



Development

145 Apartments in five blocks, up to five storeys in height, car parking, bicycle parking, creche, community/culture/ arts space and all associated site works, including Uisce Éireann upgrades along Kimmage Road West.

Location

Carlisle Site, Kimmage Road West,
Terenure, Dublin 12.

Website

www.carlislekimmage.ie

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEBLRD6073/25-S3B

Applicant(s)

1 Terenure Land Limited

Type of Application

Large-Scale Residential Development

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party

Appellant(s)

Kimmage Dublin Residents Alliance

Observer(s) None

Date of Site Inspection 24th September 2025 and 18th of October 2025

Inspector Paul O'Brien

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Pre-Application Opinion	6
4.0 Planning Authority Decision	11
5.0 Planning History	16
6.0 Policy Context	17
7.0 The Appeal	23
8.0 Assessment	33
9.0 Appropriate Assessment	71
10.0 Environmental Impact Assessment	73
11.0 Water Framework Directive	75
12.0 Conditions and Reasons Table	76
13.0 Recommendation	80
14.0 Reasons and Considerations	81
15.0 Recommended Draft Order	82
16.0 Conditions	87
Appendix 1: Screening for Appropriate Assessment	97
Appendix 2: EIA Pre-Screening	113
Appendix 3: EIA Screening Determination	115
Appendix 4: WFD Impact Assessment Stage 1: Screening	129

1.0 Site Location and Description

- 1.1. The subject site with a stated net area of 1.25 hectares (gross site area is 1.9 hectares), comprises lands 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 access to the gym and in turn this will provide access to the subject site.
- 1.2. The surrounding lands are primarily in residential use, to the north are terraced, two-storey houses on Captains Road, to the east are a mix of two/ three storey terraced houses in Brookfield Green, and to the west are semi-detached houses in Park Crescent. The surface car parking associated with the gym is located to the south of the site.
- 1.3. There is a gentle slope from the north eastern and south eastern boundaries upwards towards the centre of the site, and the majority of the site is under grass. Site boundaries consist of a mix of fences, hedges and trees located to the rear of the adjoining houses. Palisade fencing provides the boundary fence with the gym site.
- 1.4. The local bus network was revised under the Bus Connects Network Review in October 2025. Kimmage Road West is now served with routes F2 and F3 which combine with the F1 on Kimmage Road Lower to provide for a five minute frequency. The bus stops on Kimmage Road Lower are approximately a 560m walking distance from the subject site. The bus stops on Kimmage Road West are approximately 280m walking distance from the subject site. The F routes serve the City Centre and Finglas/ Finglas Road to the north and Tallaght/ Firhouse and Rossmore to the south. Orbital Route S4 provides a connection between Liffey Valley and UCD on a 10-minute frequency, serving Kimmage Road West.

2.0 Proposed Development

- 2.1. The proposal, as per the submitted public notices, comprises the construction of 5 no. blocks (blocks 4 and 5 linked throughout), ranging in height from 3 storeys up to 5

storeys. The development will provide 145 no. residential units (70 no. 1 beds and 75 no. 2 beds). Community/ cultural/ art space is provided for and a creche is also proposed.

2.2. The following tables set out some key elements of the proposed development:

Table 1: Key Figures

Gross Site Area	1.9 hectares
Net Site Area	1.25 hectares
Site Coverage	43.1%
Plot Ratio	1.2:1
No. of Houses	0
No. of Apartments	145
Total	145
Density –	116 units per hectare
Public Open Space Provision	1,260sq m – 10.1% of site area
Communal Open Space	1,860sq m
Cultural/ Community/ Art Space	813sq m
Childcare Provision Associated Open Space	210sq m 130sq m
Car Parking –	
Apartments/ Residents	36
EV Parking	42
Visitor/ Unallocated Parking for residential units	5
Community/ Cultural/ Art Space	2
Creche	4
Total	89
Bicycle Parking –	
Residents Standard	300
Residents Cargo Bike	16
Visitor Standard	120
Visitor Cargo Bike	12

Community/ Cultural/ Art Creche	12 (includes 2 cargo bicycle spaces) 5
Total	465
Motorcycle Parking	6

Table 2: Unit Mix

Block	Bedrooms		Total
	1 Bed	2 Beds	
1	11	19	30
2	18	20	38
3	16	21	37
4	13	9	22
5	12	6	18
Total	70 – 48%	75 – 52%	145 – 100%

2.3. The total internal gross floor area is stated to be 14,437sq m and the building footprint is stated to be 5,390sq m.

2.4. The proposed vehicular access is from the northern end of the existing access to the gym and the associated car parking area. No new access to the public road is therefore proposed. Water supply and foul drainage connections to the existing public network will be provided. Upgrade works to Uisce Éireann infrastructure will extend westwards along Kimmage Road West terminating at the junction of Kimmage Road West/ St Agnes Road/ Whitehall Road West.

2.5. Public open space is proposed to the south east of the site/ south of Block 5. Communal open space is proposed to the west of Block 1, between Blocks 1/2 and 2/3 and to the east of Block 5 which adjoins the public open space area.

3.0 Planning Authority Pre-Application Opinion

3.1. There have been a number of planning applications made on this site and prior to their lodgement, pre-planning was held on the relevant proposals. I list here the more

recent relevant pre-application meetings held between the applicant and Dublin City Council:

- Strategic Housing Development Pre-Application Consultation – 21st of July 2021.
- Large Scale Residential Development Pre-Application Consultation – 19th of October 2022.
- Pre-Application Consultation – 5th June 2024.

3.2. An LRD/ Section 247 Consultation Meeting (LRD PAC No. LRD6073/24-S1) took place on the 7th of November 2024 between representatives of the applicant and Planning Authority, Dublin City Council.

The following issues were identified during the meeting:

- The proposal was for 150 units to be provided in five apartment blocks ranging from three to six storeys in height. A community/ cultural facility with a floor area of 860sq m is proposed as part of this development.
- Requested to re-examine the scale/ massing of the south-western corner of the site to allow for a better transition between Block 1 and the existing houses in Park Crescent to the west.
- Further details to be provided demonstrating compliance with CUO25 of the Dublin City Development Plan 2022 – 2028. Also, elevational drawings indicating the location/ type of signage for this element of the proposed development.
- Although it is stated to be provided in the submitted childcare assessment, the submitted plans do not indicate the provision of such a facility. Requested to also provide details on existing childcare provision/ capacity in the local area. Results of this will determine the requirement for childcare provision on site.
- No requirement for ground floor areas of communal space to be publicly accessible, thought the proposed permeability is welcomed. Not in favour of gating off parts of the development but design should allow for clear delineation of communal and public open spaces on site. Each block to have one publicly accessible frontage and consideration of privacy screening to ground floor apartments to be included.

- Require a screening report for appropriate assessment (AA) and Stage 2 may be required.
- EIAR screening to be revised to consider the AA screening.
- Requested to submit a comprehensive Sunlight and Daylight Assessment.
- Requested to submit the Stage 1 – Quality Audit, as referenced in supporting documentation.
- Evidence of legal consent to use the private road to serve this development.
- Design of junction with Kimmage Road West to be reviewed to provide for improved pedestrian safety.
- Revisions to crossing within the site an at junction with Kimmage Road West.
- Details of street lighting to be provided.
- Width of road between Blocks 3 and 4/5 to be revised to a width of 4.8m.
- Details to be provided of e-bike charging, demonstration of compliance with the requirements of the Cycle Design Manual (2023), EV Charging to be increased to at least 50% of car parking provision.
- Details requested in relation to the submitted Flood Risk Assessment and how the 0.1%AEP fluvial flood level was established.
- Details requested in relation to surface water drainage, SuDS measures, use of attenuation tanks and depth of over of these tanks.
- A number of items were raised in relation to Parks, Biodiversity and Landscaping including the location of the playground in the public open space area, how the drainage of the open space is provided, daylight/ sunlight assessment of the open space, details of boundary treatment, trees/ shrubs to be protected, provision of a green roof indicating biodiverse planting, provision of a biodiversity enhancement plan, provision of an Ecological Impact Assessment, and details of site maintenance.
- Demonstrate compliance with Table 15.1 of the Dublin City Development Plan 2022 – 2028 in relation to Planning Thresholds.

The recommended Opinion, dated 14th of February 2025, was that the development falls within the definition of Large Scale Residential Development as set out in Section 2 of the Planning and Development Act 2000 as amended.

3.3. An LRD/ Section 247 Consultation Meeting (LRD PAC No. LRD6073/24-S2) took place on the 5th of June 2024 between representatives of the applicant and Planning Authority, Dublin City Council. The following comments were made in summary:

- Planning history of the site is noted including a SHD and LRD application, both of which were subject to Judicial Review (See Planning History section of this report).
- Drainage: No issues of concern were identified.
- Transportation: Need for creche staff parking and provision for cargo bicycles. Full details of car parking provision to be provided and issues raised in previous application to be addressed here.
- Planning: Height, bulk and general standards of development were established under previous applications. This proposal is for a fully build to sell development. Cultural use is provided in the form of 425sq m of internal space and 270sq m of external space. Revisions to open space areas are proposed but standards appear to be met. Further details are requested in relation to boundary treatment. Further detail is required on the community space and query as to if it is possible to incorporate the art gallery in the overall development.

3.4. An LRD/ Section 32C Consultation Meeting (LRD PAC No. LRD6073/24-S2) took place on the 21st of January 2025 between representatives of the applicant and Planning Authority, Dublin City Council. The following issues were considered, in summary:

- Background to the development and Planning History. The applicant had considered in full third party comments on previous applications here. The height of the development has been reduced, cultural/ community space is now included in the development whilst retaining the footprint/ layout of the development.
- Zoning: Site is zoned Z1 which allows for residential development. Small section is zoned Z10. Density for 150 units is 120dph. Do not propose to provide a creche

but are willing to do so – contradiction through the submitted documents as it was stated that a creche would be provided here. CUO25 is complied with and are seeking to find an operator for this.

- Housing: Full details of Part V requirements are provided. This development is a build to sell proposal.
- Surface Water/ Flood Risk Management: DCC indicated some inconsistencies in the submitted documentation. Applicant reports that the site is within Flood Zone C with a small section, access road, in flood zone A/B. Full details of the proposed SuDS measures are provided. Two attenuation tanks are to be used – revisions to the dimensions are requested. Applicant will check over the raised issues and revise as necessary.
- Traffic and Transportation Issues: Issue with junction with Kimmage Road West and also over the ownership of the access road. Other measures are requested to be undertaken in relation to the internal access road and car parking. Applicant reported that the access road is in third party control and there are issues over agreeing a revised design of the road/ junction access.
- Design and Layout, Scale and Height: DCC noted the revisions made to the design and also the submission of a sunlight/ daylight assessment. The applicant outlined why revisions had been made and indicates that the development is compliant with Appendix 3 of the Dublin City Development Plan 2022 – 2028. 86 out of the 150 units are dual aspect and the proposed render on the elevational treatment has been replaced with three different types of brick finish.
- Open Space and Biodiversity: Private, public and communal open space is to be provided with balconies providing the private space for the proposed apartment units. The applicant clarified that the proposed open space and play areas are not proposed to be taken into charge. Public open space is to be available to the local community, and the Part V units are to have access to the proposed communal open space. The 38 Cypress trees on the boundary are to be retained. There are no significant habitats here as per previous biodiversity studies. Request that the playground be relocated away from residential boundaries. Applicant to

demonstrate how surface water drainage measures are to be finished/ presented in the open space areas. A biodiversity enhancement plan will be submitted with the application. Full details of boundary treatment and trees/ shrubs to be retained will be provided. The applicant was also requested to submit a green roof plan indicating biodiverse planting. The applicant reported that the playground will be available to all, 150 trees are to be planted on site, and an existing hedgerow is to be replaced with an improved scheme.

- Appropriate Assessment: DCC reported that an AA Screening will be required. The applicant reported that a Stage 2 AA was not required.
- Any Other Business: DCC reported that Table 15.1 of the Dublin City Development Plan 2022 – 2028 sets out a list of reports/ documents that are to be submitted with an application.

4.0 Planning Authority Decision

4.1. Decision

The Planning Authority decided to grant permission subject to conditions. Conditions are generally standard, though the following are noted:

Condition 3 a): Screening of 1.5m in height shall be provided to all balconies above ground floor level in the western elevation of Block 1, the eastern elevation of Blocks 4 and 5 and on the northern edge of all balconies facing the boundary with Captain's Road. The screens to be designed to prevent overlooking but are to be designed to ensure that suitable light penetration to the balconies can be provided.

Condition 8: Control on noise from loudspeaker announcements, music and/ or other material projected from the development site.

Condition 19. a) Revisions to the existing junction between the site and Kimmage Road West, the junction to provide for one lane in and one lane out.

Condition 19. g) Access to bicycle compounds should be by way of a key fob controlled means.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The Planning report reflects the decision to grant permission subject to conditions. The Planning Authority reported ‘the proposed development provides for an acceptable standard of development, complies with the relevant policies and standards set out in the development plan and national guidelines, and can be accommodated on the site without undue adverse impact on the residential or visual amenities of the area’.

4.2.2. Other Technical Reports

- Parks, Biodiversity and Landscape Services: No objection subject to recommended conditions. A condition recommended was the provision of a piece of art as part of this development.
- Environmental Health Officer: No objection subject to conditions in relation to noise control levels.
- Drainage Division: No objection subject to recommended conditions.
- Archaeology Section: No objection subject to recommended condition that an archaeological assessment be undertaken.
- Transportation Planning Division: No objection subject to recommended conditions.
- Conservation Office: No formal comment to be made on this development.
- Dublin City Arts Office: No objection subject to agreement over the final layout of the cultural/ community provision with the studio operator. The Planning Authority included a bespoke condition (no. 5) to address this point.

4.2.3. Prescribed Bodies

- Uisce Éireann: No objection subject to standard conditions. It was reported that the applicant has engaged with Uisce Éireann and a Confirmation of Feasibility was issued to the applicant.

4.2.4. Third Party Observations

A total of 17 letters of objection were received to the original application as made to Dublin City Council. Issues raised are similar to those in the grounds of appeal and in summary they include:

Impact on the character of the area:

- There is an acceptance that there is a need for more housing. The development of this site is accepted on the basis of proper integration with the existing form of housing in the area.
- The use of brick on the elevational treatment is welcomed and is a significant improvement over the use of render proposed in the previous applications.
- The proposed development would be out of character with the established form of development in the area, in terms of height, scale, density and design.
- The submitted photomontages do not give a true image of the impact on the character of the area.

Density:

- The density is contrary to the requirements of the Dublin City Development Plan 2022 – 2028.
- The proposed development of 145 apartments would significantly exceed the recommended density range of 40 – 80 dph typically applied to suburban and urban extension areas in Dublin as per the Compact Settlements Guidelines.
- Request that development has regard to the character of Kimmage and integrates with existing forms of housing there.

Impact on Residential Amenity:

- The setbacks between the proposed and existing residential development is not sufficient. No regard has been had to those houses which have been extended in the area, or which have upgraded in terms of the provision of solar panels and other energy efficient measures.
- Concern about the proximity of the service road to existing houses and which in turn may give rise to security concerns.

- The proposed development would adversely impact existing residential amenity in terms of overlooking leading to a loss of privacy and overshadowing leading to a loss of daylight.
- Request that an independent sunlight and daylight assessment be undertaken.
- Loss of sunlight due to the location of the development to the south of the houses on Captains Road.
- Negative impact on residential property values in the area.
- Noise and pollution from the proposed car parking and waste storage areas will negatively impact on existing residential development.

Nature and type of units proposed:

- The proposed unit types will not improve the housing situation in this area.
- Potential for them to be rented at a high cost.
- The proposed units do not provide for changes in need over a person's lifetime.
- There is a lack of family sized houses in this development, and this is contrary to the requirements of the Dublin City Development Plan 2022 – 2028.
- Need for family sized houses in the area.
- There is a requirement that 15% of the apartments be three-bedroom units.
- The cost of these units would be out of the range for most people in this area. This is contrary to National Guidance (NPF) and would not result in the development of sustainable communities.

Amenity Provision:

- Insufficient open space on site.
- Poor quality open space on site through layout and orientation.
- Shortfall in amenity provision in the area.
- Shortage of services in the area with particular reference to GPs.
- Creche and community facility is welcomed however access, set down etc. may be an issue as they have not been adequately provided for on site.

- The access is in use by a gym and may not be suitable as an access to this development.

Traffic, Transport and Safety:

- Concern about safety in relation to the junction with Kimmage Road West.
- Potential safety impact on pedestrians and cyclists on Kimmage Road West.
- The single entrance to the site is a concern and may give rise to hazard for pedestrians and cyclists.
- The volume of potential cyclists could have a negative impact on all road users.
- Insufficient car parking is provided to serve this development. Potentially there could be 440 residents and only 89 car parking spaces are proposed here.
- Public transport is not sufficient to serve this development.
- The footpath to the site from Kimmage Road West should be a minimum of 1.8m wide on both sides of the existing access road.
- Need for additional signage at the entrance and on Kimmage Road West to regulate traffic movements.
- There is a need for updated public lighting at the entrance to the site.
- Need for improved traffic calming measures.

Water Supply, Drainage and Flooding:

- Concern about the impact of the development on existing water pressure and water quality in the area.
- Concern about the impact of the development on foul drainage and there has been an issue with odours from foul drainage in this area.
- Concern about potential flooding as a result of the proposed development, specific reference is made to the flooding history of the Poddle River.

Impact on Services in the Area:

- The proposed development would have a negative impact on existing services in the area including medical practitioners, schools, recreational facilities and other services.

- The development will give rise to wear and tear of local amenity spaces, increased litter and noise.
- Concern that insufficient consultation was held with the Gardai about the proposed development.
- Reference is made to the previous two developments that were subject to Judicial Review and demonstrates the valid concerns of the local community.
- There has been a lack of suitable consultation with the local community.

Procedural Issues:

- Submitted drawings are not consistent, plant enclosure on the roof of Block 3 is shown on the plans but not on the section or elevational drawings. This plant will increase the overall height of the buildings here.
- Comment made about the accuracy of the reported submitted in support of the application.

5.0 Planning History

ABP Ref. 316176-23 refers to an LRD application for 208 no. social and affordable housing apartments and associated site works on the subject site. The decision to grant permission was quashed by Order of the High Court and the appeal was remitted. The remitted case was given a new reference number – ACP Ref. 322982-25.

ABP Ref. 322982-25 refers to an October 2025 decision to grant permission for an LRD for 208 no. social and affordable housing apartments and associated site works on the subject site.

ABP Ref. 313043 refers to a September 2022 decision to grant permission for a SHD development of 208 residential units in five blocks and all associated site works on the subject site. This decision was quashed following a Judicial Review.

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 at the BD Gym to the south/ south west of the subject site.

PA Ref. 2963/07 refers to a November 2007 decision to grant permission for the change of use of an existing building from sports clubhouse into a new refurbished art gallery at Carlisle Gallery. This development included 74 no. new parking spaces and associated site works and landscaping. Access to the site is via the Carlisle Fitness Club laneway.

PA Ref. 4292/05 refers to a June 2006 decision to grant permission for retention of an extension to the car park and for reconfiguration of the car park layout and amended vehicular access at Carlisle fitness club, previous planning permission ref. 4225/00.

6.0 Policy Context

6.1. National Policy

6.1.1. National Planning Framework First Revision – April 2025

Chapter 4 of the National Planning Framework (NPF) is entitled '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 Planning Objective 22 provides that 'In urban areas, planning and related standards, including, in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.'

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 27 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, increased building heights and more compact forms of development.'

6.1.2. **Section 28 Ministerial Guidelines**

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Guidelines for Planning Authorities – Design Standards for New Apartments, (DHLGH, 2023).
Note: The application was lodged with Dublin City Council on the 26th of June 2025, the 2025 Apartment Guidelines did not come into force until the 8th of July 2025, and which applies to applications lodged after that date.
- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DoHLGH, 2024).
- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).

Other Relevant Policy Documents include:

- The Climate Action Plan 2024
- The Climate Action Plan 2025
- National Biodiversity Action Plan 2023 – 2030
- Delivering Homes, Building Communities 2025 – 2030
- Design Manual for Urban Roads and Streets (DMURS) - 2023 Update.
- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Permeability Best Practice Guide – National Transport Authority.

6.2. **Regional Policy**

6.2.1. **Regional Spatial and Economic Strategy (RSES) 2019 – 2031**

The Eastern & Midland Regional Assembly 'Regional Spatial & Economic Strategy 2019-2031' provides for the development of nine counties including Dublin City and supports the implementation of the National Development Plan (NDP).

6.3. **Local/ County Policy**

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

The Dublin City Development Plan 2022 - 2028 is the current statutory plan for Dublin City, including the subject site. The site is zoned Z1 – Sustainable Residential Neighbourhoods with the objective: 'To protect, provide and improve residential amenities'.

A list of permissible uses includes residential, childcare facility, community facility and open space.

A very small section of the site is zoned Z10 – Inner Suburban and Inner City Sustainable Mixed-Uses. This relates to the access to the site.

The policy chapters, especially Chapters 5 – Quality Housing and Sustainable Neighbourhoods, detailing the policies and objectives for residential development, making good neighbourhoods and standards respectively, are to be consulted to inform any proposed residential development.

Policy QHSN10 of the development plan promotes sustainable densities in accordance with the Core Strategy, in particular on vacant and/ or underutilised sites.

Policy QHSN11 seeks 'To promote the realisation of the 15-minute city which provides for liveable, sustainable urban neighbourhoods and villages throughout the city that deliver healthy placemaking, high quality housing and well designed, intergenerational and accessible, safe and inclusive public spaces served by local services, amenities, sports facilities and sustainable modes of public and accessible transport where feasible'.

The following are also considered relevant:

- Policy QHSN36 – promote the development of high-quality apartments and sustainable neighbourhoods with suitable supporting infrastructure/ facilities to be provided.
- Policy QHSN38 – encourage a greater mix of housing types.
- Policy QHSN48 – Need for a Community and Social Audit for all developments in excess of 50 units.
- Objective QHSN015 – Need for a Community Safety Strategy for all developments in excess of 100 units.

Chapter 8 refers to Sustainable Movement and Transport and Chapter 10 refers to Green Infrastructure and Recreation.

Chapter 15 refers to Development Standards. Documents to be provided in support of applications in terms of thresholds is provided in Table 15-1. The issues of Height and Plot Ratio are addressed in Appendix 3. Increased density is to be supported where this can be demonstrated to be appropriate.

Section 15.8 refers to Residential Development. A number of sections are highlighted here:

- Public Realm is addressed under Section 15.8.5.
- Public open space to be provided at 10% minimum of the Site Area for Z14 zoned lands (Table 15-4).

Section 15.9 refers to Apartment Standards.

- Unit mix is covered under Section 15.9.1 and states:

'Specific Planning Policy Requirement 1 states that housing developments may include up to 50% one bedroom or studio type units (with no more than 20-25% of the

total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms unless specified as a result of a Housing Need and Demand Assessment (HNDA) carried out by the Planning Authority as part of the development plan process’.

- Unit Size/ Layout is addressed under Section 15.9.2 and Table 15-5.
- Dual Aspect units under Section 15.9.3. Inset balconies with two internal elevations do not provide for dual aspect units or where facing walls are deemed to be too close.
- Communal Amenity Space under Section 15.9.8
- Microclimate under Section 15.9.16
- Daylight and Sunlight under Section 15.9.16.1, Wind under Section 15.9.16.2 and Noise under Section 15.9.16.3

Transport and Mobility: Technical Requirements are provided in Appendix 5.

Volume 2 of the City Plan provides the Appendices and Appendix 1 – Housing Strategy, Appendix 3 – Achieving Sustainable Compact Growth, Appendix 5 – Transport and Mobility: Technical Requirements, Appendix 13: Surface Water Management Guidance and Appendix 16: Sunlight and Daylight are noted as most relevant to this development.

Appendix 3 includes a Height and Density Strategy for Dublin City and I note the following:

‘The Building Height Guidelines note that general building heights of at least three to four storeys, coupled with appropriate density in locations outside what is defined as city centre, and which would include suburban areas, must be supported in principle at development plan level. The guidance also states that within the canal ring in Dublin, it would be appropriate to support the consideration of building heights of at least 6 storeys at street level as the default objective, subject to keeping open the scope to consider even greater building heights by the application of certain criteria.

In considering locations for greater height and density, all schemes must have regard to the local prevailing context within which they are situated. This is particularly important in the lower scaled areas of the city where broader consideration must be

given to potential impacts such as overshadowing and overlooking, as well as the visual, functional, environmental and cumulative impacts of increased building height.

As a general rule, the development of innovative, mixed use development that includes buildings of between 5 and 8 storeys, including family apartments and duplexes is promoted in the key areas identified below. Greater heights may be considered in certain circumstances depending on the site's location and context and subject to assessment against the performance based criteria set out in Table 3'.

The development plan outlined the key criteria for increased height in Table 3 of Appendix 3.

The development plan addresses Density under Section 3.2. Table 1 provides the 'Density Range' as follows:

Location	Net Density Range (units per ha)
City Centre and Canal Belt	100-250
SDRA	100-250
SDZ/LAP	As per SDZ Planning Scheme/ LAP
Key Urban Village	60-150
Former Z6	100-150
Outer Suburbs	60-120

Table 2 provides 'Indicative Plot Ratio and Site Coverage' as follows:

Area	Indicative Plot Ratio	Indicative Site Cover-age
Central Area	2.5-3.0	80-90%
Regeneration Area	1.5-3.0	50-60%
Conservation Area	1.5-2.0	45-50%
Outer Employment and Residential Area	1.0-2.5	45-60%

Transport and Mobility is addressed within Appendix 5. Car Parking and Cycle Management is detailed under section 2.5. Table 1 provides 'Bicycle Parking Standards for Various Lane Uses' and Table 2 provides 'Maximum Car Parking Standards for Various Land Uses'.

6.4. **Natural Heritage Designations**

- The Grand Canal pNHA (Site Code 002104) is located approximately 2.2km to the north of the subject site.
- The nearest European designated sites are the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the South Dublin Bay SAC (Site Code 000210) and which are approximately 6.7km to the east of the subject site.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

A single third Party appeal from the Kimmage Dublin Residents Alliance (KDRA) has been received in respect of Dublin City Council's recommended decision to grant permission for 145 apartment units at 'Carlisle', Kimmage Road West, Kimmage, Dublin 12.

The following issues, summarised, have been raised:

- The background to the subject development is outlined and refers to the previous SHD and LRD applications on this site, both of which were subject to judicial reviews and decisions quashed by Order of the High Court.
- The appeal notes that the Commission did not oppose the pleas advance in Core Ground 3 of the JR in relation to compliance with Objective CUO25 of the Dublin City Development Plan 2022 – 2028 in relation to the provision of a minimum of 5% of the internal floor area for community, arts and cultural space; no such space was proposed. The subject application includes 813sq m of floor area for such purposes. There is also a reduction in the number of apartment units from 208 to 145.
- The appeal considers that the Planning Authority did not adequately re-evaluate their/ the Commissions previous decisions and there were substantial deficiencies in the assessment of these applications.
- The appellants are concerned about the use/ occupancy of the community, art and cultural space on the ground floor of Blocks 4 & 5, and there is a need for suitable

conditions that ensure that this space is in such a use prior to the occupation of the entirety of the residential element of this development.

- Concern also about the scale of the development, issues of overbearing, flooding in the area, impact on water supply/ foul drainage, impact on the residential and visual amenity of the area and the development would be contrary to the zoning objectives of the Dublin City Development Plan 2022 – 2028. These issues are further detailed in the appeal, and I have summarised the appeal under the headings provided in the submission prepared by Marston Planning Consultancy.
- Subject site and environs: The appeal provides a description of the area. Reference is made to its location within the outer-suburbs as per Table 1 of Appendix 3 of the Dublin City Development Plan 2022 – 2028. Works are proposed to drainage network along Kimmage Road West, and which are partially within the administrative area of South Dublin County Council. To the north of the site is Captain's Road and it is reported that a number of the houses adjoining the subject lands have been extended to the rear. Refers also to the two-storey character of the area, the existing BD Gym and the vacant clubhouse that was proposed to be used as an art gallery. Vehicular access to the site is restricted by a 2m high barrier resulting in uncontrolled parking by vans etc. along the footpath at the entrance to the site. This in turn results in a traffic hazard and which is increased by the signalised junction only 25m to the west of the site entrance. The majority of the site is zoned Z1 but a section is zoned Z10 and the proposed development would change the function of this use through allowing vehicular access to an over-scaled residential development.
- Planning History: Refers to the previous applications on this site including the SHD under ABP Ref. 313043 – decision quashed by the High Court and an LRD under PA Ref. LRD6018/22-S3/ ABP Ref. 316176-23. The PA granted permission and Condition No.6 required revisions to the site entrance. The decision was appealed and the decision to grant permission was quashed by order of the High Court.
- Nature and extent of the proposed development: This section sets out the nature and character of the proposed development. The appeal notes previous concerns regarding the access to the site and no significant changes have been made to

this. A submitted DMURS compliance statement is also deficient and should be addressed prior to final decision on this application.

- Decision of the Planning Authority: Refers to a number of conditions including Condition no. 3 which requires screening on balconies to the upper floors of the apartments in Blocks 4 and 5. Condition no.5 refers to the use/ management of the community & cultural spaces, but this does not specify that it be in place prior to the occupation of the residential units and a condition should be included to ensure that this space cannot be converted into residential use in the future.
- Grounds of Appeal:
 - Excessive Density: Refers to an application/ appeal considered under ABP Ref. 314390-22 at Terenure College and the ACP Inspector concluded that the site was within the outer suburbs. The appeal refers to Table 1 of Appendix 3 of the Dublin City Development Plan 2022 – 2028 and which provides for a density of 60-120 units per hectare. Refers to increased density where suitable public transport is available and facilities a transition in scale/ form that respects the established character of the area. Notes concerns raised by the PA in relation to Block 1 under their LRD Opinion. Queries the provided density of 116 dph and is not certain where this figure came from. The appeal considers a density of 121 dph to be applicable here. The proposal results in overdevelopment and which is materially in contravention of the density requirements of the Dublin City Development Plan 2022 – 2028. The site is not in an accessible urban location and is not within walking distance of major employment or high capacity public transport route. Refers to Bus Stop no. 2437 on Kimmage Road West and which provides for 9 buses an hour into the city centre. There is little opportunity for improvements to this bus corridor. Refers the Commission to the Urban Development and Building Height Guidelines, 2018 and the where increased density should be promoted. The submitted public transport capacity assessment provided with the application is considered to be insufficient. The exceedance of density is not justified and request that the grant of permission be overturned.

- Negative traffic impacts arising from the proposed development: The appeal considers there to be an under provision of car parking spaces. The site is within Zone 2 of the car parking areas of the Dublin City Development Plan and which requires a maximum of 145 car parking spaces. SPPR 3 of the Compact Settlement Guidelines, under Table 3.8, requires a maximum of 1.5 spaces per unit. 89 car parking spaces are proposed, and this is a significant under provision. Concern about car parking if the gym were to be redeveloped. Spill over parking is an issue in the area, and the existing road entrance is not appropriate/ is not compliant with DMURS. Cycle provision in terms of infrastructure is poor, noting that the development provides for 465 bicycle parking spaces. The development is reliant on the bus service, though this is currently inadequate. The development does not improve permeability in the area. The proposed development would result in a traffic hazard.
- Inadequate quality and quantity of open space: 1,261sq m of open space is to be provided/ 10% of the site area. The open space is considered to be poorly designed, and the public open space would not be used by people from outside the site area. The provision of attenuation tanks within the open space would adversely impact on the quality of this amenity space. Podium level open space would adversely impact on surrounding residential properties in terms of direct/ perceived overlooking and a consequential loss of privacy.
- Overlooking: Inadequate separation distances are proposed here. Welcome is made for the 1.5m high screening to the balconies facing Captain's Road, but the height is considered to be inadequate; 1.8m high screens should be installed and 2.2m for the first floor podium level communal open spaces. This in turn would give rise to overbearing and an alternative would be the provision of a basement car parking and the use of the surface car parking area for communal open space.
- Water Connection: The connection is located in an area outside of the administrative area that the application was made. Concern also about capacity for water supply and foul drainage to serve this development.

- Flooding Risk: The area is prone to flooding, most recently in 2011. Reference is made to the approved Flood Alleviation Scheme for the River Poddle and which is due to be completed by 2026. Uncertainty over the existing combined sewer and the use of attenuation tanks on site.
- Inadequacy of Assessments: Concern that the cumulative impact of the development was not considered and there may be a need for an Environmental Impact Assessment. The submitted EIAR Screening may require additional scrutiny.
- Conclusion:

In conclusion it is requested that the proposed development be refused permission as the development would seriously injure the amenities of the area and of property in the vicinity. The development would be contrary to the proper planning and sustainable development of the area.

Included in support of the appeal are plans, elevational drawings, photographs and aerial photographs.

7.2. **Applicant Response**

7.3. McGill Planning were engaged by the applicant to prepare a response to the submitted appeals. In the case of raised engineering details, additional response is provided by Barrett Mahony – Civil & Structural Consulting Engineers (BMCSC). Details of the existing site, the proposed development and a detailed submission was provided in response to 8 specific items that were raised in the appeal. The applicant notes the quashing of the decision for the SHD application on this site but also the LRD application decision was remitted back to An Coimisiún Pleanála for determination under ACP Ref. 322982-25. Note: a decision to grant permission for ACP Ref. 322982-25 was made in October 2025.

7.4. The planning reports of Dublin City Council are noted, and the proposed development was considered to be consistent with the objectives of the Dublin City Development Plan 2022 – 2028. The development is located in a suitable location for a proposal of this nature. The proposed density is acceptable to Dublin City, and the area is considered to be served by suitable public transport. Height and building design are also considered to be acceptable to Dublin City Council. Suitable conditions are

provided including the provision of screening to address issues of overlooking, details on the operation of the community/ cultural space, revised plans for the junction between the private road access and Kimmage Road West, and details on water supply connections to be agreed with Dublin City Council and Uisce Éireann. Comment was also made on the two previous applications/ appeals on this site, and the comments of the Inspector were also highlighted. Both the DCC and ACP reports indicate support for this development.

7.5. The following specific comments on the issues raised in the appeal are made, in summary.

- Excessive Density: Density is 116 dph (145 units divided by a site area of 1.25 hectares) and conforms with the Dublin City Development Plan including Appendix 3. Refers to the NPF, RSES and Section 28 Guidelines, all of which seek to increase density in appropriate locations. As per Appendix 3 of the Dublin City Development Plan, the site is considered to be within an Outer Suburb and which allows for a density of 60dph to 120dph. The appellant, through omitting the creche, has calculated the density at 121dph. As part of the site is zoned Z10, the lands could be considered to be within the Inner Suburbs, and which allows for higher density in accordance with the Compact Settlement Guidelines – density of a range of 50dph to 250dph net is to be considered. The DCC report considered the site under Table 3.1 of the guidelines as suitable for density up to 150dph. Bus frequency in the area is greater than one service every ten minutes and the site can be considered an accessible location in accordance with Table 3.8 of the Compact Settlement Guidelines. The development is therefore in accordance with the relevant density standards.

The applicant considers the site to be within the 'City-Urban Neighbourhoods' of the Compact Settlement Guidelines, which allows for a density in the range of 50dph to 250dph, the proposal at 116dph is well within the range. The proposal was designed on the basis of having regard to sunlight/ daylight requirements, scale, massing and urban design principles.

The site could be considered to be a City-Urban Neighbourhood, and as an Accessible Location in accordance with Table 3.8 of the Compact Settlement Guidelines. The density range of 50dph to 250dph would allow for the proposed

development. If considered to be a City-Suburban/ Urban Extension, then a density of 150 would be acceptable. The proposed density of 116dph is within both ranges.

- Negative traffic impacts arising from the proposed development: The application has been supported with a Traffic Impact Assessment, Parking Report and Residential Travel Plan and a Car Park Management Strategy. The site is located within Car Park Zone 3 and the maximum requirement for car parking is 145 spaces (1 space per residential unit). The proposal is for a ratio of 0.57 spaces per unit, and the site can be considered as an Accessible Location as per the Compact Settlement Guidelines. This parking ratio was agreed with Dublin City Council's Transportation Planning Division. The applicant identifies the site as within a 'City-Urban Neighbourhood' as per the Compact Settlement Guidelines and is within a 'High-Capacity Public Transport Node and Interchange' as it is 'within 500 metres walking distance of an existing or planned Bus Connects 'Core Bus Corridor' stop'. The Kimmage Core Bus Corridor was granted permission in May 2025 under ABP Ref. 317660-23 and is within 500m of the subject site. The local bus network was revised in October 2025 in accordance with the Bus Connects Network Review. Figure 2 of the BMCSC 'Planning Appeal Response' indicates the new local bus network and details the frequency of services here, as from October 2025. The applicant outlines in their Figure 7 the 'Existing Bus Services within 500m of the LRD Site', these were as pre the October 2025 revision in the network. The applicant refers to SPPR 3 of the Compact Settlement Guidelines and which seeks to reduce the car parking requirement on site, and which confirms that there is no minimum car parking requirement for residential development in either 'City – Centre' or 'City – Urban Neighbourhoods'. The car parking ratio of 0.57 per unit is compliant with the Compact Settlement Guidelines and is higher than that accepted by the Commission when a ratio of 0.48 per unit was proposed. Car and bicycle parking are in accordance with the Dublin City Development Plan and the Compact Settlement Guidelines.

The site has access to cycle facilities in the area including on Kimmage Road Lower and Bunting Road, which leads to Kimmage Road West. The applicant has no control over the access road, and any works would have to be agreed with the landowner. The applicant has confirmed that they will comply with Condition 19a

of the Dublin City Council decision to grant permission and which requires alterations to the road/ junction layout.

- Inadequate quality and quantity of open space: The proposal includes 1,261sq m of public open space or 10.1% of the site area. This is in accordance with the Dublin City Council Development Plan 2022 – 2028. The location of the public open space was chosen for its accessibility. The subject development has a site coverage of 43.1% and allows for ‘a significant amount of high quality, useable open space.’ The applicant has also identified compliance with the Compact Settlement Guidelines, through Section 5.3.3.

A total of 1,810sq m of communal open space is proposed and this is in excess of the 910sq m required in the Dublin City Development Plan and the Apartment Guidelines. The applicant outlines the amenity quality of each of the areas of open space on site. In conclusion the site is provided with appropriate levels of public and communal open space areas, demonstrating compliance with the Dublin City Development Plan and the Compact Settlement Guidelines.

- Overlooking: The development has been designed to ensure that issues of overlooking would not arise. Figure 3, from the architect’s design statement, indicates the separation distances between the proposed development and existing residential units. The minimum separation distance is 24m between Block 4 and the houses to the north on Captains Road. The applicant notes that houses have been extended. The Compact Settlement Guidelines allows for a reduced standard of 16m separation distance. Proposed measures such as the location of windows/ balconies, siting of buildings, and use of frosted glazing have all reduced the potential for overlooking of adjoining properties. A number of the windows are north facing and are narrow, with their function primarily to provide for a second source of light to kitchen/ dining spaces. Overlooking is not foreseen from these windows. The podium will be provided with a 2.2m high frosted glass screen and this will reduce the potential for overlooking. Separation distances to the west with Park Crescent are in excess of 22m and the same is true for the existing units to the east of the subject site. The use of frosted screening in the balconies will ensure that privacy of adjoining residents is protected.

Overbearing of existing properties is not foreseen when separation distances of 40m between the five storey blocks and the adjoining houses is provided. This is demonstrated in the submitted photomontages and elevational details. The separation distances in excess of 22m ensure that privacy is protected and that the development is not overbearing on existing properties.

- Water connection: The applicant confirms, and also through the BMCSC 'Planning Appeal Response' that the Uisce Éireann infrastructure on Kimmage Road West which the development will connect into it, is within the Dublin City Council administrative area. Upgrades will be undertaken by Uisce Éireann under Class 58(b) Part 1 of the Planning and Development Regulations, 2001 as amended. There is no known restriction on such works.
- Flooding risk: A Site Specific Flood Risk Assessment (SSFRA) was submitted with this application, and no issues of concern arise, and as confirmed in the BMCSC 'Planning Appeal Response'. Modelling has indicated that flooding on part of the access road is less than indicated on the CFRAM flood mapping. The Poddle Flood Alleviation Scheme (FAS) will further reduce the risk of flooding in this area.
- Inadequacy of assessment: An EIAR Screening Report has been prepared and submitted with this application; this has found there to be no requirement for a full EIAR. Requests that this issue raised in the appeal be rejected.
- Other items:

- CU025 query: Final details on the operation of the community/ cultural facility are covered under Conditions 5, 6 and 8 of the grant of permission. It is unlikely that the creche and community/ cultural space would be occupied in advance of the residential units. Final details to be agreed with Dublin City Council.

Scale of Blocks 1, 4 and 5: The issue of building height is addressed in the application and demonstrates compliance with the Dublin City Development Plan and the Building Height Guidelines. The variation in building height is indicated in Figure 9 which is an extract from the architect's design statement. Heights and mass are designed to ensure that they are not overbearing and will integrate with the existing form of development in the area.

Conclusion: The applicant is satisfied that all matters raised in the appeals have been adequately addressed. The applicant lists the documents/ guidelines etc. that the development demonstrates compliance with, in particular the Dublin City Development Plan 2022 – 2028 and various Section 28 guidance. The site is suitably zoned for residential development of the nature proposed and will provide for adequate residential amenity, open space, car/ bicycle parking and necessary infrastructure on site. Requests that the third party appeal be dismissed and permission be granted in line with the notification of decision to grant permission as issued by Dublin City Council.

7.6. **Planning Authority Response**

Request that the Commission uphold the decision to grant permission. A summary list of recommended conditions are provided in the event that permission is to be granted for this development.

7.7. **Prescribed Bodies**

The Department of Housing, Local Government and Heritage, Development Applications Unit (DAU) made the following comments:

Nature Conservation: Notes that three Dublin Bay European Sites and the North-west Irish Sea SPA were considered in the submitted AA Screening Report. There is a hydrological connection between the subject site and designated sites, but pollutants/ dust or silt would be dispersed/ diluted and would ultimately settle with watercourses prior to discharge. The DAU do not fully agree with the applicant in that some sediments/ other materials may reach the Dublin Bay European Sites; however it does agree with the applicant's reports that due to dilution effect, 'No significant effects are likely' on the identified European sites. The Department also report that it was 'very unlikely that there has ever been significant ex-situ usage of the proposed 'Carlisle' development by SCI/QI bird species for the South Dublin Bay and River Tolka SPA or the North Bull Island SPA, including light-bellied brent goose, or by SCI/ QI species for the North-west Irish Sea SPA.'

7.8. **Observations**

None received.

8.0 Assessment

8.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Density & Scale of Development
- Impact on the Character of the Area - Height
- Impact on Proposed Residential Amenity
- Impact on Existing Residential Amenity
- Traffic and Access
- Infrastructure and Flood Risk
- Other Matters
- Appropriate Assessment (AA)
- Environmental Impact Assessment (EIA)

8.2. Principle of Development

8.2.1. **Context:** As per the planning history, there have been similar applications on this site, the most recent under ABP Ref. 316176-23 for an LRD development of 208 apartment units with a decision to grant permission quashed by Order of the High Court, and the appeal was remitted back to An Coimisiún Pleanála. This remitted case was given a new reference number – 322982-25 and a decision to grant permission was issued on the 23rd of October 2025. The permitted development did not include a creche or any community/ cultural/ art space but provided for 208 apartment units in the form of one and two bedroom units in five blocks with associated open space and necessary infrastructure. The proposed development includes a creche and community/ cultural/ art space in accordance with Objective CUO25 of the Dublin City Development Plan 2022 – 2028 but a reduced number of apartment units, now 145 proposed instead of the permitted 208. Both schemes are in the form of five apartment blocks and utilise the existing access to the BD Gym to the west/ southwest of the site.

8.2.2. **Nature of Development:** The proposed development provides for a total of 145 apartments in the form of 70 one-bedroom units and 75 two-bedroom units. The

development is to be in the form of five apartment blocks ranging in height from three to five storeys. The proposed development provides for Cultural/ Community/ Art Space in accordance with Objective CUO25 of the Dublin City Development Plan 2022 – 2028 and a creche. The majority of the subject site is located on lands zoned Z1 – residential use, in the Dublin City Development Plan 2022 – 2028. The proposed development is acceptable in terms of the zoning objective that applies to this development.

- 8.2.3. Part of the site is zoned Z10 - Inner Suburban and Inner City Sustainable Mixed-Uses. This is where the access road is to be provided, and which also links to the existing access to the gym. This area of land is currently under hardstanding and there is no loss of amenity land here. Part of the site extends along Kimmage Road West, and this is to allow for upgrades to Uisce Éireann infrastructure necessary to facilitate this development. The applicant has confirmed in their appeal response that this infrastructure is within the Dublin City Council administrative area.
- 8.2.4. There is no issue of material contravention of the Dublin City Development Plan in relation to land use zoning. The Z1 and Z10 zoned lands allow for residential development, public service installation, childcare and community facility uses.
- 8.2.5. Reference is made in the appeal to the fact that this development is similar to that submitted under the Strategic Housing Development process under ABP Ref. 313043-22 and through a Large Scale Residential Development under ABP Ref. 316176-23, whilst acknowledging that that number of units has dropped from 208 to 145. Whilst noting these issues, this is a new application and in addition to the reduced unit numbers there are other significant changes such as the provision of a childcare facility and community/ cultural/ arts space in accordance with the requirements of Objective CUO25 of the Dublin City Development Plan 2022 – 2028.
- 8.2.6. I have no objection to the proposed scheme in terms of development on these suitably zoned lands for residential use and I also consider that the type of residential unit proposed is also acceptable in this location. Potential impact on the character, visual, and residential amenity of the area are considered in the following sections of my report.

8.3. Density & Scale of Development

- 8.3.1. Appeal: Concern was expressed in the appeal about the scale of proposed development. It is queried how the density of 116 dph is arrived at and the appellant

considers the site area to be 1.2 hectares, and which gives a density of 121 dph rather than 116 dph. The site is not in an accessible location, and the site is located within a suburban location. The appellants have referenced Table 1 of Appendix 3 of the Dublin City Development Plan 2022 – 2028 and which indicates that the density for the ‘Outer Suburbs’ should be in the range of 60 – 120 units per hectare. The development exceeds the density provisions of the Dublin City Development Plan and should be refused permission.

- 8.3.2. Applicant: The density is calculated through the provision of 145 residential units and supporting uses on a stated net site area of 1.25 hectares thereby providing for a density of 116 dwellings per hectare. The density is considered to be in accordance with the requirements of the Dublin City Development Plan 2022 – 2028.
- 8.3.3. Planning Authority: Dublin City Council have reported that the density is 116 dph and is in accordance with Table 1 of Appendix 3 of the Dublin City Development Plan, which for Outer Suburbs sets a density range of 60 – 120 dph. In terms of the Compact Settlement Guidelines, the Planning Authority refers to Section 3.3.1 and point 9(f) is considered to be applicable here – ‘deliver sequential and sustainable urban extension at suitable locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built-up footprint of the city and suburbs area or a metropolitan town.’
- 8.3.4. Table 3.1 of the Compact Settlement Guidelines provides the density ranges for Dublin and Cork, and the Planning Authority refers to the density in ‘City – Suburban/ Urban Extension’ in the range of 40 dph to 80 dph but which can be up to 150 dph in accessible locations as per Table 3.8 of the Compact Settlement Guidelines. The Planning Authority consider the site to be accessible as it is within 500m of a bus stop with a serves of at least one bus per hour, therefore a density of up to 150 dph can be considered. The Planning Authority also detail in their report the proximity of the site to a range of services including retail, amenity, education, employment, social and community services.
- 8.3.5. Assessment: I note the issues raised in the appeal, the response of the applicant and the Planning Authority report. National policy is to encourage the consolidation of urban areas, and in general this will mean that the density of development of such sites will increase where suitable. The Dublin City Development Plan incorporates

and expands on this national policy and seeks to increase the number of residential units in appropriate locations throughout the city area.

- 8.3.6. The outer suburbs of the Dublin City Council area are generally well-established urban areas with a good range of services, and there remain some sites that provide an opportunity for further urban consolidation. The Carlisle lands are such a site, located in a mature predominately residential area, on lands zoned for residential development and where public transport is available. The site can also benefit from the existing range of services available in the surrounding area.
- 8.3.7. The applicant has stated that the proposed density is 116 dph and the appellant has calculated the density to be 121 hectares. I have had full regard to Appendix B – 'Measuring Residential Density' in the Sustainable and Compact Settlements Guidelines and which under Table 1 lists what is to be included and excluded from calculation of density. Exclusions include commercial development, which I would consider the creche to be, and also other community services and facilities which the cultural/ community/ art space could be counted as. Using the method of calculation provided in the guidelines, the net density is as follows:

Net Site Area = 1.25 hectares

Overall Gross Floor Area = 14,437sq m

Residential Gross Floor Area = 13,414sq m

Creche: 210sq m

Community/ Cultural/ Art Space: 813sq m

Total Non-residential Gross Floor Area = 1,023sq m

Number of residential unit = 145

Calculation:

Residential GFA as a portion of development = $13,414 / 14,437 = 92.9\%$

Site area for density purposes = $(1.25\text{ha} * 92.9\%) = 1.16\text{hectares}$

Net Residential density = $145 / 1.16 = 125 \text{ dph}$

- 8.3.8. Table 1 of Appendix 3 of the Dublin City Development Plan sets a density range of 60 – 120 dph for the Outer Suburbs. The text before Table 1 states: 'As a general rule,

the following density ranges will be supported in the city.’ This would suggest some leeway on the density, and I would consider the density of 125 dph is not sufficiently greater than 120 dph to give rise to concern and is therefore de-minimus in nature. The removal of six units would meet the 120 dph figure, and the Commission could decide to remove six units in order to achieve this density or could merge one bedroom units to form two bedroom units, thereby reducing units. I would not recommend that such an approach be taken, as this could have unknown consequences on the layout of the development. The Dublin City Development Plan also states, ‘Where a scheme proposes buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply’.

8.3.9. I have provided an assessment of this under Section 8.4.5 of my report and the proposed development is considered to be acceptable in terms of the performance requirements for density and height. The development is found to comply with the performance criteria set out in Table 3 in terms of density and height and it is considered that proposed scheme would integrate into this area having regard to the impact on adjoining residential amenity and visual amenity. Further to this assessment I note:

- The location of the site within an established urban area. This vacant undeveloped site is located in Kimmage, within the Dublin City administrative area.
- 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 proposed development provides for a creche and community/ cultural/ art space.
- 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.

8.3.10. Therefore, having regard to the above points and the clear adherence of the scheme to the performance criteria set out in Table 3 the density of the development is appropriate and in accordance with the Dublin City Development Plan 2022 – 2028 and no Material Contravention issue arises.

8.3.11. Reference is made by the applicant to Table 3.1 of the Compact Settlement Guidelines and the density for a ‘Suburban/ Urban Extension’ is given as 40 dph to 80 dph, but this can be increased to 150 dph in ‘accessible locations’. I have outlined the available public transport in the area in Section 1.4 of this report noting the revised network implemented in October 2025. On Kimmage Road West the F2/ F3 and 15A operate to the City Centre with a combined off peak frequency of 11 buses per hour or a bus every 5-6 minutes. This can be considered a high frequency/ capacity corridor and the site which is approximately 275m from the inbound bus stop is within an accessible location. The stop is also served by route S4 providing for additional connections to the south and south west city and the F1 route combines with the F2/ F3 on Kimmage Road to provide for a 4 to 5 minute frequency towards the city centre.

8.3.12. Making full consideration of Table 3.8, the density on this site is acceptable up to 150 dph as it is an accessible location in accordance with the Compact Settlement Guidelines. The proposal at 125 dph is well within this range. The applicant and the Planning Authority have demonstrated that the area is well served by a range of services, and I agree with their assessments in relation to this. Shops and schools are within walking distance of the subject site, and in addition to the BD Gym, Crumlin GAA Club is located to the west of the subject site.

8.3.13. Conclusion on Density: The Planning Authority calculated the density to be 116dph and considered that the development was compliant with Table 1 of Appendix 3 of the Dublin City Development Plan 2022 – 2028. Whilst the density at 125dph is just outside of the range of 120dph provided in Table 1, I consider this to be negligible in the context of the site location and the development demonstrating compliance with the performance requirements for density and height set out in Table 3 of Appendix 3 of the Dublin City Development Plan 2022 – 2028.

8.3.14. The proposed development is compliant in terms of Tables 3.1/ 3.8 of the Compact Settlement Guidelines, which allows for a density of 150 in areas considered to accessible locations with the ‘City - Suburban/Urban Extension’ of Dublin City. The

area is served by a range of shops and community facilities that can be reached by walking/ cycling and there is good public transport adjoining the site. I therefore consider that the proposed density is acceptable in this location in Kimmage.

8.4. Impact on the Character of the Area - Height

8.4.1. Appeal: The appeal raised concern about the provision of five storey apartment buildings into an area of mostly two storey houses. Combined with the issue of density, already assessed, it was considered that the character of the area would be adversely impacted by this development.

8.4.2. Planning Authority comment on height: Refers to Table 3 of Appendix 3 of the Dublin City Development Plan 2022 – 2028 and Section 15.5.2 which refers to infill development. Acknowledges that the character of the area will change from low rise suburban development to a more urban scale and density. No issues of concern were raised in relation to the increase in height.

8.4.3. Assessment: The established character of the area is defined by mostly two-storey houses in the form of semi-detached and terraced units. New four storey apartments have been constructed on Ravensdale Park approximately 240 m to the east of the subject site on the next street and which adjoins Captain's Road. Similar redevelopments and increased density of housing have been provided throughout the south city area.

8.4.4. The issue of height and it been out of character with the established form of development in the area was raised in the submitted appeal. Section 3.2 – 'Development Management Criteria' of the 'Urban Development and Building Heights – Guidelines for Planning Authorities', December 2018, sets out a number of considerations for developments with increased heights, and the Dublin City Development Plan provides for similar considerations in Appendix 3 and with the performance criteria set out in Table 3.

8.4.5. In the interest of convenience, I have set out the objectives and performance criteria of Table 3 of the Dublin City Development Plan in the following table in the context of height and also density:

Objective	Performance Criteria	Response
-----------	----------------------	----------

<p>1. To promote development with a sense of place and character</p>	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • respect and/ or complement existing and established surrounding urban structure, character and local context, scale and built and natural heritage and have regard to any development constraints, 	<ul style="list-style-type: none"> • The proposed development provides for five apartment blocks in an area characterised by two storey houses. The blocks are set back by over 22m from existing houses and the site layout includes the provision of public and communal open space. The subject lands could be considered a brownfield site as they are vacant and include areas of hardstanding. • The development will provide for an improved mix of housing types in addition to a creche and community/cultural/ arts space that will increase the range of services in the Kimmage/Terenure area. • The development through the use of apartment blocks and height will add to the character of the area. The blocks to include brick finished elevations and potential bulk is reduced through orientation, mix of
--	--	---

	<ul style="list-style-type: none"> • be appropriately located in highly accessible places of greater activity and land use intensity, • have sufficient variety in scale and form and have an appropriate transition in scale to the boundaries of a site/ adjacent development in an established area, • not be monolithic and should have a well-considered design response that avoids long slab blocks, • ensure that set back floors are appropriately scaled and designed. 	<p>materials, mix of heights and elevational setbacks.</p> <ul style="list-style-type: none"> • The site is located off an existing access road which serves a large gym. There is a high capacity/ frequency bus service 275m from the site on Kimmage Road West with 11 buses an hour to the City Centre. • See above. Separation distances of at least 22m are provided between the proposed apartment blocks and existing houses and building heights are tapered to reduce down to three storeys on the side they face onto existing houses – to the north and eastern sides of the site. • See above. The design and material finishes will ensure that the apartment blocks are not monolithic when viewed from adjoining sites. • Front elevations (facing south and west) are not set back but the blocks have a tapered height where they reduce in height to the north and eastern sides.
--	--	--

<p>2. To provide appropriate legibility</p>	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> make a positive contribution to legibility in an area in a cohesive manner, reflect and reinforce the role and function of streets and places and enhance permeability. 	<ul style="list-style-type: none"> The site is restricted in this context due to its location on vacant lands and located behind existing houses/ other buildings, however a strong building line is proposed to the south and west which addresses the access to the site. The layout and building design introduces a streetscape/ building line into an area of land that has been developed without such considerations. The majority of the lands here are undeveloped or are in surface car parking use and the proposal provides for a good quality of urban design.
<p>3. To provide appropriate continuity and enclosure of streets and spaces</p>	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> enhance the urban design context for public spaces and key thoroughfares, 	<ul style="list-style-type: none"> The area of public open space is designed to be accessible but also allows for future integration in the event that the former art gallery is reopened and/ or repurposed.

	<ul style="list-style-type: none"> • provide appropriate level of enclosure to streets and spaces, • not produce canyons of excessive scale and overbearing of streets and spaces, • generally be within a human scale and provide an appropriate street width to building height ratio of 1:1.5 – 1:3, • provide adequate passive surveillance and sufficient doors, entrances and active uses to generate street- 	<ul style="list-style-type: none"> • The proposed layout and building design allows for enclosure of open space and the access road to the apartment blocks. • There is a tapering of building heights such that three storey blocks face to the north/ east, towards existing two storey houses, and the taller sections of the blocks face onto the access road and existing car parking areas. • The proposed ratio is acceptable with a height of 11m facing onto the access/ set back of 10m giving a ratio of 1:1.1 and the separation between Blocks 3 and 4 providing a ratio of 1:0.56 (height is 14m/ width is 25m). • The elevational treatment includes an active streetscape where it addresses the access road and open space. Spaces are overlooked by balconies and podium level communal
--	---	---

	<p>level activity, animation and visual interest.</p>	<p>space. The development demonstrates the provision of good quality passive surveillance.</p>
4. To provide well connected, high quality and active public and communal spaces	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • integrate into and enhance the public realm and prioritises pedestrians, cyclists and public transport, • be appropriately scaled and distanced to provide appropriate enclosure/exposure to public and communal spaces, particularly to residential courtyards, • ensure adequate sunlight and daylight penetration to public spaces and communal areas is received throughout the year to ensure that they are useable and can support outdoor recreation, amenity and other 	<ul style="list-style-type: none"> • Scheme provides for good quality open space and bicycle parking facilities. The development is within 275m of a bus stop. • The open space is appropriately integrated into the overall design and layout. Open space benefits from easy access and passive surveillance. • The 'Daylight and Sunlight Analysis' prepared by IN2 indicates that all communal and public open space will exceed the minimum requirements as per BRE Site Layout Planning for Daylight and Sunlight Design Guide 209.

	<p>activities – see Appendix 16,</p> <ul style="list-style-type: none"> ensure the use of the perimeter block is not compromised and that it utilised as an important typology that can include courtyards for residential development, ensure that potential negative microclimatic effects (particularly wind impacts) are avoided and or mitigated, provide for people friendly streets and spaces and prioritise street accessibility for persons with a disability. 	<ul style="list-style-type: none"> The development is not based on a courtyard layout but in the form of five narrow blocks. This format has regard to the site layout and orientation of the sun and ensures that units receive good levels of daylight and sunlight. IN2 have prepared a 'Microclimatic Wind Analysis and Pedestrian Comfort Report' and no issues of concern arise. All 'amenity areas are predicted to be comfortable with regards to wind microclimate.' The proposed development provides for suitable footpaths, and no issues of concern arise in this regard.
5. To provide high quality, attractive and useable private spaces	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> not compromise the provision of high quality private outdoor space, 	<ul style="list-style-type: none"> The proposed development provides for suitable public and communal open space.

	<ul style="list-style-type: none"> ensure that private space is usable, safe, accessible and inviting, ensure windows of residential units receive reasonable levels of natural light, particularly to the windows of residential units within courtyards – see Appendix 16, assess the microclimatic effects to mitigate and avoid negative impacts, retain reasonable levels of overlooking and privacy in residential and mixed use development. 	<ul style="list-style-type: none"> All units are provided with private amenity space that is easily accessible to residents. The ‘Daylight and Sunlight Analysis’ prepared by IN2 indicates that 98% of rooms demonstrate compliance with Spatial Daylight Autonomy (SDA) – meaning that 50% of the room receives the daylight target. IN2 have prepared a ‘Microclimatic Wind Analysis and Pedestrian Comfort Report’ and no issues of concern arise. All ‘amenity areas are predicted to be comfortable with regards to wind microclimate.’ The proposed development provide for good levels of passive surveillance through the location of windows in relation to open space areas.
6. To promote mix of use and diversity of activities	Enhanced density and scale should:	

	<ul style="list-style-type: none"> • promote the delivery of mixed use development including housing, commercial and employment development as well as social and community infrastructure, • contribute positively to the formation of a 'sustainable urban neighbourhood', • include a mix of building and dwelling typologies in the neighbourhood, • provide for residential development, with a range of housing typologies suited to different stages of the life cycle. 	<ul style="list-style-type: none"> • The proposed development provides for 145 apartment units in the form of one and two bedroom units. It also provides for a childcare facility, and community/cultural/ art space. This is therefore a mixed use development. • The proposed development will provide for one and two bedroom units in an area dominated by three/ four bedroom house thereby improving the housing mix in the area. • As above. • As above. The one and two bedroom units allows for downsizing as well as providing for starter homes.
7. To ensure high quality and	Enhanced density and scale should:	

<p>environmentally sustainable buildings</p>	<ul style="list-style-type: none"> • be carefully modulated and orientated so as to maximise access to natural daylight, ventilation, privacy, noise and views to minimise overshadowing and loss of light – see Appendix 16, • not compromise the ability of existing or proposed buildings and nearby buildings to achieve passive solar gain, • ensure a degree of physical building adaptability as well as internal flexibility in design and layout, 	<ul style="list-style-type: none"> • The 'Daylight and Sunlight Analysis' prepared by IN2 indicates that units receive good levels of sunlight and daylight and existing residential units in the area are not adversely impacted by this development. Overlooking is addressed through the layout and provision of separation distances in accordance with the requirements of the Dublin City Development Plan. • The 'Daylight and Sunlight Analysis' prepared by IN2 does not raise any issues of concern in this regard. Adequate setbacks and tapering of building heights reduces the potential for loss of passive solar gain. • This is restricted through the proposal being of one and two bedroom units, though revisions to the internal floor plan could be undertaken through the removal of partition walls etc. The ground floor units including the community/cultural space does allow
--	---	--

	<ul style="list-style-type: none"> ensure that the scale of plant at roof level is minimised and have suitable finish or screening so that it is discreet and unobtrusive, maximise the number of homes enjoying dual aspect, to optimise passive solar gain, achieve cross ventilation and for reasons of good street frontage, be constructed of the highest quality materials and robust construction methodologies, incorporate appropriate sustainable technologies, be energy efficient and climate resilient, 	<p>for flexibility in its potential use.</p> <ul style="list-style-type: none"> The parapet at roof level screens much of the roof level plant. Lift shaft overrun areas are set towards the centre of the roof area and solar panels will be low and not adversely impact the height of these units. 57.2% of the units are dual or triple aspect. The proposed material finishes are of a good quality and extensive use of brick will be used in the public facing elevational treatment. The development will comply with Building Regulation requirements in relation to energy efficiency. A Site Specific Flood Risk Assessment raised no issue
--	--	--

	<ul style="list-style-type: none"> • apply appropriate quantitative approaches to assessing daylighting and sun lighting proposals. In exceptional circumstances compensatory design solutions may be allowed for where the meeting of sun lighting and daylighting requirements is not possible in the context of a particular site (See Appendix 16), • incorporate an Integrated Surface Water Management Strategy to ensure necessary public surface water infrastructure and nature based SUDS solutions 	<p>of concern in relation to flooding.</p> <p>A Energy Analysis Report has also been prepared and submitted with the application.</p> <ul style="list-style-type: none"> • The 'Daylight and Sunlight Analysis' prepared by IN2 does not raise any issues of concern in this regard. The site benefits from good areas of communal open space and 82 units have floor areas that are in excess of 110% of the required minimum. • Full details of the proposed surface water drainage system is provided in the Infrastructure Report. The system is designed in accordance with the requirements of the Dublin
--	---	---

	<p>are in place – see Appendix 13,</p> <ul style="list-style-type: none"> • include a flood risk assessment – see SFRA Volume 7. • include an assessment of embodied energy impacts – see Section 15.7.1. 	<p>City Development Plan and in particular with Policy SI25 and the requirements of Appendix 13 of the Development Plan.</p> <ul style="list-style-type: none"> • A Site Specific Flood Risk Assessment has been prepared and submitted in support of the application. No issues of concern arise, the development is primarily in Flood Zone C. • An Energy Analysis Report has been prepared and submitted with the application. The development demonstrates compliance with Nearly Zero Energy Building (NZEB).
8. To secure sustainable density, intensity at locations of high accessibility	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • be at locations of higher accessibility well served by public transport with high capacity frequent service with good links to other modes of public transport, 	<ul style="list-style-type: none"> • The area is well served by public transport. Approximately 11 bus services in the off peak from Kimmage Road West to the City Centre and a permitted Core Bus Corridor is located on Kimmage Road

	<ul style="list-style-type: none"> • look to optimise their development footprint; accommodating access, servicing and parking in the most efficient ways possible integrated into the design. 	<p>Lower. Site is served by the S4 orbital route which connects UCD to Liffey Valley Shopping Centre.</p> <ul style="list-style-type: none"> • The proposed site layout provides for an efficient use of these lands with car parking integrated into the overall design and open space easily accessible for the relevant end users. Site servicing and access is acceptable.
9. To protect historic environments from insensitive development	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • not have an adverse impact on the character and setting of existing historic environments including Architectural Conservation Areas, Protected Structures and their curtilage and National Monuments – see section 6 below. • be accompanied by a detailed assessment to establish the sensitivities of the existing environment and its capacity to absorb the 	<ul style="list-style-type: none"> • The site is not located within an Architectural Conservation Area or adjacent to a protected structure, and no issues of concern arise. • The submitted 'Architectural Design Rationale' outlines how the proposed development will integrate into its surroundings.

	<p>extent of development proposed,</p> <ul style="list-style-type: none"> assess potential impacts on keys views and vistas related to the historic environment. 	<ul style="list-style-type: none"> The site is not located in an area with key views/ vistas. A 'Townscape and Visual Impact Assessment' indicates if there are any impacts on the visual amenity of the area and no issues of concern arise from this assessment. The application is also supported with a 'Photomontage Report' and again no issues of concern arise.
10. To ensure appropriate management and maintenance	<p>Enhanced density and scale should</p> <ul style="list-style-type: none"> Include an appropriate management plan to address matters of security, management of public/communal areas, waste management, servicing etc. 	<ul style="list-style-type: none"> The applicant has provided a 'Community Safey Strategy' and an 'Operational Management Strategy' in support of the application. In addition, a 'Service and Delivery Access Strategy' is provided. These documents demonstrate compliance with the requirements of this section of the Development Plan.

--	--	--

8.4.6. The above table demonstrates that the development complies with Table 3 of Appendix 3 of the Dublin City Development Plan 2022 – 2028. Many of the issues identified in the above table are assessed in greater depth in the following sections of my report.

8.4.7. National and local policy seeks to provide for increased density, and where necessary heights, on sites where it can be demonstrated that such locations are suitable. The above table includes appropriate considerations for development with increased heights/ density. The appeals refer to concern that the proposed development results in the introduction of a five-storey development into an area defined by two/ three storey houses. Whilst accepting that the development provides for buildings of increased heights, this is on backdrop of there having been an increase in building heights and density in the south city area over the last two decades. The tapering of the heights results in three storey sections to the northern side of the development, where separation distances in excess of 22m are provided.

8.4.8. The proposed development would provide for an increased variety in unit types in the area, meeting different housing needs including the provision of starter homes and also allowing for downsizing within the Kimmage/ Terenure area. I note that reference was made in the appeal for more family sized homes as a demand exists for these. The proposed one- and two-bedroom units would allow for suitable units for those who wished to remain in the area but would prefer to live in a smaller unit, more suitable for their needs. The increase in density is facilitated through the use of taller units than is the case at present. Considering the separation distances between the proposed apartment blocks and existing houses, no issues of concern arise in relation to overbearing and direct impact on the existing houses.

8.4.9. Conclusion on Section 8.4: The proposed development is considered to be acceptable in terms of density which is achieved through an increase in height relative to the existing houses in the area. The proposed development includes a creche and cultural/ community/ art space and combined with the good quality of open space provided, it would not be possible to provide all of this residential development at an acceptable density without an increase in height. I consider that the proposed heights

are acceptable in this location. The impact on residential amenity is considered further in the next sections of this report.

8.5. Impact on Proposed Residential Amenity

- 8.5.1. Appeal: Concern was raised about the quality of open space on site serving the proposed development.
- 8.5.2. Assessment: I have assessed this development and quality of residential amenity under a number of sub-headings as follows, whilst also having regard to the issue raised in the appeal.
- 8.5.3. Unit Mix: The proposed development provides for a total of 70 one- bedroom and 75 two-bedroom units within five apartment blocks. As reported, concern was expressed about the lack of family sized units in the proposed development, however the proposed development provides for unit types that are not common in this area of mostly family sized homes, thereby improving the unit mix. Dublin City Council consider the proposed development to be acceptable and to be in accordance with the Dublin City Development Plan 2022 – 2028. I note 15.9.1 – ‘Unit Mix’ of the Dublin City Development Plan and which refers to the requirements of SPPR 1 of the apartment guidelines and the that a development may provide up to 50% one bedroom or studio type units. No studio units are proposed here and 48% of the units are one bedroom thereby in accordance with SPPR 1 and 15.9.1 of the Dublin City Development Plan.
- 8.5.4. Quality of Units – Floor Areas: The applicant has provided a ‘Housing Quality Assessment’ prepared by BKD Architects and which demonstrates that the units comply with the requirements of Table 15-5 of the Dublin City Development Plan 2022 – 2028 and the Apartment Guidelines 2022. A total of 80 (55.2%) of the proposed units exceed 110% of the minimum required floor areas. In addition to good quality room sizes, I note that a significant number of units are provided with storage space in excess of the minimum required.
- 8.5.5. A total of 83 (57.2%) of the proposed units are dual aspect and as per the submitted plans/ elevations, none of the single aspect units are north facing only. Section 15.9.3 – ‘Dual Aspect’ of the Dublin City Development Plan 2022 – 2028 refers to the requirement of SPPR 4 of the apartment guidelines for ‘50% of units in suburban and/ or intermediate locations’ to be dual aspect; the proposed development demonstrates

full compliance. The proposed floor to ceiling heights are 2.4 m except for the ground floor level, which is 2.7 m, demonstrating compliance with SPPR 5 of the Apartment Guidelines and which is referred to as a requirement for compliance in Section 15.9.4 – ‘Floor to Ceiling Height’ of the Dublin City Development Plan 2022 – 2028.

- 8.5.6. The proposed floor plans vary between the five blocks, but no block has more than 12 units per floor served by a single lift/ stair core. The lifts extend to the ground floor car/ bicycle parking area, allowing for easy access between car/ bicycle and individual residential units on the upper floors. Blocks 4 and 5 have combined corridors but this results in there being two lift/ stair cores to serve the units on each floor.
- 8.5.7. Quality of Units – Amenity Space: The proposed units are provided with private amenity space in the form of terraced areas for the ground floor units and balconies for the upper floors. The area provided is sufficient in terms of complying with the minimum required as per the Dublin City Development Plan. Access to these amenity spaces is from the Kitchen/ Living/ Dining space and it is noted that the balconies extend across the front of bedrooms in some cases, such as Unit types B1.1. Balcony depths meet or exceed the requirement to be 1.5 m deep.
- 8.5.8. The proposed development includes the provision of 1,260sq m of public open space, which equates to 10.1% of the total site area and 1,860sq m of communal open space is to be provided for. The communal open space is provided within or adjacent to the apartment blocks and is therefore accessible to the residents of these blocks. Four areas of communal open space are provided, and which allow for amenity use that is additional to private amenity space for the adjacent apartments. These spaces would be suitable for children’s play and as passive recreational areas. The two central areas will include trees and lawn areas, and which will provide for attractive spaces. The larger communal areas to the west of Block 1 and east of Block 5 include tree planting and lawn planting also but also other amenities such as seating areas and a ping pong table in the area east of Block 5. Measures including who has access to the lifts, ensures that the communal open space is not generally accessible by members of the public. I am satisfied that these areas provide for good amenity for the future residents of this development. Adequate setbacks and screening is provided that ensures that overlooking of adjoining properties is not an issue of concern. It was suggested by the appellant that basement car parking be provided, and the communal open space be located in the area of the surface car parking. That suggested layout was not proposed

by the applicant and to condition such would be a significant departure from what is proposed. The location of the car parking as submitted is acceptable and I am satisfied that the podium level communal open space is also acceptable and does not give rise to overlooking or adverse impacts on adjoining residential amenity.

8.5.9. The public open space is provided to the south of Block 05 and to the north of the former Nora Dunne Gallery. This area of public open space can be integrated into other amenity spaces in the future if such are developed on the adjacent lands. The public open space, as stated, is south of the apartment blocks and will therefore receive good sunlight and will provide for a pleasant amenity space. This is in an accessible location for members of the public to visit. Whilst it is a relatively small space, I consider that it would provide for a good quality amenity space for use by the public. Concern was raised about the useability of this space having regard to the location of attenuation tanks within this area. This space provides for planting, lawn areas and also a play area for children. The submitted Section 10 on Drawing no. L1-803 does not indicate any impediment to the use of this space or impact on its layout due to the attenuation tanks. There is sufficient cover over these to ensure that this space will not be negatively impacted. I am satisfied that this provides for good amenity for the public and the presence of the attenuation tanks has no impact on the use of or access to this space.

8.5.10. The proposed amenity spaces are considered to be acceptable and will ensure that all units have access to open space in addition to their own private amenity space. The layout and location of the open spaces are considered to be acceptable and will receive good passive surveillance from the adjoining apartment blocks.

8.5.11. Daylight and Sunlight: The applicant has engaged the services of IN2 to assess the impact of the development on daylight and sunlight and a 'Daylight and Sunlight Analysis has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE – 3rd Edition, 2022 (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.
- BS EN 17307:2018 – Daylight in Buildings – British Standard

- IS EN 17037: 2018 – Irish Standard
- Sustainable Urban Housing: Design Standards for New Apartments (December 2023)
- Dublin City Development Plan 2022 - 2028

The submitted assessment undertook a number of tests, and these are detailed in the following section of this report. The 2023 Apartment Guidelines are referenced and remain relevant to this development as it was lodged prior to the 9th of July 2025 when the new apartment guidelines came into effect.

8.5.12. Site Sunlight and Shading: The submitted analysis includes an assessment of the external amenity spaces which comprises the communal open space and public open space areas. The BRE requirement is that a minimum of 50% of an amenity space shall receive two or more hours of sunlight on the 21st of March. The submitted analysis demonstrates that the BRE requirement is met and exceeded at greater than 86% for all communal open space areas. The public open space area to the south is predicted to be sunlit for at least two hours for 100% of the relevant area. The open space associated with the creche will be sunlit for 66% of the area on the test date. The proposed areas of open space will therefore be provided with adequate daylight and sunlight in accordance with the BRE requirements.

8.5.13. Internal Daylight Analysis: From the information provided in the ‘Internal Daylight Analysis’ in Section 5.0 of the applicant’s report, I am satisfied that the Spatial Daylight Autonomy Result are acceptable, and the proposed units are demonstrated to be generally compliant. Units that do not meet the targets are identified in the applicant’s report and details are provided of suitable compensatory measures. In Block 1, there is a 97% compliance rate, Block 2 has a 96% compliance rate, Block 3 is 98% compliance rate and Blocks 4 and 5 have a 100% compliance rate. The overall compliance rate is given as 98%.

8.5.14. The following are the targets for Spatial Daylight Autonomy:

To meet or exceed 50% of the total lux at:

- Bedrooms 100 Lux
- Living Rooms 150 Lux

- Kitchens 200 Lux

Those units that are below the targets include the following:

Block	Floor	Unit - Room	Kitchen/ Living/ Dining	Bedroom 1	Bedroom 2
1	Ground	All meet the target requirements			
1	First	114 (1 Bed)	30%	91%	
1	Second	130 (1 Bed)	42%	100%	
2	Ground	All meet the target requirements			
2	First	208 (1 Bed)	48%	59%	
2	First	213 (2 Bed)	37%	82%	84%
2	Second	231 (2 Bed)	47%	100%	100%
3	First	313 (1 Bed)	41%	43%	
4	All meet the target requirements				
5	All meet the target requirements				

8.5.15. Appendix D of the applicant's report provides an assessment of 'Exposure to Sunlight' and is on the basis that a room, preferably a habitable room, receives at least 1.5 hours of sunlight on the 21st of March. Appendix D includes a summary of the results, and it was found that 90% or 130 of the units were compliant.

8.5.16. The submitted details are noted, and the applicant's assessment has also considered whether units receive low, medium and high levels of sunlight. The results are as expected having regard to the layout of the development and the location of the units that achieve lower levels of sunlight.

8.5.17. The submitted IN2 report clearly indicates which units are below the suggested standard for daylight and sunlight and a list of specific compensatory measures per unit are proposed. The applicant's report clearly outlines which measures have been applied to the affected units. Generally, it is the Kitchen/ Living/ Dining rooms that fail to comply, though in all cases, one or both of the bedrooms demonstrates a very good receipt of daylight.

8.5.18. Compensatory measures include the following:

Daylight Adjacency: Where rooms are below target, it is demonstrated that adjacent rooms are compliant, therefore units include rooms that are compliant with the requirements.

Dual aspect: A number of dual aspect units are provided.

Unit Size: Some of the units with reduced daylight are provided with floor areas that are up to 10% larger than the minimum required.

Communal Open Space: All units have access to the communal open space areas, and which is 12.6% in excess of that required as per the Apartment Guidelines, 2023.

8.5.19. The proposed listed compensatory measures are considered to be acceptable/appropriate for the proposed units/ the overall development of this site. The Dublin City Development Plan 2022 - 2028 under Section 15.9.8 – ‘Communal Amenity Space’ requires minimum area compliance with Appendix 1 of the Apartment Guidelines, 2020. As stated, the proposed communal open space is in compliance with the Apartment Guidelines, 2023, which superseded the 2020 guidelines.

8.5.20. **Conclusion on Daylight and Sunlight Assessments:** I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the relevant guidance. As with the majority of developments in established urban areas, there are restrictions in relation to the site size and shape, as well as ensuring that existing residential amenity is protected.

8.5.21. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban development of this accessible and serviced site located within the Dublin City area, in accordance with national policy guidance, are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants of this development. Overall, I am satisfied that the proposed development will provide for good daylight and sunlight to the proposed units.

8.5.22. **Childcare Provision:** The proposed development provides for a total of 145 residential units; however, all proposed units are either one or bedroom units. A childcare facility with an internal floor area of 210sq m is proposed and this is

supported with outdoor space of 130sq m. The applicant considers that this facility can accommodate 75 children.

8.5.23. In support of the application, a Childcare Assessment, dated May 2025, has been prepared by Turley and which has full regard to the Dublin City Development Plan 2022 – 2028 (Section 15.8.2 in respect of ‘Community and Social Audit’ and 15.8.4 for Childcare – referring to the requirement of the Childcare Guidelines 2001) the Childcare Guidelines 2001 and the Sustainable Urban Housing: Design Standards for New Apartments, 2023. The assessment found there to be eight childcare facilities within 1km radius of the subject site with a total capacity of 306 places but in seven of the eight responses, it was found that there were no vacancies for childcare. The assessment continues and finds that demand for childcare from this development would be between three and five places. The applicant has proposed a facility for 75 childcare spaces.

8.5.24. The apartment guidelines state that ‘One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms’.

8.5.25. The applicant through their submitted report, has assessed the need for childcare provision based on the following, which I have summarised in the interest of simplification:

	2001 Childcare Guidelines	2023 Apartment Guidelines – without 1 beds	2023 Apartment Guidelines – without 1 beds and only 50% of 2 beds
Number of Units	145	75	52
1 Facility with capacity for 20 children for every 75 units	39	20	10

8.5.26. The demand for childcare from this development is considered to be very low. The applicant has identified eight existing childcare facilities within 1 km of the subject site, though there does not appear to be any capacity to serve this development. The

applicant has proposed a childcare facility with capacity for 75 children, and this will easily meet the requirements of the subject development and also provide for additional capacity to serve this part of Kimmage. This is to be welcomed and provides for a mix of uses on site, increased employment and improved services for the area. The unit is served with adequate open space.

8.5.27. **Conclusion on Childcare Provision:** The proposed development provides for one- and two-bedroom units and whilst the likely demand for childcare has been demonstrated to be very low, the applicant has proposed to provide for a facility that will meet the demand from the development and also meet the needs of the wider area. I am satisfied that this is an acceptable addition to this development.

8.5.28. **Conclusion on Residential Amenity:** It is considered that the proposed development will provide for a high quality of residential amenity in this established urban area. Room sizes and amenity spaces are of a good standard. The site is restricted by its urban location and the available site layout, which impacts on the receipt of daylight and sunlight that some units may receive. The applicant has provided a development with a significant number of dual aspect units. The proposed scheme will provide for a suitable development of this serviced urban site, within an established part of the Dublin city suburbs. It is considered that the proposed development complies with the requirements of National and Local policies as relevant to a scheme of this nature. No issues of material contravention of the Dublin City Development Plan arise in relation to proposed residential amenity.

8.6. **Impact on Existing Residential Amenity**

- 8.6.1. **Appeal:** Concern was expressed in the appeal about the impact of the proposed development in terms of overlooking leading to a loss of privacy and overshadowing leading to a loss of daylight/ sunlight.
- 8.6.2. **Planning Authority:** No issues of concern were raised. Adequate separation distances are provided, and which ensures that privacy is protected and a condition was attached that screens of 1.5m in height be provided in specific locations.
- 8.6.3. **Assessment:** I have assessed this development and the impact on existing residential amenity under a number of sub-headings in the following sections.
- 8.6.4. **Existing Site:** The subject site is a greenfield site but has some characteristics of a brownfield site. It is located within an established urban area and adjoins a number of

residential units. There is no requirement for demolition of existing structures on site and nuisance/ impact on residential amenity would primarily be during the construction phase. A suitable Construction Management Plan can address most of the concerns that may arise during the development phase. The site already has access to the public road network and there is no requirement for construction vehicles to enter into any adjoining residential areas other than through Kimmage Road West and the existing access road.

- 8.6.5. A number of documents have been included with this application that will ensure that the impact on residential amenity is reduced as much as is reasonable. These include the submission of a Construction Traffic Management Plan, an Outline Construction and Demolition Waste Management Plan, an Outline Construction Management Plan and an Outline Construction Surface Water Management Plan. These are noted and final details can be agreed with the Planning Authority in the event that permission is granted for this development.
- 8.6.1. **Daylight and Sunlight:** The impact of the development on adjoining properties is considered in the Daylight & Sunlight Analysis prepared by IN2, dated May 2025.
- 8.6.2. Daylight: Section 4.0 assesses the 'Impact on Neighbouring Buildings' and this is undertaken through an assessment of the Vertical Sky Component (VSC) which is a measure of how much direct daylight a window is likely to receive. The Vertical Sky Component is simply a measure of how much of the sky can be seen at a given point. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value.
- 8.6.3. The applicant has assessed the potential impact on Park Crescent to the west, Captain's Road to the north, and Brookfield Green and Brookfield to the east. The assessment has excluded any existing trees in accordance with the BRE Guidelines. Windows on extensions/ conservatories have been included in the analysis. Figures 1.1.2, 5.2.3 to 5.2.59 identify the relevant tested windows.
- 8.6.4. The analysis of the tested units found that all windows would pass the required VSC. I note that there are mature trees adjacent to the boundary of this house and the actual impact is likely to be less than that calculated. This is considered in Appendix E –

Clarifications of the applicant's report. I am satisfied that the submitted assessment does not give rise to any concern.

8.6.5 Sunlight: The Annual Probable Sunlight Hours (APSH) assessment indicates what the impact of a development would be on the sunlight received by existing units. Only south facing windows are considered in this assessment, in accordance with BRE guidance. According to the BRE guidance a dwelling/ or a non-domestic building which has a particular requirement for sunlight, will appear reasonably sunlit if:

- At least one main window wall faces within 90° of due south and
- The centre of at least one window to a main living room can receive 25% annual probable sunlight hours, including at least 5% of annual probable sunlight hours in winter months (the winter period is considered to fall between the 21st of September and the 21st of March).

Further to this the BRE advise that the sun lighting of existing dwellings may be adversely affected if the centre of the window in question:

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between the 21st of September and the 21st of March and
- Receives less than 0.8 times its former sunlight hours during either period and
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

8.6.5. The results are provided in section 4.3 – ‘Results – Summary of VSC and APSH’ of the submitted report and as with the VSC, all units demonstrated compliance with the APSH.

8.6.6. Impact on Solar Panels: No impact was foreseen in relation to existing/ potential solar panels in neighbouring properties as any reduction in sunlight would be less than that required to have a reduction in solar gain. Details are provided in Figure 4.5.1 of the applicant's report.

8.6.7. Impact on Amenity Space: As per Section 8.5.12 of my report, the test is to ascertain if a minimum of 50% of an amenity space shall receive two or more hours of sunlight on the 21st of March. Table 4.4.2 of the IN2 reports gives the results and finds that all tested spaces pass the BRE requirements.

8.6.8. Conclusion on sunlight/ daylight impacts to neighbouring properties: It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Section 28 guidelines and those contained within the Dublin City Development Plan 2022 - 2028 to assist me in identifying where potential issues/ impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within the Dublin city area, and to increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents from such development is not significantly negative and is mitigated in so far as is reasonable and practical. Existing units and their private amenity spaces will receive adequate sunlight, in accordance with the BRE Guidance. I have no reason, therefore, to recommend to the Commission that permission be refused.

8.6.9. **Potential overlooking:** There are no specific restrictions set out in the current Dublin City Development Plan regarding separation distances for taller buildings other than to ensure that residential amenity is protected. All separation distances are greater than the standard of 22 m between directly, opposing first floor, rear windows. The provision of stepped floors and the use of other appropriate design features that reduce the potential for overlooking, will ensure that the privacy of the houses on Captain's Road are maintained.

8.6.10. The applicant has outlined the separation distances in the submitted plans and supporting drawings. Section 2.7 – 'Protection of Residential Amenity in Adjoining Properties' of the Architectural Design Rationale, gives clear details on the separation distance between the proposed development and the existing adjoining houses. The applicant is also proposing to provide 1.2 m high frosted glass balustrades on the balconies, and which will address potential issues of overlooking. This is in addition to the required 22m separation distance and can be seen as a measure that will reduce the perception of overlooking rather than as a measure that is necessary in this context. DCC have recommended that screening of 1.5m be provided in suitable locations and I have no objection to the inclusion of this condition.

8.6.12. Comment was made in the original observations to the application that a number of the houses had been extended to their rear and the impact on these was not fully considered by the proposed development. I note these comments. The applicant has considered the impact of the development on the windows of extensions/

conservatories attached to houses and no specific issues of concern were raised in their support assessments.

8.6.11. **Planning Authority comment on residential amenity:** No particular issues of concern were raised in the Planning Authority report.

8.6.12. **Conclusion on Section 8.6:** Overall, I am satisfied that the development will not have a unduly negative impact on the existing residential amenity of the area. The site is zoned for residential development, is located in an established urban area and with access to existing services, including public transport. I have no reason, therefore, to recommend to the Commission that permission be refused due to impact on the residential amenity of the existing area. No issues of Material Contravention of the Dublin City Development Plan 2022 – 2028 have been identified in the appeal and I consider that no such issues arise in relation to impact on residential amenity as assessed under Section 8.6 of my report.

8.7. **Traffic and Access**

8.7.1. **Appeal:** Concern was expressed in the appeal that the proposed development was not well served by public transport, that there was a shortfall in car parking provision and that the proposed development would give rise to traffic congestion with potential for traffic hazard.

8.7.2. **Planning Authority Comment:** The Planning Authority did not raise any issues of concern in relation to transport and road safety. Conditions are recommended in the event that permission is granted for the proposed development, with a specific condition on improvement of pedestrian/ cyclist facilities at the junction with Kimmage Road West. These comments are noted and are considered to be standard for a development of this nature.

8.7.3. **Mode of Transport:** The proposed development of 145 number one- and two-bedroom units is to be provided with 83 car parking spaces. I am satisfied that the existing bus services in the area can accommodate the additional demand that this development may generate. The local bus network was revised under the Bus Connects Network Review in October 2025 and the local bus network has been simplified but with a good frequency of service provided.

8.7.4. As public transport is available in the area, it is considered acceptable that the number of car parking spaces be reduced. The development provides a good opportunity to encourage a modal shift away from car use and still provide for car parking spaces for those who need them, rather than providing for car parking for those who may need them or generally don't have a need. The site is within walking distance of shops, educational facilities and other services and as already reported, the available bus routes serve a range of locations in the south city area. In addition, 448 bicycle parking spaces are proposed, and which will meet the transport needs for many residents on a day-by-day basis.

8.7.5. The Dublin City Development Plan 2022 – 2028 sets out the Car Parking requirements in Appendix 5 Section 4.0. The site is located within Zone 2 and as per Table 2, there is a Maximum requirement of 1 space per dwelling for an apartment scheme such as this. This is a maximum requirement, and the provision of 83 spaces falls within the requirement for 145 apartment units – a ratio of 0.57:1. I consider this to be acceptable and does not raise any issues of Material Contravention. The requirement for the creche is 1 space per 100sq m and the proposed 2 spaces is within the acceptable range.

8.7.6. Dublin City Council Planning and Transportation Planning Sections did not raise any specific concerns about the proposed car parking provision. A 'Car Parking Management Strategy' prepared by Barrett Mahony Civil & Structural Engineers has been submitted in support of the application. 'Eligibility to Use Car Parking' is covered under Section 6.0 and the 'Car Parking Management Strategy' is provided under Section 7.0 of the applicant's report. Car parking spaces will be on a one-year lease but may be leased for a single month. I consider that the submitted details in this report are thorough.

8.7.7. The access to the site was raised as an issue in the appeal that would require revision, and a condition was provided by the Planning Authority in relation to this. I am satisfied that these works can be undertaken by way of condition with final design to be agreed with Dublin City Council. Relatively simple measures such as the provision of bollards, signing and lining can be provided here under the Road Acts and which would be DMURS compliant. I note comment by the applicant that these works may be outside of their control and for that reason I recommend that it be agreed between the applicant and Dublin City Council. This is an existing active junction and the submitted 'Traffic

Impact Assessment' prepared by Barrett Mahony Civil & Structural Engineers, does not give rise to any issues of concern in relation to potential traffic congestion or road safety issues in this location. Three junctions were assessed in the report, and these are the access to Kimmage Road West, the junction of Kimmage Road West and Whitehall Road and Terenure Road West/ Fortfield Road/ Kimmage Road West/ Sundrive Road. The assessment does not give rise to any issues of concern.

8.7.8. Specific comment was made in the appeal that the DMURS Compliance Statement is deficient with specific reference to the junction layout onto Kimmage Road West. Comment was made that this junction would not provide for safe cycling infrastructure and would give rise to increased road speeds. As I have reported, I consider that this issue can be addressed with the Planning Authority/ Dublin City Council. Section iv. of Appendix Note 6 – ‘Priority Junction Tightening Measures’ of DMURS indicates measures that can be taken on an interim basis in accordance with DMURS, and such an approach could be taken here. I am satisfied that this can be undertaken by condition in accordance with the requirements of the Planning Authority. I note Policy SMT33 of the Dublin City Development Plan 2022 – 2028 and which refers to the design of new streets and roads in urban areas in accordance with DMURS ‘and to carry out upgrade works to existing road and street networks in accordance with these standards where feasible.’ The subject junction is existing and as such upgrade works should be in accordance with DMURS but as per the Dublin City Development Plan, ‘where feasible’ and for that reason a condition would be appropriate that requires agreement between the developer and Dublin City Council in that regard.

8.7.9. **Conclusion on Traffic and Access:** The location is served by a frequent bus service, and the existing bus service has adequate capacity to serve the demand generated by this development. Adequate car parking is provided, and a significant number of bicycle parking spaces are also to be provided on site. The recommended revisions to the site and those to the access onto Kimmage Road West can be carried out in accordance with the requirements of the Planning Authority and I am satisfied that any works would be DMURS compliant. DMURS allows for flexibility and measures can be taken that would not be significant in cost but would demonstrate full compliance with the requirements of DMURS. There is an existing junction in this location, which is used by the public on a continuous basis and no issues of concern were raised by the applicant or the Planning Authority in this regard.

8.8. Infrastructure and Flood Risk

- 8.8.1. Appeal: Concern was raised about the potential for flooding and the impact it may have on the development.
- 8.8.2. Dublin City Council: No issues of concern were raised about surface water drainage or flooding.
- 8.8.3. Assessment: No issues were raised in relation to water supply and foul drainage, and Uisce Éireann reported no concern to the proposed foul drainage and water supply and recommended conditions in the event that permission was to be granted. Capacity exists as per the Uisce Éireann Capacity Registers for foul drainage and water supply connections.
- 8.8.4. Works will be required within Kimmage Road West to serve this development. I note the comments made in the original observations about the location of this aspect of the development. The submitted details indicate that all works will be in the Dublin City Council side of the road but in any case, I do not consider this to be an issue of concern as the works will be undertaken by Uisce Éireann and or their contractors and who have the right to carry out upgrades as necessary.
- 8.8.5. A 'Site-Specific Flood Risk Assessment' – prepared by Barrett Mahony Engineers has been included with the application, updated to May 2025. The assessment has full regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009'. The submitted report has regard to the following forms of potential flooding:
 - Coastal Flooding: A review of the OPW Tidal Flood Extents Mapping was carried out and which indicates no coastal flooding at the subject site, with a low risk level.
 - Fluvial Flooding: A review of the OPW Fluvial Flood Extents Mapping was carried out and indicates low and medium probability fluvial flooding at the eastern boundary of the subject site. The site is approximately 300 m west of the River Poddle and there are no records of flood events in or near the subject site. Flood risk modelling conducted on behalf of the OPW under the Eastern CFRAM (Catchment Flood Risk Assessment and Management) Study indicates that the development site is within an area with a fluvial flood event AEP of less

than 1%. The risk of fluvial flooding within the subject site is therefore considered to be low.

- **Ground Water:** Ground investigations were undertaken on the site and ground water seepage was encountered at depths varying from 1.9 m to 2.9 m below ground level (BGL). The risk of flooding due to ground water ingress to the proposed development is reported to be low.
- **Pluvial Flooding:** A review of the available information was carried out, and some pluvial flooding has been indicated on the site. Risk is in the range of low to medium. A SUDs system and an attenuation system will be provided on site and will ensure that flood risk associated with Pluvial events will remain in the low to the medium range.

8.8.6. **Climate Change:** Full regard has been had to climate change in the consideration of flood risk on the subject site. An allowance of 20% additional flow should be taken for designing for flood events. The system is designed for storms up to and including the 1 in 100-year storm and 20% extra is included for climate change. The proposed development can therefore be considered to be climate change resilient.

8.8.7. The initial flood risk assessment found that the risk of coastal/ tidal, fluvial, and ground water flooding was low. The risk of pluvial flooding was found to be low to medium and suitable measures have been proposed to address this. The sequential approach for flood risk was undertaken and in conclusion, the site was identified as located within Flood Zone C.

8.8.8. As flooding was raised as an issue of concern in the submitted appeal, the applicant has engaged Barrett Mahony Consulting Engineers to address each of the points raised. A report dated October 2025 has been included in the appeal response. In summary, the proposed development will not increase the risk of flooding to adjoining sites, and in fact there may be a reduction in flood risk. The report also refers to the Poddle Flood Alleviation Scheme, which is underway, and is expected to be complete in Q2 2027 and the earliest occupation of the proposed development would be Q3 2027.

8.8.9. **Conclusion on Infrastructure and Flood Risk:** The site is served by a public water supply and the public foul drainage network. Wastewater will be treated at the

Ringsend WWTP and having regard to the submitted information, there is no concern in relation to this facility been able to treat the foul water from this relatively modest development. The submitted flood risk assessment and the response to the appeals, are thorough and no issues of concern have been raised. The Planning Authority raised no issues of concern in relation to flood risk issues here. I am satisfied that the development can proceed without giving rise to flooding issues in the area, including potential impact on adjoining sites.

8.9. Other Matters

- 8.9.1. **Archaeology:** I note the report of the Dublin City Council Archaeologist and the recommended conditions including that an archaeological assessment of the proposed development be undertaken prior to the commencement of development. The conditions included in the Dublin City Council grant of permission are appropriate.
- 8.9.2. **Ecological Impact Assessment:** The applicant engaged Altemar to prepare an Ecological Impact Assessment, and this was included in support of the application, report dated May 2025. The site is not a habitat for any protected fauna. There would be no direct/ or indirect impact impacts on European sites as a result of the proposed development.
- 8.9.3. The submitted details are noted and from the site visit it was evident that the site was under grass but did not appear to be rich in biodiversity. This site is located within an established urban area and access is somewhat restricted by being surrounded by development. There are no watercourses or ponds on site that would encourage a greater level of biodiversity. The planting of this site having regard to the proposed 'Biodiversity Enhancements' in the submitted Biodiversity Enhancement Plan will maintain but also enhance the biodiversity value of this site. The proposal also provides for bird boxes and a bat box and this will further improve the biodiversity value of this site.
- 8.9.4. **Compliance with Objective CUO25:** The proposed development includes the provision of community/ cultural/ art space in accordance with Objective CUO25 of the Dublin City Development Plan 2022 – 2028. The requirement is for a minimum of 5% of the floor area to be allocated for such use, and the proposed development includes 813sq m of internal space. The proposed development has a stated gross internal floor area of 14437sq m and 5% would be 722sq m. The proposed development is

therefore in accordance with Objective CUO25 in terms of meeting the requirement for such a space and also meets the minimum requirement of 5% of the gross floor area.

- 8.9.5. This space is located within Blocks 4 and 5 to the east of the site and which are easily accessible from the existing access road/ for members of the public to reach. The area of public open space is between Block 5 and the former gallery to the south of the site, and which could be reused in the future thereby providing additional activity on this part of the site, whilst not impacting on the residential amenity of the proposed units and the adjoining houses. The Planning Authority have included a condition that the final details of the layout and use of this space to be agreed prior to the commencement of development. I consider this to be appropriate due to the nature of this aspect of the development.
- 8.9.6. The appellant raised concern about the occupation and phasing of this space and has suggested, by example, that it be in use prior to the occupation of 50% of the proposed units. I would not recommend that such a condition be imposed on the applicant/ developer. The requirement is for the provision of such space, and the applicant has demonstrated that they will comply with CUO25 in full. There is no requirement for a phasing of occupation, and the nature of this use may conflict with on-going works associated with the development of the site. This is a matter for the phasing plan to be agreed with Dublin City Council. There is a requirement for housing in this area and the imposition of a fixed phasing of the community/ cultural/ art space may delay their provision. I note reference to a potential change of use, there is no indication that such is intended, and in any case, this would require the submission of a new application to the Planning Authority for a change of use.
- 8.9.7. Overall, I consider that the applicant has provided for high quality cultural/ community/ art space, and which meets the requirements of Objective CUO25 of the Dublin City Development Plan 2022 – 2028.
- 8.9.8. I note the report of the Dublin City Parks Department and their request that a piece of artwork be included as part of the development on this site. This request can be included by way of condition and final details can be agreed between the developer and the Dublin City Arts Officer should the Commission be minded to grant permission for this development.

9.0 Appropriate Assessment (AA)

9.1 Stage 1 – Appropriate Assessment Screening

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North West Irish Sea SPA and North Bull Island SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- these sites' Conservation Objectives,
- having regard to the nature and scale of the proposed development,
- the location of the site in an established, serviced urban area,
- and the separation distance to the nearest European site.
- No specific mitigation measure have been proposed to enable this determination.

In consideration of the above conclusion, there is no requirement therefore for a Stage 2 Appropriate Assessment (and for the submission of a Natura Impact Statement - NIS).

10.0 Environmental Impact Assessment (EIA)

10.1 This application was submitted to the Commission after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

10.1.1 The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report (Prepared by McGill Planning – Dated May 2025) and I have had regard to same. The submitted report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size at 1.25 hectares, number of residential units (145) and the fact that the proposal is unlikely to give rise to significant environment effects, a formal EIAR is not required. In addition, detailed and comprehensive assessments have been undertaken to assess/ address all potential planning and environmental issues relating to the development; these are included in support of the application.

10.1.2 The Planning Authority reported that the development was below threshold and 'EIAR is not a mandatory requirement'. They noted the submitted EIA Screening Report.

10.1.3 Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

10.1.4 Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: "Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the

relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

- 10.1.5 Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Commission determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 10.1.6 The applicant submitted an EIA Screening Statement with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.
- 10.1.7 The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including *inter alia*:
 - Planning Report (McGill Planning May 2025)
 - Architectural Design Rationale (BKD Architects June 2025)
 - Photomontages (Visual Lab March 2025)
 - Townscape and Visual Impact Assessment (Model Works, June 2025)
 - Daylight and Sunlight Analysis (IN2 May 2025)
 - Traffic Impact Assessment (BMCE May 2025)
 - Infrastructure Report (BMC May 2025)
 - Site Specific Flood Risk Assessment (BMCE May 2025)

- Ecological Impact Assessment (Altemar May 2025)
- Appropriate Assessment Screening (Altemar May 2025)
- Environmental Noise Survey (Traynor Environmental Ltd., May 2025)
- Microclimate Wind Analysis and Pedestrian Comfort Report (IN2, March 2025)

10.1.8 The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

10.1.9 I have completed an EIA screening assessment as set out in Appendix 2 and 3 of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

10.1.10 A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

11.0 Water Framework Directive

11.1 The subject site is located approximately 290m to the north west of the River Dodder.

11.2 The proposed Large Scale Residential Development (LRD) comprises of the construction of a residential development of 145 units in the form of 70 one bedroom and 75 two bedroom apartment units, a creche and cultural/ community/ art space 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.

11.5 Conclusion

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

12.0 Conditions and Recommendations Table

The following table summarises the conditions/ recommendations of the Dublin City Council grant of permission and how they will be addressed in a decision to grant permission:

Dublin City Council Condition/ Recommendation	Recommended Relevant Condition
1. Development to be undertaken in accordance with the plans and details submitted.	Condition No.1
2. Development Contribution of €1,329, 593.50 in accordance with Section 48 Development Contribution Scheme.	Addressed through Condition no. 26 details to be agreed with DCC.

3. Development Amendments to be agreed in writing prior to commencement of works: a) Screen of 1.5m in height in certain locations	Condition no. 2. I have also included the provision of a piece of artwork as requested by the Dublin City Council Parks Department.
4. Details of materials and finishes. Fourth floor to be finished in light coloured brick material.	Condition no. 4 – I have revised to include all elevations in brick or similar material but not render. Details to be agreed with DCC.
5. Details of cultural/ community spaces including management, intended hours of operation, schedule of opening and full details of internal layout in agreement with the studio operator. Works to be at the developer's expense.	Condition no. 3.
6. Full details of the external signage of the creche/ community/ cultural space.	Addressed through Condition no. 6
7. Limit on advertising/ banners, flags etc on the building, curtilage or attached to glazing.	Addressed through Condition no. 6
8. Sound levels to be controlled.	Not required public health legislation.
9. No additional development at roof level.	Not required, this would be an enforcement issue.
10. Section 96 agreement for Part V housing.	Addressed through Condition no. 24 details to be agreed with DCC.
11. Details of development/ street names to be agreed.	Condition No. 5.
12. Maintenance/ management of public open space which shall be taken in charge.	Addressed through Condition no. 16 details to be agreed with DCC.
13. Cash bond to protect trees on or adjacent to the site.	Not required, no trees of importance on site.
14. Employment of a qualified landscape architect during the site development works.	Addressed through Condition no. 16.
15. Employment of a qualified arborist during the site development works.	Addressed through Condition no. 16.
16. Biodiversity mitigation and monitoring in accordance with the submitted EclA and Biodiversity Enhancement Plan.	Addressed through Condition no. 20.
17. Archaeological monitoring of the site.	Addressed through Condition no. 18.
18. Indicate on a map areas not to be taken in charge and provide details of a management plan.	Addressed through Condition no. 17.
19. Transportation requirements: a) Revisions to the junction with Kimmage Road West. b) Set-down loading space	Conditions as follows: a) Addressed through Condition no. 9 details to be agreed with DCC.

<ul style="list-style-type: none"> c) No gates across the site entrance d) Car parking to be allocated e) Electric charging for 50% of the parking spaces and rest to be future proofed. f) Implement measures in the submitted Residential Travel Plan g) Key/ fob access to bicycle parking h) Details of e-bike parking i) Stage 3 Road Safety Audit j) Cost to be at the expense of the developer 	<ul style="list-style-type: none"> b) Addressed through Condition no. 9 details to be agreed with DCC. c) Addressed through Condition no. 10(a) and 10(b) details to be agreed with DCC. d) Addressed through Condition no. 9 details to be agreed with DCC though no gates are proposed. e) Addressed through Condition no. 11 details to be agreed with DCC. f) Addressed through Condition no. 13 g) Addressed through Condition no. 12 details to be agreed with DCC. h) Addressed through Condition no. 12 details to be agreed with DCC. i) Addressed through Condition no. 9 details to be agreed with DCC. j) Addressed through Condition no. 9 details to be agreed with DCC.
<p>20. Requirements of Drainage Division to be met in full:</p> <ul style="list-style-type: none"> a) Provision of SuDS. b) Details of connection to public surface water system to be agreed. c) Provision of a separate foul and surface water drainage system. d) Investigation of surface water details. e) Outfall to be in accordance with GDSDS. f) Private drainage/ infrastructure to be within the site area. g) Works in public locations to be agreed with DCC. 	Addressed through Condition no. 14
<p>21. Comply with the requirements of Uisce Éireann</p>	Addressed through Condition no. 15
<p>22. Support the provision of telecommunications to the site.</p>	Condition no.8 support the provision of broadband.
<p>23. Details of refuse storage and recycling on site.</p>	Addressed through Condition no. 19 details to be agreed with DCC.
<p>24. Provision of a suitable Construction Management Plan and Construction Traffic Management Plan.</p>	Addressed through Condition no. 22 and 23, details to be agreed with DCC.
<p>25. Comply with requirements of the Drainage Division, Transportation Planning Division and Noise & Air Pollution Section.</p>	Addressed through Condition no. 9, 14 and 22, details to be agreed with DCC.
<p>26. Bond to ensure completion of works including public infrastructure.</p>	Addressed through Condition no. 25 details to be agreed with DCC.

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. I am satisfied that this subject site, which is 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 145 apartment units and note the following:

- 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 proposed development provides for a creche and community/ cultural/ art space.
- The area is well served by public transport and active travel measures. The bus network has been recently improved through Phase 7 of the Bus Connects Network Review.
- 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.
- 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.

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) A section of the site is located on lands with a zoning Objective 'Z10 - Inner Suburban and Inner City Sustainable Mixed-Uses' with the objective: 'To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses' in the Dublin City Development Plan 2022 - 2028.
- (iii) 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,
- (iv) to Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness,
- (v) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (vi) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (vii) the Design Standards for Apartments, Guidelines for Planning Authorities, July 2025,
- (viii) the Climate Action Plan 2024 and the Climate Action Plan 2025,
- (ix) the availability in the area of a wide range of social and transport infrastructure,
- (x) to the pattern of existing and permitted development in the area,
- (xi) Planning Report and supporting technical reports of Dublin City Council,
- (xii) to the submissions and observations received,

(xii) the Inspectors report;

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 Draft Order

15.1 Application:

For permission under the Planning and Development Act 2000 as amended, in accordance with plans and particulars, lodged with An Coimisiún Pleanála on the 15th of September 2025 by 1 Terenure Land Limited.

Proposed Development:

- 145 Apartments in five blocks, up to five storeys in height, car parking, bicycle parking, creche, community/ culture/ arts space and all associated site works, including Uisce Éireann upgrades along Kimmage Road West.

Appeal:

Third-Party appeal by the Kimmage Dublin Residents Alliance against the decision to grant permission subject to conditions as issued by Dublin City Council.

15.2 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.

15.3 Matters Considered:

In making its decision, the Commission 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 observations received by it in accordance with statutory provisions.

In coming to its decision, the Commission 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) A section of the site is located on lands with a zoning Objective 'Z10 - Inner Suburban and Inner City Sustainable Mixed-Uses' with the objective: 'To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses' in the Dublin City Development Plan 2022 - 2028.
- (iii) 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,
- (iv) to Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness,
- (v) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (vi) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (vii) the Design Standards for Apartments, Guidelines for Planning Authorities, July 2025,
- (viii) the Climate Action Plan 2024 and the Climate Action Plan 2025,
- (ix) the availability in the area of a wide range of social and transport infrastructure,
- (x) to the pattern of existing and permitted development in the area,
- (xi) Planning Report and supporting technical reports of Dublin City Council,
- (xii) to the submissions and observations received,
- (xiii) the Inspectors report;

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.

15.4 Appropriate Assessment (AA):

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a site in an established urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report documentation and the Inspector's report.

In completing the screening exercise, the Commission agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

15.5 Environmental Impact Assessment (EIA):

The Commission completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands governed by zoning objective Z1, 'To protect, provide and improve residential amenities' and Z10, 'To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses' in the Dublin City Development Plan 2022 - 2028, and the results of the strategic environmental assessment of the Dublin City Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to the site,
- The availability of mains water and wastewater services to serve the proposed development,
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction Management Plan.

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:

15.6 The Commission considered the proposed development to be 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. They were satisfied that this subject site, which is located in an established urban area in Kimmage, on appropriately zoned lands, with a range of services available and which is in an

accessible location, is suitable for the development of 145 apartment units and they note the following:

- The location of the site within an established urban area. This vacant undeveloped site is located in Kimmage, within the Dublin City administrative area and which has an established history of residential development.
- 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 proposed development provides for a creche and community/ cultural/ art space.
- The area is well served by public transport and active travel measures. The bus network has been recently improved through Phase 7 of the Bus Connects Network Review.
- 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.
- 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 Commission 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 urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

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. The proposed development shall be amended as follows:

(a) Screening to a height of 1.5m shall be provided to all balconies above the ground floor level in the western elevation of Block 1, the eastern elevation of Blocks 4 and 5 and the northern side of all balconies facing the boundary with the houses on Captain's Road. These screens to be designed to prevent overlooking but shall allow for sunlight penetration.

(b) A suitable piece of artwork shall be provided by the developer subject to a design brief with a limited competition between 5 artists selected from a panel. The developer may seek advice from the Dublin City Council's Public Arts Officer. The artwork will be completed to a high standard of artistic quality and installed within 6 months of the completion of the development.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. Full details of the occupation of the cultural/ community/ cultural space shall be provided by the developer/ occupier for the written agreement of the Planning Authority prior to occupation of this space. Details to include the nature of the occupation, indicative layout, date of first occupation, intended houses of use, and full details of noise mitigation measures were required by the Planning Authority.

Reason: In the interest of residential amenity and in the interest of community/ cultural infrastructure provision.

4.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 clarity and visual amenity.

5. 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.

6. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the proposed buildings (or within the curtilage of the site) in such a manner as to be visible from outside the buildings, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. 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.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. The road network serving the proposed development, including turning bays, the junction with Kimmage Road West, parking areas, footpaths and kerbs, access road to service areas, provision of suitable set-down/ pick-up areas/ service delivery areas and the undercroft car park shall be in accordance with the detailed construction standards of the Planning Authority for such works. A Stage 3 Road Safety Audit shall be provided in accordance with the requirements of Dublin City Council. 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.

10. (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 as indicated 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) Car parking for the creche and the community/ cultural/ art space shall be clearly identified for that purpose only.
- (c) 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.

11. A minimum of 50% of all car parking spaces serving the apartment units should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces. 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. A total of 465 no. bicycle parking spaces, room for cargo bicycles and E-Bikes with suitable infrastructure, 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.

13. The developer shall implement in full the recommendations of the submitted Residential Mobility Management Plan which shall be overseen by an appointed Mobility Manager.

Reason: In the interest of promotion of sustainable transport.

14. 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

15. 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.

16. a) 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.

b) Full details of site management to be agreed with the Planning Authority prior to the commencement of development.

c) A fully qualified Landscape Architect, and a fully qualified Arborist shall be employed during the site clearance and landscaping phases of the development.

Reason: In the interest of residential and visual amenity.

17. (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.

18. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

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

19. (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.

20. The developer shall implement in full the recommendation of the Ecological Impact Assessment and the Biodiversity Management Plan.

Reason: In the interest of ecology and biodiversity development.

21. 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. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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
15th December 2025

Appendix 1: Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>A Large Scale Residential Development (LRD) for 145 apartment units, creche, community/ cultural/ art space and all associated site works on lands to the north of Kimmage Road West, Dublin 12.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The subject site with a stated net area of 1.25 hectares (gross site area is 1.9 hectares), comprises lands to the north of the Kimmage Road West, Dublin 12. The site is located to the rear of a large 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 access road which serves the gym and in turn this will provide access to the subject site.</p> <p>Potential Impact Mechanisms:</p> <p>Construction Phase:</p> <ul style="list-style-type: none"> • Uncontrolled releases of dust, sediments and/or other pollutants to air due to earthworks – can be ruled out due to distance to designated sites. • Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies or surface water network - can be ruled out due to distance to designated sites and use of CMP. • Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater -

	<p>can be ruled out due to distance to designated sites.</p> <ul style="list-style-type: none"> • Waste generation during the construction phase comprising soils and construction wastes can be ruled out due to distance to designated sites. • Spread of invasive species - can be ruled out due to distance to designated sites. • Increased noise, dust and/or vibrations arising from construction activity - can be ruled out due to distance to designated sites. • Increased dust and air emissions arising from construction traffic - can be ruled out due to distance to designated sites. • Increased lighting in the vicinity arising from construction activity - can be ruled out due to distance to designated sites. • Increased human presence and activity arising from construction activity - can be ruled out due to distance to designated sites. <p>Operational Phase:</p> <ul style="list-style-type: none"> • Hydraulic/organic overloading of Ringsend WWTP leading to the release of untreated sewage into the River Liffey and associated downstream European sites. • Surface water drainage from the Site of the Proposed Development. • Increased lighting at the Site and in the vicinity emitted from the proposed development - can be ruled out due to distance to designated sites. • Increased human presence and activity at the Site and in the vicinity as a result of the Proposed Development - can be ruled out due to distance to designated sites.
--	--

	<ul style="list-style-type: none"> • Loss of ex-situ habitat for SCI species of European sites – does not arise.
Screening report	Y - The Applicant submitted an Appropriate Assessment Screening Report dated May 2025.
Natura Impact Statement	N
Relevant submissions	The appeal did not raise any issues of concern in relation to Appropriate Assessment.

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

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connection ²	Consider further in screening ³ Y/N
• South Dublin Bay and River Tolka Estuary SPA (004024)	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141]	6.33 km to the east	Indirect only: <ul style="list-style-type: none"> • Surface water to River Poddle. • Wastewater will go via the public foul drainage system, to be treated at the Ringsend Wastewater Treatment Plant before discharge. 	N <ul style="list-style-type: none"> • During the operational phase of the development, surface water drainage will be in accordance with the policies/guidelines of the Greater Dublin Strategic Drainage Study (GDSDS) and also in accordance with the

	<p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>	<p>requirements of Dublin City Council. The surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the Dublin Bay system is unlikely to occur.</p> <ul style="list-style-type: none"> • Foul drainage will be through the existing foul drainage system. <p>Considering the distance from the site to Dublin Bay, there is no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.</p>
--	--	---

	(NPWS, March 2015)			
• North Bull Island SPA (004006)	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p>	9.49 km to the north east	<p>Indirect only:</p> <ul style="list-style-type: none"> • Surface water to River Poddle. • Wastewater will go via the public foul drainage system, to be treated at the Ringsend Wastewater Treatment Plant before discharge. 	<p>N</p> <ul style="list-style-type: none"> • During the operational phase of the development, surface water drainage will be in accordance with the policies/guidelines of the Greater Dublin Strategic Drainage Study (GDSDS) and also in accordance with the requirements of Dublin City Council. The surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the Dublin Bay

	Dunlin (<i>Calidris alpina</i>) [A149] (NPWS, March 2015)			system is unlikely to occur.
• North-West Irish Sea SPA (00423 6)	Red-throated Diver (<i>Gavia stellata</i>) [A001] Great Northern Diver (<i>Gavia immer</i>) [A003] Fulmar (<i>Fulmarus glacialis</i>) [A009] Manx Shearwater (<i>Puffinus puffinus</i>) [A013]	11.3km to the north east	<ul style="list-style-type: none"> • Foul drainage will be through the existing foul drainage system. <p>Considering the distance from the site to Dublin Bay, there is no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.</p>	<p>N</p> <ul style="list-style-type: none"> • During the operational phase of the development, surface water drainage will be in accordance with the policies/guidelines of the Greater Dublin Strategic Drainage Study (GDSDS)

	<p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Great Black-backed Gull (<i>Larus marinus</i>) [A187]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p>			<p>and also in accordance with the requirements of Dublin City Council. The surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the Dublin Bay system is unlikely to occur.</p> <ul style="list-style-type: none"> • Foul drainage will be through the existing foul drainage system. <p>Considering the distance from the site to Dublin Bay, there is no significant risk of any pollutants from the development site impacting on any</p>
--	---	--	--	--

	Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204] Little Gull (<i>Hydrocoloeus minutus</i>) [A862] Little Tern (<i>Sternula albifrons</i>) [A885] (NPWS, September 2023)			Natura 2000 sites.
• South Dublin Bay SAC (000210)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of	6.4 km to the east	Indirect only: • Surface water to River Poddle. • Wastewater will go via the public foul drainage system, to be	N • During the operational phase of the development, surface water drainage will be in accordance

	<p>drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]</p> <p>(NPWS, August 2013)</p>		<p>treated at the Ringsend Wastewater Treatment Plant before discharge.</p>	<p>with the policies/guidelines of the Greater Dublin Strategic Drainage Study (GDSDS) and also in accordance with the requirements of Dublin City Council. The surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the Dublin Bay system is unlikely to occur.</p> <ul style="list-style-type: none"> • Foul drainage will be through the existing foul drainage system. <p>Considering the distance from the site to Dublin Bay, there is</p>
--	--	--	---	---

				no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.
• North Dublin Bay SAC (000206)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]	9.50 km to the north east	Indirect only: <ul style="list-style-type: none">• Surface water to River Poddle.• Wastewater will go via the public foul drainage system, to be treated at the Ringsend Wastewater Treatment Plant before discharge.	N <ul style="list-style-type: none">• During the operational phase of the development, surface water drainage will be in accordance with the policies/guidelines of the Greater Dublin Strategic Drainage Study (GDSDS) and also in accordance with the requirements of Dublin City Council. The surface water drainage design will have full regard to SUDs. The proposed surface water

	<p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with white dunes (<i>Ammophila arenaria</i>) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalwort (<i>Petalophyllum ralfsii</i>) [1395]</p> <p>(NPWS, November 2013)</p>			<p>drainage system will ensure that the risk of pollutants entering the Dublin Bay system is unlikely to occur.</p> <ul style="list-style-type: none"> • Foul drainage will be through the existing foul drainage system. <p>Considering the distance from the site to Dublin Bay, there is no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.</p>

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

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<ul style="list-style-type: none"> • South Dublin Bay and River Tolka Estuary SPA (004024) 	<p>Direct: None</p> <p>Indirect:</p>	<p>None</p> <ul style="list-style-type: none"> • During the operational phase of the development, surface

(QIs as above)	<ul style="list-style-type: none"> Operations Stage Surface water drainage Operation Stage Foul drainage 	<p>water drainage will be in accordance with the policies/guidelines of the Greater Dublin Strategic Drainage Study (GDSDS) and also in accordance with the requirements of Dublin City Council. The surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the Dublin Bay system is unlikely to occur.</p> <p>Foul drainage will be through the existing foul drainage system.</p> <p>Considering the distance from the site to Dublin Bay, there is no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.</p>
	<p>Likelihood of significant effects from proposed development (alone): N</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>No. No development adjacent to the subject site of a similar scale. All similar development would be subject to AA Screening.</p>	
	<p>Possibility of significant effects (alone) in view of the conservation objectives of the site*</p>	
Impacts	Effects	
North Bull Island SPA (004006)	<p>Direct: None</p> <p>Indirect:</p> <ul style="list-style-type: none"> Operations Stage Surface water drainage 	<p>None</p> <ul style="list-style-type: none"> During the operational phase of the development, surface water drainage will be in accordance with the policies/guidelines of the Greater Dublin Strategic Drainage Study (GDSDS) and also in accordance with the requirements of Dublin City Council. The surface water

	<ul style="list-style-type: none"> • Operation Stage Foul drainage 	<p>drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the Dublin Bay system is unlikely to occur.</p> <ul style="list-style-type: none"> • Foul drainage will be through the existing foul drainage system. <p>Considering the distance from the site to Dublin Bay, there is no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.</p>
	Likelihood of significant effects from proposed development (alone): N	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>No. No development adjacent to the subject site of a similar scale. All similar development would be subject to AA Screening.</p>	
• North-West Irish Sea SPA (004236)	<p>Impacts</p> <p>Direct: None</p> <p>Indirect:</p> <ul style="list-style-type: none"> • Operations Stage Surface water drainage 	<p>Effects</p> <p>None</p> <ul style="list-style-type: none"> • During the operational phase of the development, surface water drainage will be in accordance with the policies/guidelines of the Greater Dublin Strategic Drainage Study (GDSDS) and also in accordance with the requirements of Dublin City Council. The surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the Dublin Bay system is unlikely to occur.

	<ul style="list-style-type: none"> • Operation Stage Foul drainage 	<ul style="list-style-type: none"> • Foul drainage will be through the existing foul drainage system. <p>Considering the distance from the site to Dublin Bay, there is no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.</p>
	Likelihood of significant effects from proposed development (alone): N	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>No. No development adjacent to the subject site of a similar scale. All similar development would be subject to AA Screening.</p>	
• South Dublin Bay SAC (000210)	<p>Impacts</p> <p>Direct: None</p> <p>Indirect:</p> <ul style="list-style-type: none"> • Operations Stage Surface water drainage • Operation Stage Foul drainage 	<p>Effects</p> <p>None</p> <ul style="list-style-type: none"> • During the operational phase of the development, surface water drainage will be in accordance with the policies/guidelines of the Greater Dublin Strategic Drainage Study (GDSDS) and also in accordance with the requirements of Dublin City Council. The surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the Dublin Bay system is unlikely to occur. • Foul drainage will be through the existing foul drainage system. <p>Considering the distance from the site to Dublin Bay, there is</p>

		no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.
	Likelihood of significant effects from proposed development (alone): N	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>No. No development adjacent to the subject site of a similar scale. All similar development would be subject to AA Screening.</p>	
Impacts	Effects	
• North Dublin Bay SAC (000206)	<p>Direct: None</p> <p>Indirect:</p> <ul style="list-style-type: none"> • Operations Stage Surface water drainage • Operation Stage Foul drainage 	<p>None</p> <ul style="list-style-type: none"> • During the operational phase of the development, surface water drainage will be in accordance with the policies/guidelines of the Greater Dublin Strategic Drainage Study (GDSDS) and also in accordance with the requirements of Dublin City Council. The surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the Dublin Bay system is unlikely to occur. • Foul drainage will be through the existing foul drainage system. <p>Considering the distance from the site to Dublin Bay, there is no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.</p>

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

I conclude that the proposed development (alone) would not result in likely significant effects on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North West Irish Sea SPA and North Bull Island SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North West Irish Sea SPA and North Bull Island SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- these sites' Conservation Objectives,
- having regard to the nature and scale of the proposed development,
- the location of the site in an established, serviced urban area,
- and the separation distance to the nearest European site.
- No specific mitigation measure have been proposed to enable this determination.

In consideration of the above conclusion, there is no requirement therefore for a Stage 2 Appropriate Assessment (and for the submission of a Natura Impact Statement - NIS).

Appendix 2

EIA Pre-Screening

An Coimisiún Pleanála Case Reference		ACP-323664-25			
Proposed Development Summary		145 Apartments in five blocks, up to five storeys in height, car parking, bicycle parking, creche, community/ culture/ arts space and all associated site works, including Uisce Éireann upgrades along Kimmage Road West.			
Development Address		Carlisle, Kimmage Road West, Terenure, Dublin 12.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes <input checked="" type="checkbox"/>			
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?					
Yes	✓	Class 10. Infrastructure Projects – (b)(i) Construction of more than 500 dwelling units (iv) Urban Development		Proceed to Q3.	
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?					
Yes					
No	✓	Class 10. Infrastructure Projects –		Proceed to Q4	

		<p>(b)(i) Construction of more than 500 dwelling units: 145 units proposed – below threshold.</p> <p>(b)(iv) Urban Development – Site area is 1.26 hectares, not in a business district and site is below the 10 hectares threshold for a built up area.</p>	
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
N/A			

5. Has Schedule 7A information been submitted?			
No			
Yes	✓	Screening Determination required	

Inspector: _____ Date: _____

Appendix 3: EIA Screening Determination:

A. CASE DETAILS		
An Coimisiún Pleanála Case Reference	ACP-323664-25	
Development Summary	145 Apartments in five blocks, up to five storeys in height, car parking, bicycle parking, creche, community/ culture/ arts space and all associated site works, including Uisce Éireann upgrades along Kimmage Road West.	
	Yes/ No/ N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	Below threshold and therefore no need for an EIA in this case.
2. Has Schedule 7A information been submitted?	Yes	Environmental Impact Assessment Screening Report – Dated May 2025
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening has been submitted – Dated May 2025.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Ecological Impact Assessment Report – Dated May 2025. Arboricultural Assessment, Impact Statement & Method Statement – Dated April 2025

B. EXAMINATION	<p>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>		
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>The development proposes the provision of residential development in the form of apartment units within the urban area of</p>	<p>No.</p>

	Kimmage, Dublin 12. The development would not be out of character with such existing uses.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	The proposed development will result in the construction of residential development on lands that are zoned for residential development.	No.
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as	No.

	significant in nature.	
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	<p>Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and other such substances.</p> <p>Such use will be typical of construction sites. Any impacts would be local and temporary in nature and the implementation of the submitted Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this</p>	No.

	regard are anticipated.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily	No.

	<p>mitigate potential impacts. Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	<p>No significant risk identified subject to the implementation of appropriate mitigation measures.</p> <p>The operation of the Construction Management Plan will satisfactorily mitigate emissions from spillages during construction.</p> <p>The operational development will connect to mains services.</p>	No.

	Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will	No.

	mitigate potential operational impacts.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of the submitted Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.	No.
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk having regard to the nature and	No.

	<p>scale of development.</p> <p>Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location in Kimmage.</p>	
1.10 Will the project affect the social environment (population, employment)	<p>The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land</p>	No.

	uses, which are characterised by residential development. Employment will be generated during the construction phase.	
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	There are other similar developments in the area which have been granted permission/ are constructed.	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the	No European sites located on or adjacent to the site. An Appropriate Assessment Screening was provided in support of the application. No adverse effects are foreseen	No.

<p>preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>	<p>and no site specific mitigation measures are proposed.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>No adverse affects on designated sites are foreseen.</p>	<p>No.</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>There is no known archaeology on this site, however appropriate measures are provided in the submitted Archaeology Assessment provided in support of this application.</p>	<p>No.</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example:</p>	<p>There are no such features that arise in this location.</p>	<p>No.</p>

forestry, agriculture, water/coastal, fisheries, minerals?		
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	<p>None on site.</p> <p>A site-specific flood risk assessment was prepared, and no issues of concern were identified.</p> <p>The site is located within Flood Zone C, with a section of the access road within Zones A/B. No development is proposed here.</p>	No.
2.6 Is the location susceptible to subsidence, landslides or erosion?	No such impacts are foreseen.	No.
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The access to the site will be from an existing access road to the north of Kimmage Road West.	No.
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which	None identified.	No.

could be significantly affected by the project?		
3. Any other factors that should be considered which could lead to environmental impacts		
Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	Some cumulative traffic impacts may arise during construction and operational stages, though construction traffic would be subject to a construction traffic management plan.	No.
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No trans-boundary effects arise as a result of the proposed development.	No.
3.3 Are there any other relevant considerations?	No.	No.
C. CONCLUSION		
No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

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 existing use on the site and pattern of development in surrounding area,
- c) The availability of mains water and wastewater services to serve the proposed development,
- d) The location of the development outside of any sensitive lands,
- e) 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),
- f) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001 as amended, and
- g) 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.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 4: WFD IMPACT ASSESSMENT STAGE 1: SCREENING						
Step 1: Nature of the Project, the Site and Locality						
An Coimisiún Pleanála ref. no.	ACP-323664-25	Townland, address	Carlisle, Kimmage Road West, Kimmage, Dublin 12.			
Description of project		145 Apartments in five blocks, up to five storeys in height, car parking, bicycle parking, creche, community/ culture/ arts space and all associated site works, including Uisce Éireann upgrades along Kimmage Road West.				
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 implemented by the developer 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' – dated August 2025.					
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 – dated August 2025.					
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	A number of SuDS features are incorporated	No	Screen out at this stage.	

					into the development		
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