



An  
Coimisiún  
Pleanála

## Inspector's Addendum Report (2)

**ACP-323393-25**

<b>Development</b>	Demolition of all structures on the site and site clearance works. Construction of 96 apartments in two blocks and 10 duplex units.
<b>Location</b>	Quadrant House, Chapelizod Road and including the adjoining site known as 2B Chapelizod Village (rear of 2 Mullingar Terrace), Chapelizod, Dublin 20
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	LRD6005/23-S3
<b>Applicant(s)</b>	Linders of Smithfield Limited
<b>Type of Application</b>	Large-Scale Residential Development
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Parties vs. Grant
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Chapelizod Tidy Towns</li><li>2. Chapelizod Residents Association</li><li>3. Friends of the Phoenix Park CLG</li><li>4. The Residents of Number 1,3,4,5,6 Mullingar Terrace</li></ol>

**Observer(s)**

None

**Inspector**

Irené McCormack

## 1.0 Introduction

1.1. This addendum report should be read in conjunction with the Inspector's report on file dated 4<sup>th</sup> November 2025 and the Inspector's report in respect of ABP-318075-23 (dated 16<sup>th</sup> November 2023).

1.2. Commission Direction CD-02130525 dated 17<sup>th</sup> November 2025 contains the Commission's direction in relation to this addendum report. It states as follows.

*the submission by the Applicant of an Appropriate Assessment Screening Report and Natura Impact Statement and that the planning authority reached their decision after undertaking Stage 1 and Stage 2 Appropriate Assessment,*

- that the North West Irish Sea Special Protection Area, which is also approximately 12 km from the proposed development similar to the other Natura 2000 sites assessed in the Natura Impact Statement submitted by the Applicant, may have been designated after the application was originally made,*

- that a submission was received at application stage from a Prescribed Body (i.e., DHLGH) in relation to appropriate assessment on the 14th August 2023 (as set out in Section 4.3 but contrary to Section 10.4 of the Inspector's Report in ABP-318075-23) recommending all mitigation measures contained in the NIS to prevent the pollution of surface waters during construction in order to avoid causing detrimental impacts on downstream Dublin Bay Natura– 2000 sites, and*

- the Inspector's determination that Appropriate Assessment (Stage 2) is not required set out in Section 8 of their report, and that the conclusions with respect to Appropriate Assessment Screening set out in Section 10 of the Inspector's Report for ABP-318075-23 remain valid.*

*In light of the aforementioned matters, the formal advice of the Commission's Ecologist, having engaged fully with the views of the Prescribed Body and any subsequent site designations, as to whether a Stage 2 Appropriate Assessment is required together with an Addendum Inspector's Report incorporating any revisions (if any) on foot of such advice.*

## 2.0 Further Submissions

2.1. The Commission will note that a third response was received with respect to ACP-323393-25, from the Residents of Mullingar Terrace and I will address the issues

raised in this addendum report. The submission reiterates the contents of their original submission under ABP-318075-23 and can be summarised under the following headings.

#### Lack of Privacy

- Concerns re: proximity of the western elevation of Block A, because of the height no's 1 and 2 will be affected. Obscured glazed privacy screens should be place on the balconies of Block A.
- Concern also re: overlooking from the balconies and from the roof garden of Block A.

#### Childcare

- Do not agree that childcare demand can be accommodated in the existing and planned developments.

#### Transport

- It is argued that the present service is not sufficient for the population of Chapelizod.
- Buses are at capacity and sometimes do not turn up.
- The C-spine route is years off and 2km form the site.

#### Car Parking

- It is argued that car parking has worsened in the area particularly at the weekend.
- The adjacent development 'Springvale' has limited amount of car parking resulting in overspill.

### **3.0 Response**

- 3.1. In response to the Commission's request, I refer the Commission to the accompanying report from the An Coimisiún Pleanála Ecologist, in addition to the Appendix A and B and section 4.0 of this report.
- 3.2. In addition, I draw the Commission's attention to the additional submission received from the Residents of Mullingar Terrace.
- 3.3. As regards the impact on the residential amenities of Mullingar Terrace, I refer the

Commission to section 8.5 of the original Inspector's report in respect of ABP-318075-23 and section 8.3.31 of the Inspector's report ACP-323393-25 dated 4<sup>th</sup> November 2025. I do not consider the proposed development will have a detrimental impact in terms of overlooking as regards the western elevation of Block A or the Communal roof garden of Block A.

- 3.4. Regarding bedroom windows of Block A, I draw the Commission's attention to section 8.5 of the original Inspector's report in respect of ABP-318075-23, the first party contend that the windows are above the east facing ground floor windows of Milenda Cottage and No. 2 Mullingar Terrace and would not result in overlooking, however, the bottom half of the bedroom windows can be fitted with frosted or obscure glass should this be considered appropriate. As set out in ABP-318075-23, I do not consider this necessary, and I am satisfied that there will be no direct overlooking by virtue of the window elevation above those of Milenda Cottage and No. 2 Mullingar Terrace. However, should the Commission consider this appropriate this matter can be addressed by way of condition.
- 3.5. With respect to the specific concern raised about overlooking via the Velux windows of the adjacent properties, given the alignment of the Velux windows and the separation distance between the proposed development and Mullingar Terrace any overlooking through the Velux windows would be restricted and unlikely, in my opinion.
- 3.6. I further note the concerns raised with respect to childcare, transport and car parking have been addressed in detail in sections 6.3, 6.4 and 6.5 of the Inspector's report ACP-323393-25 dated 4<sup>th</sup> November 2025 and in section 8.4 and 8.7 of the previous Inspector's Report for ABP-318075-23. I refer the Commission to same.
- 3.7. In summary, I am satisfied that the applicant's Community and Social Infrastructure Audit (CSIA) submitted under ABP-318075-23 and the Childcare Demand Assessment addendum submission in response to the further information accompanying this application is sufficiently robust in terms of analysis and future growth projections. I am further satisfied that the applicant's TTA and the submission in response to the further information accompanying this application is sufficiently robust in terms of the traffic survey data, future growth projections, and consideration of cumulative effects. Accordingly, I do not consider that there would be any significant changes to the traffic impact of the development, and I am satisfied that there would

be no unacceptable impacts as outlined in the Inspectors Report for ABP-318075-23 and the Inspector's report ACP-323393-25 dated 4<sup>th</sup> November 2025. I am satisfied that the site benefits from proximity and accessibility to a range of service and amenities required to support the development, sustainable neighbourhoods and communities.

## **4.0 Appropriate Assessment**

### *Introduction*

- 4.1. Having considered the contents of the Internal Technical Note prepared by the ACP Ecologist, this section should be read as superseding Section 8.0 and Appendix A of the of the Inspector's report ACP-323393-25 dated 4<sup>th</sup> November 2025 and section 10.0 of the previous Inspector's Report for ABP-318075-23.
- 4.2. The requirements of Article 6(3) of the Habitats Directive as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:
- Compliance with Article 6(3) of the EU Habitats Directive.
  - Screening the need for appropriate assessment.
  - The Natura Impact Statement.
  - Stage 2 Appropriate Assessment of implications of the proposed development.

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

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

6(3).

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

- 4.5. An AA Screening exercise has been completed (see Appendix A of this report for further details). In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA, in view of the conservation objectives. Appropriate Assessment is therefore required.
- 4.6. This determination is based on:
- The nature and scale of the proposed works.
  - The potential connectivity between the application site and the European Sites.
  - The nature and extent of the proposed mitigation measures to ensure the protection of water quality.
- 4.7. The possibility of significant effects on any other European sites has been excluded on the basis of objective information.
- 4.8. No measures intended to avoid or reduce harmful effects on European sites (including those outlined in the applicant's NIS) were taken into account in reaching this conclusion.

### **The Natura Impact Statement**

- 4.9. As outlined in Appendix B of this report, a Natura Impact Statement (NIS) has been submitted with the application. It considers the potential effects of the project on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, and North Bull Island SPA. The NIS concludes that the proposed development will not result in direct or indirect effects which would have the potential to adversely affect the qualifying interests/special conservation interests of the European sites with regard to the range, population densities or conservation status of the habitats and species for which these sites are designated (i.e. conservation objectives). It concludes that the proposed project will not will adversely affect the integrity of European sites.

*Stage 2 Appropriate Assessment of implications of the proposed development*

- 4.10. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA, in view of the conservation objectives of those sites and that Appropriate Assessment was required.
- 4.11. Appendix A of this report outlines the objective scientific assessment of the implications of the project on the qualifying interest features of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA, using the best scientific knowledge in the field.
- 4.12. Appendix A notes the inconsistencies in the documentation received including that the mitigation measures identified in the NIS, CEMP and CMP do not dovetail. However, as set out in Appendix B the combined mitigation measures have been considered and following the implementation of the proposed mitigation measures (including the implementation of a condition to address a final CEMP collating all mitigation measures) the proposed development will not result in direct or indirect effects which would have the potential to adversely affect the qualifying interests/special conservation interests of the European sites with regard to the range, population densities or conservation status of the habitats and species for which these sites are designated (i.e. conservation objectives)
- 4.13. In summary, following an examination, analysis and evaluation of the NIS and all associated material submitted, and taking into account all observations from third-parties and DAU -National Parks and Wildlife, I consider that adverse effects on site integrity of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA, can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The nature and scale of the proposed development and its limited hydrological connectivity with the European Sites.
- Detailed assessment of construction and operational impacts.



- The proposed development will not affect the maintenance or, where required, restoration of the favourable conservation condition of the Qualifying Interests of the European Sites.
- The effectiveness of mitigation measures proposed in the Natura Impact Statement, the Outline Construction & Environmental Management Plan, Construction Management Plan, and the Ecological Impact Assessment.
- The application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented.

## 5.0 Recommendation

I refer to the previous Inspector's Report for ABP-318075-23 including the recommendation to GRANT the residential development (dated 16<sup>th</sup> November 2023) and the Inspector's Report ACP-323393-25 dated 4<sup>th</sup> November 2025, having regard to the changes to the policy context in the intervening period, and the additional submissions received, I recommend that permission be GRANTED for the proposed residential development, subject to conditions, and for the reasons and considerations set out in the following Draft Order.

## 6.0 Recommended Draft Commission Order

### **Planning and Development Acts 2000 to 2022**

### **Planning Authority: Dublin City Council**

### **Planning Register Reference Number: LRD6005/23-S3**

**Appeals by** 1). Chapelizod Residents Association. 2). Chapelizod Tidy Towns, 3). Friends of the Phoenix Park CLG. 4). The Residents of Numbers 1,3,4,5,6 Mullingar Terrace, against the decision made on the 1<sup>st</sup> September 2023 by Dublin City Council to grant permission to Linders of Smithfield LTD. for the proposed Large Scale Residential Development application subject to conditions.

**Location:** Site known as Quadrant House, Chapelizod Road, including the adjoining site known as 2b Chapelizod Village (rear of 2 Mullingar Terrace) Chapelizod, Dublin 20

**Proposed Development:** The development will consist of:

- the demolition of all structures on the site and site clearance works (including the felling of 6 no. trees)
- the construction of 2 no. apartment blocks (Blocks A and B) providing 96 no. apartments (comprising 6 x Studios; 28 x 1 Beds; 47 x 2 Beds and 15 x 3 Beds) and one Duplex block (Block C) providing 10 no. Duplex units (7 x 2 Beds and 3 x 3 Beds).
- internal communal, ancillary residential services / amenities to include a resident's gym (approx. 297 sq.m) at basement level (beneath Block B) and a concierge and amenity space, including a publicly accessible coffee dock / café plus shared / communal workspace at ground floor level within Block B (totally 121.3 sq.m).
- provision is also made for waste storage areas, plant rooms and water attenuation tank and all associated works above and below ground.

## **Decision**

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

## **Reasons and Considerations**

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

- (a) The need to plan for increased growth in accordance with the National Planning Framework, First Revision, April 2025, and the flexibility that applies to projected targets for future growth, including National Policy Objective 11.
- (b) The nature, scale and design of the proposed development, which is in accordance with the policies and objectives of the Dublin City Development Plan 2022-2028;
- (c) The pattern of existing and permitted development and the availability of adequate social and physical infrastructure in the area;
- (d) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2023;

- (e) The provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024;
- (f) The provisions of Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities, issued by the Department of the Environment, Heritage and Local Government in 2007;
- (g) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031;
- (h) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), issued by the Office of Public Works and Department of Environment, Heritage and Local Government, 2009;
- (i) The Childcare Facilities Guidelines for Planning Authorities, issued by the Government of Ireland, 2001;
- (j) The Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, July 2023;
- (k) The submissions and observations received;
- (l) The reports from the Planning Authority; and
- (m) The reports of the Planning Inspector.

## **Climate Action**

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

## **Appropriate Assessment Screening**

### **Appropriate Assessment Stage 1**

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

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

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

- The nature and scale of the proposed development and its limited hydrological connectivity with the European Sites.
- The detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the relevant qualifying interests of South Dublin Bay SAC, North

Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA.

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

### **Environmental Impact Assessment**

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

Having regard to:

- (a) the criteria set out in Schedule 7, in particular;
  - (i) the nature and limited scale of the proposed development, in an established residential area served by public infrastructure,
  - (ii) the absence of significant environmental sensitivities in the vicinity,
  - (ii) the location of the development outside of any sensitive location specified in Article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),
- (b) the results of other relevant assessments of the effects on the environment submitted by the applicant, including the results of the Strategic Environmental Assessment of the Dublin City Development Plan 2022-2028 under the SEA Directive,
- (c) the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the Natura Impact Statement, the Construction Phase Management Plan, Construction Phase Environmental Plan, the Resource & Waste Management Plan, the Operational Waste Management Plan, the Climate Action and Energy Statement, the Ecological Impact

Assessment, the Arboriculture Assessment, the Site Specific Flood Risk Assessment, and the Engineering Services Report.

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

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

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Dulin City Development Plan 2022-2028, would provide of an acceptable quantum of residential development at this location which would be served by an appropriate level of physical and social / community infrastructure, would provide an acceptable form of residential amenity for future occupants, would not seriously injure the visual amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of traffic safety and convenience, would not be at risk of flooding or increasing the risk of flooding to other lands, would be capable of being adequately served by wastewater, surface water, and water supply infrastructure in a manner which would not adversely impact on water quality or regime, and would not seriously detract from the ecological or archaeological value of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application received by Dublin City Council on the 7<sup>th</sup> July 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. Mitigation and monitoring measures outlined in the plans and particulars, including the

Natura Impact Statement submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

3. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and 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 and to ensure an appropriate high standard of development.

4. Details of signage, waste management and hours of operation of the non-residential units shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

5. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
  - a) A Pre-Construction Invasive Species Management Plan and an Invasive Species Management Plan if required;
  - b) Provision for mitigation measures described in the Construction Environmental Management Plan, Construction Management Plan and NIS;
  - c) A pre-construction condition survey of properties on Mullingar Terrace, if required;
  - d) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - e) Location of areas for construction site offices and staff facilities;
  - f) Details of site security fencing and hoardings;
  - g) Details of on-site car parking facilities for site workers during the course of construction;

- h) 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;
- i) Measures to obviate queuing of construction traffic on the adjoining road network;
- j) Details of lighting during construction works;
- k) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- l) 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 works;
- m) Provision of parking for existing properties at during the construction period;
- n) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- o) 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;
- p) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- q) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- r) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

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

6. 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.

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



7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays and between 0800 and 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

8. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

**Reason:** In the interest of public health.

9. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

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

10. The developer shall comply with the detailed requirements of Transportation Planning Division of Dublin City Council

**Reason:** To ensure a satisfactory standard of development in the interest of public safety.

11. A minimum of 50% of all communal 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

12. The boundary planting, lighting and open spaces and biodiversity enhancement plan shall be in accordance with the details submitted to the planning authority with the application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter.

This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

**Reason:** In order to ensure the satisfactory of the public open space areas, and their continued use for this purpose.

13. Prior to the occupation of the residential units, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

14. Proposals for a naming 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 signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

15. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located 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.

16. (a) No residential unit shall be occupied until the associated residential amenities, gym. Co-working hub and café are completed and ready for occupation.  
  
(b) The opening hours and details of proposed signage (as applicable) for all non-residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any operations in each respective unit.

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

17. The developer shall comply with the following requirements of the City Archaeologist of Dublin City Council:

a) No construction or site preparation work may be carried out on the site until all archaeological requirements of the Planning Authority are complied with.

b) The applicant shall install vibration monitors on all sections of the Phoenix Park Deerpark wall (RPS No. 6781; RMP No. DU018-00701) within the site. A survey of the wall is to be carried out at regular intervals during all phases of works. A report providing the results of the above is to be provided to the Planning Authority.

c) Any temporary works by the main contractor to the wall during construction and from unauthorised access are to be installed per the details on the submitted drawing 200076-X-10-Z01-B1-DR-DBFL-SE-1971 and agreed with the OPW prior to the commencement of any works.

d) The project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations, e.g., boreholes, engineering test pits, etc., carried out for this site as soon as possible and before any site clearance/construction work commences. The assessment shall be prepared by a suitably qualified archaeologist.

e) The archaeologist shall forward their Method Statement in advance of commencement to the Planning Authority

f) Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist which will include specific information on the location, form, size and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for services, drains etc. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report.

g) No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the Planning Authority in advance regarding the procedure to be adopted in the assessment.

h) One digital copy in pdf format containing the results of the archaeological

assessment shall be forwarded on completion to the Planning Authority. The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Dept. of Housing, Local Government and Heritage, shall determine the further archaeological resolution of the site.

i) The developer shall comply in full with any further archaeological requirement, including archaeological monitoring, and if necessary archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement.

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

18. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the legally constituted management company contract, and drawings/particulars describing the parts of the development for which the legally constituted management 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. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

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

19. Prior to commencement of development, the developer 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 plan of the area.

20. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing. (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing. (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

21. 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.

22. The developer shall pay to the planning authority a financial contribution of €530,000.00 (€5000) per unit as a contribution lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment.

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

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 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 of the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Irené McCormack  
Senior Planning Inspector

26<sup>th</sup> November 2025

## Appendix A

### Appropriate Assessment Screening Determination

#### Screening for Appropriate Assessment Test for likely significant effects

Step 1: Description of the project and local site characteristics	
<b>Brief description of project</b>	Demolition of all structures on the site and site clearance works. Construction of 96 apartments in two blocks and 10 duplex units.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<ul style="list-style-type: none"> <li>The application site is already a developed site, with several existing commercial buildings. All of the site is classified as Buildings and artificial surfaces BL3 (after Fossitt 2000).</li> <li>The site has an approximate area of 0.6 ha.</li> <li>The site is situated on the northern side of Chapelizod Road R109.</li> <li>There are no streams, open drains or natural habitats on site. Natural drainage of the site is towards the River Liffey, which is approximately 250 m to the southwest.</li> <li>A new section of 225mm surface water sewer is Proposed (subject to DCC approval) along Chapelizod Road to connect the proposed site to the existing surface water sewer at the junction of Chapelizod Road and Main Street via gravity. Approximately 120m of 225mm sewer and three new surface water manholes, one of which being a manhole constructed on the existing surface water sewer, will be required to make the connection. All surface water infrastructure will be designed in line with GDSDS and DCC drainage requirements. The treated water will ultimately be discharged to the River Liffey via the public drainage system.</li> <li>The proposed new water supply will be taken from the Uisce Eireann network .</li> <li>Foul drainage will be routed to Ringsend Wastewater Treatment Plant, which ultimately discharges to the Liffey Estuary and Dublin Bay.</li> </ul>
<b>Screening report</b>	Yes (Part of NIS)
<b>Natura Impact Statement</b>	Yes
<b>Relevant submissions</b>	<p>The submissions and observations received during the application and appeal process have been outlined in section 4 of the Inspector's Report for ABP-3178075-23 and in section 5 of ACP-323393-25 dated 4<sup>th</sup> November 2005 and section 2.0 this report.</p> <p>The issues raised regarding European Sites largely relate the possibility of pollutants mobilised from the development site in surface water runoff to reaching the River Liffey approximately 250 away and having been transported downstream into Dublin Bay potentially adversely affect the Qualifying Interests for a number of European sites located there, namely the North</p>



Dublin Bay Special Area of Conservation (SAC), the South Dublin Bay SAC, the North Bull Island Special Protection Area (SPA) and the South Dublin Bay and River Tolka Estuary SPA.

## Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The AA Screening Report (accompanying the original application ABP-3178075-23) page 9 & 10 notes having regard to the project attributes the possibility for impacts on European sites is limited to the series of sites associated with the Dublin Bay complex to which the river Liffey flows.

The application site is not located within or adjacent to any European site. As set out above the nearest waterbody to the subject site is the river Liffey. Using the source-pathway-receptor model, surface water and foul waters from the proposed development will ultimately drain to Dublin Bay, located to the east of the proposed development site, and therefore may indirectly have an impact. Therefore, the European sites with qualifying interests, which are potentially linked to the proposed development are South Dublin Bay Sac (site code: 000210), North Dublin Bay Sac (site code: 000206), South Dublin Bay And River Tolka Estuary Spa (site code: 004024) and North Bull Island Spa (site code: 004006).

Given the scale of the proposed development, the lack of a direct hydrological connection, the dilution provided in the estuarine/marine environment and the distances involved other sites in the bay area are excluded from further consideration this screening. I do not consider that any other European sites fall within the zone of influence of the project based on a combination of factors including the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, aided in part by the applicant's Appropriate Assessment Screening Report, the conservation objectives of Natura 2000 sites, the lack of suitable habitat for qualifying interests, as well as by the information on file and I have also visited the site.

The Commission will note that the North-west Irish Sea SPA was not considered in the applicant's AA Screening Report. However, this SPA was only advertised as a candidate SPA on 13th July 2023. I acknowledge the designation of the North-west Irish Sea cSPA as an important resource for marine birds extending offshore along the coasts of counties Louth, Meath and Dublin over an area of approximately 2,333km<sup>2</sup>, as well as the conservation objectives for the 21 marine bird species associated with the site. However, consistent with my conclusions on other European Sites in the outer Dublin Bay area, I do not consider that the hydrological pathways would have potential for significant effects. I consider that potential for significant effects on the North-west Irish Sea candidate SPA can be excluded as the proposed development would not result in impacts that could undermine the attainment of conservation objectives. The development would not result in impacts that could affect seabird population trends, cause disturbance of birds in the marine environment, their spatial distribution, forage distribution and abundance or cause barriers to access to the SPA or other ecologically important sites outside the SPA.

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

**Table 1- European Sites within the Zone of Influence**

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
South Dublin Bay SAC (000210)	<a href="http://www.npws.ie/site/s/default/files/protected-sites/conservation">www.npws.ie/site/s/default/files/protected-sites/conservation</a>	c.7.8km	Via surface water discharges at construction and operational stages to River Liffey, and subsequent	Yes

	<a href="#">objectives/CO000210.pdf</a>		downstream connections to Dublin Bay.	
North Dublin Bay SAC (000206)	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf">www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf</a>	c.11km	Via wastewater discharge to Ringsend and subsequent outfall to Liffey Estuary and Dublin Bay.	
South Dublin Bay and River Tolka Estuary SPA (004024)	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf">www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf</a>	c7.8km	Given the significant separation distances; the characteristics of the site and surrounding area; and the results of the bird surveys submitted with the application; there is no potential for ex-situ impacts associated with any SPA qualifying interest species.	
North Bull Island SPA (004006)	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004006.pdf">www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004006.pdf</a>	c.11km		

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

#### Surface Water

During the Operational Phase, surface water will be discharged to public surface water sewer at greenfield runoff rate to the existing 225 mm concrete sewer to the southwest of the site following on-site SuDS treatment, attenuation, and interception. The treated water will ultimately be discharged to the River Liffey via the public drainage system. In the absence of proper completion and operation of all proposed works, there is potential for hydrocarbon and other pollution to enter the River Liffey and have subsequent water quality impacts on the downstream Natura 2000 sites in inner Dublin Bay.

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

#### Wastewater

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

- There will be adequate hydraulic and organic capacity available in the WWTP.
- Uisce Eireann has confirmed that connection is feasible without need for infrastructure upgrade.
- Peak wastewater outflow associated with the proposed development (3.28 l/s) would not be significant when equated as a percentage of the current licensed discharge at Ringsend WWTP.
- Evidence suggests that in the current situation, some nutrient enrichment is benefiting wintering birds for which the SPAs have been designated in Dublin Bay. The coastal waters in Dublin Bay are classed as 'unpolluted' by the EPA and enriched water entering Dublin Bay has been shown to rapidly mix and become diluted such that the plume is often indistinguishable from the rest of bay water.

#### Water Supply

It is proposed to make a connection to the existing 5-inch Cast Iron (1900) on the near side of Chapelizod Road to the proposed site. A proposed 150mm diameter watermain will be provided to service the development along with all infrastructure required by Irish Water (individual blocks will have their own connections to the distribution main via internal service connections and individual meters will be provided internally for each apartment unit).

All design and construction will be carried out in compliance with Uisce Eireann's Standard Details and Codes of Practice for water proposals and the connection will be made in the presence of an Uisce Eireann representative.

A pre-connection enquiry has been made to Irish Water regarding the water connection to the proposed development and Uisce Eireann have confirmed that the connection is feasible. A review of the Uisce Eireann capacity register of 21/11/2025 indicates 'Potential Capacity Available - LoS improvement required = Potential Capacity Available to meet 2034 population targets - Level of service (LoS) improvement required.' Accordingly, I am satisfied that there would be no significant effects on South Dublin Bay Sac (site code: 000210), North Dublin Bay Sac (site code: 000206), South Dublin Bay And River Tolka Estuary Spa (site code: 004024) and North Bull Island Spa (site code: 004006).

#### Cumulative / in-combination effects

Since the AA Screening Report accompanying ABP-318075-23, the commission will note a set out in section 6.6.31 of the Inspector's report in respect of ABP-318075-23 dated 16<sup>th</sup> November 2023, three additional large-scale projects (residential with 10 or more units) have been identified within 1km of the site. These are set out in section 3.2 of the applicant's response. The assessment concludes that there has been no material or significant change in circumstance. The closet and neighbouring development (Springvale) has been completed in the interim period.

The proposed development forms part of an established urban area of the city that is continuing to evolve. None of the identified projects are intrinsically linked with the subject development and there has been no change to the characteristics of the proposed development or locational characteristics of the proposed development having regard to criteria set out in Table 3.1 and Table 3.2 of the submitted AA Screening Report nor has there been any material or significant change occurring to type and characteristics of the potential impacts previously identified in Table 3.3 of the submitted EIA Screening Report.

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

#### **AA Screening matrix**

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

	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 2: North Dublin Bay SAC</b> <u>QI list</u> Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; Embryonic shifting dunes; Shifting dunes along the shoreline with Ammophila arenaria (white dunes); Fixed coastal dunes with herbaceous vegetation (grey dunes); Humid dune slacks; Atlantic salt meadows; Mediterranean salt meadows; Petalwort.	<p>During construction, there is the potential for dust and contaminated surface water runoff to enter the River Liffey.</p> <p>During the Operational Phase, surface water will be discharged to the River Liffey and there is potential for hydrocarbon and other pollution.</p> <p>Wastewater will be routed to the Ringsend WWTP which discharges to the Liffey Estuary and then Dublin Bay.</p>	<p>In the absence of mitigation measures, the construction and operational stage emissions to the River Liffey have the potential for significant water quality effects for this SAC.</p> <p>There is adequate wastewater treatment capacity to ensure that there will be no significant effects on the water quality of the SAC</p>
	<b>Likelihood of significant effects from proposed development (alone): Yes</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 3: South Dublin Bay &amp; River Tolka Estuary SPA (004024)</b> <u>QI list</u> Light-bellied Brent Goose, Oystercatcher, Ringed Plover, Grey Plover (proposed for removal), Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull, Roseate Tern, Arctic Tern, Common Tern, Wetlands.	<p>During construction, there is the potential for dust and contaminated surface water runoff to enter the River Liffey.</p> <p>During the Operational Phase, surface water will be discharged to the River Liffey and there is potential for hydrocarbon and other pollution.</p> <p>Wastewater will be routed to the Ringsend WWTP which discharges to the Liffey Estuary and then Dublin Bay.</p>	<p>In the absence of mitigation measures, the construction and operational stage emissions to the River Liffey have the potential for significant water quality effects for this SPA.</p> <p>There is adequate wastewater treatment capacity to ensure that there will be no significant effects on the water quality of the SPA.</p>
	<b>Likelihood of significant effects from proposed development (alone): Yes</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 4: North Bull Island SPA (004006)</b> <u>QI list</u> Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover,	<p>During construction, there is the potential for dust and contaminated surface water runoff to enter the River Liffey</p> <p>During the Operational Phase, surface water will be discharged to the River Liffey</p>	<p>In the absence of mitigation measures, the construction and operational stage emissions to the River Liffey have the potential for significant water quality effects for this SPA.</p>

Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull, Wetlands.	and there is potential for hydrocarbon and other pollution.  Wastewater will be routed to the Ringsend WWTP which discharges to the Liffey Estuary and then Dublin Bay.	There is adequate wastewater treatment capacity to ensure that there will be no significant effects on the water quality of the SPA.
	<b>Likelihood of significant effects from proposed development (alone): Yes</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A</b>	

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

It is not possible to exclude the possibility that the proposed development alone would result in significant effects on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, and North Bull Island SPA from effects associated with potential pollution of surface water at the construction stage and operational stages.

#### Documentation Inconsistencies

The issues raised regarding European Sites largely relate to the implementation of measures set out in the NIS and Preliminary CEMP supporting the application to prevent the pollution of surface waters during the construction phase of the proposed project, and to be implemented in full. The Commission will note that the NIS does not appear to have had regard to the water quality measures detailed in the accompanying CEMP as not all of the water quality measures listed in the NIS are consistent with those listed in the CEMP. For example, the NIS states that stockpiled material will be removed off-site as soon as possible whereas the CEMP states that stockpiles of excavated materials and / or topsoils will be continuously inspected to ensure that erosion potential and run-off is minimized. The technical note prepared by ACP Ecologist notes the presentation of water quality measures is inconsistent throughout the applicant documentation and there is no clear standard list between the various reports. It is further highlighted that the Construction Management Plan includes an environmental management section (Section 5) and appears to have been prepared independently of the CEMP. Whilst similar type measures to the CEMP for water quality are listed, additional measures such as wheel washing and bunded storage arrangements for hydrocarbons are also included. The protection of European sites is not also discussed in the CMP. The CMP water quality measures are also not consistent with the mitigation measures presented in the applicant NIS report.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'.  
Further assessment in-combination with other plans and projects is not required at screening stage.

#### **Screening Determination**

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

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, and North Bull Island SPA in view of the conservation objectives. Appropriate Assessment is required.

This determination is based on:

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

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

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

## Appendix B

### Appropriate Assessment

#### Appropriate Assessment

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

Taking account of the screening determination (see Appendix 1), the following is an appropriate assessment of the implications of the proposed development consisting of the demolition of all structures on the site and site clearance works and the construction of 96 apartments in two blocks and 10 duplex units and all associated site development works, in view of the relevant conservation objectives of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA, based on scientific information provided by the applicant and all other submissions and observations received.

The information relied upon includes the following:

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

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the

NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

## Submissions/observations

The submissions and observations received during the application and appeal process have been outlined in section 4 of the Inspector's Report for ABP-318075-23, section 5 of the Inspector's report in respect of ABP-318075-23 dated 16<sup>th</sup> November 2023 and section 2 of this report.

In particular, I draw the Commission attention to the report from the DAU dated 14<sup>th</sup> August 2023 which sets out that the 'Natura Impact Statement (NIS) supporting this application recognises the possibility of pollutants mobilised from the development site in surface water runoff to reaching the River Liffey approximately 250 away and having been transported downstream into Dublin Bay potentially adversely affect the Qualifying Interests for a number of European sites located there, namely the North Dublin Bay Special Area of Conservation (SAC), the South Dublin Bay SAC, the North Bull Island Special Protection Area (SPA) and the South Dublin Bay and River Tolka Estuary SPA. The NIS therefore sets out various measures to prevent any mobilisation of pollutants into runoff from the proposed development during its construction phase to be included in a Construction Environmental Management Plan (CEMP) and avoid any adverse effects on downstream European sites.'

As noted above the documentarian on file includes inconsistencies as regards mitigation measures proposed and it is the combination of the measures outlined at that have been considered below.

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

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

Qualifying Interest features likely to be affected	Conservation Objectives (Summary of relevant Targets and Attributes)	Potential adverse effects	Mitigation measures (summary -as outlined in NIS, CMP and CEMP)
<b>South Dublin Bay SAC</b>			
Mudflats and sandflats not covered by seawater at low tide.	Habitat Area – Stable or increasing. Community Extent – Maintain community. Community Structure - Conserve the high-quality community. Community distribution - Conserve in a natural condition.	Without the presence of mitigation measures there is a potential for downstream effects if significant quantities of dust, pollution or silt were introduced into the River Liffey via air, surface water runoff, mill race and the surface water drainage network.	In summary, the proposed mitigation measures include, <i>inter alia</i> :  <b>Construction Phase</b> The CEMP will incorporate the measures and these will be put in place by the Contractor during the construction phase to ensure protection of surface waterbodies. These measures are in compliance with the
Annual vegetation of drift lines. Salicornia and other annuals colonising mud			



and sand. Embryonic shifting dunes.		Construction works have the potential for downstream impacts on aquatic biodiversity through the introduction of silt and petrochemicals. Existing drainage networks on site, surface water runoff, haulage, storage of topsoil or works in the vicinity of the drainage networks on site could lead to dust, hazardous material, soil or silt laden runoff entering the River Liffey via the surface water drainage network. Surface water runoff on site during construction may lead to silt or contaminated materials from site entering the River Liffey via the surface water drainage network with downstream impacts on the Natura 2000 sites. If on-site concrete production is required or cement works are carried out in the vicinity of watercourses there is potential for contamination of watercourses. The use of plant and machinery, as well as the associated temporary storage of construction materials, oils, fuels and chemicals could lead to pollution on site or in adjacent watercourses.	following relevant CIRIA guidance documents: <ul style="list-style-type: none"> <li>• Control of Water Pollution from Construction Sites, Guidance for consultants and contractors (C532); and</li> <li>• Environmental Good Practice on Site (3rd edition) (C692)</li> </ul> <p>In brief:</p> <ul style="list-style-type: none"> <li>• There will be no direct pumping of silt-laden water from the works to any watercourse or drain. All water from excavations must be treated by infiltration over lands or via settlement ponds, silt busters etc</li> <li>• Stockpiling, practices and storage to prevent run-off.</li> <li>• Petrochemical interception</li> <li>• Pollution prevention programme</li> <li>• Control of vehicles</li> <li>• Spill control</li> </ul> <p><u>Air &amp; Dust</u></p> <ul style="list-style-type: none"> <li>• A Dust Management Plan (DMP) will be formulated for the construction phase of the project.</li> <li>• A designated Site Agent will be assigned overall responsibility for Dust Management;</li> <li>• The design of the site and Construction programme shall consider dust impact management and shall choose design approaches to minimise dust emissions.</li> <li>• Pro-active control of fugitive dust</li> </ul>	
<b>North Dublin Bay SAC</b>				
Mudflats and sandflats not covered by seawater at low tide.	Habitat Area – Stable or increasing. Community Extent – Maintain community. Community Structure - Conserve the high-quality community. Community distribution - Conserve in a natural condition.			
Annual vegetation of drift lines, Salicornia and other annuals colonising mud and sand, Embryonic shifting dunes, Shifting dunes along the shoreline with Ammophila arenaria (white dunes), Fixed coastal dunes with herbaceous vegetation (grey dunes), Humid dune slacks.	Habitat Area – Stable / increasing. Habitat distribution – No decline / change. Physical structure - Maintain natural circulation, structure, tidal regime. Vegetation structure - Maintain coastal habitats, structure and vegetation. Vegetation composition - Maintain the presence of species-poor communities, Negative indicator species to be limited.			
Atlantic salt meadows, Mediterranean salt meadows	Habitat Area – Stable or increasing. Habitat distribution – No decline / change. Physical structure - Maintain natural circulation, structure, tidal regime. Vegetation structure - Maintain coastal habitats, structure and vegetation. Vegetation composition - Maintain range of sub-communities.			
Petalwort	Distribution of populations – No Decline. Population size – No Decline. Area of suitable habitat – No decline.	Mitigation measures are required to remove the potential of impacts on		



	Hydrological conditions – Maintain. Vegetation structure – Maintain.	the Qualifying Interests of these Natura 2000 sites from the hydrological pathway via the River Liffey .	<ul style="list-style-type: none"> <li>• Dust control and monitoring method statement</li> <li>• Vehicle controls</li> <li>• Spraying of surfaces</li> </ul> <u>Pollution Control</u> <ul style="list-style-type: none"> <li>• Construction method statements and Site Specific Construction and Environmental Management Plan will be developed.</li> <li>• Refuelling and servicing of construction machinery shall take place in a designated hardstand area which is also remote from any surface water inlets.</li> <li>• provision shall be made for a wheel-wash facility if it is deemed necessary during works.</li> <li>• All potentially hazardous materials shall be securely stored.</li> <li>• Bunded storage</li> <li>• Dewatering of any groundwater. De-watering will be kept to a minimum by installing the contiguous piles to bedrock and forming a concrete barrier to reduce ground water ingress.</li> <li>• There will be no concrete batching carried out on site.</li> </ul> <u>Storage/Use of Materials, Plant &amp; Equipment</u> <ul style="list-style-type: none"> <li>• Site compound</li> <li>• Bunded storage</li> <li>• Properly maintained plant and equipment</li> </ul> <u>Drainage</u> <ul style="list-style-type: none"> <li>• Silt fences / barriers</li> <li>• Careful soil handling</li> </ul> <u>Noise / Vibration</u>	
<b>South Dublin Bay &amp; River Tolka Estuary SPA</b>				
Light-bellied Brent Goose, Oystercatcher, Ringed Plover, Grey Plover (proposed for removal), Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull	Population trend – Stable or increasing.  Distribution - No significant decrease in the range, timing or intensity of use of areas.			
Roseate Tern, Arctic Tern	Passage population – No significant decline. Distribution – No significant decline. Prey biomass available – No significant decline. Barriers to connectivity – No significant increase. Disturbance at roosting site – No adverse effect.			
Common Tern	No significant decline in Breeding population abundance, Productivity rate, Passage population, Distribution, Prey biomass available. No significant increase in barriers to connectivity. Disturbance – No adverse effects.			
Wetlands	Habitat Area – Stable.			
<b>North Bull Island SPA</b>				
Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit,	Population trend – Stable or increasing.  Distribution - No significant decrease in the range, timing or intensity of use of areas.			

Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull			<ul style="list-style-type: none"> <li>• Best practice control measures</li> <li>• The vibration and settlement monitoring will be managed and controlled by the Project Manager on the site.</li> <li>• Communication</li> <li>• Nosie Audits</li> </ul>	
Wetlands	Habitat Area - Stable		<p><b>Operational Phase</b></p> <ul style="list-style-type: none"> <li>• The proposed development has been designed in accordance with the principals of Sustainable Urban Drainage System (SuDS). The overall strategy aims to provide an effective system to mitigate the adverse effects of urban storm-water runoff on the environment by reducing runoff rates, volumes and frequency, reducing pollutant concentrations in storm-water, contributing to amenity, aesthetics and biodiversity enhancement and allow for the maximum collection of rainwater for re-use where possible'</li> <li>• A proprietary oil/water separator which prevents hazardous chemical and petroleum products from entering watercourses and public sewers. This is proposed to serve the incidental run-off from the basement, which will in turn discharge to the proposed foul network.</li> </ul>	

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

**Assessment of issues that could give rise to adverse effects in view of conservation objectives.**

**Water quality degradation (construction and operational stages)**

There is a significant separation distance (c. 7.8km) between the appeal site and the closest part of any of the Dublin Bay Natura 2000 sites, which offers potential for significant dilution of any potential pollutants.

Furthermore, I consider that the size and transitional nature of the Liffey Estuary / Dublin Bay provides further significant capacity to assimilate/dilute any potential pollution.

In any case, having regard to the above and the nature and scale of the proposed development, I am satisfied that the application includes a suitably comprehensive range of mitigation measures and while I have noted the inconsistencies in the documentation, the mitigation measures identified relate to the construction and operational stages and subject to the provision of a suitable condition collating the mitigation measures into a final CEMP, I am satisfied that they will ensure that any emissions to surface water will not affect the downstream water quality at Dublin Bay.

Accordingly, the mitigation measures are adequate to ensure that the integrity of any of the Dublin Bay Natura 2000 sites SPA will not be affected. The mitigation measures should be applied as a condition of any permission to include the submission of a final CEMP ensuring consistency in the mitigation measures proposed.

### **In-combination effects**

As previously outlined (Appendix 1 above), the applicant has considered cumulative / in-combination impacts, including other existing, proposed and granted developments in the vicinity of the site. It concludes that no projects in the vicinity of the proposed development would be seen to have a significant in-combination effect on Natura 2000 sites. This report has also acknowledged that additional development would also have been permitted / constructed in the intervening period, albeit that there has been a net reduction in the number of 'committed' developments.

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

However, having regard to the foregoing, I am satisfied that the proposed development will not result in any significant residual surface water quality effects post the application of mitigation measures. Other developments will also be required to demonstrate the absence of significant adverse effects. Therefore, there is no potential for significant adverse in-combination effects.

### **Findings and conclusions**

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

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. I am

satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. They will prevent any residual effects and, as such, I am satisfied that there will be no significant in-combination effects.

### **Reasonable scientific doubt**

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

### **Site Integrity**

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

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

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

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

My conclusion is based on the following:

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

## **Appendix C**

### **Technical Note**

Technical note prepared by An Coimisiún Pleanála Ecologist dated 25<sup>th</sup> November 2025 attached.