



An
Coimisiún
Pleanála

Inspector's Addendum Report

ACP-322982-25

Development	208 no. social and affordable housing apartments and associated site works.
Location	Carlisle, Kimmage Road West, Kimmage, Dublin 12.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	LRD6018/22-S3
Applicant	1 Terenure Land Limited
Type of Application	Large-Scale Residential Development
Type of Appeal	Third Party
Appellant(s)	1. Elizabeth O'Callaghan 2. Kimmage Dublin Residents Alliance
Observers	Recorders Residents Association
Date of Site Inspection	24 th September 2025 and 18 th of October 2025
Senior Inspector	Paul O'Brien

1.0 Introduction

- 1.1. This Report is an Addendum report to the Inspector's Report in respect of 316176-23 dated 7th June 2023. Permission was sought for a residential development of 208 affordable and social apartments including all associated site works on a site at Kimmage Road West, Kimmage, County Dublin. The subject site is located in an established urban area, and these are vacant/ undeveloped lands and are under grass. The site adjoins a large gym to the south west and residential development to the north east, south east and north west.
- 1.2. The Board issued a Direction under BD-012917-23 on the 17th of July 2023, and an Order on the 19th of July 2023, granting permission for the proposed development subject to 18 conditions. The conditions were standard for a residential development of this nature.
- 1.3. In the Board Direction it was stated:

'The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reason and considerations, and subject to the following conditions.'

Reasons and Considerations

In making its decision, the Board had regard to the following:

- (i) the provisions and policies of the Dublin City Development Plan 2022 – 2028,
- (ii) the zoning objective Z1 – Sustainable Residential Neighbourhoods', which seeks 'To protect, provide and improve residential amenities',
- (iii) Housing for All – A New Housing Plan for Ireland, issued by the Department of Housing, Local Government and Heritage, 2021 and Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,

- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing, Local Government and Heritage in December 2022,
- (vi) the Urban Development and Building Heights – Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018,
- (vii) the availability in the area of a wide range of social and transport infrastructure,
- (viii) the pattern of existing and permitted development in the area,
- (ix) the submissions and observations received, and
- (x) the Inspector's Report.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.'

Under the section on 'Conclusions on Proper Planning and Sustainable Development' it states:

The Board considered the totality of the file including the Inspector's assessment. The Board had particular regard to The Dublin City Development Plan 2022-28, Appendix 3 Achieving Sustainable Compact Growth Policy for Density and Building Height in the City, Section 3 Understanding Height and Density - the Strategic Approach Section 4 The Compact city – How to Achieve Sustainable Density? The Board considered the planning authority's assessment of the scheme against the Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale (Table 3, of Appendix 3), the Board concurred with the planning authority's assessment and although the planning authority referred only to height in its conclusion, the Board concluded based on the assessment that the scheme as proposed complies with the performance criteria for enhanced height, density and scale.

The Board considered that subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development, subject to conditions, would provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is compliant with the Dublin City Development Plan 2022 – 2028, and would, therefore, be in accordance with the proper planning and sustainable development of the area.'

- 1.4. A judicial review of the decision to grant permission was taken by Kimmage Dublin Residents Alliance CLG. The Board decision was quashed by order of the High Court on the 12th of May 2025 and states:

'The Court doth grant

1. An Order of Certiorari pursuant to Order 84 of the Rules of the Superior Courts 1986 as amended and Section 50 of the Planning and Development Act 2000 as amended quashing the decision of the Respondent dated the 19th day of July 2023 granting planning permission for the construction of 208 apartments and associated works at the site of Carlisle on Kimmage Road West in Kimmage in Dublin 12 (ABP-316176-23)
2. An Order that the matter be remitted to the Respondent for further consideration and determination in accordance with law

And in lieu of directing that an Order of Certiorari do issue IT IS ORDERED that the aforesaid decision of the Respondent dated the 19th day of July 2023 and all records and entries relating thereto be quashed without further Order'.

- 1.5. Since the preparation of the original report, Dublin City Council varied the Dublin City Development Plan 2022 to 2028, through five separate variations, though none of which directly impact on the subject site or the nature of the development proposed here.

Note: Reference to the Board in the sections above and in the subsequent sections of this Addendum Report is appropriate to the time that the Direction and Order were issued etc. Also, An Bord Pleanála is now An Coimisiún Pleanála.

1.6. The applicant was requested to submit further information under Article 73A(1)(a) seeking submissions on the following:

‘Having regard to the quashing of the previous Commission decision and the passage of time, the Commission considers that it is appropriate in the interests of justice to now request to make any further submissions/ observations on the planning application, the subject of the appeal, and on Objective CUOO25 of the Dublin City Council Development Plan 2022 – 2028.’

1.7. The applicant made a response received on the 8th of September 2025, and their report includes site images of plans and drawings in support of their response, but no additional drawings or plan have been provided, and no revised plans have been provided to demonstrate compliance with CUO25. In summary the issues that they addressed included new National Guidance and its relevancy to this development, and how they impact on the issues (grouped/ summarised) raised by the third parties, and which include: Density, Open Space, Overlooking & Loss of Privacy, Unit Mix, Redline Area, Daylight and Sunlight, Traffic & Transport, and Floodrisk. These are fully assessed under Section 4.0 of this report.

1.8. Third Parties who made a submission on the original application were invited on the 16th of September 2025 to make a response on the planning application and on the applicant’s response under Section 131 of the Planning and Development Act 2000 as amended, the Section 131 notices stating:

‘Having regard to the High Court Order in this case, the quashing of the previous Commission decision and the passage of time, the Commission considers that it is appropriate in the interest 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 the Large Scale Residential Development appeal.
 - Any submissions/ observations you may have on the attached submission received from McGill Planning, on behalf of the Applicant, 1 Terenure Land Limited, in response to article 73A(1)(a) notice, issued by the Commission.....
- .. Any such submissions that you may have in response to this notice must be received on or before 6th October 2025.’

1.9. A total of 2 submissions were received from:

- Records Residents Association – received on 4th October 2025
- Kimmage Dublin Residents Alliance – received on 6th October 2025

In summary, the issues raised referred to:

- Flooding from the Poddle River, with historical records of flooding in the area provided.
- Flooding from the sewer system, which is antiquate and overloaded.
- Concern about Public Transport capacity and need for improvements to serve the area.
- Inadequate provision made for cyclists.
- Negative impact on existing residential amenity through loss of sunlight and daylight. The development is contrary to the objective 'To Protect and improve Residential Amenity'. Concern about the overshadowing of amenity space.
- The proposed development will result in an inadequate separation distance between the rear of the proposed development and existing houses in the area.
- Concern that existing houses may not be able to extend in the future due to the lack of suitable separation distances.
- Concern about the long-term management of a surface water treatment tank, may only be maintained for as long as a management company is in place here.
- There is a shortfall in childcare and school places in the area.
- The size of the apartments will not allow for adequate space for those who wish/ have to work from home.
- The proposed density of development is excessive, and the appropriate density has been misapplied by the applicant's agent. Notes that a new LRD has been proposed on these lands and with a reduced number of units, height and density. The third party has proposed the removal of a storey from each of the apartment blocks, and this will provide for a more consistent approach having regard to the new LRD application.

- There is a concern that the proposed public open space is not useable and is not accessible.
- A greater mix of unit types would have resulted in a reduced density and remove concern about the development of a transient form of tenure type here.

2.0 **Recent, relevant, planning applications in the immediate vicinity of the site**

The following are noted:

PA Ref. WEBLRD6073/25-S3B refers to an August 2025 decision to grant permission for a Large Scale Residential Development (LRD) on the subject site. The development was for a total of 145 apartments in the form of one and two bedroom units located within five blocks of between three and four storeys. The development includes the provision of a creche, community, culture and arts space of 813sq m and all associated site works. This decision has been appealed to An Coimisiún Pleanála and reference **ACP-323664-25** refers with a decision due by the 13th of January 2026.

PA Ref. 3085/25 refers to a May 2025 decision to grant permission for the construction of 3 new Padel Tennis Courts with a canopy over, an ancillary administration/ support cabin and all ancillary site works and services on part of the lands associated with the BD Gym site to the south/ west of the subject site.

3.0 **Compliance with National Planning Framework (NPF) – First Revision**

3.1. Relevant new/ updated National Guidance, since the preparation of the original report, includes the following:

- **Project Ireland 2040 – National Planning Framework (NPF) – First Revision**

Chapter 2 of the National Planning Framework (NPF) is entitled ‘A New Way Forward’ and sets out the role of the NPF.

National Policy Objective 11 states: ‘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 Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.'

Chapter 4 of the National Planning Framework (NPF) titled 'Making Stronger Urban Places' and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 12 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being'.
- National Policy Objective 14 seeks to 'Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.'
- National Policy Objective 20 provides that 'In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth'.
- National Policy Objective 22 provides that "In urban areas, planning and related standards, including, in particular, 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. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated

outcomes, provided public safety is not compromised and the environment is suitably protected”.

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 37 seeks to ‘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’.
- National Policy Objective 43 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
- National Policy Objective 45 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

The Revised National Planning Framework’ was published in April 2025 and includes revised figures of 50,000 residential units per annum in the years to 2040. The NPF was revised to allow planning for an additional 950,000 people in Ireland between 2022 and 2040.

4.0 Compliance with relevant provisions of the Recent Planning Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended)

Guidelines:

- 4.1. These guidelines were adopted after the original application under ABP-316176-23 was prepared by the Inspector on the 7th of June 2023. The **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, January 2024** sets out National Policy and guidance for the planning

and development of urban and rural settlements. The guidelines focus on sustainable and compact forms of development in these locations and provide details on priority of development of urban areas, residential density, urban design/ placemaking and development standards for housing. Flexibility and innovative forms of development are supported in the guidelines.

The subject site is located within 'City-Urban Neighbourhoods' as per these guidelines, and under which it states: 'The city urban neighbourhoods category includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork. The proposed development provides for 208 units on a net site area of 1.25 hectares, and which provides for a density of 166.4 dwellings per hectare. The proposed development provides for a density that can be considered mid-range.

Article 73A(1)(a) further information request:

- 4.2. The applicant was requested to submit further information under Article 73A(1)(a) seeking submissions on the following:

'Having regard to the quashing of the previous Commission decision and the passage of time, the Commission considers that it is appropriate in the interests of justice to now request to make any further submissions/ observations on the planning application, the subject of the appeal, and on Objective CUOO25 of the Dublin City Council Development Plan 2022 – 2028.' The applicant made their response to this notice on the 8th of September 2025. Through this response they addressed new National Guidance issued since the application was originally lodged and its relevancy to this development. In addition, the applicant's response had full regard to the issues raised by the third parties, and which include: Density, Open Space,

Overlooking & Loss of Privacy, Unit Mix, Redline Area, Daylight and Sunlight, Traffic & Transport, and Flood Risk. These are assessed as follows under the following headings:

Density:

- Applicant's Comments: The site is located within a 'City-Urban Neighbourhoods' area and the site can be considered to be highly accessible as it is within 500m of a Core Bus Corridor. The Bus Connects Kimmage to City Centre Core Bus Corridor was granted permission on the 12th of May 2025 under ACP ref. ABP-317600-23. The applicant has provided Table 1 in their report, and which provides details on the 'Existing Bus Services within 500m of the LRD Site'. The applicant concludes that the site is acceptable in terms of the relevant guidelines, and the provision of 208 units is in accordance with the density range of the Compact Settlement Guidelines.
- Consideration of Applicants Comments: I agree in full with the applicant and the proposed development would provide for a scheme that is mid-range for a site located within 'City-Urban Neighbourhoods'. I note their Table 1 and the list of bus routes in the area, but on a point of information, the Bus Connects Network Redesign is underway and this area will be impacted by Phase 7A, which was implemented on the 19th of October 2025. This phase saw the removal of routes 9 and 54A from the area. New routes as replacements are the F1, F2 and F3, with the F2 and F3 running along the front of the site with bus stops on Kimmage Road West and route F1 connects in on Kimmage Road Lower. The proposed development will be within 400m of the bus stops on Kimmage Road West. The frequency of service along the Kimmage Road West is similar to that operational prior to the 19th of October 2025. Although there is a change in route destinations in several cases, two bus routes to the city centre via Harold's Cross (9 and 54A) are replaced with three route (F1,2 and 3) from the 19th of October, with the 15A continuing to operate via Terenure and Rathmines to the City Centre, and which was not impacted by the route revisions from the 19th of October 2025.

Open Space:

- Applicant's Comments: The applicant refers to the Policy and Objective 5.1 of the Compact Settlement Guidelines and which sets out the requirements for open space for development. 10.1% of the site is proposed as public open space and

this is stated to be in accordance with the Dublin City Development Plan 2022 – 2028. This space is accessible to the public and integrates with the proposed communal open space. A total of 1,619sq m of communal open space is to be provided and this is in excess of the development plan requirements. Adequate open space is provided on site in accordance with the guidelines and the Dublin City Development Plan 2022 – 2028.

- Consideration of Applicant's Comments: The proposed open space provision on site is considered to be acceptable and demonstrates compliance with the Compact Settlement Guidelines and the Dublin City Development Plan 2022 – 2028. I have already reported on the acceptability of the open space in terms of quantity and quality under Sections 8.5.6 to 8.5.8 in original Inspector's Report dated 7th June 2023. The public open space are will receive good sunlight and will provide for a high quality space; this was assessed under Section 8.5.10 of the original Inspector's Report dated 7th June 2023.

Overlooking & Loss of Privacy:

- Applicant's Comments: Section 5.3.1 of the Compact Settlement Guidelines provides details on separation distances between residential units. SPPR1 of the guidelines allows for separation distances of 16m rather than the standard of 22m. The applicant has provided full details of the proposed separation distances to the existing houses adjoining the site. They state that the distances range from 24.5m to 33.4m at first floor level. They report that two residential units have extended to the rear and the separation distances in these cases are 21.6m and 23m.
- Consideration of Applicant's Comments: I am satisfied that adequate separation distances are provided between the proposed development and existing residential units adjoining the subject site. The proposed units have been designed to prevent overlooking and this is achieved through the use of high level windows in elevations that are close to the 22m separation distance. The issue of reduced separation distances, i.e. less than 22m, is found in cases where existing houses have been extended to the rear. Additional measures, including the use of frosted glass balustrades, will ensure that overlooking is not an issue of concern. I am satisfied that the applicant has demonstrated compliance with the

Compact Settlement Guidelines and the Dublin City Development Plan 2022 – 2028.

Traffic & Transport

- Applicant's Comments: The proposed development in relation to traffic/ transport is assessed against the requirements of SPPR 3 and SPPR 4 of the Compact Settlement Guidelines.

SPPR 3 – Car Parking: The guidelines allow for a reduction of car parking/ even no car parking in areas designated as City Centres or Urban Neighbourhoods, the latter referring to the subject site. The site can also be defined as in an accessible location as it is within 500m of an existing/ planned high frequency bus service.

The proposed development of 208 units provides for a total of 100 car parking spaces, a ratio of 0.48:1. This provision demonstrates compliance with SPPR3.

SPPR 4 – Bicycle Parking: Provision to be 1 cycle storage space per bedroom for non-ground floor units and visitor parking shall be provided for. The proposed development provides for 484 bicycle parking space of which 352 are for residents. There is a typographical error in the applicant's report –'resident car bike spaces', but I am taking it that 16 of these spaces are for cargo bicycle use as 16 cargo bicycle spaces are indicated on Drawing No.6269-P-006. The proposed 208 units would provide for a total of 312 bedspaces, and the proposed 352 bicycle parking spaces would clearly exceed the requirement for spaces and meet the requirement of SPPR4.

- Consideration of Applicant's Comments: I am satisfied that the proposed development demonstrates compliance with SPPR 3 and SPPR 4 of the Compact Settlement Guidelines. The applicant has proposed a total of 484 no. bicycle parking spaces, and I consider this to be acceptable in terms of the Dublin City Development Plan 2022 – 2028 and the Compact Settlement Guidelines.

- 4.3. The **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities**, December 2022 were revoked and replaced with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, December 2023, (DoHLGH, 2023). Since then, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities were revoked and replaced with the Design Standards for

Apartments, Guidelines for Planning Authorities, 2025 on the 8th of July 2025. Circular Letter: NSP 04/2025 clarifies that applications in the planning system including those on appeal to An Coimisiún Pleanála on or before the 8th of July 2025 are to be considered in accordance with the 2023 guidelines. Full details of compliance with the 2022 guidelines are set out in the Inspectors Report for ABP Ref. 316176-23 dated 7th of June 2023. The relevant requirements as applicable to this development are the same under the 2022 and 2023 guidelines.

The applicant has submitted a response to the Article 73A(1)(a) notice under relevant headings. A number of these refer to requirements/ considerations of the Compact Settlement and the Apartment Guidelines and these are listed/ considered under the following sections.

Unit Mix:

- Applicant's Comments: The Apartment Guidelines, 2025 address the issue of unit mix in Section 3.2, and which removes requirements for particular housing mixes. The subject development is for one and two bedroom units, and this is proposed to provide for a greater diversity/ choice of housing in the area.
- Consideration of Applicant's Comments: As I have reported, this application was lodged in 2023 prior to the implementation of the 2025 guidelines and as such the development is to demonstrate compliance with the 2023 guidelines. The issue of unit mix was considered under Section 8.5.1 of ABP Ref. 316176-23, and no issues of concern were raised. The proposed development demonstrated compliance with SPPR1 of the Apartment Guidelines 2022 and also the requirements of the Dublin City Development Plan 2022 – 2028 under Section 15.9.1 – Unit Mix.

Daylight and Sunlight:

- Applicant's Comments: The applicant has addressed a number of issues under this heading.

Dual Aspect Units: The requirements of the Apartment Guidelines, 2025, under Section 3.4 and through SPPR3 have reduced the percentage of dual aspect apartments to a minimum of 25%. The proposed development provides for 52% which is clearly far greater than the requirement under Section 3.4 and SPPR3 of the guidelines.

Daylight: The submitted application including the Daylight and Sunlight assessments have demonstrated compliance with BR209 – ‘Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, 2022’. In terms of the assessment of sunlight to external amenity spaces, it is demonstrated that tested areas will receive at least two hours sunlight to over 50% of the relevant area on the 21st of March. The proposed public open space areas will receive sunlight to 100% of their area and the communal open spaces will receive sunlight to over 81% of the area, demonstrating compliance with BR209.

The impact of the development on the daylight of existing houses on Park Crescent, Captain’s Road, Brookfield Green and Brookfield were assessed.

These assessments found no negative impact on these neighbouring units in terms of daylight (tested through Vertical Sky Component assessment) and in terms of sunlight (tested through Annual Probable Sunlight Hours assessment).

The development does not impact on the private amenity space of existing residential development. The proposed units were assessed for internal daylight and 97% of rooms were in excess of the BRE guidelines. 87% of units within the proposed development were considered to be compliant with BR209 in relation to exposure to sunlight.

The applicant concludes that the proposed development demonstrates a high level of compliance in terms of daylight and sunlight, there would be minimal impact on existing neighbouring residential units, and the development demonstrates compliance with the Compact Settlement Guidelines and the Apartment Guidelines.

- Consideration of Applicant’s Comments: As I have reported, the LRD application under ABP Ref. 316176-23 was lodged in 2023 prior to the implementation of the 2025 guidelines and as such the development is required to demonstrate compliance with the 2023 guidelines. The requirement is to demonstrate compliance with appropriate guidelines such as BRE 209, which the applicant has used here. No issues of concern arise in relation to this aspect of the proposed development. Full details on the impact of the development on the daylight and sunlight of existing residential units is provided in Section 8.6.1 of the original Inspectors Report for ABP Ref. 316176-23 dated 7th of June 2023.

4.4. The following are also relevant:

- Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021
- Climate Action Plan 2024 and Climate Action Plan 2025
- Ireland's 4th National Biodiversity Action Plan 2023 – 2030

These are considered in detail under Section 6.0 of this report.

5.0 **An Assessment of the Proposed Development by Reference to the Dublin City Development Plan and Recent Planning Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended)**

5.1. **Context**

I have addressed 'reference to the current statutory development plan and any relevant updated Guidance' in this section to avoid unnecessary repetition as there is a degree of overlap in matters arising.

5.2. **Dublin City Development Plan 2022 - 2028**

The Dublin City Development Plan 2022 – 2028 is the current operative Plan for Dublin City and this plan came into effect on the 14th of December 2022. The application under ABP Ref. 316173-23 was assessed in accordance with the requirements of this development plan.

The relevant objectives, policies and requirements have been provided in the Inspectors Report for ABP Ref. 316176-23 dated 7th of June 2023. I have repeated relevant details on CUO25 for the benefit of the Commission.

Chapter 12 refers to Culture and I note in particular Objective CUO25 which states:

'SDRAs and large Scale Developments

All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of

relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.

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

Applicant's response to requirements of Dublin City Development Plan 2022 – 2028:

- Applicant's comment: Section 9 of the applicant's response refers to the requirements of CUO25 as set out in the Dublin City Development Plan 2022 – 2028, and references SPPR 6 of the Apartment Guidelines, 2025. SPPR 6 limits the provision of community/ cultural facilities within apartment schemes to specific locations identified in development plans and this provision is not to be applied on a blanket basis. The applicant considers CUO25 to be contrary to SPPR 6 and it therefore does not apply. There is no specific requirement for such a facility and the existing Nora Dunne Art Gallery, which is currently closed, provides for such a facility in the area, that would serve the requirements of the proposed development.

The applicant has also referred to the permitted development under PA Ref. WEBLRD6073/25-S3B, which is currently under appeal under ACP-323664-25, which provides for 145 units and includes a community and cultural space as well as a creche on the ground floor. The applicant states that, if necessary, a condition could be included that the ground floor of Block 4 and 5 be revised to provide the community, cultural and arts space as per the development permitted under PA Ref. WEBLRD6073/25-S3B. Figure 7 of their report includes a drawing of the 'Ground floor layout from recently granted permission DCC Reg. Ref WEBLRD6073/25-S3B' and which indicates the layout in compliance with CUO25.

- Consideration of Applicant's Comments: As I have reported, this application was lodged in 2023 prior to the implementation of the 2025 guidelines and as such the development is to demonstrate compliance with the 2023 guidelines. There was no similar requirement to SPPR 6 in the 2023 and 2022 Apartment Guidelines, therefore the requirements under CUO25 of the Dublin City Development Plan 2022 – 2028 apply to this development.

The proposed development does not include a community, cultural and arts facility and unless the Dublin City Development Plan is varied to reflect SPPR 6, the requirement for such a facility remains in place. The Commission may decide to choose one of the following options:

1. Refuse permission for the proposed development as it would materially contravene the requirements of Objective CUO25 of the Dublin City Development Plan 2022 – 2028 in failing to provide for a suitable a community, cultural and arts facility. The absence of such a facility would be contrary to the proper planning and sustainable of the area and would fail to provide for such infrastructure to serve the needs of the Kimmage area.
2. The proposed development, through failure to demonstrate compliance with CUO25 would materially contravene a stated objective of the Dublin City Development Plan 2022 – 2028. Notwithstanding this, the Commission may decide that the proposed development is acceptable in terms of the proper planning and sustainable development of the area and proceed to materially contravene the plan in allowing the development but not complying with the requirements of CUO25.

In the case of a Large Scale Residential Development (LRD), the Commission may decide to materially contravene a development plan in accordance with Section 37(2)(a) of the Planning and Development Act 2000 as amended which I have repeated here for the benefit of the Commissioners:

‘(2) (a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

In this case the Local Authority have not refused permission for this development, and therefore it is open to the Commission to consider granted the development in accordance with the provisions of 37(2)(a). The planning basis for such an approach is based on the following:

- The location of the site within an established urban area.
- The subject lands are zoned Z1 – Sustainable Residential Neighbourhoods and therefore suitably zoned for residential development of this nature.
- This serviced site is currently vacant and provides no benefit to the local community. The non-development of this site would result in it remaining as vacant lands.
- The area is well served by community, social and amenity infrastructure. This is demonstrated through the ‘Community & Social Infrastructure Audit’ dated November 2022 provided in support of the original application. This audit indicates that at that time:
 - The site is within 750m of Stannaway Park which provides for a number of playing pitches and is the largest public park in the area. Details of other public parks in the area are provided in Table 4 of the ‘Community & Social Infrastructure Audit’.
 - There are a range of sports facilities within 2km of the subject site and these are provided in Table 5 of the ‘Community & Social Infrastructure Audit’. The Ben Dunne Gym is adjacent to the site and there is a range of sporting clubs including GAA, Football, Tennis, Badminton and Swimming Facilities within this 2km range.
 - Table 6 of the ‘Community & Social Infrastructure Audit’ provides details on existing Childcare and Education facilities within 750m of the site (five childcare facilities, two primary schools, one secondary school and one Special Education School). Table 6 provides details of those ‘Childcare and Education Facilities’ within 1km (seven childcare facilities and one third level facility). Table 7 lists the ‘Childcare and Education Facilities’ circa 2km of the site – this is a long list and includes 50 childcare facilities, 15 primary level schools

and 8 secondary level schools. The location of these is provided through Figure 7. of the 'Community & Social Infrastructure Audit'.

- Table 9 of the 'Community & Social Infrastructure Audit' details the 'Community Facilities within 1km and 2km' of the subject site. Additional facilities are included that are over 2km but less than 3km from the site. These facilities include churches, community centres, libraries and voluntary organisations. The Nora Dunne Gallery, to the south of the subject site and outside of the control of the applicant is listed here and is stated at that time to be 'currently closed'.
- Table 11 of the 'Community & Social Infrastructure Audit' provides full details on Health Services that are within 2km of the subject site. This list includes Doctor Surgeries, Pharmacies, Health Centres and the Children's Hospital in Crumlin.
- Table 13 of the 'Community & Social Infrastructure Audit' details retail facilities within 1.4km of the subject site and Table 12 lists the range of retail units within the Ashleaf Shopping Centre, the Sundrive Shopping Centre/ Kimmage Road Area and in the Rathfarmham Shopping Centre, all of which are within 2km distance from the subject site.
- The area is well served by public transport, which has been recently improved through Phase 7 of the Bus Connects Network Review. The site benefits from active travel measures through existing good quality footpaths and cycle provision in the area.
- As identified in the Inspectors Report for ABP Ref. 316176-23 dated 7th of June 2023, the proposal is acceptable in terms of meeting the requirements of relevant guidelines including the Apartment Guidelines 2023, and also demonstrates compliance with the Dublin City Development Plan 2022 – 2028 in terms of meeting relevant residential standards.

- The Inspectors Report for ABP Ref. 316176-23 dated 7th of June 2023 demonstrates that the development would not have a negative impact on existing residential amenity.

3. In order to address the Material Contravention of the Dublin City Development Plan 2022 – 2028, the Commission may decide to revise the ground floor of Blocks 4 and 5 such that residential units are removed and replaced with community/ cultural/ art space. This would result in a similar arrangement to that provided under PA Ref. WEBLRD6073/25-S3B and which is now subject to an appeal under ACP Ref. 323664-25. As reported the applicant has suggested this as a means to overcome the Material Contravention of CUO25 and ‘Figure 7 Ground floor layout from recently granted permission DCC Reg. Ref. WEBLRD6073/25-S3B’ of their report provides an indicative layout for such a development, which could be used to form the basis of a revision by way of condition attached to a grant of permission. This revision would result in the loss of 14 residential units as follows:

Block	1 Bed	2 Bed	Total
4	6	2	8
5	4	2	6
Total			14

The removal of the 14 units would reduce the overall number of units in this development to 194 and would provide for a net density of 155.2 dwelling per hectare (dph), which is acceptable.

I accept that this revision would be a significant change in that residential units would be lost and replaced with a non-residential use and may be material in planning terms. Whilst the applicant’s response to the Article 73A(1)(a) further information request included ‘Figure 7 Ground floor layout from recently granted permission DCC Reg. Ref. WEBLRD6073/25-S3B’, there are no specific details as to how this space will operate, how many people may use this space, nor details on hours of operation.

The third parties were afforded the opportunity to comment on the applicant's response to the Article 73A(1)(a) further information request, including the drawing included in Figure 7, though I accept that the detail here is limited. Considering the uncertainty associated with such an approach I would caution against the use of a condition to address such a material contravention issue.

Conclusion/ Recommendation on CUO25: I would therefore recommend that the second option, a Material Contravention of the Dublin City Development Plan 2022 – 2028 in accordance with Section 37(2)(a) of the Planning and Development Act 2000 as amended is the most appropriate approach for the Commission to take. This will allow for the provision of a significant number of residential units which will meet some of the housing needs of the area. The site is located within an established urban area, and which has access to existing community/ cultural and social facilities as demonstrated through the submitted 'Community & Social Infrastructure Audit' dated November 2022, and which is located in an accessible location. ¹I note the building to the south, which was previously in use as an art gallery, though not within the control of the applicant, is currently vacant. The first option would result in this site remaining vacant and the third option results in unknown impacts on third parties who only had limited information available when the opportunity to comment on the applicant's Article 73A(1)(a) further information response.

I therefore recommended that the Commission Materially Contravene the Dublin City Development Plan in accordance with Section 37(2)(a) of the Planning and Development Act 2000 as amended.

¹ There is a former art gallery building to the south that is currently vacant/ non-operational. Whilst not within the ownership of the applicant, lying outside of the blue line boundary, this has the scope to be developed for cultural/ community facility which would further augment facilities in the vicinity. Given that this is outside of the applicant's control, it cannot be relied upon and has not been relied upon in my assessment in terms of Section 37(2)(a) of the Planning and Development Act 2000.

6.0 Compliance with relevant provisions of the Climate Action Plan 2024, the Climate Action Plan 2025 and the National Biodiversity Action Plan 2023

- 6.1. The proposed development was supported within an Appropriate Assessment, an Ecological Impact Assessment and an Environmental Impact Assessment Screening Report. These documents provided a full assessment of the impact of the development on the conservation objectives of designated sites and also a full consideration of impact on a range of environmental factors including human health, air quality and climate, biodiversity and hydrology.
- 6.2. In terms of the Environmental Impact Assessment, it was concluded that 'the proposed development will not have any significant impacts on the environment. All recommended mitigation measures and standard practices will be employed throughout the construction and operation phase of the development to ensure that the proposed development will not create any significant impacts on the quality of the surrounding environment.'
- 6.3. I note the submitted and updated Site Specific Flood Risk Assessment and in particular Section 6 which includes Mitigation Measures. These include the setting of the floor levels at a minimum of 300mm above the 0.1% AEP flood event and measures to reduce the runoff rate in terms of surface water. The development is designed for events up to and including 1 in 100 years storms and provides 20% extra for climate change. Further assessment is provided on this issue later in Section 8.1 under 'Flooding'. The development would be compliant with the Climate Action Plan 2024, and the Climate Action Plan 2025.
- 6.4. In addition to the above documents, An Energy Analysis Report, Environmental Noise Assessment, Operational Management Statement and an Operational Waste and Recycling Management Plan have been submitted in support of the proposed development. No issues of significant concern have been identified in the submitted documentation.
- 6.5. I am satisfied that the proposed development would not contravene the relevant provisions of the Climate Action Plan 2024, the Climate Action Plan 2025 and the National Biodiversity Action Plan 2023.

7.0 **Other Issues:**

The following issues were identified by the applicant and who has assessed the issues raised.

Site Boundary:

The applicant noted comments made in the appeal regarding the location of Uisce Éireann infrastructure under Kimmage Road West and whether or not it was located on the Dublin City or South Dublin County Council side of the road. The applicant has carried out further surveys and has now confirmed that the infrastructure is located within the Dublin City Council side of the public road. Figure 6. on page 20 of their 'Response ACP Letter RE Remitted Application' indicates the location of the Uisce Éireann pipe on the northern side of Kimmage Road West and which is within the Dublin City Council administrative area. In addition, they indicate that any works to this public infrastructure will be undertaken by or on behalf of Uisce Éireann.

Consideration of Applicants Comments: I note in full the details provided by the applicant and the supporting Figure 6 in their report. From the available information I am satisfied that this infrastructure is located in the Dublin City Council administrative area and not within the South Dublin County Council side. The submitted application and the relevant works to the public infrastructure can all take place within the Dublin City Council area, and there was no requirement for the public notices or site location plans to identify works outside of the Dublin City Council Area. I am satisfied that the applicant has adequately addressed this issue.

Flood Risk:

An updated Site Specific Flood Risk Assessment was undertaken and provided in support of the applicants 'Response ACP Letter RE Remitted Application' and is dated September 2025. The assessment found that that the proposed development does not give rise to any increase in flood risk to existing neighbouring sites. The applicant reports that supplementary flood modelling has been undertaken, and these details are included as an appendix to the submitted report.

Works have commenced and are underway on the Poddle Flood Alleviation Scheme (FAS) and are expected to be substantially complete by mid-2027. On completion the potential for flooding on the existing access road and on Kimmage Road West

will be reduced. It is expected that the earliest date for completion of the subject development would be in Q3 of 2027 and there would be no occupation of units in advance of this date. The occupation of units could be conditioned to not occur prior to the completion of these works. The applicant reports that the issues raised in relation to flooding would not occur.

Consideration of Applicants Comments: I note the applicant's comments and welcome the submission of the Site Specific Flood Risk Assessment, dated September 2025 and I also note the applicant's confirmation that works are underway on the Poddle Flood Alleviation Scheme (FAS). Works were evident within the public open space to the east of Ravensdale Drive (approximately 295m to the east of the subject site) on the Poddle FAS on my most recent site visit.

I note the comments made in the Executive Summary of the applicant's report and which are clear in stating the status of the site/ development post construction, and I have included them here as follows:

- 'Flood risk is not an issue of concern on this site.
- There are no proposed residential buildings within any flood risk zone.
- The access road which will serve the proposed development is existing (it is not new development), and while a section of this existing access road is subject to minor flooding in extreme storm events, the depth of flooding does not render the access road unusable, and it remains passable by emergency vehicles.
- When the River Poddle Flood Alleviation Scheme (Poddle FAS) works are complete, the risk of flooding to the existing access road is further significantly reduced.'

The proposed development will not give rise to increased flood risks on site or on adjoining lands. The proposed residential units on this site will not be impacted by any flood risk, but the submitted report indicates that there is a residual risk of flooding to the access road post completion of the works on the Poddle scheme. This is an existing road and the completion or not of this development will not impact

on the status of this flood risk. The submitted SSFRA reports that the site will remain accessible during flood events.

I am therefore satisfied that the proposed development will not give rise to increased flood risk in the area.

8.0 Third Party Submissions

8.1. Third parties who made a submission on the original application were invited to make a submission on the response provided by the applicant to the Article 73A(1)(a) notice issued on the 16th of September 2025 and responded to on the 8th of September 2025. The Section 131 notice gave them to the 6th of October 2025 to make a response. A total of 2 submissions were received from:

- Kimmage Dublin Residents Alliance
- Recorders Residents Association

The following comments, summarised and under grouped headings, were made, and I have assessed each of these under the points raised:

Flooding:

- Third Party Comment: Concern about potential flooding in the area despite works undertaken on the Poddle River. This flood alleviation scheme needs testing for its efficacy over a number of years.

Assessment: I accept that flooding was and remains an issue of concern in this area. The applicant has provided a 'Site Specific Flood Risk Assessment' (SSFRA) dated September 2025 in support of their report. Works have been approved on the Poddle Flood Alleviation Scheme, and which will be completed by 2027. From the submitted information, there is no indication that the proposed development will impact on existing properties in the area in terms of flood risk. The preparation of a SSFRA is considered adequate to assess and model the flood risk in an area. The lands are suitably zoned for residential development, and this has gone through the Strategic Flood Risk Assessment included in Volume 7 of the Appendices of the Dublin City Development Plan 2022 – 2028.

The effective sterilisation of land to enable the testing of the efficacy of flood works is not a standard practice in the Dublin City Council area.

- Third Party Comment: The combined sewer network in the area does not have the capacity to serve this large development in terms of flooding issues. The history of flooding in the area is noted and works to the network are provided.

Assessment: From the information provided in the submissions, the issue in this area is due to the use of combined sewers and capacity of the existing system. The proposed development includes SuDS measures that will reduce the run-off from the site to such an extent as not to give rise to increased flood risk. This has been tested through the submitted SSFRA and I am satisfied with these details.

As a matter of additional information, the Uisce Éireann Capacity Register, dated August 2025 (and which I have consulted on the 16th of October 2025) demonstrates that the Ringsend Wastewater Treatment Plant (WWTP) has a Green Indication of available capacity, indicating that the proposed development can be accommodated by Ringsend WWTP.

- Third Party Comment: There is a need for improvements to the existing drainage network to serve this area in advance of new development.

Assessment: Whilst some works are proposed on site, the need for improvements to the existing surface water drainage network is a matter for Dublin City Council and not for the developer of this scheme. The works to the Poddle River, through the Flood Alleviation Scheme, will provide for improvement to the area during times of flood events.

- Third Party Comment: The site has been subject to flooding with the most recent event in 2011. It is noted that works on the Poddle Flood Alleviation Scheme are due for completion in 2027. Considers the submitted Flood Risk Assessment to be flawed and lacks adequate hydraulic modelling. No supporting technical evidence of this has been provided.

Assessment: The SSFRA has identified the existing flood risk in the area and there is no indication that the proposed development will increase this risk on site or to adjoining properties. It is unlikely that if permission were granted that it would be significantly commenced in advance of the completion of the works as

part of the Poddle FAS. As reported, the proposed SuDS measures will also provide for a reduction in flood risk downstream of the site. The Third Parties have not provided any technical /engineering details, such as hydraulic modelling, that provide contrary information to that submitted by the applicant.

- Third Party Comment: Concern about the management of a proposed attenuation tank, this will only work whilst the management company works as intended.

Assessment: This issue is noted but I would consider this to be a speculative statement as there is no indication that this tank will not be adequately managed into the future.

Conclusion on Flooding:

I am satisfied that the applicant, through their Site-Specific Flood Risk Assessment, has demonstrated that the proposed development will not give rise to increased flooding either on site or on adjoining lands. The Poddle Flood Alleviation Scheme, which is underway, and the proposed SuDS measures on site will address much of the concern about identified flooding issues in the area. More extensive works, to include the separation of the foul and surface water drainage networks, would be a matter for Dublin City Council to address and not the applicant in this case. The Uisce Éireann Capacity Register, dated August 2025, demonstrates that the Ringsend Wastewater Treatment Plant (WWTP) has a Green Indication of available capacity, indicating that the proposed development can be adequately serviced by the Ringsend WWTP.

Transport:

- Third Party Comment: Request that the Commission consider the availability of public transport and cycle infrastructure in the area to serve this development.

Assessment: I consider that the area is well served by public transport in the form of bus services, which are to be improved further from Sunday 19th of October 2025. Cycle provision is also provided for in terms of cycle tracks but also low speed zones in this area.

- Third Party Comment: The existing public transport service is linear, focused on access to the City Centre. Studies have reported that the existing network cannot

cope with demand. There is a recognition that changes to the network are underway with the rollout of the F Spine under the Bus Connects Network Review.

Assessment: The Bus Connects Network Review is under implementation on a phased basis. Whilst the majority of the focus in the area is on linear routes to the City Centre, the revised network from the 19th of October provides for revised destinations on a southbound direction on the F Spine serving Tallaght and Rossmore but also Greenhills. The network review has already provided the S4 route between UCD and Liffey Valley, this is a high frequency orbital route (day time services of every 10 minutes) and which operates along the front of the site along Kimmage Road West.

- Third Party Comment: There is a need for Metrolink to be extended/ proposed to serve southwest Dublin.

Assessment: This is a matter that is beyond the scope of the subject application.

- Third Party Comment: There is also a lack of car parking serving the site.

Assessment: Adequate car parking is provided on site. The nature of the development, through being primary one- and two-bedroom units, should be used to encourage a greater use of public transport in the interest of sustainable development. As per the original Inspector's Report dated 7th June 2023, sections 8.7.3/ 8.7.4, it was demonstrated that the site is adequately served by car parking.

- Third Party Comment: Issues of traffic hazard are also raised in terms of the pedestrian crossing at the junction with Kimmage Road West. Traffic movements split allowing for an east and west departure, which in turn does not allow for the crossing here to be DMURS compliant.

Assessment: This is a matter for Dublin City Council. The road and its junction with Kimmage Road West are established/ in place and if the development does not commence, this junction will remain as is. Permitting the development may allow for improvements here in terms of increased pedestrian priority etc, but as proposed and indicated through Drawing CST-BMD-OO-ZZ-DR-C-1017 – Roads Layout, this will not a DMURs compliant junction. From the available information

the applicant has not proposed any significant alterations to this junction other than the inclusion of tactile paving at the existing crossing point. This is an existing junction, and I am satisfied that it is acceptable.

Conclusion on Transport:

This site is located within an established urban area and through the roll out of the Bus Connects Network Review, there will be improvements to the bus network in terms of frequency, capacity and in terms of choice of locations served. I therefore consider that the subject site is well served in terms of public transport and access. An appropriate level of car parking is also provided here to serve the residents of this development.

Compliance with Dublin City Development Plan 2022 – 2028:

- Third Party Comment: The proposed development does not demonstrate compliance with Objective CUO25 of the Dublin City Development Plan 2022 – 2028. Notes that the applicant considers there to be no requirement for the provision of such facilities and the applicant refers to SPPR6 of the Apartment Guidelines, 2025. There remains a requirement for such facilities in the area.

Assessment: I have commented in my report under Section 5.2 on the requirements of Objective CUO25 and this is a Material Contravention of the Dublin City Development Plan 2022 – 2028. I recommend that the Commission contravene the Development Plan in accordance with Section 37(2)(a) of the Planning and Development Act 2000 as amended. I am satisfied that this site located in an established urban area, on appropriately zoned lands, with a range of services available and which is in an accessible location, is suitable for the development of 208 apartment units. Non-compliance with Objective CUO25 would not have a negative impact on the area as the site adjoins an operating large gym which provides for a range of community/ amenity facilities.

There is also a former art gallery building to the south that is currently vacant/ non-operational. Whilst not within the ownership of the applicant, lying outside of the blue line boundary, this has the scope to be developed for cultural/ community facility which would further augment facilities in the vicinity. Given that this is outside of the applicant's control, it cannot be relied upon and has not been relied

upon in my assessment in terms of Section 37(2)(a) of the Planning and Development Act 2000.

- Third Party Comment: Comment is made to a new LRD application under PA Ref. WEBLRD60737/25 – S3B/ and which is currently subject to an appeal under ABP Ref. LH29S.323664, and which includes the requirements under CUO25 and also includes a creche facility.

Assessment: Reference is made to the childcare facility that is proposed through the new LRD application; as I have reported there is no requirement for such a facility to serve the subject development in accordance with the Apartment Guidelines having regard to the mix of one and two bedroom units. This is fully assessed under Sections 8.5.20 to 8.5.24 of the original Inspector's Report dated 7th June 2023. In summary, the 2023 Apartment Guidelines allow for the omission of all one bedroom units in the calculations and only 50% of the two bedroom units are to be calculated. 104 two bedroom units are proposed, reducing this to 52 would only generate a demand for 28 child spaces, however the requirement is for a standalone facility for 75 or more units. No childcare facility is required here as per the Childcare Guidelines 2001 and the Apartment Guidelines 2023.

- Third Party Comment: A comparison is made of the subject development and that submitted under the new LRD application under PA Ref. WEBLRD60737/25 – S3B/ ABP Ref. LH29S.323664, which is for 145 units, with reduced height and includes the requirements under CUO25. The new application demonstrates that the subject development is excessive in terms of height and scale.

Assessment: I have already reported on the acceptability of this development in the context of its environment in the original Inspector's Report dated 7th June 2023 under Sections 8.4 to 8.6, and I have no reason to recommend the removal of apartment units, reduction in height of the development or removal of apartment blocks.

Conclusion on Compliance with Dublin City Development Plan 2022 – 2028:

The proposed development Materially Contravenes CUO25 of the Dublin City Development Plan 2022 – 2028 as no community, cultural or arts space is proposed as part of this development. I have recommended that the Commission

materially contravene the Development Plan in accordance with Section 37(2)(a) of the Planning and Development Act 2000 as amended, thereby allowing for the development of these apartments on suitably zoned, accessible, serviced lands in an established urban part of Dublin City.

Density and Scale:

- Third Party Comment: The proposed density is also considered to be excessive and assessing the site as a city-suburban/ urban extension site with a density of 150 units per hectare results in an excessive sale of development here. The site does not have direct access to employment, education and institutional uses.

Assessment: I note the issues raised but I am satisfied that these matters have already been addressed in the original Inspector's Report dated 7th June 2023 under Sections 8.3. The proposed density and scale of development is acceptable in this location which is well served by public facilities and where there is good public transport provision. I am satisfied with the proposed unit mix, and this development will promote the development of a different form of housing to that currently provided primarily in the form of two-storey family sized houses. Under Section 8.4.3 of the original Inspector's Report dated 7th June 2023, a full assessment of the development was made in terms of the criteria set out in Section 3.2 of the Building Heights Guidelines, which provides for similar considerations as set out in Appendix 3 of the Dublin City Development Plan 2022 – 2028.

- Third Party Comment: The density of 166.4 units is excessive and in terms of the Compact Settlement Guidelines and in terms of sites considered to be within 'Outer Suburbs' as per Table 1 of Appendix 3 of the Dublin City Development Plan 2022 – 2028. It is suggested that removing a storey of all floors would align the subject application with the new LRD.

Assessment: The proposed density and scale of development is acceptable in this location which is well served by public facilities and where there is existing good public transport provision. There is no justification for the removal of units/ storeys as existing residential amenity will not be adversely impacted by this development. Under Section 8.4.3 of the original Inspector's Report dated 7th June 2023, a full assessment of the development was made in terms of the

criteria set out in Section 3.2 of the Building Heights Guidelines, which provides for similar considerations as set out in Appendix 3 of the Dublin City Development Plan 2022 – 2028. The proposed development is considered to be acceptable in terms of impact on existing residential amenity and would integrate with the existing form of development in the area as per the assessment undertaken through Section 8.4.3 of the original Inspector's Report dated 7th June 2023.

- Third Party Comment: The unit mix should have included a greater range of unit types than that proposed.

Assessment: I am satisfied with the proposed unit mix, and this development will promote the development of a different form of housing to that currently provided primarily in the form of two-storey family sized houses. These matters have already been addressed in the original Inspector's Report dated 7th June 2023 under Section 8.5.1 and demonstrate compliance with the Dublin City Development Plan 2022 – 2028.

- Third Party Comment: The proposed units are too small for future residents and especially in terms of those who may work from home. This does not demonstrate compliance with National Policy Objective 44.

Assessment: The room sizes demonstrate compliance with the requirements of the Apartment Guidelines 2023 and the Dublin City Development Plan 2022 – 2028.

Conclusion on Density and Scale:

The proposed development of 208 apartment units in the form of one and two bedroom units will provide for an adequate density and scale of development in this part of Kimmage. There is a recognised demand for housing in the area and this development will meet part of such requirements allowing for a different form of unit type in an area predominately consisting of two storey, three and four bedroom units.

Open Space:

- Third Party Comment: Concern is expressed about the area of open space to the south of Block 5, in terms of its location, access to the public and in terms of

design. The location of a pumping station and attenuation tank would further reduce its usefulness.

Assessment: The issues raised by the third parties on this case are noted. I have addressed this in detail in the original Inspector's Report dated 7th June 2023 under Sections 8.5.6 to 8.5.8. The subject site is not large which means that the actual area of open space generated by the development is going to be small and 1,260sq m is proposed. This is located to the south of Block 5 and to the north of the former Art Gallery. Access is easily available for the public to use this space and there are no restrictions proposed on its use. This area of public open space will function as a pocket park and will provide for public amenity on this section of Kimmage Road West, easily available to residents of the scheme and the area. The proposed public open space complies with the requirements of the Dublin City Development Plan 2022 – 2028 in terms of quantity of space and functionality.

- Third Party Comment: The podium level areas of communal space are considered to be inappropriately designed and would give rise to perceived overlooking of adjoining properties and provide a low level of amenity for future residents.

Assessment: The applicant has demonstrated that the amenity provision is in accordance with the requirements of the Dublin City Development Plan 2022 – 2028, under Section 15.11.4, and as such I consider the quantity and quality of open space to be acceptable. Perceived overlooking is difficult to assess but I am satisfied that adequate separation distances are proposed to ensure that actual overlooking is not an issue of concern. The standard separation distance is 22m between opposing first floor rear windows but there is no requirement for this to be increased in the case of taller buildings.

Conclusion on Open Space:

I am satisfied that the proposed development provides for adequate useable and functional public open space to serve the local area, and that adequate communal and private open space is provided for the benefit of the residents of this development. The proposed development demonstrates compliance with the

requirements of the Dublin City Development Plan 2022 – 2028 under Section 15.11.4.

Impact on Residential Amenity:

- Third Party Comment: Concern remains about overlooking from the proposed development and insufficient screening is proposed to address this issue. Additional screening is proposed under the new LRD application, though this may give rise to other issues such as overbearing on adjoining properties.

Assessment: The issues raised are noted but have been addressed already in the original Inspector's Report dated 7th June 2023 under Section 8.6. The applicant has demonstrated that adequate separation distances are provided between the proposed development and the houses to the north east on Captain's Road. There is no requirement for additional screening as separation distances are at least 22m between the opposing rear first floor windows of existing houses. The applicant through their report has calculated that there is a separation of 21.6m to the rear of the first floor extension of 114 Captain's Road and 23m to the rear of the extension of 126 Captain's Road; I consider these to be acceptable in accordance with Section 15.11.4 of the Dublin City Development Plan 2022 – 2028.

- Third Party Comment: Concern remains about potential impact on existing daylight and sunlight of adjoining properties as a result of this development. It is recommended that the scale be reduced in line with the new LRD application.

Assessment: I have considered the details provided by the applicant and issues of concern do not arise in terms of sunlight and daylight. Existing amenity areas will continue to receive appropriate levels of sunlight. This has been addressed already in the original Inspector's Report dated 7th June 2023 under Sections 8.6.1 to 8.6.8.

- Third Party Comment: Request that separation distances be measured from the rear of existing extensions and not from the rear elevation wall of the house.

Assessment: Standard practice is to measure this distance between opposing first floor windows of the main body of a house/ apartment. The provision of a first-floor extension is not generally counted, as this would not form part of the

original main body of the house. The developer of such an extension is aware that through developing closer to the boundary, they may suffer a reduced level of privacy in the future if development occurs on adjoining lands. The rear of these apartment blocks is stepped down to ensure that there is an increased set back between the existing houses and the upper/ higher floors of the proposed apartment blocks.

- Third Party Comment: There is a demand for a range of services in the area which are not currently available to residents of this part of Kimmage.

Assessment: I am satisfied that the area is well served by services including education, retail and amenity. The site is provided with good public transport options as would be expected in this well established urban area.

Conclusion on Residential Amenity:

I am satisfied that the Kimmage area is well served by a range of facilities including educational, retail and community services. This is in addition to the existing gym on the adjoining site and other sporting/ amenity facilities in the area. The proposed development does not give rise to any loss of amenity. The current site is undeveloped and not accessible to the public; therefore, its development has no impact on existing facilities/ services in this area.

8.2. Conclusion on Third Party Submissions

I have considered in full the points made through the two third party submissions. Issues relating to impact on the character of the area, on density, flood risk, residential amenity and transport has been addressed already in the original Inspector's Report dated 7th June 2023.

I consider the proposed development to be acceptable and suitably located in an established urban area. I have recommended that the Commission consider the Material Contravention of Objective CUO25 of the Dublin City Development Plan 2022 – 2028. This was raised as an issue by third parties. I am satisfied that in terms of the proper planning and sustainable development of the area that a Material Contravention is justified.

9.0 **Appropriate Assessment (AA)**

- 9.1. Stage 1 Appropriate Assessment Screening was carried out in Section 9.0 of the original Inspector's Report dated 7th June 2023. The AA Screening concluded that the possibility of any significant effects on identified, designated European sites can be excluded at that stage. It was found that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of the Conservation Objectives of these sites, and having regard to the nature and scale of the proposed development, its location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise.
- 9.2. There have been no changes to the status of these designated sites since the previous report. As per above in Section 9.1, a number of European sites were identified for consideration but did not include the North West Irish Sea SPA as this site was not so designated at the time of assessment. I have therefore carried out an additional screening exercise in relation to this SPA and which I have included in Appendix 1 to this Addendum Report. This appendix should be read in conjunction with the original AA Screening carried out in the original Inspector's Report.
- 9.3. The applicant has submitted a revised Site Specific Flood Risk Assessment, dated September 2025. Section 6 of this report includes Mitigation Measures, but I consider these to be standard construction requirements in terms of flood risk and surface water drainage and would have no impact on designated European Sites and require no further assessment.
- 9.4. Further to my additional AA screening, in accordance with section 177U (5) of the Planning & Development Act, 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that AA (stage 2) under section 177V of the Planning & Development Act, 2000 (as amended) is not required.

This conclusion is based on:

- objective information presented in the Appropriate Assessment Screening Report,
- the zone of influence of potential impacts, which does not include North West Irish Sea SPA (site code 004236), and,
- the nature of the subject lands, which is not an ex-situ site for SCI species.

9.5. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion. I acknowledge that the North West Irish Sea SPA was not included for consideration in the AA Screening Report dated June 2023 submitted with An Bord Pleanála, but I am satisfied that the proposed development would not have a likely significant effect on this European designated site.

10.0 Environmental Impact Assessment

- 10.1. The applicant submitted an EIAR in support of their application and this was assessed in the original IR. It was considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. In conclusion, subject to the implementation of the mitigation measures set out in the environmental impact assessment report and subject to compliance with the conditions attached to their grant of permission, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable.
- 10.2. I am satisfied that the information provided in the EIAR remains adequate to identify potential impacts on the environment.

11.0 Water Framework Directive

- 11.1. The subject site is located approximately 290m to the north west of the River Poddle.
- 11.2. The proposed Large Scale Residential Development (LRD) comprises of the construction of a residential development of 208 units in the form of 104 one bedroom and 104 two bedroom apartment units on a site of 1.25 hectares, in an established urban area within Kimmage, Dublin 12.

11.3. I have assessed the LRD development at Carlisle, Kimmage, Dublin 12 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. I have undertaken a WFD Impact Assessment Stage 1: Screening and which is included in Appendix 2 after my report. This assessment considered the impact of the development on the:

- River Poddle
- Groundwater

11.4. The impact from the development was considered in terms of the construction and operational phases. Through the use of best practice and implement of a CEMP at the construction phase and through the use of SuDS during the operation phase, all potential impacts can be screened out.

Conclusion

11.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

12.0 Conclusion

12.1. The Board received two third party appeals against the decision of Dublin City Council to grant permission for this LRD housing scheme. The decision of the Board to grant permission was subject to JR and the court remitted the application back to the Commission. This addendum report has been prepared, and which should be read in conjunction with the original Inspector's Report on file dated 7th June 2023.

12.2. I have considered the proposed development in the context of the current Dublin City Development Plan 2022 – 2028, the Climate Action Plan 2024, the Climate Action Plan 2025 and the Biodiversity Action Plan 2023 and relevant updated guidance that has been introduced since the original IR was prepared, and as required by the Court order dated 12th May 2025.

12.3. The primary issue for the assessment is to demonstrate compliance with the relevant local area plan zoning, objectives and policies of the Dublin City Development Plan 2022 – 2028 with particular relevance to Objective CUO25. The applicant has provided a response to a notice issued by the Commission and has provided a justification for non-compliance with Objective CUO25. In summary this is due to the removal of the requirement under the Apartment Guidelines 2025, however Circular Letter: NSP 04/2025 clarifies that applications in the planning system including those on appeal to An Coimisiún Pleanála on or before the 8th of July 2025 are to be considered in accordance with the 2023 guidelines. Although this application was received under the 2022 guidelines, the requirements of which, as relevant to this development, are the same as those of the 2023 guidelines.

12.4. I have considered this matter in full and recommend that the Commission undertake a Material Contravention of the Dublin City Development Plan 2022 – 2028. In the case of a Large Scale Residential Development (LRD), the Commission may decide to materially contravene a development plan in accordance with Section 37(2)(a) of the Planning and Development Act 2000 as amended which I have repeated here for the benefit of the Commissioners:

‘(2) (a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

In this case the Local Authority have not refused permission for this development, and therefore it is open to the Commission to consider granted the development in accordance with the provisions of 37(2)(a). The planning basis for such an approach is based on the following:

- The location of the site within an established urban area. This vacant undeveloped site is located in Kimmage.
- The lands are suitably zoned for residential development of this nature. Under the Dublin City Development Plan 2022 – 2028, the site is zoned Z1 – Sustainable Residential Neighbourhoods with the objective: ‘To protect, provide and improve residential amenities’.
- The area is well served by community, social, retail and amenity infrastructure.

- The area is well served by public transport and active travel measures.
- There is a clear requirement for residential units in this part of Dublin City and more specifically in the Kimmage area. The proposed development offers an alternative type of housing to the predominant current form of two storey units in this area.

As identified in the Inspectors Report for ABP Ref. 316176-23 dated 7th of June 2023, the proposal is acceptable in terms of meeting the requirements of relevant guidelines and also demonstrates compliance with the Dublin City Development Plan 2022 – 2028 in terms of meeting relevant residential standards. It was also demonstrated that the development would not have a negative impact on existing residential amenity.

12.5. This conclusion should be read in conjunction with both the original IR dated 7th June 2023 and the other sections of this Addendum Report.

13.0 Recommendation

- 13.1. I consider the principle of development as proposed to be acceptable on this site. The site is suitably zoned for residential development, is a serviced site, where public transport, social, educational and commercial services are available. The proposed development is of a suitably high quality and provides for a mix of one and two bedroom apartments which are served by high quality communal and public open space.
- 13.2. I do not foresee that the development will negatively impact on the existing residential and visual amenities of the area. Suitable pedestrian, cycling and public transport is available to serve the development.
- 13.3. The development is generally in accordance with National and Regional Guidance and Local Policy and is in accordance with the proper planning and sustainable development of the area.
- 13.4. I recommend that permission be GRANTED for the development, for the reasons and considerations and subject to the conditions set out below.

14.0 Reasons and Considerations

Having regard to:

- (i) the site's location on lands with a zoning objective 'Z1 – Sustainable Residential Neighbourhoods' with the objective: 'To protect, provide and improve residential amenities' in the Dublin City Development Plan 2022-2028 in respect of residential development,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin City Development Plan 2022-2028 and appendices contained therein,
- (iii) to Housing for All – A New Housing Plan for Ireland, issued by the Department of Housing, Local Government and Heritage in September 2021,
- (iv) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (v) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (vi) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, July 2023,
- (vii) the Climate Action Plan 2024 and the Climate Action Plan 2025,
- (viii) the availability in the area of a wide range of social and transport infrastructure,
- (ix) to the pattern of existing and permitted development in the area,
- (x) Planning Report and supporting technical reports of Dublin City Council,
- (xi) to the submissions and observations received,
- (xii) the Inspectors' reports which include a revised Appropriate Assessment screening relating to the North-west Irish Sea Special Protection Area (SPA) (site code 004236),

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Recommended Commission Order

Application: for permission in accordance with plans and particulars lodged with An Bord Pleanála on the 31st of March 2023, and details provided in response to Article 73(1)(a) notice received on 8th September 2025, by Terenure Land Limited.

Proposed Development: Permission for a Large Scale Residential Development (LRD), on a site of 2.34 gross hectares (net area is 1.25 hectares), located to the north of the Kimmage Road West, Terenure, Dublin 12.

The site is located to the rear of a 'Ben Dunne' gym that is itself located behind a row of semi-detached houses that address the public road. The development site is 'L' Shaped with the long section on a north west to south east axis and a shorter section going from north east to south west, to the eastern side of the site. A short cul-de-sac provides vehicular and pedestrian access to the gym and in turn this will provide access to the subject site.

The proposed development provides for 208 residential units in the form of 104 one bedroom units and 104 two bedroom units in five apartment blocks ranging from four to six storeys.

An Environmental Impact Assessment Screening Report and an Appropriate Assessment Screening have been prepared in respect of the development proposal and accompanies the application.

Matters Considered:

In making its decision, the Coimisiún had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions. In coming to its decision, the Coimisiún had regard to the following:

- (i) the site's location on lands with a zoning objective 'Z1 – Sustainable Residential Neighbourhoods' with the objective: 'To protect, provide and improve residential amenities' in the Dublin City Development Plan 2022-2028 in respect of residential development,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin City Development Plan 2022-2028 and appendices contained therein,
- (iii) to Housing for All – A New Housing Plan for Ireland, issued by the Department of Housing, Local Government and Heritage in September 2021,
- (iv) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (v) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (vi) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, July 2023,
- (vii) the Climate Action Plan 2024 and the Climate Action Plan 2025,
- (viii) the availability in the area of a wide range of social and transport infrastructure,
- (ix) to the pattern of existing and permitted development in the area,
- (x) Planning Report and supporting technical reports of Dublin City Council,
- (xi) to the submissions and observations received,

(xii) the Inspectors' reports which include a revised Appropriate Assessment screening relating to the North-west Irish Sea Special Protection Area (SPA) (site code 004236),

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment (AA):

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Reports submitted with the application, the Inspectors' Reports, and submissions on file. In completing the screening exercise, the Coimisiún adopted the reports of the Inspectors and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites.

Environmental Impact Assessment:

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 to the Planning & Development Regulations, 2001 (as amended), identifies and describes adequately the effects of the proposed development on the environment.

Having regard to:

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the nature and scale of the proposed development, which is below the threshold in respect of subsection (1)(a)(iii) of section 50 of the Roads Act, as amended,
- c) The existing use on the site and pattern of development in surrounding area,
- d) The availability of mains water and wastewater services to serve the proposed development,
- e) The location of the development outside of any sensitive lands,
- f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- g) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001 as amended, and
- h) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment,

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 as revised would constitute an acceptable scale and density of development at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience.

The Commission considered that the proposed development would materially contravene the Dublin City Development Plan 2022 – 2028 in respect of complying

with the requirements of Objective CUO25 in providing for cultural, community and art space within the development. However, the Commission was satisfied that the proposed development was justified having regard to:

- The location of the site within an established urban area of Dublin City.
- The subject lands are zoned Z1 – Sustainable Residential Neighbourhoods and therefore suitably zoned for residential development of this nature.
- This serviced site is currently vacant and provides no benefit to the local community. The non-development of this site would result in it remaining as vacant.
- The area is well served by community, social and amenity infrastructure. This is demonstrated through the ‘Community & Social Infrastructure Audit’ dated November 2022 provided in support of the original application.
- The area is well served by public transport, which has been recently improved through Phase 7 of the Bus Connects Network Review.
- The site benefits from active travel measures through existing good quality footpaths and cycle provision in the area.
- The proposal is acceptable in terms of meeting the requirements of relevant guidelines including the Apartment Guidelines 2023 and also demonstrates compliance with the Dublin City Development Plan 2022 – 2028 in terms of meeting relevant residential standards.

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

16.0 Conditions

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

otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of clarity.

2. a) All elevations shall be finished in brick or similar material but shall not include the use of self-coloured or coloured render.

b) Details of the materials, colours, and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity.

3. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

4. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity and public safety.

5. 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.

6. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to service areas and the undercroft car park shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

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

7. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.

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

8. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation

of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

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

9. A total of 484 no. bicycle parking spaces and room for four cargo bicycles shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Coimisiún Pleanála with this 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.

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

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

11. The developer shall enter into water and waste water connection agreement(s) with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

12. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

13. (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.

14. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice

Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

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

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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 residential amenities of property in the vicinity.

18. 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 provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may 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.

19. 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.

20. 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.

Paul O'Brien

Inspectorate

21st October 2025

Appendix 1

Appropriate Assessment (AA) Stage 1

As set out in section 9.0, AA screening has already been carried out in the original Inspector's Report dated 7th June 2023 for South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA. This appendix relates solely to AA screening in the context of North West Irish Sea SPA (site code 004236) which was designated after the planning application was lodged and the original IR dated 7th June 2023 was prepared.

The applicant has submitted a revised Site Specific Flood Risk Assessment, dated September 2025. Section 6 of this report includes Mitigation Measures, including raising of floor levels and details on run-off rates. Details are also provided on the Poddle River Flood Alleviation Scheme, which is not part of this development. I consider these mitigation measures to be standard construction requirements in terms of flood risk and surface water drainage and would have no impact on designated European Sites and require no further assessment.

Appropriate Assessment Stage 1 – Screening Determination
Description of the project I have considered the proposed development in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended). <u>Subject site</u> The subject site is undeveloped/ vacant and is partially under grass/ hardstanding, on lands to the north of a car park associated with a large gym/ fitness centre to the north of Kimmage Road West, Dublin 12. <u>Proposed development</u> 208 no. social and affordable housing apartments and associated site works.

Submissions and observations

No observations were received in relation to this development or specifically with AA. None of the prescribed bodies raised any issues in relation to AA and the DCC's Chief Executive's Report dated 13th of October 2022 states, in relation to AA, that it is a matter for the Coimisiún to consider, as the competent authority for the application.

Potential impact mechanisms from the project

Site surveys

The AA Screening Report submitted with the planning application states that a habitat survey was undertaken in September 2023. The dominant uses on site were improved grasslands and some hardstanding. Trees and shrubs are located around the boundary of the site. The applicant's survey indicates that no third schedule invasive species were found on site.

Further to my site inspections, most recently on the 24th September 2025 and 18th of October 2025, I am satisfied that the habitat survey continues to reflect the site conditions.

European sites

Table 1 of the applicant's AA Screening Report identified 18 European sites within a precautionary 15 km zone of interest (Zoi). Table 2 provides an 'Initial screening of European sites within 15km and European sites with potential of hydrological connection to the proposed development – Screened IN (NIS Required)'. Two of these were considered to have a relevant source-pathway-receptor link – Baldoyle Bay SPA (Site Code 000199) and Baldoyle Bay SAC (004016).

The North West Irish Sea SPA was not considered in the submitted AA Screening Report, or in the original Inspector's Report dated 7th June 2023, because it was not designated until 2023.

Effect mechanisms

I consider that the only possible effect mechanisms to North West Irish Sea SPA are those identified in the AA Screening, there is potential, though low, for

contaminated water originating from the development site to enter Baldoyle Bay system via the Mayne River, during the construction (Effect Mechanism A) and operational phases (Effect Mechanism B) of the proposed development.

The site does not provide ex-situ habitat for the special conservation interest species of the SPA.

European sites at risk

As previously set out, this AA screening only considers North West Irish Sea SPA as all other European sites were included in the AA screening carried out in the original Inspector's Report dated 7th June 2023).

Table 1 – European site at risk from impacts of the proposed project

Effect mechanism	Impact pathway	European site	SCI features at risk
A) Surface water pollution during construction phase	Indirect impact via a hydrological pathway	North West Irish Sea SPA (site code 004236)	Red-Throated Diver [A001]
B) Surface water pollution during the operational phase	Indirect impact via a hydrological pathway		Great Northern Diver [A003] Fulmar [A009] Manx Shearwater [A013] Cormorant [A017] Shag [A018] Common Scoter [A065] Little Gull [A177]

			Black-Headed Gull [A179] Common Gull [A182] Lesser Black-Backed Gull [A183] Herring Gull [A184] Great Black-Backed Gull [A187] Kittiwake [A188] Roseate Tern [A192] Common Tern [A193] Arctic Tern [A194] Little Tern [A195] Guillemot [A199] Razorbill [A200] Puffin [A204]
The North-west Irish Sea candidate SPA is an important resource for marine birds. This SPA extends offshore along the coasts of counties Louth, Meath and Dublin, and is approximately 2,333sq km in area. It is ecologically connected to several existing SPAs providing supporting habitat for foraging and other maintenance			

behaviours for seabirds that breed at colonies on the north-west Irish Sea's islands and coastal headlands, and for seabirds outside of the breeding period also. The site is designated for 21 marine bird species including non-breeding and breeding populations.

The non-breeding species include Red throated Diver, Great northern Diver, Common Scoter, Black headed gull, common Gull Great Black-backed Gull, and Little Gull.

Breeding seabirds include: Fulmar, Manx Shearwater, Cormorant, Shag, Lesser Black-backed Gull, Herring Gull, Kittiwake, Roseate Tern, Common Tern, Artic Tern, Little Tern, Guillemot, Razorbill, Puffin.

Conservation objectives to main or restore favourable conservation condition for these species is defined by the following targets:

- Population trends are stable or increasing / no significant decline
- **Spatial distribution:** Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population
- **Forage distribution extent and abundance:** Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target
- **Disturbance** across the site: The intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution
- The number, location, shape and area of **barriers** do not significantly impact the site population's access to the SPA or other ecologically important sites outside the SPA.

Likely significant effects on the European site 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'

European site and qualifying features (North West Irish Sea SPA)	Conservation objectives	Could the conservation objectives be undermined (Y/N)?	
		Effect A	Effect B
Red-Throated Diver [A001] Great Northern Diver [A003] Fulmar [A009] Manx Shearwater [A013] Cormorant [A017] Shag [A018] Common Scoter [A065] Little Gull [A177] Black-Headed Gull [A179] Common Gull [A182] Lesser Black-Backed Gull [A183] Herring Gull [A184] Great Black-Backed Gull [A187] Kittiwake [A188] Roseate Tern [A192] Common Tern [A193] Arctic Tern [A194] Little Tern [A195] Guillemot [A199] Razorbill [A200] Puffin [A204]	15 SCIs have, as their conservation objective, to maintain its favourable conservation objective: A001, A003, A013, A065, A177, A179, A182, A183, A187, A192, A193, A194, A195, A199, and A200. Six SCIs have, as their conservation objective, to restore its favourable conservation objective: A009, A017, A018, A184, A188, and A204.	N	N
<u>Effect Mechanism A (surface water pollution during construction phase)</u>			

In terms of hydrological connectivity through the Mayne River, it is approximately 4.7 km to the European site and the possibility of any impact on North West Irish Sea SPA from surface water discharge from the site is not at all likely. Mitigation measures, in the form of standard construction measures, are proposed to protect Baldoyle Bay SAC and SPA and considering that the North West Irish Sea SPA is to the east of these designated areas, there is no uncertainty over effects on the status of this SPA.

Effect Mechanism B (surface water pollution during operational phase)

As with the construction phase, in terms of hydrological connectivity through the Mayne River, it is approximately 4.7 km to the European site and the possibility of any impact on North West Irish Sea SPA from surface water discharge from the site during the operational phase is not at all likely. Mitigation measures, in the form of standard construction measures, are proposed to protect Baldoyle Bay SAC and SPA and considering that the North West Irish Sea SPA is to the east of these designated areas, there is no uncertainty over effects on the status of this SPA.

In considering the potential for significant effects on the North-west Irish Sea candidate SPA, based on objective information provided I am satisfied the proposed development would not result in impacts of such magnitude that could undermine the conservation objectives set for this site. Notwithstanding that there is some uncertainty/ that potential for significant effects cannot be excluded for Baldoyle Bay due to construction and operational related pollution risks, any such risk in the marine environment would be rapidly dispersed and diluted to non-significant levels. The development would not result in impacts that could affect 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.

Conclusion

I conclude that the proposed development would have no likely significant effect 'alone' on any SCI species of North West Irish Sea SPA and, as such, I also

conclude that it would have no likely significant effect in combination with other plans and projects on the SPA. No further assessment is required for the project.

Overall Conclusion – Screening Determination

In accordance with section 177U (5) of the Planning & Development Act, 2000 (as amended) and on the basis of objective information, further to and in conjunction with the AA screening carried out in the original IR dated 7th June 2023, I conclude that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that AA (stage 2) under section 177V of the Planning & Development Act, 2000 (as amended) is not required.

This conclusion is based on:

- objective information presented in the Appropriate Assessment Screening Report,
- the zone of influence of potential impacts, which does not include North West Irish Sea SPA (site code 004236), and,
- the nature of the site which is not an ex-situ site for SCI species.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Appendix 2: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Coimisiún Pleanála ref. no.	ACP-322982-25	Townland, address	Carlisle, Kimmage Road West, Kimmage, Dublin 12.
Description of project		Permission sought for a Large Scale Residential Development of 208 no. social and affordable housing apartments and associated site works.	
Brief site description, relevant to WFD Screening,		Site is located in an established urban area but is undeveloped and is currently vacant. The lands consist of a mix of hardstanding, untended grass and vegetation in the form of trees and shrubs have grown here due to a lack of regular site maintenance.	
Proposed surface water details		SuDS measures to be used in the engineering and landscaping design.	
Proposed water supply source & available capacity		For Dublin City and suburbs, for water supply there is 'Potential Capacity Available - LoS improvement required'.	

Proposed wastewater treatment system & available capacity, other issues			For Dublin City and suburbs, including the subject site, in terms of wastewater treatment there is a ‘Green’ indication of available capacity.			
Others?			N/A			
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)
e.g. lake, river, transitional and coastal waters, groundwater body, artificial (e.g. canal) or heavily modified body.	Located approximately 290m to the south east of the subject site	Poddle_010 (IE_EA_09P030800)	Poor	At Risk	N/A	Surface water run-off, groundwater and drainage.
	0m	Dublin Groundwater (IE_EA_G_008)	Good	Not at Risk	N/A	Groundwater

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.	Site clearance & Construction	Poddle_010 (IE_EA_09P030800)	Indirect impact via Potential hydrological pathway	Water Pollution Surface water run-off	Use of Standard Construction Practice and CEMP.	No	Screen out at this stage.
2.	Site clearance & Construction	Dublin Groundwater (IE_EA_G_008)	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
OPERATIONAL PHASE							

3.	Surface Water Run-off	Poddle_010 (IE_EA_09P030800)	Indirect impact via Potential hydrological pathway	Water Pollution	Several SuDS features incorporated into development	No	Screen out at this stage.
4.	Surface Water Run-off	Dublin Groundwater (IE_EA_G_008)	Indirect impact via Potential hydrological pathway	Water Pollution	Several SuDS features incorporated into development	No	Screen out at this stage.
DECOMMISSIONING PHASE							
6.	N/A	N/A	N/A	N/A	N/A	N/A	N/A