



An
Coimisiún
Pleanála

Inspector's Report

ABP-322688-25

Development

Application to An Coimisiún Pleanála to amend the Poolbeg West Planning Scheme 2019 under Section 170A of the Planning and Development Act, 2000 (as amended).

Location

Poolbeg West, Dublin

Planning Authority

Dublin City Council

Applicant(s)

Dublin City Council Development Agency (Planning Authority)

Type of Application

Amendment of SDZ Planning Scheme

Inspector

Ian Boyle

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1.0 Site Location and Description

Background

- 1.1. On the 17th May 2016 the government designated parts of the Dublin Docklands' area at North Lotts and Grand Canal Dock as a Strategic Development Zone (SDZ).
- 1.2. Dublin City Council (DCC) subsequently decided by resolution to make the Poolbeg West Planning Scheme (2nd October 2017). The Planning Scheme, together with modifications, was approved by An Bord Pleanála on 9th April 2019.
- 1.3. Poolbeg West is situated in the peninsula which extends into Dublin Bay south of the mouth of the River Liffey. It is roughly 2km east of O'Connell Bridge (Dublin City Centre) and 1.2 km east of Grand Canal Dock. The Poolbeg West area is c. 34ha and is economically and socially importance to the State.
- 1.4. The designated area is to deliver a mixed-use development principally comprising residential, commercial and employment development; hotel, leisure and retail facilities; port-related activities; and the provision of educational facilities; transport infrastructure; emergency services; and community facilities.
- 1.5. Dublin City Council (DCC), as the SDZ Development Agency, were responsible for preparing the original Planning Scheme. They have now made application to An Coimisiún Pleanála to amend the Planning Scheme for the purpose of preventing delays in facilitating the construction of housing and commercial development in the Poolbeg West area. [See Section 3.0 below for further details.]

Application Documents

- 1.6. The application is accompanied by the following:
 - Email
 - Cover letter
 - Cover Letter / Report setting out the proposed amendment to the Poolbeg. West Planning Scheme 2019
 - Screening for Strategic Environmental Assessment.
 - Screening for Appropriate Assessment.
 - Statement on Strategic Flood Risk.

2.0 The Process

- 2.1. The process whereby amendments to a planning scheme for an SDZ can be made is set out in Section 170A of the Planning and Development Act, 2000 (as amended) ('the Act').
- 2.2. Since its initial approval, the Poolbeg West Planning Scheme has been amended once. An Bord Pleanála approved a proposed amendment to the Scheme which sought to remove references to the 'Dublin Eastern Bypass' on 31st January 2025.
- 2.3. The purpose of this previous amendment was to achieve consistency with Government policy by removing text and graphic references to the 'Dublin Eastern Bypass (DEB)' from the SDZ document.

3.0 The Proposal

- 3.1. Dublin City Council (DCC) (the Planning Authority) seek to amend the approved Poolbeg West Planning Scheme, 2019.
- 3.2. The purpose of the amendment is to prevent delays in facilitating the construction of housing and commercial units in the Poolbeg West SDZ area.
- 3.3. The application notes that since the approval of the Planning Scheme, the delivery of specific transport infrastructure has not proceeded as quickly as envisaged. The Planning Scheme requires specific transport infrastructure projects to have contracts signed, or be under construction, before granting permission for development under Phase 2 of the 'Residential, Commercial and Amenity (Blocks A1 to A4)' lands.
- 3.4. The specific transport infrastructure projects are:
 - The replacement of Sean Moore Roundabout;
 - The upgrade of Sean Moore Road;
 - The construction and operation of the Dodder Bridge; and
 - The commissioning of pedestrian and cycle facilities on the Tom Clarke (East-Link) Bridge.
- 3.5. However, the Planning Authority has confirmed that to date the replacement of Sean Moore Roundabout and upgrade of Sean Moore Road have not been completed, the

Dodder Bridge has not proceeded to construction, and the new pedestrian and cycle facilities at Tom Clarke Bridge have not been commissioned.

3.6. Therefore, to facilitate the progression of Phase 2, DCC are proposing to amend the Planning Scheme to allow this stage of development to take place in advance of the above-referenced infrastructure projects being constructed or having construction contracts signed. The stipulation is that no residential units or commercial floor space may be occupied until the above-referenced transport projects are fully constructed and operational.

3.7. Phase 2 is described in the Planning Scheme as follows:

‘Remaining lands. Granting of permissions for housing units and commercial developments on remaining two-thirds of the lands is dependent on these projects having construction contracts signed or under construction or where relevant incorporated into the applications.’

3.8. The amendment would, therefore, effectively facilitate the timely delivery of residential and commercial development, whilst simultaneously ensuring that adequate transport upgrades and infrastructure will still be in place before the occupation of any residential units or commercial floorspace.

4.0 **Section 170A(2) – (4): Would the proposed amendment make a material change to the Poolbeg West Planning Scheme?**

Introduction

4.1. An Coimisiún Pleanála (‘ACP’) (‘the Commission’) is required under Section 170A of the Act (sub-section 2) to address the question as to whether any proposed amendment to a planning scheme would constitute a material change.

4.2. Under sub-section 3(a), if such an amendment fails to satisfy the criteria set out in sub-section 3(b), then it is, by definition, a material change that triggers the procedures set out under Section 169 of the Act. However, this does not exhaust the possibility that an amendment may be material under sub-section 4(b).

4.3. Thus, if the Commission considers that, under sub-section 4(a), an amendment is not ‘of a minor nature’ and yet sub-section 3(b) is satisfied, then its materiality triggers procedures set out in the remainder of Section 170A, with the intention of

informing the view that the Commission takes on such an amendment, i.e., whether to approve it, or an alternative amendment, of no greater significance.

- 4.4. The Planning Authority submits in their application that the proposed amendment does not represent a material change to the Planning Scheme.

Section 170A(3)(b) materiality

- 4.5. This section of my report reviews the proposed amendment in accordance with Section 170A(2) & 3 of the Act. The criteria, which must be satisfied to avoid a finding of sub-section 3(a) materiality, are set out in sub-section 3(b) as follows:
- i. It would not constitute a change in the overall objectives of the planning scheme,
 - ii. It would not relate to already developed land in the planning scheme,
 - iii. It would not significantly increase or decrease the overall floor area or density of proposed development, and
 - iv. It would not adversely affect or diminish the amenity of the area that is the subject of the proposed amendment.

Criterion (i)

- 4.6. I note the SDZ vision is set out under Section 2.1 of the document and is as follows:
- Connect with the physical, environmental, economic and social fabric of the city, the bay, and adjoining neighbourhoods.
 - Create a new sustainable urban neighbourhood that responds to the area's unique location and enhances the enjoyment of local amenities.
 - Protect the special status of Dublin Bay, the intrinsic functions of the port/municipal facilities, and the amenity of existing and future residents.
- 4.7. The vision is expanded as a set of key principles in the SDZ with a view to shaping the development of Poolbeg West. The key principles are included in Sections 2.2 (Theme I: Connect), 2.3 (Theme II: Create) and 2.4 (Theme III: Protect) of the Planning Scheme, respectively.
- 4.8. Objective 2.2.1 'Connect with the City' (Theme I) is particularly relevant, in my view, in the assessment of the application. It states that it is a key principle 'to provide

strong social, economic, and transportation connections between Poolbeg West and the rest of the city, including the central area’.

- 4.9. I consider that the amendment would not impact upon the vision for the SDZ. A decision to grant permission for the residential units and commercial floorspace identified in Phase 2, together with the removal of the requirement to deliver specific transport infrastructure projects before the occupation of these lands, would also not alter or change the scale, quantum, or layout of development envisaged under the current version of the Scheme.
- 4.10. The change to the Scheme would, however, allow for the timely processing of planning applications on the Phase 2 lands. This would help ensure a consistent supply of residential, commercial, and amenity developments for Phasing Area A and negate the requirement of having to wait for construction contracts to be signed or works to be underway. Importantly, I note that the proposed amendment does not seek for any of the residential units or commercial floorspace to be occupied ahead of transport infrastructure projects which are still required to be delivered under this phase.
- 4.11. In summary, I consider that the proposed amendment would not constitute a material change to the overall objectives of the Planning Scheme and, therefore, meets the requirements of Section 170A of the Act in this regard.

Criterion (ii)

- 4.12. The area in question has not been extensively redeveloped since the approval of the Planning Scheme by An Coimisiún Pleanála (ACP). In this regard, I have referred to recent aerial photography and mapping for the area and note that no apparent physical changes have taken place.
- 4.13. It is therefore clear that the area in question (Phase 2 of Phasing Area A) has not been already redeveloped. This is primarily because planning permission has not been granted for any of the envisaged residential and commercial components as set out in the Scheme.
- 4.14. As noted above, the current version of the Scheme requires that specific transportation projects must have construction contracts either signed, be under construction or, where relevant, form part of another planning application.

4.15. In summary, I consider that the proposed amendment does not relate to land already developed in the Planning Scheme and, therefore, meets the requirements of Section 170A of the Act in this regard.

Criterion (iii)

4.16. In relation to criterion (iii), the proposed amendment relates to the phasing of development, including transport infrastructure, residential units and commercial floorspace. It does not seek to change the amount of usable floorspace of any buildings or structures.

4.17. I note that Sections 11.3.2 and 11.3.3 of the Planning Scheme references out the indicative quantum for residential and commercial development, including land use distribution throughout the SDZ lands. It is stated that the SDZ can accommodate roughly 80,000 – 100,000sqm of commercial floorspace and 3,000 – 3,500 residential dwellings, respectively. The proposed amendment does not seek to alter this.

4.18. DCC further confirm in their application that there will be no alteration to the floor area, or density, of proposed development in the area.

4.19. In summary, I consider that the proposed amendment does not relate to land already developed in the Planning Scheme and, therefore, meets the requirements of Section 170A of the Act in this regard.

Criterion (iv)

4.20. The proposed amendment does seek to change the location, size, scale or nature of any of the component set out in the current, approved version of the Planning Scheme.

4.21. The application seeks only to alter the phasing regime for the delivery of transport infrastructure projects. There would, therefore, be no adverse effect arising or potential to diminish the amenity of the area on foot of the proposed amendment.

4.22. In summary, I consider that the proposed amendment would not adversely affect the overall amenity of the area and, therefore, meets the requirements of Section 170A of the Act in this regard.

5.0 Section 170A(5): Does the proposed amendment need to be the subject of AA and/or SEA?

Introduction

- 5.1. Section 170A(4)(a) of the Act requires that the proposed amendment to the Poolbeg West Planning Scheme must be screened with respect to its need for Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). The report prepared by DCC includes a section on each of these, and this is intended to inform the screening process for both SEA and AA.
- 5.2. The original Poolbeg West SDZ Planning Scheme was the subject of SEA Environmental Report and Statement, AA Screening and AA Natura Impact Report (NIR). The documents were approved by An Bord Pleanála in April 2019. They are available on the Dublin City Council website.

Strategic Environment Assessment

- 5.3. An SEA screening report accompanies the application. This is included as an appendix and is dated June 2025.
- 5.4. As part of my review, I note the measures that have been included as part of the Planning Scheme which seek to achieve environmental protection, sustainable environmental management, and sustainable development practices. Chapter 8 is in relation to 'Environment, Green Infrastructure and Open Space'. Section 8.4.6 is particularly important, in my opinion, as this addresses ecology and biodiversity.
- 5.5. Objective IU14 requires that 'each significant planning application be accompanied by a Construction and Environmental Management Plan, which shall include information on construction traffic routes, hours of operation, control of noise, and environmental effects and associated, detailed mitigation, including that relating to the excavation of material and the storage, transport, treatment and disposal of wastes. Where landowners collaborated and prepared a co-ordinated environmental management plan, this could be submitted with each application for development as appropriate' (emphasis added).
- 5.6. Therefore, potential adverse effects would be mitigated by policies and objectives contained in the Planning Scheme, and the Dublin City Development Plan 2022-2028, as relevant, so as not to be significant.

- 5.7. The SEA includes a section on consultation (Section 4.0) which confirms the Planning Authority consulted with several environmental authorities as part of the SEA process, including the EPA, Minister for Housing, Local Government and Heritage, the Development Applications Unit (Department of Housing, Local Government and Heritage), the Minister of Environment, Climate and Communications, the Minister of Agriculture, Food and Marine, and adjoining planning authorities, including South Dublin County Council, Fingal County Council, and Dún Laoghaire-Rathdown County Council. I note that the EPA made a submission on the SEA and raised no objection to the its conclusion.
- 5.8. The screening conclusion is set out under Section 5.0 of the SEA. It states that the measures integrated into the Planning Scheme contribute towards environmental protection, environmental management and sustainable development. It does on to say that the proposed amendment would not change the selected scenario for the Planning Scheme that emerged from the previous Planning Scheme/SEA preparation process.
- 5.9. I conclude that the proposed amendment would not alter the objectives of the Planning Scheme and that an SEA would not be required for this reason.

Appropriate Assessment

Planning Authority: AA Screening Report

- 5.10. I note that an AA Screening Report has been prepared by DCC as part of the application to amend the Planning Scheme. The Planning Authority has considered the relevant matters specified under Part XAB of the Planning and Development Act 2000 (as amended). This includes:
- Existing Poolbeg West Planning Scheme (and associated NIR and SEA reports).
 - The Strategic Environmental Screening Report on Proposed Amendments.
 - The Screening Statement for the Proposed Amendments of the Poolbeg West Planning Scheme.
- 5.11. The AA Screening Report has determined that risks to the safeguarding and integrity of the qualifying interests, special conservation interests, and conservation objectives of all European Sites have been addressed through the inclusion of

appropriate mitigation measures as per the current version of Scheme. In this regard, I note it is an objective of the SDZ (Objective GI6) for all developments in the SDZ to incorporate the relevant mitigation measures set out in the Strategic Environmental Assessment Environmental Report.

- 5.12. The AA Screening states that in having considered these existing mitigation commitments, it is concluded that the proposed amendment to the Planning Scheme is not likely to have any likely significant effects on the ecological integrity of any European Site.

Site Description

- 5.13. The Poolbeg West Planning Scheme comprises 34ha of lands situated in the peninsula extending into Dublin Bay. It is immediately south of the mouth of the River Liffey, between Pigeon House Road, Sean Moore Road, and Sean Moore Park. It extends in an easterly direction along Sandymount Strand as far as Irishtown Nature Park.

SDZ Designation

- 5.14. The Poolbeg West Planning Scheme designates the area for the delivery of mixed-use development. This includes residential development, commercial, and employment activities, including office, hotel, leisure and retail facilities, port-related activities, and the provision of educational facilities, transport infrastructure, emergency services, and community facilities including health and childcare services.

Planning History

- 5.15. To date, there have been several planning permissions granted within the SDZ lands. These have mainly been for residential development of various scale and size. I note that Permission Reg. Ref. PWSDZ3270/19 comprised enabling works relating to Areas A1 – A4 and the adjoining coastal strip (Figure 9.2 ‘Phasing Area’ of the Planning Scheme document).
- 5.16. I note also that an application for the 3FM Project was lodged with ACP on 23rd July 2024 under the Strategic Infrastructure legislation (ACP Ref. PA29N.320250). At the time of preparing this report, ACP had not made a decision.

Natura 2000 Sites

- 5.17. The AA Screening, under Step 2 (Pages 8 – 11), identifies the relevant European Sites (Natura 2000 Sites) using the relevant Source-Pathway-Receptor model. The relevant Qualifying Interests and Conservation Objectives are also listed in this section of the report.
- 5.18. I note that the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is directly within the SDZ lands, whilst the South Dublin Bay SAC lies directly adjacent (Site Code: 000210). Other European Sites, such as the Baldoyle Bay SAC (Site Code: 000199), also fall within the zone of influence as identified by the report.

Assessment of Likely Significant Effects

Construction Phase

- 5.19. The Natura Impact Report submitted as part of the original SDZ application to the Commission states that construction works relating to the delivery of the Planning Scheme have the potential to affect the Qualifying Interests (QIs) and Special Conservation Interests (SCIs) of European Sites.
- 5.20. I note that there would be no direct habitat loss contained within the SDZ lands. However, there is potential for significant direct effects on the habitat quality, and other effects, on the special conservation interests of the above-referenced European Sites during the works phase. It is predicted that noise would be one of the main sources of impact.
- 5.21. The NIR also recognises the main threats to Annex 1 habitats include that caused by digging. Potential contamination may also occur through poor working practices, leakages or accidental spillage of materials, particularly if effective pollution control measures are not fully implemented and maintained.
- 5.22. I note that the qualifying interests of the Baldoyle Bay SAC (Site Code: 000199) are tidal habitats which are roughly 8.1km north of the SDZ area. However, these are not expected to be negatively affected mainly due to a weak hydrological link, the attenuation distance of over 8km, and nature of digging and works that would be expected to occur on the lands.
- 5.23. The NIR notes that the SCI's for the Baldoyle Bay SPA (Site Code: 004016) includes wading birds, but that these are habituated to urban environs. The SPA would still

be sensitive to pollution, however, but mitigation of these impacts would be achieved by the measures and objectives already set out in the existing Poolbeg SDZ. [In this regard, see Objectives IU1, IU11, IU14 and GI6 of the Planning Scheme, in particular.]

Operational Phase

- 5.24. The operational phase would see potential impacts arising due to increased amenity usage of the Baldoyle Bay SPA.
- 5.25. The AA Screening Report notes that QI's are sensitive to amenity usage and the pressures associated with creating a 'tidy appearance' of coastlines – there is often an unfavourable view taken of drift line vegetation in an urbanised area. The drift line is the location where organic floating debris and wrack, mainly consisting of the remains of sea grasses and macroalgae, is deposited by waves running up to the coastline / beach.
- 5.26. I note that contamination through poor working practices, leakages or accidental spillage of materials could also occur if efficient pollution control measures are not fully implemented and maintained. Again, the mitigation measures outlined in the existing Poolbeg SDZ would apply and help to ensure significant impacts would not be likely to occur.

Conclusion

- 5.27. In conclusion, I note that a Natura Impact Report (NIR) was prepared for the Poolbeg West SDZ Planning Scheme, and that this was subsequently approved by An Bord Pleanála. The NIR includes specific and extensive mitigation commitments, such that it was considered that the SDZ would be unlikely to have any significant effects on the ecological integrity of any European Site.
- 5.28. I consider that the proposed amendment to the Planning Scheme is not material and that the changes put forward are unlikely to have any significant effects on the ecological integrity of European Sites.
- 5.29. In conclusion, the proposed amendment to the Planning Scheme can be screened out and Appropriate Assessment is not required.

Strategic Flood Risk Assessment

- 5.30. The application includes a Strategic Flood Risk Statement (dated June 2025).
- 5.31. I note also that the approved Planning Scheme was also accompanied by a Strategic Flood Risk Assessment (SFRA) in accordance with the requirements of Article 6(3) of the EU Habitats Directive.
- 5.32. The proposed amendment would not lead to any changes in the envisaged land uses for the area and would not require a justification test to be completed for this reason.

6.0 Conclusion

- 6.1. As outlined above, I consider the proposed amendment does not constitute a material change to the Poolbeg West SDZ Planning Scheme under section 170A(2), that it satisfies the criteria of section 170A(3)(b), and is not likely to have any significant effects on the environment, or any European site.
- 6.2. It is, therefore, recommended that the Commission approve the proposed amendment under section 170A(4)(a) and notify the Planning Authority of the approval of the amendment in accordance with section 170A(11).

7.0 Recommendation

- 7.1. That, under Section 170A sub-section (4)(a) & (11) of the Planning and Development Act, 2000 (as amended), the Planning Authority be notified of the Commission's approval of the making of the amendment to the Poolbeg West SDZ Planning Scheme.

8.0 Reasons and Considerations

Having regard to:

- the planning history of the SDZ scheme, and to the overall aims and objectives of the approved planning scheme,

- the nature of the proposed amendment (Amendment Ref. 1), as set out in 'Appendix 1: Proposed Amendments to the Planning Scheme' of the application, and
- the report of the Inspector,

it is considered that the proposed amendments would satisfy the criteria of section 170A(3)(b) of the Planning and Development Act, 2000 (as amended), and therefore would not be of such a nature as to affect the overall nature of the scheme or require a more fundamental review procedure to be followed. It is concluded that the proposed amendment would not be material, given the limited potential to impact on the overall scheme objectives or the character of the overall Poolbeg West area.

[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.]

Ian Boyle
Senior Planning Inspector

30th July 2025

Appendix 1

Form 1: EIA Pre-Screening

An Bord Pleanála Case Reference	320190		
Proposed Development Summary	Proposed amendment to the Poolbeg West Strategic Development Zone (SDZ) Planning Scheme		
Development Address	The site is roughly 2km east of O'Connell Bridge (Dublin City Centre) and 1.2 km east of Grand Canal Dock. The Poolbeg West area is c. 34ha.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes	N/A		EIA Mandatory EIAR required
No	N/A		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No	N/A		No EIAR or Preliminary Examination required
Yes	N/A		Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	NA	Preliminary Examination required	
Yes	NA	Screening Determination required	

Inspector: Ian Boyle

Date: 30th July 2025