



An  
Coimisiún  
Pleanála

## Inspector's Addendum Report

**ABP-322702-25**

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### Development

Demolition of Institutional buildings and associated outbuildings, construction of residential development comprising 402 apartments; Creche, 2 retail units, communal space, new public park, and all associated site development works.

### Location

Site at Taylors Lane and Edmondstown Road, Taylors Lane, Ballyboden, Dublin 16

### Planning Authority

South Dublin County Council

### Planning Authority Reg. Ref.

LRD23A/0002

### Applicant(s)

Shannon Homes Dublin Unlimited Company

### Type of Application

Large-Scale Residential Development

### Planning Authority Decision

Grant Permission

<b>Type of Appeal</b>	Third Parties vs. Grant
<b>Appellant(s)</b>	<ol style="list-style-type: none"> <li>1. Ballyboden Tidy Towns CLG</li> <li>2. Moyville Residents Association (MEERA)</li> </ol>
<b>Observer(s)</b>	<ol style="list-style-type: none"> <li>1. Yvonne Collins</li> <li>2. Glendoher District Residents Association</li> </ol>
<b>Date of Site Inspection</b>	21 <sup>st</sup> August 2023
<b>Inspector</b>	Stephen Ward

## Contents

1.0 Introduction .....	4
2.0 Policy Context.....	5
3.0 Response to Request for Further Information .....	8
4.0 Further Submissions .....	13
5.0 Assessment .....	18
6.0 Water Framework Directive Screening .....	37
7.0 Appropriate Assessment.....	40
8.0 Environmental Impact Assessment Screening .....	43
9.0 Conditions of the SDCC Decision.....	47
10.0 Recommendation.....	49
11.0 Recommended Draft Commission Order.....	50
 Appendix 1 – Appropriate Assessment Screening.....	 69
Appendix 2 – Appropriate Assessment.....	78
Appendix 3 – EIA Screening.....	85
Appendix 4 – Water Framework Directive Screening.....	100

## 1.0 Introduction

- 1.1. This report is an addendum to the Inspector's report in respect of ABP-317443-23 (dated 25<sup>th</sup> September 2023) and should be read in conjunction with same, unless as otherwise stated.
- 1.2. On the 11<sup>th</sup> of October 2023 the Board issued a decision in the case of ABP-317443-23 to grant permission subject to conditions. That Board decision was subject to Judicial Review. By order of the High Court (perfected on the 10th March, 2025), the Board's decision was quashed and remitted back to the Board for reconsideration in accordance with law. The new number assigned to the case is ABP-322702-25.
- 1.3. Following the High Court Order, the Board issued a further information request to the applicant under Article 73A(1)(a) of the Planning and Development Regulations 2001 (as amended) as follows:

*A copy of the High Court order is attached to this letter for your information. Having regard to the High Court order in this case, the quashing of the previous Board decision and the passage of time, the Board considers that it is appropriate in the interests of justice to now require you to make submissions/observations on the planning application the subject of this appeal.*

- 1.4. Under section 131 of the Planning and Development Act 2000, as amended, the applicant's response to the above request was also circulated to the appellants, the observers, and the planning authority for submissions/observations, as follows:

*Having regard to the High Court order in this case, the quashing of the previous Board decision and the passage of time, the Commission considers that it is appropriate in the interests of justice to now request you, under section 131 of the Planning and Development Act 2000, to submit the following:*

- *Any further general submissions/observations you may have on the planning application the subject of this Large-Scale Residential Development appeal.*
- *Any submissions/observations you may have on the attached submission received from McGill Planning Ltd. on behalf of applicant Shannon Homes Dublin Unlimited Company in response to article 73A(1)(a) notice, issued by the Commission (copy of further information notice attached).*

- 1.5. This report considers the submissions made on foot of the article 73A(1)(a) notice and any other changes relevant to the context of this appeal case.
- 1.6. In addition to this report, an Internal Technical Note has been prepared by an ACP Ecologist to assist in the preparation of the recommendation to the Commission. This report should be read in conjunction with same.

## **2.0 Policy Context**

### **2.1. National Context**

- 2.1.1. This section considers any relevant updates to those already referenced in the Inspector's Report for ABP-317443-23.
- 2.1.2. The National Planning Framework (NPF), First Revision, April 2025 is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. Key elements of the NPF include commitments towards 'compact growth', 'sustainable mobility', 'sustainable management of environmental resources', 'transition to a carbon neutral and climate resilient society', and 'enhanced amenity and heritage'. It contains several relevant policy objectives that articulate the delivery of key elements, including:
- NPO 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.
  - NPO 10 is to deliver Transport Orientated Development (TOD) at scale at suitable locations, served by high capacity public transport and located within or adjacent to the built up footprint of the five cities or a metropolitan town and ensure compact and sequential patterns of growth.
  - NPO 11 outlines that planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

- NPO 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.
- NPO 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.
- NPO 37: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 43 is to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale.
- NPO 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.
- NPO 77 - Enhance water quality and resource management by fully considering River Basin Management Plan objectives and integrating sustainable water management solutions.
- NPO 79 - Support the management of stormwater, rainwater and surface water flood and pollution risk through the use of nature-based solutions and sustainable drainage systems, including the retrofitting of existing environments to support nature based solutions.
- NPO 92: Ensure the alignment of planned growth with the efficient and sustainable use and development of water resources and water services infrastructure, in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.

2.1.3. The Climate Action Plan 2025 builds upon and should be read in conjunction with the Climate Action Plan 2024. It refines and updates the measures and actions required

to deliver carbon budgets and sectoral emissions ceilings and provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050. All new dwellings will be designed and constructed to Nearly Zero Energy Building (NZEB) standard by 2025, and Zero Emission Building standard by 2030. In relation to transport, key targets include a 20% reduction in total vehicle kilometres travelled, a 50% reduction in fossil fuel usage, and significant increases to sustainable transport trips and modal share. The Commission is required to perform its functions in a manner consistent with the Climate & Low Carbon Development Act.

- 2.1.4. The National Biodiversity Action Plan 2023-2030 includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local Level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, EIA Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable. Biodiversity is addressed in sections 8.8 & 8.9, of the Inspector's Report for ABP-317443-23, and in sections 7 & 8 of this report.
- 2.1.5. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) 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. These Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities issued as Ministerial guidelines under Section 28 of the Act in 2009. The Guidelines address *inter alia* the following:
- SPPR 1 – Separation Distances.
  - SPPR 2 – Minimum Private Open Space Standards for Houses.
  - SPPR 3 – Car Parking.
  - SPPR 4 - Cycle Parking and Storage.

Policy and Objective 3.1 - Recommended residential density ranges.

Policy and Objective 4.1 – Implementation of DMURS.

Policy and Objective 4.2 - Key indicators of quality urban design and placemaking.

Policy and Objective 5.1 - Public Open Space.

- 2.1.6. The Design Standards for Apartments, Guidelines for Planning Authorities (2025) were issued on 8<sup>th</sup> of July 2025. However, these Guidelines do not apply to the subject appeal. They only apply to any application for planning permission and to any subsequent appeal or direct application to An Coimisiún Pleanála submitted after the issuing of the Guidelines, i.e. from 9th July 2025.<sup>1</sup>

## 2.2. Local Context

- 2.2.1. Consistent with the Inspector's Report for ABP-317443-23, the South Dublin County Development Plan 2022-2028 remains as the operative plan. There have been no subsequent variations to the Plan.
- 2.2.2. It is noted that objective QDP14 SLO 2 of the CDP is '*To prepare a new Local Area Plan for Ballyboden*'. Having reviewed the SDCC website<sup>2</sup>, there is no evidence that any statutory stage of this process has commenced.

## 3.0 Response to Request for Further Information

- 3.1. The response contends that the proposed development is still consistent with local, regional and national policy, and requests that the grounds of appeal are dismissed consistent with the Board's previous decision. It addresses four new national policy documents, which can be summarised as follows.

### 3.2. National Planning Framework (NPF) First Revision, April 2025

- Ireland's population is projected to grow to 6.1 million by 2040, with the Eastern and Midland Region projected to grow to 3 million, resulting in a need to deliver 50,000 housing units per annum.
- The submission outlines Key National Policy Objectives that relate to the site and concludes that the proposed development aligns with the objectives by:

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<sup>1</sup> As per Department of Housing, Local Government and Heritage Circular Letter: NSP 04/2025

<sup>2</sup> Accessed 15<sup>th</sup> of August 2025

- Delivering compact growth within the settlement boundary on a vacant and underused site.
- Enabling a modal shift to sustainable forms of transport (bus services).
- Introducing more variety in house types and uses.
- Providing increased density, high-quality design, and active travel.

### 3.3. Climate Action Plan 2025

- The proposed development is consistent with CAP 2025 by:
  - Supporting the transition to a low-carbon, climate-resilient society.
  - Promoting compact growth, prioritising sustainable transport modes, and delivering energy-efficient residential units and community infrastructure.
- These measures align with CAP's goals to reduce emissions, enhance sustainability, and support a net-zero future.

### 3.4. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024

- Policy & Objective 3.1 - The site is within 500m of excellent bus services and is considered to be an 'Accessible Location' within a 'City – Suburban / urban extensions' category. The proposed net density of c. 114.9 uph is consistent with the recommended range for such locations (i.e. up to 150 uph).
- Policy & Objective 4.1 – DBFL Consulting Engineers have confirmed in the original application that the proposal is in accordance with DMURS.
- Policy & Objective 4.2 – The development is in accordance with key indicators of quality urban design and placemaking as follows:

#### *Sustainable and Efficient Movement –*

- Provides new cycle and pedestrian routes to supplement existing.
- Close to existing public transport and facilities.
- Creates an attractive, highly permeable environment with links which open access to a new public park.
- Facilitates access to the HSE Centre, new creche, and the woodland walk.

- Ease of access to existing local services.
- A high ratio of cycle parking and low ratio of car parking will encourage a modal shift towards active travel.
- Car use/access is minimised within the site.
- Designed in accordance with DMURS.

*Mix and Distribution of Uses -*

- Includes creche, retail units and meeting/communal rooms.
- Proximity to a range of uses, reducing the need to travel.
- Includes a new public park and woodland walk.
- Provides new use of underutilised former institutional use.
- Located next to multiple bus routes.
- Range of amenities provided for future occupants.
- Unit mix will provide a new smaller type of residential unit.

*Public Open Space -*

- The application clearly shows the integration of the proposed landscape with the existing area and site features, providing additional planting to create a more attractive and diverse area and to promote biodiversity.
- Includes the delivery of a new public park.
- Public open space is in full compliance with requirements of the Guidelines and the CDP.

*Responsive Built Form -*

- Varied building heights/forms provide a clear legibility.
- Will open up and underutilised site to create an attractive environment.
- Provides a well-defined and overlooking edge to new spaces.
- Exemplar development showcasing contemporary architecture.
- A varied, high-quality palette creates a distinctive attractive development.

- Policy & Objective 5.1 – The proposed development provides 5,400m<sup>2</sup> public open space (15%) to the front of the development, along with 4,400m<sup>2</sup> (13%) of woodland walk. This complies with the requirements of both Policy & Objective 5.1 and the County Development Plan.
- SPPR 1 – Separation distances between opposing windows are >16 metres.
- SPPR 2 – Private open space proposals comply with the Apartments Guidelines.
- SPPR 3 – Consistent with this, no more than 1 car parking space per dwelling is proposed, which is acceptable due to proximity to a high-quality public transport corridor.
- SPPR 4 – Consistent with this, 1,054 bicycle spaces are proposed, with storage areas being safe, secure and overlooked.

### 3.5. Design Standards for Apartments, Guidelines for Planning Authorities, 2025

- The submission outlines how the proposed development is consistent with the relevant standards and criteria.
- However, as outlined in section 2.1.6 of this report, these guidelines do not apply to this appeal case.

### 3.6. Technical Note

The submission is also accompanied by a Technical Note prepared by DBFL Consulting Engineers. The relevant aspects of the report are summarised below.

Section 3 considers further improvements to nearby public transport since 2023, as follows:

- The 175 bus route has been replaced by a more frequent S8 service. It runs 58 times per weekday per direction (a 61% increase compared with the 36 times for the 175 service).
- The 61 bus route has been replaced by the 74 route, which offers improvement by extending from the old terminus at Whitechurch to a new terminus at Dundrum Luas interchange. The number of services has also increased (110%) from 18 times per weekday per direction to 38.

- The implementation of BusConnects routes has greatly improved frequency and capacity in the vicinity. Many further changes are proposed, most notably the A-Spine which is expected to include 24-hour services.
- Additionally, while not specifically adjacent to the site, the Rathfarnham to City Centre Core Bus Corridor was granted by the Board in 2025, which will improve bus journey times for residents travelling to/from the city centre.

With regard to the introduction of the Compact Settlements Guidelines (2024), the report states as follows:

- The site falls under the 'Accessible' designation as per Table 3.8.
- It is served by a number of services, most notably the 15B, which is c. 3-mins walk from the site and runs at peak frequency of every 10 mins.
- Under BusConnects, the proposed replacement of the 15B service with the No. 85 service will maintain a 10-minute peak frequency.
- The site is within a 'Suburban / Urban Extension' category as per the Guidelines. The proposed net density of c. 114.9 uph is consistent with the recommended range for such 'Accessible' locations (i.e. up to 150 uph).
- The proposed cycle parking quantum (1054 spaces) satisfies the Guidelines (general minimum of 1 space per bedroom plus visitor spaces).
- The proposed car parking quantum (290 spaces) satisfies the Guidelines (maximum rate of 1.5 spaces per dwelling).

The submission refers to the National Transport Authority (NTA) Public Transport Accessibility Tool (PTAL) which gives an accessibility rating for areas. During both the 7am-8am and 8am-9am periods, the site is within the 'Medium-High Level of Service' area. This ranking is considered very good for a suburban area and the report highlights that the only areas with higher levels of service are located at transport interchanges such as the DART or LUAS, or are within the city centre. This analysis supports the suitability of the site for higher densities in accordance with the Compact Settlement Guidelines.

## 4.0 Further Submissions

4.1. The Commission has received three further responses, from the Planning Authority, Ballyboden Tidy Towns CLG (appellant), and Glendoher District Residents Association (observer). The relevant content of these submissions is summarised in the following sections.

### 4.2. South Dublin County Council

The submission refers to the assessment set out in the SDCC planning report and confirms that there are no further comments.

### 4.3. Ballyboden Tidy Towns CLG (Appellant)

The submission can be summarised under the following headings.

#### Scale & Density

- While the principle of residential development and policy support for higher residential density at appropriate locations is acknowledged, the proposed scale and density is inappropriate due to poor access to facilities/services, lack of high frequency & capacity public transport, and length of journey times.
- Based on public transport services, including lack of regular connections to the city centre, there is no basis to justify the proposed density of 114.9 uph.
- The ecological corridor and public park should be omitted from the net site area, which would result in an increased density of close to or possibly >150 uph.
- The site has been incorrectly characterised as 'brownfield', which gives a misleading capacity to absorb increased scale/density.
- Appendix 10 of the CDP sets out that the prevailing density for such sites should be 50 uph.

#### Environmental Assessments

- Due to fire damage on site, the baseline of the application and potential environmental considerations have not been addressed by the applicant.
- No EIAR was submitted despite one being submitted with a previous SHD application on the site.

- The EIA Screening is severely questioned. The cumulative impact of the development was not adequately considered in this exercise. Reference is made to High Court judgement No. [2021] IEHC 312.
- The adequacy of the NIS is also questioned, including surveys for birds, bats, and otters.

### Transport

- The capacity assessment submitted with the application is deficient due to it being a small snapshot in time; considering only a localised area; failure to consider the peripheral nature of the site and potential linear effects; failure to consider extant permissions; and dependency on public transport.
- The adjoining road to the north is served by only 1 bus route (S8) which runs every 15 mins and only has a frequency of 10 mins at peak hours. Other bus services in the area are very low frequency.
- This is an accessible location as per the Guidelines, where there shall be a requirement for 1.5 car parking spaces. The proposed car parking is inadequate and would result in unacceptable levels of overspill, which would seriously injure the amenities of the area and endanger public safety by reason of traffic hazard.
- The applicant continues to rely on the 2023 public transport capacity study. There is no evidence to suggest that this remains the case given the substantive development that has taken place in the area since then.
- The site has been incorrectly characterised as 'brownfield', which gives a misleading capacity to facilitate lower car parking standards.
- In accordance with a High Court judgement (Record No. 2020/816JR) public transport 'capacity' is an intensely practical issue which is distinct from 'frequency'.

### Design & Layout

- The design remains contrary to CDP Policy QDP7, including Objective 1.
- The open space provision is extremely poor and would be worsened further as a result of conditions 5 and 6 of the SDCC decision. The space lacks security, will

be overshadowed for large parts of the day, and is not appropriate for the future use of residents or the wider population.

- The application does not adequately respond to Appendix 10 of the CDP and the justification for the proposed density/height is deeply flawed.
- The scale fails to facilitate a transition from existing development and results in an overbearing impact along the Edmonstown Road, Scholarstown Road, and Taylor's Lane.
- The overdevelopment of the site fails to positively contribute to the urban character of the area; will not deliver a vibrant neighbourhood; and does not adequately address performance criteria as per s. 5.2.7 of the CDP.
- The visual and residential amenity of surrounding properties will be adversely affected by overbearing, overlooking, and privacy impacts.

#### Water

- There is no clarity/confirmation about the ability of the development to connect to Uisce Eireann infrastructure for sewerage, surface water, and water supply.
- The capacity of the network is known to be at or close to capacity in the Greater Dublin Area, particularly in areas of rapid growth.
- The existing and planned capacity of the Ringsend WWTP in the short-term will not have capacity for facilitate future development in accordance with the provisions of the Water Framework Directive.

#### Green Infrastructure (GI)

- The significant removal of vegetation is contrary to CDP Policy NCBH11, Objectives 3 and 4.
- The achievement of a green space factor score of 0.5 is primarily due to the use of green roofs rather than protection of existing green infrastructure, which is contrary to CDP Policy GI1, Objective 4; Policy GI2, Objectives 2, 4 and 5; and should be refused.
- The application has failed to consider GI as an integral part of the design. It fails to protect features such as the watercourse to the rear of the site; will lead to

further fragmentation of GI; and fails to protect and enhance biodiversity and ecological value.

#### Local Area Plan (LAP)

- The proposed development is premature pending the adoption of an LAP for the area in accordance with CDP objective QDP14.
- The SDCC justification for granting the development in advance of an LAP is inappropriately based on the housing crisis; suggested improvements to the local area; and the misconception that this is a brownfield site.

#### **4.4. Glendoher District Residents Association (Observer)**

The submission can be summarised under the following headings:

##### Public Transport

- The developer continues to mischaracterise the site and the inadequate infrastructure to justify the proposed density.
- The actual published timetable of bus services does not support the proposed density and there are regular 'no shows' on the S8 service.

##### Density

- The areas of ecological corridor, biodiversity habitat and green infrastructure should be excluded from any density calculation.

##### Environmental Assessments

- An EIAR has not been submitted.
- The baseline surveys on file are outdated.
- The large fire on the 20<sup>th</sup> August 2024 has surely rendered any of the applicant's analysis or the SDCC commentary defunct.
- There has been inadequate assessment of air quality and noise.

##### Ecology / Biodiversity / Green Infrastructure

- The site is an ecological corridor/lung connected to Natura 2000 sites at source and at Dublin Bay. It connects two rivers (Glin River/Whitechurch Stream and Owendoher River) known to be important for otters and has a habitat of bats.

- The savage loss of trees is not sustainable and is not addressed through the provision of green roofs in terms of carbon capture and climate action objectives.

### Water

- The surrounding estates have high water tables and there is no hydromorphology study. There are grave concerns about surface water and flood resilience.
- The river was acknowledged<sup>3</sup> as being under threat at the time of the LRD application. That situation has more than likely exacerbated due to other permitted developments, many of which (including this application) do not have confirmation of capacity to connect to the IW network for water and sewerage.
- Trucks full of sewerage emptying holding tanks from existing developments cannot be accepted, which could be exacerbated by the proposed development.
- ABP and SDCC has failed heretofore to address the cumulative impacts of other developments on this site, many of which are hydrologically connected.

### Community Infrastructure

- The site hosted a range of community facilities and this must be considered.
- A range of other community resources have been removed in the area, which had reduced residential amenity.
- Zoned open spaces in other estates should not become the default proposal, which is likely given the inadequate design, quality and quantity.

### Residential Standards

- The housing mix does not facilitate sustainable social cohesion.
- The units are below par in terms of access to daylight all year round and single aspect units should not be allowed on health grounds.

### Other Issues

- It is questioned whether there is capacity to link the development to 5G and ESB services.

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<sup>3</sup> As per IFI submission and corresponding comments from SDCC Heritage Officer

- The wider public has not been given an opportunity to comment on the application, which is contrary to the Aarhus Convention.
- The development is premature pending the delivery of an LAP for the area.

## 5.0 **Assessment**

5.1. Having examined the submissions received and the relevant changes to the context of this appeal case since the completion of the Inspector's Report for ABP-317443-23, I consider that the main issues to be considered in this case are as follows:

- Density
- Scale, Design & Layout
- Other Issues
- Water Framework Directive (See Section 6)
- Appropriate Assessment (See Section 7)
- EIA Screening (See Section 8)

### 5.2. **Density**

#### Measuring Density

- 5.2.1. The proposed development has a stated density of 114.9 units per hectare based on a net site area of 3.5ha<sup>4</sup>. The third-party submissions have suggested that the density should be calculated based on a smaller net site area which excludes the public park and ecological corridor.
- 5.2.2. Appendix B of the Guidelines provides guidance on the calculation of net density. Table 1 of Appendix B states that 'Local parks such as neighbourhood and pocket parks or squares and plaza's' should be included in the net site area, but that 'Larger, Regional or District Parks' should be excluded. The Commission should note that Table 8.1 of the CDP outlines the 'Public Open Space Hierarchy', including a description of size and features etc. Having reviewed this hierarchy and the size and nature of the proposed open space, I am satisfied that the proposed public park and

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<sup>4</sup> Excluding 0.3ha of SDCC lands.

ecological corridor are not of a larger 'regional' or 'district' scale that should be excluded from the net site area.

- 5.2.3. Table 1 of Appendix B outlines that the net site area excludes 'wayleaves or rights of way'. In this regard, I note that there is a watermain wayleave running through the northern end of the site. I estimate that this has an area of c. 3,000m<sup>2</sup> to be excluded from the net site area, resulting in a reduced net site area of 3.2ha.
- 5.2.4. Table 1 also outlines that the net site area should exclude other areas of land that cannot be developed due to environmental sensitivities, topographical constraints (i.e. steepness) and/or are subject to flooding. In this regard, I note that an ecological corridor has been proposed along the existing watercourse at the southern end of the site. Although this area is not subject to any prohibitive environmental designation or flood risk, I would acknowledge that development would not be appropriate due to the existing watercourse. Therefore, based on a corridor along the watercourse of 10m x 220m, I estimate an area of c. 2,200m<sup>2</sup> should be excluded from the net site area, resulting in a reduced net site area of 2.98ha.
- 5.2.5. In addition to the above, Appendix B outlines that mixed use developments should exclude the % of non-residential uses in proportion to the net site area. The proposed development includes a creche and 2 retail units with a combined floor area of 1,015m<sup>2</sup>, which amounts to 2.4% of the gross floor area<sup>5</sup>. The net site area should be reduced by this percentage (2.4%) of non-residential GFA, resulting in a final net site area of c. 2.9ha.
- 5.2.6. Accordingly, based on a reduced net site area of 2.9ha, I conclude that the proposed development of 402 units would result in a net density of c. 138 uph.

#### Density Policy

- 5.2.7. In terms of national policy guidance, I acknowledge that the Apartments Guidelines and the Building Height Guidelines outline guidance in relation to density, which has already been considered in the Inspector's Report for ABP-317443-23. However, the more recent Compact Settlement 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. It is

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<sup>5</sup> 42,408m<sup>2</sup> (including GFA of residential accommodation, retail units, and creche).

intended that the Guidelines should be read in conjunction with other guidelines (including the Building Height Guidelines and the Apartments Guidelines) where there is overlapping policy and guidance. Where there are differences between these Guidelines and Section 28 Guidelines issued prior to these guidelines, it is intended that the policies and objectives and specific planning policy requirements of these Guidelines will take precedence. Accordingly, I propose to apply the Compact Settlement Guidelines as the prevailing national guidance on density.

- 5.2.8. Policy and Objective 3.1 of the Guidelines is that the recommended residential density ranges are applied within statutory development plans and in the consideration of individual applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate.
- 5.2.9. Having reviewed Table 3.1 of the Guidelines, I am satisfied that the appeal site is within the 'City – Suburban/Urban Extension' category of Dublin City and Suburbs. It is a policy and objective of the Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8). Therefore, the proposed density of 138 uph would be consistent with these recommendations if the area can be considered an 'accessible' location.
- 5.2.10. In addition to the density ranges outlined in section 3.3 of the Guidelines, section 3.4 recommends that the ranges should be refined having regard to: (Step 1) Proximity and Accessibility to Services and Public Transport; and (Step 2) Considerations of Character, Amenity and the Natural Environment.
- 5.2.11. Regarding 'Step 1', the Guidelines outline that while densities within the recommended ranges will be acceptable, planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area, densities closer to the mid-range at intermediate locations and densities below the mid-density range at peripheral locations.
- 5.2.12. Further guidance on 'Accessibility' is outlined in Table 3.8 of the Guidelines wherein an 'Accessible Location' is defined as '*Lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services*'. In this regard, the appeal site is within 500 metres (i.e. up to 5-6

minute walk) of the existing 15B service to/from the city centre, which runs at a 10-minute peak hour frequency according to timetables published on the Dublin Bus website<sup>6</sup>. Although the 15B service is to be replaced by the '85' route under BusConnects, the 10-min peak hour frequency will be maintained. Accordingly, I am satisfied that the site is within an 'Accessible Location' as per the definition in the Guidelines and that the proposed density of 138 dph would be acceptable within the recommended range of 'up to 150 dph' as per the Guidelines.

- 5.2.13. In addition, I note that the Guidelines outline that the approach to refining density should be informed by the capacity and wider network accessibility of public transport services at a node or interchange (number of options, capacity and peak hour frequency) and the journey time to significant destinations (e.g. city centre or significant employment location). The third-party submissions include concerns on these matters, particularly relating to capacity, wider accessibility, journey times to the city centre, and 'knock-on' impacts on linear transport routes.
- 5.2.14. In this regard, the Guidelines outline that the NTA's Public Transport Accessibility Level (PTAL) tool will provide detail of public transport accessibility at settlement level and should be used to support the preparation of statutory development plans at a settlement level and in the consideration of individual applications.
- 5.2.15. The PTAL analysis combines the walk or cycle journey time to a Public Transport stop with the level of service at that stop. It gives an idea of how well connected an area is to Public Transport services based on a range of factors including: walk/cycle times to stops; different time periods; standard waiting times; and average waiting times (incorporating a 'reliability factor', which addresses third-party concerns about 'no shows'). Generally, an area will have a higher PTAL if:
- It is a short walk to the nearest station or stop,
  - There are short waiting times,
  - Multiple services passing the stop,
  - A nearby major rail station.
- 5.2.16. Having reviewed the PTAL tool, I note that the site is within an area of 'Medium-High Level of Service' for both periods used in the tool, i.e., 7am-8am and 8am-9am. To

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<sup>6</sup> Accessed 20<sup>th</sup> of August 2025

put that in context, I would highlight that areas with a 'Higher Level of Service' are generally limited to the city centre, with such areas in the suburbs being mainly limited to nodes such as Dundrum and Tallaght (defined as 'High Capacity Public Transport Node or Interchange' as per Table 3.8 of the Guidelines, i.e. not an 'Accessible Location'). Therefore, I am satisfied that the appeal site benefits from a comparatively high level of service for this 'Accessible' suburban location, which supports the proposed density. In terms of the wider network, I am also satisfied that areas closer to the city centre (e.g. Templeogue, Rathfarnham, Terenure, Rathmines, Rathgar) benefit from a 'Medium-High Level of Service', while a similar level of service is also identifiable in sporadic sections to the east and west of the site (between Tallaght and Dundrum).

5.2.17. I note that the third-party submissions emphasise the distinction between the frequency and capacity of services. The Inspector's Report for ABP-317443-23 (see section 8.4) addresses this matter in detail, including the applicant's public transport capacity assessment. In summary, it outlines:

- The close proximity and availability of suitably frequent bus services which connect the site with the city centre and outer lying areas, as well as to other modes of public transport including a range of other bus routes and the separate Luas lines at Dundrum and Tallaght.
- That the applicant's capacity assessment demonstrates significant capacity in the existing bus service to accommodate the proposed development and the cumulative impact of other developments.
- That any 'knock-on' or 'downstream' impacts on wider public transport capacity will be suitably addressed as part of the NTA monitoring/review process.
- That the proposal is consistent with a 'Decide and Provide' approach to transport planning in accordance with the Greater Dublin Area Transport Strategy 2022-2042.
- That the site and the wider surrounding area will benefit from improvements associated with BusConnects.

5.2.18. As outlined in the third-party submissions, I acknowledge that the applicant's public transport capacity assessment (2023) has not been updated and that there would be

changes to services and demands in the intervening period. However, consistent with the applicant's submission of further information, I note that the '175' route has been replaced by a more frequent (+61%) 'S8' service between Citywest and Dun Laoghaire, while the '61' route has been replaced by a more frequent (+110%) '74' service between Dundrum and the City Centre. The '15B' route has also increased frequency at peak hours from 15 mins (in 2023) to 10 mins (at present), and this will be maintained when it is replaced by the No. 85 service.

5.2.19. In the intervening period, the Bus Connects Templeogue/Rathfarnham to City Centre Core Bus Corridor (CBC) Scheme has been progressed and approved by the Board<sup>7</sup> (ABP Ref. HA29N.316272). Although the spatial extent of the scheme (i.e. to Tallaght and Willbrook) does not extend to the application site, the Bus Connects application outlines that the scheme will improve a number of high frequency services, including the 15B service, as well as multiple other bus services which run along this corridor intermittently, providing interchange opportunities with other bus services. And as outlined in the Inspector's Report for ABP-317443-23, the proposed development would benefit further from improved services associated with the Bus Connects A-Spine.

5.2.20. Accordingly, I am satisfied that there have been significant improvements to the existing and planned transport services in the area in the period since the previous Inspector's Report for ABP-317443-23.

5.2.21. I acknowledge that additional development would also have been permitted / constructed. However, the Inspector's Report for ABP-317443-23 considered the cumulative impact of 5 'committed developments' in the area comprising a total of 1,100 units. A total of 372 of those 'committed' units were subsequently quashed by High Court order (ABP Ref. 309836 (241 units) & ABP Ref. 311616 (131 units)). Having reviewed the ACP and SDCC planning registers, I note that only one significant residential development has been granted within a 2km radius since 2023 (ABP-319353-23 consisting of 119 units), resulting in a net reduction in the number of 'committed' residential units compared to that previously considered in the Inspector's Report for ABP-317443-23. Accordingly, I do not consider that there has

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<sup>7</sup> Subject to Judicial Review

been an increase in demand for public transport as a result of 'committed' development.

5.2.22. Having regard to the foregoing and the relevant content of the Inspector's Report for ABP-317443-23, I am still satisfied that, notwithstanding any changes in respect of policy, services, or development that may have taken place since 2023, the proposed development would still be served by existing and planned public transport of adequate proximity, frequency, capacity, and variety to accommodate the proposed density of 138 dph.

5.2.23. Regarding the 'Step 2' considerations, I would state the following:

(a) Local Character

I acknowledge that third-party submissions have raised concerns about the excessive scale of the development and its transition from the context of surrounding development. I refer the Commission to Section 8.11 of the Inspector's Report for ABP-317443-23. Based on the contents therein, I am satisfied that the proposed development would not have any unacceptable impacts on local character and that it would respond in a positive and proportionate way to the receiving context through site responsive design.

(b) Historic Environments (built and landscape heritage)

I refer the Commission to section 8.11 of the Inspector's Report for ABP-317443-23, which outlines that there would be no unacceptable impacts relating to the demolition of the existing buildings or the visual impact of the proposed development on the wider townscape/landscape character.

I acknowledge that the existing buildings were significantly damaged by fire in the intervening period. However, I consider that this has led to a deterioration in any heritage value of the buildings, and I am still satisfied that the proposed demolition is acceptable.

(c) The Environment and Protected Habitats and Species

I refer the Commission to section 8.9 of the Inspector's Report for ABP-317443-23, and to sections 7 and 8 of this report. Subject to the proposed mitigation measures

and the conditions of any permission, I am satisfied that there would be no unacceptable impacts on the environment or protected habitats / species.

I acknowledge that the site has since been affected by fire, as well as the passage of time since the carrying out of ecological/habitat surveys in the original application. However, consistent with the Internal Technical Note prepared by the ACP Ecologist, I am satisfied that:

- The ecological reports and data are adequate to inform the reconsideration of the proposed development;
- Habitat features have not significantly changed, although the building is no longer of value as a potential roost site for bat species due to fire damage;
- The EclA (2023) considered the potential timeframe between survey and construction and standard pre-construction surveys have been factored into the overall assessment to ensure that the baseline situation has not changed. In the unlikely event that it has, suitable standard measures can be put in place by the Ecological Clerk of works. The mitigation measures proposed in the EclA include provision for this and should be conditioned in the event of a grant of permission.

Accordingly, I am satisfied that there would be no unacceptable impacts on the environment or protected habitats and species.

#### (d) Residential Amenities

I refer the Commission to sections 8.6, 8.11, and 8.12 of the Inspector's Report for ABP-317443-23, which outline that the proposed development would not have any unacceptable impacts on the amenities of surrounding residential properties.

Section 8.12 of that report outlined that the proposed development clearly exceeded the general benchmark minimum clearance distance of 22 metres between opposing windows (as per s. 12.6.7 of the CDP). The Commission should note that the Compact Settlement Guidelines (SPPR 1) has since introduced a specific planning policy requirement that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres, while lower separation distances may also be acceptable in suitable circumstances. The proposed development would, therefore, clearly exceed the separation distances referenced in the CDP (22m) and SPPR 1 (16m).

#### (e) Water Supply and Wastewater Networks

I note that the third-party submissions include concerns that there is no clarity/confirmation about the ability of the proposed development to connect to Uisce Eireann infrastructure for sewerage and water supply.

However, the Commission should note that the application was accompanied by an Irish Water Confirmation of Feasibility & Statement of Design Acceptance. This confirms that both the water and wastewater connections are 'Feasible without infrastructure upgrade by Irish Water'.

I have also reviewed the Uisce Eireann capacity registers<sup>8</sup> for both water supply and wastewater treatment. They indicate that water supply capacity status for the 'Dublin City and suburbs' area to support 2033 population targets is 'Potential Capacity Available – Level of Service improvement required', and that spare wastewater treatment capacity is available to serve the area via the Ringsend wastewater treatment plant.

Accordingly, I am satisfied that water supply and wastewater networks (including treatment works) can service the proposed development. Any grant of permission should be subject to conditions requiring connection agreements with Uisce Eireann in accordance with standard practice.

5.2.24. Having regard to the foregoing, I am satisfied that the proposed density of 138 dph is acceptable in accordance with the provisions of the Compact Settlement Guidelines.

5.2.25. With regard to local policy (SDCDP 2022-2028), I refer the Commission to sections 8.3 and 8.11 of the Inspector's Report for ABP-317443-23. Having regard to the contents of that report and the foregoing conclusions of this report, I would state that:

- The appeal site does not accurately fit within any of the scenarios outlined in Appendix 10 of the Development Plan (Building Height and Density Guide (BHDG)).
- Section 5.1 of the BHDG confirms that the aim of these indicative scenarios is not to determine the appropriate height for a development proposal, and I am satisfied that the reference to 'height' is intrinsically linked to 'density'.

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<sup>8</sup> Published December 2024, accessed on 20<sup>th</sup> of August 2025

- Section 5.1 of the BHDG confirms that all illustrative examples concentrate on locations where mid-to-high density and higher density ranges of 50 units per hectare would be expected in line with national guidance. Contrary to third-party submissions, I do not consider that this constitutes a requirement that the density of the proposed development should be 50 uph. Any such interpretation would mean that a density of 50 uph would be required in all scenarios, which I consider to be unreasonable.
- CDP Policy CS6 Objective 4 is to promote higher densities (50+ units per hectare) subject to meeting qualitative standards at appropriate locations, in urban built-up areas, especially near urban centres and / or high-capacity public transport nodes in line with prevailing Section 28 Ministerial Guidelines and where it can be demonstrated that the necessary infrastructure is in place or can be provided to facilitate the development. Having regard to the contents of the previous Inspector's Report for ABP-317443-23 and the conclusions of this report, I am satisfied that the proposed development would satisfactorily address the qualitative standards outlined in the CDP (including 'The Plan Approach', Policy QDP7, and the BHDG); would be in accordance with the provisions of prevailing Section 28 Ministerial Guidelines (including the Compact Settlement Guidelines); and would be adequately served by the necessary infrastructure. Accordingly, I am satisfied that the proposed development is in accordance with CDP Policy CS6 Objective 4 and that there would be no material contravention of the CDP in respect of density.

#### Conclusion on Density

5.2.26. Having regard to the foregoing, I do not consider that the CDP outlines any maximum limit or range on density or building height for the appeal site. Instead, it outlines the need for a context/performance-based assessment through 'The Plan Approach' and the BHDG, and I am satisfied that the proposed development satisfactorily addresses the relevant criteria in this regard. Similarly, the proposed density of 138 dph would not exceed the recommended range (i.e., up to 150 uph) in the Compact Settlement Guidelines and would also be acceptable having regard to the 'Refining Density' considerations outlined in section 3.4 of those Guidelines. Accordingly, I am satisfied that the proposed density is acceptable in accordance with local and national policy.

### 5.3. Scale, Design & Layout

5.3.1. Section 4.4 and Appendix D of the Compact Settlements Guidelines outline 'Key Indicators of Quality Design and Placemaking' to be applied in accordance with Policy and Objective 4.2. The 'Key Indicators' are considered under the following headings, with reference to the contents of the Inspector's Report for ABP-317443-23 where relevant.

(i) Sustainable and Efficient Movement

- As per Inspector's Report for ABP-317443-23 (including s. 8.11.14 'connections'), I am satisfied that the development includes a street network (including links through open spaces) that creates a permeable and legible urban environment, optimises movement for sustainable modes (walking, cycling and public transport) and is easy to navigate.
- As per Inspector's Report for ABP-317443-23 (including s. 8.4, s. 8.7, s. 8.11.12 'connected neighbourhoods', and s. 8.11.14 'connections'), I am satisfied that the development satisfactorily connects to the wider urban street and transport networks and improves connections between communities to public transport, local services and local amenities.
- As per Inspector's Report for ABP-317443-23 (including s. 8.4 'Access and Traffic Safety', s. 8.11.12 'connected neighbourhoods', and s. 8.11.14 'connections'), I am satisfied that active travel is prioritised through design measures that seek to calm traffic and create street networks that feel safe and comfortable for pedestrians and cyclists.

I am satisfied with the 'Statement of Consistency with DMURS' submitted with the application, and I note that the CDP BHDG incorporates the provisions of DMURS. Accordingly, I am satisfied that the proposed development implements the principles, approaches and standards set out in DMURS, as is required by Policy & Objective 4.1 of the Compact Settlement Guidelines.

- Consistent with the Inspector's Report for ABP-317443-23, I am still satisfied that the CDP 'Zone 2' car parking standards should apply and that the quantum of car parking has been suitably minimised (i.e. 290 proposed within a maximum CDP allowance of 427.75 spaces (ratio of 0.68)).

SPPR 3 of the Compact Settlement Guidelines also outlines that car- parking should be substantially reduced in such ‘accessible locations’, with a maximum rate of 1.5 no. spaces per dwelling applying. The proposed residential parking (275 spaces) would be substantially reduced below the maximum provision of 603 spaces, which would comply with SPPR 3. Contrary to the third-party concerns, I do not consider that this would result in any unacceptable overspill, congestion, or traffic hazard.

#### (ii) Mix & Distribution of Uses

The proposed development includes 402 no. residential units, a creche, and 2 no. retail units, which provides a suitable density that integrates with public transport as previously discussed. As per the Inspector’s Report for ABP-317443-23, I am satisfied that the proposed uses are consistent with the ‘RES’ zoning objective for the site (see s. 8.2); that the proposed development would be served by an appropriate level of existing and proposed community/social infrastructure including public space / realm (see s. 8.7); and that the proposed development facilitates a suitably diverse mix of housing (see s. 8.5) in accordance with the CDP and its supporting HNDA.

I note that the third-party submissions include concerns about the level of supporting community infrastructure, and I would accept that the level of services and demands would have changed since the completion of the Inspector’s Report for ABP-317443-23. However, such situations are always evolving, and I am satisfied that the information submitted with the application and the previous assessment of same (in 2023) continues to provide a reasonable representation of the level of social/community infrastructure. I do not consider that a refusal of permission would be warranted on this basis.

#### (iii) Green & Blue Infrastructure (GBI)

I refer the Commission to section 6 of this report, as well as sections 8.8, 8.9, and 8.10 of the Inspector’s Report for ABP-317443-23. Having regard to the conclusions therein, I am satisfied that the proposed development will appropriately protect and enhance GBI, including natural features, biodiversity, landscapes, habitats, and species. The surface water strategy adequately provides for nature-based solutions such as green roofs, landscaping, bio-

retention areas, rain gardens, filter drains, conveyance swales, tree pits, and detention basins.

In relation to concerns included in third-party submissions, I would state the following:

- I acknowledge that CDP Policy NCBH11 (Objectives 3 & 4) outlines provisions to protect existing trees, hedgerows and woodlands. I refer the Commission to section 8.8 of the Inspector's Report for ABP-317443-23, which addresses these provisions. I am satisfied that there would be no unacceptable loss of such vegetation and that appropriate replacement planting measures are proposed.
- The Inspector's Report for ABP-317443-23 addresses CDP Policy GI1 Objective 4 (see section 8.8.9 onwards) and Policy GI2, Objectives 2, 4 and 5 (see section 8.9.1 onwards). Section 8.8 also outlines that the scheme achieves an acceptable Green Space Factor without any excessive reliance on green roofs and acceptably incorporates green infrastructure as an integral part of the design.
- As previously outlined in this report, I am satisfied that there has been no significant change to the baseline conditions of the site that would alter my conclusions on GBI as outlined in the Inspector's Report for ABP-317443-23.

Accordingly, I am satisfied that the proposal is in accordance with the green/blue infrastructure requirements of the CDP and that there would be no material contravention in this regard.

#### (iv) Public Open Space

I refer the commission to sections 8.5.12 to 8.5.29 of the Inspector's Report for ABP-317443-23.

Consistent with this, I am satisfied that the proposed development includes 9,800m<sup>2</sup> of public open space (28% of the site area), which exceeds CDP requirements for minimum on-site provision even if a higher requirement of 20% is applied for 'Institutional Lands / 'Windfall' Sites' (as opposed to the 10% requirement for lands zoned 'RES').

I acknowledge that the development does not meet the 'overall standard' of 2.4 hectares per 1000 population as per Section 8.7.3 (Table 8.2) and Section 12.6.10 (Table 12.22) of the Development Plan, which would require an area of 1.74ha or c. 50% of the net site area. Furthermore, I do not consider that there are any appropriate proposals or mechanisms in this case to address the shortfall as per section 8.7.4 of the CDP under COS5 Objective 4 (i.e. upgrading of existing parks) or COS5 Objective 5 (i.e. financial contribution).

Therefore, I consider that the shortfall in the 'overall standard' would materially contravene the CDP in respect of section 8.7.3 (Table 8.2), section 12.6.10 (Table 12.22), section 8.7.4, COS5 Objective 4, COS5 Objective 5, and H8 Objective 1.

However, I would highlight that the Commission may still grant permission even if the proposed development contravenes materially the development plan (s. 37(2)(a) of the Act of 2000 refers).

In this regard, I would highlight that Policy and Objective 5.1 of the Compact Settlement Guidelines outlines that statutory development plan requirements for public open space in such developments shall be for not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area, save in exceptional circumstances. The current proposal for 28% public open space would significantly exceed the 10-15% range. And having considered the provisions of Policy and Objective 5.1, I do not consider that there are exceptional circumstances in this case that would require compliance with the CDP 'overall standard' of 1.74ha (50% of the site area).

Accordingly, I am satisfied that the proposed quantity of public open space is acceptable and that a material contravention of the CDP in this regard would be justified having regard to Policy and Objective 5.1 of the Compact Settlement Guidelines.

In addition to these quantitative requirements, the Inspector's Report for ABP-317443-23 also considers the qualitative requirements for public open space. Subject to conditions, I am satisfied that the space would be appropriately designed in respect of amenity, play facilities, green/blue infrastructure, security,

and sunlight, and that it would be in accordance with the relevant requirements of the CDP and the Compact Settlement Guidelines.

(v) Responsive Built Form.

I refer the Commission to section 8.11 of the Inspector's Report for ABP-317443-23. I am satisfied that the proposed development supports the formation of a legible and coherent urban structure with landmark buildings and features at key nodes and focal points, particularly along Taylor's Lane and Edmondstown Road. The proposal would respond positively to the existing character of the area; would strengthen the overall urban structure and create linkages; would provide well-defined edges to the public realm; would embrace good modern architecture and urban design that is innovative and varied; and would include high quality materials and finishes. Accordingly, the proposed built form would satisfactorily address the Compact Settlement Guidelines.

In terms of the CDP Policy on responsive built form, I consider that the key considerations are outlined in 'The Plan Approach' and the BHDG. I refer the commission to section 8.11 of the Inspector's Report for ABP-317443-23, wherein I conclude that the proposed development satisfactorily addresses these provisions.

Conclusions on Scale, Design and Layout

- 5.3.2. Having regard to the foregoing, I am satisfied that the proposal would positively address the key indicators of quality urban design and placemaking in accordance with Policy and Objective 4.2 of the Compact Settlement Guidelines. Similarly, I consider that the proposal (with the exception of public open space) would be in accordance with the provisions of the CDP, including 'The Plan Approach' and the Building Height and Density Guide (Appendix 10). However, I am satisfied that a material contravention of the CDP in respect of the quantity of public open space would be justified having regard to Policy & Objective 5.1 of the Compact Settlement Guidelines.

## 5.4. Other Issues

### Local Area Plan

- 5.4.1. The third-party submissions include concerns that the proposed development would be premature pending the preparation of a Local Area Plan for the area. As per section 2.2 of this report, I acknowledge the CDP objective to prepare an LAP, but that this process has not yet commenced.
- 5.4.2. This issue has been previously addressed in section 8.2 of the Inspector's Report for ABP-317443-23. Consistent with those conclusions, I do not consider that the proposed development would be premature pending the preparation of an LAP.

### Public Participation

- 5.4.3. The third-party submissions include procedural concerns that the wider public has not been given an opportunity to comment on the application at this stage and that this is contrary to the Aarhus Convention.
- 5.4.4. I note that the High Court order relating to ABP-317443-23 did not specify any particular requirements for public notice of the remittal. The applicant's response to the Board's further information request was subsequently circulated to all parties to the original appeal case (ABP-317443-23) inviting further submissions/observations. Therefore, I am satisfied that all relevant parties have been afforded the opportunity to participate in the process and that this is sufficient for the purposes of the Commission's decision.

### Daylight & Aspect

- 5.4.5. The third-party submissions include concerns that the proposed units are substandard in terms of access to daylight and that single aspect units should not be allowed on health grounds.
- 5.4.6. I refer the Commission to section 8.6 of the Inspector's Report for ABP-317443-23. This outlines that only a minor portion of the proposed rooms would be below recommended daylight standards as per the BRE Guide, which is intended to be applied flexibly. Furthermore, it outlines that alternative compensatory design solutions have been included which would be acceptable having regard to the need to achieve wider planning objectives. This would be acceptable in accordance with

relevant Section 28 Guidelines (i.e., Apartments Guidelines, Building Heights Guidelines, and Compact Settlement Guidelines).

- 5.4.7. In relation to daylight standards, the CDP also references the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guideline to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' or any updated guidance. However, it outlines that residential developments '*shall be guided by*' these documents rather than any requirement for strict compliance with the standards/recommendations, which themselves are intended to be applied flexibly. Accordingly, I do not consider that the minor proportion of rooms below the recommended BRE Guide daylight standards would materially contravene the CDP.
- 5.4.8. In relation to apartment unit aspects, I note that 215 no. units (53%) are dual aspect and that there are no north-facing single aspect units. This would be acceptable in accordance with CDP standards and the Apartments Guidelines (including SPPR 4).

#### Other Residential Standards

- 5.4.9. Section 8.5 of the Inspector's Report for ABP-317443-23 outlines that the proposed development is acceptable in respect of housing mix and private amenity space. In addition to those and other standards previously discussed in this report, I would state as follows:

*Apartment Sizes & Dimensions* - The SDCDP outlines that apartment developments shall comply with the Apartments Guidelines. Consistent with the applicant's Housing Quality Assessment (HQA), I am satisfied that all units exceed the minimum area as per SPPR 3 of the Guidelines and that more than 50% (i.e. 89%) of the units exceed the minimum area by more than 10%. Similarly, I am satisfied that proposals comply with the requirements for room dimensions/areas, ceiling heights, and storage (Appendix 1 & SPPR 5 of the Guidelines).

*Lift/Stair Cores* – In compliance with the SDCDP and SPPR 6 of the Apartments Guidelines, I note that the proposed development would not exceed a maximum of 12 apartments per floor per core (a maximum of 8 is proposed).

*Communal Amenity Space* – The application includes a total area of 3,000m<sup>2</sup> communal open space in courtyards serving the individual blocks. The proposal

exceeds the area requirements as per the Apartments Guidelines (Appendix 1) and Table 12.21 of the SDCDP, including the requirements for individual blocks. I am also satisfied that the spaces are suitably located and designed.

*Separation Distances* – There are limited instances where the separation distance between opposing blocks with windows is less than the 22-metre distance referenced in s. 12.6.7 of the SDCDP. These include the northeast and southwest corners of Block A (12.5m and 15.4m respectively) and the southwest corner of Block C (12.3m). However, I would highlight that the CDP refers to a general ‘benchmark’ clearance of 22 metres in cases up to three storeys in height; that in taller blocks a greater separation distance may be prescribed; and that reduced distances will also be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy. Therefore, it is clear that there is flexibility to accept distances less than 22 metres. And having considered the higher density nature of this scheme, together with the design solutions employed to maintain a high standard of privacy, I am satisfied that the proposals are acceptable and would not materially contravene the SDCDP.

As previously outlined, SPPR 1 of the Compact Settlement Guidelines outlines that statutory plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. It further states that when considering a planning application for residential development, this separation distance of at least 16 metres shall be maintained, but that distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. I have acknowledged the limited instances where the block separation would be less than 16 metres. However, having regard to the design measures employed, I am satisfied that the proposals would be acceptable in accordance with SPPR 1.

*Bicycle Parking* – The proposed development includes a total of 1,054 no. bicycle parking spaces (832 long term and 222 short term). Of these spaces, 826 long term

spaces and 203 short-term spaces are proposed for the residential units. This would comply with the requirements of the SDCDP (Table 12.23); the recommendations of the Apartments Guidelines; and SPPR 4 of the Compact Settlement Guidelines.

Regarding the SDCDP requirements for the creche and retail, I would state the following:

- The creche capacity of 124 children will be satisfactorily addressed by the proposed 12 short-term spaces as per SDCDP standards (1 per 10 children).
- The retail units (359m<sup>2</sup>) will be satisfactorily addressed by the proposal for 7 short-term spaces as per SDCDP standards (1 per 50m<sup>2</sup>).
- The SDCDP long-stay requirements are unclear as it depends on varying staff numbers (1 per 5 staff). However, I am satisfied that the proposals for the creche (4 spaces) and retail units (2 spaces) are acceptable and would not materially contravene the SDCDP.

#### Utilities

5.4.10. The third-party submissions include a concern about whether there is capacity to link the development to 5G and ESB services. Given the comparatively limited scale of the development in the context of the overall coverage/capacity of such utilities, I am satisfied that the impact of the development would not place any unacceptable pressure on infrastructure. The connection applications to the relevant utility operators will facilitate the protection of capacity where necessary, as is normal in the case of such developments.

#### Traffic

5.4.11. I refer the Commission to the Inspector's Report prepared for ABP-317443-23 and the sections relating to 'Traffic and road capacity' (section 8.4.16 onwards). Again, I am conscious of the passage of time and implications for the date of traffic surveys (22<sup>nd</sup> September 2022) and future projections (i.e. opening year (2025) and future design years (2030 and 2040)).

5.4.12. I acknowledge that the baseline traffic situation would have changed and that the opening year would now be after 2025. However, I would highlight that the applicant's TTA considers the impacts over a much longer period up to 2040, and

that the assessment incorporates traffic growth rates throughout this period in accordance with TII Guidance.

- 5.4.13. In relation to cumulative impacts, the applicant's TTA considered the impact of 5 'committed developments' in the area comprising a total of 1,100 units. However, 372 of those 'committed' units were subsequently quashed by High Court order (ABP Ref. 309836 (241 units) & ABP Ref. 311616 (131 units)). Only one significant residential development has been granted within a 2km radius since 2023 (ABP-319353-23 consisting of 119 units), resulting in a net reduction in the number of 'committed' residential units compared to that previously considered in the Inspector's Report for ABP-317443-23. Accordingly, I do not consider that there has been an increase in traffic related to 'committed' development.
- 5.4.14. Having regard to the above, I am satisfied that the applicant's TTA is sufficiently robust in terms of the traffic survey dates, future growth projections, and consideration of cumulative effects. Accordingly, I do not consider that there would be any significant changes to the traffic impact of the development, and I am satisfied that there would be no unacceptable impacts as outlined in the Inspectors Report for ABP-317443-23.

## **6.0 Water Framework Directive Screening**

- 6.1. The impact of the proposed development in terms of the WFD is set out in Appendix 1 of this report. The site has a gross area of 3.8ha and is located within the suburban area of Ballyboden, c. 7.5km south of the city centre. The site slopes downward from south to north and is partially developed.
- 6.2. There is an existing mill run/watercourse which diverts from the Owendoher River (to the west of the site) and runs eastward along the southern end of the site before reconnecting with the Owendoher further north. The Owendoher is connected downstream to the River Dodder, the Liffey Estuary, and Dublin Bay. The site is underlain by the Kilcullen ground waterbody. Water supply for the area is sourced from reservoirs at Bohernabreena (on the Dodder) and Poulaphouca (on the Liffey).
- 6.3. I note that the third-party submissions include concerns about impacts on water quality and regime, including impacts relating to surface water and flood risk; the absence of hydromorphological assessment; wastewater treatment capacity; and the

cumulative impacts of other developments and deterioration since the previous Board decision for ABP-317443-23. I confirm that I have considered these matters in my assessment.

- 6.4. The application is supported by a Site-Specific Flood Risk Assessment, including a Hydromorphological Assessment. The Infrastructure Design Report also outlines the surface water strategy. As outlined in section 8.10 of the Inspector's Report for ABP-317443-23, I do not consider that there would be any unacceptable impacts relating to flood risk, hydromorphology, or surface water quantity or quality as a result of the proposed development.
- 6.5. I have considered the capacity of wastewater treatment and water supply in section 5.2.23(e) of this report. There is spare capacity in the Ringsend WWTP and the water supply status for the 'Dublin City and suburbs' area to support 2033 population targets is 'Potential Capacity Available – Level of Service improvement required'. Water supply for the area is provided from Ballyboden Water Treatment Plant via a combination of Bohernabreena Reservoir (Upper) and Poulaphouca Reservoir (via Ballymore Eustace water treatment plant). Because of this blended arrangement, it is not possible to definitively calculate the impact of the development on each individual water supply / waterbody.
- 6.6. However, according to the EPA Abstraction Register<sup>9</sup>, the Poulaphouca Reservoir (Ballymore Eustace WTP) has an abstraction licence for a maximum daily volume of 411,809m<sup>3</sup>, while the Bohernabreena Reservoir (Ballyboden WTP) has an abstraction licence for a maximum daily volume of 19,134m<sup>3</sup>. According to the Infrastructure Design Report, the proposed development has an average daily water demand of 192,758 litres (or c. 193m<sup>3</sup>). This equates to just c. 0.046% of the Poulaphouca supply, c. 1% of the Bohernabreena supply, or, more particularly, c. 0.045% of the blended supply.
- 6.7. Accordingly, I do not consider that the proposed development would have a significant impact on the regime of the water bodies associated with the proposed water supply. This includes the Glenasmole Upper lake and any downstream bodies such as the River Dodder etc. associated with the Bohernabreena Reservoir, and the

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<sup>9</sup> <https://leap.epa.ie/abstractions/> Accessed 26<sup>th</sup> of August 2025

Pollaphuca lake and any downstream bodies such as the River Liffey etc. associated with the Poulaphouca Reservoir.

- 6.8. I acknowledge that there have been changes to the demands and pressures on water infrastructure since the Board's previous decision under ABP-317443-23. However, there has been no deterioration in the WFD status of any relevant waterbodies in the intervening period. And as previously outlined in this report, there has been a net reduction in the number of 'committed' residential units in the area in the intervening period. Accordingly, I do not consider that there has been any significant reduction in capacity or deterioration in quality.
- 6.9. As outlined in Appendix 1, the WFD status of the relevant 'river' and 'transitional' waterbodies is 'moderate' and 'at risk', while the other waterbodies (lakes, coastal, and groundwater) are 'good' and 'not at risk' (with the exception of Kilcullen Groundwater body which is 'good' but 'at risk').
- 6.10. In Appendix 1, I have outlined a range of potential pathways with the relevant waterbodies and potential impacts at construction and operational stages. I have assessed the proposed development 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 & 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 and associated mitigation measures, I am satisfied that it can be eliminated from further assessment because there is no residual risk to any surface and/or groundwater water bodies, either qualitatively or quantitatively.
- 6.11. The reasons for this conclusion are as follows:
- The nature and scale of the proposed works;
  - The distance between the proposed development and relevant bodies, and/or the limited hydrological connectivity;
  - The mitigation measures included as part of the application to address surface water, wastewater, water supply, ecology, and construction activity.
- 6.12. I conclude 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. Accordingly, the proposed development can be excluded from further assessment.

## **7.0 Appropriate Assessment**

### **7.1. Introduction**

Having considered the contents of the Internal Technical Note prepared by the ACP Ecologist, **this section should be read as superseding Section 9 of the Inspector's Report for ABP-317443-23.**

The requirements of Article 6(3) of the Habitats Directive as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement
- Stage 2 Appropriate Assessment of implications of the proposed development.

### **7.2. Compliance with Article 6(3) of the EU Habitats Directive**

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

### **7.3. Screening the need for Appropriate Assessment**

An AA Screening exercise has been completed (see Appendix 1 of this report for further details). 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 it is not possible to exclude that the proposed development alone will give rise to significant effects on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA, in view of the conservation objectives. Appropriate Assessment is therefore required.

This determination is based on:

- The nature and scale of the proposed works
- The potential connectivity between the application site and the European Sites
- The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.

The possibility of significant effects on any other European sites has been excluded on the basis of objective information.

No measures intended to avoid or reduce harmful effects on European sites (including those outlined in the applicant's NIS) were taken into account in reaching this conclusion.

### **7.4. The Natura Impact Statement**

As outlined in Appendix 2 of this report, a Natura Impact Statement (NIS) has been submitted with the application. It considers the potential effects of the project on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, and North Bull Island SPA. It outlines that, following the implementation of the proposed mitigation measures, the proposed development will not result in direct or indirect effects which would have the potential to adversely

affect the qualifying interests/special conservation interests of the European sites with regard to the range, population densities or conservation status of the habitats and species for which these sites are designated (i.e. conservation objectives). It concludes that the proposed project will not will adversely affect the integrity of European sites.

#### **7.5. Stage 2 Appropriate Assessment of implications of the proposed development**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA, in view of the conservation objectives of those sites and that Appropriate Assessment was required.

Appendix 2 of this report outlines the objective scientific assessment of the implications of the project on the qualifying interest features of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA, using the best scientific knowledge in the field. Following an examination, analysis and evaluation of the NIS and all associated material submitted, and taking into account all observations from third-parties and Inland Fisheries Ireland, I consider that adverse effects on site integrity of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA, can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The nature and scale of the proposed development and its limited hydrological connectivity with the European Sites.
- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the maintenance or, where required, restoration of the favourable conservation condition of the Qualifying Interests of the European Sites.

- The effectiveness of mitigation measures proposed in the Natura Impact Statement, the Outline Construction & Environmental Management Plan, and the Ecological Impact Assessment.
- The application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented.

## 8.0 Environmental Impact Assessment Screening

8.1. **This this section should be read as superseding Section 6.4 and Appendix 1 of the Inspector's Report for ABP-317443-23.**

8.2. The applicant has submitted an Environmental Impact Assessment Screening Report, and I have had regard to same in this screening assessment. The information provided is acceptable in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

8.3. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, and section 172(1)(a) of the Planning and Development Act 2000, as amended, provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects including:

Class 10(b):

(i) Construction of more than 500 dwelling units.

(iv) Urban development which would involve an area greater than 10 hectares in the case of other parts of a built-up area (outside a business district).

Class 15:

Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

8.4. The total number of dwellings (402) would not exceed 500 and the gross site area (3.8ha) would not exceed 10 hectares. The application is therefore sub-threshold

and does not require mandatory EIA. However, the applicant has submitted information in accordance with 'Schedule 7A' and therefore an EIA screening determination regarding the potential for significant effects on the environment is required (see Class 15 above).

- 8.5. The criteria within Schedule 7 to the Regulations are relevant in considering whether this proposed development would be likely to have significant effects on the environment that would require EIA.
- 8.6. The predominant residential use (with small-scale commercial uses) would be similar to the surrounding land uses in the area. The proposed development would not increase the risk of flooding, and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The development would be adequately served by municipal foul wastewater drainage and water supplies.
- 8.7. The construction stage has the potential for contaminants, noise, dust, and other disturbances, but I am satisfied that these potential impacts will be satisfactorily addressed through the CEMP, the EclA, the NIS, and related measures.
- 8.8. The landscape is not particularly sensitive, and the proposed development can be satisfactorily assimilated into the site and its surroundings. The ecological surveys have outlined that the site does not support substantive habitats or species of conservation significance. The EclA and Natura Impact Statement have considered the proximity and potential for connections to such habitats/species and designated sites in the wider surrounding area, and I am satisfied that there would be no significant effects on same. Similarly, I am satisfied that it has been demonstrated that there will be no significant effects on protected, important, or sensitive species of flora or fauna which use areas on or around the site. Subject to archaeological mitigation (further monitoring & assessment by condition), I am satisfied that the development will not result in a loss of built or cultural heritage.
- 8.9. The site and surrounding area do not contain high quality or scarce resources and the surrounding water resources are not likely to be significantly affected. There would not be any significant congestion effects on key transport routes and the development would be suitably designed and managed to promote sustainable transport modes, thereby avoiding significant environmental problems such as

excessive transport emissions etc. Surrounding land use and facilities have been considered and I do not consider that there would be any significant effects as a result of the proposed development.

- 8.10. The potential cumulative effects with existing and approved development have been considered, for both the construction and operational phase. The majority of existing/planned development is of a similar residential nature and includes potential cumulative effects at construction stage (e.g. traffic, noise, dust) and operational stage (e.g. traffic, wastewater emissions). However, I consider that these effects are consistent with the existing and planned use of the area and that they would be suitably mitigated by design measures and conditions to avoid significant effects.
- 8.11. I have considered relevant third-party submissions initially received in the Inspector's Report for ABP-317443-23. I acknowledge that the submissions received in respect of this remitted case (ABP-322702-25) outline further concerns about the absence of an EIAR; changes to baseline conditions and the absence of updated surveys; inadequate assessment of air quality and noise; and inadequate consideration of cumulative impacts. In response, I would state the following:
- As previously outlined in this report and the Internal Technical Note prepared by the ACP Ecologist, I am satisfied that: the ecological reports and data remain adequate to inform the assessment; there have been no significant changes to the baseline conditions of the site, although the building is no longer of value as a potential roost site for bat species due to fire damage; and that the EclA contains suitable mitigation measures to address any potential changes in baseline conditions (including pre-construction surveys for birds, bats, amphibians, and mammals).
  - The application includes an Air Quality Assessment and Environmental Noise Survey, both of which consider the potential impacts and mitigation measures at construction and operational stages. It also includes a Construction and Environmental Management Plan which considers air and noise impacts. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the conclusions of these reports, I am satisfied that there would be no unacceptable air or noise impacts.

- Although this is a standalone development, the applicant's EIA Screening Report and other assessments submitted with the application appropriately consider the nature and extent of existing/permitted development in the vicinity of the site, and this was considered in the Inspector's Report for ABP-317443-23. Furthermore, this report has considered the potential cumulative effects of any other relevant developments permitted in the intervening period, noting that there has been a net reduction in the number of 'committed' residential units.

8.12. I have completed an EIA Screening Assessment as set out in Appendix 3 of this report. Therefore, having regard to:

1. the criteria set out in Schedule 7, in particular
  - (a) the nature and limited scale of the proposed development, in an established residential area served by public infrastructure,
  - (b) the absence of significant environmental sensitivities in the vicinity,
  - (c) the location of the development outside of any sensitive location specified in Article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),
2. the results of other relevant assessments of the effects on the environment submitted by the applicant, including the results of the Strategic Environmental Assessment of the South Dublin County Development Plan 2022-2028 under the SEA Directive,
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the Natura Impact Statement, the Outline Construction & Environmental Management Plan, the Resource & Waste Management Plan, the Operational Waste & Recycling Management Plan, the Infrastructure Design Report, the Ecological Impact Assessment, the Archaeological Assessment, the Site Specific Flood Risk Assessment, the Air Quality Assessment, and the Environmental Noise Survey,

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

## 9.0 Conditions of the SDCC Decision

The conditions included in the planning authority's decision are considered in the following table.

No.	Summary of Condition(s)	Comment
1	Documents and drawings	Standard condition to apply
2	Materials and Finishes	Standard condition to apply
3	Irish Water Connections	Standard condition to apply
4	Agreement of: (A) Stage 1 RSA (B) Traffic management at Edmonstown / Scholarstown Rd (C) Cycle Lanes (D) Bicycle Parking (E) EV Parking	(A) Not necessary, was included with the appeal. (B) Agreed (C) Agreed (D) Submitted proposals are acceptable (E) Agreed
5	Landscape plans to be agreed including additional natural SUDs and play facilities.	Agreed. However, flexibility should apply in the event that it is demonstrated that underground water surface attenuation cannot be completely omitted.
6	Northern Open Space Play Area	Agreed.
7	Landscaping, management and maintenance of St Catherine's Gate area	Agreed.
8	Tree Protection Measures	Agreed.

9	SUDS to be agreed (investigate opportunities for additional natural solutions)	Agreed. Consistent with the suggested wording, flexibility shall apply in the event that it is demonstrated that underground water surface attenuation cannot be completely omitted.
10	SUDS Management Plan	Agreed.
11	Ecology – All NIS & EcIA mitigation measures to be implemented; agreement of breeding bird survey, bat-sensitive lighting scheme, planting of ecological corridor.	Agreed.
12	Biodiversity restoration Measures (green roofs)	Agreed.
13	Bird/bat boxes and hedgehog passes	Agreed.
14	Demolition (Architectural Inventory and waste management)	Agreed. This should be recorded in light of recent fire damage.
15	Archaeology	Standard condition to apply.
16	Public Lighting	Standard condition to apply.
17	IFI Recommendations	Agreed.
18	Naming & Numbering	Standard condition to apply.
19	Construction Traffic Management Plan	To be addressed in Construction Environmental Management Plan (CEMP)
20	CEMP	Standard condition to apply.

21	C&D RWMP	Standard condition to apply.
22	Mobility Management Plan	Standard condition to apply.
23	Environmental Health	Impacts relating to noise, air, waste, fumes etc will be adequately addressed by the proposed mitigation measures and other conditions.
24	Part V	Standard condition to apply.
25	Regulation of Commercial Institutional Investment in Housing	As per sections 8.12.8 – 8.12.9 of the Inspector's Report for ABP-317443-23, I do not consider that this condition should apply.
26	Management Company	Standard condition to apply.
27	Underground Services	Standard condition to apply.
28	Taking in Charge	Standard condition to apply.
29	Tree Bond and Arboricultural Agreement	I consider that this would be adequately covered by condition no. 8 (above).
30	Development Contribution	Standard condition to apply.

## 10.0 Recommendation

Having regard to the previous Inspector's Report for ABP-317443-23; the Internal Technical Note prepared by the ACP Ecologist; the changes to the context of this appeal case in the intervening period, including the policy context; and the additional submissions received; I recommend that permission be GRANTED for the proposed residential development, subject to conditions, and for the reasons and considerations set out in the following Draft Order.

## 11.0 Recommended Draft Commission Order

**Planning and Development Acts 2000, as amended**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: LRD23A/0002**

**Appeals** by Moyville Residents Association (MEERA) of 62 Moyville, Rathfarnham, Dublin 16, and Ballyboden Tidy Towns CLG, c/o Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin 18; against the decision made on the 29th day of May 2023, by South Dublin County Council to grant subject to conditions a permission to Shannon Homes Dublin Unlimited Company c/o MCG McGill Planning, 22 Wicklow Street, Dublin 2, in accordance with plans and particulars lodged with the said Council:

### **Proposed Development:**

The development will consist of the demolition of the existing former Institutional buildings and associated outbuildings (c.5,231 sq.m) and construction of a new residential development comprising 402 no. apartments (39 no. 1 beds, 302 no. 2 beds and 61 no. 3 beds) within 3 no. blocks ranging in height from 2 to 5 storeys over basement/ lower ground floor. All residential units will be provided with associated private balconies/ terraces to the north/ south/ east/ west elevations. The development will include the following:

- Block A up to 5 storeys over basement/ lower ground floor providing 118 no. units.
- Block B up to 5 storeys over basement providing 123 no. units.
- Block C up to 5 storeys over basement/ lower ground floor providing 161 no. units.

The development will also include a creche (c.656 sq.m) and 2 no. retail units (c.262 sq.m and c.97 sq.m) all located within Block A, along with c.322 sq.m of internal residential communal space located in Block C. The development will include the provision of a new public park in the north of the site along Taylor's Lane.

The development will include 290 no. car parking spaces and 1,054 no. cycle parking spaces provided at basement/surface level. The development will include for

a revised vehicular access from Edmondstown Road and an emergency vehicular access from Taylor's Lane along with pedestrian/cyclist accesses to/from the site. The development will include for road improvement works along Edmondstown Road including the existing junction of Scholarstown Road/ Edmondstown Road.

The development will include for all associated site development works, open spaces, landscaping, SuDs features, boundary treatments, plant areas, waste management areas/bin stores, car/cycle parking areas (including EV parking), and services provision (including ESB substation/ kiosks).

## **Decision**

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

## **Reasons and Considerations**

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

- (a) The location of the site within the established 'Dublin City and Suburbs' area on lands with the zoning objective 'Existing Residential (RES)' as per the South Dublin County Development Plan 2022-2028, which aims to protect and / or improve residential amenity;
- (b) The nature, scale and design of the proposed development;
- (c) The pattern of existing and permitted development and the availability of adequate social and physical infrastructure in the area;
- (d) The provisions of Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;
- (e) The provisions of the National Planning Framework First Revision, April 2025;
- (f) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018;

- (g) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2023;
- (h) The provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024;
- (i) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019;
- (j) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031;
- (k) The provisions of the Greater Dublin Area Transport Strategy 2022-2042 prepared by the National Transport Authority;
- (l) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), issued by the Office of Public Works and Department of Environment, Heritage and Local Government, 2009;
- (m) The Childcare Facilities Guidelines for Planning Authorities, issued by the Government of Ireland, 2001;
- (n) The Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, July 2023;
- (o) The submissions and observations received;
- (p) The reports from the Planning Authority; and
- (q) The reports of the Planning Inspector and the Internal Technical Note prepared by the Ecologist.

## **Climate Action**

The Commission performed its functions in relation to the making of its decision, 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).

### **Appropriate Assessment Stage 1**

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, scale and location of the proposed development, the documents submitted with the planning application and appeal, the Inspector's reports, the Internal Technical Note prepared by the Ecologist, and the submissions and observations on file. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that it is not possible to exclude that the proposed development alone will give rise to significant effects on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, and North Bull Island SPA, in view of the sites' Conservation Objectives, and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is, therefore, required.

### **Appropriate Assessment Stage 2:**

The Commission considered the Natura Impact Statement submitted by the applicant and all other relevant documentation on the file and completed an Appropriate Assessment (Stage 2) of the implications of the project on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, and North Bull Island SPA, in view of the sites' Conservation Objectives. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. The Commission concluded that the project, individually or in combination with other plans or projects, would not adversely affect the integrity of South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, and North Bull Island SPA, in view of the

sites' Conservation Objectives and qualifying interests. This conclusion is based on the following:

- The nature and scale of the proposed development and its limited hydrological connectivity with the European Sites.
- The detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the relevant qualifying interests of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA.
- The effectiveness of mitigation measures proposed in the Natura Impact Statement, the Outline Construction & Environmental Management Plan, and the Ecological Impact Assessment.
- The application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented.

### **Environmental Impact Assessment Screening**

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

Having regard to:

- (a) the criteria set out in Schedule 7, in particular
  - (i) the nature and limited scale of the proposed development, in an established residential area served by public infrastructure,
  - (ii) the absence of significant environmental sensitivities in the vicinity,
  - (ii) the location of the development outside of any sensitive location specified in Article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),

- (b) the results of other relevant assessments of the effects on the environment submitted by the applicant, including the results of the Strategic Environmental Assessment of the South Dublin County Development Plan 2022-2028 under the SEA Directive,
- (c) the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the Natura Impact Statement, the Outline Construction & Environmental Management Plan, the Resource & Waste Management Plan, the Operational Waste & Recycling Management Plan, the Infrastructure Design Report, the Ecological Impact Assessment, the Archaeological Assessment, the Site Specific Flood Risk Assessment, the Air Quality Assessment, and the Environmental Noise Survey,

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

### **Conclusions on Proper Planning and Sustainable Development:**

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would provide of an acceptable quantum of development at this location which would be served by an appropriate level of public transport, social and community infrastructure, would provide an acceptable form of residential amenity for future occupants, would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area, would be acceptable in terms of built heritage impacts, urban design, height and scale of development, would be acceptable in terms of traffic safety and convenience, would not be at risk of flooding or increase the risk of flooding to other lands, would not result in any unacceptable ecological or biodiversity impacts, and would be capable of being adequately served by wastewater, surface water, and water supply networks.

The Commission considered that the proposed development would materially contravene the South Dublin County Development Plan 2022-2028 (Section 8.7.3 (Table 8.2), Section 12.6.10 (Table 12.22), Section 8.7.4, Policy COS5 Objective 4,

Policy COS5 Objective 5, and Policy H8 Objective 1) in respect of the failure to comply with the 'overall standard' for public open space provision. However, the Commission was satisfied that adequate public open space would be provided on site and that this was justified having regard to Policy and Objective 5.1 of 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities', issued by the Department of Housing, Local Government and Heritage in January 2024. Otherwise, the proposed development would be in accordance with the provisions of the South Dublin County Development Plan 2022-2028, including the zoning objectives for the site.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. (a) The mitigation measures outlined in the plans and particulars submitted with this application, including those set out in Table 9 of the Ecological Impact Assessment, shall be carried out in full, except where otherwise required by conditions attached to this permission.

- (b) Prior to the commencement of development, a breeding bird survey shall be undertaken during an appropriate period and utilising current guidance on the undertaking of such surveys.
- (c) The specification for green roofs in the development shall be capable of sustaining rooftop meadow grassland.
- (d) Provision shall be made for the installation of bird boxes, bat boxes, and hedgehog passes.
- (e) All discharges from the site, either directly or indirectly, via the surface water storm network at all phases of the development shall comply with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.
- (f) Any instream works that may be required to make connections for the surface water discharges shall only be undertaken at a suitable time of the year, between 1st July and 30th September inclusive, and shall be carried out in accordance with the guidelines of Inland Fisheries Ireland.

Proposals in relation to (b), (c) and (d) above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of clarity and the protection of biodiversity during the construction and operational phases of the development.

- 4. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.
- (b) 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.

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

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

6. 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 the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

7. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of the requirements of the Ecological Impact Assessment mitigations measures. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

**Reason:** In the interests of amenity, public safety, and nature conservation.

8. 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.

9. (a) The residential car parking facilities hereby permitted shall be reserved solely to serve the proposed residential units.
- (b) The car parking facilities for the creche and retail units shall be reserved for these units and shall not be available to other users.
- (c) Parking shall be managed in accordance with the Parking Strategy submitted with the application.

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

10. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

11. A minimum of 59 car parking spaces shall be provided with functioning electric vehicle charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning electric vehicle charging stations/ points.

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

12. A total of 1,054 no. bicycle parking spaces (832 long term and 222 short term) shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be in accordance with the details submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

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

13. Prior to the commencement of development, the following shall be submitted to and agreed in writing with the planning authority:

- (a) Plans detailing traffic management measures at the Edmonstown / Scholarstown Road junction.
- (b) Plans ensuring all works integrate with upgraded cycle lane infrastructure and do not conflict with the overall Cycle South Dublin scheme.

**Reason:** In the interest of traffic safety and sustainable transportation.

14. Prior to the opening/occupation of the development, a finalised Mobility Management Plan shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, staff and users of the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

15. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

(b) Proposals in this regard shall comply with the overall principles of the surface water strategy submitted with the application and shall investigate

opportunities to include additional natural SUDS features to replace/reduce the proposed extent of underground attenuation.

(c) Full details of surface water drainage proposals, including a management and maintenance plan, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

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

16. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

17. All plant, including extract ventilation systems, shall be sited in a manner so as not to cause nuisance at sensitive locations due to emissions. All mechanical plant and ventilation inlets and outlets shall be sound insulated and or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations. Basement ventilation shall not be positioned adjacent to apartment terraces.

**Reason:** In the interests of residential amenity.

18. (a) The site shall be landscaped in accordance with a detailed comprehensive scheme of landscaping and play facilities, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

(b) Proposals shall include additional play space in the main northern public open space, as well as proposals for additional natural and free play opportunities throughout the development.

(c) Proposals shall include a detailed landscape plan for the St Catherine's Gate area of public open space on lands outside the applicant's ownership. The plans shall include the consent (as relevant) from parties with a legal interest in the land, as well as a management and maintenance plan for this area.

(d) The landscaping proposals shall be managed and maintained in accordance with the Landscape Maintenance and Management Report submitted with the application, unless as otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

19. The applicant shall implement, in full, the tree protection measures contained within the Tree Survey & Planning Report and Tree Protection Drawing 23014\_TPP to ensure the protection of the existing trees to be retained within the development site. Prior to the commencement of construction works on site, the appointed arborist/landscape architect shall demonstrate for the written agreement of the planning authority that all tree and hedgerow protection measures have been implemented in full.

**Reason:** To protect existing trees and hedgerows.

20. 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, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

21. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at site offices at all times.

**Reason:** In the interest of sustainable waste management.

22. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted Ecological Impact Assessment for the application, in addition to the following:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of access points to the site for any construction related activity;
- c) Location of areas for construction site offices and staff facilities;
- d) Details of site security fencing and hoardings;
- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) 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;

- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. Reason: In the interest of amenities, public health and safety.

**Reason:** In the interest of residential amenities, public health and safety, and environmental protection.

23. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 Planning Authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

24. (a) No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.
- (b) The windows to the proposed creche and retail units shall not be obscured by adhesive material or otherwise, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

25. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally-constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

26. The developer shall facilitate the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

27. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority details on demolition of the existing buildings, including a full inventory of architectural features and items to be salvaged.

**Reason:** To protect and/or record architectural heritage.

28. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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

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

30. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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 Ward  
Senior Planning Inspector

3<sup>rd</sup> of September 2025

## Appendix 1

### Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
<b>Brief description of project</b>	Demolition of Institutional buildings and associated outbuildings, construction of residential development comprising 402 apartments; Creche, 2 retail units, communal space, new public park, and all associated site development works.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The site has a gross area of 3.8ha and is located within the suburban area of Ballyboden, c. 7.5km south of the city centre. The site slopes downward from south to north and is partially developed.</p> <p>To the west of the site, the Owendoher River runs northwards from the Dublin/Wicklow Mountains (includes a number of Natura 2000 sites). Along the southern boundary of the site there is a mill run/watercourse which diverts eastward from the Owendoher River before reconnecting further north. The Owendoher River then connects with the Dodder River, which drains to the Liffey Estuary and Dublin Bay (includes a number of Natura 2000 Sites).</p> <p>Surface water from the development will be discharged via a single outfall to the Owendoher River.</p> <p>Water supply will be provided via a combination of Bohernabreena Reservoir (part of Glenasmole Valley SAC) and Poulaphouca Reservoir (part of Poulaphouca Reservoir SPA).</p> <p>Foul drainage will be routed to Ringsend Wastewater Treatment Plant, which ultimately discharges to the Liffey Estuary and Dublin Bay.</p>
<b>Screening report</b>	Yes (Part of NIS Prepared by Altamar Ltd)
<b>Natura Impact Statement</b>	Yes (Prepared by Altamar Ltd)
<b>Relevant submissions</b>	<p>The submissions and observations received during the application and appeal process have been outlined in section 7 of the Inspector's Report for ABP-317433-23 and in section 4 of this report.</p> <p>The issues raised regarding European Sites largely relate to the previous application and the applicant's AA Screening conclusions in that case. Nonetheless, the principles are also relevant to the current case and will be considered in my assessment. The matters raised can be summarised as follows:</p>

	<ul style="list-style-type: none"> <li>• The significance of the Dodder River catchment and its role in connecting the European Sites in Dublin Bay and the Dublin/Wicklow Mountains.</li> <li>• The applicant's failure to define the principles of the Habitats Directive and consider relevant European guidance on the matter.</li> <li>• The need to apply the test of whether there 'may be' a significant effect on European Sites and the need for complete, precise and definitive findings and conclusions. This includes the potential effects on otter using the Owendoher River, the potential cumulative / in-combination effects, and the potential hydrological links.</li> <li>• The inclusion of measures to protect water quality as mitigation measures.</li> <li>• The adequacy of the NIS, including surveys for birds, bats, and otters.</li> <li>• The change in baseline conditions given the passage of time since the preparation of the application / appeal documents.</li> </ul>
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## Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
South Dublin Bay SAC (000210)	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf">www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf</a>	7.1	Via surface water discharges at construction and operational stages to Owendoher River, and subsequent downstream connections to Dublin Bay via the River Dodder and Liffey estuary.	Yes
North Dublin Bay SAC (000206)	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf">www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf</a>	11.5	Via wastewater discharge to Ringsend and subsequent outfall to Liffey Estuary and Dublin Bay.	
South Dublin Bay and River Tolka Estuary SPA (004024)	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf">www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf</a>	7	Given the significant separation distances; the characteristics of the site and surrounding area; and the results of the bird surveys submitted with the application; there is no potential for ex-situ impacts associated with any SPA qualifying interest species.	
North Bull Island SPA (004006)	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004006.pdf">www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004006.pdf</a>	11		
Rockabill to Dalkey Island SAC (003000)	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO003000.pdf">www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO003000.pdf</a>	13.5	As above, there are hydrological connections associated with surface water and wastewater. However, given the significant separation distance and	No

	<a href="#">jectives/CO003000.pdf</a>		hydrological buffer between the proposed development and these sites, I am satisfied that there are no potential impacts as a result of surface/foul water emissions.	No
Dalkey Islands SPA (004172)	<a href="#">www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004172.pdf</a>	13.2		
North-west Irish Sea SPA (004236)	<a href="#">www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004236.pdf</a>	12	As above, I am satisfied that there is no potential for disturbance or ex-situ impacts associated with any SPA qualifying interest species.	
Wicklow Mountains SAC (002122)	<a href="#">www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002122.pdf</a>	4.6	Otter is a qualifying interest and the Owendoher River and other tributaries provide a potential hydrological link.	Yes
Glenasmole Valley SAC (001209)	<a href="#">www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001209.pdf</a>	5.2	Water supply is from Bohernabreena Reservoir.	Yes
Poulaphuca Reservoir SPA (004063)	<a href="#">www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004063.pdf</a>	17	Water supply is from Bohernabreena Reservoir. For the reasons outlined above, I am satisfied that there is no potential for disturbance or ex-situ impacts associated with any SPA qualifying interest species.	Yes
Knocksink Wood SAC (000725)	<a href="#">www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000725.pdf</a>	9.2	There is no 'direct' or 'indirect' Source-Pathway linkage with the appeal site and no potential impact is foreseen.	No
Ballyman Glen SAC (000713)	<a href="#">www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000713.pdf</a>	11.7		
Wicklow Mountains SPA (004040)	<a href="#">www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004040.pdf</a>	4.6	The Owendoher River does not provide a relevant ecological connection for the qualifying interests (Merlin, Peregrine). There are no other relevant linkages. For the reasons outlined above, I am satisfied that there is no potential for disturbance or ex-situ impacts associated with any SPA qualifying interest species.	No

I note that the North-west Irish Sea SPA was not considered in the applicant's AA Screening Report. However, this SPA was only advertised as a candidate SPA on 13th July 2023, which was after the completion of the applicant's report (29<sup>th</sup> March 2023). I acknowledge the designation of the North-west Irish Sea cSPA as an important resource for marine birds extending offshore along the coasts of counties Louth, Meath and Dublin over an area of approximately 2,333km<sup>2</sup>, as well as the conservation objectives for the 21 marine bird species associated with the site. However, consistent with my conclusions on other European Sites in the outer Dublin Bay area, I do not consider that the hydrological pathways would have potential for significant effects. I consider that potential for significant effects on the North-west Irish Sea

candidate SPA can be excluded as the proposed development would not result in impacts that could undermine the attainment of conservation objectives. The development would not result in impacts that could affect seabird population trends, cause disturbance of birds in the marine environment, their spatial distribution, forage distribution and abundance or cause barriers to access to the SPA or other ecologically important sites outside the SPA.

Other than the sites identified for further consideration in the above table, I do consider any other sites to be within the zone of influence due to lack of connectivity and/or significant distance/dilution factors.

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

#### Surface Water

During the Operational Phase, surface water will be discharged to the Owendoher River following on-site SuDS treatment, attenuation, and interception. In the absence of proper completion and operation of all proposed works, there is potential for hydrocarbon and other pollution to enter the Owendoher River and have subsequent water quality impacts on the downstream Natura 2000 sites in inner Dublin Bay.

During the Construction Phase, emissions to surface water arising during the site clearance and construction stage could contain pollutants (silt, dust, hydrocarbons and other substances). Such contaminated water could potentially discharge to the millrace and/or the Owendoher River, and from there, eventually, to the inner Dublin Bay Natura 2000 sites via the Dodder River.

#### Wastewater

The site will also be connected to the public foul water sewer network at operational stage, which will discharge to the Liffey estuary from Ringsend WWTP. As such, there is a hydrological link to the Natura 2000 sites in inner Dublin Bay. However, the potential for effects is not considered significant given that:

- There will be adequate hydraulic and organic capacity available in the WWTP.
- Uisce Eireann has confirmed that connection is feasible without need for infrastructure upgrade.
- Peak wastewater outflow associated with the proposed development (6.81 l/s) would not be significant when equated as a percentage (i.e. <0.1%) of the current licensed discharge at Ringsend WWTP.
- Evidence suggests that in the current situation, some nutrient enrichment is benefiting wintering birds for which the SPAs have been designated in Dublin Bay. The coastal waters in Dublin Bay are classed as 'unpolluted' by the EPA and enriched water entering Dublin Bay has been shown to rapidly mix and become diluted such that the plume is often indistinguishable from the rest of bay water.

#### Water Supply

Section 6 of this report has outlined that the water supply will be sourced from Poulaphouca Reservoir (within Poulaphouca Reservoir SPA) and Bohernabreena Reservoir (within Glenasmole Valley SAC). The potential for significant effects on these European Sites would be limited to the effects of water abstraction. However, as outlined in section 6 of this report, I do not consider that the proposed development would have a significant effect on the water bodies associated with the proposed water supply. Accordingly, I am satisfied that there would be no significant effects on Poulaphouca Reservoir SPA or Glenasmole Valley SAC.

## Otter

I have acknowledged that Otter is a Qualifying Interest for the Wicklow Mountains SAC and that the Owendoher River system extends marginally into the northern end of the SAC to form a potential hydrological link. However, as outlined in the Internal Technical Note prepared by the ACP Ecologist:

- The upstream location of the SAC means that there is no risk of any potential pollution related emissions affecting the SAC and the qualifying interest habitats do not include riparian habitats.
- The conservation objectives set for Otter are all for within the SAC.
- Otter commuting routes as detailed in the Conservation Objectives do not include any areas within South County Dublin.
- Any Otter present in the Owendoher at this location are unlikely to be associated with the SAC.
- The upland reaches of the river offer limited resources for Otter and the Owendoher river and its tributaries are not ecologically connected to rivers or waterbodies of importance to Otter within the wider SAC as they lie in different water catchments.

Accordingly, it is reasonable to exclude the likelihood of any significant effects in view of the conservation objectives of the SAC.

## Cumulative / in-combination effects

The applicant's AA Screening Report has considered cumulative / in-combination impacts, including other existing, proposed and granted developments in the vicinity of the site. It concludes that no projects in the vicinity of the proposed development would be seen to have a significant in-combination effect on Natura 2000 sites. This report has also acknowledged that additional development would also have been permitted / constructed in the intervening period, albeit that there has been a net reduction in the number of 'committed' developments.

Having regard to the likely effects outlined above, I consider that the potential for cumulative/in-combination effects is limited to surface water quality. Consistent with the proposed development, I consider that other developments along the Owendoher River and the Dodder River have the potential to impact on the inner Dublin Bay Natura 2000 sites as a result of emissions to surface water at construction and operational stages.

## **AA Screening matrix**

<b>Site name Qualifying interests</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 1: South Dublin Bay SAC (000210)</b> <u>QI list</u> Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; Embryonic shifting dunes.	<p>During construction, there is the potential for dust and contaminated surface water runoff to enter the Owendoher River.</p> <p>During the Operational Phase, surface water will be discharged to the Owendoher River and there is potential for hydrocarbon and other pollution.</p> <p>Wastewater will be routed to the Ringsend WWTP which discharges to the Liffey Estuary and then Dublin Bay.</p>	<p>In the absence of mitigation measures, the construction and operational stage emissions to the Owendoher River have the potential for significant water quality effects for this SAC.</p> <p>There is adequate wastewater treatment capacity to ensure that there will be no significant effects on the water quality of the SAC.</p>

	<b>Likelihood of significant effects from proposed development (alone): Yes</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 2: North Dublin Bay SAC</b> <u>QI list</u> Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; Embryonic shifting dunes; Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes); Fixed coastal dunes with herbaceous vegetation (grey dunes); Humid dune slacks; Atlantic salt meadows; Mediterranean salt meadows; Petalwort.	<p>During construction, there is the potential for dust and contaminated surface water runoff to enter the Owendoher River.</p> <p>During the Operational Phase, surface water will be discharged to the Owendoher River and there is potential for hydrocarbon and other pollution.</p> <p>Wastewater will be routed to the Ringsend WWTP which discharges to the Liffey Estuary and then Dublin Bay.</p>	<p>In the absence of mitigation measures, the construction and operational stage emissions to the Owendoher River have the potential for significant water quality effects for this SAC.</p> <p>There is adequate wastewater treatment capacity to ensure that there will be no significant effects on the water quality of the SAC</p>
	<b>Likelihood of significant effects from proposed development (alone): Yes</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 3: South Dublin Bay &amp; River Tolka Estuary SPA (004024)</b> <u>QI list</u> Light-bellied Brent Goose, Oystercatcher, Ringed Plover, Grey Plover (proposed for removal), Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull, Roseate Tern, Arctic Tern, Common Tern, Wetlands.	<p>During construction, there is the potential for dust and contaminated surface water runoff to enter the Owendoher River.</p> <p>During the Operational Phase, surface water will be discharged to the Owendoher River and there is potential for hydrocarbon and other pollution.</p> <p>Wastewater will be routed to the Ringsend WWTP which discharges to the Liffey Estuary and then Dublin Bay.</p>	<p>In the absence of mitigation measures, the construction and operational stage emissions to the Owendoher River have the potential for significant water quality effects for this SPA.</p> <p>There is adequate wastewater treatment capacity to ensure that there will be no significant effects on the water quality of the SPA.</p>
	<b>Likelihood of significant effects from proposed development (alone): Yes</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A</b>	

	Impacts	Effects
<b>Site 4: North Bull Island SPA (004006)</b> <u>QI list</u> Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull, Wetlands.	<p>During construction, there is the potential for dust and contaminated surface water runoff to enter the Owendoher River.</p> <p>During the Operational Phase, surface water will be discharged to the Owendoher River and there is potential for hydrocarbon and other pollution.</p> <p>Wastewater will be routed to the Ringsend WWTP which discharges to the Liffey Estuary and then Dublin Bay.</p>	<p>In the absence of mitigation measures, the construction and operational stage emissions to the Owendoher River have the potential for significant water quality effects for this SPA.</p> <p>There is adequate wastewater treatment capacity to ensure that there will be no significant effects on the water quality of the SPA.</p>
	<b>Likelihood of significant effects from proposed development (alone):</b> <b>Yes</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A</b>	
	Impacts	Effects
<b>Site 5: Wicklow Mountains SAC (002122)</b> <u>QI List</u> Oligotrophic waters containing very few minerals of sandy plains; Natural dystrophic lakes and ponds; Northern Atlantic wet heaths with Erica tetralix; European dry heaths; Alpine and Boreal heaths; Calaminarian grasslands of the Violetalia calaminariae; Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe); Blanket bogs (* if active bog); Siliceous scree of the montane to snow levels; Calcareous rocky slopes with chasmophytic vegetation; Siliceous rocky slopes with chasmophytic vegetation; Old sessile	<p>The Ownendoher River system extends marginally into the SAC to form a potential hydrological link for otters, albeit at a significant distance &gt;5km.</p> <p>If the appeal site is within the zone of influence for the otter population of the SAC, there would be potential for water quality impacts associated with surface water emissions at construction and operational stage, and for disturbance impacts associated with noise, lighting etc at construction and operational stages.</p>	<p>Having regard to the distanced, upstream location of the SAC and the lack of suitable pathways between the SAC and the appeal site, it is reasonable to exclude the likelihood of any significant effects in view of the conservation objectives of the SAC.</p>

oak woods with Ilex and Blechnum in the British Isles; Lutra lutra (Otter).		
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 6: Poulaphouca Reservoir SPA (004063)</b> <u>QI list</u> Greylag Goose; Lesser Black-backed Gull	Impacts on hydrological site conditions as a result of water abstraction from the reservoir.	The effects on the reservoir would not be significant and there would be no associated effects for the SPA species.
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
<b>Site 7: Glenasmole Valley SAC (001209)</b> <u>QI list</u> Semi-natural dry grasslands and scrubland facies on calcareous substrates (* important orchid sites); Molinia meadows on calcareous, peaty or clayey-silt-laden soils; Petrifying springs with tufa formation.	Impacts on hydrological site conditions as a result of water abstraction from the Bohernabreena reservoir.	The effects on the reservoir would not be significant and there would be no associated effects for the SAC habitats.
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No.</b>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
It is not possible to exclude the possibility that the proposed development alone would result in significant effects on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, and North Bull Island SPA from effects associated with potential pollution of surface water at the construction stage and operational stages.		
An appropriate assessment is required on the basis of the possible effects of the project ‘alone’. Further assessment in-combination with other plans and projects is not required at screening stage.		

## **Screening Determination**

### **Significant effects cannot be excluded**

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 it is not possible to exclude that the proposed development alone will give rise to significant effects on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, and North Bull Island SPA in view of the conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The nature and scale of the proposed works
- The potential connectivity between the application site and the European Sites
- The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.

The possibility of significant effects on any other European sites has been excluded on the basis of objective information.

No measures intended to avoid or reduce harmful effects on European sites (including those included in the applicant's NIS) were taken into account in reaching this conclusion.

## Appendix 2

### Appropriate Assessment

#### Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the screening determination (see Appendix 1), the following is an appropriate assessment of the implications of the proposed development consisting of the demolition of Institutional buildings and associated outbuildings, construction of residential development comprising 402 apartments; Creche, 2 retail units, communal space, new public park, and all associated site development works, in view of the relevant conservation objectives of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA, based on scientific information provided by the applicant and all other submissions and observations received.

The information relied upon includes the following:

- The Natura Impact Statement, Ecological Impact Assessment, and Outline Construction and Environmental Management Plan prepared on behalf of the applicant.
- The other plans and particulars submitted with the application.
- The SDCC Planning Authority Reports.
- The submissions from Prescribed Bodies.
- The Internal Technical Note prepared by the ACP Ecologist.
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

I am satisfied that the information provided is adequate to allow for Appropriate Assessment.

I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

#### Submissions/observations

The submissions and observations received during the application and appeal process have been outlined in section 7 of the Inspector's Report for ABP-317433-23 and in section 4 of this report. The issues raised regarding European Sites largely relate to the previous application and the applicant's AA Screening conclusions in that case. Nonetheless, the principles are also relevant to the current case and will be considered in my assessment. The matters raised can be summarised as follows:

- The significance of the Dodder River catchment and its role in connecting the European Sites in Dublin Bay and the Dublin/Wicklow Mountains.

- The applicant's failure to define the principles of the Habitats Directive and consider relevant European guidance on the matter.
- The need to apply the test of whether there 'may be' a significant effect on European Sites and the need for complete, precise and definitive findings and conclusions. This includes the potential effects on otter using the Owendoher River, the potential cumulative / in-combination effects, and the potential hydrological links.
- The inclusion of measures to protect water quality as mitigation measures.
- The adequacy of the NIS, including surveys for birds, bats, and otters.
- The change in baseline conditions given the passage of time since the preparation of the application / appeal documents.

**Inner Dublin Bay Sites: South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA**

**Summary of Key issues that could give rise to adverse effects (from screening stage):  
Water quality degradation (construction and operational stage)**

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives (Summary of relevant Targets and Attributes)</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b> See NIS - Table 7
<b>South Dublin Bay SAC</b>			
Mudflats and sandflats not covered by seawater at low tide.	Habitat Area – Stable or increasing. Community Extent – Maintain community. Community Structure - Conserve the high-quality community. Community distribution - Conserve in a natural condition.	Without the presence of mitigation measures there is a potential for downstream effects if significant quantities of dust, pollution or silt were introduced into the Owendoher River via air, surface water runoff, mill race and the surface water drainage network.	In summary, the proposed mitigation measures include, <i>inter alia</i> :  <b>Construction Phase</b> <ul style="list-style-type: none"> <li>• Appointment of Project Ecologist &amp; Ecological Clerk of Works</li> <li>• Silt traps</li> <li>• Stockpiling, practices and storage to prevent run-off</li> <li>• Petrochemical interception</li> <li>• Pollution prevention programme</li> <li>• Control of vehicles</li> <li>• Spill control</li> </ul>
Annual vegetation of drift lines. Salicornia and other annuals colonising mud and sand. Embryonic shifting dunes.		Construction works have the potential for downstream impacts on aquatic biodiversity through the introduction of silt and petrochemicals. Existing drainage networks on	
<b>North Dublin Bay SAC</b>		site, surface water runoff, haulage, storage of topsoil or works in the	
Mudflats and sandflats not covered by seawater at low tide.	Habitat Area – Stable or increasing. Community Extent – Maintain community.		<b>Air &amp; Dust</b> <ul style="list-style-type: none"> <li>• Pro-active control of fugitive dust</li> </ul>

	Community Structure - Conserve the high-quality community. Community distribution - Conserve in a natural condition.	vicinity of the drainage networks on site could lead to dust, hazardous material, soil or silt laden runoff entering the	<ul style="list-style-type: none"> <li>Dust control and monitoring method statement</li> <li>Vehicle controls</li> <li>Demolition methodology to minimise dust / air pollution.</li> <li>Control of plant and stockpiling.</li> <li>Spraying of surfaces</li> <li>Covering of materials</li> </ul>
Annual vegetation of drift lines, Salicornia and other annuals colonising mud and sand, Embryonic shifting dunes, Shifting dunes along the shoreline with Ammophila arenaria (white dunes), Fixed coastal dunes with herbaceous vegetation (grey dunes), Humid dune slacks.	Habitat Area – Stable / increasing. Habitat distribution – No decline / change. Physical structure - Maintain natural circulation, structure, tidal regime. Vegetation structure - Maintain coastal habitats, structure and vegetation. Vegetation composition - Maintain the presence of species-poor communities, Negative indicator species to be limited.	Owendohr River via the surface water drainage network. Surface water runoff on site during construction may lead to silt or contaminated materials from site entering the Owendoher River via the surface water drainage network with downstream impacts on the Natura 2000 sites. If on-site concrete production is required or cement works are carried out in the vicinity of watercourses there is potential for contamination of watercourses. The use of plant and machinery, as well as the associated temporary storage of construction materials, oils, fuels and chemicals could lead to pollution on site or in adjacent watercourses.	<ul style="list-style-type: none"> <li>Construction method statements and Site Specific Construction and Environmental Management Plan will be developed.</li> <li>Exclusion zones</li> <li>Temporary drainage system</li> <li>Bunded storage</li> <li>Concrete batching off site</li> <li>Dewatering of any groundwater</li> </ul>
Atlantic salt meadows, Mediterranean salt meadows	Habitat Area – Stable or increasing. Habitat distribution – No decline / change. Physical structure - Maintain natural circulation, structure, tidal regime. Vegetation structure - Maintain coastal habitats, structure and vegetation. Vegetation composition - Maintain range of sub-communities.	Mitigation measures are required to remove the potential of impacts on the Qualifying Interests of these Natura 2000 sites from the direct hydrological pathway via the Owendoher River.	<p><u>Storage/Use of Materials, Plant &amp; Equipment</u></p> <ul style="list-style-type: none"> <li>Site compound</li> <li>Bunded storage</li> <li>Properly maintained plant and equipment</li> </ul>
Petalwort	Distribution of populations – No Decline. Population size – No Decline. Area of suitable habitat – No decline. Hydrological conditions – Maintain. Vegetation structure – Maintain.		<p><u>Drainage</u></p> <ul style="list-style-type: none"> <li>Silt fences / barriers</li> <li>Settlement facilities</li> <li>Careful soil handling</li> </ul> <p><u>Noise / Vibration</u></p> <ul style="list-style-type: none"> <li>Best practice control measures</li> <li>Quiet plant</li> </ul>

<b>South Dublin Bay &amp; River Tolka Estuary SPA</b>			<ul style="list-style-type: none"> <li>• Control at source</li> <li>• Screening</li> <li>• Public liaison</li> <li>• Monitoring</li> <li>• Hours of work</li> </ul>	
Light-bellied Brent Goose, Oystercatcher, Ringed Plover, Grey Plover (proposed for removal), Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull	<p>Population trend – Stable or increasing.</p> <p>Distribution - No significant decrease in the range, timing or intensity of use of areas.</p>		<p><b>Operational Phase</b></p> <ul style="list-style-type: none"> <li>• A project ecologist will be appointed to oversee completion of all landscape and drainage works.</li> <li>• Petrochemical interception will be inspected by the project ecologist to ensure compliance with Water Pollution Acts.</li> </ul>	
Roseate Tern, Arctic Tern	<p>Passage population – No significant decline.</p> <p>Distribution – No significant decline.</p> <p>Prey biomass available – No significant decline.</p> <p>Barriers to connectivity – No significant increase.</p> <p>Disturbance at roosting site – No adverse effect.</p>			
Common Tern	<p>No significant decline in Breeding population abundance, Productivity rate, Passage population, Distribution, Prey biomass available.</p> <p>No significant increase in barriers to connectivity.</p> <p>Disturbance – No adverse effects.</p>			
Wetlands	Habitat Area – Stable.			
<b>North Bull Island SPA</b>				
Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed	<p>Population trend – Stable or increasing.</p> <p>Distribution - No significant decrease in the range, timing or intensity of use of areas.</p>			

Godwit, Curlew, Redshank, Turnstone, Black-headed Gull				
Wetlands	Habitat Area - Stable			
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.				
<b>Assessment of issues that could give rise to adverse effects in view of conservation objectives</b>				
<b>Water quality degradation (construction and operational stages)</b>				
<p>There is a significant separation distance (c. 14km) between the appeal site and the closest part of any of the Dublin Bay Natura 2000 sites, which offers potential for significant dilution of any potential pollutants. Furthermore, I consider that the size and transitional nature of the Liffey Estuary / Dublin Bay provides further significant capacity to assimilate/dilute any potential pollution.</p> <p>In any case, having regard to the above and the nature and scale of the proposed development, I am satisfied that the application includes a suitably comprehensive range of mitigation measures. The measures relate to the construction and operational stages, and I am satisfied that they will ensure that any emissions to surface water will not affect the downstream water quality at Dublin Bay.</p> <p>Accordingly, the mitigation measures are adequate to ensure that the integrity of any of the Dublin Bay Natura 2000 sites SPA will not be affected. The mitigation measures should be applied as a condition of any permission.</p>				
<b>In-combination effects</b>				
<p>As previously outlined, the applicant has considered cumulative / in-combination impacts, including other existing, proposed and granted developments in the vicinity of the site. It concludes that no projects in the vicinity of the proposed development would be seen to have a significant in-combination effect on Natura 2000 sites. This report has also acknowledged that additional development would also have been permitted / constructed in the intervening period, albeit that there has been a net reduction in the number of 'committed' developments.</p> <p>Having regard to the likely effects outlined in this report, I consider that the potential for cumulative/in-combination effects is limited to surface water quality. Consistent with the proposed development, I consider that other developments along the Owendoher River and the Dodder River have the potential to impact on the inner Dublin Bay Natura 2000 sites as a result of emissions to surface water at construction and operational stages.</p> <p>However, having regard to the foregoing, I am satisfied that the proposed development will not result in any significant residual surface water quality effects post the application of mitigation</p>				

measures. Other developments will also be required to demonstrate the absence of significant adverse effects. Therefore, there is no potential for significant adverse in-combination effects.

## **Findings and conclusions**

The applicant's NIS concluded that, following the implementation of the mitigation measures outlined, the construction and operation of the proposed development will not result in direct or indirect effects which would have the potential to adversely affect the qualifying interests/special conservation interests of the European sites screened in for NIS with regard to the range, population densities or conservation status of the habitats and species for which these sites are designated (i.e. conservation objectives). All other European Sites were screened out at AA Screening Stage. Accordingly, it concluded that the proposed project will not will adversely affect the integrity of European sites.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. They will prevent any residual effects and, as such, I am satisfied that there will be no significant in-combination effects.

## **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

## **Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA. Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

## **Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U of the Act was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account the submissions and observations received, I consider that adverse effects on site integrity of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The nature and scale of the proposed development and its limited hydrological connectivity with the European Sites.
- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the relevant qualifying interests of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA.
- Effectiveness of mitigation measures proposed in the Natura Impact Statement, the Outline Construction & Environmental Management Plan, and the Ecological Impact Assessment.
- Application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented.

### Appendix 3

#### Form 1 – EIA Screening

<b>Case Reference</b>	ABP-322702-25
<b>Proposed Development Summary</b>	Demolition of Institutional buildings and associated outbuildings, construction of residential development comprising 402 apartments; Creche, 2 retail units, communal space, new public park, and all associated site development works.
<b>Development Address</b>	Site at Taylors Lane and Edmondstown Road, Taylors Lane, Ballyboden, Dublin 16
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in <b>Part 1</b> .  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Part 2, Class 10(b)(i) – More than 500 dwelling units.</p> <p>Part 2, Class 10(b)(iv) - An area greater than 10 hectares in the case of other parts of a built-up area outside the business district.</p>
<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p><b>Yes <input checked="" type="checkbox"/></b></p>	<p><b>Screening Determination Required (Refer to Form 3 below).</b></p>
<p><b>No <input type="checkbox"/></b></p>	

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

**Appendix 3**  
**Form 3 - EIA Screening Determination**

A. CASE DETAILS		
<b>An Coimisiún Pleanála Case Reference</b>	ABP-322702-25	
<b>Development Summary</b>	Demolition of Institutional buildings and associated outbuildings, construction of residential development comprising 402 apartments; Creche, 2 retail units, communal space, new public park, and all associated site development works.	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	No	The 'Record of Executive Business and Chief Executive's Order' concluded that the need for EIA can be excluded at preliminary examination and that a screening determination is not required.
<b>2. Has Schedule 7A information been submitted?</b>	Yes	See applicant's EIA Screening Report and other information submitted with the application.
<b>3. Has an AA screening report or NIS been submitted?</b>	Yes	AA Screening Report and NIS submitted.
<b>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	N/A	
<b>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried</b>	Yes	<p>The following has been submitted with the application:</p> <ul style="list-style-type: none"> <li>• An Ecological Impact Assessment (EcIA) which considers the Habitats Directive (92/43/EEC) and the Birds Directive 2009/147/EC).</li> <li>• An Infrastructure Design Report and Site Specific Flood Risk Assessment which have had regard to Development Plan policies</li> </ul>

<p>out pursuant to other relevant Directives – for example SEA</p>		<p>regarding the Water Framework Directive (2000/60EC) and the Floods Directive (2007/60/EC).</p> <ul style="list-style-type: none"> <li>• An Operational Waste &amp; Recycling Management Plan which considers the Waste Framework Directive (2008/98/EC).</li> <li>• An Air Quality Assessment which considers the EIA Directive and The European 2008/50/EC Clean Air for Europe (CAFÉ) Directive and National Emissions reduction Commitments (NEC) Directive (2016/2284/EU).</li> <li>• An Environmental Noise Survey which considers EC Directive 2002/49/EC (END).</li> </ul> <p>SEA and AA was undertaken by the planning authority in respect of the South Dublin County Development Plan 2022-2028.</p>
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B. EXAMINATION	Yes/ No/ Uncertain	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<p><b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith (as well as the Inspector's Report for ABP-317443-23)</b></p>			
<p><b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)</p>			
<p><b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>Yes</p>	<p>I have acknowledged that the scale and character is significantly different to the existing buildings and the immediately surrounding development. However, there is increasing evidence of similar higher-density apartment development in the wider surrounding area.</p> <p>I have considered the character and scale of the development in sections 5.2 and 5.3 of this report, and I do not consider that it would significantly impact on the visual amenity, landscape, or character of the area.</p>	<p>No</p>
<p><b>1.2</b> Will construction, operation, decommissioning or demolition works cause</p>	<p>Yes</p>	<p>The project works will cause physical changes to the topography and land use, but I consider that</p>	<p>No</p>

physical changes to the locality (topography, land use, waterbodies)?		<p>these changes would be consistent with the existing and emerging pattern of development.</p> <p>The works will be appropriately managed in accordance with a Construction and Environmental Management Plan (CEMP) and a Resource and Waste Management Plan (RWMP). Together with the Infrastructure Design Report and the mitigation measures included in the EclA and NIS, I am satisfied that there will be no significant effects on waterbodies.</p>	
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	<p>The redevelopment of the land (including tree removal) will provide a more suitable and efficient use which is consistent with the existing and planned use of the area. A net volume of 37,000m<sup>3</sup> of cut material (no bedrock) will be excavated and waste (construction and operational) will be disposed/re-used in accordance with applicable waste legislation and guidance.</p> <p>The predicted water demand would be consistent with normal residential development. Irish Water has confirmed that there are no objections, and it is not proposed to extract groundwater. (See section 6 of this report for further details).</p> <p>The materials/minerals and energy associated with the development would be typical of urban development and would be suitably designed as outlined in section 2.1 of the Building Life Cycle Report and the proposed transport arrangements.</p> <p>Biodiversity resources have been considered in the EclA, the AA Screening Report and the Natura Impact Statement, and I am satisfied that</p>	No

		there would be no significant effects on relevant habitats or species.	
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of the CEMP and RWMP will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p> <p>Conventional waste produced will be managed through the implementation of the OWRMP.</p>	No
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	<p>Waste produced from construction activity, including 37,000m<sup>3</sup> of cut material, total demolition waste of 1,245 tonnes, and construction waste of 9,189 tonnes will be managed through the implementation of the RWMP which estimates that 70% of the waste will be reused/recycled/recovered. Mitigation measures have been included for potentially hazardous construction wastes.</p> <p>Construction noise and dust emissions are likely. Such construction impacts would be local and temporary in nature and implementation of a CEMP will satisfactorily mitigate potential impacts.</p> <p>Operational phase of project does not produce or release any pollutant or hazardous material. Conventional waste will be managed through the OWMP (c. 82,000 litres per week). Other significant operational emissions are not anticipated.</p>	No
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of	Yes	Project involves underground excavation works with the construction of a basement level, and the	No

<p>pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>		<p>removal/ diversion of subsurface water services infrastructure, and installation of new services infrastructure. However, it uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the CEMP to satisfactorily address potential risks in relation to contamination of land/ groundwater.</p> <p>Project includes for surface water management systems, designed, and constructed in accordance with GDSDS. Surface water will be attenuated prior to discharge to the wider drainage network. Wastewater will be discharged to the public system. The potential indirect hydrological and hydrogeological effects have been assessed in sections 8.9 and 8.10 of the Inspector's Report for ABP-317443-23 and in section 6 of this report, and risks of contamination are not deemed to be significant.</p>	
<p><b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise, light, and vibration emissions. Such emissions will be localised, short term in nature and their impacts will be suitably addressed by the CEMP, the Environmental Noise Survey, and the Lighting Design Report (including associated mitigation measures).</p> <p>Operational phase of project will cause noise and light impacts which would be consistent with the established residential uses in the area and would not result in significant effects.</p> <p>As per section 8.9 of Inspector's Report for ABP-317443-23 and section 7 of this report, it has also been demonstrated that the noise, lighting or</p>	<p>No</p>

		other potential disturbance impacts would not significantly impact on any habitats or species of biodiversity interest (including Habitats Directive Annex IV species such as bats and otters).	
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	<p>Potential for construction activity to give rise to dust emissions but such emissions will be localised, short term in nature and their impacts will be suitably addressed by the CEMP mitigation measures.</p> <p>The site is not within a drinking water protection area and is served by public mains, and therefore water contamination is not expected to impact on human health. Any potential water impact is also to be addressed by the CEMP.</p> <p>The operational phase will not result in significant effects for human health.</p>	No
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. There is no significant Flood Risk as outlined in section 8.10 of Inspector's Report for ABP-317443-23.</p> <p>The site is not located within close proximity to any Seveso / COMAH sites.</p>	No
<b>1.10</b> Will the project affect the social environment (population, employment)	Yes	Project increases localised temporary employment activity at the site during construction stage. The construction stage impacts on the local population are short term and impacts arising will be temporary, localised, and addressed by the mitigation measures in the CEMP.	No

		The development will result in increased population in the area. This would not be significant given the existing and planned residential uses in the area and the proximity of the site to a wide range of supporting uses and facilities.	
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	The immediate surrounding area has been developed with housing and other uses in recent years. However, the lands on which housing has been developed are residentially zoned lands, the development of which has been foreseen by the South Dublin County Development Plan 2022-2028, which has undergone an SEA. Other developments in the wider area are not considered to give rise to significant cumulative effects.	No
<b>2. Location of proposed development</b>			
<b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> <li>- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	Yes	Project not located in, on, or adjoining any European site, any designated or proposed Natural Heritage Area, or any other listed area of ecological interest or protection.  The EclA and NIS has considered the proximity and potential connections to designated/ecological sites in the wider surrounding area. Consistent with section 8.9 of the Inspector's Report for ABP-317443-23 and section 7 of this report, I am satisfied that there would be no significant effects on same.	No
<b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or	No	The potential for impacts has been considered in sections 8.9 of the Inspector's Report for ABP-	No

<p>around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>		<p>317443-23 and section 7 of this report. The EcIA has appropriately surveyed and classified the habitat, flora and species on the site and surrounding area. As outlined in the Internal Technical Note prepared by the ACP Ecologist, I am satisfied that this information is still relevant; that there have been no significant changes to baseline conditions; and that suitable mitigation measures have been included to address any such potential changes (including pre-construction surveys).</p> <p>I would concur that any loss of habitat would be of limited value and that adequate mitigation measures have been included.</p> <p>There is no significant evidence of terrestrial mammal activity on site. There is no evidence of otter activity on or immediately adjoining the site, and mitigation measures have been suitably designed to protect the surrounding water courses and avoid significant disturbance.</p> <p>The potential loss of bat roosting features has been acknowledged (although the building is no longer of value for bat roosts due to fire damage) and appropriate mitigation measures have been included. Furthermore, the relatively small population of common bat species would not be significantly affected in terms of commuting/foraging habitat or flight lines.</p> <p>The site is not significant for wintering bird species. Subject to a breeding bird survey and the proposed mitigation measures, I am satisfied that the proposed development would avoid significant effects on bird habitat/species.</p>	
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		The AA (section 7 of this report) has satisfactorily established that the development would not have significant adverse effects on the integrity of any European Sites.	
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	As outlined in section 8.11 of Inspector's Report for ABP-317443-23 and sections 5.2 and 5.3 of this report, I am satisfied that the proposed development would not significantly impact on any landscape, historic, or cultural features. Archaeological monitoring will satisfactorily address the potential for archaeological findings.	No
<b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	Yes	As per section 6 of this report, the quality and regime of relevant waterbodies will be protected by the proposed mitigation measures.	No
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	As per section 6 of this report, the quality and regime of relevant waterbodies will be protected by the proposed mitigation measures. The proposed development presents no significant flood risk issues.	No
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No	No evidence or indications of such risks.	No
<b>2.7</b> Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is served by a local urban road network, public transport services, as well as a range of pedestrian/cycle links. I have considered these services in section 8.4 of Inspector's Report for ABP-317443-23 and section 5.2 of this report, and I do not consider that there would be any significant congestion effects at construction or operational stage. The development would be suitably designed and managed to promote	No

		sustainable transport modes and would not result in significant environmental problems such as excessive transport emissions etc.	
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	The proposed development would be adequately distanced/screened from the healthcare and ecclesiastical services to the south of the site. I am satisfied that there would not be excessive pressure placed on community facilities (including schools) in the wider area, and that the proposal would not result in any significant effects on surrounding properties (see sections 8.6, 8.7 and 8.12 of Inspector's Report for ABP-17443-23 and section 5 of this report).	No
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	<p>This is a standalone development. The applicant's EIA Screening Report and other assessments submitted with the application appropriately consider the nature and extent of existing/permitted development in the vicinity of the site. Furthermore, this report has considered any other relevant developments permitted since the completion of Inspector's Report for ABP-317443-23, noting a net reduction in the number of permitted residential units.</p> <p>The majority of existing/planned development is of a similar residential nature and includes the potential for cumulative effects at construction stage (e.g. traffic, noise, dust) and operational stage (e.g. traffic, wastewater emissions). However, I consider that these effects are consistent with the existing and planned uses of the area and that they would be suitably mitigated by design measures and conditions to avoid</p>	No

		significant effects (see sections 8.4, 8.10, and 8.12 of Inspector's Report for ABP-317443-23 and sections 5 to 7 of this report).  I am satisfied that there will be is no potential for significant cumulative effects.	
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise.	No
<b>3.3</b> Are there any other relevant considerations?	No	No other issues arise.	No
<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	✓	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>	✗	EIAR Not Required	
<b>D. MAIN REASONS AND CONSIDERATIONS</b>			
Having regard to: -  1. the criteria set out in Schedule 7, in particular (a) the nature and limited scale of the proposed development, in an established residential area served by public infrastructure (b) the absence of significant environmental sensitivities in the vicinity (c) the location of the development outside of any sensitive location specified in Article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)  2. the results of other relevant assessments of the effects on the environment submitted by the applicant, including the results of the Strategic Environmental Assessment of the South Dublin County Development Plan 2022-2028 under the SEA Directive.			

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the Natura Impact Statement, the Outline Construction & Environmental Management Plan, the Resource & Waste Management Plan, the Operational Waste & Recycling Management Plan, the Infrastructure Design Report, the Ecological Impact Assessment, the Archaeological Assessment, the Site Specific Flood Risk Assessment, the Air Quality Assessment, and the Environmental Noise Survey,

it is considered that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

**Inspector** \_\_\_\_\_

**Date** \_\_\_\_\_

**Approved (DP/ADP)** \_\_\_\_\_

**Date** \_\_\_\_\_

## Appendix 4

### Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Coimisiún Pleanála ref. no.</b>	322702-25	<b>Townland, address</b>	Site at Taylors Lane and Edmondstown Road, Taylors Lane, Ballyboden, Dublin 16
<b>Description of project</b>		Demolition of Institutional buildings and associated outbuildings, construction of residential development comprising 402 apartments; Creche, 2 retail units, communal space, new public park, and all associated site development works.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The site has a gross area of 3.8ha and is located within the suburban area of Ballyboden, c. 7.5km south of the city centre. The site slopes downward from south to north and is partially developed. There is an existing watermain running through the northern end of the site.</p> <p>To the west, the site bounds onto Edmondstown Road (R115/R116) and the Owendoher River runs northwards at a distance of c. 7-25 metres from the western edge of this road. Along the southern boundary of the site there is a mill run/watercourse which runs eastward from the Owendoher River. The Whitechurch stream is also c. 750 east of the site and runs northwards to connect with the Owendoher River. The Owendoher River then connects with the Dodder River, which drains to the Liffey Estuary and Dublin Bay.</p> <p>No groundwater was noted during the site investigations. The site is underlain by the Kilcullen ground waterbody.</p>	

<b>Proposed surface water details</b>	All runoff from impermeable surfaces will initially drain via source control SUDS features. A large portion of the open area of the site to the north has been reserved for open conveyance and detention basins. The remaining storage requirements were fulfilled using economical and sustainable underground attenuation features which promote infiltration. Outflows from the development will be restricted to greenfield rates before being discharged via a single outfall to the Owendoher River at the north-western corner of the subject site.
<b>Proposed water supply source &amp; available capacity</b>	<p>It is proposed to connect to the existing 6" diameter watermain in Edmondstown Road. Water supply is provided from Ballyboden Water Treatment Plant via a combination of Bohernabreena Reservoir (Upper) and Poulaphouca Reservoir (via Ballymore Eustace water treatment plant).</p> <p>A review of the Uisce Eireann Capacity Register (Published December 2024) on 20/8/2025 indicated that water supply capacity status for the 'Dublin City and suburbs' area to support 2033 population targets is 'Potential Capacity Available – Level of Service improvement required'.</p>
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	<p>The proposed foul drainage has been designed to drain via one outfall to the Uisce Eireann combined sewer in Edmondstown Road and will be routed to Ringsend Wastewater Treatment Plant, which ultimately discharges to the Liffey Estuary and Dublin Bay.</p> <p>A review of the Uisce Eireann Capacity Register (Published December 2024) on 20/8/2025 indicated that capacity is available at the Ringsend WWTP.</p>
<b>Others?</b>	As outlined in section 8.10 of the Inspector's Report for ABP-317443-23, the application is supported by a Site-Specific Flood Risk Assessment, including a Hydromorphological Assessment. I do not consider that there would be any unacceptable flood risk or hydromorphological impacts associated with the proposed development.

			The application is also accompanied by an Ecological Impact Assessment (EclA) and a Natura Impact Statement (NIS). As outlined in sections 8.9 of the Inspector’s Report for ABP-317443-23 and in section 7 of this report, I acknowledge the ecological importance of surrounding water features and their connectivity to designated nature conservation sites (including Natura 2000 sites). However, I consider that the proposed development would not have any unacceptable ecological effects and would not adversely impact on the integrity of any European Sites, either alone or in combination with other plans or projects.			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
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)
River	Adjoins western margins of site	Owenadoher_010 (IE_EA_09O011700)	Moderate	At risk	Urban Run-off	Stream to the south of site is directly linked. Road works directly adjoin the river. Surface water will be discharged.
River	2km to the north	Dodder_050 (IE_EA_09D010900)	Moderate	At risk	Urban Wastewater, Urban run-off, Unknown	As above via the Owenadoher
Transitional	8km to the northeast	Liffey Estuary Lower (IE_EA_090_0300)	Moderate	At risk	Urban Wastewater	Surface water impacts as above via the Owenadoher and Dodder. Wastewater discharge via Ringsend WWTP.

Coastal	10km to the northeast	Dublin Bay (IE_EA_090_00)	Good	Not at Risk	None Identified	Surface water impacts as above, via the Owenadoher, Dodder, and Liffey Estuary. Wastewater discharge via Ringsend WWTP and Liffey Estuary.
Lake	C. 17km to southwest	Pollaphuca (IE_EA_09_71)	Good	Not at Risk	None identified	Source of water supply.
Lake	C. 6.6km to southwest	Glenasmole Upper (IE_EA_09_70)	Good	Not at Risk	None identified	Source of water supply.
Groundwater	Underlying site	Kilcullen (IE_EA_G_003)	Good	At risk	Agriculture, Forestry, Unknown	Via the overlying soil and water features.

**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.**

**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	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Owenadoher_010 (IE_EA_090_011700)	Existing stream runs through the site and re-connects with Owenadoher.	Siltation, pH (Concrete), hydrocarbon spillages. See sections 6.4, 8.9,	Best practice construction management will apply. See sections 6.4,	No. As outlined in sections 6.4, 8.9, 8.10 of Inspector's Report for ABP-	Screened out.

		<p>Dodder_050 (IE_EA_09D 010900)</p> <p>Liffey Estuary Lower (IE_EA_090_0300)</p> <p>Dublin Bay (IE_EA_090_0000)</p>	Road works also proposed adjacent to Owenadoher. Owenadoher flows downstream to the Dodder, Liffey, and Dublin Bay.	8.10 of Inspector's Report for ABP-317443-23, and section 7 of this report, for further details.	8.9, 8.10 of Inspector's Report for ABP-317443-23, and section 7 of this report, for further details.	317443-23, and sections 6 & 7 of this report, I am satisfied that the proposed measures will prevent any unacceptable impacts on water quality or regime.	
2.	Ground	Kilcullen (IE_EA_G_0 03)	Via the overlying soil and water features.	Siltation, pH (Concrete), hydrocarbon spillages. See sections 6.4, 8.9, 8.10 of Inspector's Report for ABP-317443-23, and section 7 of this report, for further details.	Best practice construction management will apply. See sections 6.4, 8.9, 8.10 of Inspector's Report for ABP-317443-23, and section 7 of this report, for further details.	No. As outlined in sections 6.4, 8.9, 8.10 of Inspector's Report for ABP-317443-23, and sections 6 & 7 of this report, I am satisfied that the proposed measures will prevent any unacceptable impacts on water quality or regime.	Screened out.

OPERATIONAL PHASE							
1.	Surface	<p>Owenadoher_010 (IE_EA_09O 011700)</p> <p>Dodder_050 (IE_EA_09D 010900)</p> <p>Liffey Estuary Lower (IE_EA_090_0300)</p> <p>Dublin Bay (IE_EA_090_0000)</p> <p>Pollaphuca (IE_EA_09_7 1)</p> <p>Glenasmole Upper (IE_EA_09_7 0)</p>	<p>Surface water will be discharged to Owenadoher and further downstream to Dodder, Liffey, and Dublin Bay.</p> <p>Wastewater discharges to Liffey Estuary and on to Dublin Bay.</p> <p>Water supply will be sourced from reservoirs at Pollaphuca and Glenasmole. These reservoirs flow downstream to the Liffey and Dodder respectively.</p>	<p>Hydrocarbon spillage / pollution associated with surface water.</p> <p>Pollution associated with wastewater discharge.</p> <p>Water regime impacts associated with water supply / abstraction.</p> <p>See sections 6.4, 8.9, 8.10 of Inspector's Report for ABP-317443-23, and section 7 of this report, for further details.</p>	<p>SUDs features and storm water management.</p> <p>Compliance with Uisce Eireann (UE) wastewater requirements. Discharge licence conditions.</p> <p>Compliance with (UE) water connection requirements. Abstraction approval conditions.</p> <p>See sections 6.4, 8.9, 8.10 of Inspector's Report for ABP-317443-23, and section 7 of this report, for further details.</p>	<p>No. As outlined in sections 6.4, 8.9, 8.10 of Inspector's Report for ABP-317443-23, and sections 6 &amp; 7 of this report, I am satisfied that the proposed measures will prevent any unacceptable impacts on water quality or water regime.</p>	Screened out.

2.	Ground	Kilcullen (IE_EA_G_003)	Via the overlying soil and water features.	Hydrocarbon spillage / pollution.  See sections 6.4, 8.9, 8.10 of Inspector's Report for ABP-317443-23, and section 7 of this report, for further details.	SUDs features, storm water management.  See sections 6.4, 8.9, 8.10 of Inspector's Report for ABP-317443-23, and section 7 of this report, for further details.	No. As outlined in sections 6.4, 8.9, 8.10 of Inspector's Report for ABP-317443-23, and sections 6 & 7 of this report, I am satisfied that the proposed measures will prevent any unacceptable impacts on water quality or water regime.	Screened out.
<b>DECOMMISSIONING PHASE</b>							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A