negligible value to bat species for such purposes. High levels of artificial lighting existing along the roadside were noted as being a possible deterrent to bat activity in the area, and bat activity (commuting or foraging) is considered not to be significant in this area. Given the low level of bat activity recorded as occurring in this area, the nature of the site and surrounding context and the intention to employ bat-sensitive lighting as part of the project lighting strategy, the proposed development would have negligible impact for bat species. I am satisfied that in this instance no derogation licence is likely to be required.

8.9.10. Impacts on water quality, can be addressed as part of the project final CEMP.

#### Direct and Indirect Effects Conclusion

8.9.11. Having regard to the examination of environmental information in respect of biodiversity, in particular the EIAR provided by the applicant in the course of the application, it is considered that the main significant direct and indirect effects on biodiversity are, and will be mitigated as follows:

- direct negative effects arising for aquatic habitat during the construction phase, which would be mitigated by a suite of appropriate construction phase surface water management measures, including sediment and pollution control measures, resulting in no residual impacts on biodiversity.

8.10. Land, Soil and Geology

#### Issues Raised

8.10.1. No issues raised.

#### Context

8.10.2. Chapter 11 of the EIAR addresses land, soils and geology, with the applicant initially setting out the legislative and policy context for the assessment. This section of the EIAR was supported by on-site investigations. A investigation report and waste classification report were undertaken by GII for the masterplan development in July and August of 2024, respectively. The updated 2024 site investigation report findings are in-line with the 2022 report findings. The reports including, the 2022 GII Site Investigation Report, 2024 Environmental Report - Addendum to Approved Phase 1 Parent EIAR 2024, February 2025 GII Site Investigation Report, and 2024 GII Waste Classification Report are all appended to the Proposed Cherry Orchard Point - Phase 2 Preliminary Construction Environmental Management Plan, submitted as part of this application.

8.10.3. The fieldworks comprised a comprehensive programme of survey work between 2022 and 2024 and most recently included:

- 118 trial pits to a maximum depth of 3.6m BGL;
- 5 No. Soakaways to determine a soil infiltration value to BRE digest 365
- 6 No. Slit trenches to determine existing services.
- 5 No. Window Sample Boreholes to recover soil samples
- 3 No. Cable Percussion boreholes to a maximum depth of 4.0m BGL
- 14 No. Rotary Core Boreholes to a maximum depth of 10.1m BGL
- Geotechnical & Environmental Laboratory testing

8.10.4. Figure 11.4: Site Investigation Test Locations illustrates borehole, soakaway, trial pit and trench locations. Given the availability of site investigations survey results for the subject site and adjoining site, the mapped findings revealing soil and geology comparisons with the adjoining site and the nature and scale of the subject proposals, allow for an assessment to be made with respect to Land, Soil and Geology.

#### Baseline

- 8.10.5. The Geological Survey Ireland (GSI) map indicates that the site lies within the Lucan Formation. The Lucan Formation is described as comprising dark-grey to black, fine grained, occasionally cherty, micritic limestones that weather paler, usually to pale grey. There are rare dark coarser grained calcarenitic limestones, sometimes graded, and interbedded dark-grey calcar.
- 8.10.6. The site lies in the Lucan Formation which has a designation of LI, which represents Locally Important Aquifer qualities, where the bedrock is moderately productive only in local zones and within an area of high groundwater vulnerability.
- 8.10.7. With reference to Soils, Topsoil was encountered in all the exploratory holes and was present to a maximum depth of 0.3m Below Ground Level (BGL). Made ground to a depth of 3.2m BGL at other locations. Cohesive deposits were encountered beneath the Made Ground and were described typically as brown sandy gravelly CLAY with occasional cobbles and boulders overlying a stiff black sandy gravelly CLAY with occasional cobbles and boulders. In some of exploratory holes weathered rock was encountered which was diggable with the large excavator to a depth of up to 2.0m below the top of the stratum. The rotary core boreholes recovered Medium strong to very strong grey/dark grey fine to medium grained laminated LIMESTONE interbedded with weak black fine grained laminated Mudstone. Locally the Mudstone was weathered to black clay. The depth to rock varies from 2.3m BGL in BH03 to a maximum of 5.3m BGL in BH18. Groundwater strikes in places and noted at Appendix 7 of the Site Investigation report.
- 8.10.8. Due to the presence of made ground on site, materials which may be excavated and removed from site would meet the definition of waste under the Waste Framework Directive.

#### Potential Effects

##### Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	no change to underlying Land, Soil and Geology.

Construction	<p>Removal of materials off site and the operation of construction activities on site requiring safe control of wastes and other materials, such as fuels.</p> <p>Compaction of soils.</p> <p>Surface water runoff from the surface of the excavated areas, or rainfall on stockpiled material, may result in silt discharges to the local surface water network via overland flow.</p>
Operation	Activities that might impact land quality or future occupiers during operation, for example, leaks and spills.
Cumulative	Other major residential and infrastructure developments within 1km of the site are noted.

### Mitigation

- 8.10.9. Measures are set out in the submitted Resource and Waste Management Plan and Preliminary CEMP highlighting materials that could potentially be identified on site, with good practices and method statements to handle and control dealing with any uncontaminated or contaminated materials, should be prepared and implemented. A project preliminary CMP would employ measures to address traffic impacts on local roads, as well as the monitoring of stored plant, equipment and materials. Measures to address the control of pollution and the control of debris and materials from being deposited on roads adjoining the site are set out in the project CEMP, including wheel washing. Materials would be reused on site where this is possible.

### Residual Effects

- 8.11. With the protective measures noted above in place during the excavation works and construction stage, any potential impacts on soils and geology in the area will not have significant adverse impacts, and no significant adverse impacts on the soils and geology of the subject lands are envisaged.

### Direct and Indirect Effects Assessment

- 8.11.1. I have examined, analysed and evaluated chapter 11 of the EIAR, all of the associated documentation and submissions on file in respect of land, soil and



geology. I am satisfied that the applicant's presented baseline environment, is reasonably comprehensive and that the key impacts in respect of likely effects on land, soil and geology, as a consequence of the development have been identified. The altered use of the land is not considered to be a significant effect of the project.

8.11.2. In relation to the potential to impact on land, soils and geology, I am satisfied that these impacts would be mitigated by a suite of appropriate construction phase management measures, including the implementation of measures within the preliminary CEMP, resulting in no significant residual effects for land, soils and geology.

#### Direct and Indirect Effects Conclusion

8.11.3. Having regard to the examination of environmental information in respect of land, soils and geology, in particular the EIAR provided by the applicant, and any submissions, it is considered that the main significant direct and indirect effects on land, soils and geology are, and will be mitigated as follows:

- direct negative effects arising for land, soils and geology during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including method statements to handle and control contaminated materials should they be found.

#### 8.12. Water

##### Issues Raised

8.12.1. No issues raised.

##### Context

8.12.2. Impacts of the project on water are addressed in chapter 12 of the EIAR. The legislative and policy context for the assessment is initially set out, followed by the methodology for the assessment, including a qualitative assessment setting out the baseline conditions. The approach undertaken to derive the significance of effects from the receptor value and the magnitude of impacts is outlined.

8.12.3. EPA mapping advises that the River Waterbody WFD status 2016-2021 for the Camac\_040 (River Camac), European Code: IE-EA\_09C020500 has a status of "poor", and a risk status of "at-risk". The status of the Camac River is based on monitoring stations, with the nearest of these stations, downstream of the Blackditch

Stream discharging to the River Camac, being National Water Monitoring Station  
Ref: RS09G080100.

### Potential Effects

#### Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	Impacts on water would be unlikely to change.
Construction	Direct, short-term effects for water predicted to arise from the construction, excavation, drilling and piling activities, including release of sediment, hydrocarbons and leaching.  Direct effects for the groundwater from foundation works that could lead to changes in groundwater levels and flow regimes, as well as dewatering.  Direct effects to surface water drainage leading to flood risk.
Operation	Effects for groundwater and surface water arising from a revised recharge regime given the increased hardstanding area, and the increased demand on drainage and water supply networks.
Cumulative	Other major residential developments within 1km of the site are noted.

### Mitigation

8.12.4. Mitigation Measures are extensive and include those proposed in the Resource and Waste Management Plan, the preliminary CEMP to prevent release of hydrocarbons, sediment and other potential pollutants to water, as well as maintaining of the drainage regime. These measures are guided by site investigations for the application site, as well as best practice measures and guidance that would be adhered to for various activities and in the movement of materials. The efficacy of such measures, including control of surface water runoff, monitoring of environmental conditions and fuel storage, all managed as part of a final CEMP, are well established in practice. During the operation phase maintenance and

management measures for development infrastructure and facilities would be undertaken to address impacts to water, including undertaking and implementing SUDS. Audits of the stormwater network would also be undertaken for the operational phase of the development to ensure the effectiveness of this infrastructure.

#### Residual Effects

- 8.12.5. With the implementation of mitigation measures to avoid or reduce or offset potential significant residual effects, post mitigation. These provide that no significant residual effects on water will arise and that there would be some benefits to surface water discharge rates consequent to the SUDS measures curtailing runoff to greenfield rates.

#### Direct and Indirect Effects Assessment

- 8.12.6. I have examined, analysed and evaluated chapter 12 of the EIAR, all of the associated documentation and submissions on file in respect of water. I am satisfied that the applicant's presented baseline environment, is reasonably comprehensive and that the key impacts in respect of likely effects on water, as a consequence of the development have been identified. Issues common to housing development on zoned and services sites in respect of water. I address below.

- sedimentation release and pollutant control;
- surface water management;
- wastewater treatment capacity.

- 8.12.7. In relation to the potential for excess sediment and pollutants to enter receiving waters during the construction phase, I am satisfied that these potential impacts would be mitigated by a suite of appropriate construction phase management measures, including the implementation of measures within the preliminary CEMP and the various stated good construction practice measures, resulting in no significant residual effects for water.

- 8.12.8. The project would feature an array of surface water management measures, including SUDS, which would restrict surface water discharge from the site to greenfield runoff rates, with fuel interceptors installed to remove hydrocarbons.

8.12.9. Uisce Éireann has confirmed capacity in the receiving wastewater infrastructure network to cater for the increased demand arising from the project.

#### Direct and Indirect Effects Conclusion

8.12.10. Having regard to the examination of environmental information in respect of water, in particular the EIAR provided by the applicant and other submissions during the course of the application, it is considered that the main significant direct and indirect effects on water are, and will be mitigated as follows:

- direct negative effects arising for water during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including sediment and pollution-control measures, resulting in no residual impacts on water. Note the conclusions set out with respect the Water Framework Directive at section 10.0 and appendix 2 of the Inspector's Report.

#### 8.13. Air and Climate

##### Issues Raised

8.13.1. No issues raised.

##### Context

8.13.2. Chapters 5 and 6 of the EIAR deal with Air Quality and Climate Factors respectively, with the applicant initially describing the site context before setting out the legislative and policy context for the assessment for each topic.

##### Baseline

8.13.3. In terms of the existing air quality environment, baseline monitoring data available from similar environments indicates that levels of nitrogen dioxide, particulate matter less than 10 microns and less than 2.5 microns are generally well below the National and European Union (EU) ambient air quality standards. Impacts to air quality can occur during both the construction and operational phases of the proposed development. With regard to the construction stage the greatest potential for air quality impacts is from fugitive dust emissions impacting nearby sensitive receptors. In terms of the operational stage air quality impacts will predominantly occur as a result of the change in traffic flows on the local roads associated with the proposed development. The Grand Canal pNHA (Site Code: 002104) is within 200 m of a road

link impacted by the proposed development during the operational phase. Therefore, there is the potential for impacts to ecology as a result of nitrogen oxide and ammonia emissions and nitrogen and acid deposition. The assessment, in accordance with PE-ENV-01106 guidance, for ecological impacts due to operational phase traffic, found the impact is overall negative, slight and long-term which is not significant in EIA terms.

- 8.13.4. The potential impacts on climate have been assessed in two distinct ways – a greenhouse gas assessment (GHGA) and a climate change risk assessment (CCRA). The GHGA quantifies the GHG emissions from a project over its lifetime and compares these emissions to relevant carbon budgets, targets and policy to contextualise magnitude. The CCRA considers a projects vulnerability to climate change and identifies adaptation measures to increase project resilience. With respect greenhouse gas assessment and climate change risk assessment, no significant impacts to climate are predicted during the construction or operational phases of the proposed development.

#### Baseline

- 8.13.5. The baseline environment is described based on air quality details from the EPA and weather conditions from Met Éireann. Westerly prevailing winds are noted, as well as average monthly air temperatures typical for this context. Annual mean concentrations of particulate matter, nitrogen oxide and nitrogen dioxide in locations such as Tallaght, Dún Laoghaire, Swords and Ballyfermot for the period 2019 – 2023 and illustrated in tables in the EIAR. Potential receptors in the immediate area are identified. Estimates and quantities of potential greenhouse-gas emissions from the operation phase of the project are referenced in the EIAR.

#### Potential Effects Table

##### Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	No potential change in air quality, climate or microclimate would arise.

Construction	<p>Release of particulate matter during demolition and construction works, including via vehicle movements and earthworks.</p> <p>Increased release of pollutants, including greenhouse gases from plant and machinery.</p>
Operation	<p>Increased release of greenhouse-gas emissions from building services.</p> <p>Direct adverse effects for microclimate arising from altered site conditions, including buildings, which could result in unsafe or unsuitable conditions for persons on site and passing the site.</p>
Cumulative	Reference is made to the projects in the wider area.

### Mitigation

- 8.13.6. Mitigation measures are set out at section 5.5 (Air Quality) of the EIAR to minimise dust emissions, including a dust management plan forming part of the project CEMP, which would include monitoring and assessment during the construction phase to address dust deposition impacts arising on the site boundaries to ensure measures are working satisfactorily. Other nearby projects would need to incorporate their own dust management and minimisation measures, and any potential cumulative impacts arising would be short term. Traffic volumes for the operational phase of the development have been modelled and significant impacts are not envisaged for air quality, primarily as the expected resultant air pollutant concentrations would be in compliance with the respective air quality standards.
- 8.13.7. Section 6.5 (Climate Factors) of the EIAR, sets out that high-performance buildings are stated to be proposed in order to reduce the amount of energy required in the development and green infrastructure is also proposed, as well as the encouragement of walking, cycling and other more sustainable modes of transport. Various energy-efficiency and performance measures to address regulatory requirements are set out in the project Climate Action Energy Statement and District Heating Viability Study. Native plant species are to be considered for the

landscaping on site, cognisant of potential climate change effects. Embedded elements of the design are indicated to reduce the wind microclimate impact.

#### Residual Effects

- 8.13.8. With the implementation of mitigation measures, including the embedded and additional measures, residual effects of the project on air quality and climate are set out in sections 5.6 and table 6.3 of the EIAR. These provide that no significant residual effects on air quality and climate will arise.

#### Direct and Indirect Effects Assessment

- 8.13.9. I have examined, analysed and evaluated chapters 5 and 6 of the EIAR, all of the associated documentation and submissions on file in respect of air quality and climate factors. I am satisfied that the applicant's presented baseline environment, is comprehensive and that the key impacts in respect of likely effects on air quality and climate factors as a consequence of the development have been identified.
- 8.13.10. In relation to the potential to impact on air quality, as would be expected, there is potential for dust emissions to occur from earthworks, construction works and vehicular movements during the construction phase to sensitive receptors and the atmosphere in the vicinity. I am satisfied that such impacts would be mitigated by a suite of appropriate construction phase management measures, including implementation of a dust management plan as part of the final project CEMP. The expected greenhouse gas emissions would have negligible impact on the climate given the proportionate impact relative to Irish emissions limits.
- 8.13.11. In relation to climate factors, there is a low risk to the majority of the identified climate hazards with the exception of extreme cold and the landscaping elements which was assessed as medium risk. However, risk can be reduced to 'low' through the selection of appropriate planting that is resilient to colder temperatures. All other vulnerabilities to future climate change hazards have been identified as low and therefore are not a significant risk. Overall, no significant impacts to climate are predicted during the construction or operational phases of the proposed development.

#### Direct and Indirect Effects Conclusion

8.13.12. Having regard to the examination of environmental information in respect of air quality and climate factors, in particular the EIAR, the CEMP and Climate Action Energy Statement provided by the applicant, it is considered that the main significant direct and indirect effects on air quality and climate will be mitigated as follows:

- direct negative effects arising for air quality during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including a dust management plan.
- Climate effects not significant having regard to locational benefits near an operational railway station, services and the availability of construction materials.

#### 8.14. Noise and Vibration

##### Issues Raised

8.14.1. No issues raised.

##### Context

8.14.2. Impacts of the project on noise and vibration are addressed in chapter 7 of the EIAR, with a series of appendices included with respect to the noise data collated to inform this part of the assessment. The methodology for the assessment is described, as well as the study area receiving environment and the sources referenced. The nearest sensitive receptors to the application site are identified and a baseline noise survey was undertaken to provide a reasonable representation of the background noise environment to inform the assessment. The existing noise climate was surveyed during day and night periods and found that prevailing noise levels are primarily due to local road traffic and rail movements. The potential noise and vibration impact on the nearest noise-sensitive locations was assessed for the short-term construction phase and the long-term operational phase. The EIAR outlines the noise level standards to be achieved as part of the development, in particular allowing for the plant and works during construction and the potential increase in road traffic. The applicant refers to 'BS 5228-1:2009 +A1:2014: Code of Practice for Noise and Vibration Control on Construction and Open Sites – Parts 1 and 2' and 'BS 8233:2014 – Guidance on sound insulation and noise reduction for buildings', as



well as other guidelines and criteria in providing guidance and standards for the noise and vibration impacts.

#### Baseline

8.14.3. The primary sources of noise in the area immediate to the application site comprise road traffic passing along the adjoining roads, M50 motorway traffic and regular railway movements. The results of the survey have indicated that the M50 contributes significant noise levels at the measurement locations on the western boundary of the site. In addition to this it was noted that noise emissions from the railway on the southern boundary contributed to overall noise levels during the day period. However, with reference to industry, road and railway noise, the site is not located as an area of concern in the Noise Action Plan 2024-2028 – Dublin Agglomeration.

#### Potential Effects

##### Summary of Potential Effects

<b>Project Phase</b>	<b>Potential Direct, Indirect and Cumulative Effects</b>
Do Nothing	No new noise or vibration sources would arise.
Construction	<p>Increased noise during the demolition works, as well as construction works, in particular from machinery operation and the traffic movements.</p> <p>Increased vibration during the excavation, demolition and construction works, including the piling of foundations if required. Note that foundations used will be traditional shallow pad and strip foundations. On the adjacent site, where the structures become taller (over 10 storeys, as in the case of Block 2B) these structures will be supported on piled foundations bearing directly onto the underlying Limestone bedrock.</p>
Operation	Direct effects on the amenities of future residents of the proposed development via excessive noise levels to living areas.

Cumulative	Other major residential and infrastructure development within 1km of the site are noted. On the adjacent site, where the structures become taller (over 10 storeys, as in the case of Block 2B) these structures will be supported on piled foundations bearing directly onto the underlying Limestone bedrock. Cumulative impacts from noise and vibration are not expected based on modelling accounting for additional traffic associated with other developments, as well as the background noise from existing sources.
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#### Mitigation

8.14.4. To address potential impacts of the project on noise, the applicant sets out various avoidance, remedial and alleviation measures as part of the preparation of a CMP, including the control of construction hours. Noise effects arising from proposed construction activities during the daytime on weekdays and on Saturday mornings have been evaluated as being potentially significant. Construction management measures will be required to ensure compliance with noise criteria for the construction activities. Additional mitigation measures within the preliminary CEMP would be incorporated to ensure that short-term residual effects from construction activities are kept within acceptable limits, including noise enclosures for working, prohibiting idling machinery, loading and unloading operations, timing of works and maintenance of equipment and machinery. Noise effects during the operation phase of the development are not expected to exceed standard limits for apartments and amenity spaces, although consideration should be given for the type of ventilation to be used on sensitive façades, such as those facing roads.

#### Residual Effects

8.14.5. With the implementation of mitigation measures, including construction management measures, residual effects post construction of the project on noise and vibration are not considered by the applicant to be significant and well within acceptable levels.

#### Direct and Indirect Effects Assessment

- 8.14.6. I have examined, analysed and evaluated chapter 7 of the EIAR, all of the associated documentation and submissions on file in respect of noise and vibration. I am satisfied that the applicant's presented baseline environment, is comprehensive and that the key impacts in respect of likely effects on noise and vibration, as a consequence of the development have been identified.
- 8.14.7. There are no residential receptors immediately adjoining the site and the nature of the proposed development is such that following the construction phase it would not result in substantive increases in noise levels in the area, other than via increased traffic, which the applicant has accounted for as part of their noise impact assessment. Noise management measures are proposed as part of the CEMP and a Property Management Strategy Report sets out how the facility would be managed over the operation phase of the project. The measures outlined are typical and well established as being effective in controlling noise and vibration in residential developments.
- 8.14.8. The CEMP accompanying the application sets out that monitoring would be undertaken during the course of the construction works, including monitoring of noise levels, with a register that would be available for auditing and inspection. The applicant sets out that the method and duration of noise monitoring will follow British Standard 5228 and will be agreed with the Environmental Health section of the Planning Authority. In relation to consideration with respect to the adjacent site proposal (ABP ref. 318607-23), this project has been permitted, is an integral part of the subject application and would be subject to similar if not identical controls.

#### Direct and Indirect Effects Conclusion

- 8.14.9. Having regard to the examination of environmental information in respect of noise and vibration, in particular the EIAR provided by the applicant, it is considered that the main significant direct and indirect effects on noise and vibration are, and will be mitigated as follows:
- direct negative effects arising for noise and vibration during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including the control of construction hours and noise minimisation measures.

#### 8.15. Material Assets

### Issues Raised

8.15.1. No issues raised.

### Context

8.15.2. Impacts on material assets specifically in relation to traffic and transport are dealt with in chapters 14, 15 and 16 of the EIAR and refer to Traffic and Transport, Waste Management and Utilities respectively. Chapter 14 provides an assessment of the impact that Phase 2 of the proposed development at Cherry Orchard Point, Park West Avenue, Dublin 10 will have on traffic and transportation infrastructure and network in the surrounding area. A Traffic and Transport Assessment (TTA) has been prepared, the impact of the proposed development at Cherry Orchard Point on the surrounding transportation network will not be significant. Six of the eight road junctions assessed will continue to operate satisfactorily up to 2042 with the development in place. It is concluded that no significant impact on public transport services will arise from the Operational Stage of the proposed development.

8.15.3. It is noted that Dublin City Council (DCC) as the local authority responsible for setting and administering waste management activities in the area through regional and development zone specific policies and regulations, chapter 15 sets out the construction and operation phase of the development as it relates to waste management. Other developments in the area will be required to manage waste in compliance with national and local legislation, policies and plans which will mitigate any potential cumulative impacts associated with waste generation and waste management. As such the cumulative effect will be a long-term, imperceptible and neutral.

8.15.4. Chapter 16 examines surface water drainage, foul drainage, water supply, electricity, gas, and telecommunications. In terms of the context all relevant utilities are in place and can accommodate the development, in terms of water services this is confirmed by Uisce Éireann.

### Baseline

8.15.5. The existing traffic conditions on the road network in the area were obtained from a traffic survey in November 2022 which recorded a 24-hour traffic flow on Park West Avenue of some 11,004 vehicles per day and a 24-hour traffic flow on Barnville Walk

of some 4,092 vehicles per day. During the two years since the survey, there have been no developments in the surrounding area that would generate a significant increase or decrease in the traffic flow on the local road network. Natural changes in traffic flow are addressed by the application of factors from the TII Publication – Project Appraisal Guidelines for National Roads Unit 5.3 – Travel Demand Projections (May 2021).

8.15.6. Bus services in the area of the proposed development are a combination of historic services operated by Dublin Bus and new services are provided under the auspices of Bus Connects. Dublin Bus Routes 79 and 79a which formerly served the Park West Avenue, and the Park West / Cherry Orchard Station were replaced by Routes G1 and 60 in October 2022. Bus stops are located on Park West Avenue, Barnville Walk and Cedar Brook Way.

8.15.7. Park West & Cherry Orchard which opened in 2008, is an intermediate station on the Kildare Commuter Line with regular commuter and inter-city services including stopping services from Portlaoise and Newbridge to Heuston Station and from Hazelhatch & Celbridge to Grand Canal Dock. The DART Expansion Project approved by Irish rail will deliver new electrified rail services between the existing DART network in the City Centre City Centre and Hazelhatch. The service through Park West & Cherry Orchard will provide an increased service frequency and enhanced passenger capacity.

### Potential Effects

#### Summary of Potential Effects

<b>Project Phase</b>	<b>Potential Direct, Indirect and Cumulative Effects</b>
Do Nothing	There would be negligible impacts and imperceptible effects on local built services, as well as utilities or supplies should the proposed development not be provided.
Construction	Short-term effects arising from increased traffic due to the vehicular movements associated with the demolition, site clearance, excavation and construction works.

	<p>Direct negative short-term effects for material assets (utilities) due to the potential for damage to underground services and power outages.</p> <p>Short term effects for public water sources potentially arising from the construction excavation, drilling and piling activities.</p>
Operation	<p>Positive effects of increased housing, public open space for the local population in the area.</p> <p>Direct effects for traffic and public transport due to the increased vehicular movements and passengers required to serve the houses in the proposed development.</p> <p>Direct effects for material assets, as a result of new buildings restricting the operation of existing telecommunication networks.</p> <p>Direct effects for materials assets as a result of increased demand for water supplies, wastewater services, electricity and telecommunications services.</p>
Cumulative	<p>Other major residential developments within 1km of the site are noted.</p>

#### Mitigation

- 8.15.8. Mitigation measures to address the impacts of traffic and transport during the construction phase relate to the adherence to measures within a final construction traffic management plan as part of the project CMP, control of delivery times and provision of construction worker parking. The construction phase impacts on traffic would be primarily addressed as part of the construction traffic management plan and the monitoring of the performance of same. Measures contained within the development MMP would be implemented to encourage use of sustainable modes of transport.

8.15.9. Engagement with utility operators would act as a mitigation measure for the project, in identifying and protecting existing services, as well as providing for continued operation of such services.

#### Residual Effects

8.15.10. With the implementation of mitigation measures, including monitoring, residual effects of the project are set out in the EIAR. These provide that no significant residual effects on material assets would arise.

#### Direct and Indirect Effects Assessment

8.15.11. I have examined, analysed and evaluated chapters 14, 15 and 16 of the EIAR, all of the associated documentation in respect of material assets. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on materials assets, as a consequence of the development have been identified.

8.15.12. In relation to the traffic arising from the proposed development, and its impact on the local road network, the results of the assessment provided in the EIAR confirm that the surveyed neighbouring junctions would remain operating within capacity post development in the opening, design and future-year scenarios.

8.15.13. Continued liaison with utility providers will serve to address the potential impacts of the development on various infrastructures during the construction phase, and the information presented highlights capacity in local services to cater for the proposed development. Furthermore, the telecommunications equipment required to address existing links that would be impacted would be acceptable from a visual amenity perspective.

#### Direct and Indirect Effects Conclusion

8.15.14. Having regard to the examination of environmental information in respect of material assets, in particular the EIAR provided by the applicant, it is considered that the main significant direct and indirect effects on material assets are, and will be mitigated as follows:

- significant direct positive impacts for material assets, due to the substantive increase in the housing stock during the operational phase;

- direct negative effects arising for traffic during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including a construction traffic management plan, resulting in no residual impacts on traffic.

## 8.16. Archaeological, Architectural and Cultural Heritage

### Issues Raised

#### 8.16.1. No issues raised.

### Context

8.16.2. Chapter 9 of the EIAR describes and assesses the impact of the development on cultural heritage, including archaeological and architectural heritage. This section of the EIAR included a desk-based study and site walkover survey. The legislative and planning policy context for this part of the assessment is set out, including the provisions of the National Monuments Act. For the entire development site (phase 1 and 2), a site walkover was carried out in May 2022, a geophysical survey was undertaken in June 2022 (no readings were interpreted as potential archaeological features), and archaeological test excavations were carried out in July 2022 (14 no. trenches measuring 1584 linear metres. An historical background of the wider area is provided. There are no recorded monuments in the EIAR area.

### Baseline

8.16.3. The applicant states that there are no recorded monuments or places (RMPs) on site. The site is not within an ACA and there are no protected structures on site or within 2km there would be no impact on architectural heritage. There would be negative cultural heritage impacts in terms of the removal of hedgerow/ditches marking boundary interfaces.

### Potential Effects Table

#### Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The site would remain as a commercial property and any archaeological remains would not be likely to be salvaged should any be situated on site.



Construction	Direct effects for archaeological heritage given the potential for significant undiscovered archaeological material, including those relating to a townland boundary within the site, and given the proposed ground disturbance works.
Operation	Direct effects for features or landscapes of cultural significance.
Cumulative	Other major residential developments within 1km of the site are noted.

#### Mitigation

- 8.16.4. The applicant asserts that monitoring by a suitably qualified and licensed specialist archaeologist should oversee the works with the agreement and approval of an archaeological method statement by the National Monuments Service of the Department of Housing, Local Government and Heritage.

#### Residual Effects

- 8.16.5. With the implementation of mitigation measures (section 9.6 of the parent EIAR), residual effects of the project for archaeological, architectural and cultural heritage are set out in the parent EIAR, these provide that only slight adverse residual effects on archaeological, architectural and cultural heritage will arise.

#### Direct and Indirect Effects Assessment

- 8.16.6. I have examined, analysed and evaluated chapter 9 of the EIAR (and parent EIAR), all of the associated documentation on file in respect of archaeological, architectural and cultural heritage. I am satisfied that the applicant's presented baseline environment, is reasonably comprehensive and that the key impacts in respect of likely effects on archaeological, architectural and cultural heritage as a consequence of the development have been identified.
- 8.16.7. The development would be a substantive distance from known features of cultural heritage significance and the separation distances involved would not result in direct impacts on such features, with the intervening urban landscape negating the impact of the development on the setting or character of the closest neighbouring cultural heritage features. During the construction phase, the applicant has set out standard measures with respect to archaeological monitoring and recording, which could be

further clarified as a condition in the event of a grant of planning permission for the development

#### Direct and Indirect Effects Conclusion

8.16.8. Having regard to the examination of environmental information in respect of archaeological, architectural and cultural heritage, in particular the EIAR (and parent EIAR) provided by the applicant, it is considered that the main significant direct and indirect effects on archaeological, architectural and cultural heritage are, and will be mitigated as follows:

- direct negative effects arising for undiscovered archaeological remains during the construction phase, which would be mitigated by monitoring and recording by a suitably qualified archaeologist under an appropriate licence.

#### 8.17. Landscape and Visual Impact Assessment

##### Issues Raised

8.17.1. No issues raised.

##### Context

8.17.2. Chapter 10 of the EIAR deals with the landscape and visual impacts of the development, with the applicant initially setting out the legislative and policy context for the assessment, including the Guidelines for Landscape and Visual Impact Assessment. This section of the EIAR was supported by 'Verified Photomontages' (A3 document of photomontages submitted with the planning application), including various viewpoints. The photomontages submitted provide visual representations, which I am satisfied would be likely to provide a reasonably accurate portrayal of the completed development in summer settings with the proposed landscaping in a mature and well-maintained condition. I have viewed the site from a variety of locations in the surrounding area, and I am satisfied that the photomontage viewpoints are taken from locations, contexts, distances and angles, which provide a reasonably comprehensive representation of the likely visual impacts of the development from key reference points. In addition to the photomontages, the applicant's Architectural Design Statement includes CGIs of the completed development.

##### Baseline

8.17.3. In establishing a baseline, the LVIA notes the designation of the subject site for development and that there are no protected views in the vicinity. The Development Plan does not identify any protected views or landscapes of value affecting the site. A description of the site environs is provided in section 2 of my report and expanded upon in the planning assessment above. The EIAR area is described in terms of its receiving environment and the proposed development is also described, including reference to the open space layout and the higher density residential/commercial area close to the railway station. The immediate area generally comprises low-rise commercial premises, although more recent developments in the area include six to seven storey blocks, as well as taller residential blocks to the south of the site. There are existing mature trees along the western perimeter of the site.

### Potential Effects

#### Summary of Potential Effects

<b>Project Phase</b>	<b>Potential Direct, Indirect and Cumulative Effects</b>
Do Nothing	The appearance of the site would remain similar albeit with vegetation likely to grow unchecked and the zoning objectives for the site would not be realised
Construction	Medium to low landscape / townscape impacts of slightly negative, short-term duration arising from the changes to the site, including the construction of new structures and the activities associated with this over a 24-month period, including transport movements, machinery, storage of materials and security hoarding / fencing for the site.
Operation	<p>Low landscape / townscape impacts that would be permanent and not readily reversible.</p> <p>The landscape significance of effects resulting from a low landscape sensitivity, and a high magnitude of change, is moderate. Qualitatively the landscape effect is positive.</p>
Cumulative	Other major residential developments within 1km of the site are noted.

#### Mitigation

- 8.17.4. Mitigation measures are wholly embedded in the design of the proposed scheme, according to the applicant.

#### Residual Effects

- 8.17.5. Residual effects of the project are considered by the applicant to comprise the potential effects of the development, given that no strict mitigation measures are proposed. No significant residual effects on the landscape / townscape are asserted to arise.

#### Direct and Indirect Effects Assessment

- 8.17.6. I have examined, analysed and evaluated chapter 10 of the EIAR, all of the associated documentation on file in respect of landscape and visual impacts. I am satisfied that the applicant's presented baseline environment, is comprehensive and that the key visual impacts in respect of likely effects on landscape, as a consequence of the development have been identified. Tables within the applicant's documentation a summary assessment of the likely visual change from the applicant's selected viewpoints arising from the completed proposed development. Given the low rise nature of the development, its design and layout, the receiving environment, I consider that the direct and indirect affects will be entirely positive. The local population would become accustomed to the development over time, which would have positive effects in providing contemporary buildings with a strong urban edge in this part of Cherry Orchard.

#### Direct and Indirect Effects Conclusion

- 8.17.7. Having regard to the examination of environmental information in respect of landscape and visual impacts, in particular the EIAR and Verified Photomontages provided by the applicant, it is considered that the main significant direct and indirect effects on landscape and visual impacts are:

- direct negative effects arising for the visual amenities and landscape / townscape of the area during the construction phase, which would not be significant and would be of temporary duration;

- direct effects arising for landscape / townscape arising from the proposed development, which would have slight to moderate and positive effects for the appearance of the area.

#### **8.18. The interaction between the above factors**

- 8.18.1. Chapter 17 of the EIAR includes table 17.3 addressing the interactions between each of the environmental disciplines assessed in the EIAR. The various potential interactions between the assessed disciplines at different phases of the project are considered in the EIAR. Where necessary, mitigation was employed to ensure that no cumulative effects would arise as a result of the interaction of the various elements of the development with one another, with the applicant referring to the measures in each chapter of the EIAR and the supporting documents as primarily addressing any potential significant residual impacts of the project. The potential for land, soils and geology impacts to interact with five of the other eight factors is considered to arise during the construction phase, including water, population and human health, biodiversity, air quality and climate and cultural heritage factors. For example, an interaction between land, soil and geology with biodiversity would arise during the construction phase from the excavation of materials and the need to control and contain these materials, in particular from entering receiving waters, as excess sedimentation could have detrimental impacts on the water quality of downstream aquatic habitats. Other interactions are addressed, including those arising from noise and vibration during the construction and operation phases impacting on population and human health, with various measures to be employed, including those outlined in a CMP and preliminary CEMP, as well as the implementation of a Property Management Strategy.
- 8.18.2. I have considered the interrelationships between the factors and whether these may as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the embedded design and the mitigation measures to be put in place, I am satisfied that no residual risk of significant negative interaction between any of the disciplines would arise and no further mitigation measures to those already provided for in the EIAR, or as conditions of the permission, would arise. I am satisfied that in general the various interactions were accurately described in the EIAR.

## **8.19. Cumulative Impacts**

- 8.19.1. The EIAR fails to provide a comprehensive cumulative impact assessment of the proposed development, including other housing developments, section 18.4 of the EIAR refers. In addition, the EIAR the applicant has referred to the various cumulative impacts that may arise for each discipline, as a result of other existing, proposed and permitted developments in the environs of the site that they were aware of. Where such developments have been permitted, they would be largely in accordance with the nature and scale of development envisaged for the area within the Development Plan, which has been subject to Strategic Environment Assessment.
- 8.19.2. The nature, scale, form and character of the project would be similar to that envisaged for the site within the adopted statutory plan for this area. It is therefore concluded that the cumulative effects from the planned and permitted developments in the area and the subject project would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

## **8.20. Reasoned Conclusion on the Significant Effects**

- 8.20.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the applicant, prescribed bodies and observers during the course of the application, it is considered that the main potential direct, indirect, secondary and cumulative effects of the proposed development on the environment are as follows:
- significant direct positive impacts for population and material assets, due to the substantive increase in housing stock during the operational phase;
  - direct negative effects arising for human health, air quality, traffic, noise and vibration during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including dust management, the control of construction hours, implementation of a construction traffic management plan, noise minimisation measures and monitoring, resulting in no residual impacts on human health, air quality, traffic, noise and vibration;

- direct negative effects arising for water and aquatic habitat during the construction phase, which would be mitigated by a suite of appropriate construction phase surface water management measures, including sediment and pollution control measures, resulting in no residual impacts on water and biodiversity;
- direct negative effects arising for land, soils and geology during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including method statements to handle and control any contaminated materials, resulting in no residual impacts on land, soils and geology;
- direct negative effects arising for undiscovered archaeological remains during the construction phase, which would be mitigated by monitoring and recording by a suitably qualified archaeologist under an appropriate licence, resulting in no residual impacts for archaeological, architectural and cultural heritage.
- direct negative effects arising for the visual amenities and landscape / townscape of the area during the construction phase, which would not be significant and would be of temporary duration and direct effects arising for landscape / townscape during the operation of the proposed development, which would have slight to moderate and positive effects for the appearance of the area, resulting in no residual impacts for landscape and visual amenities.

8.20.2. Arising from my assessment of the project, including mitigation measures set out in the EIAR and the application, and as conditions in the event of a grant of planning permission for the project, the environmental impacts identified would not be significant and would not justify refusing permission for the proposed development.

## **9.0 Appropriate Assessment (AA) Screening**

9.1. Screening Determination

9.2. Finding of no likely significant effects, appendix 1 of the Inspector's Report refers.

9.2.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I

conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites in view of the conservation objectives of such sites and hence excluded from further consideration. Appropriate Assessment is not required.

9.2.2. This determination is based on:

- Urban nature of works proposed
- The distance from the nearest European sites and lack of connections

## **10.0 Water Framework Directive (WFD) Screening**

10.1. The subject site is located at Park West Avenue, Cherry Orchard, Dublin 10, nearby waterbodies include: Grand Canal Main Line (Liffey and Dublin Bay)

IE\_09\_AWB\_GCMLE, groundwater Dublin IE\_EA\_G\_008.

10.2. The proposed development comprises 137 residential units, section 3.0 of the Inspector's Report refers. No water deterioration concerns have been raised.

10.3. I have assessed the residential units project and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.4. The reason for this conclusion is as follows:

- The nature of the works that include SuDS measures and landscaping
- Lack of any direct hydrological connections
- The serviced nature of the lands

10.5. Conclusion - I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a



temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment, appendix 2 of the Inspector's Report refers.

## **11.0 Recommendation**

11.1. Having regard to the above assessment, I recommend that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

## **12.0 Reasons and Considerations**

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

- (a) the nature, scale, and extent of the proposed development,
- (b) the provisions of the National Planning Framework (NPF) First Revision April 2025,
- (c) the provisions of the Climate Action Plan 2025,
- (d) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (e) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018),
- (f) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (July 2023),
- (g) the provisions of the Design Manual for Urban Roads and Streets (2019)
- (h) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031,
- (i) the provisions of the Dublin City Development Plan 2022-2028 including the 'Z14 - Strategic Development and Regeneration Areas (SDRAs)' zoning for the site,
- (j) the provisions of the Park West - Cherry Orchard Local Area Plan 2019,

- (k) the documentation submitted with the planning application, such as the Environmental Impact Assessment Report and the Appropriate Assessment Screening Report,
- (l) the submissions and observations received on file,
- (m) 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,
- (n) the availability in the area of public transport infrastructure,
- (o) the planning history in the vicinity of the site, and,
- (p) 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 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 brownfield/greenfield site in an urban area adjacent to a railway line and the M50 motorway, the distances to the nearest European sites, the possible pathway considerations, the submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report, 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**

The Commission completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location, and extent of the proposed development,

- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies, and observers in the course of the application, and,
- (d) the Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, and cumulative effects of the proposed development on the environment. The Commission agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

### **Reasoned conclusion on the significant effects**

The Commission considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated where relevant, as follows:

- Population – There would significant positive impacts on population due to the increase in housing stock within the local area.
- Air Quality and Noise and Vibration – The subject site is in relatively close proximity to existing residential properties. Construction activity could give rise to dust and noise nuisance from the subject site to nearby receptors. Recommended mitigation measures in this regard are well-proven, good practice measures and are capable of being successfully implemented.
- Landscape and Visual – The current development site is an undeveloped greenfield/brownfield fenced off area close to a motorway and a railway line and is of limited visual amenity. No adverse landscape or visual impact would result from the proposed development.
- Traffic and Transport – There is both a commuter rail service and a bus route close to the site which would encourage the use of public transportation and reduce the need for car trips.

- Climate – The development would be consistent with the broad planning and climate framework that is in place as it would sustainably develop a greenfield/brownfield urban site which is adequately served by public transport. It would contribute to compact growth and sustainable mobility objectives.
- Biodiversity – The development site is of limited biodiversity value and there would be no significant adverse impact on flora or fauna as a result of the proposed development.

### **Proper Planning and Sustainable Development Conclusion**

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the development objectives and other provisions of the Park West – Cherry Orchard Local Area Plan 2019, with the zoning objectives and other policies and objectives of the Dublin City Development Plan 2022-2028, would positively contribute to compact growth and would make efficient use of an appropriately zoned greenfield/brownfield site within the urban area of Dublin city in an area well served by public transport, would positively contribute to an increase in housing stock and commercial/retail floorspace, would be acceptable in terms of urban design and layout and building height, would be acceptable in terms of pedestrian and traffic safety, and would provide an acceptable form of residential amenity for future occupants. The proposed development would not seriously injure the residential or visual amenities of the area or significantly increase traffic volumes in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **13.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out

in the Environmental Impact Assessment Report or any conditions of this Approval require further details to be prepared by or on behalf of the Local Authority, these details shall be placed on the file and retained as part of the public record.

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 mitigation measures identified and contained within the Environmental Impact Assessment Report and all other plans and particulars submitted with the application shall be implemented in full, except where otherwise required by conditions attached to this permission.

Reason: In the interests of clarity, and of protecting the environment and public health.

3. (a) The development shall be carried out on a phased basis, in accordance with the phasing plan submitted with the application, drawing COP-PH2-CCK-S1b-00-DR-A-1032 refers.

(b) No unit shall be occupied until the Public Open Space A (2,050 sqm in area) delineated by a purple dashed line and shown on drawing number COP-PH2-CCK-S1b-00-DR-A-1020 entitled 'Site Layout Sheet 1' is complete and operational.

(c) No unit shall be occupied until the childcare facility located on the ground floor of Block 5 Phase 1 and illustrated at Figure 4.4 *Proposed Layout of Childcare Facility* of the Cherry Orchard Point Phase 2: Planning Report dated February 2025, is complete and operational.

(d) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases or changes shall be as agreed in writing with the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

4. Appropriate noise mitigation measures shall be incorporated into the fabric of the buildings to comply with noise insulation requirements.

Reason: In the interest of residential amenity.

5. Dublin City Council or any agent acting on its behalf shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping and groundworks.

Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation preservation in-situ or excavation.

Dublin City Council or any agent acting on its behalf. shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer or any agent acting on its behalf.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by Dublin City Council or any agent acting on its behalf.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. The internal road network serving the proposed development, including turning bays, junctions with the public road, parking areas, footpaths and kerbs, homezones, raised tables, signage, shall be in accordance with the detailed construction standards and requirements of the local authority for such works and with the relevant provisions of the Design Manual for Urban Roads and Streets (DMURS). In default of agreement, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

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

7. 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.

8. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Outdoor Lighting Report and these details shall be placed on the file and retained as part of the public record. The detail shall include measures for the protection of bats. Such lighting shall be provided in each phase prior to the making available for occupation of any residential unit in that phase.

Reason: In the interests of residential amenity, protection of bats, and public safety.

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

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

10. Dublin City County Council or any agent acting on its behalf shall enter into water and/or waste water connection agreement(s) with Uisce Éireann prior to commencement of development.

Reason: In the interest of public health.

11. The site shall be landscaped in accordance with the detailed scheme of landscaping which accompanied the application submitted, unless otherwise agreed in writing with the local authority prior to commencement of development. The landscape scheme shall be implemented fully in the first planting season following completion of each phase of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interests of residential and visual amenity.

12. (a) Residential car parking spaces shall be permanently allocated to residential use and shall not be sold, rented, or otherwise sub-let or leased to other parties.

(b) A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points have 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.

(c) Prior to the occupation of the development a Parking Management Plan shall be prepared for the development which shall be placed on the file and retained as part of the public record.

(d) The bicycle parking quantity shall be provided as per the bicycle parking standards of the Dublin City Development Plan 2022-2028 and shall comply with SPPR 4 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Resident cycle parking spaces shall be secure, conveniently located, sheltered, and well lit. Key/fob access shall be required to resident bicycle compounds. All cycle parking design including visitor parking shall allow both wheel and frame to be locked. Electric bike charging facilities within the



resident cycle parking areas shall be provided. All cycle parking shall be in situ prior to the occupation of the development.

Reason: To ensure that adequate car and bicycle parking facilities are available to serve the proposed development.

13. (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 shall be prepared and shall be placed on the file and retained as part of the public record. 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 also include the provision of a glass bottle recycling bank, ideally within close proximity to community/retail uses.

Reason: In the interest of residential amenity, to ensure the provision of adequate refuse storage, and as per the development objective for the site as set out in the Park West – Cherry Orchard Local Area Plan 2019.

14. The development shall be carried out in accordance with the Resource and Waste Management Plan (RWMP) submitted with the application, as set out in the EPA's Best Practice Guidelines for Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), and shall adhere to best practice and protocols. The RWMP shall implement the specific proposals as to how the RWMP is measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. All records (including for waste and all resources) pursuant to the RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

15. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be placed on the file and retained as part of the public record. 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. Hoardings shall include a one square metre area on each frontage detailing site management contact details;
- (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 road network;
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any 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) 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) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;

(m) 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;

(n) a community liaison officer shall be appointed for the duration of the construction works.

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

16. A Construction and Environmental Management Plan (CEMP) shall be prepared and be placed on the file and retained as part of the public record. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interests of environmental protection and orderly development.

17. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 on Saturdays, 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 local authority.

Reason: In order to safeguard the residential amenities of properties in the vicinity.

18. Proposals for an estate/street name, house/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 estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until Dublin City Council or any agent acting on its behalf 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.

19. (a) 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.

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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Stephen Rhys Thomas  
Senior Planning Inspector

13 August 2025

## 14.0 Appendix 1 - AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b> <b>Case file: ABP-321931-25</b>	
<b>Brief description of project</b>	137 housing units, provision of landscaped public open space, communal open space for the duplex and apartment units with private open space to serve the proposed units to be delivered through a mixture of rear gardens and terraces.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	A detailed description of the development location is provided at section 2.0 of the Inspector's Report. Potential impact mechanisms include: construction phase activities.
<b>Screening report</b>	Yes
<b>Natura Impact Statement</b>	No
<b>Relevant submissions</b>	None
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b> Eighteen sites have been identified in the applicant's AA Screening Report, they are as follows: <ul style="list-style-type: none"> <li>• Howth Head SAC (000202)</li> <li>• Baldoyle Bay SAC (000199)</li> <li>• Malahide Estuary SAC (000205)</li> <li>• North Dublin Bay SAC (000206)</li> <li>• Irelands Eye SAC (002193)</li> <li>• South Dublin Bay SAC (000210)</li> </ul>	

- Rockabill to Dalkey SAC (003000)
- Lambay Island SAC (000204)
- Rogerstown Estuary SAC (000208)
- Rye Water Valley and Carton SAC (001398)
- North Bull SPA (004006)
- Broadmeadow / Swords Estuary SPA (004025)
- Howth head Coast SPA (004113)
- Ireland's eye SPA (004117)
- Baldoyle Bay SPA (004016)
- South Dublin Bay and river Tolka estuary SPA (004024)
- Dalkey Island SPA (0041752)
- Rogerstown Estuary SPA (004015)
- Lambay Island SPA (004069)

The applicant explains that all of these sites are within the likely impact zone of 15km distance. In addition to a 15km zone of influence, the applicant explains that all potential hydrological and other pathways that may connect the site with SACs and SPAs have been considered. I am satisfied that there is no meaningful or known hydrological link between the development site and any Natura 2000 sites and all relevant designated sites have been identified. There is no mechanism by which soils or detritus from the site can form a pathway leading to any of the Natura 2000 sites. There is no mechanism by which air pollution or noise pollution from the site can have a pathway to any Natura 2000 sites because of distance.

From the information presented by the applicant I can see that there is no anticipated impact from area reduction, disturbance, fragmentation, density reduction, water quality modification to any of the designated sites listed above.

Ecological surveys were undertaken by the applicant at an appropriate season and frequency, using best practice survey methods. Fieldwork undertaken to provide the data for EcIA report was spread throughout the calendar year and over several years, as follows:

Site Visits 06/07/2022, 07/07/2022, 10/07/2022, 11/07/2022, 23/04/2023, 24/04/2023, 22/04/2024, 23/04/2024 10/11/2024 with winter bird counts carried out on 05/12/2022 and 10/11/2024 thus avoiding the limitations caused by inappropriate timing of fieldwork.

Based on survey findings, and the habitat composition, the site does not provide significant supporting habitat for wintering birds associated with any SPA. No SCI bird species associated

with any SPA was recorded within the footprint of the proposed works within the site. This suggests these SCI bird species are not dependant on these habitats. The site does not provide significant suitable supporting habitat for any SCI bird species associated with any Special Protection Areas.

No suitable roosting areas were seen for Bats (Chiroptera) within the site but a foraging presence was observed along the boundaries of the subject site. See bat survey G. Tobin 06/07/2022 and 07/07/2022, 23/05/2023, 24/05/2023, 23/04/2024, 24/04/2024 undertaken in compliance CIEEM and NPWS Guidelines.

No badger setts were found and the absence of available forage areas would suggest that badgers are absent as a breeding species in the locality

### **Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

There is no significant negative impact on qualifying interests of the Natura 2000 sites anticipated. None of the species or habitats that are present within the Natura 2000 sites listed are present on the proposed development site and as such are not vulnerable to the proposed development.

For completeness, sources of impact and likely significant effects are detailed in the Table below.

#### **Screening matrix**

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Howth Head SAC (000202)	None.	None.
Baldoyle Bay SAC (000199)	None.	None.

Malahide Estuary SAC (000205)	None.	None.
North Dublin Bay SAC (000206)	None.	None.
Irelands Eye SAC (002193)	None.	None.
South Dublin Bay SAC (000210)	None.	None.
Rockabill to Dalkey SAC (003000)	None.	None.
Lambay Island SAC (000204)	None.	None.
Rogerstown Estuary SAC (000208)	None.	None.
Rye Water Valley and Carton SAC (001398)	None.	None.
North Bull SPA (004006)	None.	None.
Broadmeadow / Swords Estuary SPA (004025)	None.	None.
Howth head Coast SPA (004113)	None.	None.
Ireland's eye SPA (004117)	None.	None.
Baldoyle Bay SPA (004016)	None.	None.
South Dublin Bay and river Tolka estuary SPA (004024) Dalkey Island SPA (0041752)	None.	None.
Rogerstown Estuary SPA(004015)	None.	None.



Lambay Island SPA (004069)	None.	None.
	Likelihood of significant effects from proposed development (alone): <b>No</b>	

#### **Step 4 Conclude if the proposed development could result in likely significant effects on a European site**

Potential impacts on Natura 2000 sites from the proposed development is restricted to discharge of surface and foul water from the site. All foul water from the site eventually discharges to waste water treatment works and then disposal, and therefore will not impact on the marine habitats of the Natura sites within the 15km threshold distance. All surface water will be discharged through permeable paving and soils.

To meet the requirements of the surface water policy of Dublin City Council, the surface water will be based on an attenuation technique, the surface water will be attenuated on site by the use of permeable paving, together with necessary attenuation tanks. Surface water collected in the car parks will pass through a hydrocarbon interceptor consequently there will only be a small increase in quantity of water discharging into Dublin Bay and not the quality.

Based on the available information and data it is not expected that the proposed project will cause any impact on the SAC's or SPA's located within 15 km of the project site. It is significantly removed and of such a scale within an existing serviced area that it will cause neither changes nor have any significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites within the threshold distance.

I conclude that the proposed development (alone) would not result in likely significant effects on:

- Howth Head SAC (000202)
- Baldoyle Bay SAC (000199)
- Malahide Estuary SAC (000205)
- North Dublin Bay SAC (000206)
- Irelands Eye SAC (002193)

- South Dublin Bay SAC (000210)
- Rockabill to Dalkey SAC (003000)
- Lambay Island SAC (000204)
- Rogerstown Estuary SAC (000208)
- Rye Water Valley and Carton SAC (001398)
- North Bull SPA (004006)
- Broadmeadow / Swords Estuary SPA (004025)
- Howth head Coast SPA (004113)
- Ireland's eye SPA (004117)
- Baldoyle Bay SPA (004016)
- South Dublin Bay and river Tolka estuary SPA (004024)
- Dalkey Island SPA (0041752)
- Rogerstown Estuary SPA(004015)
- Lambay Island SPA (004069)

The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project]. No mitigation measures are required to come to these conclusions.

#### Screening Determination

##### Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites in view of the conservation objectives of such sites and hence excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Urban nature of works proposed
- The distance from the nearest European sites and lack of connections



## 15.0 Appendix 2 - Water Framework Directive (WFD) Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Bord Pleanála ref. no.</b>	<b>ABP-321931-25</b>	<b>Townland, address</b>	Cherry Orchard Dublin 10
<b>Description of project</b>		137 dwelling units.	
<b>Brief site description, relevant to WFD Screening,</b>		A full description of the development site can be found at section 2.0 of the Inspector's Report. In summary, the site urban infill land, a Mosaic of Dry Meadows and Grassy Verges, and Recolonising Bare Ground. There are associated hedgerows with an area of Scrub to the east.	
<b>Proposed surface water details</b>		Full details are found in the applicant's Surface Water Management Plan, a summary includes:  Construction Phase managed by industry standard pollution control measures/ Operational Phase, incorporation of SuDS and associated Attenuation Storage.	
<b>Proposed water supply source &amp; available capacity</b>		The watermain network map advises that a 450mm diameter Ductile Iron (DI) network runs the length of Park West Avenue on the eastern side, between Sites 4 & 5. There is a branch from this watermain crossing to the west side of	

	<p>Park West Avenue, just south of the T-junction with Cedar Brook Way, and is a 300mm diameter DI. It then proceeds south for approx. 130m as a 110mm MOPVC network. To the northwest and northeast of Site 5 there is an existing 200mm diameter uPVC network. Cedar Brook Way is named as Cherry Orchard Green in Uisce Éireann correspondence and maps.</p> <p>A Pre-Connection Enquiry (PCE) was submitted with a Confirmation of Feasibility (COF) letter received from Uisce Éireann on 21 October 2022. The COF, with CDS ref. no. CDS22004824, stated that the masterplan developments water supply and connections were feasible without required upgrades. The COF included provision for a multi/mixed use development of 1,293 units in total. T</p> <p>According to Uisce Éireann - Site 4 is be connected (Via a new 200mm connection main) to the existing 300mm ductile iron spur off of the 450mm DI Trunk Main in Park West Avenue opposite the Cherry orchard Green junction (Purple line in mapping below). A new DMA will be required here with a minimum 200mm spine main within the development. Metering and telemetry will be required at this new connection.”</p>
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<p><b>Proposed wastewater treatment system &amp; available capacity, other issues</b></p>	<p>The nearest existing foul network to the Phase 2 Subject Site is a 225mm diameter foul network adjacent Site 5 located in Cedar Brook Way. Cedar Brook Way is named as Cherry Orchard Green on Uisce Éireann maps. This network flows east then north, joining the 375mm diameter foul network in Cherry Orchard Avenue. The foul water section of the Park West-Cherry Orchard Local Area Plan (Chapter 4.10.3), as per consultations with Uisce Éireann and Dublin City Council, advises that the sites are within the catchment of the 9B trunk sewer which has an ultimate outfall to Ringsend Wastewater Treatment Plant (WWTP) at the Dublin Port.</p> <p>A Pre-Connection Enquiry (PCE) was submitted with a Confirmation of Feasibility (COF) letter received from Uisce Éireann on 21 October 2022. The COF, with CDS ref. no. CDS22004824, stated that the Masterplan development foul water connections were feasible subject to upgrades. The COF included provision for a multi/mixed use development of 1,293 units in total. Uisce Éireann have confirmed that it is acceptable for Site 4 to be served by a 300mm Ø trunk sewer laid at a gradient of 1/300.</p> <p>Uisce Éireann has a project underway which will provide the necessary upgrades and capacity to service the entirety of the Masterplan development. As part of these upgrades the existing 225mm Ø on Barnville Park is to be upsized to a 1050mm Ø tank sewer, in order to act as a storage tank during</p>
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	<p>peak flow periods. The COF stated that it was expected that the upgrade project would be completed by Q1 2026.</p> <p>With reference to the subject site, an updated PCE related to the subject development, Phase 2, was sent to Uisce Éireann in February 2024. The enquiry included an over-provision for 160 no. units to act as a factor of safety in the case the unit numbers were to increase during the design phase. A COF letter for this enquiry was received from Uisce Éireann on 26 March 2024, with a corresponding CDS ref. no. CDS24001410. The updated COF stated that the foul water demand for the Phase 2 subject development would be feasible subject to upgrades (the same upgrades mentioned in the masterplan COF with ref. no CDS22004824 discussed above). However, the upgrade project date of completion was updated from Q1 of 2026 to Q3 of 2028. The estimated time of completion for the Uisce Éireann upgrade works has increased by 2,5 years.</p>
Others?	None.
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>	

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Canal <sup>1</sup>	900m	Grand Canal Main Line (Liffey and Dublin Bay) IE_09_AWB_GCMLE	SW 2016-2021 Good	Not At Risk	Urban	Surface run-off
Groundwater <sup>2</sup>	0m	Dublin IE_EA_G_008	SW 2016-2021 Good	Review	Urban	Infiltration to groundwater
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>						

<sup>1</sup> [https://www.catchments.ie/data/#/waterbody/IE\\_09\\_AWB\\_GCMLE?\\_k=96qy63](https://www.catchments.ie/data/#/waterbody/IE_09_AWB_GCMLE?_k=96qy63)

<sup>2</sup> [https://www.catchments.ie/data/#/waterbody/IE\\_EA\\_G\\_008?\\_k=znwmqo](https://www.catchments.ie/data/#/waterbody/IE_EA_G_008?_k=znwmqo)



CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination*</b> <b>* to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Surface	Grand Canal Main Line (Liffey and Dublin Bay)	Existing municipal drainage system.	Siltation, pH (concrete), hydrocarbon spillages.	Standard construction practice, submission of a Preliminary CEMP, <ul style="list-style-type: none"> <li>Fuels and oils management,</li> <li>Spil Control and response,</li> </ul>	No.	Screened out.

		IE_09_A WB_GC MLE			<ul style="list-style-type: none"> <li>• Soil and groundwater – minimal cut and fill,</li> <li>• Surface water – flood risk not an issue of concern,</li> </ul>		
2.	Ground	Dublin IE_EA_G _008	Pathway does not exist.	Taken from section 12.7 EIAR - There is no potential for adverse or minor temporary, or localised effects on the Dublin groundwater body as a result of the proposed development. Therefore, it has	As Above	No.	Screened out.

				<p>been assessed that it is unlikely that the proposed development will cause any significant deterioration on its water body status or prevent attainment or potential to achieve the WFD objectives. There are appropriately designed mitigation and design measures which will be implemented during the construction and</p>			
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				<p>operational phases to protect the hydrogeological environment. There is a potential of accidental discharges during the construction and operational phases however, these are temporary, short-term events that will not impact on the water status of the underlying aquifer long-term and as such will not impact on trends in water quality and over all</p>			
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				status assessments.			
<b>OPERATIONAL PHASE</b>							
1.	Surface	Grand Canal Main Line (Liffey and Dublin Bay) IE_09_A WB_GC MLE	Existing municipal drainage system.	Hydrocarbon spillages.	Surface Water Management Plan, section 5.4 refers, in summary – The Phase 2 subject site will be served by a surface water network with pipes ranging in size from 150mm to 450mm and will outfall to the permitted below ground pluvial tank system to be constructed under the Approved Phase 1 development (referred to as Tank	No.	Screened out.

					<p>1). The permitted below ground pluvial tank system is positioned below an above ground detention basin (which is proposed as part of the Planning Compliance submission for the Approved Phase 1 development). The location of the permitted pluvial tank and proposed detention basin is directly south of the Phase 2 boundary, within the Approved Phase 1</p>		
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					development. SuDS measures included.		
2.	Ground	Dublin IE_EA_G _008	Existing municipal drainage system.	Hydrocarbon spillages.	As Above	No.	Screened out.
<b>DECOMMISSIONING PHASE</b>							
	The applicant states that it is not intended that the Proposed Development will be removed, as permanent planning permission is being sought for this development. Therefore, it is intended that the Proposed Development will be retained as permanent and will not be decommissioned.						