



An
Coimisiún
Pleanála

Inspector's Report

ACP-323764-25

Development

Ten year permission for a Large-Scale Residential Development (LRD). Demolition of buildings and construction of 1,131 apartments in twelve blocks ranging from three to thirteen storeys in height and re-use of buildings. The site contains protected structures. An EIAR accompanies the application.

(www.holycrosscollegelrd.ie)

Location

Lands at the former Holy Cross College, Clonliffe Road, Dublin 3 and Drumcondra Road Lower, Drumcondra, Dublin 9.

Planning Authority

Dublin City Council (DCC)

Planning Authority Reg. Ref.

LRD6076/25-S3

Applicant

CWTC Multi Family ICAV

Type of Application

Large-scale Residential Development (LRD)

Planning Authority Decision

Grant Permission

Type of Appeal	Third Party v Grant of Permission
Appellants	1. Ciarán Lynam & Anne Loughlin
Observer(s)	None
Date of Site Inspection	24 th November 2025
Inspector	Anthony Kelly

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Pre-Application Opinion	8
4.0 Planning Authority Decision	9
5.0 Planning History.....	13
6.0 Policy Context.....	18
7.0 The Appeal	18
8.0 Planning Assessment	21
9.0 Environmental Impact Assessment (EIA)	45
10.0 Appropriate Assessment (AA) Screening	74
11.0 Water Framework Directive (WFD)	75
12.0 Recommendation	77
13.0 Reasons and Considerations	77
14.0 Conditions	81

Appendix 1 – Appropriate Assessment (AA) Screening

Appendix 2 – Water Framework Directive (WFD)

1.0 Site Location and Description

- 1.1. The site is located within the grounds of the former Holy Cross College on the north side of the city. The southern boundary has frontage onto Clonliffe Road, at the junction with Jones Road, approximately 100 metres north of Croke Park, and the western boundary has frontage onto Drumcondra Road Lower, immediately north of the Archbishop's House. The site is irregularly shaped and it contains a number of existing structures, including a number of protected structures under the record of protected structures (RPS) reference 1901, and open space areas. The structures are generally in the central and south western areas of the site. The property is generally unoccupied and unused.
- 1.2. To the north west of the site there is frontage onto Drumcondra Road Lower. This boundary comprises a wall and internal tree line. There are houses/properties addressing Drumcondra Road Lower further north along the road outside the site boundary. To the north there is further undeveloped land, and the River Tolka which flows in an easterly direction. To the east there is Belvedere rugby grounds and residential development such as The Distillery and Corn Mill and houses on Susanville Road. A seven storey hotel development is under construction adjacent to the south east of the site addressing Clonliffe Road, adjacent to the east of the existing/proposed access. There are two and three storey properties along Clonliffe Road set back from the road to the south, and a recently constructed four storey apartment development on Holycross Avenue. The grounds of Mater Dei and the Archbishop's House are to the south west.
- 1.3. The site has an area of approx. 8.7 hectares gross and approx. 8.25 hectares net.

2.0 Proposed Development

- 2.1. Permission is sought for a ten-year LRD. The proposed development comprises:
 - Demolition of a number of former office/college buildings (6,327sqm) including the New Wing and Library Wing buildings (non-original/late 20th century).
 - 1,131 apartments (see table 2.2) as follows:

- 12 blocks (A1-A4, B1-B4, C1A, C1B, C2, and D2) from three to thirteen storeys in height containing between 37 (B2) and 234 (A1) studio/apartment units.
- Conversion of the two-to-four storey protected structures Seminary and South Link buildings (E2) to accommodate 56 units.
- Residential tenant amenity space and communal spaces.
- Renovation of protected structures Holy Cross Chapel and Assembly Hall buildings for community/cultural uses. Works to protected structures include refurbishment and alterations to the Seminary building, conservation and restoration of the South Link building, restoration of the Holy Cross Chapel, conservation and restoration of the Assembly Hall, retention of the Ambulatory and restoration and conservation of the Cloister Garden, and works to Drumcondra Road Lower boundary wall entrance.
- 23,842sqm (29.89%) public open space.
- Creche in Block A4 and retail unit in Block A1.
- Widened entrance on Clonliffe Road at the junction with Jones' Road and widening/reopening of an existing access point on Drumcondra Road Lower opposite Hollybank Road (left-in left-out). No vehicular access through the site. Cyclist and pedestrian access through Holycross Avenue and relocated entrance to the Archbishop's House.
- Landscaping, boundary treatments, lighting, solar PV panels on all residential blocks excluding The Seminary, drainage etc.

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

Table 2.1 – Key Figures

Site Area (Gross / Net)	8.7 hectares / 8.25 hectares
Number of Units	1,131 studios and apartments (see table 2.2)
Height	Two to thirteen storeys
Density (units per hectare (uph))	137uph
Dual Aspect	56%

Open Space / Amenities	<p><u>Public Open Space</u></p> <p>23,842sqm (29.89%) of the site area including woodland walk, games area, playground.</p> <p><u>Communal Open Space</u></p> <p>10,323sqm adjacent to each block and at roof level of A1-A4.</p> <p><u>Amenities</u></p> <p>Public – Creche (587sqm) and retail unit (306sqm). Holy Cross Chapel and Assembly Hall (2,048sqm) for use as community/cultural uses as well as part of the Ambulatory and Cloister Garden (1,952sqm).</p> <p>Communal – 1,989sqm of residential tenant amenity space</p>
Pedestrian / Cycle Infrastructure	<p>Active travel permeability through the site. Accesses through the main Clonliffe Road and Drumcondra Road Lower access points and through Holycross Avenue west of the Clonliffe Road access.</p> <p>Two mobility hubs are proposed forming a focus for car club (eight spaces), bike and scooter hire, maintenance/washing stations, and parcel collection.</p>
Car and Bicycle Parking	<p><u>Car</u> – 382 spaces (345 residents, 21 visitor, 8 short-stay/drop-off, and 8 car club)</p> <p><u>Bicycle</u> – 2,619 spaces (1,981 residents, 638 visitor / staff)</p> <p>Car and bicycle spaces at basement, podium, and surface levels.</p>

Part V	113 units (39 studio, 11 1-bed, and 63 2-bed units in Blocks A2 and A3)
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Table 2.2 – Overall Unit Breakdown

	Bedroom Number						
Type	Studio	1-Bed	2-Bed (3P)	2-Bed (4P)	3-Bed	4-Bed	Total
Apartments	268	282	2	390	132	57	1,131
Total	268 (23.7%)	282 (24.9%)	2 (0.2%)	390 (34.5%)	132 (11.7%)	57 (5.0%)	1,131 (100%)

- 2.3. The red line site boundary primarily contains land under the applicant's control but also some areas under the control of Dublin City Council (DCC) (public roads), Croke Park (to the north, east, and south east), and the St. Laurence O'Toole Diocesan Trust (Archbishop's House). Letters of consent from these have been submitted with the application. Four phases are set out on drawing no. CLN-BMD-00-ZZ-DR-C-3007 (Phasing Plan). Phase 1A (Blocks B4, C1A, C1B, Chapel and Assembly Hall), phase 1B (Block D2), phase 2 (Blocks A1-A4), and phase 3 (Blocks B1-B3 and Seminary and South Link buildings). Page 7-16 of Volume 2 of the EIAR envisages an approximate five-year construction period.
- 2.4. Four existing buildings (Seminary and South Link buildings, Holy Cross Chapel and Assembly Hall) are to be retained on site and incorporated into the development as well as the retention of The Ambulatory and some open space areas. These are all in the general central and south west areas of the site. The proposed buildings are proposed in the north west area, the central area around the open space, and adjacent to the Clonliffe Road access opposite the under-construction hotel.
- 2.5. The proposed development would connect to the Irish Water foul system at three locations. Two connections are to the 675mm combined sewer running across the undeveloped land to the north of the site with the third connection on Clonliffe Road. Surface water would be attenuated prior to discharge into the River Tolka (at two

locations) with the exception of Building C2 which would discharge into the combined sewer on Clonliffe Road. Sustainable urban drainage systems (SuDS) would be incorporated including green blue roofs, permeable paving, filter drains, rain garden, and shallow infiltration systems. Surface water run-off will go through a minimum of two-stage treatment prior to discharge by gravity into the receiving systems.

2.6. The Environmental Impact Assessment (EIA) Portal ID number is 2025112.

2.7. In addition to standard plans and particulars the planning application was accompanied by a number of supporting documents. These include, but are not limited to:

- 'Environmental Impact Assessment Report' (EIAR) dated 4th July 2025 in three volumes: volume 1 (Non-Technical Summary), volume 2 (Main Text), and volume 3 (Appendices).
- 'Appropriate Assessment Screening Report' (AA Screening) dated 27th June 2025.
- 'Planning Report & Statement of Consistency' (PR&SC) dated July 2025.
- 'Site Strategy & Architect's Design Statement' (SS&ADS) dated June 2025.
- 'Response to LRD Opinion' dated July 2025.
- 'Final Architectural Heritage Impact Assessment' dated July 2025.
- 'Part V Overview' dated April 2025.

3.0 Planning Authority Pre-Application Opinion

3.1. The LRD meeting (PA Ref. LRD6076/24-S2) took place on 18th December 2024 between the applicant and DCC.

3.2. In the LRD Opinion subsequently issued the planning authority was of the opinion that the documentation submitted constituted a reasonable basis for an LRD application, subject to a number of issues being addressed. The issues were set out under the following headings: planning, parks division, transportation planning, drainage planning policy and development control section, conservation and built heritage, and archaeology.

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. DCC granted permission subject to 21 conditions. There are no notably unusual conditions generally attached to the decision, although condition 12 contains a number of detailed and development-specific subsections relating to the protected structures further to the Conservation Section report.

4.2. Planning Authority Reports

- 4.2.1. One Planning Report was prepared by DCC. This includes relevant planning policy, a site description, a planning history, and a summary of third party submissions and internal and external reports. A planning assessment was also set out. Some of the sub-headings in this assessment can be summarised as follows:
 - 4.2.2. *Principle of development* – The planning authority fully supports the residential development of the site.
 - 4.2.3. *Demolition* – On balance, the proposed demolition would not have a significant negative impact on the architectural character and setting of the protected structures.
 - 4.2.4. *Residential development standards* – The development is assessed against the Apartment Guidelines (2025). The broad range of apartment sizes are welcomed.
 - 4.2.5. *Public open space* – Public open space provision (29%) exceeds the 25% required. The design approach to the public open space is welcomed.
 - 4.2.6. *Communal space* – Provision is well in excess of requirements and the spaces are adequately overlooked.
 - 4.2.7. *Design and materials* – Previous concerns raised have been adequately dealt with in the application. Reduced heights, increased setbacks, and revised massing will provide a more sensitive and appropriate relationship with the surrounding context.
 - 4.2.8. *Impacts of the proposed development* – The plot ratio and site coverage are low; however the development has been designed to respond to the protected structures and parkland setting. In relation to height and scale, 'On balance, the Planning Authority have no objection to the proposed height of the blocks which have been

considered in relation to their context in particular the existing residential properties and the protected structures. The site is considered to be capable of absorbing taller heights in specific locations and it is considered that the overall development is unlikely to result in any overly dominant form in the streetscape'. Though the visual impact will be significant, key features of the site will be maintained. The proposed development is 'not considered to have a serious negative impact on the long-term visual amenities of the area which must be balanced against the sustainable and efficient use of land ...' Daylight and sunlight impact to existing properties would be limited and adverse but this is offset by the need to achieve wider planning objectives.

- 4.2.9. *Appropriate assessment* – There is no real likelihood of significant effects arising. 'The Planning Authority can conclude that the proposed works are not foreseen to give rise to any significant adverse effects on any designated European sites, alone or in combination with other plans or projects'.
- 4.2.10. *EIA* – '(I)t appears that all environmental issues have been adequately addressed and the Planning Authority can determine that based on the information provided that no significant environmental impacts are likely to arise as a result of the proposed development'.
- 4.2.11. *Dublin City Development Plan 2022-2028 Compliance* – 'It is considered that the proposed development, subject to the conditions attached, does not materially contravene the relevant policies and objectives of the Dublin City Development Plan 2022-2028'.

Other Technical Reports

- 4.2.12. **Transportation Planning Division** – Detailed commentary was provided. A grant with conditions was recommended.
- 4.2.13. **Engineering Department Drainage Division** – No objection subject to conditions.
- 4.2.14. **Conservation Section** – Detailed commentary was provided. A grant of permission was recommended with conditions set out.
- 4.2.15. **Archaeology Section** – Commentary was provided and a condition was recommended.
- 4.2.16. **Environmental Health Officer** – Commentary was provided and conditions that should be attached were set out related to noise control and air quality.

4.3. Prescribed Bodies

Uisce Éireann – A Confirmation of Feasibility has been issued advising that water and wastewater connections are feasible without infrastructure upgrades.

An Taisce – While higher density development is welcome in principle at this site the protected structures require care. Commentary is provided in this regard.

4.4. Third Party Submissions

4.4.1. Eight submissions were received by DCC from residents of the general area, a TD, and a resident's association. The main issues raised, apart from the single issue referenced within the grounds of appeal, can be broadly and briefly summarised as follows:

- While the mix of units proposed is welcomed it is very likely all units will only be available for rent, which is unwelcome / at least 113 affordable units should be provided / specific Part V detail
- Build-to-rent development / proposed tenure / transient population
- Public access to proposed community and cultural uses, proposed GAA pitches, and public pedestrian and cyclist permeability
- Under provision of community and cultural space / inadequate commercial floorspace proposed
- Liaison committee established for the construction phase / general construction phase nuisance
- Impact on the character of Clonliffe Road/area / excessive height / impact on ecclesiastical buildings
- Errors in the application / inadequate assessment
- Traffic hazard/congestion on Clonliffe Road/Drumcondra and Hollybank Roads / inadequate car parking provision / traffic management / increased public transport necessary
- Impact on residential amenity
- Fire safety

- Pressure on existing services
- Flood risk
- Thirteen storey building should be relocated
- Devaluation of property

5.0 Planning History

- 5.1. The recent relevant planning history on site and in the immediate vicinity can be summarised as follows:

On site

- 5.2. ABP Ref. ABP-310860-21 – In 2021 the Board granted a strategic housing development (SHD) for demolition of a number of buildings and construction of 1,614 build-to-rent apartments in twelve blocks ranging in height from two to eighteen storeys with associated residential tenant amenity, a creche, a retail unit, a café, car parking, landscaping etc. This permission was subsequently quashed by the High Court following judicial review.
- 5.3. PA Ref. 3270/21 / ABP Ref. ABP-311748-21 – In 2023, the Board, following a third party appeal of the decision of DCC to grant permission, granted permission for the removal of artefacts of a Liturgical and Religious nature from Holy Cross Chapel (RPS 1901) to facilitate their reinstatement in appropriate locations. This permission was subsequently quashed by the High Court following judicial review.

Adjacent to the north on the adjoining undeveloped land

- 5.4. PA Ref. 0145/24 – In 2024 DCC decided that the laying out and use of land as playing pitches for recreational use and where no charge is made for admission of the public is development and is exempt development.

Adjacent to the south east at Clonliffe Road access point

- 5.5. PA Ref. 2935/20 / ABP Ref. ABP-308193-20 – In 2021, the Board, following third party appeals of the decision of DCC to grant permission, granted permission for a development on a 0.51 hectare site comprising a part-two to part-seven storey 200

bedroom hotel and ancillary development. This development is currently under construction.

6.0 Policy Context

6.1. Project Ireland 2040 National Planning Framework First Revision (2025) (NPF)

6.1.1. The NPF is the long-term 20-year strategy for strategic planning and sustainable development of Ireland's urban and rural areas to 2040, with the core objectives of securing balanced regional development and a sustainable 'compact growth' approach to the form and pattern of future development. It is focused on delivering 10 National Strategic Outcomes.

6.1.2. Relevant National Policy Objectives (NPOs) include:

NPO 4 – A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

NPO 8 – Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.

NPO 12 – Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

NPO 20 – In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 22 – In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.

NPO 43 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.2. Delivering Homes, Building Communities (2025)

- 6.2.1. This document aims to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030, which will be achieved through the individual and collective effort of the key delivery partners. Local authorities, together with Approved Housing Bodies, the Land Development Agency, and the construction sector, will be critical to delivering and enabling the delivery of the quantum of homes needed over the lifetime of the plan. This is a wide-ranging strategy, encompassing two pillars: Activating Supply and Supporting People.

6.3. Climate Action Plan (CAP) 2025

- 6.3.1. CAP 2025 is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021. It lays out a roadmap of actions which will ultimately lead Ireland to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022. It should be read in conjunction with CAP 2024.

6.4. Ireland's 4th National Biodiversity Action Plan 2023-2030

- 6.4.1. This aims to deliver the transformative changes required to the ways in which we value and protect nature. It strives for a 'whole of government, whole of society' approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to 'act for nature'.

6.5. Architectural Heritage Protection Guidelines for Planning Authorities (2011)

- 6.5.1. These guidelines are a practical guide for planning authorities and for all others who must comply with Part IV of the Planning & Development Act, 2000 (as amended) on the protection of architectural heritage.

6.6. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

- 6.6.1. The Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. There is a renewed focus in the Guidelines on, inter alia, the interaction between residential density, housing standards, and quality urban design and placemaking to support sustainable and compact growth.
- 6.6.2. I consider the site to be in the ‘City – Urban Neighbourhoods’ category of table 3.1 which ‘includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses ... all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork’.
- 6.6.3. I further address the issue of density in paragraphs 8.3.3-8.3.7.

6.7. Planning Design Standards for Apartments Guidelines for Planning Authorities (2025)¹

- 6.7.1. These set national planning policy and guidance in relation to the planning and development of apartment schemes. Fulfilling commitments set out in the NPF will require a substantial increase in housing output of all types, and in particular the delivery of apartments at central and accessible urban locations. The overall purpose of the Guidelines is to strike an effective regulatory balance, ensuring that apartment development meets the needs of society in terms of standards and quality, while promoting an increased level of output overall.

¹ The planning application was received by DCC on 9th July 2025, the day the Guidelines came into effect.

6.8. Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)

- 6.8.1. These Guidelines are intended to set out national planning policy guidelines. Reflecting the NPF strategic outcomes in relation to compact urban growth, there is significant scope to accommodate anticipated population growth and development needs by building up and consolidating the development of our existing urban areas. I further address the issue of building height in paragraphs 8.3.8-8.3.14.

6.9. Quality Housing for Sustainable Communities Best Practice Guidelines (2007)

- 6.9.1. The aim of the Guidelines is to identify principles and criteria that are important in the design of housing.

6.10. Childcare Facilities Guidelines for Planning Authorities (2001)

- 6.10.1. These Guidelines provide a framework to guide local authorities in preparing development plans and assessing applications for planning permission and developers and childcare providers in formulating development proposals. They are intended to ensure a consistency of approach throughout the country to the treatment of applications for planning permission for childcare facilities.

6.11. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) 2019-2031

- 6.11.1. The RSES provides for the development of nine counties / twelve local authority areas, including DCC. It is a strategic plan which identifies regional assets, opportunities, and pressures, and provides appropriate policy responses in the form of Regional Policy Objectives. It provides a framework for investment to better manage spatial planning and economic development throughout the region.

6.12. Dublin City Development Plan (DCDP) 2022-2028

Zoning

- 6.12.1. The vast majority of the subject site area is zoned 'Zone Z12 Institutional Land (Future Development Potential)' (Z12). There are very limited areas along the northern edge

of the site zoned 'Zone Z1 Sustainable Residential Neighbourhoods' (Z1) and 'Zone Z9 Amenity / Open Space Lands / Green Network' (Z9).

- 6.12.2. There are a number of protected structures identified on the zoning map and a sites and monuments record (DU018-019001)². There is an objective indicated for a 'Roads, Street, and Bridge Schemes' in a north-south direction through the grounds of the College lands³.

Density and Building Height

- 6.12.3. Appendix 3 (Achieving Sustainable Compact Growth Policy for Density and Building Height in the City) relates to density and building height. Table 1 of the appendix gives a density range of 60-120uph for 'outer suburbs'. There are no building height caps set out in the Plan though there are a number of relevant policies. Density and building height are assessed in paragraphs 8.3.3-8.3.14.

Apartments

- 6.12.4. Apartment standards are set out in sub-section 15.9 of volume 1. The Sustainable Urban Housing: Design Standards for New Apartments (December 2020), 'or any other future amendment thereof' (i.e. the 2025 Guidelines as applicable to this application), sets out specific planning policy requirements (SPPRs) for apartment developments and should be referenced as part of any planning application for apartment developments.

Protected Structures

- 6.12.5. There are a number of protected structures on site. Chapter 11 (Built Heritage and Archaeology) is relevant. The city's heritage is key to the city's character, identity, and authenticity and is a vital social, cultural, and economic asset for the development of the city.

² This is known as the Red House which is adjacent to the east of, but not within, the subject site boundary.

³ I do not consider that the proposed development would preclude the future provision of an active travel bridge across the River Tolka.

Objective CUO25

- 6.12.6. Objective CUO25 requires that large scale developments above 10,000sqm must provide at a minimum for 5% community, arts, and culture spaces. This is further addressed in section 8.4 of this report.

Other Matters

- 6.12.7. Given the nature of the proposed development there are a number of chapters in volume 1 of the Plan that are relevant e.g. chapter 4 (Shape and Structure of the City), chapter 5 (Quality Housing and Sustainable Neighbourhoods), chapter 10 (Green Infrastructure and Recreation), and chapter 15 (Development Standards). These are referenced within the Assessment section of this report where relevant. Some appendices to the Plan are also relevant, such as appendix 3.

6.13. Natural Heritage Designations

- 6.13.1. The nearest area of natural heritage designation is Royal Canal proposed natural heritage area (pNHA) approximately 300 metres to the south of the site. The closest European site is South Dublin Bay and River Tolka Estuary special protection area (SPA) approximately 1.5km to the east. The closest special area of conservation (SAC) is South Dublin Bay SAC approximately 4km to the south east. All distances are in a direct line.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. One appeal has made against the DCC decision to grant permission. It is from Ciarán Lynam and Anne Loughlin with an address on Drumcondra Park, Drumcondra, approximately 300 metres south of the site. The main issues raised can be summarised as follows:
- The applicant failed to submit 'Estimated Costs' or 'Approximate Costs' as part of the application for the Part V component as provided for and referenced within:

- Article 3 of the Planning & Development (Amendment) (No 3) Regulations, 2015,
 - Section 16 (ii) of the Planning Application Form,
 - Part V Guidelines published by the Housing Agency in May 2024,
 - Department of the Environment, Community and Local Government Circular PL 10/2015 and Housing Circular 36/2015.
- The failure to submit approximate costs negates DCC's Part V Validation Letter.
 - The 'Part V Overview' document does not contain detail on approximate costs. This is clear from documentation examined online and at the public counter of the DCC Planning Department.
 - DCC did not seek further information on this issue.
 - The Board should seek detail of the Part V approximate costs.
 - DCC did not make their LRD Opinion public while the application was under consideration as required by legislation.

7.2. Applicant's Response

7.2.1. The applicant's response comprises both a letter from the applicant's agent and supporting legal opinion. The response can be summarised as follows:

- The primary request is that the appeal is dismissed as being frivolous and without substance or foundation as provided for in the Planning & Development Act, 2000 (as amended), and supported by the accompanying legal opinion. Without prejudice to this request, a response to the appeal is also provided.
- The application documents as submitted with the application to DCC included Part V estimated costs in the Part V booklet. This booklet was and remains available on the application website. National media coverage of same is referenced.
- DCC condition 20 requires a Part V agreement to be entered into. The Commission can only apply a condition in the same terms. Potential costs and other details can only be ascertained post-planning, and this is reflected in statutory provisions and guidance.

- There are no discernible planning issues regarding a planning response to the LRD Opinion not being placed on DCC's planning portal until around 2nd September 2025.
- If the appeal is not dismissed the Commission is requested to dispose of the appeal as expeditiously as possible.

7.3. Planning Authority Response

- 7.3.1. DCC request that the Commission upholds the planning authority's decision and if permission is granted it is requested that conditions relating to payment of both a development contribution and a bond, social housing, naming and numbering, and a management company are attached.

7.4. Observations

- 7.4.1. None received.
- 7.4.2. In letters dated 6th November 2025 the Commission invited the Development Applications Unit, An Chomhairle Ealaíon, Fáilte Ireland, and The Heritage Council to make a submission or observation to the Commission, in the interests of justice, given the presence of protected structures and a recorded monument. No submissions or observations were received.

7.5. Further Responses

- 7.5.1. On foot of the applicant's response to the appeal both the appellants and DCC were invited to make a submission or comment in relation to same given the particular circumstances and in the interests of justice.
- 7.5.2. A response from the appellants only was received. The main issues raised can be summarised as follows:
- Further to the dismissal request, estimated costs were not included in the 17 page Part V booklet uploaded to the DCC planning portal.
 - DCC did not seek further information in relation to Part V approximate costs.

- The appeal should not be dismissed given the statutory obligation to submit estimated costs and the absence of same from the planning documentation uploaded to DCC's planning portal and viewed at the public counter.
- It is acknowledged that the absence or non-inclusion of estimated costs is contested by the applicant and the Commission is relied on to adjudicate on review of the planning file received from DCC in reaching a determination.

8.0 Planning Assessment

In terms of assessing the planning application there are four separate elements: a planning assessment, an environmental impact assessment (EIA), an appropriate assessment (AA), and the water framework directive (WFD). This planning assessment section should be read in conjunction with these other sections.

Having examined the application details and all other documentation on file, including the grounds of appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal, other than those set out within the EIA, AA, and WFD are as follows:

- Principle of Development
- Part V and the Grounds of Appeal
- General Overview of the Proposed Development
- Objective CUO25 of the Dublin City Development Plan (DCDP) 2022-2028
- Ten-Year Permission
- Planning Authority Conditions

8.1. Principle of Development

- 8.1.1. The vast majority of the subject site area is zoned 'Zone Z12 Institutional Land (Future Development Potential)' (Z12). Subsection 14.7.12 of the DCDP 2022-2028 states that when these lands are redeveloped the predominant land use will be residential. Permissible uses on Z12 zoning, in the context of the proposed development, are

childcare facility, community facility, cultural/recreational building and uses, open space, residential, and shop (local).

- 8.1.2. There are very limited areas along the northern edge of the site zoned 'Zone Z1 Sustainable Residential Neighbourhoods' (Z1) and 'Zone Z9 Amenity / Open Space Lands / Green Network' (Z9). Proposed development within the Z1 area comprises part of the footprint of Block A4.1 and ancillary open space, vehicular circulation, and ESB substation. 'Residential' is a permissible land use on Z1 land and I consider the proposed uses to be consistent with this. Proposed development within the Z9 area comprises open space and subsurface surface water infrastructure connecting the site to the River Tolka. I consider these uses to be acceptable under the zoning commentary under subsection 14.7.9 of the DCDP 2022-2028 and I note the surface water sewers facilitate on-site SuDS.
- 8.1.3. I consider the proposed development is acceptable on site in terms of zoning and proposed uses and no material contravention issue arises in this regard.

8.2. Part V and the Grounds of Appeal

- 8.2.1. Only one appeal was received by the Commission on foot of the DCC decision. The sole issue raised relates to Part V and the information submitted with the application.

Requirement for Part V detail

- 8.2.2. The appeal cites various legislation and guidance relating to the requirement for Part V detail:
- Article 22 (2)(e)(ii) of the Planning & Development Regulations, 2001 (as amended)⁴ (the 2001 Regulations) – 'A planning application ... shall be accompanied by – in the case of an application for permission for the development of houses or of houses and other development, to which section 96 of the Act applies, details as to how the applicant proposes to comply with a condition referred to in sub-section (2) of that section⁵ to which the permission if granted,

⁴ Referenced in the appeal as article 3 of the Planning and Development (Amendment)(No. 3) Regulations 2015.

⁵ Section 96 (2) of the Planning & Development Act, 2000 (as amended) states 'A planning authority, or the Board on appeal, shall require as a condition of a grant of permission that the applicant, or any other person with an interest in the land to which the application relates, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, enter into

would be subject, including – details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions in Part V of the Act’.

- Item 16 (ii) of the DCC Planning Application Form cites article 22 (2)(e)(ii) as an example of detail which must be provided as part of the application to demonstrate how it is proposed to comply with Part V.
- ‘Part V Resource Pack 4th Edition Concluding Part V Agreements’ dated May 2025 and published by The Housing Agency is referenced. This provides a step-by-step guide to negotiating a Part V agreement. Subsection 2.5 (Guidance on preparing Part V element of planning application) is relevant and section 3 (Planning application submitted) cites article 22 (2)(e).
- Circular PL 10/2015 and Housing Circular 36/2015 published by the Department of Environment, Community and Local Government advises on implementation of article 22 (2)(e) and validation of planning applications. Appendix A notes that ‘estimated costs’ are required to be submitted with the application.

8.2.3. I address the foregoing where required in the assessment of this issue.

Background

8.2.4. A ‘Part V Overview’ document dated April 2025 was submitted in support of the application. It included a ‘Validation Letter – Part V’ dated 14th May 2025 from the Housing Department of DCC stating that Part V discussions have been engaged in ‘and an agreement in principle to comply with ... Part V requirement has been reached’. The letter concluded by stating that the Planning Department requires ‘a Part V Schedule of Accommodation & Approximate Costs’ to accompany the Validation Letter. A letter from the applicant dated 13th May 2025 was also included. This confirmed the applicant’s proposal to comply with Part V requirements for the purpose of making the application, noting that ultimate agreement can only be made post-decision. The proposal is for 113 apartments in Blocks A2 and A3 (in the north western area of the site). The total estimated costs for the 113 units (39 studios, 11 1-

an agreement under this section with the planning authority, providing, in accordance with this section, for the matters referred to in paragraph (a) or (b) of subsection (3)’.

bed apartments, and 63 2-bed apartments) is €64,573,439. Various costs breakdowns are outlined. Their locations and floor plans were provided.

- 8.2.5. The appellants made a submission to DCC. It stated that they were unable to find ‘any detail within the application on anticipated costs, range of costs or approximate costs to DCC and by extension the taxpayer in the purchase of this Part V accommodation’. It is stated that the applicant failed to provide detail in relation to calculations and methodology for calculating various values, costs, and profit as per the application form. The appellants consider there was insufficient engagement between the applicant and DCC to allow a full assessment and there is a ‘lack of clear commitment by the applicant on the provision of Part V housing units ...’ There is also reference to affordable housing in the applicant’s Planning Report & Statement of Consistency. The appellants suggested further information be sought before the application was further considered.
- 8.2.6. DCC granted permission without seeking further information. Although the appellant’s observation was very briefly summarised within section 4 (Observations) of the DCC Planning Report there was no further consideration of Part V within the report. DCC condition 20 is a standard Part V condition.
- 8.2.7. The grounds of appeal are summarised in subsection 7.1. Although a response to the grounds of appeal was received by the Commission from the planning authority, it did not engage with the issue raised.

Request to dismiss the appeal and the applicant’s response

- 8.2.8. While I acknowledge the applicant’s position in relation to the dismissal of the appeal, I am satisfied that the core matter raised in the grounds of appeal can be addressed in this report and by the Commission because the appeal raises similar matters to those cited in the submission to DCC and these issues were not addressed or engaged with by DCC in its Planning Report.
- 8.2.9. The applicant’s response to the grounds of appeal is set out in subsection 7.2.
- 8.2.10. The appellants’ further response to the applicant’s response is summarised in subsection 7.5.

Assessment

8.2.11. Article 22 (2)(e) of the Planning & Development Regulations, 2001 (as amended), requires an application for housing to which section 96 of the 2000 Act applies to be accompanied by details of how the applicant proposes to comply with a condition that the applicant or other person with an interest in the land enters into an agreement with the planning authority for, for example, transfer of land or transfer upon completion of houses to the planning authority or persons nominated by the planning authority. In relation to this particular appeal, subsection (ii) refers to details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs, and other related costs such as an appropriate share of any common development works, as required to comply with the provisions in Part V of the 2000 Act.

8.2.12. Circular PL10/2015 and Housing Circular 36/2015 provides advice to planning authorities in relation to the implementation of article 22 (2)(e). The minimum detail that is required is set out and the Circular states that only where an applicant fails to submit the minimum required detail should the application be invalidated on the grounds of non-compliance with article 22 (2)(e). The three broad items that need to be included are as follows, as well as my commentary as to whether they were submitted with the application.

8.2.13. 1. How the applicant intends to discharge his/her Part V obligation as regards a selection of a preferred option from the options available under legislation.

The applicant's letter dated 13th May 2025 'confirms' the applicant's 'proposal to comply with the requirements of Section 96 (Part V) of the Act in relation to the development of the Property', though notes it would be subject to possible amendment and agreement with DCC. The letter identifies the six options that are available. Although in my opinion it is not explicitly set out in the letter, the letter clearly implies that transfer of 113 completed apartments in Blocks A2 and A3 is the preferred option identified by the applicant.

8.2.14. 2. Details in relation to the units or land to be provided.

The Part V Overview dated April 2025 contains a site layout plan identifying Blocks A2 and A3, a Part V mix summary, and floor plan layout drawings identifying the residential units proposed as part of Part V.

8.2.15. 3. Financial aspects.

It is clear from the application documentation that the applicant proposes the transfer of 113 studios and apartments to DCC. A page outlining the financial aspects was submitted, entitled 'Proposed figures for further discussion/agreement'. The overall estimated cost indicated was €64,573,439 based on the cumulative cost of the relevant studios, one-bedroom, and two-bedroom apartments in Blocks A2 and A3 that make up the 113 units. The estimated cost per unit type and the number of each unit type is provided. The letter dated 13th May 2025 states that the methodology for estimation of the costs 'follows that set out in Table 2 of Circular Letter 10/2015'. Figures are provided for construction cost, developer's profit, 'developers on cost' [sic], land cost, and VAT.

8.2.16. I consider that the planning application was accompanied by the information that it was required to have been accompanied by insofar as it relates to Part V detail. It is clear that the developer proposes the transfer of 113 studios and apartments, the exact location of these is identified, and estimated financial costs to DCC have been set out. Ultimately the applicant's Part V obligation will be agreed between the applicant and planning authority should permission be granted, or by the Commission where such an agreement cannot be reached, as per the standard Part V condition.

8.2.17. It appears from the grounds of appeal and the appellants' further response that the estimated costs page of the Part V Overview may have been redacted by DCC or may not otherwise have been available to the appellants⁶. This is a procedural matter for DCC as opposed to the Commission, but it appears to me that this information was submitted as part of the planning application, and therefore a valid application was made in relation to Part V information. Though DCC has not engaged with the grounds of appeal the relevant Part V detail was provided to the Commission by DCC.

Other Matters

8.2.18. The grounds of appeal suggest that the Commission seeks further information on detail of the Part V approximate costs under section 132 of the Planning &

⁶ I note from an inspection of the publicly available DCC Planning Portal on 15th December 2025 that the estimated costs page was not included in the Part V Overview document dated April 2025. The applicant's response to the grounds of appeal states 'The Part V Booklet containing the cost estimates was and remains available for public inspection on the dedicated LRD application website ...' On my inspection of this on 15th December 2025 the estimated costs page was visible in the document .

Development Act, 2000 (as amended). However, notwithstanding that I do not consider this to be necessary, given the applicant had an opportunity to address the issue in its response to the grounds of appeal, section 132 does not allow the Commission to seek further information on an LRD application⁷.

- 8.2.19. The appellants also state that the LRD Opinion issued by DCC was not made public when the application was made, as required. It is stated the Opinion was uploaded to the DCC planning portal on the day the decision to grant was made (2nd December 2025). In my opinion this is a procedural matter for DCC and not an issue for the Commission to comment on or which would affect the decision made in relation to this appeal.

Conclusion

- 8.2.20. The grounds of appeal focus on a single issue, the absence of estimated Part V costs from the application. I am satisfied that this detail was submitted as part of the planning application, however it appears to have been redacted by DCC and not made available as part of the public file. This is a procedural matter for DCC. I am satisfied that the required Part V detail was submitted with the application and has been provided to the Commission by DCC.

8.3. General Overview of the Proposed Development

- 8.3.1. Although not issues raised in the grounds of appeal or issues of concern cited in the DCC Planning Report, I consider it appropriate to provide a brief overview of general issues such as density, building height, site layout, design, and impact on existing and future residential amenity, in the interest of completeness. A number of relevant documents were submitted with the application such as the PR&SC, SS&ADS, and a Housing Quality Assessment (HQA).
- 8.3.2. Table 15.1 of the DCDP 2022-2028 sets out the thresholds for various reports to be included in a planning application. As per subsection 7.3 of the applicant's PR&SC, each one of these has been submitted with the planning application with the exception

⁷ Section 132 (1) states 'Where the Board is of opinion that any document, particulars or other information may be necessary for the purpose of enabling it to determine an appeal or referral, the Board may, in its absolute discretion, serve on any party, or on any person who has made submissions or observations to the Board in relation to the appeal or referral, as appropriate, *other than the applicant for permission in the case of an LRD appeal*, a notice under this section ...' (italics added)

of a Noise Assessment and Retail Impact Assessment as these are not necessary given the thresholds set out⁸. I consider the application is consistent with this requirement of the DCDP 2022-2028 and no material contravention issue arises

Density

- 8.3.3. The proposed development has a density of approximately 137uph. The DCC Planning Report does not comment specifically on the proposed density.
- 8.3.4. Appendix 3 (Achieving Sustainable Compact Growth Policy for Density and Building Height in the City) of the DCDP 2022-2028 gives a density range of 60-120uph for 'outer suburbs'. Policy SC11 (Compact Growth) of the Plan encourages compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors. Subsection 3.2 (Density) of the appendix states that a development which proposes a density higher than the general density range for the location may still be considered acceptable, subject to the performance criteria set out in table 3 of the appendix.
- 8.3.5. Having regard to the outlined performance criteria I have no concern with the proposed density and I consider that the proposed development meets the identified performance criteria which is required to be satisfied in order for a development of a density, in excess of the prevailing character or the general ranges set out in the Plan, to be considered acceptable. In this regard, the provisions of paragraphs 8.3.11 and 8.3.12 also apply to the issue of density. I am therefore satisfied that no material contravention issue arises in the context of density.
- 8.3.6. Policy SC10 of the DCDP 2022-2028 states that it is the policy of DCC 'To ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), (Department of Environment, Heritage and Local Government, 2009), and its companion document, Urban Design Manual: A Best Practice Guide and any amendment thereof'. The 2024 Guidelines have replaced the 2009 Guidelines.

⁸ Subsection 7.3 of the PR&SC indicates that an Operational Management Statement is not applicable. However, the threshold is 30 or more residential units. I note that a Property Management Strategy Report was submitted with the application, so this appears to be a typographical error.

8.3.7. I consider the site to be within the 'City – Urban Neighbourhoods' area of table 3.1 of the Guidelines, as set out in paragraph 6.6.2. A wide residential density range of 50-250uph is applicable in this area. The proposed density of 137uph sits very comfortably within the lower mid-range of the density outlined in the 2024 Guidelines. While it is a relatively low density in the context of the applicable density range, the architectural heritage present on site and the requirement for 25% public open space provision must be borne in mind. As such I consider the proposed density to be appropriate in the context of the Guidelines, and therefore consistent with the provisions of the DCDP 2022-2028 as per policy SC10.

Building Height

8.3.8. There are twelve proposed blocks ranging in height from three to thirteen storeys as illustrated on page 38 of the applicant's SS&ADS. The greater height is generally focused in the north west corner, away from the existing built heritage areas. The applicant considers that the effective baseline has been set on site by the Seminary which is the equivalent height to a six-storey building (page 36 of the SS&ADS).

8.3.9. While there are no building height caps set out in the DCDP 2022-2028 there are a number of relevant policies. Policy SC14 refers to the Building Height Guidelines (2018), policy SC15 supports an adequate mix of uses in proposals for larger scale developments, policy SC16 recognises the predominantly low rise character of the city whilst also recognising the potential and need for increased height in appropriate locations, and policy SC17 seeks to protect and enhance the skyline of the city and ensure that all proposals with enhanced scale and height have regard to identified criteria. Appendix 3 of the Plan is based on the Building Height Guidelines (2018).

8.3.10. Appendix 3 identifies certain locations 'as generally suitable and appropriate for accommodating a more intensive form of development, including increased height' (sub-section 4.1). One of these is 'Public Transport Corridors'. Drumcondra Road Lower is a core bus corridor for the Swords Road – City Centre route. The site is also well within 1km of Drumcondra Commuter Rail Station. In 'Outer City (Suburbs)' locations, heights greater than four storeys will be considered on a case by case basis.

8.3.11. Table 3 (Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale) of appendix 3 sets out ten objectives to assess in urban schemes of enhanced density and scale. I consider that the proposed development would be

consistent with these objectives and would be acceptable in terms of enhance building height in the context of table 3 of appendix 3 for reasons including:

- the substantial site area,
- the retention and protection of architectural heritage and the reuse of existing buildings,
- the distinctiveness of the design strengthening the urban character of the area,
- the location in an area of high public transport accessibility,
- the appropriate density,
- the provision of non-residential floorspace,
- the very good mix of residential units proposed,
- the quantity and quality of open space provision and retention of trees, and,
- permeability for active travel.

8.3.12. The appendix also identifies key criteria which all proposals for increased urban scale and height must demonstrate. I consider that the proposed development would be consistent with these criteria, for reasons including those set out in the previous paragraph, as well as, for example, the regeneration of a substantial brownfield site within the built-up footprint of the city, the proximity to commercial properties and educational facilities along Drumcondra Road Lower and Drumcondra Road Upper and within walking distance of the city centre, the low to very low risk of flooding, the appropriate design response, and the availability of adequate infrastructural capacity.

8.3.13. The DCDP 2022-2028 requires a masterplan for any site over 0.5 hectares. A 'Site Masterplan' dated June 2025 was submitted with the application. Subsection 8.2 of the DCC Planning Report states 'As part of the S247 process a masterplan for the site was agreed with the Planning Authority setting out the vision and structure for the redevelopment of the lands'. As such, I am satisfied that the DCDP 2022-2028 has been appropriately addressed.

8.3.14. Having regard to the foregoing I consider that the proposed development is consistent with the key criteria which all proposals for increased urban scale and height must demonstrate, as per page 220 (appendix 3) of the DCDP 2022-2028, and no material contravention issue arises.

Site Layout

- 8.3.15. The proposed 'A' blocks are in the north western area of the site, 'B' blocks are along the area between the existing Seminary building and proposed GAA pitches, the 'C' blocks are east of the Chapel and adjacent to Clonliffe Road opposite the under-construction hotel, and the 'D' block is in the south eastern area of the site, north east of the under-construction hotel and adjacent to an existing residential area. Significant areas of open space are also proposed. The site layout provides full permeability for active travel uses, but not for vehicles other than service and emergency vehicles. The footprints of the proposed buildings are positioned so that visibility is retained on site of the protected structures such as the Seminary, South Link, and Chapel.
- 8.3.16. Four character areas are identified: Drumcondra Quarter in the north east (proposed 'A' Blocks), Archbishop's Avenue along the spine between the Red House and Archbishop's House (proposed 'B' Blocks), Holycross in the southern area (proposed 'C' Blocks), and Clonliffe Quarter in the south east area (proposed 'D' Blocks). According to the SS&ADS these character areas are 'defined by the immediate context as well as the nature of the spaces they generate'.
- 8.3.17. I consider the proposed site layout to be acceptable and it maintains views of the built heritage structures on site.

Public and Communal Open Space

Public open space

- 8.3.18. The vast majority of the site area is zoned 'Z12 Institutional Land (Future Development Potential)'. Subsection 14.7.12 of the DCDP 2022-2028 relates to Z12 zoned land and it states 'a minimum of 25% of the site will be required to be retained as accessible public open space to safeguard the essential open character and landscape features of the site ... the minimum 25% public open space shall not be split up into sections/fragmented ...'
- 8.3.19. 25% of the 8.25 hectares net site area is 2.0625 hectares (20,625sqm). Page 47 of the PR&SC states that 23,842sqm (29%) public open space has been provided, significantly in excess of that required. The SS&ADS states this space is 'positioned at the heart of the scheme, in substantial and useable areas, enjoying the backdrop of the built and landscape heritage' (page 30). Substantial portions of the public open

space provision is centrally located with visibility of the architectural heritage structures. Other features of the public open space areas, as set out in the General Arrangement Plan (drawing no. L4-100), includes a woodland walk, dog park, games garden, seating areas, and a natural play area.

8.3.20. I am satisfied that the proposed public open space provision is acceptable both quantitatively and qualitatively and no material contravention issue arises.

Communal open space

8.3.21. Communal open space is provided adjacent to public open space areas. I have calculated that 6,925sqm communal open space is required⁹. Page 31 of the SS&ADS states that 10,323sqm communal open space is provided, significantly in excess of the minimum required.

8.3.22. Communal open space requirements in the DCDP 2022-2028 reflect those of the 2020 Apartment Guidelines. As these are the same as used to calculate the requirement for 6,925sqm the proposed development provides significantly in excess of the minimum communal open space required under the Plan.

8.3.23. Both the public and communal open space areas are separate to the 1,952sqm cited as being part of the cultural, community, and arts open space provision.

Design

8.3.24. The applicant's SS&ADS has identified four 'material character areas' where the external materials of the proposed buildings respond to their surroundings and these are described in detail. They are:

- City Edge – The blocks in proximity to the public roads/public areas. Proposed material is red brick and metal.
- Internal Zone – The blocks in proximity to the retained built heritage structures. Proposed material is white/grey brick and metal.
- Red House Setting – This reflects a limited part of Blocks B4 and D2 close to the Red House. Proposed material is both red and white brick and metal. The

⁹ Using the areas set out in the appendix of the 2025 Apartment Guidelines and, in the absence of areas for four-bedroom units, using the 9sqm figure identified for the three-bedroom units.

transition heights of both proposed blocks steps down on the sides facing Red House.

- Amenity Edge – The blocks framing the proposed GAA pitches. Proposed material is red/checkered buff/buff brick with charcoal metal.

8.3.25. Blocks throughout the site have different design features which subtly reflect the different locations that are found throughout the site e.g. close to and visible from the public roads, in proximity to the built heritage structures that are to be retained and incorporated into the development, and overlooking and close to the proposed GAA pitches and the River Tolka. I consider that the design differences, changes in external materials, and varying heights within the blocks result in a development which reflects the character of the area of the site within which the individual blocks are located, is visually interesting and avoid monotony, would strengthen the urban character of the area, and, overall, the proposed development is an appropriate and acceptable design response to the site location and its particular features.

Residential Amenity / Apartment Guidelines (2025)

8.3.26. Section 15.9 of the DCDP 2022-2028 states that the Apartment Guidelines (2020) 'or any future amendment thereof' should be referenced as part of any planning application for apartment developments. The planning application was received by DCC on 9th July 2025. The provisions of the Apartment Guidelines (2025) came into effect on 9th July 2025. The application cover letter notes this and states, 'As this application has been finalised prior to their publication no reference to these Guidelines is included however noting the contents of the Guidelines the proposed development exceeds the revised standards and is therefore in compliance'.

8.3.27. There are a number of tenant amenity features proposed in addition to the publicly accessible areas e.g. co-working areas, entertainment rooms, lounges, gyms, and family spaces. Two mobility hubs are proposed close to each vehicular entrance.

8.3.28. The SPPRs in the 2025 Guidelines are as follows, with a brief commentary on how the proposed development complies, or otherwise.

SPPR 1 – (A) As this relates to the content of statutory plans it is not relevant. (B) This does not apply to this application as the mix is not restricted by a statutory plan.

SPPR 2 – As the proposed development complies with the 2020 Apartment Guidelines it complies with the revised 2025 standards (floor areas).

SPPR 3 – 56% of apartments are dual aspect, in excess of the 25% required.

SPPR 4 – As the proposed development complies with the 2020 Apartment Guidelines it complies with the revised 2025 standards (ground floor floor to ceiling height).

SPPR 5 – This relates to no restriction on the number of units per floor per core.

SPPR 6 – This states ‘The provision of new Communal, Community and Cultural facilities within apartment schemes shall only be required in specific locations identified within the development plan and shall not be required on a blanket threshold-based approach in individual apartment schemes’. Nonetheless this space has been proposed as part of the application. This is also addressed in subsection 8.4.

SPPRs 7 and 8 – As these relate to shared accommodation/co-living and purpose-built student accommodation, they are not relevant to this application.

8.3.29. No private open space is provided for the proposed units within the Seminary building. Subsection 15.9.7 (Private Amenity Space) of the DCDP 2022-2028 refers to the 2020 Apartment Guidelines, which, as per paragraph 8.3.26, has been replaced by the 2025 Guidelines. Paragraph 3.39 of the 2020 Guidelines states that ‘For building refurbishment schemes on sites of any size ... private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality’. Subsection 3.8 (Private Amenity Space) of the 2025 Guidelines contains similar commentary to the 2020 Guidelines in this regard. Given the status of this building as a protected structure I consider that not providing private open space within this building is acceptable as having to do so would likely result in significant unacceptable alterations to the exterior of the structure. On this basis I am satisfied that no material contravention arises in the non-provision of private open space to these units given the Plan’s reference to and reliance on the Guidelines in relation to apartment development.

8.3.30. There are 57 four-bed units proposed. This is not a type contained in the Apartment Guidelines (either 2020 or 2025). However, it is included within table 5.1 (Space provision and room sizes for typical dwellings) of the Quality Housing for Sustainable Communities Guidelines (2007). A target floor area of 105sqm is cited in the 2007

Guidelines¹⁰. The proposed floor areas range between 120sqm and 136sqm. A minimum aggregate living area of 40sqm is cited in the 2007 Guidelines. The proposed aggregate areas range between 36.3sqm and 45sqm. There is a relatively limited shortfall i.e. between 36.3sqm and 39.9sqm, in the majority (46) of the proposed units. A minimum aggregate bedroom area of 43sqm is cited in the 2007 Guidelines. Every unit exceeds this. The storage requirement cited in the 2007 Guidelines is 11sqm. The proposed storage areas range between 7.1sqm and 13sqm. Private open space areas are generally between 9sqm to 12sqm with one having an area of 62.9sqm. All figures are taken from the applicant's HQA. Having regard to the foregoing, and notwithstanding the shortfall in some aggregate living areas and storage areas, I consider the four bedroom apartments to be acceptable, in particular in regard to their overall floor areas which significantly exceed those set out in the 2007 Guidelines in all cases.

- 8.3.31. As the proposed development is consistent with the SPPRs of the Apartment Guidelines (2025), which are the Guidelines relevant to the DCDP 2022-2028 given that they have replaced the 2020 Guidelines referenced within the Plan, and having regard to the foregoing, I consider that the proposed development would have an acceptable level of residential amenity for future occupants and no material contravention issue would arise.

Car and Bicycle Parking

Car parking

8.3.32. **Table 8.2 – Proposed Car Parking**

Proposed development	Maximum car parking standards under DCDP 2022-2028	Maximum car parking standards under the Compact Settlement Guidelines (2024)	Proposed
1,131 studios and apartments	1 per dwelling (1,131)	1 per dwelling (1,131)	345

¹⁰ I note the 2007 Guidelines refer to a four-bed/seven-person apartment whereas page 149 of the SS&ADS references the proposed four-bed unit being for six occupants.

Creche (587sqm)	1 per 100sqm gross (5)	N/A	8 (shared)
Retail (306sqm)	1 per 275sqm gross (1)	N/A	8 (shared)
Visitor/Car Club	N/A	N/A	29 (21 visitor + 8 car club)
Community, Cultural/Arts	1 per 275sqm (14)	N/A	None

8.3.33. The site is in Zone 2 for car parking purposes as per map J of the DCDP 2022-2028. Table 2 of appendix 5 (Transport and Mobility: Technical Requirements) of the Plan sets out maximum car parking standards. For residential units the maximum standard is one space. The Compact Settlement Guidelines (2024) only relate to residential car parking requirement. There would be a maximum provision of 1,131 spaces for the residential element. 345 spaces are proposed, a ratio of 0.31 spaces per unit. Therefore, the provision is below the maximum but, given the location of the site in an area of high public transport capacity, I have no concern with an inadequacy in car parking provision for the proposed studios and apartments. 21 pay and display visitor spaces and eight car club spaces would also be provided¹¹, related to the residential element of the proposed development. There are also 19 motorcycle spaces.

8.3.34. There are 8 short-term/drop-off spaces to cater for, for example, the creche, retail unit, and deliveries. I consider these to be acceptable in terms of the maximum provision required. Although no new spaces are provided for the community, cultural/arts space, these are existing structures and on-street car parking is available in the immediate vicinity. I do not consider these require additional car parking provision. I consider that much of the patronage of the retail unit and community, cultural/arts space would be active travel based rather than car generated.

8.3.35. Section 5.0 of appendix 5 of the Plan requires a minimum of 50% of all car parking spaces in new developments to be equipped with fully functional EV charging points. Table 15 of the applicant's Holy Cross College Transport Assessment states that 50%

¹¹ Further to the provisions of the Transportation Section report, DCC condition 11 (g)(ii) requires that this is increased from eight to 13 spaces.

of the residents and visitor spaces would have active EV provision and 50% passive EV provision, while all of the car club spaces would have active provision.

- 8.3.36. SPPR 3 of the Compact Settlement Guidelines (2024) states that car parking provision should be minimised, substantially reduced or wholly eliminated in urban neighbourhoods. As such, and having regard to the proximity to public transport, I consider that the proposed ratio of 0.31 spaces per unit is acceptable.

Bicycle parking

- 8.3.37. There is a requirement under the DCDP 2022-2028 (which is more stringent than the Compact Settlement Guidelines (2024)) for a total of 2,563 spaces on site for residential, residential visitor, creche, and retail. 2,619 spaces are provided. Spaces are provided within blocks and in sheltered surface areas and include cargo and accessible spaces. Bike charging and bike hire is catered for. There are two mobility hubs. Figure 30 of the Holy Cross College Transport Assessment shows three external visitor cycle parking locations in close proximity to the Chapel/cultural, community/arts use.

- 8.3.38. I consider that the proposed bicycle parking and storage provisions are acceptable and no material contravention of the Plan arises in relation to this.

Unit Mix

- 8.3.39. The site is located just outside the North Inner City housing need demand assessment area as per the DCC Housing Strategy set out in appendix 1 to the DCDP 2022-2028. Therefore, standard unit mix requirements apply.

- 8.3.40. Policy SC12 (Housing Mix) of the Plan promotes ‘a variety of housing and apartment types and sizes, as well as tenure diversity and mix, which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces and provide for communities to thrive’. Policy QHSN38 encourages the creation of attractive, mixed use, sustainable residential communities which contain a wide variety of housing and apartment types, sizes and tenures with supporting community facilities and residential amenities.

- 8.3.41. Having regard to the wide variety of apartment unit typologies proposed, from studios to four-bedroom apartments, the incorporation of architectural heritage features, the provision of commercial development, community, arts, and cultural space, public

open space and active travel permeability, and the existing amount of traditional housing in the area, I consider that the proposed development would be consistent with the provisions of policies SC12 and QHSN 38.

Daylight and Sunlight / Overshadowing

- 8.3.42. Daylight and sunlight impact within the proposed development itself, and on property in the vicinity, has been considered in detail within the supporting Daylight Assessment dated 25th June 2025 (and its appendices) and in chapter 17 (Microclimate – Daylight & Sunlight) of the EIAR. Daylight and sunlight are also referenced in subsection 9.11 of this report.
- 8.3.43. Minor adverse effects would be experienced at 15 Corn Mill Row¹², 1 College Mews¹³, 133-135-137 Drumcondra Road Lower, and 182 Clonliffe Road. Figure 2 in the Daylight Assessment illustrates the properties that were considered in the Assessment, including houses on the opposite side of Drumcondra Road Lower.
- 8.3.44. All amenity areas within the proposed layout would receive the required amount of sunlight. The Daylight Assessment gives statistics for the proposed apartment units and the degree to which the percentage of units in each proposed block meet minimum recommendations. The applicant is of the opinion ‘that the proposed development (a) is aligned with policy in regard to natural light and (b) has given appropriate and reasonable consideration to maximising natural light during the design process’ (page 35). Compensatory measures for some rooms that do not meet minimum daylight recommendations include glazing areas or being contained within dual aspect or oversized apartments.
- 8.3.45. I consider that the proposed development performs well in terms of the resulting minor adverse impact on six adjacent properties and the predicted impact is acceptable given the wider benefits that would accrue from the proposed development such as intensively developing an underutilised site, strengthening the urban character of the area, and contributing to compact growth, while retaining much of its open space and built heritage character and providing active travel permeability and public amenities.

¹² A house at the end of a terrace of houses immediately south east of Block D2.

¹³ A mews house to the rear of 182 Clonliffe Road immediately adjacent to the west of Block C2. This is one of three mews houses adjacent to houses on Holycross Avenue, but not accessible from the Avenue.

I do not consider there would be any undue adverse daylight/sunlight or overshadowing impact on existing residents or future occupants.

Overlooking

- 8.3.46. No adverse overlooking impact would occur onto Drumcondra Road Lower as overlooking to public areas is a positive element of any development. Numbers 133, 135, 137, 139A, and 139 Drumcondra Road Lower are north/north west of Block A1 and west of Block A4. There is a substantial eight storey northern elevation to Block A while the western elevation to Block A4 has a limited single storey element with a setback six storey elevation, and a thirteen storey element to the east of that. Proposed Block A1 is approximately 24 metres from the site boundary with no. 133 and it would primarily overlook the proposed internal vehicular circulation access. The above ground floor element of Block A4 is approximately 17 metres from the boundary with numbers 137, 139A, and 139, with the thirteen storey element about 36 metres from the party boundary. I note that the four 'A' Blocks located in this area of the site are, collectively, the tallest of the four separate blocks i.e. A-D. The density in the remainder of the site is relatively low as a result of the built heritage structures and increased density is required in this location in order for the overall development to have a sustainable density. Even with the increased heights at this location, the overall density is in the lower mid-range for what would normally be expected in this area of high public transport capacity. Therefore, I consider increased heights at this location to be necessary. While the proposed development would be a significant new intervention and would clearly result in perceived overlooking to properties in the area, I consider that the separation distances of a minimum 17 metres are acceptable in this instance and would strengthen the urban character of the area. The rear areas of the adjacent properties are relatively long and the effect of existing or proposed landscaping has not been taking into consideration.
- 8.3.47. Overlooking of the river and proposed GAA pitches to the north would be a positive feature of the proposed development, in the interest of passive surveillance. Proposed Block B4 and Block D2 would be approximately 51 metres and 42 metres, respectively, from Red House and I do not consider undue adverse overlooking would arise.
- 8.3.48. Block D2 is located in the south east area, in proximity to properties at the Belvedere sports ground, Corn Mill, Susanville Avenue, and Clonliffe Road. The building is six

storeys, five storeys, and three storeys addressing these areas, in a clockwise direction. The six storey element addresses Belvedere sports grounds. It is approximately 9 metres from this boundary and approximately 16 metres from the closest structure within the sports ground. The distance from the five storey element to the Corn Mill boundary varies given the boundary line. It ranges from approximately 11 metres to approximately 18 metres. There would be a distance of approximately 30 metres between the respective proposed and existing apartment blocks which I consider to be acceptable. Given the respective footprints and separation distances I do not consider that there would be any overlooking of private areas of properties on Corn Mill Row or Susanville Road. The three storey area to the south of Block D2 is approximately 14 metres from the boundaries of properties along Clonliffe Road, which have long rear areas, and I do not consider undue adverse overlooking impact would arise.

- 8.3.49. The separation distance between the eastern façade of Block C2 and number 182 Clonliffe Road (and the mews houses to the rear) increases in a northerly direction. The buildings (numbers 182-192 Clonliffe Road) are set back approximately 45 metres into their respective sites. Therefore, the separation distance between the proposed and existing buildings is approximately 15 metres. There are houses on Holycross Avenue which back onto numbers 184-192 Clonliffe Road. There is an approximately 17 metres separation distance to these. While these separation distances are relatively close this building addresses Clonliffe Road and from an urban design and street front perspective this building should complement the under-construction seven-storey hotel on the opposite side of the vehicular entrance into the overall development site. It would also enclose a view north from Jones' Road. Therefore I do not consider undue adverse overlooking would arise.
- 8.3.50. Overlooking of properties on Holycross Avenue and College Mews from Block C1B would be quite oblique, and at a distance of 19 metres. The separation distance between Block C1A would be over 30 metres. I do not consider undue overlooking would occur.
- 8.3.51. Having regard to the foregoing I do not consider undue overlooking impact would arise.

8.4. Objective CUO25 of the Dublin City Development Plan (DCDP) 2022-2028

8.4.1. Objective CUO25 (SDRAs and Large Scale Developments) states as follows.

‘All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.*

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

8.4.2. As the proposed development has a floor area above 10,000sqm this objective applies. The proposed net development area is cited as 80,517sqm (subsection 7.12 of the applicant’s PR&SC and page 12 of the applicant’s Community, Social & Cultural Infrastructure Report). 5% of this is 4,025sqm.

8.4.3. The proposed internal community and cultural spaces are within the existing Chapel (1,014sqm) and the Assembly Hall (1,034sqm) as per subsection 7.12 of the PR&SC. This is 2,050sqm. External community and cultural space of 1,952sqm is illustrated on figure 7.5 of the PR&SC within the Cloister Garden/Ambulatory, in very close proximity to the two existing buildings. The 1,952sqm is not included as part of the public open space provision on site (page 34 of the PR&SC and figure 7.2). I consider the reuse of these buildings for this purpose to be acceptable and appropriate. They are closer to the existing community on Clonliffe Road, and therefore more accessible to the wider public, than would be the case if the space was located within the body of the site. A standard management condition can be applied should permission be granted.

8.4.4. The figures provided by the applicant show a very marginal shortfall of 23sqm in the 5% requirement i.e. 4,002sqm provided and 4,025sqm required. Given the de minimus

shortfall I do not consider this to be a material shortfall in the context of the proposed development, and I do not consider this would comprise a material contravention of the DCDP 2022-2028.

- 8.4.5. I note that SPPR 6 of the Apartment Guidelines (2025) states 'The provision of new Communal, Community and Cultural facilities within apartment schemes shall only be required in specific locations identified within the development plan and shall not be required on a blanket threshold-based approach in individual apartment schemes'. As there are no specific locations identified within the DCDP 2022-2028 the Guidelines imply that the provision of the community, arts, and cultural space is not mandatory.
- 8.4.6. Having regard to the foregoing, and notwithstanding the provisions of SPPR 6, I do not consider the very marginal shortfall in the 5% floorspace requirement, in the context of the area proposed, would comprise a material contravention of the DCDP 2022-2028. In addition, the continued use of the protected structures for community, arts, and cultural purposes, in a location close to the existing community, is a welcome element of the proposed development. I consider objective CUO25 of the Plan to be appropriately addressed.
- 8.4.7. However, should the Commission be of the view that a material contravention of objective CUO25 of the DCDP 2022-2028 would arise I consider that a decision to grant can be made under section 37 (2)(a) of the Planning & Development Act, 2000 (as amended) given that SPPR 6 of the Apartment Guidelines (2025) states that the provision of such facilities shall not be required on a blanket threshold-based approach, as per objective CUO25, and the Plan states that the 2020 Apartment Guidelines 'or any other future amendment thereof' i.e. the 2025 Guidelines, should be referenced as part of any planning application for apartment developments.

8.5. Ten-Year Permission

- 8.5.1. The applicant is seeking a ten-year permission for the proposed development as per the public notices.
- 8.5.2. Paragraph 7.4 of the Development Management Guidelines for Planning Authorities (2007) states 'Planning authorities may grant permission for a duration longer than 5 years if they see fit, e.g. for major developments (for example for wind energy developments) but it is the responsibility of applicants in the first instance to request

such longer durations in appropriate circumstances'. In my opinion, given, for example, the scale of the proposed development, the number of apartments proposed, and the nature of works that would be required to the protected structures, I consider that a ten-year permission is justified in this case. I note that DCC did not include a condition citing a different permission period to that applied for.

- 8.5.3. Having regard to the foregoing, should the Commission decide to grant permission, I consider that a ten-year permission is acceptable in this instance.

8.6. Planning Authority Conditions

- 8.6.1. DCC granted permission subject to 21 conditions. These are briefly summarised in the following table, and I also indicate whether I have included or incorporated them in my recommended conditions in section 14. Some conditions, while indicated as being included in the recommended conditions, may have been reworded for clarity, brevity, or other reasons, but are essentially consistent with the DCC condition.

Table 8-3 – DCC Conditions

Cond. No.	Summary	Included or Excluded in Recommended Conditions
1	Development as per plans and particulars	Included as standard Commission condition 1
2	S48 development contributions	Included as standard Commission condition 29
3	Building name, numbering, and signage	Included as standard Commission condition 9
4	External finishes	Included as standard Commission condition 8
5	Occupation and management of the community/arts/cultural space	Included as standard condition 7
6	Detail of retail unit	Included as standard condition 5 (c)-(e)

7	Uisce Éireann	Included as standard Commission condition 15
8	Landscaping	Included as standard Commission condition 18
9	Tree protection	Included as standard Commission condition 19
10	Management company	Included as standard Commission condition 25
11 (a) – (h)	Transportation section conditions	<p>(a) As per condition 6</p> <p>(b)-(c) As per standard Commission condition 20</p> <p>(d) Not considered necessary having regard to paragraph 8.3.35</p> <p>(e) Included as standard Commission condition 13 (a)</p> <p>(f) Not considered necessary given the detail in section 7 of the applicant's Holy Cross College Transport Assessment</p> <p>(i)-(ii) As per conditions 13 (b) and (c)</p> <p>(g) Not considered necessary given the detail in section 9 of the applicant's Holy Cross College Transport Assessment</p> <p>(i) Excluded as I do not consider it a necessary condition</p> <p>(ii) As per condition 13 (d)</p> <p>(h) Excluded. I do not consider it necessary and it is not a standard Commission condition.</p> <p>(i) Excluded. Not a standard Commission condition.</p>
12 (a) – (c)	Conservation Section conditions	Included as condition 17
13	Archaeology	Included as condition 3 (a) (see paragraph 9.13.17)

14 (a) – (m)	Surface water	Included as standard Commission condition 14
15 (a) – (d)	Environmental health	(a)-(b) As per standard Commission conditions 20 and 22 except (a)(iv) which is addressed by standard Commission condition 21. (c) Excluded. Not considered necessary given the nature of the proposed development. (d) Excluded. Not considered necessary. This are construction/operational issues for the development.
16	Street cleaning	As per standard Commission condition 20
17 (a) – (d)	Waste management	Addressed as per standard Commission condition 24
18	Roof level	Excluded. Not a standard Commission condition.
19	Telecommunications	Generally addressed in standard Commission condition 11
20	Part V	Included as standard Commission condition 26
21	Security bond	Included as standard Commission condition 28

9.0 Environmental Impact Assessment (EIA)

This section sets out the EIA of the proposed project and it should be read in conjunction with the planning assessment, AA screening, and WFD assessment sections. The proposed development provides for demolition of buildings and construction of 1,131 apartments in twelve blocks ranging from three to thirteen storeys in height and re-use of buildings (protected structures) on an 8.7 hectares site in Drumcondra in the northern part of Dublin City.

9.1. Statutory Provisions

- 9.1.1. Table 2.1 of the EIAR identifies the requirement for EIA. Schedule 5 Part 2 Class 10 (Infrastructure) (b)(i) of the Planning & Development Regulations, 2001 (as amended), requires EIA for 'Construction of more than 500 dwelling units', which is significantly exceeded in this application. The applicant also considers that EIA is required on foot of Class 10 (b)(iv) which is '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. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)'

9.2. EIA Structure

- 9.2.1. This section of the report comprises the EIA of the proposed development in accordance with the Planning & Development Act, 2000 (as amended) and the associated Planning & Development Regulations, 2001 (as amended), which incorporate the European directives on EIA (Directive 2011/92/EU as amended by 2014/52/EU). Section 171A of the Planning & Development Act, 2000 (as amended) defines EIA as:

(a) consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the planning authority or the Board, the reasoned conclusions of the planning authority or the Board and the integration of the reasoned conclusion into the decision on the proposed development, and,

(b) includes an examination, analysis, and evaluation, by the planning authority or the Board, that identifies, describes, and assesses the direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

- 9.2.2. Article 94 of the Planning & Development Regulations, 2001 (as amended) and associated Schedule 6 set out requirements on the contents of an EIAR.

9.2.3. This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations, 2001 (as amended). The second section provides an examination, analysis, and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

9.2.4. The assessment also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should it agree with the recommendation made.

9.2.5. It should be noted that reasoned conclusion refers to significant effects which remain after mitigation. Therefore, while I outline the main significant direct, indirect, and cumulative effects within my assessment of each environmental factor, only those effects that are not or cannot be appropriately mitigated are incorporated into my reasoned conclusion in subsection 9.17.

9.2.6. I note that decommissioning is not referenced within the EIAR, except in some chapters where it is stated that 'reinstatement' is not relevant, not applicable, or not required i.e. the chapters relating to air quality, archaeology, and microclimates. The landscape chapter states that on completion of development all landscape areas will require to be reinstated. Given the permanent nature of the proposed development I consider the absence of commentary on decommissioning is acceptable.

9.3. Issues Raised in Respect of EIA

- 9.3.1. The sole issue raised in the grounds of appeal i.e. Part V detail as submitted with the planning application, does not relate to EIA.

9.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Planning Regulations

- 9.4.1. In the table below, I assess the compliance of the submitted EIAR with the requirements of article 94 and schedule 6 of the Planning & Development Regulations, 2001 (as amended).

Table 9.1 – Compliance with the Requirements of Article 94 and Schedule 6 of the Planning & Development Regulations, 2001 (as amended)

Article 94(a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size, and other relevant features of the proposed development, including the additional information referred to under section 94(b).
A description of the proposed development is set out in Chapter 5 (Description of the Proposed Development) of the EIAR. Subsections of the chapter include site of the proposed development, characteristics of the proposed development, and construction phase (which includes a further brief subsection setting out demolition works). I am satisfied that the development description provided is adequate.
A description of the likely significant effects on the environment of the proposed development, including the additional information referred to under section 94(b).
An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is comprehensive and sufficiently robust to enable a decision on the project.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent, or reduce and, if possible, offset likely significant adverse effects on the environment of the development, including the additional information referred to under section 94(b).

Mitigation is addressed in each of the EIAR technical chapters. Chapter 24 (Mitigation Measures & Monitoring) collates the measures and monitoring set out in the preceding chapters but does not include the 'mitigation by design' features.

I am satisfied that proposed mitigation measures comprise standard good practices and site-specific measures that are largely capable of offsetting significant adverse effects identified in the EIAR. I address one recommended alteration to a proposed mitigation measure in the Archaeology chapter.

A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment, including the additional information referred to under section 94(b).

Chapter 4 (Consideration of Alternatives) of the EIAR provides an overview of the alternatives considered.

A do-nothing scenario would be continued very limited use by the Archdiocese or, more likely, future residential development. Given the Z12 site zoning the site is entirely suitable for the proposed LRD and consideration of alternative locations is not relevant. It is stated that the evolution of the design and layout has been an iterative process with three alternative layouts illustrated. Subsection 4.9 sets out reasons for selecting the preferred layout e.g. preservation of character, minimising adverse environmental impacts and impact on adjacent areas, and provision of connectivity.

I am satisfied that reasonable alternatives were considered, the main reasons have been set out for opting for the layout proposed, and potential impacts on the environment have been taken into account.

Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2)

A description of the baseline environment and likely evolution in the absence of the development.

The baseline environment is addressed in each technical chapter within the EIAR and the likely evolution of the environment in the absence of the proposed development is described, with particular reference to 'do nothing' scenarios. I am satisfied with the descriptions of same.

A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.

The relevant methodology employed in preparing the EIAR, including desk-based assessment, fieldwork, site visits, site investigations, surveys etc. is set out in the individual chapters.

The applicant has identified any difficulties encountered in each technical chapter. These comprise:

- Uncertainty in future improvements in fleet composition and emissions in the air quality chapter.
- Ascertaining precise information on some surrounding window locations in the daylight and sunlight chapter.
- Predicting construction waste generated until final and detailed methodologies are confirmed. Other waste related issues include selecting a licenced waste facility without knowing if contaminated soil would be encountered, whether an identified facility would be available/have capacity when required, or whether a more suitable facility may become available.

I am satisfied that the forecasting methods are adequate in respect of likely effects.

A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.

This is addressed in subsection 9.16. I am satisfied this issue has been adequately addressed in the EIAR.

Article 94 (c) A summary of the information in non-technical language.

Volume I of the EIAR comprises a Non-Technical Summary. I am satisfied that this is relatively concise, suitably comprehensive, and would be easily understood by members of the public.

Article 94 (d) Sources used for the description and the assessments used in the report

Each chapter provides a list of documents and information used to inform the chapter assessment. I consider the sources relied upon are generally appropriate and sufficient in this regard.

Article 94 (e) A list of the experts who contributed to the preparation of the report

A list of the various experts/consultants who contributed to the EIAR and their specialist input are set out in table 1.4 (EIAR Contributors) of the EIAR. The expertise and qualifications of the chapter authors are also set out at the beginning of each technical chapter (except the daylight and sunlight chapter). I am satisfied that the EIAR demonstrates the competence of the individuals who prepared each chapter of the EIAR.

Consultations

- 9.4.2. The application has been submitted in accordance with the requirements of the Planning & Development Act, 2000 (as amended), and the Planning & Development Regulations, 2001 (as amended), in respect of public notices. I note in addition that the Commission invited comments from the Development Applications Unit, An Chomhairle Ealaíon, Fáilte Ireland, and The Heritage Council given the nature of the development site¹⁴. Submissions that have been received from statutory bodies and third parties are considered in this report, in advance of decision making.
- 9.4.3. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

¹⁴ No submissions were received.

Compliance

- 9.4.4. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the applicant, is sufficient to comply with article 94 of the Planning & Development Regulations, 2001 (as amended).

9.5. **Assessment of Likely Significant Effects**

- 9.5.1. The following subsections set out an assessment of the likely environmental effects of the proposed development under the environmental factors as set out in section 171A of the Planning & Development Act, 2000 (as amended). It includes an examination, analysis, and evaluation of the application documents, including the EIAR and submissions received and identifies, describes, and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interactions of these effects.

9.6. **Population and Human Health¹⁵**

Issues Raised

- 9.6.1. There are no population and human health or noise issues raised in the grounds of appeal.

Examination of the EIAR

Context

- 9.6.2. Chapters 7 (Population and Human Health) and 13 (Noise and Vibration) are relevant, as are other environmental factors which are addressed in their own subsections e.g. air and climate. There are no applicable appendices in volume 3 of the EIAR. The methodology for each chapter is described, for example by reference to various guidelines and a desk study.

Baseline

- 9.6.3. Baselines are set out in subsections 7.3 and 13.2. In chapter 7 the baseline is described under subheadings of land use zoning, population, land use and settlement patterns, economic and employment activity, tourism and amenity, community

¹⁵ The provisions of Chapter 13 (Noise and Vibration) of the EIAR are also considered in this subsection.

infrastructure, and human health. A noise survey was carried out at six locations in late May 2025 to quantify the baseline noise environment.

Potential Effects

- 9.6.4. Chapter 7 of the EIAR sets out predicted impacts of the proposed development under a number of different headings i.e. air quality and climate, noise and vibration, traffic, landscape and visual amenity, waste, interruption to services, economic impacts, microclimates (both wind and daylight and sunlight). Some of these are relevant to both the construction and operational phases and some are just relevant to just one of the phases. Chapter 13 also considers noise and vibration under a number of subheadings.
- 9.6.5. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.2. Other effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, or where otherwise considered notable.

Table 9.2 – Environmental Effects on Population and Human Health

Project phase	Potential effects
Do-nothing	<p><u>Chapter 7</u></p> <p>The significant underutilisation of the land and buildings would continue but it is likely that residential development would occur at some point in the future with likely similar effects to those in this application.</p> <p><u>Chapter 13</u></p> <p>The noise environment will remain largely unchanged from the baseline.</p>
Construction	<p><u>Chapter 7</u>¹⁶</p> <p>There would be a <i>negative, slight, short-term and localised</i> impact resulting from air quality effects.</p>

¹⁶ Construction phase noise and vibration is referenced in chapter 7 but for the purpose of this EIA I am keeping all references to noise and vibration under the separate chapter 13 subheading.

	<p>The impact of greenhouse gas (GHG) emissions on climate is <i>long-term, negative and slight</i>.</p> <p>Traffic impact on road users is expected to be <i>negative, short-term, slight to moderate</i> while parking availability impact on the local community is predicted to be <i>negative, localised, slight, short-term and reversible</i>.</p> <p>Landscape and visual amenity effects be <i>negative, very significant and short-term</i> on the townscape and <i>negative, moderate to significant and short-term</i> in the immediate vicinity.</p> <p>In the absence of proper management a <i>negative, significant and short to long-term</i> waste impact is predicted.</p> <p><i>Negative, slight to moderate, and short-term</i> impacts on services.</p> <p>Job creation will have a <i>positive, local to regional, moderate, short-term</i> socio-economic impact. A <i>positive, local to regional, indirect, slight to significant, short-term</i> socio-economic impact is predicted as a result of the additional demand for local services, construction materials, and supporting services.</p> <p><u>Chapter 13</u></p> <p>At noise sensitive locations within 40 metres of the site boundary the impact of some phases of construction works i.e. demolition and piling and structural works, is <i>negative, moderate to very significant, and temporary</i>.</p> <p>There are <i>no significant</i> vibration impacts in terms of potential structural effects. Vibration impacts for human response are assessed as <i>negative, moderate to significant, and temporary</i> for human response.</p> <p>Traffic effects are <i>negative, imperceptible, and short-term</i>.</p>
Operation	<u>Chapter 7¹⁷</u>

¹⁷ As per the previous footnote, for the operational phase.

	<p>No <i>significant</i> effects are set out under air quality and climate, traffic, or microclimate (wind or daylight and sunlight).</p> <p>There would be <i>significant</i> impacts on townscape and visual amenity due to the establishment of a new residential development.</p> <p>In the absence of proper waste management <i>negative, significant, and long-term</i> waste impacts are predicted.</p> <p>Population growth creating additional demand for goods, services, and further community infrastructure is a <i>positive, moderate, long-term</i> socio-economic impact.</p> <p>A <i>moderate to significant and positive</i> impact will be the provision of 1,131 high quality apartments with supporting amenities and facilities, in the context of the ongoing housing crisis. There is sufficient infrastructure in the area to meet resultant demand for school places and community amenities.</p> <p>The proposed development e.g. public realm and open space, commercial units, and cultural/community spaces, is expected to have a <i>positive, moderate, long-term</i> impact.</p> <p><u>Chapter 13</u></p> <p><i>No significant</i> noise impacts are set out.</p>
Cumulative	<p>For population and human health significant negative residual cumulative effects are <i>not likely</i>.</p> <p>For properties adjacent to the subject site and two permitted sites which may have simultaneous construction activity¹⁸, cumulative construction noise impacts may be <i>short-term, negative, and slight to significant</i>. There are no likely cumulative operational phase impacts.</p>

¹⁸ The adjacent hotel development under construction adjacent to the Clonliffe Road access point (2935/20 / ABP-308193-20) and a two to five storey apartment building containing 39 units (PA Ref. 4062/24 / ABP-321745-25) approximately 60 metres to the east on the opposite side of the Mater Dei grounds.

Mitigation

- 9.6.6. Mitigation measures are set out in subsections 7.5 and 13.4. The population and human health chapter (chapter 7) states that measures have been prescribed elsewhere in the EIAR, though a number of these are outlined. The noise and vibration chapter (chapter 13) identifies some construction phase mitigation relating to the selection of quiet plant, noise control at source, screening, liaison with the public (a Community Liaison Officer will be appointed), and working hours. Operational phase mitigation relates to building services plant.

Residual Effects

- 9.6.7. Notwithstanding the implementation of mitigation measures, there would be a number of negative construction phase landscape and visual residual impacts up to very significant in significance in terms of population and human health. Noise and vibration impacts would also be up to significant in significance during demolition and construction depending on proximity to the site boundary. There are no significant negative residual impacts predicted in the operational phase. The net operational phase impact on population and human health is expected to be positive principally because of the volume of high quality housing.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 9.6.8. I have examined, analysed, and evaluated chapters 7 and 13 of the EIAR and all of the associated documentation on file in respect of population and human health, and noise. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on population and human health, including noise, as a consequence of the proposed development, have been identified.
- 9.6.9. I consider that the baseline noise environment survey reasonably sets out the current noise environment, in terms of locations and times of the survey. It would appear that construction of the adjacent hotel was ongoing at the time of the survey given that construction noise and crane operation were cited as contributors to the noise environment at Location AT2.
- 9.6.10. I agree with the provisions of the chapters that significant residual effects will arise as a result of the proposed development i.e. a positive, slight to significant, short-term

socio-economic impact during the construction phase, a positive moderate to significant impact on population as a result of the increase in housing stock, and significant negative noise impact to properties in the vicinity during the construction stage. Notwithstanding that significant adverse noise impacts would arise, this is a standard residential development project which would comply with the zoning objective for the site. I do not consider that noise during the construction phase (short term) is a reason to recommend a refusal of permission.

9.6.11. I note that the EIAR predicts short-term, negative, slight to significant cumulative construction noise impacts if the proposed development is constructed simultaneously with two other identified developments. While I acknowledge the chapter's rationale for this, I would expect the hotel development to be largely completed by the time any development commences for this LRD, given the current stage of construction activity on the hotel site, and the 39-unit apartment building is approximately 60 metres from the site boundary. While there is an active occupied property between both sites (Mater Dei), it is not a residential property. For these reasons I do not consider that this cumulative impact warrants inclusion in the reasoned conclusion.

9.6.12. I note that chapter 7 outlines significant landscape and visual impacts. I consider this is more appropriately considered under the 'Landscape' environmental factor in subsection 9.14.

9.6.13. Suitable mitigation measures have been proposed for construction and operational phase noise, which I consider are sufficient to ensure that there would be no undue adverse impacts on population and human health from the proposed development. I am also satisfied that there would be no significant cumulative adverse impacts.

Conclusion: Direct and Indirect Effects (Population and Human Health)

9.6.14. Having regard to my examination of environmental information in respect of population and human health, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I consider that the main significant direct and indirect effects on population and human health, after the application of mitigation measures, are:

- Positive, local to regional, indirect, slight to significant, short-term socio-economic effects during the construction phase as a result of the additional demand for local services, construction materials, and supporting services.

- Moderate to significant positive effects on population, due to the substantive increase in the housing stock with supporting amenities and facilities.
- Negative residual noise and vibration impacts would be up to significant in significance during the demolition and construction phases depending on the proximity of the works to the site boundary.

9.7. Biodiversity

9.7.1. No issues have been raised by any party to the appeal in respect of biodiversity. I have examined chapter 8 (Biodiversity) of the EIAR which deals with this topic. The chapter is supported by appendix 8.1 (bat assessment dated 13th June 2025¹⁹), appendix 8.2 (Wintering Bird Survey Reports²⁰ (reports dated 16th June 2020, 19th April 2021, 11th July 2024, and 28th March 2025) and a Breeding Birds and Kingfisher Survey Technical Note dated 10th June 2025), and appendix 8.3 (Invasive Species Management Plan dated June 2025). Having regard to the survey work carried out (in addition to the appendices reference is made to habitat, mammal²¹, botanical, and bird surveys carried out between 2020 and 2025), the location of the zoned and fully serviced brownfield site in the built-up area of the city, the built form of the existing environment, the planning history of the site, and proposed mitigation measures which include comprehensive landscaping including a significant amount of new planting, the continuance of the current invasive species management plan until entire eradication, timing of vegetation clearance, checking for bats before felling of mature trees, and appropriate operational phase lighting, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on biodiversity as a result of the proposed development and it would not be inconsistent with the National Biodiversity Action Plan (2023-2030). The potential for effects on European sites is examined in the AA section (section 10) of this report.

¹⁹ Three bat species commute and forage on site but there are no bat roosts within the development site. It is stated that no derogation licence will be required (subsection 8.6.1.4.3 of the EIAR).

²⁰ A number of wintering birds observed flying over or foraging on site are special conservation interest (SCI) species of SPAs in the wider area.

²¹ No evidence of badger was recorded on site. Although otter is present along the Tolka River no evidence of a holt or couch was recorded at Holy Cross College including in the vicinity of the proposed surface water outfalls.

9.8. Land and Soil

- 9.8.1. No issues have been raised by any party to the appeal in respect of land or soil. I have examined chapter 9 (Land, Soils, Geology & Hydrogeology) of the EIAR which deals with this topic²². The chapter is supported by appendix 9.1 (Ground Investigation Report dated July 2020). Having regard to the standard nature of the proposed development works, the relatively flat topography, the brownfield nature of the site in the built-up area of the city and the built form of the existing environment, the planning history of the site, and standard mitigation measures proposed which include a CEMP, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on land or soil as a result of the proposed development.

9.9. Water

- 9.9.1. No issues have been raised by any party to the appeal in respect of water. I have examined chapter 10 (Hydrology) of the EIAR which deals with this topic²³²⁴. Having regard to the standard nature of the proposed development works, the absence of a watercourse within or immediately adjoining the site (notwithstanding the proposed surface water outfall proposal to the River Tolka), the brownfield nature of the site in the built-up area of the city, the planning history of the site, the conclusions of the supporting SSFRA dated 1st July 2025²⁵, and standard mitigation measures proposed which include a CEMP during the construction phase and the incorporated SuDS with attenuated discharge during operation, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on water as a result of the proposed development.

²² The WFD status and risk status have been updated since the EIAR was prepared. However, as set out in appendix 2, the status of the Dublin groundwater body remains 'good' and at 'review'.

²³ Appendix 10.1 (NRA/TII Criteria for Rating the Magnitude and Significance of Impacts) also accompanies the chapter. This contains general information rather than site-specific information.

²⁴ The WFD status and risk status have been updated since the EIAR was prepared. However, as set out in appendix 2, the status of both the Tolka at the site location and the Estuary remain 'poor' and 'at risk'.

²⁵ The risk of tidal flooding is very low, the risk of fluvial flooding is low, the risk of flooding due to ground water ingress is low, and the risk of pluvial flooding is low.

9.10. Air

9.10.1. No issues have been raised by any party to the appeal in respect of air. I have examined chapter 11 (Air Quality) of the EIAR which deals with this topic. Having regard to the standard nature of the proposed development works, the zoned nature and planning history of the site, and standard mitigation measures proposed which include a CEMP during the construction phase, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on air as a result of the proposed development.

9.11. Climate

9.11.1. Three separate 'Climate' chapters are contained within the EIAR. Chapter 12 (Climate) addresses broad climate issues such as GHG emissions and climate change whereas chapters 17 and 18 ('Microclimate – Daylight & Sunlight'²⁶ and 'Microclimate – Wind' respectively), address development-specific localised issues. I consider these separately as follows.

Climate

9.11.2. No issues have been raised by any party to the appeal in respect of climate. I have examined chapter 12 (Climate) of the EIAR which deals with this topic. Having regard to the standard nature of the proposed development works, the zoned and brownfield nature of the site in the built-up area of the city, the planning history of the site, the proposed significant intensification of use within the built-up area which would be consistent with the principle of compact growth, and incorporated design mitigation such as SuDS, landscaping, and building energy performance, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on climate as a result of the proposed development.

Microclimate – Daylight & Sunlight and Wind

9.11.3. No issues have been raised by any party to the appeal in respect of microclimate/impact on residential amenity. I have examined chapters 17 (Microclimate – Daylight & Sunlight) and 18 (Microclimate – Wind) which deal with

²⁶ Daylight and sunlight have also been briefly referenced within subsection 8.3 (paragraphs 8.3.42-8.3.45).

these topics. Having regard to the location of the zoned brownfield site in the built-up area of the city, the built form of the existing environment, the planning history of the site, the provisions of subsection 8.3 of this report which concludes that the proposed building heights are acceptable, the proposed significant intensification of use within the built-up area which would be consistent with the principle of compact growth, and incorporated design mitigation such as the use of solid balustrades, I am satisfied that there is no potential for any significant direct, indirect, or cumulative daylight, sunlight, or wind effects as a result of the proposed development.

9.12. Material Assets

- 9.12.1. The EIAR contains two specific 'Material Assets' chapters, chapter 20 (Material Assets – Waste' and chapter 21 (Material Assets – Services). Although chapter 19 (Traffic & Transportation) does not reference material assets in its title I consider it to be relevant to the broader material assets environmental factor. As such I consider it should be included under this heading. The three EIAR chapters can be separately considered as follows.

Traffic and Transportation

- 9.12.2. No issues have been raised by any party to the appeal in respect of traffic and transportation. I have examined chapter 19 (Traffic & Transportation) of the EIAR which deals with this topic. Having regard to the survey work carried out (traffic count surveys on Tuesday 1st April 2025), proximity of public transport (Drumcondra Railway Station is within 500 metres of the site to the south west²⁷ and Drumcondra Road Lower along the western boundary has dedicated bus lanes in both directions and is the spine of the proposed BusConnects Swords – City Centre route²⁸), the absence of any significant interventions onto the public road network, the zoned nature of the site, the proposed active travel permeability through the site, the predicted increase in annual average daily traffic as a result of the proposed development as illustrated in table 19.9 of the EIAR, the level of car parking provision on site as per paragraphs 8.3.32-8.3.36, and mitigation measures which include a Construction Management

²⁷ Subsection 19.4.1.4 (Public Transport) of the EIAR states 'At peak times there is typically no more than a 10-minute wait for a train to the City Centre'.

²⁸ Subsection 19.4.1.4 also states, 'Even in off-peak periods, there is typically no more than a five-minute wait for a bus to the City Centre'.

Plan during the construction phase and the preparation of a Mobility Management Plan for the operational phase, I am satisfied that there is no potential for any significant direct, indirect, or cumulative traffic and transport effects as a result of the proposed development.

Waste

9.12.3. No issues have been raised by any party to the appeal in respect of waste. I have examined chapter 20 (Material Assets – Waste) of the EIAR which deals with this topic. The chapter is supported by appendix 20.1 (Resource & Waste Management Plan (RWMP) dated 26th June 2025) and appendix 20.2 (Operational Waste Management Plan (OWMP) dated 26th June 2025)²⁹. Having regard to the standard nature of works proposed on a zoned site, and the implementation of both a RWMP at construction stage and an OWMP at operational stage, I am satisfied that there is no potential for any significant direct, indirect, or cumulative waste management effects as a result of the proposed development.

Services

9.12.4. No issues have been raised by any party to the appeal in respect of services i.e. built services and infrastructure. I have examined chapter 21 (Material Assets – Services) of the EIAR which deals with this topic. Having regard to the standard nature of the proposed development works and standard mitigation measures proposed such as confirmation of the precise locations of on-site services, having regard to various codes of practice and guidance, and establishment of an interface between the contractor and relevant utility service providers, I am satisfied that there is no potential for any significant direct, indirect, or cumulative services effects as a result of the proposed development.

9.13. Cultural Heritage

9.13.1. There are two cultural heritage chapters contained within the EIAR: chapter 15 (Cultural Heritage – Architectural Heritage) and chapter 16 (Cultural Heritage – Archaeology). These can be separately considered as follows.

²⁹ The chapter also refers to appendix 5.1 (Asbestos Survey Report dated 22nd May 2020) which is an appendix to chapter 5 (Description of the Proposed Development) of the EIAR.

Architectural Heritage

Issues Raised

9.13.2. There are no architectural heritage issues raised in the grounds of appeal. Notwithstanding, given the number of protected structures on site and the integration of these into the proposed development I consider it appropriate to consider this issue in some detail. Issues of architectural heritage were central to the quashing of the previous SHD application on site, ABP-310860-21. The current LRD application differs from the SHD application in a number of ways. For example, the proposed heights are reduced from a maximum 18 storeys to a maximum 13 storeys, the number of proposed units is reduced from 1,614 to 1,131, works to the protected structures differ, the layout is slightly different, and DCC granted this LRD application (with the Conservation Officer recommending a grant subject to conditions) whereas in the SHD application process the Conservation Officer had recommended a refusal of permission including by reference to the impact on the architectural setting and a basement beneath the eastern end of the Formal Green, which is no longer proposed.

Examination of the EIAR

Context

9.13.3. Chapter 15 (Cultural Heritage – Architectural Heritage) of the EIAR is relevant. The application is also supported by a Final Architectural Heritage Impact Assessment and appendices to same. There are a number of protected structures on site within the description of RPS 1901 i.e. 'Former Holy Cross College: The Main College Building (1863); Holy Cross Chapel; the South Link Building; the Ambulatory; the Assembly Hall; and the single storey arcade forming northern perimeter of college quadrangle'³⁰. The National Inventory of Architectural Heritage indicates a regional significance for the chapel as well as the overall seminary complex without distinguishing any individual elements within the complex. Two other protected structures are of note, outside the site boundary but within the wider complex: the Archbishop's House (RPS 2361) and the Red House (formerly Clonliffe House, RPS 1902)³¹. A full detailed measured survey of all buildings was commissioned as well as a full evaluation of the chronology of the site and a series of site investigations. The chapter assesses the

³⁰ As per volume 4 (RPS) of the DCDP 2022-2028.

³¹ This is also a recorded monument due to its 17th century origin

impact of the proposals on architectural heritage. Substantial pre-application consultation was carried out. The assessment was undertaken in accordance with relevant legislation and guidelines.

Baseline

- 9.13.4. A brief chronology of the site from 1539 is set out under subsection 15.3 (Baseline Environment). Subsection 15.4 (Description of the Receiving Environment) sets out the history and describes the exteriors and interiors of the main College Building, the Chapel, the South Link building, the Assembly Hall, the ‘New’ Wing (part of the Ambulatory), the Library Wing (not on the RPS), and the Ambulatory, as well as brief descriptions of the Red House and Archbishop’s House. Subsection 15.5 (Assessment of Cultural Significance of Receiving Environment) considers that the primary significance of the buildings on the site is based on the ensemble. Each is considered on its own merits under a number of subheadings, including architectural, historic, technical, vernacular, and group significance, personal association, rarity, and setting.

Potential Effects

- 9.13.5. Chapter 15 of the EIAR sets out predicted impacts of the proposed development on the various buildings and settings. These are not divided into construction or operational phase impacts, rather just general predicted impacts. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.3. Other effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, or where otherwise considered notable.

Table 9.3 – Environmental Effects on Architectural Heritage

Project Phase	Potential Effects
Do-nothing	There is a real risk of deterioration of the buildings and setting
General construction and operation	<p><u>Main College (Seminary) Building</u> – The demolition of later inappropriate rear extensions, restoring the historic architectural character, would have a <i>positive, significant, local</i> impact.</p> <p><u>Holy Cross Chapel</u> – The internal modifications to accommodate the proposed new use community/cultural uses</p>

	<p>would not impact materially on the chapel and would have a <i>positive, significant, local</i> impact.</p> <p><u>South Link Building</u> – Internal modifications would enhance the architectural quality and fabric of the interior and reinstate residential use with a <i>positive, significant, local</i> impact.</p> <p><u>Assembly Hall</u> – Internal alterations would enhance the architectural character and quality of the space and would have a <i>positive, significant, local</i> impact.</p> <p><u>Ambulatory</u> – The retention and restoration of existing mosaic panels would enhance the architectural and artistic character of the Ambulatory and would have a <i>positive, significant, local</i> impact.</p> <p><u>Setting</u> – The proposed landscape design is respectful of the historic character of the site and would have a <i>positive, significant, local</i> impact.</p> <p>The proposed buildings will have a positive impact on the setting of the protected structures and have a <i>positive, significant, local</i> impact.</p>
Cumulative	<p>The cumulative visual impact with the adjoining under construction hotel on the architectural heritage character of the wider context was assessed in subsection 15.7.13-15.7.17. The development is primarily cumulatively visible from Jones' Road (figure 15.90) where it 'is considered to have an acceptable visual impact on the character of this Z2 Residential Conservation Area'.</p>

Mitigation

9.13.6. Mitigation measures are set out in subsection 5.8. In terms of incorporated design mitigation it is stated that the design was developed with regard to the Architectural Heritage Protection Guidelines (2011) and that there is retention and conservation of significant fabric and features, as well as appropriate massing and landscaping.

Mitigation is set out under demolition, refurbishment and internal layout alterations to protected structures, provision of new residential buildings and landscape within the site, and conservation and restoration of the fabric to the protected structures.

Residual Effects

- 9.13.7. The residual impacts on the various buildings within the site are individually considered. The residual effects remain as set out in table 9.3.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 9.13.8. I have examined, analysed, and evaluated chapter 15 of the EIAR and all of the associated documentation on file in respect of architectural heritage. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on architectural heritage, as a consequence of the proposed development, have been identified.
- 9.13.9. The relevant documentation submitted by the applicant for this application is thorough and detailed, both within the EIAR chapter and the supporting Final Architectural Heritage Impact Assessment. The buildings and site are currently vacant and unused and contribute little to the community in their current condition. The incorporation and integration of the protected structures as part of the proposed development, the retention of the character of the institutional land, and the opening up of the site area for public use is a positive element of the proposed development and would ensure the ongoing use of these built heritage structures without any undue adverse impact on them or their settings. I consider that the proposed development would be very beneficial to the wider area in the reuse of Holy Cross Chapel and the Assembly Hall for communal and community uses.
- 9.13.10. The proposed development involves the demolition of some structures on site. These structures are not specifically cited within the DCDP 2022-2028 in the description of RPS 1901 and I consider that their demolition is acceptable and would facilitate an appropriate development of the site without having an undue adverse impact on the character of the site. I do not consider any material contravention issue would arise in relation to this issue having regard to policies of the DCDP 2022-2028 in relation to protected structures. For example, policy BHA2 is a wide-ranging policy which relates to the conservation and enhancement of protected structures and their curtilage, ensuring works are carried out in accordance with best conservation practice, the

appropriateness of scale and massing of development affecting a protected structure, respecting historic fabric, and the compatibility of new uses. Policy BHA3 states that DCC will resist the total or substantial loss of protected structures in all but exceptional circumstances. No total or substantial loss of a protected structure is proposed.

9.13.11. Having regard to the provisions of the DCDP 2022-2028, the DCC Conservation Officer prepared a detailed report on foot of the application. The report supported the proposed development 'provided the proposals avoid significant adverse direct and indirect impacts on, or serious loss to, the fabric and architectural character of the protected and unprotected historic built and landscape heritage of the site and wider environs ...' The report acknowledged the justification for the proposed demolitions of the New Wing and Library Wing and assessed the proposed alterations to and adaptive reuse of the remaining buildings, the landscaping, and the proposed development. The report recommended a grant of permission subject to substantial detailed conditions. The DCC decision includes the majority, but not all, of the Conservation Officer's recommended conditions in condition 12. The Planning Report does not provide an explanation for why not all recommendations were included. Given the specificity of the Conservation Officer's report / condition 12 I consider it appropriate to effectively re-state the condition. However, I also consider it appropriate to include, as recommended condition 16, some of the Conservation Officer's recommendations that were not included within DCC's condition 12. The Conservation Officer's recommended conditions that were not included in the decision includes some that would require architectural amendments to proposed blocks which I consider to be excessive in the context of the proposed designs and not particularly necessary in terms of the protection of the settings of Red House and the Seminary Building. I agree with the exclusion of some of these from the DCC decision e.g. recessing balconies on the eastern elevation of Block D2, a further set back or lowering of the higher part of Block B2, and reducing the height of Block A4. I do not consider that the alterations recommended would have such a positive material impact on the setting of the architectural heritage that such alterations are warranted.

9.13.12. I note that the Commission invited comments from the Development Applications Unit, An Chomhairle Ealaíon, Fáilte Ireland, and The Heritage Council given the nature of the development site. However, no observation has been received.

9.13.13. Notwithstanding the provisions of paragraph 9.13.11, mitigation measures are set out in subsection 15.8 of the EIAR. However, these are more brief descriptions than specific works and I do not consider that the inclusion of DCC condition 12 (as recommended condition 17) and some other Conservation Officer recommendations, as recommended condition 16, would comprise environmental conditions as they have not arisen from consideration of the EIAR (the Conservation Officer report also references other documentation including the Final Architectural Heritage Impact Assessment, Arboricultural Report, and Demolition Justification Report and Appendices). In addition, the recommended conditions would not conflict with any EIAR mitigation.

9.13.14. I also do not consider that undue cumulative adverse impact would arise to architectural heritage as a result of the proposed and permitted or under-construction development.

Conclusion: Direct and Indirect Effects (Architectural Heritage)

9.13.15. Having regard to my examination of environmental information in respect of architectural heritage, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I consider that the main significant direct and indirect effects on architectural heritage, after the application of mitigation measures, are:

- Positive, significant, local effect on the architectural heritage of the site as a result of the demolition of later inappropriate extensions, internal modifications, retention and restoration of features, and proposed landscaping, which would enhance architectural quality, fabric and artistic character, restore historic architectural character, accommodate community/cultural uses, reinstate previous uses, and respect the historic character of the site.

Archaeology

9.13.16. No issues have been raised by any party to the appeal in respect of archaeology. I have examined chapter 16 (Cultural Heritage – Archaeology) of the EIAR which deals with this topic. The chapter is supported by appendix 16.1 (Geophysical Survey Report dated 31st March 2020), appendix 16.2 (Archaeological Impact Assessment dated November 2020), appendix 16.3 (SMR/RMP within the study area), appendix 16.4 (Legislation protecting the Archaeological Resource), appendix 16.5 (Impact

Assessment and Cultural Heritage Resource), and appendix 16.6 (Mitigation Measures and the Cultural Heritage Resource). Having regard to the desk study and field work carried out³², the zoned brownfield nature of the site, the built form of the existing environment, and the planning history of the site, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on archaeology as a result of the proposed development.

- 9.13.17. A report was prepared for the application by the DCC Archaeology Section. This notes that, despite the negative result of testing, the EIAR recommends that all topsoil stripping be archaeologically monitored. The report considers that in the absence of a reasoned justification for same, archaeological monitoring is excessive. A revised condition is recommended which was included as condition 13 of the DCC decision. I agree with the DCC Archaeology Section report in that, based on the provisions of the EIAR and supporting documentation, the mitigation proposed in relation to archaeological monitoring is excessive. I consider that relevant mitigation as set out in the DCC decision is more appropriate than that contained within the EIAR and, as such, I consider the revised condition would comprise an environmental condition. I do not consider the proposed development would have any undue adverse effect on archaeological heritage as per policy BHA26 (Archaeological Heritage) of the DCDP 2022-2028. No material contravention issue would arise in this regard.

9.14. Landscape

Issues Raised

- 9.14.1. There are no landscape or visual impact issues raised in the grounds of appeal. Notwithstanding, given the scale of the proposed development on site I consider it appropriate to consider this issue in some detail.

Examination of the EIAR

Context

- 9.14.2. Chapter 14 (Landscape & Visual) of the EIAR is relevant. The chapter addresses both visual impacts and impact on the character of the landscape/townscape. The

³² No sites or areas of archaeological potential were noted during the course of the geophysical survey and archaeological testing.

methodology involved is set out, including reference to the ‘Verified Photomontages’ dated June 2025.

Baseline

- 9.14.3. A range of photomontages were prepared to illustrate the physical and visual character of the proposed development from both within the site and from surrounding locations. Existing trees make a significant contribution to the character of the lands and the protected structures and residential conservation areas on site and in the vicinity are noted. The site is not affected by any key view or prospect set out in the DCDP 2022-2028.

Potential Effects

- 9.14.4. The EIAR considers the potential landscape and visual impact of the proposed development. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.4. Other effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.4 – Environmental Landscape and Visual Effects

Project Phase	Potential Effects
Do-nothing	The site would remain a large area comprising largely unused buildings and open space and would be an unsustainable use of the land resource, notwithstanding its contribution to the local green infrastructure network.
Construction	Although <i>short term</i> , the effects on the townscape would be <i>significant and negative</i> on site and <i>moderate to significant and negative</i> in the immediate vicinity.
Operation	The completed development will give rise to impacts through the establishment of a new residential development as a result of the overall change in character, the change in existing views, and the change in the setting of protected structures.

Cumulative	The townscape character is robust and has capacity to accommodate transformation, contributing to a more urbanised character, aligning with the evolution of an inner-city suburban context into a compact city neighbourhood. Key characteristics will be broadly protected. Cumulative landscape/townscape and visual impact is assessed as moderate and neutral.
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Mitigation

9.14.5. Mitigation measures are set out in subsection 14.5 of the EIAR for both the construction and operational phases. Construction phase measures include tree protection. Operational phase measures are a consequence of the design strategy e.g. retained settings, and the arrangement and layout of buildings.

Residual Effects

9.14.6. Construction phase residual effects are set out in subsection 14.6.1. Construction phase works would result in a significant negative short-term effect on the landscape and visual character of the site. There would be moderate effects on the wider townscape. The significance of visual effects would vary over the construction period, though they would typically be negative and unavoidable. Moderate to significant, negative, short-term impacts would arise to visual impact on the college lands and some properties in the vicinity.

9.14.7. Operational phase residual effects are set out in subsection 14.6.2. The proposed development would be a major change, which is already evident with the under-construction seven storey hotel. The overall effect on the site is considered to be significant, positive, and long-term. The townscape effect is assessed as moderate, neutral, and long-term as the proposed development is somewhat enclosed, is consistent with emerging trends, and key characteristics are not adversely affected. 52 photomontage view locations have been prepared, both from within and outside of the subject site. Visual impact within the college lands is significant-very significant, negative and short-term and moderate-significant, neutral/positive in the long-term. Visual impact along Clonliffe Road is assessed as moderate-significant and negative in the short-term and positive in the long-term. None of the other viewpoint locations are assessed as being significant in significance.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

9.14.8. I have examined, analysed, and evaluated chapter 14 of the EIAR and all of the associated documentation on file in respect of landscape and visual impact. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely landscape and visual effects, as a consequence of the proposed development, have been identified.

9.14.9. The principle of the proposed building heights has been considered in subsection 8.3 and the impact of the proposed development in terms of impact on built heritage has been assessed in the previous subsection. The site comprises serviced and currently unused land in the north of the city in proximity to good public transport links. The site is zoned for development of the type proposed and the required open space areas have been retained in the context of the character of the site. The proposed development is consistent with wider planning framework objectives to support compact development of built-up areas. Given the number of apartments within the application and the building heights proposed it is inevitable that this would result in a significant alteration to the townscape of the area and subsequently on the views currently existing. Notwithstanding, the development of this site is supported by the relevant planning framework, it reflects the site location in the city and the principle of increased building height at appropriate locations, and the scale and design of the proposed development is acceptable in my opinion in the context of compact growth.

9.14.10. I do not consider that there would be significant cumulative adverse impacts.

Conclusion: Direct and Indirect Effects (Landscape)

9.14.11. Having regard to my examination of environmental information in respect of landscape/townscape and visual amenity, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I consider that the main significant direct and indirect landscape/townscape and visual amenity effects, after the application of mitigation measures, are:

- Significant, negative, short-term effects on the landscape and visual character of the site during the construction phase and moderate-significant, negative, short-term impacts on visual amenity during the construction phase to properties in the area.

- In the longer term the landscape and visual impact of the proposed development within the site grounds would be significant and neutral/positive.

9.15. Interactions Between the Foregoing

- 9.15.1. Though also referenced in the individual technical chapters, chapter 22 (Interactions) of the EIAR provides an overview of the key interactions identified and addressed in the previous chapters. Table 22.1 illustrates an interactions matrix and subsection 22.2 summarises them.
- 9.15.2. I have considered the interrelationships between the various environmental factors and whether these may as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered both the embedded design and the mitigation measures to be put in place, I am satisfied that no residual risk of significant negative interaction between any of the environmental factors would arise and no further mitigation measures to those already provided for in the EIAR, or as conditions of any grant of permission, would arise. I am satisfied that in general the various interactions were accurately described in the EIAR.

9.16. Vulnerability to Risks of Major Accidents and/or Disasters

- 9.16.1. This issue is addressed in subsection 2.5.1 (Major Accidents & Disasters) of the EIAR. It states that the risks of feasible accidents and natural events are addressed where relevant in the specialist chapters such as land, soil, geology and hydrogeology, and climate. The site does not fall within the consultation distance of any Seveso site. It is stated that, given the nature of the proposed development and the receiving environment, an assessment of impacts specifically in relation to major accidents and disasters has been scoped out of the EIAR. I agree that major accidents and disasters are not likely at this site i.e. a standard residential development on the north side of Dublin city, and no significant issue in this regard would be anticipated.

9.17. Reasoned Conclusion

- 9.17.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, and the submissions from the planning authority, prescribed bodies, and observers in the

course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment, with the implementation of the proposed migration measures, are as follows:

- Positive, local to regional, indirect, slight to significant, short-term socio-economic effects during the construction phase as a result of the additional demand for local services, construction materials, and supporting services.
- Moderate to significant positive effects on population, due to the substantive increase in the housing stock with supporting amenities and facilities.
- Negative residual noise and vibration impacts would be up to significant in significance during the demolition and construction phases depending on proximity of the works to the site boundary.
- Positive, significant, local effect on the architectural heritage of the site as a result of the demolition of later inappropriate extensions, internal modifications, retention and restoration of features, and proposed landscaping, which would enhance architectural quality, fabric and artistic character, restore historic architectural character, accommodate community/cultural uses, reinstate previous uses, and respect the historic character of the site.
- Significant, negative, short-term effects on the landscape and visual character of the site during the construction phase and moderate-significant, negative, short-term impacts on visual amenity during the construction phase to properties in the area.
- In the longer term the landscape and visual impact of the proposed development within the site grounds would be significant and neutral/positive.

10.0 Appropriate Assessment (AA) Screening

10.1. AA screening has been carried out in Appendix 1 to this report.

10.2. In accordance with section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in the 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 any European site, in view of the conservation objectives of the sites, and AA (and submission of a NIS) is not therefore required.

10.3. This determination is based on:

- scientific information provided in the applicant's AA Screening Report.
- the nature, scale, and location of the proposed residential development in a zoned area on fully serviced lands.
- The likelihood of dilution of any contaminated surface water to undetectable levels by the time it reached a European site by way of the River Tolka and its estuary.
- No loss of habitat or species, fragmentation, or disturbance to qualifying interests (QIs) or special conservation interest (SCI) species.
- No significant effects on water quality.
- No direct hydrological link or any other pathway to European sites.
- Separation distances to European sites and the nature of the intervening environment.
- Unconnected to a number of European sites via surface water or any other pathway.
- Comprehensive wintering bird surveys set out that the subject site is of no significant value for SCI bird species.
- Imperceptible risk of collision with the proposed buildings or disturbance of flight lines for SCI species.

10.4. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

11.0 Water Framework Directive (WFD)

11.1. The provisions of appendix 2 apply to this section.

- 11.2. The site is located on institutional land on the north side of Dublin city. The River Tolka flows along the northern boundary of the wider institutional land. This is the only watercourse on or adjacent to the site. Surface water from the vast majority of the site area would discharge to the Tolka following SuDS treatment. A small area of the site would discharge to the public system on Clonliffe Road.
- 11.3. No water deterioration concerns were raised in the planning appeal.
- 11.4. I have assessed the proposed LRD and have considered the objectives as set out in Article 4 of the WFD which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 11.5. The reasons for this conclusion are as follows:
- The mitigation measures contained within the documentation submitted with the application e.g. EIAR and CEMP.
 - The standard condition that can be attached to any grant of permission that surface water shall comply with the requirements of the planning authority for such works and services with details to be submitted for written agreement.
 - The presence of a public foul sewer to accommodate the proposed development.
 - The presence of a public combined sewer to accommodate a small proportion of the proposed surface water discharge.
- 11.6. On the basis of objective information, the proposed development would 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 Recommendation

- 12.1. I recommend that permission is granted for the LRD as proposed for the reasons and considerations set out below, and subject to conditions. These include a standard environmental condition which requires the implementation of mitigation measures set out in the EIAR (condition no. 2). Additional environmental conditions are recommended where there is a lack of clarity in the application documents and/or where additional measures are proposed to address specific items raised in the report i.e. condition no. 3.

13.0 Reasons and Considerations

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

- (a) the nature, scale, and extent of the proposed development and the pattern of existing development in the area,
- (b) the provisions of the Project Ireland 2040 National Planning Framework First Revision (2025),
- (c) the provisions of Delivering Homes, Building Communities (2025)
- (d) the provisions of the Climate Action Plan (2025),
- (e) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (f) the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011),
- (g) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024),
- (h) the provisions of the Planning Design Standards for Apartments Guidelines for Planning Authorities (2025),
- (i) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities (2018),

- (j) the provisions of the Quality Housing for Sustainable Communities Best Practice Guidelines (2007),
- (k) the provisions of the Childcare Facilities Guidelines for Planning Authorities (2001),
- (l) the provisions of the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031,
- (m) the provisions of the Dublin City Development Plan 2022-2028 including the primary 'Zone Z12 Institutional Land (Future Development Potential)', and limited 'Zone Z1 Sustainable Residential Neighbourhoods' and 'Zone Z9 Amenity / Open Space Lands / Green Network' zonings for the site,
- (n) the documentation submitted with the planning application, such as the Environmental Impact Assessment Report, the Appropriate Assessment Screening Report, and the third party grounds of appeal,
- (o) the submissions and observations received on file including from the planning authority, prescribed bodies, and first and third parties,
- (p) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,
- (q) the planning history in the vicinity of the site, and,
- (r) the report of the Senior Planning Inspector.

Appropriate Assessment Screening

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 brownfield site within the built-up urban area, the distances to the nearest European sites, the hydrological pathway considerations, the submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report, 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, and 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.

Environmental Impact Assessment

The Commission completed an Environmental Impact Assessment of the proposed development taking account of:

- (a) the nature, scale, location, and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the applicant, planning authority, prescribed bodies, and observers in the course of the application, and,
- (d) the Senior Planning Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. The Commission agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

Reasoned conclusion on the significant effects

The Commission considered that the main significant direct and indirect effects of the proposed development on the environment, after mitigation, are as follows:

- Positive, local to regional, indirect, slight to significant, short-term socio-economic effects during the construction phase as a result of the additional demand for local services, construction materials, and supporting services.
- Moderate to significant positive effects on population, due to the substantive increase in the housing stock with supporting amenities and facilities.

- Negative residual noise and vibration impacts would be up to significant in significance during the demolition and construction phases depending on proximity of the works to the site boundary.
- Positive, significant, local effect on the architectural heritage of the site as a result of the demolition of later inappropriate extensions, internal modifications, retention and restoration of features, and proposed landscaping, which would enhance architectural quality, fabric and artistic character, restore historic architectural character, accommodate community/cultural uses, reinstate previous uses, and respect the historic character of the site.
- Significant, negative, short-term effects on the landscape and visual character of the site during the construction phase and moderate-significant, negative, short-term impacts on visual amenity during the construction phase to properties in the area.
- In the longer term the landscape and visual impact of the proposed development within the site grounds would be significant and neutral/positive.

The Commission completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector. Overall the Commission is satisfied that the proposed development would not have any unacceptable effects on the environment.

Proper Planning and Sustainable Development

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the zoning and other relevant development objectives of the Dublin City Development Plan 2022-2028, would make efficient use of an appropriately zoned site within the built-up urban area on the north side of Dublin city and would contribute to compact growth, would positively contribute to an increase in housing stock and physical and social

infrastructure in the area, would facilitate the re-use and continued occupation of protected structures and appropriately protect the settings of same, would be acceptable in terms of urban design, layout and building height, and would provide an acceptable form of residential amenity for future occupants. The proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

Reason: To protect the environment.

3. In advance of commencement the developer shall submit to the planning authority a complete schedule of all mitigation measures. This shall identify who is responsible for the implementation of these measures and a timescale for implementation. The schedule of mitigation measures shall include the following additional requirements for agreement with the planning authority.

(a) Archaeological monitoring of all topsoil stripping associated with the proposed development is not required. However, if, during the course of site works, any

archaeological material is discovered, the City Archaeologist shall be notified immediately.

Reason: In the interest of the preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

4. The period during which the development hereby permitted may be carried out shall be ten years from the date of this Order.

Reason: Having regard to the nature of the development, the Commission considers it appropriate to specify a period of validity of this permission in excess of five years.

5. (a) The development shall be carried out in accordance with the phasing plan submitted as appendix C to the Construction Environmental Management Plan, unless otherwise agreed in writing with the planning authority.

(b) The provision of the community, arts, and cultural spaces within the Chapel and Assembly Hall shall be carried out within the first phase of development and they shall be fully fitted out and suitable for immediate operation prior to the first occupation of the development unless otherwise agreed in writing with the planning authority.

(c) The creche and retail unit shall be fully fitted out and suitable for immediate occupation and operation prior to first occupation of any residential unit in that phase of development.

(d) Detail of the specific use of the permitted retail unit shall be submitted to and agreed in writing with the planning authority prior to occupation of the unit.

(e) Detail of all creche, retail unit, and communal unit signage shall be submitted to, and agreed in writing with, the planning authority prior to the operation of the units.

Reason: In the interests of clarity, the orderly development of the site, and visual and residential amenities.

6. Prior to the commencement of development the developer shall submit detail of the following for the written approval of the planning authority:
- (a) The junction of the proposed vehicular entrance to the site and Clonliffe Road.
 - (b) The left-in left-out junction of the vehicular entrance to the site and Drumcondra Road Lower.
 - (c) All work to be carried out on land under the control of the planning authority.

Reason: In the interests of clarity, traffic safety, and the proper planning and sustainable development of the area.

7. Prior to commencement of development and in consultation with the Dublin City Arts Office, the developer shall provide details, for the written agreement of the planning authority, indicating the proposed use and future management of the culture/arts/community space. Details regarding intended hours of operation and a schedule for opening the space as part of the overall development shall be submitted, for written agreement, to the planning authority prior to commencement of development. All works to ensure the space is operational shall be undertaken at the developer's own expense.

Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.

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

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

9. Proposals for an estate name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs,

and apartment numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

10. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees to be retained. Such lighting shall be provided prior to the making available for occupation of any residential unit in that phase.

Reason: In the interest of amenity and public safety.

11. 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.

12. The internal road network, including all footpaths and cycle paths, serving the proposed development, including turning bays, junctions, parking areas, kerbs, and signage shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. 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.

13. (a) The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the planning authority on 9th July 2025. The specific measures detailed in section 5 of the MMP

to achieve the objectives and modal split targets for the development shall be implemented in full upon first occupation of the development. The developer shall undertake monitoring exercises in accordance with section 6 of the MMP and shall submit the results to the planning authority for consideration and placement on the public file.

(b) Bicycle hire spaces shall be reserved solely for such use. Prior to first occupation the developer shall submit detail of the intended operator for the approval of the planning authority. All requirements to facilitate the spaces shall be at the developer's/operator's expense.

(c) Prior to first occupation detail of the two mobility hubs shall be submitted for the written approval of the planning authority.

(d) A minimum of 13 no. car share spaces shall be provided on site. Detail in this regard shall be submitted for the written approval of the planning authority prior to first occupation of the development.

Reason: To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

14. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

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

15. Prior to the commencement of development the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

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

16. (a) A conservation expert with appropriate expertise shall be employed to design, manage, monitor, and implement the works to the protected/historic structures to be retained and to ensure adequate protection of the retained and historic fabric during the works. All permitted works shall be designed to cause minimum interference to the retained historic structures and facades and/or fabric and neighbouring structures.
- (b) All works to the protected structures and retained historic structures shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of historic fabric. Items removed for repair shall be recorded prior to removal, catalogued, and numbered to allow for authentic reinstatement.
- (c) In advance of works commencing the developer shall submit two copies of survey drawings, photographs, and building reports of all historic structures to the Irish Architectural Archive.
- (d) In advance of works commencing the applicant shall confirm with the planning authority if any surviving historic elements are concealed behind later linings and if any hitherto unknown historic fabric is found elsewhere on site. The presence of additional historic fabric may inform an overall strategy for a design proposal that would enhance the character of the protected/historic structures.
- (e) The developer shall engage with the planning authority on a basis to be agreed in writing prior to the commencement of development in relation to potential impacts on architectural heritage arising from the project implementation and operation.
- (f) The written authorisation of the planning authority shall be obtained for any deviation from the methodology, materials, and process described in the submitted documentation.

Reason: In the interest of the protection of architectural heritage.

17. (a) Conservation repairs to maintain the continued good condition of the interiors, external envelope, roofs and rainwater goods of the protected structures shall be programmed as early as possible in the proposed development and critical services shall be maintained to protect the building fabric from damage.

(b) All sound salvageable materials from the demolition of the New Library and New Wing shall be carefully dismantled and removed for reuse in accordance with appendix XIV of the Final Architectural Heritage Impact Assessment.

(c) The following shall be submitted for the written approval of the planning authority in advance of the execution of the works:

(i) In relation to Conservation Repair Methodology and Specifications: detailed specifications, methodologies, and repair schedules for works to the historic fabric for cleaning, consolidation, and repointing, repairs to historic fabric including plaster ceilings, cornices, walls, timber and tiled floors, mosaic, timber and metal sash/casement/multi-paned/other windows and doors, joinery, external plaster and stonework, brickwork, roof coverings and underlying structures, stone steps, columns, ironwork, specialist cleaning, pointing, and collaboration and coordination and advising on the optimum approach to new mechanical and electrical services, lighting, heating, data, fire prevention and fire alarm etc. for the following:

Works to the Protected Structures to accommodate new apartments; demolition, removal and salvage of existing fabric where indicated; works to conserve making good of historic fabric where previous extensions and interventions are executed; works to conserve and restore the external envelope and interior fabric of the Seminary Building (and adaptive reuse), Holy Cross Chapel, Assembly Hall, Ambulatory; widening of the existing gateway from Drumcondra Road Lower and consolidation and repairs of historic boundary walls; salvage and relocation/reinstatement of oak wall panelling and leaded windows from the oratory in the New Wing to the Assembly Hall; repairs to windows including slimline double glazing where appropriate; salvage of sound materials and fabric from the demolition of the New Wing and Library Wing, and alterations to the interior of the former Seminary and South Link Building to accommodate new residential use.

(ii) For the Seminary Building, annotated plan drawings @ 1:100 scale with a number of typical plan layouts drawn at 1:50, a number of key section drawings @ 1:50 and junction details @ 1:10 to respond to the following:

- (a) Enrichment of the presentation of the new interiors including good quality materials.
- (b) Detailed window schedule that includes all proposed repairs/upgrading.
- (c) Detailed door schedule with descriptions of all new doors/lobby doors either side of the main central staircase. The doors in this location shall be designed to a high standard and shall complement the architectural character of the Protected Structure – door-swings shall be corrected to be consistent on all levels
- (d) Updated plans to include all proposed structural elements along the circulation corridor.
- (e) Revised apartment layouts to ensure that entrance lobbies to the apartments are carefully considered to avoid awkward stepped walls and pinch points.
- (f) Revised drawings that relocate new partitions to avoid clashes with existing window openings on the principal elevation including the tripartite windows to the advanced bay above the main entrance.
- (g) Clarifying the access to the proposed location for bin storage serving the new apartments within the former Seminary Building.

(iii) For Holy Cross Chapel, detailed 1:50 plans, sections, and elevations, and a conservation-led detailed specification and methodology, and schedule of conservation repairs for the interior proposals to the Chapel, and all proposed conservation repairs, services upgrades, and other interventions to facilitate community / cultural use, in advance of their execution. All historic fabric/remaining artefacts/fixtures and fittings shall be retained in situ as far as practically possible and presented within the new proposal.

(iv) For the ground floor of the South Link Building, amended layouts shall be submitted as follows:

- (a) New wall construction for the stair hall adjacent to the Chapel Entrance so that it would align within the stairhall (without a step) and within the new ground floor apartment.
 - (b) Consider the treatment of the shower/wc and store as lower elements within the overall volume.
 - (c) Adjust the width of the circulation corridor/shower room to avoid a step in the wall within the circulation corridor.
 - (d) Confirm whether the smoke vent within the stairhall serving the Seminary building can be accessed from the stairhall.
 - (e) Consider the placement of the services cupboard within the circulation corridor serving the former Seminary apartments in a more sympathetic manner.
 - (f) Confirm all conservation repairs to historic fabric including plaster ceilings and cornices, and new finishes to the interior.
 - (g) Indicate where the pulpit stored within the circulation stair hall to the rear of the South Link will be relocated.
- (v) For the first floor of the South Link Building, amended layouts shall be submitted as follows:
- (a) Demonstrate through the submission of 1:5 detail that the proposed shower room partition (adjacent to the former Seminary stair enclosure) avoids any adverse impact on the existing window linings.
 - (b) Reconsider the width of the circulation corridor and the dimensions of the adjoining shower/wc to avoid a step in the partition to the circulation corridor, whilst retaining a reasonable bedroom size.
 - (c) Ensure that former historic openings are detailed in such a way to ensure their legibility as former openings.
 - (d) Confirm the new location of the secondary organ through the submission of 1:50 plan, section, and elevations drawings.
- (vi) For the Assembly Hall the following shall be submitted:
- (a) Confirmation of proposed works to and usage of the basement area.

- (b) Detailed schedules of repair accompanied by marked-up drawings as necessary, cross-referenced to photographs where required, to indicate areas where conservation repairs and other interventions are proposed.
- (c) Confirm the condition of existing Bangor Blue slates and indicate where repairs/replacements are required to natural slates, gutters, and cast iron rainwater goods (to match original historic materials on a like-for-like basis).
- (d) Detailed schedule of extant metal and timber windows of interest and repairable condition and door schedule. Indicate proposed works to internal and external finishes. Confirm internal and external lighting and the proposed new heating system.
- (e) Details of upgrades required to facilitate universal access, accessible wcs, and replacement of sanitary ware and finishes
- (f) 1:20 details of proposed alterations to door openings to accommodate the relocation of doors and oak panelling from the Oratory in the New Wing, and of the existing coloured glass from Oratory Level 00, that will be removed and set in metal frames mounded to the interior of the future Event Space, accompanied by close-up record photographs and a detailed method statement.
- (g) Indicate on marked-up drawings the quantum of panelling that will be reused and indicate how any excess timber panelling will be reused within the new development in an appropriate manner or whether new panelling is required, and include a small discreet information plaque that explains the provenance of the new timber panelling and its origin.
- (vii) For the Ambulatory, a good-quality photograph of each mosaic niche, each of which shall have an individual reference number, and a marked-up 1:20 drawing of each mosaic niche identifying proposed conservation repairs with specification for proposed repairs, accompanied by a 1:100 elevation drawing of the Ambulatory identifying defects in the render and indicating proposed conservation repairs, lighting, and other interventions and associated conservation methodologies and specifications.
- (viii) In relation to landscaping the following shall be submitted:

- (a) Provide additional planting to soften the severe appearance of the typical hedge and railing boundary treatment indicated in locations like CGI 01.
 - (b) Submit refined details of proposed pergola and truncate the pergola so that it does not enter the setting of the former Seminary Building.
 - (c) New semi-mature / mature trees shall be augmented where possible to maintain a sylvan environment around the large new residential blocks.
 - (d) The introduction of additional planting adjacent to the Drumcondra Road Lower entrance.
 - (e) Additional screening along the boundary with the Archbishop's House.
- (ix) For the Drumcondra Road Lower boundary:
- (a) all effort shall be made to minimise the extent of fabric removal. A detailed conservation-led specification and methodology for the proposed removal of the historic stone, and repairs to the stone wall at this location and along the entirety of its length, shall be submitted along with detailed drawings and specification and methodology of the proposed gate piers and associated new work. For all repairs the developer shall consider the historic stone coursing, sizes of stone as well as mortar composition and colour. All new repair elements shall match the historic walls.
 - (b) Existing original features in the vicinity shall be protected during the works.
 - (c) Repair of original fabric shall be scheduled and carried out by experienced conservators.

Reason: In the interest of the protection of architectural heritage.

18. The landscaping scheme shown on drawing number L4-100, as submitted to the planning authority on the 9th July 2025, shall be carried out within the first planting season following substantial completion of external construction works in that phase, or as otherwise agreed in writing with the planning authority.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within

a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

19. (a) Prior to commencement of development, all trees and groups of trees which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: In the interest of visual amenity and to protect trees and planting during the construction period.

20. 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 available for inspection by the planning authority.
- (n) the appointment and responsibilities of a community liaison officer for the duration of the construction period.

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

21. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

22. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection.

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

Reason: In the interest of proper planning and sustainable development.

24. 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, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

25. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

26. 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 sections 96(2) and 96(3) (b) (Part V) of the Planning & Development Act, 2000 (as amended), unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

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

27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 Bord Pleanála for determination.

Reason: To secure the protection of trees on the site.

28. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

29. 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Anthony Kelly

Planning Inspector

8th January 2026

Appendix 1 – Appropriate Assessment (AA) Screening

Screening for Appropriate Assessment (AA) Test for likely significant effects Case file – ACP-323764-25	
Step 1: Description of the project and local site characteristics	
Brief description of project	Ten year permission for an LRD comprising demolition of buildings, construction of 1,131 apartments in twelve blocks ranging from three to thirteen storeys in height, and re-use of buildings (protected structures) on an 8.7 hectares site.
Brief description of development site characteristics and potential impact mechanisms	<p>The site is largely disused currently but is a former seminary college. It comprises a number of protected structures and open spaces on the north side of Dublin city in the built-up area.</p> <p>The site is currently fully serviced. It is proposed to discharge foul water to the public system. SuDS is proposed on-site with the vast majority of the site area discharging surface water via two surface water outfalls to the River Tolka which runs along the northern boundary of the wider lands. One building/area adjacent to Clonliffe Road would discharge surface water to the public network.</p>
Screening Report	An Appropriate Assessment (AA) Screening Report dated 27 th June 2025 was submitted with the application.
Natura Impact Statement (NIS)	None.
Relevant submissions	<p>AA was not referenced in any third party submission or observation from any prescribed body received by DCC, by any internal DCC report prepared for the application, or in the grounds of appeal.</p> <p>Section 9 of the DCC Planning Report states that the planning authority has carried out screening and can conclude that 'the proposed works are not foreseen to give rise to any significant adverse effects on any designated European sites, alone or in combination with other plans or projects'.</p>

Step 2: Identification of relevant European sites using the source-pathway-receptor model

As per subsection 6.13 of this report, the closest European site is South Dublin Bay and River Tolka Estuary SPA approximately 1.5km to the east. The closest SAC is South Dublin Bay SAC approximately 4km to the south east. All distances are in a direct line.

Table 5.2 of the applicant's AA Screening Report identifies 25 European sites, 14 SACs and 11 SPAs, within a 20km radius. Qualifying interests (QIs) of each SAC and special conservation interests (SCIs) of each SPA are set out as well as commentary on the relevant source-pathway-receptor links.

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

Subsection 5.1.2 of the applicant's AA Screening Report sets out potential construction and operational phase impacts. Construction phase impacts are considered to be hydrocarbon leaks to ground and contaminated surface water discharge to the River Tolka and its estuary and Dublin Bay. Operational phase impacts are considered to be foul effluent discharge to Dublin Bay through the public sewer and discharge of hydrocarbons to ground through a vehicle leak. Though I would not include foul effluent to the public sewer, as that would be treated in the public system and a Confirmation of Feasibility from Uisce Éireann was submitted with the application, I nonetheless accept that these are the only realistic pathways, noting that the subject site, except at the proposed surface water outfall locations, is not adjacent to the River Tolka.

As per Step 2, the AA Screening Report identifies 25 European sites within a 20km radius. QIs and SCIs are set out as well as commentary on the relevant source-pathway-receptor links. No likely significant effect is predicted on any European site in the absence of mitigation. The reasons for excluding any likely significant effects on the SACs and SPAs are as follows (bullet points generally apply to multiple sites):

SACs

- Even in the event of a pollution incident e.g. a fuel or cement spill, significant enough to impact on surface or groundwater quality locally, it would not be perceptible in Dublin Bay SAC, the closest SAC to the site, due to the significant separation distance. Any pollution entering any watercourse during construction would be so diluted as to be undetectable by the time the water enters the sea.
- No loss of habitat or species, fragmentation, or disturbance to QIs will occur.
- No significant effects on water quality and therefore on QIs.
- No direct hydrological link or any other pathway.
- Separation distances.
- Unconnected via surface water or any other pathway.

SPAs

- As per the SAC bullet points, above.

- In addition, the AA Screening Report sets out in subsection 5.1.1 that, following four wintering bird surveys between 2019/2020 and 2024/2025, the 'results clearly demonstrate that the proposed development site is of no significant value for any SCI species and there is no possibility of a significant effect arising on European sites as a result of potential impacts to populations of SCI bird species' (page 21) i.e. the site is not of significant value for ex-situ species.
- Imperceptible risk of collision with the proposed buildings or disturbance of flight lines for SCI species.

In-combination effects are considered in section 7 of the AA Screening Report. A number of larger developments in the wider area, including the two developments referenced in footnote 18 (the hotel and 39-unit apartment building), and plans, were identified. It is considered that significant in-combination effects on European sites are not likely to occur.

Having regard to the foregoing, I agree with the applicant's AA Screening Report that the proposed development would not result in any likely significant effects on any European sites for the reasons set out in the bullet points and that in-combination effects are not likely. I also agree with the conclusion of the AA Screening Report which states 'In view of best scientific knowledge this report concludes that the proposed development ... individually or in combination with another plan or project, will not have a significant effect on any European sites. This conclusion was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites. It is considered that this report provides sufficient relevant information to allow ... a determination ... that the proposed development will not have any likely significant effects on European sites in light of their conservation objectives'.

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

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on any European site. 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 & 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 any European site in view of the conservation objectives of the sites, and AA (and submission of a NIS) is not therefore required.

This determination is based on:

- scientific information provided in the applicant's AA Screening Report.

- the nature, scale, and location of the proposed residential development in a zoned area on fully serviced lands.
- The likelihood of dilution of any contaminated surface water to undetectable levels by the time it reached a European site by way of the River Tolka and its estuary.
- No loss of habitat or species, fragmentation, or disturbance to QIs or SCIs.
- No significant effects on water quality.
- No direct hydrological link or any other pathway to European sites.
- Separation distances to European sites and the nature of the intervening environment.
- Unconnected to a number of European sites via surface water or any other pathway.
- Comprehensive wintering bird surveys set out that the subject site is of no significant value for SCI bird species.
- Imperceptible risk of collision with the proposed buildings or disturbance of flight lines for SCI species.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

Appendix 2 – Water Framework Directive (WFD)

WFD Impact Assessment Stage 1: Screening			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála Ref. No.	ACP-23764-25	Address	Holy Cross College, Clonliffe Road, Dublin 3 and Drumcondra Road Lower, Dublin 9
Description of project	Ten year permission for an LRD comprising demolition of buildings, construction of 1,131 apartments in twelve blocks ranging from three to thirteen storeys in height, and re-use of buildings (protected structures) on an 8.7 hectares site.		
Brief site description relevant to WFD screening	<p>The site is largely disused currently but is a former seminary college. It comprises a number of protected structures and open spaces on the north side of Dublin city in the built-up area.</p> <p>The River Tolka runs along the northern boundary of the wider seminary lands but there is no other watercourse on or adjacent to the site. The site is relatively flat and is fully serviced. Teagasc soil mapping indicates that the soils are comprised primarily of made ground/engineering fill material (signifying its suburban location) with deep, well drained mineral soil derived from limestones (BminDW) to the north of the site. Alluvium (AlluvMIN) is also recorded to the north, which corresponds to the location of the River Tolka.</p>		
Proposed surface water details	SuDS is proposed on-site with the vast majority of the site area discharging surface water via two surface water outfalls to the River Tolka which runs along the northern boundary of the wider lands. One building/area adjacent to Clonliffe Road would discharge surface water to the public network.		
Proposed water supply source and available capacity	Water supply is from the public main. A Confirmation of Feasibility has been received from Uisce Éireann.		
Proposed wastewater treatment system and available capacity	Wastewater discharge is to the public foul network. A Confirmation of Feasibility has been received from Uisce Éireann.		
Other issues	None.		

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance	Water body name (code)	WFD status (2019-2024)	Risk of not achieving WFD status	Identified pressures on that water body	Pathway linkage to water feature
River waterbody (River Tolka)	Approx. 25 metres north of the main development site boundary. Two proposed surface water pipes from the site would discharge to the river.	Tolka_060 (IE_EA_09T011150)	Poor	At risk	Urban runoff, urban waste water	Surface water discharge
Transitional waterbody (Tolka Estuary)	Approx. 100 metres downstream of the outfall point of the more eastern of the two proposed surface water outfall pipes.	Tolka Estuary (IE_EA_090_0200)	Poor	At risk	Urban waste water	Close proximity downstream of proposed surface water outfall

Groundwater waterbody	Underlying site	Dublin (IE_EA_G_008)	Good	Review	None	Drainage to 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							
No.	Component	Waterbody receptor (EPA code)	Pathway	Potential for impact / what is the possible impact	Screening stage mitigation measure	Residual risk (Y/N)	Determination to proceed to Stage 2
Construction Phase							
1	Surface	Tolka_060 (IE_EA_09T011150) Tolka Estuary (IE_EA_090_0200)	Surface water runoff	Deterioration of surface water quality during site clearance and construction works	Documentation submitted with application e.g. EIAR and CEMP, contain a number of standard and relevant mitigation measures.	No. Appropriate mitigation is proposed.	Screened out
2	Ground	Dublin (IE_EA_G_008)	Discharge to ground	Deterioration in groundwater quality during site clearance and construction works	As above	As above. Chapter 9 of the EIAR states the aquifer vulnerability on site is low.	Screened out
Operational Phase							

3	Surface	Tolka_060 (IE_EA_09T011150) Tolka Estuary (IE_EA_090_0200)	Surface water	Deterioration of surface water quality	Primarily SuDS. A standard condition requiring surface water detail to be agreed with the planning authority is also recommended should permission be granted.	No. This is a standard residential development.	Screened out
4	Ground	Dublin (IE_EA_G_008)	Discharge to ground	Deterioration of groundwater quality	As above	As above	Screened out
Decommissioning							
Decommissioning is not anticipated as this is a permanent residential development.							