



An
Coimisiún
Pleanála

Inspector's Report

ACP-324123-26

Development

Mixed use Large-Scale Residential Development (LRD) comprising the demolition of commercial and warehouse buildings and structures on site, provision of 250 no. apartments including internal residential amenity spaces, a crèche and a café/kiosk.

Location

Lands at White Heather Industrial Estate, South Circular Road and including 307/307a South Circular Road and, 12a St James Terrace, Dublin 8.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEBLRD6086/25-S3

Applicant(s)

Green Urban Logistics 3 White Heather Propco Limited

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal	Third Parties vs. Grant First Party vs. Conditions
Appellant(s)	1. St James's Terrace Residents' Association 2. DTW Capital 3. James Gibbons 4. Green Urban Logistics 3 White Heather Propco Limited (Applicant)
Observer(s)	None
Prescribed Bodies	Department of Housing, Local Government and Heritage
Date of Site Inspection	20 th April 2026
Inspector	Stephen Ward

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1.0 Site Location and Description

- 1.1. The site is located in the Dolphin's Barn area of Dublin City, c. 2.km southwest of the city centre. It currently largely comprises the White Heather Industrial Estate located between the Grand Canal and South Circular Road (SCR). The immediate surrounding area is mainly characterised by low-rise terraced residential properties interspersed with a mix of community and commercial uses, although there are more recent developments of greater density/scale in the wider area.
- 1.2. The northeastern corner of the site includes residential/office property No. 307/307a and the existing access road off SCR. Otherwise to the north, the site bounds onto the rear of other 2-storey terraced residential properties and Our Lady of Dolours Church (protected structure RPS No. 1849) along SCR. It is bounded by residential properties at St. James's Terrace (SJT) to the west (apart from a short section of frontage onto the road itself providing access to 12a SJT) and a three-storey residential building at Grand Canal View to the southwest. The Grand Canal and its banks (including open space, trees etc) bound the site to the south. There is an 'An Post' sorting office and commercial unit (Storage World) to the immediate east of the site, and Priestfield Cottages are located further eastward.
- 1.3. The site itself currently includes several low-rise units housing uses of a generally industrial / warehousing / commercial nature. They are arranged around a central hardstanding area used for access, circulation and parking. The ground levels are relatively flat across the site. It has a stated gross site area of 1.13ha (Net Area: 1.09 ha). Two small areas within the red line site boundary are in the ownership of Dublin City Council (DCC), located at the accesses to SJT and SCR. A letter of consent from DCC has been submitted with the application.

2.0 Proposed Development

2.1. Permission is sought for the construction of a mixed use Large-Scale Residential Development. In summary, the main aspects of the development will consist of:

- Demolition of all existing commercial and warehouse buildings and structures on the site except Nos 307/307A South Circular Road, (c.4,665 sq.m of floorspace).
- Provision of a residential development of 250 units within six blocks ranging in height up to seven storeys.
- Change of use of the existing property at 307/307A South Circular Road to crèche (c.172.9 sq.m including external play area).
- Internal residential amenity spaces (c. 404.3 sq.m in total) and a café/kiosk (c.34.8 sq.m).
- Provision of 86 no. car parking spaces, 8 no. motorbike parking spaces and 421 no. bicycle parking spaces.
- Provision of communal and public open spaces, landscaping, and boundary treatments.
- Vehicular, pedestrian and cyclist access will be via the existing estate entrance from South Circular Road, with additional pedestrian/cyclist access from the west via St James's Terrace.

2.2. The water services proposals include the following:

Surface Water - SuDS features cover 62.16% of all roof area within the site, with 54.25% of this being intensive green roof, a significant portion of this being positioned above blue roof storage. Permeable paving covers the majority of the external ground floor of the site. A buried modular attenuation tank is incorporated to hold up to the 1 in 30-year storm event. The new surface water drainage network has been designed to restrict the outflow from the site to 2.1 l/s which will enter into a combined manhole before flowing into the public combined brick culvert sewer in South Circular Road.

Foul Water - It is proposed that foul flows will combine with the collected surface water flows, prior to connection to the existing combined sewer in the South Circular Road.

Water Supply - It is intended to connect via the existing 225mm diameter line along the northern boundary of the site.

- 2.3. Based on the application information, the key figures for the proposed development are summarised in the following table:

Site Area	1.13 ha (gross), 1.09 ha (net)
Residential Units	250
Unit Mix	234 Apartments comprising 12 no. studios (5%), 148 no. 1-beds (59%), 74 no. 2-beds (30%). 16 Duplex Units comprising 8 no. 1-beds (3%) and 8 no. 2-beds (3%).
Density	221 uph (gross), 229 uph (net)
Site Coverage	Gross Site Area: 25.2%, Net Site Area: 26.1%
Plot Ratio	Gross ratio: 1.60%, Net ratio: 1.66%
Building Height	3-7 storeys
Dual Aspect	49%
Other Uses	Creche (c.172.9 sq.m including external play area) Café/Kiosk (34.8 sqm) Residential Amenity Space (404.3 sqm)
Communal Space	2,152.4 sqm (Surface Level 1497.7sqm, Roof Terraces 654.7sqm)
Public Open Space	1121 sqm (10.3%) 2,441 sqm (22.4%) including Z9 lands.
Car Parking	86 spaces (inc. 58 no. residential at lower ground level, 15 no. residential at surface level; 4 no. accessible at surface level; 7 no. for Storage World operations; 1 no. loading / servicing bay; and 1 no. dedicated creche drop-off)
Cycle Parking	421 spaces (352 no. residents, 4 no. creche staff, 65 no. visitors)
Motorcycle Parking	8 spaces

2.4. In addition to the standard plans and particulars, the application included a wide range of documents and reports including:

- Planning Report
- Community & Social Infrastructure Audit
- EIA Screening Report
- Architectural Design Statement
- Schedule of Accommodation
- Housing Quality Assessment
- Civil Engineering Infrastructure Report
- Basement Impact Assessment
- Site Specific Flood Risk Assessment
- Landscape Design Report
- Tree Survey Report
- Archaeological, Architectural & Industrial Heritage Assessment
- Pedestrian Level Wind Desk-Based Assessment
- Traffic and Transport Assessment
- CGI's and Photo Montages
- Townscape and Visual Impact Assessment
- Acoustic Design Statement
- Daylight & Sunlight Analysis Report
- Construction and Environmental Management Plan
- AA Screening Report
- Natura Impact Statement
- Ecological Impact Assessment
- Resource Waste Management Plan
- Operational Waste Management Plan

- Site Lighting Report
- M&E Energy Analysis Report
- Building Lifecycle Report
- Part V Pack / Costings.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 10th February 2026, DCC made a decision to grant permission subject to 30 conditions.

3.1.1. Conditions

The conditions are mainly of standard nature and scope, but notable conditions can be summarised as follows:

Conditions 4 & 5 require changes to the development, including the omission of 9 units, as follows –

- Omission of ‘pop up’ 6th floor of Block 3.
- Omission of units in Blocks 1 and 4 to reduce height.
- Increased setback of Block 5 from common boundary.
- Setback of ESB substation from common boundary to north.
- Relocation of bin store adjacent to 13 St James’s Terrace.

The applicant has appealed the requirements of conditions 4 & 5.

The conditions of the DCC decision are discussed in further detail in sections 8 and 11 of this report.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The DCC assessment can be summarised under the following headings.

Principle of Development

- The site is in an area governed by the land use zoning Sustainable Residential Neighbourhoods – Zone Z1. ‘Residential’ is a permissible use.
- The proposed development is considered acceptable in principle subject to further assessment.

Layout & Design (Height & Density)

- Following pre-application consultations, it is noted that some blocks have been recessed and/or reduced in height. However, concern remains with regard to the 7-storey ‘pop up’ of Block 03.
- While the site’s central location, its frontage to the Grand Canal, and mixed townscape character are noted, the site does not fall within an SDRA area and is zoned Z1 with the objective ‘to protect, provide and improve residential amenities’. Therefore, while it is recognised that a coherent transition in height is required, 3-6 storeys is considered sufficient to achieve capacity whilst protecting residential amenity and overcoming previous refusal reasons. Conditions should be attached to reduce the overall height of Block 3 to 6 storeys.
- Increased setbacks from the boundaries and/or reduced heights of Blocks would aid the integration of this scheme more comfortably.
- While the proximity of Block 04 to the site boundary was raised as a concern, this is a potential future development site within the ownership of the applicant, and it is considered that suitable separation distances can be achieved.
- The proposed density of c.229uph is considered acceptable in line with the ranges provided in the CDP of 100-250 in the Canal Belt.

Daylight & Sunlight

- Daylight - Analysis has been undertaken for the kitchen/living/dining (KLD) and bedroom spaces in assessed units. All units were assessed for the Spatial Daylight Autonomy (SDA) methodology as detailed in the BRE Guide (2022) and 93% of rooms were compliant. Non-compliant rooms have been identified, and compensatory measures have been provided.

- Exposure to Sunlight - This metric assesses sunlight availability to each unit. The proposed development achieves a high compliance rate (93%).
- A graphic in the study indicates the areas of communal open space which receive 2 hours of sunlight on the 21st of March in accordance with BRE Guidelines.
- Overall, the application generally complies with the recommendations and Guidelines of the BRE Guide, which is considered acceptable.

Impacts on Residential Amenity

- While the long rear garden areas serving the houses on St James's Terrace are noted, and while undue overlooking of the neighbouring properties from Block 5 is not a concern (subject to obscure glass in first floor window) the setback should be increased to protect existing houses from overbearing impacts and to improve the usability of the communal open space to the rear of Block 05.
- A condition should be included to reduce the height of Block 5 '*as the sections submitted shown an excess in the floor to height heights proposed at ground and first floor*' (sic).
- Daylight - Of the 198 windows assessed, 4 windows were identified as below the BRE guidance and warranted further investigation. Two of these windows were determined to pass the No Sky Line (NSL) test and therefore deemed compliant, with the remaining 2 windows on 309 South Circular considered as minor fails in terms of Vertical Sky Component (VSC).
- Overshadowing - Given the urban context and the siting of the proposed buildings a level of overshadowing is inevitable. While the 3rd party concerns about impacts on St James's Terrace are noted, these gardens and properties are shown to pass relevant guidance standards.
- No 309 South Circular Road - The outdoor space was deemed to be impacted in the Daylight /Sunlight assessment, which is concerning. A reduced height (to 4 storeys) would help reduce the undue impacts.
- Proposed structures (ESB substation, switch rooms, cycle and bin stores) along the northern boundary (adjoining Z2 zone and Protected Structure) should be relocated to protect the existing wall and trees.

- Proposed bin storage adjacent to no. 13 St James's Terrace should be relocated.
- There are concerns about the proximity and relationship between Block 1 and no. 13 St James's Terrace. A condition should apply to require a revised 3-storey block with the 4th and 5th storey set back.
- Concerns about air quality and health have/will be addressed in the reports submitted and the environmental conditions of any permission.

Quality of Proposed Apartments

- An assessment against the DHLG Apartments Guidelines (2025) outlines:
 - SPPR 1 – The proposed unit mix complies.
 - SPPR 2 - All apartments meet or exceed the minimum floor areas. It appears that c.34 no. units have been designed to Universal Design (UD) standards, which is welcomed. The internal layouts are efficient and functional. All units are sized to allow some minor internal reconfiguration and adaptation.
 - SPPR 3 - 49% dual aspect units are proposed, which is higher than the 33% requirement for central areas.
 - SPPR 4 – Floor to ceiling heights comply in all cases.
 - SPPR 5 – Stair core proposals are acceptable.
 - SPPR 6 – This removes the requirement of CDP Objective CUO25 to provide a minimum of 5% community, arts and culture spaces in such schemes. The proposal to include a crèche and café/kiosk is welcomed.
 - Private amenity space - All units have been provided either with private balconies or ground floor terraces/balconies which meet or exceed the minimum floor area requirements set out in Appendix 1 of the Apartment Guidelines.
 - Communal Open Space – Proposals are acceptable in terms of area, sunlight availability, and play spaces (subject to conditions).
- Internal residential amenity - It is noted that spaces (c. 404.3sqm in total) are proposed to serve the future occupants of the scheme.
- Safety & security – The scheme has been suitably designed to comply with the requirements of section 15.9.11 of the CDP.

Creche and Cafe

- The capacity of the creche (36 children) exceeds requirements (22 spaces).
- The proposed creche, café and associated plaza is generally welcomed subject to clarification of further details.

Open Space

- The proposed public open space (POS) presents a good contemporary landscape architectural design with strong connectivity across the scheme. The requirement is 10% of the site area or 1090sqm, and the stated provision is 2441sqm. This is considered to be acceptable.
- Conditions should require a boundary railing to the canal side, external seating, covered bicycle stands, and safeguarding of public access (not taken in charge).

Trees & Biodiversity

- Proposals for tree retention and planting are acceptable subject to conditions.
- The canal side should be protected during construction.
- The Ecological Impact Assessment has been reviewed, and proposals are acceptable subject to conditions including agreement of a CEMP to address any risk of pollution of the Grand Canal.
- Invasive species, including Japanese knotweed is recorded on the site, which must be controlled in accordance with current regulations.
- Lighting is compliant with Bat Conservation Ireland Guidelines, but a condition controlling lighting of the Canal is also recommended.
- All mitigation and monitoring measures in the NIS should be included.

Transportation, Access and Movement

- The Transportation Planning Division (TPD) welcomes the proposed public road works and improvements to the site access junction and separate pedestrian and cycle entrance off South Circular Road.
- The dedicated pedestrian / cyclist access off St James's Terrace will enhance the site's connectivity, permeability, and accessibility to amenities.

- Regarding third-party concerns about access and parking to 'Storage World', this should be agreed through an updated parking management strategy.
- A continuous distinctive 'boulevard' pedestrian route through the site will link with a planned linear park (Grand Canal Greenway). The submitted material outlines that rights-of-way / access requirements will be maintained to the satisfaction of Waterways Ireland and DCC Active Travel unit has confirmed that the proposals do not affect the greenway route options currently under consideration.
- Cycle Parking – There are concerns about the quantity and design of resident and visitor spaces. This should be addressed as a condition.
- Car Parking – Car-sharing proposals should be clarified.
- It is accepted that traffic volumes will be offset by the loss of the existing industrial estate. No significant impacts to junction capacity are anticipated.
- Construction traffic management measures should be agreed.

Conservation

- The Conservation Officer (CO) raises serious concerns that the height, scale and massing will have serious impacts on the setting of the Protected Structure and surrounding established historic residential terraces. The CO recommends that a height that would comprise a four-storey base with recessed attic up to a maximum of six storeys should be considered.
- The concerns of the CO are noted. The recommended revisions previously outlined (above) will lessen the undue impacts on the setting of the Protected Structure and surrounding established historic residential terraces.
- As per CO report, all new boundary walls shall be constructed in brickwork.

Archaeology

- The report received from the City Archaeologist considers that the submitted documents do not adequately assess the potential impact of the proposed development on significant industrial heritage assets, including the possible buried remains of canal dock basins visible on historic maps. It recommends a heritage interpretation strategy and preservation *in situ*, and all recommended conditions should be attached to any grant of permission.

Energy Statement

- An Energy Analysis Report has been submitted and is considered acceptable.

Environmental Impact Assessment

- An EIA Screening report has been submitted.
- Given the scale and nature of the project and taking into account all available information, the Planning Authority can conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and that an Environmental Impact Assessment is not required.

Appropriate Assessment

- The applicant's AA Screening Report concludes that the possibility cannot be excluded that the proposed development may have a significant effect on the following European sites:
 - North Dublin Bay SAC (000206)
 - South Dublin Bay SAC (000210)
 - North Bull Island SPA (004006)
 - South Dublin Bay and Tolka Estuary SPA (004024)
 - North-west Irish Sea SPA (004236).
- Based on the screening exercise, it is necessary to proceed to Stage 2 of the Appropriate Assessment process.
- The DCC Parks, Biodiversity and Landscape Services Department have reviewed the NIS and recommend that all mitigation and monitoring measures should be included in conditions. On the basis of the NIS and AA Screening Report submitted, the best scientific knowledge available, the avoidance and mitigation measures proposed, the absence of any residual adverse effects after mitigation, and the supporting documentation prepared by qualified and experienced ecologists, the Planning Authority is satisfied beyond reasonable scientific doubt that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site, in view of the conservation objectives of those sites.

Other matters

- Third party concerns relating to procedural matters (such as alleged invalidity, lack of consultation, landownership, leases and rights of way) and broader socio-economic concerns do not constitute grounds for refusal.

Conclusion

- The report recommends that permission should be granted and this forms the basis of the DCC decision.

3.2.2. Other Technical Reports

- Transportation Planning Division: No objection subject to conditions.
- Archaeology: The archaeological impact is projected to be significant. The submitted documents do not adequately assess the potential impact on significant industrial heritage assets: there is no response to the request for a heritage interpretation strategy; and there has also been no meaningful evaluation for preservation in situ of significant features such as the potential remains of the canal basin docks. Conditions, including archaeological assessment with testing, are recommended in the event of a grant of permission.
- Conservation: Raises serious concerns that the height, scale and massing of the proposed development will have serious impacts on the setting of the Protected Structure and surrounding established historic residential terraces. Recommends that a height that would comprise a four-storey base with recessed attic up to a maximum of six storeys should be considered. Conditions are recommended in the event of a grant of permission.
- Drainage Division: No objection subject to conditions.
- Parks, Biodiversity and Landscape Services: No objection subject to conditions.
- Environmental Health Officer (EHO): No objection subject to conditions.

3.3. Prescribed Bodies

Uisce Éireann: Water and wastewater connections are feasible without infrastructure upgrade. Landscaping and road works proposed over existing Uisce Éireann assets within the site will require approval.

3.4. Third Party Observations

The planning authority received 6 no. submissions. The issues raised are mainly covered in the grounds of appeal in section 7 of this report. Any other issues raised can be summarised as follows:

- Overconcentration of Built To Rent Development.
- Excessive Car-Parking provision.
- Concerns about water pressure and sewage flows.
- Lack of consultation with residents.

4.0 Planning History

Appeal Site

APB Ref. 313278-22: SHD application refused for demolition of existing buildings on site except 307/307a South Circular Road, construction of 335 no. Build To Rent residential units (7no. houses, 328 no. apartments), creche and associated site works. The reasons for refusal were as follows:

1. *Having regard to the design and layout of the proposed development and in particular to the scale and proximity of elements adjacent to existing residential properties, it is considered that the proposed development would have significant adverse impacts on residential amenities by way of overlooking, overbearing, and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development would have an adverse impact on the adjoining "Z2" Conservation Area at South Circular Road, in particular houses numbers 309 to 319 South Circular Road, by way of overlooking, overshadowing and visual impacts, contrary to Policy BHA9 of the Dublin City Development Plan 2022 - 2028, which seeks to protect the special interest and character of "Z2" Conservation Areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

3. *Having regard to the provisions of the "Sustainable Residential Developments in Urban Areas - Guidelines for Planning Authorities" and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009, to accompany the "Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities", issued by the Department of Housing, Planning and Local Government in December 2020, and the design and layout of the proposed development, it is considered that the proposed development by reason of inadequate standards of daylight and sunlight within apartment units, in the absence of detailed compensatory measures, would contravene policies QHSN36 High Quality Apartment Development and QHSN37 Houses and Apartments of the Dublin City Development Plan 2022 - 2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

Other Sites

There is significant planning history in the wider surrounding area, including Bus Connects and several sites within the designated SDRA 11 as per the CDP 2022-2028. These are summarised as follows.

Bus Connects

ABP Ref. 316828-23: Permission granted on 17/10/2024 for Tallaght/Clondalkin to City Centre BusConnect Core Bus Corridor Scheme on site including Dolphin's Barn Road to the northwest of the appeal site.

Former Bailey Gibson Site

ABP Ref. 307221-20: Permission granted on 14/09/2020 for SHD consisting of demolition of all structures, construction of 416 no. residential units (4 no. houses, 412 no. apartments) and associated site works.

Former Player Wills Factory

ABP Ref. 308917-20: Permission granted on 15/04/2021 for SHD consisting of demolition of all buildings excluding the original fabric of the former Player Wills

Factory, construction of 492 no. Build to Rent apartments, 240 no. Build to Rent shared accommodation units, community, arts and cultural and exhibition space, retail/café/office uses, crèche and associated site works.

P.A. Reg. Ref. 3406/25: On 15th April 2026 DCC made a decision to grant permission for amendments to the permitted basement under Block PW2 only, as permitted under ABP-308917-20.

St Teresa's Gardens

ABP Ref. 315306-22: Application by Land Development Agency on behalf of DCC approved on 27/06/2023 for 543 apartments, a retail/café unit, mobility hub, community/artist workspace, childcare facility and all associated works.

P.A. Reg. Ref. 2756/13: DCC approved Part VIII application for the demolition of 10 no. 4-storey flat blocks comprising 276 no. residential units and 5 no. commercial units; refurbishment of 60 no. apartment units located in 2 no. 4-storey blocks resulting in 52 no. refurbished and upgraded apartment units.

P.A. Reg. Ref. 2033/14: DCC approved Part VIII application for construction of 50 no. new residential units and 34 no. terraced houses. Revisions to Part VIII Ref 2756/13 to provide 57 no. refurbished units. Also new urban park and road network.

P.A. Reg. Ref. 2475/18: DCC approved Part VIII application for amendments to the previously permitted St. Teresa's Gardens scheme to allow for additional 4 no. terraced residential units; amendments to the design of 12 no. previously permitted units; development of a temporary grass multisport pitch in addition to the previously permitted park; demolition of 2 no. existing flat blocks containing 56 no. residential units, a football club premises, boxing club premises/changing facility and a shop premises to facilitate the future provision of a landmark park with full size multisport pitch and associated works.

5.0 Policy Context

5.1 National Policy and Guidelines

5.1.1. 'Delivering Homes, Building Communities 2025-2030' is the Government's 'Action Plan on Housing Supply and Targeting Homelessness'. The plan targets the construction of 300,000 homes. To accelerate progress, the plan includes regulatory reforms, tax incentives, and the largest ever investment in infrastructure in the history of the State - €275 billion over ten years through the National Development Plan. It is a wide-ranging strategy encompassing two pillars:

Pillar 1 – Focuses on activating the supply of 300,000 homes.

Pillar 2 - Details how people will be supported, including key actions that work towards ending homelessness, support affordability, and address housing needs.

5.1.2. The National Planning Framework (NPF), First Revision, April 2025 is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. Key elements of the NPF include commitments towards 'compact growth', 'sustainable mobility', 'sustainable management of environmental resources', 'transition to a carbon neutral and climate resilient society', and 'enhanced amenity and heritage'.

5.1.3. It contains several relevant policy objectives that articulate the delivery of key elements, including:

- NPO 8 - Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- NPO 10 is to deliver Transport Orientated Development (TOD) at scale at suitable locations, served by high capacity public transport and located within or adjacent to the built up footprint of the five cities or a metropolitan town and ensure compact and sequential patterns of growth.
- NPO 11 outlines that planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Act shall have

regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

- NPO 12 - Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 22 - In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.
- NPO 37: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 43 is to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale.
- NPO 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.
- NPO 83: Identify and strengthen the value of greenbelts and green and blue spaces at regional, city and local scales.

5.1.4. The Climate Action Plan 2025 builds upon and should be read in conjunction with the Climate Action Plan 2024. It refines and updates the measures and actions required to deliver carbon budgets and sectoral emissions ceilings and provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050. All new dwellings will be designed and constructed to Nearly Zero Energy Building (NZEB) standard by 2025, and Zero Emission Building standard by 2030. In relation to transport, key targets include a 20% reduction in total vehicle kilometres travelled, a 50% reduction in fossil fuel usage, and significant increases to sustainable transport trips and modal share. The Commission is required, in so far as practicable, to perform its functions in a manner consistent with the Climate & Low Carbon Development Act.

5.1.5. The National Biodiversity Action Plan 2023-2030 includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local Level and is taken into account in decision-making having regard to the Habitats and Birds Directives, EIA Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable. Biodiversity is addressed in sections 8.10 and 10 of this report.

5.1.6. Having considered the nature of the proposal, the receiving environment, and the documentation on file, including the submissions received, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), Department of Housing, Local Government and Heritage (hereafter referred to as the 'Compact Settlement Guidelines').
- Planning Design Standards for Apartments – Guidelines for Planning Authorities, 2025 (hereafter referred to as the 'Apartments Guidelines').
- The Planning System and Flood Risk Management including the associated Technical Appendices, 2009 (the 'Flood Risk Guidelines').
- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018 (hereafter referred to as the 'Building Height Guidelines').
- Childcare Facilities – Guidelines for Planning Authorities (June 2001) and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education Scheme (the 'Childcare Guidelines').
- Architectural Heritage Protection Guidelines for Planning Authorities (2011).

5.1.7. Other relevant national Guidelines include:

- Design Manual for Urban Roads and Streets (DMURS) (2019).

- Guidance for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).
- Framework and Principles for the Protection of the Archaeological Heritage, Department of Arts, Heritage, Gaeltacht and the Islands (1999).

5.2 Regional Plans/Policies

5.2.1. The primary statutory objective of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 (RSES) is to support implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. The Dublin Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on ‘Strategic Development Areas and Corridors’ that will deliver significant development in an integrated and sustainable fashion. The appeal site is within the ‘City Centre Within the M50’ (Multi modal) area and is close to the ‘South west corridor (DART / LUAS redline)’.

5.2.2. The following RPOs (as summarised) are of relevance:

RPO 4.3 supports the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within Dublin City and suburbs and ensure that future development areas are co-ordinated with infrastructure.

RPO 5.5: Residential development shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner.

5.2.3. The Greater Dublin Area Transport Strategy 2022-2042 (NTA) sets out a framework aiming to provide a sustainable, accessible, and effective transport system for the area which meets the region’s climate change requirements, serves the needs of urban and rural communities, and supports the regional economy.

5.3 Dublin City Development Plan 2022-2028

5.3.1. The Dublin City Development Plan (CDP) 2022-2028 came into effect on 14th December 2022. At the time of writing the Plan had been subject to 9 adopted variations. Currently proposed Variations include:

No. 10 – Kylemore Masterplan. This is not relevant to the current case.

No. 11 - To give effect to the First Revision of the National Planning Framework, April 2025, and to incorporate the housing growth requirements set out in the Ministerial Guidelines - National Planning Framework NPF Implementation: Housing Growth Requirements, Guidelines for Planning Authorities, 2025. This variation was on public consultation until 28th April 2026. The process is unlikely to have been finalised by the time of the Commission’s decision on this case.

Zoning

5.3.2. The majority of the site is zoned Z1 ‘Sustainable Residential Neighbourhoods’, the objective for which is ‘*To protect, provide and improve residential amenities*’. ‘Residential’ and ‘childcare facility’ are included as a ‘permissible use’ in the Z1 zone under section 14.7.1 of the Plan. A ‘café/tearoom’ is ‘open to consideration’.

The southern part of the site is also zoned ‘Z9’ (Amenity / Open Space Lands / Green Network) and is included within a designated ‘Conservation Area’ which runs along the Grand Canal.

The surrounding properties to the east, north and west of the site are zoned as a mixture of ‘Z1’ and ‘Z2’ (Residential Neighbourhoods (Conservation Areas)), while properties adjoining the southwest corner of the site are zoned ‘Z4’ (Key Urban Villages / Urban Villages).

Strategy

5.3.3. The overarching strategic approach of the plan is to develop a low carbon, sustainable, climate resilient city. The housing demand calculated sets a requirement for the development plan to provide for approximately 40,000 housing units between 2022 and 2028. The Core Strategy outlines that compact growth will be promoted throughout the city through appropriate infill development and consolidation of brownfield sites and targeted growth along key transport corridors.

Climate

5.3.4. Chapter 3 deals with 'Climate Action' and sets out a strategic approach to integrate climate mitigation and adaptation principles in order to ensure that Dublin becomes a low carbon and climate resilient city. Relevant policies and objectives relating to sustainable settlement patterns, the built environment, and sustainable transport include the following (as summarised):

CA3 - Support the transition to a low carbon, climate resilient city by seeking sustainable settlement patterns, urban forms and mobility.

CA4 - Support retrofitting of existing built-up areas including reopening closed walking and cycling links and providing new links.

CA6 - To promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible.

CA8 - To require low carbon development which will seek to reduce carbon dioxide emissions, and which will meet the highest feasible environmental standards during construction and occupation.

CA9 - Development proposals must demonstrate sustainable, climate adaptation, circular design principles for new buildings / services / site.

CA10 - All new developments involving 30 residential units and/or more than 1,000sq.m. of commercial floor space, or as otherwise required by the Planning Authority, will be required to submit a Climate Action Energy Statement as part of the overall Design Statement. CA17 further requires that such Statements shall include an assessment of the technical, environmental and economic feasibility of district or block heating or cooling, particularly where it is based entirely, or partially on energy from renewable and waste heat sources.

City Shape and Structure

5.3.5. Chapter 4 sets out the overarching framework and strategy to guide the future sustainable development of the city. The vision for the urban form and structure of the city is to achieve a high quality, sustainable urban environment, which is attractive to residents, workers and visitors. A key objective will be to ensure that large suburban areas are integrated into the structure of the city, both in relation to

the city centre and the metropolitan area. Relevant policies and objectives include the following (as summarised):

SC8 - Supports the development of the inner suburbs and outer city in accordance with the strategic development areas and corridors set out under the Dublin Metropolitan Area Strategic Plan and fully maximise opportunities for intensification of infill, brownfield and underutilised land.

SC10 – Ensure appropriate densities in accordance with national policy.

SC11 - Promote compact growth through consolidation and intensification of infill and brownfield lands, particularly on public transport corridors.

SC12 - Promote a variety of housing and apartment types and sizes, as well as tenure diversity and mix.

- 5.3.6. Section 4.5.4 deals with increased building height and outlines that Appendix 3 sets out specific guidance regarding the appropriate locations where enhanced density and scale including increased height will be promoted. Appendix 3 also outlines performance criteria for the assessment of such development and details the different classifications of building height in the city. The spatial approach is generally to protect the vast majority of the city as a predominantly low-rise city, including established residential areas and conservation areas within the historic core, while also recognising the potential and the need for taller landmark buildings to deliver more sustainable compact growth, including areas identified for large scale regeneration and redevelopment. Relevant policies and objectives include the following (as summarised):

SC14 – Strategic approach to accord with the Building Height Guidelines.

SC15 – Promotes a mix of uses in large scale development with increased height.

SC16 – Recognises the need for increased building height in identified locations, subject to the protection of existing amenities and sensitivities.

SC17 – Sets out guidance for proposals with increased scale/height in order to protect and enhance the skyline of the city.

SC18 - Promote a co-ordinated approach to the provision of landmark/tall buildings.

5.3.7. Sections 4.5.5 and 4.5.6 of the Plan set out policies and guidance in relation to Urban Design, Architecture, and the Public Realm.

Housing

5.3.8. Chapter 5 deals with 'Quality Housing and Sustainable Neighbourhoods' and the strategic approach aims to deliver quality homes and sustainable communities in the compact city. Based on national and regional policy guidance, it outlines a range of policies and objectives aimed at promoting regeneration, urban consolidation, densification, and healthy placemaking. A core objective of the plan is to promote the realisation of the 15-minute city, which envisages that people should have the ability to access most of their daily needs within 15 minutes on foot or bike from where they live. It promotes a range of house types and tenure to cater for social inclusion and particular housing needs. The Plan also promotes high-quality standards and design for housing and apartments developments, including high standards of residential amenity, housing mix, and social/community infrastructure. Relevant policies and objectives include the following (as summarised):

QHSN11 - To promote the realisation of the 15-minute city.

QHSN21 - Support the creation of a permeable, connected and well-linked city and to avoid gated residential developments.

QHSNO15 - Housing developments over 100 units shall include a community safety strategy for implementation.

QHSN48 - To ensure that all residential applications comprising of 50 or more units shall include a community and social audit.

Transport

5.3.9. Chapter 8 deals with 'Sustainable Movement and Transport' and presents an integrated strategy that supports and prioritises the use of sustainable modes of transport and promotes active travel and a pro-active and collaborative approach to influencing travel behaviour. The Plan aims towards the effective integration of land use and transportation and encourages higher-density development along public transport routes. It also aims to improve the public realm and accessibility for all.

SMT010 - Permission for major development (>100 units for example) will only be granted by the City Council, once a full audit of the walking and cycling facilities in the environs of a development is undertaken.

- 5.3.10. Section 8.5.7 emphasises that a strong car-parking policy in the city has been instrumental in changing travel behaviour and promoting sustainable development and confirms that policies to discourage commuter car parking are further strengthened in the plan. Section 8.5.9 highlights the need to keep all road users interacting safely and efficiently, as is supported in policies SMT 33, SMT 34, and SMT 35.

Sustainable Environmental Infrastructure and Flood Risk

- 5.3.11. The policies and objectives in Chapter 9 address a broad range of supporting infrastructure and services, providing for improvements in water quality and water services, sustainable waste management, greater energy security and efficiency, enhanced digital connectivity, and a more holistic and nature-based approach to flood risk and surface water management, all while safeguarding environmental quality and providing for climatic resilience. Relevant provisions include (as summarised):

SI23 - To require all new developments with roof areas in excess of 100 sq. metres to provide for a green blue roof designed in accordance with the requirements of Dublin City Council's Green & Blue Roof Guide (2021) which is summarised in Appendix 11.

SI25 - To require the preparation of a Surface Water Management Plan as part of all new developments in accordance with the requirements of Appendix 13.

Green Infrastructure and Recreation

- 5.3.12. Chapter 10 sets out a strategy to seek more urban greening, healthy placemaking and development which works with nature in order to lessen the impacts of climate change, improve air and water quality, provide effective flood management, encourage walking, cycling and physical activity generally and also to protect and improve biodiversity and ecological resilience. Policy GI26 is to give priority to acquiring new public open space on-site. Where it is not feasible or realistic on site,

the Council will require a financial contribution in lieu of provision to provide appropriate open space in the vicinity.

Built Heritage and Archaeology

- 5.3.13. Chapter 11 recognises the importance of protecting built heritage and archaeology in quality place-making and urban design. The strategic approach aims to protect these heritage assets primarily through sensitive development and high-quality architecture; the inclusion of structures on the Record of Protected Structures (RPS); the designation of Architectural Conservation Areas and Areas of Special Planning Control; safeguarding zones of archaeological interest; implementing the City Heritage Plan; and promoting the re-use of heritage buildings. Relevant provisions include the following (as summarised):

BHA9 aims to protect the special interest and character of all Dublin's Conservation Areas and states that development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and setting, wherever possible.

BHA10 outlines a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances contributing to a significant public benefit.

BHA11 is to retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment.

Culture

- 5.3.14. Chapter 12 acknowledges that cultural infrastructure is a key social asset that must be planned for in the same way as we do for our water supply, our transport, our parks and our built heritage. Relevant Objectives include the following:

CUO25 - SDRAs and large Scale Developments

All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly

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

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

CUO30 – Co-Design and Audits

Large development applications (over 10,000 sq. m., either in phases or as one application) will, in the absence of a DCC local area culture audit (CUO44 refers), be required to undertake a cultural audit for the local area to identify shortcomings within the area; and to work with DCC Arts Office to identify and agree appropriate arts or cultural uses, preferably as part of a co-design process in advance of lodging an application, for inclusion in the development. Such audits shall be informed by the existing cultural mapping resources in the Dublin City Cultural Infrastructure Study and by Culture Near You maps.

Development Standards

5.3.15. Chapter 15 sets out the standards and criteria to be considered in the development management process, as well as guidance on the information to be submitted for various applications. Relevant aspects include the following (as summarised):

15.2.3 & Table 15-1 outlines the thresholds for the requirement of documentation / reports for different types of planning applications.

15.7.1 outlines requirements to submit a demolition justification report.

15.8.6 outlines public open space requirements for residential development, including a minimum requirement for 10% of the site area in Z1 zones. Section 15.8.7 allows for financial contributions in lieu of open space in some instances.

15.8.8 outlines that applications which include the provision of public open space shall be subject to a requirement to provide for appropriate playground facilities.

15.9.8 outlines requirements for 'communal amenity space' (also referred to in this section as 'communal open space'), including the size, nature, design, and quality of such spaces.

15.9.17 outlines that traditionally a minimum distance of 22m is required between opposing first floor windows. In taller blocks, a greater separation distance may be prescribed. In certain instances, reduced separation distances may be acceptable.

15.18.4 outlines the policy to generally discourage any significant underground or basement development or excavations below ground level of, or adjacent to, residential properties in Conservation Areas or to protected structures. It is also policy that a Basement Impact Assessment (BIA) shall accompany all planning applications that include a basement (Further guidance on this is outlined in Appendix 9 of the Plan).

15.18.11 outlines that any development containing significant excavation including the construction of a basement or any development on brownfield lands should include a ground investigation report to be submitted with an application.

Appendices

5.3.16. Volume 2 contains a range of Appendices. Relevant provisions include the following (as summarised):

Appendix 1 – 'Housing Strategy'.

Appendix 3 – 'Achieving Sustainable Compact Growth' outlines policy and criteria in relation to building height, density, plot ratio, and site coverage, as well as Table 3 - Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale.

Appendix 5 - 'Transport and Mobility: Technical Requirements' expands on the Sustainable Movement and Transport framework and sets out technical development standards which are applicable to all developments, including cycle/car parking.

Appendix 9 – Basement Development Guidance.

Appendix 11 - Technical Summary of Dublin City Council Green & Blue Roof Guide (2021).

Appendix 16 – 'Sunlight and Daylight' outlines guidance and standards.

5.4 Natural Heritage Designations

The appeal site is almost entirely within the boundaries of the Grand Canal pNHA. The nearest Natura 2000 sites are the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC, both located c. 5km to the east of the site.

6.0 EIA Screening

6.1. The applicant has submitted an Environmental Impact Assessment Screening Report, and I have had regard to same in this screening assessment. The information provided is acceptable in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. I note that the third-party appeals include an opinion that EIA should be required and I have had regard to same.

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

Class 10(b):

(i) Construction of more than 500 dwelling units.

(iv) Urban development which would involve an area greater than 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.

Class 15:

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

6.3. The total number of dwellings (250) would fall significantly short of the threshold (500), and the gross site area (1.13ha) would be significantly less than any relevant area threshold (at least 2 hectares). The application is therefore sub-threshold and

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

- 6.4. The criteria within Schedule 7 to the Regulations are relevant in considering whether this proposed development would be likely to have significant effects on the environment that would require EIA.
- 6.5. The predominant residential use (with other small-scale commercial/community uses) would be similar to the surrounding land uses in the area. The proposed development would not increase the risk of flooding, and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The development would be adequately served by municipal drainage services and water supply.
- 6.6. The construction stage has the potential for contaminants, noise, dust, asbestos, and other disturbances, but I am satisfied that these potential impacts will be satisfactorily addressed through the CEMP, the EclA, the NIS, and related measures.
- 6.7. The existing site character is not sensitive, but surrounding landscape / townscape sensitives have been considered, including built heritage and blue / green infrastructure. It is considered that there is adequate information on file (including Architectural Design Statement; Landscape Design Report; Archaeological, Architectural & Industrial Heritage Assessment; and Townscape and Visual Impact Assessment) to assess the impacts of the development in this regard without the need for an EIAR. Subject to mitigation by condition, I am satisfied that archaeological impacts can be satisfactorily addressed.
- 6.8. The ecological surveys have outlined that the site does not support substantive habitats or species of conservation significance. The EclA and Natura Impact Statement have considered the proximity and potential for connections to such habitats/species and designated sites in the wider surrounding area, and I am satisfied that there would be no significant effects on same. Similarly, I am satisfied that it has been demonstrated that there will be no significant effects on protected,

important, or sensitive species of flora or fauna which use areas on or around the site.

- 6.9. I note that the submission from the DHLGH confirms satisfaction that there will be no adverse effects on European Sites. The submission also highlights potential impacts on bat species and otter but is satisfied that this can be addressed through the proposed mitigation measures and the conditions of any grant of permission.
- 6.10. The site and surrounding area do not contain high quality or scarce resources, and the surrounding water resources are not likely to be significantly affected. There would not be any significant congestion effects on key transport routes, and the development would be suitably designed and managed to promote sustainable transport modes, thereby avoiding significant environmental problems such as excessive transport emissions etc.
- 6.11. The potential cumulative effects with existing and approved development have been considered, for both the construction and operational phase. The majority of existing/planned development is of a similar residential nature and includes potential cumulative effects at construction stage (e.g. traffic, noise, dust) and operational stage (e.g. traffic, wastewater emissions). However, I consider that these effects are consistent with the existing and planned use of the area and that they would be suitably mitigated by design measures and conditions to avoid significant effects.
- 6.12. I have completed an EIA Screening Assessment as set out in Appendix 3 of this report. Therefore, having regard to:
1. the criteria set out in Schedule 7, in particular
 - (a) the nature and scale of the proposed development, in an established built-up area served by public infrastructure
 - (b) the limited extent and complexity of any environmental sensitivities in the vicinity
 - (c) the location and nature of the site and proposed development in relation to any sensitive location specified in Article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),

2. the results of other relevant assessments of the effects on the environment submitted by the applicant, including the results of the Strategic Environmental Assessment of the Dublin City Development Plan 2022-2028 under the SEA Directive,
3. the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the Civil Engineering Infrastructure Report; Basement Impact Assessment; Archaeological, Architectural & Industrial Heritage Assessment; Acoustic Design Statement; Construction and Environmental Management Plan; Natura Impact Statement; Resource Waste Management Plan; Operational Waste Management Plan; Building Life Cycle Report; M&E Energy Analysis Report; Site Lighting Report; and Ecological Impact Assessment;,

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

7.0 The Appeals

7.1. Introduction

- 7.1.1. The DCC decision to grant permission has been the subject of 3 no. third-party appeals. The third-party appeals raise a number of common issues which are cumulatively summarised in section 7.2 below. In addition to more general objections, the appeals from St James's Terrace (SJT) Residents Association and James Gibbons raise concerns about the impacts of the development on the residential amenities of properties on St James's Terrace, while the appeal from DTW Capital highlights concerns about impacts on an existing business (Storage World) which is partly within (Unit 297 - to be demolished) and partly adjoining (Unit 295 - to be retained) the appeal site. Apart from the Storage World units themselves, the appeal contends that established vehicular access, movement, and parking arrangements within the site will be adversely affected.

7.1.2. Separately, the applicant has submitted a first party appeal against conditions 4 and 5 of the DCC decision, which require changes to the development as outlined in section 3.1.1 of this report. The grounds of the first-party appeal are summarised in section 7.3 below.

7.2. **Grounds of Third-Party Appeals**

As previously outlined, the third-party appeals raise common issues which can be cumulatively summarised under the headings below.

The Principle of Development

- Existing businesses serving the community should not be lost as a result of this and other emerging residential developments in the area. It results in an inadequate mix of uses.
- The removal of Storage World is contrary to policies and objectives in the NPF, RSES, the Compact Settlement Guidelines (2024), the Urban Design Manual (2009), and the CDP (including the Z1 zoning objective), which seek to retain/create jobs alongside residential through mixed-use development.
- The demolition of existing buildings (rather than retention and reuse) has not been justified and is contrary to CDP provisions relating to carbon and climate, which support national targets under the Climate Action and Low Carbon Development (Amendment) Act 2021. It may materially contravene the CDP in respect of the demolition of existing buildings in full commercial usage.

Design, Height, Scale, and Density

- The scheme would constitute overdevelopment that is at odds with existing uses and development/character, including St James's Terrace, South Circular Road, and the canal frontage.
- The prevailing height and density is quite low. Assessment should not rely on recent developments in SDRA areas which are designated for locally higher buildings / density.

- The Townscape and Visual Impact Assessment makes no reference to how Storage World would be integrated into the site. Condition No. 4 fails to adequately address these concerns.
- Block 2 is unacceptable as proposed and the DCC assessment has not addressed concerns raised about visual and amenity impacts on SJT. It should be reduced to 5-storey.
- Block 3 is 8-storey (not 7-storey as indicated in the DCC Planner's Report) and should be reduced to 6-storey to protect visual and residential amenity (overbearing and overlooking).
- The design of Block 4 would prejudice the future redevelopment of Storage World and An Post and this has not been addressed in the applicant's 'masterplan'. It should be refused.
- The height and scale would adversely impact on the setting and views associated with Our Lady of Dolours Church (protected structure), the historic canal (conservation area), and the historic setting of the site.
- Proposals are contrary to s. 3.2 of the Building Height Guidelines (2018).

Residential Standards

- Inadequate provision of private open space, daylight and sunlight for the proposed apartments and the absence of compensatory measures would contravene Policies QHSN36 and QHSN37 of the CDP.
- The 1.5m setback of Block 4 from Storage World and An Post will result in unacceptable visual incongruity, obtrusion, overshadowing, noise, and a substandard design interface.
- Incorrect reliance on the Apartment Guidelines (2025) as follows:
 - SPPR 6 relates to the content of development plans and is not applicable to the assessment of individual applications. As such, the proposal materially contravenes Policy CUO25 of the CDP. The DCC 'Briefing Document' on 'Communal, Community and Cultural Facilities' has no status under the Act and cannot be taken into account.

- Reliance on SPPR 1 for unit mix to exceed 50% limitation for 1-bed units as per the CDP.
 - The Guidelines are subject to a legal challenge¹ based on the lack of SEA, and their status is in doubt.
 - Even if the Guidelines did not require SEA, they cannot be relied upon to derogate from the CDP which was subject to SEA².
- The mix of apartments is poor with no 3-bed / family units, which is contrary to CDP Policies QHSN36, QHSN38, and QHSN47.
 - Proposed apartments are too close together (<16-metre requirement) and do not afford adequate privacy.
 - The scheme does not include adequate facilities for children and teenagers, including play areas, which is contrary to CDP provisions.
 - The scheme offers no large area of usable public open space within the Z1 zoned area, which is contrary to the CDP, Compact Settlement Guidelines, and Urban Design Manual. The area along the canal is inadequate and a pocket park civic open space is required.

Impacts on Existing Residential Properties

- The scale of buildings would have significant adverse impacts by reason of overlooking, overbearing, and overshadowing.
- Block 1 (5-storey) is as close at 7.9m from adjoining properties and is of excessive height and scale. Balconies and windows would cause overlooking and the block would cause overbearing and overshadowing. It should be reduced to 3-storey and condition no. 4 of the DCC decision is inadequate.
- Balconies on floors 4-6 of Blocks 2 & 3, and to a lesser extent Blocks 1 & 4, will cause active overlooking of rear gardens/windows in St James's Terrace (SJT).
- Despite the DCC Planner's report stating that the height of Block 5 should be reduced by condition, no such condition has been included. It is unclear whether the setback of Block 5 required by DCC (condition 4) can be achieved as it would

¹ Reference is made to IEHC 728

² Reference is made to the Judgement of CJEU Case C-9/22

impact on footpaths/roads, and the Block should be only 2-storey with 7-11m deep gardens. The Block should be refused due to excessive proximity to SJT properties and associated residential amenity impacts.

- The decision fails to address likely adverse impacts on the Z2 Conservation Area at South Circular Road, including overlooking, overshadowing, and visual impacts. This is contrary to CDP Policy BHA9.
- The decision fails to address the likely adverse impacts on existing properties by reason of daylight and sunlight.
- Assessment confirms how the SJT properties and rear gardens would lose daylight and sunlight every day (particularly eastern morning sun), which is unacceptable notwithstanding mitigation and/or the provisions of the BRE Guidelines. The applicant's assessment shows that Nos. 1-3, 5, and 13 will be affected and the minimum standards set out in the Guidelines are applicable to high-density areas such as central London and are often well below current standards enjoyed by residents.
- The development would adversely impact on the value of properties in SJT.
- There has been no consultation or consent from SJT owners regarding proposals for shared boundaries.
- Communal space to the rear of Block 5 is poorly designed and will lead to anti-social behaviour.
- The pedestrian/cycle access off SJT could exacerbate security and anti-social behaviour problems.
- The back boundary wall for No. 3 SJT seems to be openly accessible from the public area at the side of Terrace Block 5.
- Condition 4(e) of the DCC decision is welcomed with regard to relocation of the proposed bin store adjacent to no. 13 SJT.
- Detailed dust control measures are required for the construction stage.
- There will be unacceptable impacts on the internal and external amenities of No. 13 SJT as follows:

- Block 1 (including its proximity, scale, height, windows, and balconies) will result in unacceptable overbearing and overlooking effects.
- All rear windows will be significantly impacted, and the applicant's assessment indicates that 2 windows failed the VSC assessment.
- The degree of overshadowing and daylight loss will remain severe.
- The daylight and sunlight analysis is incorrect as follows:
 - Table 5.5.2.2 has included the front car parking area in its calculations.
 - It does not evaluate all relevant openings, in particular the patio doors and ground floor openings serving the main living space.
- The scale and proximity of Block 5.
- Noise and disturbance.
- The proposed adjoining bin and bike stores, pedestrian/cycle link, and play area are unacceptable on grounds of odour, noise, public health, illegal dumping, anti-social behaviour, and increased activity/disturbance.
- Traffic hazard as a result of conflict between vehicular movement and the proposed adjoining pedestrian/cycle link and the absence of improved cycle infrastructure in the wider area.
- Overspill car parking resulting in traffic hazard.

Impacts on 'Storage World' business

- Part of the business (Unit 297) is to be demolished and extinguished. Other business elements are retained within the site (i.e. established right of way, circulation requirements, and parking spaces) and will be adversely affected.
- The business enjoys a legal lease (until July 2029) for Unit 295 (outside the site) and associated parking rights (7 spaces) and right of way (within the site). Although the lease for Unit 297 (including 11 parking spaces) expired in February 2025, the appellant has applied to the circuit court to fix the terms of a new lease and has no intentions of vacating pending an outcome of that process. The appellant has a legally enforceable right to prevent the implementation of the proposed development. Therefore, the development could not realistically be

completed within the lifetime of a planning permission, which the Commission is obliged to consider by virtue of s. 34(3)(c) and s. 37(1)(b) of the Act.

- The business (primarily residential storage services) is a 'repository' use which is compatible with residential use and the Z1 zoning, is not a non-conforming use, and should have been incorporated into the scheme as has/would be the case for other businesses (e.g. a supermarket). It would provide a valuable storage service to the proposed apartments and other planned developments and can be considered a 'community use' protected by Objective QHSN12 of the CDP.
- The application has not included an adequate masterplan to address impacts on the business. More attention has been afforded to impacts on the An Post facility.
- The business has provided a service and employment to the local community for many years and should be protected in accordance with CDP policies. There are few options for relocation and the appellant objected to the re-zoning of the site from Z6 to Z1 in the first instance³.
- Conditions 8 & 9 of the DCC decision requires amendments to a range of roads, parking, and canal frontage matters, while condition 4 requires changes to the design and layout of blocks. They do not address Storage World concerns and cannot be achieved in the current scheme by condition.
- The applicant's Planning Report makes different references to the number of car parking spaces for Storage World operations.
- An existing loading bay to the north of Unit 295 will be replaced by parking and existing parking will be reduced, thereby removing facilities for HGV loading and reducing parking which will result in traffic congestion / hazard.
- The Outline Construction Environmental Management Plan makes no reference to how the business would remain operational during construction.
- The development would depreciate the value of the business.

³ As per Variation No. 23 of the Dublin City Development Plan 2016-2022

Traffic & Transport

- Storage World will continue to require access via the primary estate road, which will conflict with residential movements and the proposed new pedestrian and cycle path. This will result in traffic hazard.
- It is unclear whether the proposed junction with South Circular Road (SCR) and the internal road network alignment has been designed to accommodate HGV traffic associated with Storage World.
- The Road Safety Audit (RSA) does not fully consider Storage World access, operations, and associated traffic. Clarifications are required.
- The proposed creche drop-off will also be unsafe in proximity to loading requirements and the proposed 'service bay' is inadequate. There will be confusion between the purpose of both 'bays' which have been poorly sited.
- The scheme offers inadequate residential and commercial parking and will result in haphazard / overflow parking. It should include at least 1 space per apartment.
- The parking strategy is not supported by the level of public transport and cycle/pedestrian facilities in the area.
- Traffic generation associated with the development is underestimated as it is based on unrealistically low parking standards.
- The area, including SJT, already suffers from traffic congestion and inadequate parking. This will be exacerbated by the proposed development.

Flooding and Drainage

- The applicant's SSFRA is outdated as it includes a reference to the Strategic FRA carried out under the CDP 2016-2022.
- The SSFRA has not addressed concerns about flood risk and finished floor levels as outlined in the DCC LRD Opinion, including basement levels.
- It is unclear whether Storage World (Unit 295) would be fully drained within the applicant's proposals.
- The application has not demonstrated compliance with CDP surface water policies, including SI21, SI22, SI23, and SI25.

- Proposals are unclear in relation to surface water attenuation volumes, SUDS strategy, surface water management, discharge rates, finished ground levels.

Other Issues

- Third-party concerns that conditions 4, 5, and 8 require significant re-design that should have required further information and re-advertisement.
- Shortfalls identified in the previous SHD refusal have not been satisfactorily addressed.
- The pre-planning process should have allowed for participation by third parties under the EIA Directive and considered the retention of Storage World.
- DCC feedback from pre-planning stage has not been satisfactorily addressed.
- Inadequate consultation has been carried out with Storage World to properly incorporate their requirements.
- The application is invalid as it does not:
 - include written consent from the owner of a leasehold (i.e. DTW Capital) over part of the site.
 - show rights of way in yellow on drawings.
 - include Unit 295 within the red line boundary.
 - Include reference to Storage World implications in public notices.
- Trees in good condition cannot be retained with the kiosk still in place. There are concerns that other trees adjoining the site would be damaged at construction stage, including trees adjoining SJT. Additional tree-planting should be required at the interface with SJT and in the pedestrian link to SJT (including removal of the bin and bike store).
- There are concerns about the loss of structures (laundry and former canal docks) and records on the Dublin City Industrial Heritage Record within the site, which is contrary to CDP provisions (s. 11.5.5 and BHA26).
- There is a serious health risk presented by asbestos in the warehouse roofs to be demolished. There is no detailed plan for removal.

- The applicant has failed to submit an EIAR, despite one being undertaken for the previously refused application and potential impacts broadly remain the same. There is no basis for the approach and permission should be refused based on EIA legislation.

7.3. Grounds of First-Party Appeal

The appeal is in respect of condition nos. 4 and 5 of the DCC decision only and requests that the Commission restricts its assessment accordingly in accordance with Section 139 of the Act. However, I do not recommend this approach in light of the other third-party appeals received.

The appeal outlines details of the DCC assessment/decision; how the scheme has addressed the reasons for refusal of the previous SHD application; and the rationale for the appeal including compliance with Appendix 3 (Achieving Sustainable Compact Growth) of the CDP.

It requested that conditions 4 & 5 should be omitted and the grounds of appeal to the individual requirements of the conditions can be summarised as follows.

4(a) - The proposed 'pop up' sixth floor of Block 03 shall be omitted. The following apartment units shall be omitted from Block 03; units B03.0606, B03.0605, B03.0604, B03.0603, B03.0602 and B03.0601.

- The requirement is disproportionate, materially alters the scheme, and is not justified having regard to design rationale, site context, and assessment findings.
- The 6th floor is a recessed 'pop-up' element designed to reduce massing, form and scale.
- The development integrates building height with substantial communal/public open space, generous separation distances, and a careful site layout design.
- The site is located in an area where national policy supports compact growth and efficient use of serviced brownfield land, and the proposed density responds appropriately.
- The omission of 6 units would reduce housing delivery at a strategic and highly accessible site.
- No evidence shows that the 6th floor results in unacceptable overlooking, overshadowing, overbearing, skyline intrusion, or visual effects.

- The applicant's Townscape and Visual Impact Assessment (TVIA) does not predict significant adverse effects. A study compares the proposed development to an alternative version which is limited to 6 storeys and demonstrates that the increased height of Block 3 (i.e. 7 storeys) would not substantially increase visibility; would not be incongruous; and that the proposed development would enhance the visual character of the site.

4(b) - The following units shall be omitted from Blocks 01 and 04 to reduce the overall height at the areas closest to existing residential properties;

Block 1 omit apartment no's B01.0301 and B01.0302

Block 4 omit apartment no. B04A.0401.

- The upper levels of Blocks 1 and 4 have been designed as part of an integrated and modulated height strategy.
- The TVIA does not predict significant adverse effects and there is no objective evidence supporting further height reduction.
- The applicant's Daylight and Sunlight Assessment demonstrates a high level of compliance with BRE Guidance, including:
 - 98% of neighbouring windows (198) achieve full compliance.
 - All APSH results comply.
 - Where minor VSC shortfalls occur, additional analysis (No Sky Line (NSL)) confirms only minor reductions.
- Potential overlooking of No. 13 SJT has been addressed by the design and orientation of windows and balconies in Block 1.
- The relationship between Block 4 and No. 309 SCR forms part of the site-wide stepped height strategy. While the daylight assessment identifies some impact to the rear garden, it is already constrained/reduced due to extensions. The setback from the boundary (c. 12.3m) prevents any unacceptable overbearing impacts.
- The Daylight and Sunlight Assessment does not identify a scheme-wide failure.
- The Apartments Guidelines (2025) and Compact Settlement Guidelines (2024) support the optimisation of such sites, and the proposed density is within CDP parameters. In the absence of adequate reasoning the condition is unnecessary.

- The scheme has been designed to comply with the principles of the Compact Settlement Guidelines (SPPR 1 – separation distances) through setbacks, orientation, recessing and privacy mitigation.

4(c) - The proposed duplex units, Block 05, shall be set back further off the common boundary. An increased set back, to allow for a minimum set back of 6 metres at first and second floor levels, and a minimum of 4.5 metres at ground floor level shall be provided.

- Block 5 has been designed to reflect the prevailing scale and massing of surrounding two-storey houses, with windows and balconies positioned/designed to protect privacy in accordance with the Apartments Guidelines (2025).
- A separation distance of 15 metres is generally maintained from the rear of SJT houses, with one property reducing to 13.6m due to an extension. This is acceptable in an established urban context.
- The DCC assessment has not raised any overlooking concerns, and no daylight, sunlight, or overshadowing shortfall has been identified.
- The concern relates primarily to perceived overbearing impacts, but no quantified assessment or policy shortcomings have been identified to support this.
- The TVIA demonstrates that there will be no significant adverse visual effects.
- National policy, including the NPF, supports the optimisation of such sites. In the absence of adequate reasoning the condition is unnecessary.

4(d) - The ESB substation and adjoining structures shall be set back off the common boundary to the north in so far as to ensure the existing wall can be retained with sufficient space remaining to the sides for planting to be incorporated to screen and soften these structures.

- The proposed development already ensures retention and repair of the historic northern boundary wall.
- The ESB substation and ancillary structures are designed and positioned at the site edge and do not result in residential amenity impacts.
- Although the DCC Planner's report refers to tree root protection concerns, no specific impact has been demonstrated, and standard tree protection measures can be applied. The additional setback is therefore intended to facilitate further planting rather than to address any identified planning issue.

- In the absence of identified harm to neighbouring properties, built heritage, or trees, the condition is disproportionate.

4(e) - The proposed bin store adjacent to no. 13 St James's Terrace shall be relocated to a position adjacent to Block 01.

- No objection was raised in the DCC Environmental Health report and the DCC Planner's report does not identify any specific waste, environmental, operational, or amenity impacts.
- The Operational Waste Management Plan (OWMP) confirms that all waste collection vehicles will access via SCR and that waste will be collected in a controlled and managed manner in accordance with the CDP.
- The requirement is a design preference, not a necessary mitigation measure.

5 – The development hereby approved contains 241 number residential units only, a creche and café/kiosk and associated site works as described in the statutory notices unless otherwise amended by the conditions hereunder.

- This is a consequential condition and should be amended to reflect the outcome of the appeal.

7.4. Applicant Response

The applicant has responded to the 3 no. third-party appeals. The response has been prepared by McGill Planning and is supported by reports from A&L Goodbody LLP, IN2 Consulting Engineers, and SYSTRA Consulting Engineers. It reflects much of the content already outlined in the first-party appeal. Any additional points can be summarised under the following headings.

Previous refusal and pre-planning process has been addressed

- The overall scale and density have been reduced and DCC confirmed that there was a reasonable basis to proceed with an LRD application.
- SHD refusal reason no. 1 has been addressed as follows:
 - Reduced height and massing with tallest elements centrally located and lower elements at the edges to provide a suitable transition.

- Increased setbacks throughout to comfortably exceed the 16-metre standard and balcony, window, and screening measures protect privacy.
- Daylight and Sunlight Assessment demonstrates how the scheme minimises overshadowing and protects neighbouring amenities.
- SHD refusal reason no. 2 has been addressed as follows:
 - Scale, height and positioning have been adjusted to prevent adverse effects on the Z2 Conservation Area along SCR.
 - Landscaping is enhanced and taller elements relocated to the site interior.
 - Refined façade articulation and materials provide a sensitive interface, which has been demonstrated in Verified Views.
 - Updated visual assessment demonstrates that no overlooking, overshadowing or visual intrusion occurs and will comply with CDP Policy BHA9 by protecting the Conservation Area.
- SHD refusal reason no. 3 has been addressed as follows:
 - Private amenity space has been provided in accordance with relevant policy standards for quantity and quality.
 - Enhanced access to daylight, privacy and private open space.
 - The Housing Quality Assessment (HQA) demonstrates full compliance with the CDP.

Design Concerns

- The application is not in material contravention of the CDP. The Apartments Guidelines (2025) clearly outline that SPPR 1 and SPPR 6 must be applied in the assessment of this case. The proposed unit mix is appropriate for this inner-city area and is acceptable under SPPR 1. SPPR 6 clearly instructs that 'blanket threshold' requirements such as CDP Policy CUO25 should not apply in this instance, as has been accepted by DCC. Notwithstanding this, a balanced approach has been adopted through the inclusion of supporting uses.
- The Apartments Guidelines (2025) remain in force and must be applied unless and until set aside by a court. The Commission is lawfully entitled to grant permission pursuant to section 37(2)(a) in material contravention of the CDP and

no judicial review could be brought against such a decision on grounds related to the outstanding decision of the CJEU or the impugned Guidelines.

- Block 4 has been carefully designed as part of a masterplan approach with regard to its context, adjoining uses and future redevelopment potential. It incorporates appropriate setbacks and façade treatment to avoid overbearing, overlooking or visual dominance, and would not be premature.
- One of the appeals incorrectly states that there is an 8-storey element within the proposed development, which fundamentally undermines their assessment.
- A high-quality residential environment is delivered through a coherent and legible layout incorporating suitable quantity and quality of communal open space.
- The significant amendments requested in the appeals are not supported by demonstrable impacts.
- The scheme design is in compliance with Appendix 3 of the CDP, including:
 - Mid-rise typology (not landmark or tall buildings).
 - Density of 229 uph (within the 100-250 uph range for Canal Belt).
 - Plot ratio and site coverage is consistent with indicative ranges for central and regeneration areas.
 - Compliance with criteria outlined in Table 3.
 - Appropriate transition in scale.
 - Excellent public transport accessibility and frequency.

Access, Traffic & Parking

- The scheme is supported by a comprehensive policy-led access and movement strategy as outlined in the TTA, with emphasis on sustainable travel.
- The SCR entrance has been designed in consultation with DCC and subject to a Stage 1 Road Safety Audit. It ensures safe vehicle movement and minimises conflict with pedestrian and cycle movement.
- Pedestrian and cycle access is prioritised through 3 key entry points.
- A robust cycle parking strategy is included to support modal shift.

- Car-parking is deliberately low to reflect the site's central and well-served location. The majority of parking is at lower ground level to protect the public realm and EV infrastructure is included. The proposals comply with the standards and criteria outlined in the CDP and national policy (Compact Settlement Guidelines) and are supported by additional measures such as car-sharing, mobility management, and on-street parking restrictions.
- Several points in the site would facilitate vehicle dropping off / picking up or deliveries and associated turning movements. The creche drop-off is close to the creche and children would be suitably accompanied.
- Census 2022 data indicates that 53% of households in the ED did not own a car, and this is expected to be lower for apartments. This does not support the appeal claim that every household apartment will have a car.
- Regarding Storage World concerns, it is stated that:
 - The application has not assumed access via the An Post site.
 - The scheme would relocate existing parking spaces (8) from the north of the access road to the south (7 car/van spaces adjoining Storage World).
 - An additional set down area is also proposed to the northwest to facilitate a small truck or large van. In response to third-party appeals, it is suggested that this space could be swapped with the proposed creche set-down to provide a loading bay adjoining Storage World. The hammerhead directly to the west would facilitate associated vehicle turning movements.
 - There is no existing formal loading bay or other circulation/movement designations associated with the unit as evidenced by the lack of road markings such as those serving other units in the estate.
 - What exists outside Storage World is an informal *ad hoc* arrangement where customer vehicles park and deliver instead of using the formal parking on the opposite side of the road.
 - The revised proposals are more appropriate and safer to meet the daily needs of cars and vans.

- The 'occasional' need for HGV service is unclear but would appear to be limited to smaller 'rigid' trucks. Larger articulated HGVs do not serve existing businesses in the estate.
- The proposed design and Road Safety Audit are sufficiently robust to demonstrate compatibility with access and turning movements for traffic associated with Storage World.
- Impacts can be adequately addressed by the car parking management plan required under condition no. 8 of the DCC decision.

Daylight and Sunlight

- The appeals do not provide detailed evidence of perceived impacts, which is in contrast to the applicant's detailed analysis based on BRE Guidelines in accordance with relevant planning policy.
- The daylight assessment is clear on assessed windows and is not selective.
- BRE Guidelines enable objective analysis and are suitable for use in all development densities and in the Republic of Ireland.
- While 2 windows in No. 13 SJT would fail the VSC assessment, they passed the NSL check and are therefore not considered impacted. The patio doors face away from the development and will not be open to the same level of impact.
- Analysis shows that reductions in amenity sunlight for No. 13 SJT were well within BRE guidance of 80%. The proposed building cannot cast a shadow on the amenity or the windows of No. 13 after 11am each day.

Infrastructure, Flooding, and Drainage

- A Site-Specific Flood Risk Assessment confirms that the development is within Flood Zone C and is acceptable in accordance with Flood Risk Guidelines.
- The DCC Drainage Division had no objection to the development.
- The Basement Impact Assessment outlines that development will be 2.5m above the water table and will not impact on ground water or surrounding structures.
- The application outlines a clear and policy-compliant surface water strategy, including attenuation, controlled discharge, and network design.

- Uisce Eireann correspondence confirms that water supply requirements can be accommodated without the need for infrastructure upgrade.

Inadequate Assessment and Environmental Review

- The scheme is significantly below the relevant thresholds of 500 units and 2 / 10 hectares for urban development and mandatory EIA is not required.
- A robust sub-threshold EIA screening assessment was undertaken which concluded that the development is not likely to give rise to significant environmental effects, either individually or cumulatively. This was supported by DCC and the comprehensive suite of technical reports included in the application.
- Cumulative impacts were fully considered in the application documentation, including the receiving environment and permitted developments.
- The appellant's reliance on the previous SHD is misplaced. This is an updated assessment and there is no requirement in legislation to prepare and EIAR solely because one was prepared for a previous iteration of a scheme.
- Conditions 29(a) and (b) require the submission and agreement of both a Demolition and Waste Management Plan and a Construction Environmental Management Plan. This will ensure appropriate control and management of asbestos, dust, waste, traffic and work practices.

Loss of Existing Use, Employment & Mixed Use Failure

- The site is zoned Z1 in the CDP, where the primary objective is to protect and deliver residential development. The scheme is fully compliant with this zoning and reflects the long-term strategy for the site.
- The scheme is supported by NPF objectives to encourage efficient and compact development of brownfield sites to deliver much-needed housing. The NPF sets out high-level principles which seek to achieve an appropriate balance of uses rather than prescribing the retention of individual uses. The site is not identified as a strategic employment location and is of limited low-intensity nature. As such, replacement with a residential scheme is more efficient and sustainable.
- The scheme will provide increased population which will support local services and employment.

- The scheme contains supporting uses and is within an urban area with access to a range of services which supports NPF objectives.

Architectural Heritage & Conservation

- The scheme has been designed to sensitively respond to its surroundings, including Our Lady of Dolours Church (protected structure) and the Grand Canal conservation area, and will be consistent with relevant CDP provisions.
- The Archaeological, Architectural and Industrial Heritage Assessment submitted with the application acknowledges the legacy of industrial activity but outlines that there is limited surviving above-ground fabric of significance, aside from the historic boundary wall and 307/307A SCR which are to be retained and repurposed. It concludes that the overall impact will be neutral to positive.

Climate and Sustainability

- The existing buildings are of relatively modern, utilitarian construction and are of limited architectural or historical significance. They are not suitable for retrofit or adaptive use to meet current residential standards.
- The site is zoned Z1 for residential development under the CDP and the principle of development is acceptable.
- The development is designed to achieve high standards of sustainability and energy efficiency, supported by an M&E Utilities and Energy Analysis Report. It will incorporate modern construction methods, high-performance fabric, and efficient heating systems to significantly reduce carbon emissions.
- While demolition inevitably results in embodied carbon loss, the proposal represents a more sustainable long-term use of the site which is consistent with CDP objectives.

Community & Social Impact

- In addition to housing delivery, the scheme includes a childcare facility, children's play area, and significant public (1,121m²) and communal (2,150m²) open space which exceeds CDP requirements and caters for all usage / age groups. DCC has confirmed that it is a high-quality and well-integrated design response.

- The landscape strategy has been enhanced along the canal edge through a soft buffer which will enhance biodiversity and protect the conservation area.
- The site is located within an urban area with access to a wide range of services.

Existing Tenants, Legal Interests, & Deliverability

- The applicant is the legal owner⁴ of the site, and the application fully complies with the requirements of the Regulations (2001) in terms of legal interest. The assertion that tenant consent is required is utterly misconceived. Matters relating to third-party rights or legal interests fall outside the remit of the planning system and do not preclude delivery of the proposed development.
- As per the Development Management Guidelines for Planning Authorities, the planning system is not designed as a mechanism for resolving such disputes.
- Section 34(13) of the Act operates to ensure that a person shall not be entitled solely by reason of a permission to carry out any development.
- In assessing likelihood of implementation within the appropriate period as per s. 34(3)(c) of the Act, the Commission is limited to considering matters of public policy and public law relevant to proper planning and sustainable development. The applicant reiterates its intention to proceed with the proposed development within the appropriate period.
- The appellant's arguments about its lease rights are not relevant to the Commission's determination.

Other Issues

- Claims that the application reports incorrectly assume the removal of the existing Storage World use are not accepted.
- DCC has carried out a full assessment to determine that the proposal is acceptable and would not establish any undesirable precedent.
- The proposal would not result in a material depreciation of property values. Impacts on property values do not constitute a valid planning consideration.

⁴ As defined in Section 2 of the Act

7.5. Planning Authority Response

The DCC response requests that the Commission upholds its decision. In the event of a grant of permission, it requests that conditions be applied relating to:

- Payment of a Section 48 development contribution.
- Payment of a bond.
- Social housing.
- Naming and numbering.
- A management company.

7.6. Observations

None.

7.7. Prescribed Bodies

The submission from the Department of Housing, Local Government and Heritage can be summarised as follows:

- The Department is satisfied that the development will not adversely affect North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA, or North-west Irish Sea SPA, mainly due to the separation distance and relevant insensitivity of the QIs to potential increases in nutrient levels related to the WWTP discharge.
- Several bat species were recorded and satisfactory mitigation measures relating to lighting and bat boxes have been incorporated.
- Although no definite otter use was recorded in the applicant's surveys, the Department is aware of evidence/reports of otter usage along the Grand Canal. It should be a condition of any permission to provide an artificial otter holt in the landscaping of the Grand Canal.

7.8. Further Responses

A response to the first-party appeal has been submitted on behalf of James Gibbons. It specifically objects to the appeal against condition 4(b) of the DCC decision and the associated requirements to alter Block 1. The response largely reiterates the concerns outlined in Mr Gibbons' appeal that condition no. 4 does not go far enough to address concerns about Block 1. Any additional points can be summarised as:

- The first-party appeal illustrates that Block 1 does not adequately transition to the boundary of No. 13 SJT. It is not comparable to the transition between Block 5 and other properties along SJT.
- Setback upper floors do not justify the scale and impact of the development.
- A duplex design solution would be more appropriate at this location.
- Loss of daylight and sunlight to No. 13 SJT is not justified by the overall impact.
- The proposed scale/density does not achieve an appropriate balance which adequately transitions to the western boundary.

8.0 Assessment

8.1. Introduction

8.1.1. I have examined the application and appeal details and all other documentation on file, including all of the submissions received in relation to the appeals, the reports of the local authority and prescribed bodies, and I have inspected the site and had regard to the relevant local/regional/national policies and guidance.

8.1.2. I note that the Planning Authority has carried out an assessment of the development (as outlined in Section 3 of this report) and has concluded that, subject to conditions, the proposal would be in accordance with the proper planning and sustainable development of the area. Having regard to the grounds of the appeals, I consider that the substantive issues to be considered in this case are as follows:

- Validity & Other Preliminary Matters
- The Principle of Development
- Demolition & Climate-related Matters
- Proposed Residential Standards

- Existing Residential Amenity
- Daylight & Sunlight
- Traffic & Transport
- Flooding & Drainage
- Building Height, Density, Design & Visual Amenity.

8.1.3. Assessments relating to the Water Framework Directive and the Habitats Directive (Appropriate Assessment) will be addressed separately in sections 9 & 10 of this report respectively.

8.2. **Validity and Other Preliminary Matters**

8.2.1. This section of my report considers questions of validity and other preliminary matters raised by third parties.

Consent to Apply

8.2.2. The appeal on behalf of DTW Capital (Storage World) contends that the application required its written consent as the owner of a leasehold over part of the site.

8.2.3. I note that Article 22(2)(g) of the Planning & Development Regulations 2001, as amended, (i.e. 'the Regulations') requires an application where the applicant is not the legal owner of the land or structure concerned to be accompanied by the written consent of the owner. However, in this case the applicant is the stated owner of the site, and I do not consider that the appeal submissions have presented any compelling evidence to the contrary. Written consent has also been included from DCC for the portions of the site over the public road.

8.2.4. I am satisfied that the applicant has provided sufficient evidence of legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal. As outlined in Section 5.13 of the Development Management Guidelines for Planning Authorities (DoEHLG, 2007), the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. These are matters to be resolved between the relevant parties, having regard to the provisions of s.34(13) of the Planning and Development Act

2000, as amended (i.e. 'the Act'), which outlines that a person shall not be entitled solely by reason of a grant of permission to carry out any development.

Lease Rights and Deliverability

- 8.2.5. The appeal on behalf of DTW Capital (Storage World) contends that it enjoys outstanding lease rights within the site which would prevent the implementation of the proposed development.
- 8.2.6. I have had regard to the DTW Capital appeal submission and its contentions regarding prevailing lease rights associated with Unit 297 (to be demolished), Unit 295 (outside the red-line site boundary), and the associated access, circulation, and parking rights within the site. I also acknowledge that s. 34(3)(c) of the Act requires that a planning authority in such cases shall have regard to the likelihood of the proposed development being implemented within the appropriate period sought.
- 8.2.7. As previously outlined, I consider that Section 5.13 of the Development Management Guidelines for Planning Authorities (DoEHLG, 2007) and s.34(13) of the Act confirm that such disputes are matters to be resolved between the relevant parties outside the planning process. However, with regard to s. 34(3)(c) of the Act I note that the appellant has acknowledged that the only confirmed lease (i.e. for Unit 295)⁵ would expire in July 2029. In the event of permission being granted in this case, it would have a duration of 5 years and would likely expire in mid-2031. Even in a hypothetical scenario where outstanding leases did restrict commencement of the development, this would still allow approximately 2 years for implementation. I consider that this is reasonable and consistent with the construction programme (24 months) stated in the applicant's Outline Construction Environmental Management Plan (CEMP). Therefore, while I have highlighted that such matters are more appropriately addressed outside the planning process, I am satisfied that there is no compelling case to refuse permission on the basis of s. 34(3)(c) of the Act and the likelihood (or otherwise) of the proposed development being implemented within the appropriate period sought.

⁵ The lease for Unit 297 is stated to have expired in 2025, but its renewal is subject to legal proceedings.

Consultation

- 8.2.8. Third parties have raised concerns about inadequate consultation with the public and other interested parties. I would state that these are primarily legislative issues which need not concern the Commission for the purpose of its decision. The application has complied with the statutory requirements for public participation and pre-application consultation.

Response to SHD Refusal and DCC's LRD Opinion

- 8.2.9. The Planning Report and associated drawings and documents submitted with the application outline how the proposal addresses the SHD Refusal and the DCC pre-application LRD Opinion. These matters have been considered by DCC, and third parties have had the opportunity to address any perceived inadequacies in the DCC assessment through this appeal process, all of which will be considered in my report. Accordingly, I do not consider that there are any procedural problems in this regard.

Significant Redesign

- 8.2.10. Third parties have raised concerns that the conditions of the permission require significant redesign, particularly conditions 4, 5, 8, and 9. It has been contended that such matters should have been addressed through a further information request and re-advertisement of the application, which would have afforded third parties the opportunity to comment on the revised proposals. The first-party appeal also raises concerns about the nature and extent of revisions required under conditions 4 and 5 of the DCC decision.
- 8.2.11. While this is primarily a matter for DCC as the planning authority that made the decision, I would acknowledge that all parties have ultimately had the opportunity to address the conditions of the DCC decision through this appeal process. These matters will be addressed in my report, which I consider to be sufficient for the purpose of the Commission's decision.

Drawings & Documents

- 8.2.12. The appeal on behalf of DTW Capital (Storage World) contends that rights of way have not been highlighted in yellow in the drawings submitted with the application. I acknowledge that Article 22(2)(b)(iii) of the Regulations requires an application to be accompanied by a location map with wayleaves marked in yellow. In this regard the

applicant's site location map does highlight rights of way in yellow (stated to be 'in favour of Waterways Ireland'). And while I acknowledge the appeal concerns that rights of way relating to Storage World have not been included, I am satisfied that the application and appeal process has afforded adequate opportunity to ventilate this matter and that this is sufficient for the purpose of the Commission's decision.

- 8.2.13. The appeal on behalf of DTW Capital also contends that a Storage World property (Unit 295) should have been included within the red line site boundary and that the public notices should have referenced the implications for Storage World. I am satisfied that no development works are directly proposed to Unit No. 295 and that, accordingly, it need not be included within the red line site boundary. And while Storage World was not specifically mentioned in the public notices, the development description makes it clear that it involves the '*Demolition of all existing commercial and warehouse buildings and structures on the site except Nos 307/307A South Circular Road, (c.4,665 sq.m of floorspace)*'. I note that both matters were considered acceptable by the planning authority and I am satisfied that this did not prevent the appellant from making representations and participating in the application/appeal process. Accordingly, I am satisfied that the drawings, documentation, and description of the development are adequate for the purposes of the Commission's decision.

The Apartments Guidelines (2025)

- 8.2.14. It has been contended that the DCC decision is based on an incorrect reliance upon the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025 (the Apartments Guidelines). It has been stated that the Guidelines are subject to legal challenge⁶ based on the lack of Strategic Environmental Assessment (SEA), and that their status is in doubt. Furthermore, it is argued that even if the Guidelines did not require SEA, they cannot be relied upon to derogate from the CDP which was subject to SEA⁷.
- 8.2.15. Notwithstanding the above, I am satisfied that the Apartments Guidelines have not been revoked and that they remain in force unless otherwise decided by the courts in the conclusion of the outstanding legal proceedings. The application was lodged

⁶ Reference is made to IEHC 728

⁷ Reference is made to the Judgement of CJEU Case C-9/22

after 9th July 2025, and it is the 2025 version of the Guidelines that applies in such cases. Accordingly, the 2025 Guidelines will be applied in this assessment.

Conclusion

8.2.16. Having regard to the foregoing, I do not consider that there are any validity or other preliminary matters that should prevent the consideration of the appeals by the Commission based on the following assessment.

8.3. The Principle of the Development

Zoning

8.3.1. The majority of the site is zoned Z1 'Sustainable Residential Neighbourhoods', the objective for which is 'To protect, provide and improve residential amenities'. The CDP outlines that the vision for residential development in the city is one where a wide range of high-quality accommodation is available within sustainable communities, where residents are within easy reach of open space and amenities as well as facilities such as shops, education, leisure and community services. The objective is to ensure that adequate public transport, in conjunction with enhanced pedestrian and cycling infrastructure, provides such residential communities good access to employment, the city centre and the key urban villages in order to align with the principles of the 15-minute city. In both new and established residential areas, there will be a range of uses that have the potential to foster the development of new residential communities. These are uses that benefit from a close relationship with the immediate community and have high standards of amenity, such as childcare facilities, schools, community facilities, personal services, local shops, open space, recreation and amenity uses.

8.3.2. Contrary to what is indicated in an observation to the planning authority, the proposed development comprises standard residential units and has not been advertised/described as 'Build to Rent residential' as per the previous SHD application. The Development Plan (s. 14.7.1) confirms that 'residential' is a 'permissible use' in the Z1 zone. Similarly, the proposed creche (i.e. 'childcare facility') is included as a 'permissible use'.

8.3.3. A 'café/tearoom' is stated to be 'open to consideration' in Z1, which is a use which may be permitted where the planning authority is satisfied that the proposed

development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on the permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area. Having regard to the compatibility of the proposed café/kiosk with residential use; its small scale (c.34.8 sq.m); and its design, layout and location on the site periphery along South Circular Road; I am satisfied that it would be acceptable in accordance with the criteria of the CDP as outlined above.

8.3.4. The southern margin of the site includes a strip of land which is zoned Z9 'Amenity / Open Space Lands / Green Network', the objective for which is 'To preserve, provide and improve recreational amenity, open space and ecosystem services'. This land currently forms part of the banks of the Grand Canal and is not currently accessible to the public. It is intended to provide a 'Canal Linear Park' on this land including green infrastructure connections and biodiversity; varied recreational and amenity uses to generate activity; future canal links for a potential greenway; and maintenance access for Waterways Ireland.

8.3.5. I note that the DCC Transportation report is satisfied that the proposals would not affect the Grand Canal Greenway (Portobello to Blackhorse) route options currently under consideration and I am satisfied that the proposed 'Canal Linear Park' is consistent with the Z9 zoning objective.

8.3.6. Having regard to the foregoing, I am satisfied that the uses associated with the proposed development are acceptable in principle in accordance with the CDP zoning provisions that apply to the site.

Mix of Uses

8.3.7. The third-party appeal grounds contend that the proposed development does not provide an adequate mix of uses. This includes concerns that the development would directly remove/affect existing businesses (such as Storage World) which serve the local community, and it is contended that this would be contrary to national and local policy which seeks to integrate employment, business, and community uses with new residential development.

8.3.8. I acknowledge that national and local planning policy sets out a range of general policies and objectives aimed at protecting existing businesses and services and promoting a mix of uses along with new residential development. Notwithstanding

this however, the Development Plan (including Policies SC8 and SC11) clearly outlines support for maximising opportunities for intensification of infill, brownfield and underutilised land, particularly on public transport corridors. Furthermore, it has ultimately zoned the site as a 'Sustainable Residential Neighbourhood' which inevitably envisages the regeneration of such sites through residential-led developments.

- 8.3.9. I note that there are elements of the Storage World business, including personal/residential storage, which could be compatible with residential development if properly designed and integrated. However, in this case I would highlight that the area has not been zoned or designated as employment/commercial lands. And while I acknowledge that the CDP (Section 2.5 'Economic and Employment Strategy') promotes mixed uses on former industrial Z6 lands, I do not consider that it specifically requires the retention of Storage World or any of the other existing businesses.
- 8.3.10. Ultimately, I consider that the matter requires a balance between the provision of additional housing and the retention of employment, commercial, community services. And having regard to the zoning of the site and the need for intensified compact development as previously outlined, I am satisfied that the replacement of the existing buildings with residential-led development as proposed is acceptable. The proposed residential units will be supported by a creche, café, and open space facilities, and the application includes a Community and Social Infrastructure Audit which demonstrates that there is sufficient provision of services (existing and permitted) within the vicinity to support the proposed development. In addition, I note that the CDP zones a significant extent of land in the surrounding area for non-residential uses which would support the proposed development and other permitted developments.
- 8.3.11. Therefore, in conclusion I am satisfied that, notwithstanding the removal of existing buildings and their associated uses, the proposed development would provide a suitable mix of uses which is acceptable in accordance with CDP policies.

Community, Arts and Culture Spaces

- 8.3.12. Related to the issue of 'mix of uses', the third-party appeal grounds also include a contention that the proposed development would materially contravene Objective

CUO25 of the CDP which requires that such large-scale developments above 10,000 sq. m. in total area must provide at a minimum for 5% community, arts and culture spaces. It is argued that reliance cannot be placed upon SPPR 6 of the Apartments Guidelines (2025) to the effect of disapplying CUO25 as per the approaches of the applicant and the planning authority. In this regard I would clarify that the CDP has never been varied to explicitly address the provisions of SPPR 6.

8.3.13. At the outset I acknowledge that the application does not include for 5% community, arts and culture spaces to comply with CDP Objective CUO25. This is not disputed by the applicant or the planning authority.

8.3.14. I also acknowledge that SPPR 6 of the Apartments Guidelines outlines that '*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*'. I note that the DTW Capital appeal argues that SPPR 6 is only applicable to the preparation of development plans and not to the assessment of individual applications. Firstly, this is based on their interpretation of accompanying text in s. 4.7 of the Guidelines which outlines that the need for such facilities should be considered and determined in the Development Plan. Secondly, it is based on an alleged absence of specific clarification on the application of SPPR 6 to a statutory plan as opposed to an individual apartment scheme, their argument being that SPPR 1 of the Guidelines conversely includes such clarification.

8.3.15. However, I would highlight that section 1.1 of the Guidelines states as follows:

The Planning Design Standards for Apartments Guidelines for Planning Authorities "the Guidelines" constitute Ministerial Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended) ("the Act"). Planning authorities and An Coimisiún Pleanála are required to have regard to the Guidelines and are also required to comply with any specific planning policy requirements (SPPRs) of the Guidelines, within the meaning of Section 28 (1C) of the Planning and Development Act 2000 (as amended) in carrying out their functions under the Act. Accordingly, where SPPRs are stated in this document, they take precedence over any conflicting policies and objectives of statutory plans. Where such conflicts arise,

such plans should be amended by the relevant planning authority to reflect the content of these Guidelines.

These Guidelines will apply to any application for planning permission that is submitted after the issuing of the Guidelines. (my emphasis).

- 8.3.16. Section 2.3 'Implementation' of the Guidelines also states that '*The policy and guidance contained within these Guidelines is to be implemented through statutory development plans and in the consideration of individual planning applications*'. (my emphasis).
- 8.3.17. I acknowledge that the text of s. 4.7 of the Guidelines outlines that the need for such facilities should be considered and determined in the Development Plan. This is simply guidance which is consistent with standard best-practice approaches to planned development. Notwithstanding this, I do not consider that there is anything in s. 4.7 that prevents that application of SPPR 6 in the assessment of individual applications. More importantly, there is nothing in the wording of SPPR 6 itself that prevents its application to individual applications. Therefore, based on the above and an overall reading of the Guidelines, I am satisfied that SPPR 6 should be applied to this appeal case.
- 8.3.18. In considering the application of SPPR 6 I have already outlined that the application includes a Community and Social Infrastructure Audit which satisfactorily demonstrates that there are adequate services to support the development. This also includes a Cultural Infrastructure Assessment to address the requirements of CDP Objective CUO30. I would concur with its conclusion that the uses proposed as part of this planning application constitute an appropriate provision of this type of use for future residents, having regard to the existing provision identified in the survey area. I consider that this supports the application of SPPR 6 in the sense that the development plan has not identified the need for Communal, Community and Cultural facilities at this specific location and that the application of a blanket threshold-based approach (as per CUO25) shall not apply to this individual apartment scheme.
- 8.3.19. On the issue of material contravention, I consider that a question arises as to whether SPPR 6 applies instead of CUO25 such that there is no material contravention, or alternatively, whether SPPR 6 is to be relied upon to justify a

material contravention when in the absence of the SPPR the development would comprise a material contravention of CUO25. In this regard I refer to relevant sections of s. 34(2) of the Act of 2000 as follows:

(aa) When making its decision in relation to an application under this section, the planning authority shall apply, where relevant, specific planning policy requirements of guidelines issued by the Minister under section 28.

(ba) Where specific planning policy requirements of guidelines referred to in subsection (2)(aa) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.

8.3.20. I do not consider that the wording of this legislation is explicit in this regard. Having regard to this lack of clarity, I consider that, notwithstanding SPPR 6, the proposed development would materially contravene the CDP in respect of CUO25. However, the Commission will be aware that, under s. 37(2)(a) of the Act, it may in determining an appeal decide to grant a permission even if the proposed development contravenes materially the development plan. In this case, having regard to the provisions of SPPR 6 and the nature and scale of the proposed development and the existing and proposed community, arts and cultural spaces in the area, I am satisfied that, in the event of a grant of permission, a material contravention of CUO25 would be acceptable under s. 37(2)(a) of the Act.

Conclusion

8.3.21. Having regard to the foregoing, I am satisfied that the proposed uses are acceptable in accordance with the Z1 zoning objective for the site and that the predominant residential use would be adequately supported by existing and proposed non-residential uses within the development and in the surrounding area. Therefore, I am satisfied that the principle of the development is acceptable. The scale, design and layout of the proposed development and its impacts on the surrounding environment will be assessed further in the following sections of this report.

8.4. Demolition & Climate-related matters

- 8.4.1. The proposed development involves significant demolition of all existing commercial and warehouse buildings and structures on the site (c.4,665 sq.m of floorspace). In this regard the third-party appeal grounds include a concern that the proposal has given inadequate consideration to the retention and reuse of the existing buildings and would be contrary to CDP climate provisions relating to energy and carbon emissions.
- 8.4.2. I note that the CDP (including Policy CA6) outlines a preference for the reuse of existing buildings rather than demolition and reconstruction, where possible. Furthermore, section 15.7.1 of the CDP outlines that where demolition is proposed, the applicant must submit a demolition justification report to set out the rationale for the demolition having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible; as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.
- 8.4.3. The Statement of Consistency included in the applicant's Planning Report does not specifically address Policy CA6 or section 15.7.1 of the CDP. I note that the Building Lifecycle Report and the M&E Utilities and Energy Analysis Report submitted with the application address the energy efficiency and carbon emissions associated with the proposed new buildings. The applicant's response to the appeals also outlines an opinion that the existing buildings are not suitable or worthy of retention and again references the M&E Utilities and Energy Analysis Report relating to the proposed new buildings.
- 8.4.4. However, I do not consider that the above information constitutes a 'demolition justification report' which meets the requirements of s. 15.7.1 of the CDP. Accordingly, I consider that a grant of permission in this case would materially contravene s. 15.7.1 of the CDP.
- 8.4.5. As previously outlined, under s. 37(2)(a) of the Act the Commission may in determining an appeal decide to grant a permission even if the proposed development contravenes materially the development plan. In this regard I would accept the applicant's argument that the nature, form and materials of the existing buildings are not suitable for retention and reuse to meet current residential

standards. This is particularly relevant given that the site is zoned for residential use (see Section 8.3 above) with the potential to achieve more compact sustainable development and associated energy/carbon efficiencies relating to reduced travel demand etc. Furthermore, the retention of the buildings would impose severe restrictions on the design and layout of the proposed development which would restrict the potential to positively contribute to the character of the area and public realm.

- 8.4.6. With regard to the proposed new buildings, I am satisfied that the Building Lifecycle Report and the M&E Utilities and Energy Analysis Report demonstrate how low carbon energy and heating solutions have been considered to deliver A-rated BER results. Along with other application documents including the Civil Engineering Infrastructure Report; Site-Specific Flood Risk Assessment; the Daylight & Sunlight Analysis Report; Waste Management Plans; the CEMP, and the Landscape Design Report; I am satisfied that this approach meets the requirements of the CDP including Policy CA8 (Climate Mitigation Actions in the Built Environment); Policy CA9 (Climate Adaptation Actions in the Built Environment); Policy CA11 (Energy from Renewable Sources) and Policy CA29 (Climate Action and Green Infrastructure).
- 8.4.7. I note that the application does not include a specific 'Climate Action Energy Statement' as is required for such developments (e.g. 30+ residential units) under CDP Policy CA10. However, I am satisfied that the M&E Utilities and Energy Analysis Report contains adequate information about how low carbon energy and heating solutions have been considered to address the requirements of CA10.
- 8.4.8. However, Section 15.7.3 of the CDP outlines further requirements in respect of Climate Action and Energy Statements. Having reviewed these further requirements, I do not consider that the applicant's M&E Utilities and Energy Analysis Report addresses requirements relating to the feasibility of on-site small-scale wind power and co-generation (combined heat and power), or an assessment of embodied energy impacts. Accordingly, I consider that a grant of permission would materially contravene CDP section 15.7.3.
- 8.4.9. CDP Policy CA17 further elaborates on Policy CA10 to require that all Climate Action Energy Statements submitted to the Council shall include an assessment of the

technical, environmental and economic feasibility of district or block heating or cooling, particularly where it is based entirely, or partially on energy from renewable and waste heat sources. While the application does not address the feasibility of district heating, I note that the M&E Utilities and Energy Analysis Report does consider (as Option 1) Centralised Air Source Heat Pumps to provide heating and hot water for each apartment. I am satisfied that this adequately considers the feasibility of '*district or block heating or cooling*' (my emphasis) in accordance with the requirements of Policy CA17.

- 8.4.10. I note that s. 15.7.2 and 15.7.3.1 of the CDP outline additional requirements for District Heating in specifically identified areas. These areas appear to be predominantly limited to SDRAs and there is no indication that such requirements apply to the appeal site.
- 8.4.11. In conclusion regarding the CDP and the proposed demolition of the existing buildings and associated climate-related implications, I consider that the absence of a 'demolition justification report' and a fully detailed Climate Action and Energy Statement would materially contravene sections 15.7.1 and 15.7.3 of the CDP respectively. However, as outlined in the foregoing paragraphs, I am satisfied that the application satisfactorily addresses the overall climate-related provisions of the CDP and would deliver suitable low carbon energy and heating solutions for a residential development that is not otherwise suited to the retention and reuse of the existing buildings. Accordingly, I am satisfied that, in the event of a grant of permission, a material contravention of sections 15.7.1 and 15.7.3 of the CDP would be acceptable under section 37(2)(a) of the Act of 2000.
- 8.4.12. Following on from the above, I acknowledge that in accordance with section 15 of the Climate Action and Low Carbon Development Act 2015, as amended, the Commission shall, in so far as practicable, to perform its functions in a manner consistent with:
- (a) the most recent approved climate action plan,
 - (b) the most recent approved national long term climate action strategy,
 - (c) the most recent approved national adaptation framework and approved sectoral adaptation plans,

(d) the furtherance of the national climate objective, and

(e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

8.4.13. In section 5 of this report and in the foregoing paragraphs of this section, I have outlined the relevant climate objectives and policy framework at national, regional, and local level. I am satisfied that they are up-to-date and that the Dublin City Development Plan 2022-2028 (CDP) has been prepared and approved in the context of same.

8.4.14. I have acknowledged how, as a means of addressing embodied carbon impacts, the CDP outlines a preference for the retention and reuse of buildings rather than demolition and reconstruction. However, I have also outlined that the site is zoned for residential development as part of CDP aims to regenerate such areas with more efficient and sustainable compact development. And having regard to the nature, form, materials and layout of the existing buildings, I do not consider that it would be practicable to retain the existing buildings whilst meeting current residential standards and achieving a suitable design and layout that positively contributes to the character of the area.

8.4.15. Furthermore, I am satisfied that the proposed development would be consistent with climate objectives, including the Climate Action Plans 2024/2025, by reason that:

- The applicant's M&E Utilities and Energy Analysis Report outlines that the residential energy strategy would be capable of meeting NZEB targets, delivering BER A-rated apartments and meeting the requirements of building regulations.
- The proposal would provide a more intensive residential use of a site located within the built-up area and close to a wide range of services and facilities, including public transport, which would reduce the need for travel and associated fossil fuel usage. The application also includes a reduced car-parking ratio to encourage sustainable transport trips and modal share.

8.4.16. In conclusion I am satisfied that I have appropriately considered, in so far as practicable, consistency with climate objectives in accordance with the Supreme

Court's interpretation of the law⁸. Accordingly, I am satisfied that a grant of permission in this case would be acceptable in accordance with Section 15 of the Climate Action and Low Carbon Development Act 2015, as amended.

8.5. Proposed Residential Standards

- 8.5.1. As outlined in section 3.2.1 of this report, the planning authority has assessed the proposed residential standards (including 'Quality of Proposed Apartments') and has concluded that the proposals are acceptable subject to conditions. However, the third-party appeals do raise concerns in relation to residential standards, and these matters are addressed in the following paragraphs. Standards relating to daylight and sunlight and transport-related matters are also considered separately in sections 8.7 and 8.8 of this report respectively.

Unit Mix

- 8.5.2. It is proposed to provide a mix of housing comprising 234 no. apartments and 16 no. duplex units, which are made up of 12 no. studios (c. 5%), 156 no. 1-beds (c. 62%), and 82 no. 2-beds (c. 33%). The third-party appeal grounds include concerns that there is an inadequate proportion of larger units and that the decision incorrectly relies on SPPR 1 of the Apartments Guidelines to exceed the 50% limitation in the CDP on 1-bed units.
- 8.5.3. I acknowledge that the CDP (including Policies SC12 and QHSN38) outlines the need to promote a variety of housing and apartment types and sizes. Section 15.9.1 of the Plan acknowledges that SPPR 1 of the Apartments Guidelines states that housing developments may include up to 50% one bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms unless specified as a result of a Housing Need and Demand Assessment (HNDA) carried out by the Planning Authority as part of the development plan process. On this basis and the results of the HNDA, it goes on to outline specific requirements that apply to two sub-city areas; (i) the Liberties and (ii) the North Inner City, which does not include the appeal site. Otherwise, it confirms that SPPR 1 is applicable to the remainder of the Dublin City Council administrative area.

⁸ [2026] IESC 5 refers

- 8.5.4. The question therefore arises as to which version of SPPR 1 is applicable to this case. Is it the SPPR 1 included in the 2020 version of the Apartments Guidelines which applied at the time the CDP was adopted, or is it the current SPPR 1 in the 2025 version of the Guidelines which has been applied in the DCC assessment of the application?
- 8.5.5. I note that the CDP was prepared and adopted based on the Apartments Guidelines (2020), and it includes several references to same. Most notably, section 15.9.1 of the CDP reflects the wording of SPPR 1 in the 2020 Guidelines and confirms that it will apply (with the exception of the Liberties and the North Inner City). I note that there have been various updates to the 2020 Guidelines (i.e. in 2022, 2023, 2025). And while there have also been several variations to the CDP, I do not consider that any of them have updated the CDP position in respect of SPPR 1. I note that Variation No. 5 updated the CDP in relation to 'Build-To-Rent' (BTR) accommodation following the publication of the 2023 update of the Apartments Guidelines. However, I consider that the updates were limited to 'Build-To-Rent' accommodation only and did not change the CDP position in relation to SPPR 1 and its application to normal residential developments. Accordingly, it is my understanding from a factual reading of the CDP that it continues to apply SPPR 1 of the 2020 Guidelines.
- 8.5.6. In section 8.3 of this report, I have previously outlined the lack of legislative clarity on whether SPPR 1 of the 2025 Guidelines has the effect of either removing or simply justifying a material contravention of the CDP. However, having regard to this lack of clarity and notwithstanding SPPR 1 of the 2025 Guidelines, I consider that SPPR 1 of the 2020 Guidelines must still be considered as part of the CDP.
- 8.5.7. Therefore, excluding specific provisions for the Liberties and the North Inner City, section 15.9.1 of the CDP provides that developments may include only up to 50% one-bedroom or studio-type units. The permitted development would provide c. 68% one-bedroom or studio-type units, which would significantly exceed this limit and accordingly would materially contravene the CDP. However, as previously outlined, under s. 37(2)(a) of the Act the Commission may in determining an appeal decide to grant a permission even if the proposed development contravenes materially the development plan.

8.5.8. In this case, I would highlight the concurrent requirement for the Commission to apply SPPR 1 of the 2025 Guidelines, which reads as follows:

(A) With the exception of social housing developments, social/affordable housing provided for under Part V the Act or schemes to provide housing for older persons where a specific mix of unit sizes may be required, such as in accordance with a Housing Need and Demand Assessment (HNDA), there shall be no restrictions within statutory plans in relation to the mix of unit sizes or types to be provided within apartment developments. There shall be no minimum or maximum requirements for apartments with a certain number of bedrooms.

(B) Where any such restriction or requirement is set out within a statutory plan, this Specific Planning Policy Requirement shall apply to any single apartment scheme and there shall be no restriction in relation to the mix of unit sizes or types and there shall be no minimum requirements for apartments with a certain number of bedrooms within the development, except in the circumstances set out above.

8.5.9. Having regard to the provisions of SPPR 1 (2025) above, I consider that it should be applied so as to justify an exceedance of the 50% limit for 1-bed and studio units that applies in the CDP. Therefore, in the event of a grant of permission, I consider that a material contravention of s. 15.9.1 of the CDP would be acceptable under s. 37(2)(a) of the Act.

Private Amenity Space

8.5.10. The third-party appeal grounds include concerns regarding the inadequate provision of private amenity space. In this regard, section 15.9.7 of the CDP outlines that private amenity space shall be provided in the form of terrace, balcony or private garden and should be located off the main living area in the apartment. It states that the minimum areas are set out in Appendix 1 and Section 3.35 to 3.39 of the Sustainable Urban Housing: Design Standards for New Apartments (2020). At ground floor level, private amenity space should be sufficiently screened to provide for privacy.

8.5.11. The 2020 Apartments Guidelines (as referenced in the CDP) outline that the minimum areas that apply to the relevant units are: studio (4m²), 1-bed (5m²), 2-bed

3-person (6m²), and 2-bed 4-person (7m²). These requirements are consistent with the standards outlined in the updated Apartments Guidelines (2025).

- 8.5.12. The application includes a Housing Quality Assessment and floor plan drawings which outline the private amenity space for each apartment. Having reviewed these details I am satisfied that minimum areas are provided for the vast majority of apartments. However, I note that the private amenity space provided for the 8 no. 2-bed (4-person) duplex units (Block 5) ranges from 5.2 - 5.7m², which is less than the 7m² requirement as per the Apartments Guidelines (2020 & 2025).
- 8.5.13. I acknowledge that the CDP incorporates the private amenity space requirements of the Apartments Guidelines (2020), and that neither document allows flexibility for reduced provision for sites/schemes such as this. Therefore, I consider that the reduced private amenity space for the 2-bed duplex units would materially contravene section 15.9.7 of the CDP.
- 8.5.14. As previously outlined, the Commission may decide to grant permission even if there is a material contravention of the CDP under s. 37(2)(a) of the Act. And in this regard, I would highlight that the Commission must also have regard to the updated Apartments Guidelines (2025). Section 3.8 of the updated Guidelines recognises the recommended private amenity space standards as set out in Appendix 1, but states that planning authorities may accept a reduced provision of balconies where high quality, usable communal open space is provided within the scheme or where their amenity value is negligible.
- 8.5.15. I acknowledge that the 8 sub-standard units constitute a minor proportion (c. 3%) of the overall units (250), although it is regrettable that minimum standards have not been met for these larger 2-bed (4-person) units. However, having regard to Section 3.8 of the Apartments Guidelines (2025), I consider that, in the event of a grant of permission, the reduced balcony sizes could be accepted as a material contravention of s. 15.9.7 of the CDP under s. 37(2)(a) of the Act.
- 8.5.16. Apart from the balcony sizes, I have also outlined the requirement to provide a suitable quality of residential amenity through private amenity space. In this regard I would have serious concerns about the lack of privacy afforded to some balconies as a result of proximity to other overlooking units as follows:

- Balconies serving Blocks 5 and 2A are just c. 7 metres apart at the closest (northern) point. Although this distance increases (to the south) there are still several balconies in close proximity.
- Balconies serving Blocks 3A and 4A are just c. 9.5 metres apart at the closest (northern) point.

8.5.17. The above is closely related to the question of separation distances between blocks and habitable windows, which is discussed later in this section of the report. However, having regard to the close proximity of the balconies, I would have serious concerns about inadequate privacy. And in the case of Block 5, this would exacerbate concerns about the substandard size of balconies serving the duplex units as previously outlined.

Communal Open Space

- 8.5.18. Third-party concerns have been raised about the suitability of the communal open space design, particularly the narrow strip proposed to the rear of Block 5. The planning authority has outlined similar concerns, and this is partly the reason for the requirement to relocate Block 5 under condition 4(c) of the DCC decision.
- 8.5.19. Section 15.9.8 of the CDP outlines that all new apartment developments are required to provide for communal amenity space externally within a scheme in addition to any private or public open space. It may comprise of courtyard spaces and linear open spaces adjacent to the development. It states that the minimum areas for private (*sic*) amenity are set out in Appendix 1 and Section 4.10 to 4.12 of the Sustainable Urban Housing: Design Standards for New Apartments (2020). It also outlines that such spaces should be clearly defined and be of a high-quality design for *inter alia* daylight/sunlight, overlooking/surveillance, functionality, and usability, including children's play.
- 8.5.20. Section 15.9.9 of the Plan outlines that roof terraces will be permitted as part of, but not the primary form of, communal amenity space. Section 15.9.10 of the Plan also outlines that internal communal facilities will be encouraged for large scale developments in excess of 100 units.
- 8.5.21. The Apartments Guidelines (2020) outline that the minimum communal areas are based on apartment type, the relevant ones of which are: studio (4m²), 1-bed (5m²),

2-bed 3-person (6m²), and 2-bed 4-person (7m²). Based on the type and number of apartments originally sought (i.e. 250) this would result in a minimum requirement of 1,383m², while the 241 units permitted in the DCC decision would require 1,330m². These requirements are consistent with the standards outlined in the updated Apartments Guidelines (2025).

8.5.22. The application outlines that the proposed development includes a total of 2152.4m² communal open space, comprising 1497.7m² at surface level and 654.7m² roof terraces. This significantly exceeds the requirement for 250 units as outlined above, and I am satisfied that the space would primarily be provided at ground level as required. Otherwise, I am generally satisfied that the communal space has been appropriately designed and integrated into the scheme. However, having regard to its peripheral location and limited width (<3m), and consistent with concerns raised by third parties and DCC, I have serious concerns about the functionality, usability, and supervision of the communal space to the rear of Block 5.

8.5.23. I note that condition 4(c) of the DCC decision requires the relocation of Block 5 c. 1.5m to the east, partly in order to improve this space. However, consistent with the grounds of the first-party appeal, I do not consider that this is feasible due to limited space, including the already limited separation distance between Block 5 and Block 2A.

8.5.24. In addition to the external communal space, the application includes 404m² of internal residential amenity space which is encouraged in accordance with section 15.9.10 of the Plan and the Apartments Guidelines.

8.5.25. With regard to play areas in 'communal' amenity space, section 15.9.8 of the CDP refers to s. 15.8.8 of the Plan, which in turn outlines requirements for play areas in 'public' open space. In schemes of 25 or more units, small play spaces of 85-100 sq. m. are considered suitable for toddlers/small children, while for larger schemes of 100 or more apartments, play areas of 200-400 sq. m for older children and young teenagers should also be provided in addition.

8.5.26. Having regard to the above, I consider there is a lack of clarity in the CDP as to whether the requirement for play areas applies to communal and/or public open space. However, I note that the Apartments Guidelines (s. 4.4) also outline consistent recommendations for 'children's play' to be included within communal

amenity space. In response to this I note that the application includes a variety of play spaces within the communal amenity space, including a sports zone (250m²), a 'children's play' area (105m²), and a 'toddler play' area (45m²).

8.5.27. Having regard to the foregoing, I consider that the proposed communal amenity space is largely in accordance with the requirements of the CDP and the Apartments Guidelines. However, there is an adequate separation distance to the rear of Block 5 and this would result in a substandard quality of space.

Public Open Space

8.5.28. In response to third-party concerns about inadequate public open space, I note that the CDP (s. 15.8.6) outlines an open space requirement for residential developments in the 'Z1' zone to be 10% of the overall site area.

8.5.29. The application includes a proposal for public open space in the form of a main central pedestrianised / pedestrian-priority route running between South Circular Road and a proposed Linear Park along the Grand Canal. The space (excluding the Linear Park) amounts to 1121m², which equates to c. 10.3% of the net site area. When the Linear Park (1,320m²) is included, the total amounts to 2,441m² or c. 22.4% of the net site area. I acknowledge that the Linear Park is within the Z9 zone, but I have no objection to its inclusion as public open space given that it is part of the proposed development. This would satisfy the minimum quantity as per the CDP and also would be in accordance with Policy & Objective 5.1 of the Compact Settlement Guidelines.

8.5.30. However, I would have concerns about the functionality and quality of the proposed public space running between South Circular Road and the proposed Linear Park along the Grand Canal. Although it has been designed as a pedestrianised / pedestrian-priority route, it is crossed by the only vehicular access to the proposed development. This access is also required to facilitate access, parking and circulation associated with an existing commercial unit (Storage World) to the east of the site. As will be discussed further in section 8.8 of this report, I would have serious concerns that the traffic movements associated with existing and proposed development would create a traffic hazard and seriously detract from the amenity value and usability of this proposed public space.

Separation Distances

- 8.5.31. The third-party appeal grounds include concerns that there would be inadequate separation between the proposed apartments and balconies within the proposed development.
- 8.5.32. Section 15.9.17 of the CDP outlines that, traditionally, a minimum distance of 22m is required between opposing first floor windows in apartments. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. Separation distances between buildings will be assessed on a case-by-case basis. In all instances where the minimum separation distances are not met, each development will be assessed on a case-by-case basis having regard to the specific site constraints and the ability to comply with other standards in terms of residential quality and amenity. No specific separation requirements are specified for balconies, but they are inevitably closely related to blocks/windows.
- 8.5.33. The Compact Settlements Guidelines also addresses the matter of separation distances under SPPR 1. It outlines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, such a separation distance of at least 16 metres shall be maintained, but distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. Again, no specific requirements are stated for balconies.
- 8.5.34. Having reviewed the proposed separation distances, I note the following:
- The distance between windows at the northern end of Block 2A and Block 5 is c. 10m at 1st floor and c. 8.5m at 2nd floor level. Although this is an angled relationship which widens further south, the 16m distance is still not achieved for a significant number of units.

- The distance between Blocks 1 and 2A is 16m. While the distance between Blocks 1 and 5 is just c. 7m at closest, there are no windows above ground level in the southern gable wall of Block 5.
- The window distance between Blocks 2B and 3B is c. 19.5m.
- The window distance between Blocks 4B and 3B is c. 19.5m.
- The window distance between Blocks 3A and 4A is c. 13.5m at the closest northern point.

8.5.35. As outlined above, there are instances (between Blocks 5 and 2A, and between Block 3A and 4A) where the 16m standard is not met in accordance with SPPR1 of the Compact Settlement Guidelines. I acknowledge that there is a slightly angled relationship and some level differences between these blocks, but I do not consider that this is sufficient to prevent 'opposing windows'. And while SPPR1 also allows lower distances (<16m) where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces, I do not consider that this has been achieved in the current case. Accordingly, I consider that the proposed development would fail to comply with SPPR1 and would result in a substandard level of amenity/privacy for a significant number of apartments due to inadequate separation distances.

Block 4 Interface

8.5.36. The third-party appeal grounds include a concern about the proximity and interface between Block 4 and the adjoining Storage World and An Post buildings. It is stated that this will result in unacceptable visual incongruity, obtrusion, overshadowing, noise, and a substandard design interface.

8.5.37. I note the close proximity (c. 1.5m) of Block 4 to the adjoining buildings to the east and that this eastern elevation has been designed as a 'back of house' type façade. However, it does include an extremely restricted external circulation space at ground floor level, including access to the block itself and internal/external cycle storage spaces. And while efforts have been made to minimise the number of apartment windows at this interface, it still includes several bedroom windows over ground to 2nd floor level (upper floors would generally be above the adjoining commercial roofs). Having regard to the enclosed nature of the intervening space and the close

proximity to the adjoining commercial units, I consider that this would result in a substandard external communal area and a substandard outlook and level of residential amenity for the affected bedrooms.

- 8.5.38. I acknowledge that the applicant's Architectural Design Statement includes a masterplan illustrating the future development of the adjoining lands to the east. This includes a large open space between Block 4 and potential future units. However, even if such a development was to be delivered in the future on the adjoining land to the east, I would still have concerns about a substandard interface with the current proposal given that the eastern elevation of Block 4 has been designed as a largely inactive 'back of house' type façade.
- 8.5.39. Accordingly, I consider that the Block 4 interface is unacceptable in both the existing and future masterplan scenarios, and I consider that it would result in a substandard level of residential amenity and external open space for future occupiers.

Conclusion

- 8.5.40. Having regard to the foregoing, including the substandard private amenity space provided for some units; the inadequate separation distances between proposed blocks; the inadequate separation distance to the rear of Blocks 4 and 5; and the traffic conflicts that would arise within the proposed public open space; I consider that the proposed design and layout is inadequate and would result in a substandard level of residential amenity for the prospective occupants of the development.

8.6. Existing Residential Amenity

- 8.6.1. This section considers concerns raised regarding impacts on existing residential properties. However, impacts relating to daylight and sunlight and transport-related matters are also considered separately in sections 8.7 and 8.8 of this report respectively.

Overlooking & Overbearing

- 8.6.2. The third-party appeal grounds include serious concerns regarding overlooking and overbearing impacts on surrounding properties, particularly the St James's Terrace (SJT) properties to the west of the site. In addition to the SJT properties, I note the South Circular Road (SCR) properties to the north. Otherwise, the site is bounded to

the south by the canal and to the east by commercial properties, none of which are sensitive to overlooking/overbearing impacts.

- 8.6.3. Overlooking and overbearing impacts are strongly influenced by separation distances; the height and scale of development; and design features such as windows, balconies etc. These factors will be considered in the following assessment. I have previously outlined the relevant provisions of the CDP and the Compact Settlement Guidelines in relation to separation distances within the proposed development (see section 8.5 above). These provisions will also be applied in assessing impacts on existing properties.
- 8.6.4. At the southwest corner of the site, I note the 3 no. properties at Grand Canal View. These properties do not include any east-facing windows or amenity spaces that would be affected by the proposed development. Accordingly, I do not consider that any overlooking or overbearing impacts would arise.
- 8.6.5. I note that No. 13 SJT includes a number of small rear windows facing east towards Block 1, which is setback c. 8m from the rear boundary of No. 13 and further from any existing windows. It also includes a small rear yard area. However, the west facade (4-storey) of Block 1 does not include any opposing windows or balconies, thereby avoiding overlooking. There are some west-facing windows at the setback 4th floor level of Block 1, but these do not directly oppose existing windows, and their setback location would be screened by the 4-storey parapet on the western façade. I acknowledge the transitioning 4-5 storey height of Block 1 and its proximity to No. 13. However, having regard to the separation distance and the limited eastern outlook that exists from No. 13 in terms of its limited fenestration and yard/amenity area, I do not consider that there would be unacceptable overbearing impacts. Furthermore, I consider that Block 1 it would adequately screen Block 2 to prevent any significant impacts on No. 13.
- 8.6.6. The remaining properties in SJT face eastwards to Block 5 and Block 2. The main (original) rear facades of this terrace are more than 20 metres from the rear of the 3-storey Block 5 terrace. I acknowledge that extensions to the rear of SJT properties have resulted in reduced separation distances but opposing first-floor level windows still maintain separation distances of >16 metres.

- 8.6.7. Notwithstanding the separation distances between opposing windows, I would have serious concerns about the proximity (c. 4.5m) of Block 5 to the rear garden boundaries of the SJT properties. While I acknowledge that there are existing buildings (to be demolished) at this location, Block 5 would introduce a 3-storey block with rear windows at first floor level. The upper level of the 6-storey Block 2 would also be prominently visible (above Block 5) from the rear gardens of the SJT properties. Accordingly, I consider that the combined effects of Blocks 5 & 2 would seriously detract from the residential amenities of the SJT properties by reason of overlooking and overbearing.
- 8.6.8. Regarding the South Circular Road (SCR) properties to the north of the site, I note that they have an angled relationship with the proposed development (Blocks 3A and 4A) and that their separation distances vary. The main rear façades of the SCR properties are at least 25 metres from the nearest part of the proposed development, although a range of rear extensions results in reduced distances. However, apart from No. 309 SCR, the extensions do not include windows above ground level facing the proposed development. The rear extension to no. 309 includes a first-floor south-facing window but it is >18m from the proposed development. Otherwise, the distance between the rear garden boundaries of the SCR properties and Blocks 3 and 4 ranges from approximately 12 to 22 metres. Having regard to these separation distances, I do not consider that the proposed development will result in unacceptable overlooking or overbearing of the SCR houses or their associated rear gardens.

Boundary Treatment

- 8.6.9. Third-party appeal grounds include concerns that there has been no consultation or consent for proposals regarding shared boundaries. In response I note that the applicant's Architectural Design Statement outlines that all historic boundaries with both SJT and SCR properties will be retained, consolidated and repaired where required. This is detailed further in Boundary Treatment drawings 20016A-OMP-ZZ-ZZ-DR-A-5500 & 20016A-OMP-ZZ-ZZ-DR-A-5505. I consider that this amounts to limited but appropriate works which would protect the historic character of the site in accordance with the recommendations of the planning authority. With regard to the question of consent, I would highlight that under s.34(13) of the Act a person shall not be entitled solely by reason of a grant of permission to carry out any

development. In this regard I am satisfied that the applicant has demonstrated sufficient legal interests for the purposes of the Commission's decision.

Access and Anti-Social Behaviour

- 8.6.10. Third-party appeal grounds include concerns about anti-social behaviour and other nuisances associated with pedestrian/cycle access, play areas, and the proposed bike and bin stores, particularly regarding impacts on the SJT properties.
- 8.6.11. In principle I would support the improved pedestrian/cycle access through the site, including the new dedicated pedestrian/cycle access off SJT and associated facilities for bike storage. I also support the proposed open spaces and associated play areas. Given the residential nature of the scheme and associated users, I do not consider that there is any reasonable basis to conclude that this would result in increased anti-social behaviour or nuisance/disturbance. However, I have previously outlined concerns that the design of the communal space to the rear of Block 5 is substandard and could facilitate anti-social behaviour.
- 8.6.12. I also note concerns about bin storage facilities and that condition 4(e) of the DCC decision requires the relocation of the proposed store adjoining 13 SJT to a position adjacent to Block 1. While the applicant has appealed this condition and I acknowledge that the CDP does not outline specific standards/distances for such locations, I concur with the planning authority's approach. I consider that the proposed location is inappropriate in terms of potential impacts (particularly odour) on 13 SJT, its inappropriate location at this prominent entrance to the development, and the need for a more conveniently accessible location (closer to Block 1) for prospective residents. A condition reflecting this should apply in the event of a grant of permission.

Construction Impacts

- 8.6.13. Third-party concerns have been raised about construction impacts on residential amenity, including air/health concerns associated with the generation/release of dust and asbestos.
- 8.6.14. I would accept that the construction stage would result in some level of disturbance and disruption for surrounding properties as a result of traffic and parking, noise & vibration management, excavation, and dust & dirt impacts. However, these are

inevitable and common features of urban development projects, and they are clearly temporary in nature. In this regard I note that the application includes a Basement Impact Assessment, an Acoustic Design Statement, a Construction and Environmental Management Plan, and a Resource Waste Management Plan.

- 8.6.15. The Basement Impact Assessment outlines that the part-basement is c. 30m from the closest properties. It outlines that there is ample space around the perimeter and there is no risk that any excavation at this shallow depth and remote distance from the perimeter or adjoining buildings could be of any concern.
- 8.6.16. The Acoustic Design Statement outlines that construction noise impact is predicted to exceed the BS 5228 requirements without any mitigation measures for the Site Set Up, Demolition, Superstructure and External Finishes stages of the project. However, general and site-specific mitigation measures have been provided to bring the construction noise levels down within the limits of BS 5228. In addition to the mitigation measures, guidance has been provided for construction noise monitoring during the construction period.
- 8.6.17. The Construction and Environmental Management Plan acknowledges a range of potential impacts relating to fuel/oil storage; land, soil, and geology; water and biodiversity; noise and vibration; air quality and dust; and waste and waste management. However, it includes a comprehensive range of mitigation measures to control such potential impacts, including a Dust Management Plan and associated monitoring measures.
- 8.6.18. The Resource Waste Management Plan outlines how the management of resources, materials and ultimately construction and demolition (C&D) waste arising from the construction works will be undertaken in accordance with all statutory requirements and current industry standards. In particular, it acknowledges the presence of asbestos on site as a hazardous material and outlines proposals for its management and removal by a specialist contractor in accordance with best waste practice.
- 8.6.19. Having regard to the foregoing, I am satisfied that the application appropriately addresses the relevant matters in order to avoid any unacceptable construction impacts on surrounding properties. The final details of same should be agreed by condition with the planning authority in the event of a grant of permission.

Conclusion

- 8.6.20. As previously outlined, I am satisfied that the redevelopment of the site for residential purposes would be acceptable in principle, and it is inevitable that this will have some impacts on surrounding properties. However, having regard to the combined scale, height, design and proximity of Blocks 5 & 2, I consider that the proposed development would seriously detract from the residential amenities of the SJT properties by reason of overlooking and overbearing.
- 8.6.21. Other impacts on surrounding properties relating to daylight/sunlight and traffic are considered in the following sections of this report (sections 8.7 and 8.8 respectively).

8.7. Daylight & Sunlight

- 8.7.1. This section considers the daylight and sunlight standards/impacts for both the proposed development and existing properties/spaces. In doing so I have considered the relevant issues raised by the parties to this appeal case.

Policy & Standards

- 8.7.2. Section 3.2 of the Building Height Guidelines (2018) outlines that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that '*appropriate and reasonable regard*' should be taken of quantitative performance approaches to daylight provision outlined in guides *like* the BRE (BR 209) 'Site Layout Planning for Daylight and Sunlight' (2nd edition, 2011) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or the Commission should apply their discretion.
- 8.7.3. More recently, the Compact Settlement Guidelines (2024) also acknowledge the importance of daylight and sunlight, both within the proposed development and in the protection of existing residential amenities. In cases where a technical assessment of daylight performance is necessary, '*regard should be had*' to quantitative performance approaches to daylight provision outlined in guides *like* A New

European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context. In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development.

- 8.7.4. The latest Apartments Guidelines (2025) also highlights the need for appropriate levels of daylight and sunlight for future and neighbouring occupiers through good design and layout. It does not specify particular standards but highlights that the Compact Settlement Guidelines outlines requirements for the provision of acceptable levels of daylight in new residential developments and adjoining properties.
- 8.7.5. At local policy level, the CDP outlines that developments shall be guided by the principles and standards set out in Appendix 16. This appendix outlines guidance on 'Sunlight and Daylight' in the context of uncertainty regarding the appropriate standards, methods and metrics that need to be applied as well as how presented results should be interpreted and benchmarked. It reflects a period of policy transition at the time, during which BS 8206-2 had been superseded by BS EN 17037, but the relevant guidance within BR 209 had not yet been updated. Thus, it states that both BS 8206-2 and BS EN 17037 have relevance and that the planning authority will look to receive relevant metrics from BR 209, BS 8206-2 and BS EN 17037. It states that if a revised version of BR 209 is to be issued, the guidance within this new version⁹ will take precedence.

Information Submitted

- 8.7.6. The application includes a 'Daylight and Sunlight Analysis' report. It recognises the transition that has occurred regarding standards and guidelines and outlines that the report has been carried out based on the guidance contained within the BRE 209 Guide (2022) which clarifies and expands on the methodologies contained in IS EN 17037 and BS EN 17037. It also outlines a comparison between relevant

⁹ BR 209 (2011) was subsequently revised in 2022.

requirements of the CDP and how this has been applied and/or superseded in accordance with the updated BRE Guide.

- 8.7.7. While the standards and guidance used in the applicant's report are reflective of those referenced in the Compact Settlements Guidelines (which is also supported by the Apartments Guidelines (2025)), I acknowledge that the Building Heights Guidelines (2018) refer to earlier versions of the BRE Guide (2011) and BS 8206-2: 2008. However, the Building Height Guidelines refers to guides '*like*' the BRE Guide (2011) and BS 8206-2: 2008, and I am satisfied that the applicant's report standards are 'like' those referenced in the Building Height Guidelines. Furthermore, I consider that the CDP clarifies that any update of the BRE BR 209 Guide will take precedence and I am satisfied that the applicant's report appropriately reflects this (i.e. the BRE Guide 2022 and associated considerations of IS EN 17037 and BS EN 17037). Accordingly, I consider that the standards used by the applicant are consistent with the prevailing policy context and are appropriate for use in my assessment. And contrary to that included in the third-party appeal grounds, I do not consider that the BRE Guide is limited in application to high-density areas.
- 8.7.8. At the outset, I would also highlight that the standards described in the BRE guide allow for flexibility in terms of application. Paragraph 1.6 of the guide states that the advice given '*is not mandatory*', '*should not be seen as an instrument of planning policy*', and '*Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design*'.
- 8.7.9. I have considered the report submitted by the applicant and have had regard to the BRE Guide (2022), IS EN 17037; and BS EN 17037 (including the UK Annex). I have carried out a site inspection and had regard to the interface between the proposed development and its surroundings, as well as the submissions from 3rd parties.

Daylight to Proposed Units

- 8.7.10. The BRE Guide (Appendix C) outlines the targets for internal daylight for two optional methodologies, Climate Based Daylight Modelling (CBDM) with targets provided for Lux levels as determined through Spatial Daylight Autonomy (SDA), and Daylight Sky analysis with targets provided for Median Daylight Factor (MDF).
- 8.7.11. The applicant's report outlines that the SDA method has been utilised for the assessment of internal daylight for the proposed development as it determines a

more accurate result for building orientation and location as detailed in the BRE Guide. The methodology utilises historic climate data predicting internal illumination due to natural light on an hour-by-hour basis, accounting for not only diffuse skylight but also the direct sunlight element. The illuminance recommendations for dwellings included in the BRE Guide (based on BS.EN.17037:2018) are 100 Lux for bedrooms, 150 Lux for living rooms, and 200 Lux for KLD and Kitchen, and compliance for a room is achieved if at least 50% of the room achieves this target. The applicant's assessment also takes into consideration BRE guidance that the highest target should apply to rooms with shared use, but that local authorities could use discretion here. For example, the target for a living room could be used for a combined living/dining/kitchen (LDK) area if the kitchens are not treated as habitable spaces, as it may avoid small separate kitchens in a design. In this regard I note that all proposed units include shared LDK areas without any separate galley type kitchens.

8.7.12. The applicant's report outlines that 532 (93%) of the 569 rooms were determined to be compliant with the methodology utilised. The results are based on using the higher 200 lux target for multiuse rooms including a kitchen (LDKs). If the alternative 150 lux target for these rooms was used (consistent with the discretion referenced in the BRE Guide), it is likely that a higher compliance rate would be achieved. I would accept that the higher target (i.e. 200lx) is more appropriate in a traditional house layout. In apartment developments, it is a significant challenge for large open plan kitchen/living/dining rooms to achieve 200lx, and even more so when higher density and balconies are included. Therefore, there are often challenges in urban schemes in meeting the 200lx target in all instances. To do so may unduly compromise the design/streetscape quality and, consistent with the BRE Guide, I acknowledge that an alternate 150lx target can be considered more appropriate.

8.7.13. I note that the CDP (Appendix 16) outlines a general presumption against schemes where units fall below the minimum standards outlined in BS 8206-2 and BS EN 17037 (albeit that interpretation of the standards have been superseded by the revised BRE Guide (2022)), and it is the expectation of the planning authority that a significant proportion of units should exceed the minimum standard. I am satisfied that the proposal complies with this in that a significant proportion (93%) of units does exceed standards (even when the higher 200lx target is used for KDLs).

8.7.14. The CDP provides further flexibility by stating that in exceptional circumstances, for example on a tightly configured urban site, where these minimum criteria cannot be achieved, the applicant should very clearly identify this and put forward a clear and robust rationale for compensatory measures applied to mitigate any shortfall in the minimum standards. From here, the planning authority will apply an exercise in discretion and balance that considers the wider impact of the development beyond matters relating to daylight and sunlight. Similarly, the Building Height Guidelines allow for flexibility and discretion in the consideration of alternative, compensatory design solutions, and the Compact Settlement Guidelines outline the need to weigh up daylight standards against the overall quality of the scheme and the general presumption in favour of increased scales of urban residential development.

8.7.15. In this regard, I am satisfied that the application has identified where the proposal does not meet the relevant daylight provisions of the BRE Guide. I am satisfied that this would constitute an acceptable portion of the overall development and that this would not be untypical in this type of development on a tightly configured urban site. Where units are determined to not achieve the quantitative assessment for daylight, the applicant's report identifies compensatory measures for each unit, including the following:

- Daylight Adjacency - Where a room is below target, there are adjacent room/rooms which are comfortably compliant.
- Dual Aspect - Some rooms that are below target have the added benefit of dual aspect ensuring multiple options for aspect and daylight / sunlight availability.
- Aspect - Some rooms that are below target have direct aspect out onto a well-lit landscaped open space providing an excellent view from the KLD space.
- Open Space – The development includes a large quantum of communal open space which exceeds the requirements of the Apartments Guidelines.

8.7.16. Having regard to the foregoing results; the compensatory measures within the proposed scheme; and the need to achieve wider planning objectives on this site such as regeneration and streetscape solutions; I am satisfied that the proposed daylight standards are acceptable in accordance with BRE guidance; CDP provisions; and section 28 guidance outlined in the Apartments Guidelines, the Building Height Guidelines, and the Compact Settlement Guidelines.

Sunlight to Proposed Apartments

- 8.7.17. The 2022 BRE guide refers to BS EN17037, which recommends minimum, medium and high recommended levels for sunlight exposure. This is measured via the duration received to a point on the inside of a window on a selected date (21st March) and gives a minimum target of 1.5 hours, medium target of 3 hours, and high target of 4 hours. Section 3.1 of the Guide outlines that a dwelling will appear reasonably sunlit if it has at least one main window facing within 90° of due south and a habitable room, preferably a main living room, can receive at least 1.5 hours of sunlight on 21st March.
- 8.7.18. The applicants' results show that 233 out of the 250 tested units (93%) achieve the recommended sunlight exposure on 21st of March. I would acknowledge that the BRE recommendations are intended to be applied flexibly and that the Guide accepts that sunlight criteria are unlikely to be met for all apartments, particularly where rooms face significantly north of due east or west and where higher density schemes are proposed.
- 8.7.19. I would highlight that the requirement for compensatory measures (as per the Building Height Guidelines) applies to daylight standards, not sunlight. However, section 7 of Appendix 16 of the CDP also outlines provisions for compensatory measures and discretion in relation to sunlight standards. In any case, the applicant's report identifies compensatory measures for the units which are below sunlight targets, including:
- Daylight - Where a unit is below the sunlight exposure target, the rooms within have the benefit of receiving high levels of daylight.
 - Dual Aspect – Some below target units have the added benefit of dual aspect.
 - Aspect - Some below target units have direct aspect out onto a well-lit landscaped communal or public open space.
 - Balcony Size – The below target unit has an enlarged balcony with more than 20% above the minimum balcony size required.
 - The development includes a large quantum of communal open space which exceeds the requirements of the Apartments Guidelines.

8.7.20. Having regard to the applicant's results and compensatory measures, I am satisfied that the proposed development would provide an acceptable level of sunlight to the proposed units in accordance with BRE guidance; CDP provisions; and section 28 guidance.

Sunlight to Proposed Open Spaces

8.7.21. The BRE Guide recommends that at least half of the proposed space should receive at least two hours of sunlight on 21st March. The applicant's report tests five communal amenity areas and one public open space at ground/lower ground level. I note that communal space no. 2 (to the rear of Block 5) only marginally exceeds the recommended standard (56%), and I have previously outlined other concerns about the quality of this space due to inadequate width and functionality. The five other communal/public spaces comfortably exceed the recommendations (>75%) to achieve high levels of sunlight.

8.7.22. I note that the proposed rooftop communal spaces have not been tested. However, having regard to their design and layout, including orientation and elevation, I am satisfied that these spaces would achieve adequate levels of sunlight. While some shading will occur even at these elevated positions, I am satisfied that it would not significantly affect the overall standard of sunlight to communal space.

8.7.23. I also note that sunlight to the proposed linear park public open space has not been tested. Again however, having regard to its unobstructed south-facing aspect along the Grand Canal, I am satisfied that the space will achieve high levels of sunlight.

8.7.24. Having regard to the foregoing, I am satisfied that the overall extent and quality of sunlight to open space amenity areas is acceptable in accordance with the BRE Guide; CDP provisions; and section 28 guidance.

Sunlight & Daylight to Existing Properties

8.7.25. Section 3.2.13 of BRE Guide summarises that if a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:

- receives less than 25% of annual probable sunlight hours and less than 0.80 times its former annual value; or less than 5% of annual probable sunlight hours between 21 September and 21 March and less than 0.80 times its former value during that period;
- and also has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

8.7.26. For daylight, the BRE Guide summarises that if any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected. This will be the case if either, the Vertical Sky Component (VSC) measured at the centre of an existing main window is less than 27%, and less than 0.80 times its former value, or the area of the working plane in a room which can receive direct skylight is reduced to less than 0.80 times its former value.

8.7.27. The applicant's report considers a comprehensive range of surrounding properties, including: Our Lady of Dolours Church; 123-136 Parnell Road; 1-7 & 289 Priestfield Cottages; 309-319 South Circular Road; 1-12 St James's Terrace; 13 St James's Terrace 1-3; and Grand Canal View.

8.7.28. For sunlight, it outlines that all of the tested windows (137) meet the recommended criteria for APSH. However, based on the detailed results outlined in Appendix B of the applicant's report, I consider that there is a small number of windows (4 or c. 3%) that would not comply with all relevant criteria (i.e. S Circular Rd 0F 309-1; S Circular Rd 0F 313; S Circular Rd 0F 317-1; St James's Terrace 1F 4-2). Having reviewed these windows, I note that they are all small in size and/or do not appear to be a main living room window. Accordingly, I do not consider that the sunlight impacts would be unacceptable.

8.7.29. For daylight, the applicant's report outlines that 194 (98%) of the 198 tested windows meet the recommended criteria for VSC. I note that 2 windows in No. 309 SCR and 2 windows in No. 13 SJT did not meet the recommended criteria. However, all 4 cases would fall only marginally short of the requirement to achieve 0.8 times the existing value (they all retain at least 0.75 times), and I am satisfied that this would be a minor shortfall which would not have unacceptable daylight impacts.

- 8.7.30. Furthermore, the applicant's assessment includes a 'No Sky Line' (NSL) assessment for 2 windows in No. 13 SJT. The NSL is the outline on the working plane of the area from which no sky can be seen. The BRE Guide outlines that if the NSL moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.80 times its former value, this will be noticeable to the occupants and more of the room will appear poorly lit. However, the applicant's assessment outlines that only negligible reductions will occur which will retain at least 0.98 times the existing value. I am satisfied that this would not have unacceptable daylight impacts.
- 8.7.31. I note that the grounds of appeal include concerns that assessments have not been carried out for all windows in No. 13 SJT, including roof lights and patio doors. However, given that the rooflights face towards the sky and the patio doors face southwest away from the development, together with the height and scale of the proposed development and its distance from these openings, I am satisfied that no unacceptable daylight/sunlight impacts would occur and that further assessment is not required.
- 8.7.32. Having regard to the foregoing, I am satisfied that, notwithstanding the identified minor instances of daylight/sunlight impacts, the proposed development would not have any unacceptable daylight/sunlight impacts on surrounding properties having regard to the relevant standards and provisions of the BRE Guide; CDP provisions; and section 28 guidance.

Sunlight to Existing Amenity Areas

- 8.7.33. For existing outdoor amenity areas, the BRE guide recommends that at least half of the space should receive at least two hours of sunlight on 21st March. If, as a result of new development, the area which can receive 2 hours of sunshine on the 21st March is reduced to less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.
- 8.7.34. The applicant's report considers 13 no. gardens associated with the SJT properties to the west of the site, and 6 no. gardens associated with the SCR properties to the north. It outlines that all gardens would comply with the BRE recommendations, with the exception of No. 309 SCR. Only 25% of the No. 39 garden would comply with the recommendation, and this would equate to just 0.4 times the existing value.

However, I would accept that No. 309 already has a restricted amenity area and therefore the magnitude of impact will be similarly restricted to acceptable levels.

- 8.7.35. I note that the third-party appeal grounds include an objection to the inclusion of the front car parking area of No. 13 within the amenity area calculations. Notwithstanding this however, it is clear from Figure 5.5.2.1 of the applicant's report that the rear garden/yard space of No. 13 SJT would not be significantly impacted by the development.
- 8.7.36. Having regard to the foregoing, I am satisfied that, notwithstanding the identified sunlight impacts for the amenity area of No. 309 SCR, the proposed development would not have any unacceptable impacts on surrounding properties having regard to the relevant standards and provisions of the BRE Guide; CDP provisions; and section 28 guidance.

Conclusions on Daylight and Sunlight

- 8.7.37. I would again highlight that the standards described in the BRE guidelines allow for flexibility in terms of their application. And while the Building Height Guidelines state that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like those referenced in this section of my report, where it has been identified that a proposal does not fully meet the requirements of the daylight provisions and a rationale for alternative, compensatory design solutions has been set out, the Commission can apply discretion having regard to local factors including site constraints and the need to secure wider planning objectives. The CDP allows for similar compensation and discretion in relation to daylight and sunlight, and the Compact Settlement Guidelines also highlight the need to balance the assessment against the desirability of achieving wider planning objectives.
- 8.7.38. I am satisfied that the applicants have carried out a competent assessment of impacts on the proposed development and neighbouring properties in accordance with relevant guidance and methodology, and I have had regard to third-party submissions on these matters.
- 8.7.39. I have identified the instances where the impacts would not meet BRE criteria, both for existing properties and the proposed development. However, I have highlighted that these instances are limited and, where relevant, I am satisfied that acceptable

compensatory measures have been incorporated into the design and layout of the scheme.

- 8.7.40. Therefore, in balancing the results of this daylight/sunlight assessment, I am satisfied that the impacts are acceptable given the need to achieve wider planning objectives relating to comprehensive urban regeneration; effective urban design and streetscape solutions; and the need to achieve compact, sustainable development. Therefore, a refusal of permission would not be warranted on this basis.

8.8. Traffic & Transport

- 8.8.1. The third-party appeal grounds include a range of traffic and transport-related concerns. These include concerns about inadequate public transport and pedestrian/cycle facilities in the area, additional traffic generation and safety hazards, car-parking / servicing proposals, and particular access/parking impacts on the Storage World premises. These matters are considered in the following paragraphs.

Public Transport

- 8.8.2. At its nearest point the site is within c. 800 metres walking distance from the Fatima Luas stop and c. 1km from the Rialto Luas stop. The Luas Red Line serves these stops and provides routes between the city centre/Docklands and Tallaght/Saggart, including direct links to the Luas Green Line, Heuston Station, and Connolly Station. Services run at frequencies of 3-5 mins during peak hours.
- 8.8.3. As outlined in the applicant's Traffic and Transport Assessment (TTA), there is also a range of bus services available at stops within 500m of the site along SCR and Dolphins Barn Road. The services combine to provide a frequency of 27 buses per hour. And following from that previously outlined in section 4 of this report, the site is within 500 metres from stops on the permitted Tallaght/Clondalkin to City Centre BusConnect Core Bus Corridor Scheme along Dolphin's Barn Road. The D Spine will provide a combined bus frequency of 4 minutes during peak hours.
- 8.8.4. In assessing the accessibility and capacity of public transport of this location, I note that the Compact Settlement Guidelines (Table 3.8) defines a High Capacity Public Transport Node or Interchange as '*Lands within 1,000 metres (1km) walking distance of an existing or planned high capacity urban public transport node or*

interchange, namely an interchange or node that includes DART, high frequency Commuter Rail, light rail or MetroLink services; or locations within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop'. In this regard the appeal site is within 1km walking distance of 2 Luas stops and is within 500m of a planned BusConnects 'Core Bus Corridor' stop'. Accordingly, I am satisfied that the location can be classified as a 'high capacity urban public transport node or interchange' as defined in the Compact Settlement Guidelines.

- 8.8.5. The Compact Settlement Guidelines also outline that the NTA's Public Transport Accessibility Level (PTAL) tool will provide detail of public transport accessibility at settlement level and should be used to support the preparation of statutory development plans at a settlement level and in the consideration of individual applications.
- 8.8.6. The PTAL analysis combines the walk or cycle journey time to a Public Transport stop with the level of service at that stop. It gives an idea of how well connected an area is to Public Transport services based on a range of factors including walk/cycle times to stops and different time periods. It also considers standard waiting times and average waiting times (incorporating a 'reliability factor'). Generally, an area will have a higher PTAL if:
- It is a short walk to the nearest station or stop,
 - There are short waiting times,
 - Multiple services passing the stop,
 - There is a nearby major rail station.
- 8.8.7. Having reviewed the PTAL tool, I note that the site is within an area classified as 'Medium-High Level of Service' for the 7am to 8am period, while for the 8am to 9am period this improves to a combination of 'Medium-High' and 'High Level of Service'. I would also highlight that this is based on current levels of services and does not take into consideration the future improvements associated with the BusConnects scheme.
- 8.8.8. Having regard to the foregoing, I am satisfied that the site is well serviced in terms of the proximity and frequency of existing/planned bus and Luas services, and that the location is deemed to be a high-capacity public transport node in accordance with the Compact Settlement Guidelines.

Traffic and Road Capacity

- 8.8.9. The TTA outlines that traffic surveys were carried out at 4 junctions (R110 Cork Street / R111 Dolphin Road; R110 Cork Street / SCR; SCR / Rehoboth Avenue / Priestfield Cottages / White Heather Industrial Estate; and R811 / Donore Avenue) on 4th June 2025.
- 8.8.10. Regarding trip generation associated with the proposed development, the TRICS trip-rate database was used to predict that the 250 units would generate 91 two-way person trips in the AM peak hour, and 113 two-way person trips in the PM peak hour. Given that the TRICS survey was undertaken in July 2021, when some COVID restrictions were still in place, it was 'sense-checked' against data for other applications in the area. 'Travel to Work' data from Census 2022 was then used to establish a modal split. Including the creche, the TA predicts that there would be a total of 18 vehicles arriving and 24 vehicles departing during the AM peak, and 27 vehicles arriving and 20 vehicles departing during the PM peak. Traffic flows were then distributed in the TTA proportionally according to the observed directional split in the 2025 traffic surveys.
- 8.8.11. The TTA outlines a 'Threshold Assessment' comparing baseline 2025 flows against the predicted flows associated with the proposed development. The TII Guidelines on TTA (2014) outlines that a TA is required for a development where *'traffic to and from the development exceeds 5% of the traffic flow on adjoining roads where congestion exists, or the location is sensitive'*. Using this more onerous threshold rather than the 'standard' 10% threshold for non-sensitive links, development traffic is only predicted to have an impact of 5% or more at the SCR / Site Access junction. The predicted impact at each of the other surveyed junction is less than 5%, and these junctions therefore do not require further assessment.
- 8.8.12. Junctions v11 (an industry-standard software package) was used in the TTA to test the SCR / Site Access junction. This modelling reports on the Ratio of Flow Capacity (RFC) and the maximum forecast queue for each give-way movement within priority junctions. RFC levels on a given arm of a junction should not exceed 0.85 in order for that arm to operate within its 'practical' capacity. Should the RFC level exceed 1.0 then the junction is considered to be operating above its 'theoretical' capacity.

- 8.8.13. The 'One Hour' traffic flow profile has been used within 'Junctions v11'. This assumes that there is a peak thirty minutes within the peak hour. It is from this period that the results presented within the TA are taken. This is a more onerous assumption than adopting a flat traffic profile within the peak hour and models the peak of 'peak time' at each junction. The peak hours assessed are in accordance with the 2025 surveys (i.e. 08:00-09:00 and 17:00-18:00).
- 8.8.14. Traffic flows have been calculated for the following scenarios: 2025 Baseline flows; 2028 Future Baseline (includes committed development); 2028 Future Baseline + White Heather Development; 2033 Future Baseline + White Heather Development; 2043 Future Baseline + White Heather Development. The future baseline scenarios include traffic from: the consented Bailey Gibson and Player Wills developments; an allowance for traffic growth; and the existing White Heather Industrial Estate.
- 8.8.15. The scenarios with the highest traffic flows are the '2043 Future Baseline' and the '2043 Future Baseline + White Heather'. However, it is demonstrated that the junction is expected to operate well within capacity in the modelled scenarios. The highest modelled RFC is 0.15 on the site access arm in the AM peak hour, which is well below the 'practical' RFC threshold of 0.85.
- 8.8.16. Consistent with the applicants' TTA, I am satisfied that the analysis has demonstrated that there will be no significant adverse long-term impact on the capacity or operation of the surrounding road network.

Car Parking

- 8.8.17. The site is located within Parking Zone 1 as per the Development Plan, where a maximum provision of 0.5 car spaces per dwelling applies¹⁰. A maximum of 1 space per 100m² (GFA) applies to a creche, and no car parking applies to a café. Accordingly, a maximum of 125 car spaces applies to the proposed residential units, while a maximum of 1 space applies to the creche.
- 8.8.18. The car-parking strategy provides a total of 86 no. spaces for the proposed development. This includes 77 no. residential spaces (0.3 spaces per dwelling) and 1 space for the creche, 4 of which will be accessible spaces in accordance with CDP requirements (i.e. at least 5%). The residential spaces will be managed and leased

¹⁰ As per CDP Appendix 5 'Transport and Mobility: Technical Requirements'.

through the management company. 50% of all car parking spaces will have active charging provision for electric vehicles (as per CDP), with the remaining 50% having passive EV charging provision. Motorcycle spaces (8) will be provided at a rate which exceeds CDP requirements (5% of car-parking spaces). Accordingly, I am satisfied that the proposals are consistent with CDP requirements.

- 8.8.19. Notwithstanding this, the third-party appeals outline concerns about the level of parking provision. In further assessing the proposed strategy, I would highlight that the Apartments Guidelines (2025) outlines that car parking ratios should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport. The Apartments Guidelines also reference how the Compact Settlement Guidelines (2024) outline car parking ratios for all residential development based on accessibility to public transport services. SPPR 3 (i) of the Compact Settlement Guidelines requires that in city centres and urban neighbourhoods of the five cities, car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling. The proposed development would clearly comply with this requirement.
- 8.8.20. In addition to the foregoing, I would highlight the nature of the proposed development involving a majority of studio/1-bed units (168) and just 82 no. 2-bed units. Accordingly, I consider it reasonable to assume that the demand for car parking would be lower in smaller households. The applicant also highlights Census 2022 data which indicates that 53% of households in the ED did not own a car, and I would concur that this can reasonably be expected to be lower for the proposed development of smaller household apartments as outlined above.
- 8.8.21. In support of the applicant's strategy, the TTA outlines the structure of a Mobility Management Plan (MMP) for the proposed development with the aim of reducing car trips. The MMP will encourage the use of alternative sustainable travel modes through the appointment of a mobility manager; the provision of on-site services; a range of travel information, promotion, and marketing; and promotion of carsharing. Consistent with standard practice, I am satisfied that the details of same (including car-sharing proposals) could be agreed with the planning authority as a condition in the event of a grant of permission.

8.8.22. In conclusion, I consider that local and national policy supports reduced car-parking provision at such accessible locations and the proposed development complies with the relevant standards. In addition, I have considered the nature and scale of the proposed development and its location/accessibility in relation to surrounding services and facilities, including public transport, and based on these considerations I am satisfied that the proposed level of car parking is acceptable in this case. Parking controls apply in the surrounding area, and I do not consider that the proposed development will result in parking overspill.

Cycle Parking

8.8.23. Having regard to the Apartments Guidelines (2020), the CDP requires cycle parking for residential apartment units at a rate of 1 secure space per residential bedroom and 1 visitor cycle parking space for every two units. Relaxations of this standard may be considered in certain instances where the applicant can justify the proposed quantum having regard to location, quality of facilities, flexibility for future enhancement / enlargement and availability of alternative transport facilities. Provision is also to be made for e-bikes/cargo bikes/bike trailers/adapted bikes.

8.8.24. The application proposes a total of 356 long-term 'residential' spaces, which would comply with CDP requirements relating to the total number of bedrooms (332). 5% of these spaces will be non-standard spaces suitable for cargo bikes etc. It also proposes a reduced level of 65 'visitor' spaces based on an aim to avoid the dominance of potentially under-used visitor cycle racks throughout the development. This would not comply with the CDP standard (i.e. 125 spaces). However, I have previously outlined that the CDP specifically allows for a relaxation of the standard and, accordingly, I do not consider that a material contravention would arise in this regard.

8.8.25. The CDP outlines that the relaxed standard can be applied subject to criteria relating to location, quality of facilities, flexibility for future enhancement / enlargement and availability of alternative transport facilities. In this regard I have previously outlined that the site is in a central location which is classified as a 'high-capacity public transport node'. The proposed cycle parking facilities would be of a suitable quality and the TTA outlines that the utilisation of visitor cycle spaces will be continually monitored as part of the MMP. Should there be a shortage of visitor spaces in the

future, then additional spaces will be provided within Basement stores B2 and B3. Accordingly, I am satisfied that the cycle parking proposals can be accepted in accordance with the flexibility allowed in the CDP. Furthermore, I would again highlight that the nature of the development involving smaller households is likely to have a lower demand for visitors.

- 8.8.26. With regard to national guidance, I note that the CDP standards were based on the Apartments Guidelines (2020). However, the updated Apartments Guidelines (2025) no longer specifies such requirements. It refers to the Compact Settlement Guidelines (SPPR 4) which requires that a general minimum standard of 1 cycle storage space per bedroom should be applied, and that '*visitor cycle parking should also be provided*'. The proposed development would comply with the requirement of 1 space per bedroom. And while no minimum standard is specified for visitor spaces, I am satisfied that adequate provision has been made as previously outlined.
- 8.8.27. With regard to the other proposed uses, the CDP outlines a standard of 1 space per 5 staff (long term) and 1 space per 10 seats (visitor) for a café. It does not specify a standard for a creche, but states that such cases will be calculated based on those of a comparable use and/or determined as part of a Transport and Traffic Assessment and/or Mobility Management Strategy. In this regard I note that a standard of 1 space per 5 staff and 1 space per 5 students is outlined for a primary school.
- 8.8.28. The application proposes four covered spaces for creche staff and six spaces adjacent to the creche for visitors. No specific cycle parking has been provided for the café kiosk as the cycle strategy assumes that café users will share the visitor spaces outside the creche. Having regard to the absence of specific CDP standards for a creche; the limited size of the café kiosk; the strategy outlined in the applicant's TTA and MMP; and the provisions of the CDP (s. 3.1, Appendix 5) which allows for a departure from the cycle standards set out in Table 1 thereof; I am satisfied that the proposals are acceptable and would not amount to a material contravention of the CDP.
- 8.8.29. With regard to the design of the cycle spaces, the TTA outlines how the proposed development complies with the principles of the Cycle Design Manual. The visitor spaces are proposed as 'Sheffield stands' in accordance with CDP requirements,

while the long-term spaces are predominantly provided in two-tier cycle racks. I note that the planning authority has raised some concerns about the design of the cycle spaces and I am satisfied that this could be addressed as a condition in the event of a grant of permission.

Pedestrian & Cycle Links

- 8.8.30. The third-party appeal grounds include concerns that there will be a traffic hazard due to conflict between pedestrian and cycle movements within the site, and that pedestrian/cycle infrastructure in the wider surrounding area is inadequate to accommodate the proposed development.
- 8.8.31. The applicant's TTA includes an analysis of the existing pedestrian environment, including footpath provision and road crossings. It highlights that the existing site access junction is shared between the Industrial Estate, the An Post delivery office and Priestfield Gardens. The crossing distance for pedestrians is approximately 21 metres. There are no road markings, refuge island or tactile paving. It demonstrates that there is a wide range of local community, education, health, retail and employment facilities within a 15-minute walking catchment.
- 8.8.32. The TTA also considers cycling accessibility and infrastructure. It outlines that there are formal cycle lanes on Dolphins Barn Road and that bus lanes can be used by cyclists on SCR, and that a 30-min cycling catchment from the site covers much of the city. Future cycle infrastructure initiatives are also highlighted as outlined in the GDA Cycle Network Plan, including a continuous Greenway along the Grand Canal and Secondary Routes 8C (R110 Cork St) and SO2 (South Circular Road) providing north-south and east-west connections. In addition, the consented Tallaght / Clondalkin Core Bus Corridor will provide a fully segregated cycle route between Tallaght and the City Centre, while the Portobello to Blackhorse Active Travel Route (part of DCC's Active Travel Network) will provide footpaths and cycle tracks along the banks of the Grand Canal.
- 8.8.33. The TTA outlines that access principles are strongly based on pedestrian and cycle movement through the site. This includes an upgraded and traffic-calmed main site access; dedicated separate secondary pedestrian/cycle access points from SCR and SJT; a pedestrian/cycle priority boulevard route through the site and along the canal;

and the use of shared surfaces with pedestrian/cycle priority throughout the remainder of the development.

8.8.34. Appendix G and H of the TTA outline how the application responds to the requirements of CDP Objective SMTO10 and the requirement for Walking and Cycling Audits for such developments. This includes a response to Appendix D of the Sustainable and Compact Settlement Guideline 2024 and a Road Safety Audit and Quality Audit. In summary, Appendix G outlines that the development has been designed based on pedestrian/cycle priority and will benefit from good links to sustainable travel infrastructure (as previously discussed in this report). Appendix H (Road Safety Audit and Quality Audit) comprises a combined Stage 1&2 RSA as well as an Accessibility Audit, a Walking Audit and a Cycling Audit. It includes a range of identified problems, recommendations and solutions, all of which have been accepted and incorporated into the development. In summary, the main provisions of the RSA & QA confirm that:

- The largest vehicles using the site access will be a 'large parcel van' as has been used in the 'swept path' analysis.
- Pedestrian access will be maintained for employees into the Storage World and An Post facilities. I acknowledge that the access referenced in the RSA & QA does not serve Storage World, but I am satisfied that the proposed development otherwise accommodates pedestrian access to Storage World.
- Bollards will be used to prevent vehicular access at SJT. A suitable transition to 'shared space' will also be applied.
- Suitable set down facilities will be provided for the creche and the development as a whole to accommodate turning requirements.
- Adequate visibility, gradients, kerbing, and weather-proofing measures will be provided throughout the site.

8.8.35. The RSA & QA is supported by a DMURS Statement of Consistency which satisfactorily outlines how the proposed development complies with design principles.

8.8.36. Having regard to the foregoing, I acknowledge that the proposed development generally aims to provide a highly permeable environment for pedestrian and cycle

use. However, as previously outlined in section 8.5 of this report with regard to 'public open space', I have serious concerns about the proposed 'boulevard' link from SCR to the grand canal. While I acknowledge that it has been designed as a pedestrian-priority route and that this is to be encouraged in accordance with DMURS, I have concerns that it conflicts with the vehicular access through the site, particularly the access, parking, and circulation requirements associated with Storage World.

Interactions with Storage World

- 8.8.37. The appeal by DTW Capital outlines concerns that the proposed development would adversely impact on established access, circulation, and parking rights within the site and associated with the existing Storage World business.
- 8.8.38. At the outset I would again highlight, as previously outlined in section 8.2 of this report, that ownership/legal disputes are matters to be resolved between the relevant parties outside the planning process. Nonetheless, Storage World is an existing business which appears to rely upon the appeal site for access, circulation, and parking, and it is therefore relevant to consider how these requirements have been incorporated into the proposed development.
- 8.8.39. Regarding parking requirements, the DTW Capital appeal contends that there is a requirement to retain 7 no. car-parking spaces. I note that the application has responded to this requirement through the proposal for 7 no. spaces directly north of the existing Storage World unit (No. 295). However, the spaces are largely proposed tightly between 2 no. existing roller shutter doors providing vehicular access to Storage World, and the application has not demonstrated how access (i.e. swept path turning movements) will be retained for these access points.
- 8.8.40. The appeal also outlines that the proposed parking spaces would conflict with an established set-down area for HGVs etc. This area was in fact being used by a rigid truck on the day of my site inspection, although I acknowledge that there are no road markings or other apparent formal arrangements for this. Ultimately however, I consider it reasonable that the proposed development should appropriately accommodate such requirements.
- 8.8.41. In this regard the application includes a set-down area to the northeast of Block 3A, although the applicant's appeal response suggests that this could now be swapped

with the proposed creche set-down space directly north of Block 4A. However, I consider that this would have adverse amenity impacts for the adjoining ground floor unit in Block 4A.

8.8.42. The applicant's appeal response also suggests that vehicular turning requirements could be accommodated within the 'junction plaza' between Blocks 3A and 4A. Again however, this has not been demonstrated through a swept path analysis, and I note that there is limited space between Blocks 3A and 4A.

8.8.43. In conclusion, I consider it reasonable that the access, parking and circulation requirements of a retained business (Storage World) should be appropriately accommodated and integrated within the proposed development. However, there is a distinct lack of clarity in this regard. And while the DCC decision allows for proposals to be addressed by means of condition, I do not consider this appropriate given the complicated and important nature of the issue. Furthermore, I consider that a conflict would arise at this prominent and congested area between the requirements of commercial traffic and vulnerable road users associated with the proposed apartments and creche, and I consider that this would constitute a traffic hazard which would seriously detract from the quality of the scheme.

8.8.44. In addition to the above operational matters, the appeal contends that the application (including the CEMP) makes no reference as to how the Storage World business would remain operational during the construction phase. I acknowledge that there would be particular challenges given the access arrangements to Storage World near the main entrance to the site. I note that the CEMP makes no specific provision in this regard, but it states that a Construction Traffic Management Plan (CTMP) will be prepared by the Main Contractor in advance of construction works commencing onsite. Therefore, in the event of a grant of permission, I consider that a condition should apply requiring that this matter should be specifically addressed and agreed with the planning authority through a detailed CTMP.

Conclusion

8.8.45. Having regard to the foregoing, I acknowledge the accessible location of the site and its suitability for residential development with a focus on sustainable transport modes. However, I consider that conflict within the site with commercial traffic would

constitute a traffic hazard and would seriously detract from the amenities and quality of the proposed scheme.

8.9. Flooding & Drainage

8.9.1. The third-party appeal grounds include concerns about flood risk; surface water management; and water and wastewater networks. These matters are addressed in the following paragraphs.

Flood Risk

8.9.2. The application is accompanied by a Site-Specific Flood Risk Assessment (SSFRA). It includes a 'Stage 1' flood risk identification exercise, which can be summarised as follows:

- Historical - OPW Historical Flood Maps indicates no flooding events in the immediate vicinity of the site.
- Coastal - Given the elevation and location of the site, no risk applies.
- Fluvial - The SFRA maps indicate flooding at 0.1%AEP for a depth of 0.25-0.5m around the Grand Canal. However, the site lies outside this area, and it is marked outside the 1 in 100 and 1 in 1000-year fluvial flood extents. Accordingly, no extension of the flood zone to the new development area is predicted.
- Ground Water – GSI info does not contain reported incidents of ground water flooding in the vicinity of the site. It indicates a medium risk of groundwater contamination. As there is an under-croft car park proposed as part of this development, ground water flooding may pose a risk to the proposed site and mitigation measures are required. However, risk is considered low.
- Pluvial - A review of the Dublin Pluvial Study extent map (from floodinfo.ie) indicates that a portion of the site falls within the 10% AEP pluvial flood extent. During pre-planning discussions with DCC it was noted pluvial flooding during a 100 years (1% AEP) 180-min event is projected at the proposed entrance on SJT. The entrance level will be designed so that water flows towards the new development area are directed to the new network system. Given these mitigation measures, the risk of pluvial flooding to the proposed site is considered low.

- Climate Change - The system is designed for storms up to and including the 1 in 100-year storm and 20% extra for climate change. Hence the development can be considered to be climate change resilient.

8.9.3. Following on from the above, the SSFRA carries out a 'Stage 2' Initial FRA which considers the sequential approach in accordance with the Flood Risk Guidelines (2009). It acknowledges that the proposed residential development comes under the heading of Highly Vulnerable Development. It also acknowledges how the CDP Strategic Flood Risk Assessment (2016-2022) identified the Grand Canal as a source of fluvial flooding in the area, but that a 'Justification Test' had been carried out to support zoning in the area. Therefore, the applicant's report concludes that the proposed development falls in Flood Zone C, and that a 'Justification Test' and / or Stage 3 Detailed Flood Risk Assessment is not required. It is stated that pluvial and groundwater flooding will be managed through the implementation of a new surface water network which will mitigate the risk, and the development is deemed acceptable from a flood risk assessment perspective.

8.9.4. As has been highlighted in third-party appeal grounds, I acknowledge that the applicant's SSFRA refers to the outdated SFRA from the CDP 2016-2022 with regard to the 'justification test' for 'Site: 14. Poddle: Culverts outside canal'. However, the current CDP SFRA (2022-2028) includes similar 'justification tests' for 'Area: 13. Poddle: Inside Canal' and 'Area: 14. Poddle: Culverts outside Canal'. Consistent with the old CDP (2016-2022), the current CDP (2022-2028) concludes that the areas pass the 'Justification Test for Development Plans'. Accordingly, I do not consider that the applicant's reference to the old CDP has a significant impact on the robustness of the SSFRA submitted with the application.

8.9.5. The third-party appeal grounds also contend that the SSFRA has not addressed concerns about flood risk and finished floor levels as outlined in the DCC LRD Opinion, including basement levels. In this regard I note that as well as the SSFRA, the application includes a Civil Engineering Infrastructure Report, a Basement Impact Assessment, and the applicant's Planning Report includes a 'Statement of Response to S247 Comments by Dublin City Council'.

8.9.6. The Civil Engineering Infrastructure Report outlines GDSDS requirements that the top flood water level must be at least 500mm below any internal floor levels. It

confirms that the lowest habitable finished floor levels (FFLs) on site are at 22.200m and are situated to the northwest area of the site, located away from the potential flooding locations. It highlights that drawing WHH-BMCE-ZZ-ZZ-DR-C-11310 demonstrates that all potential flooding will be directed to the northern area of the site, which has a FFL of 24.400m. This FFL is over 2 metres above the maximum water level reached in both the attenuation tank and the permeable paving of 21.806m, which would comfortably exceed GDSDS requirements.

- 8.9.7. The Civil Engineering Infrastructure Report acknowledges that Block 2/3 includes a basement/lower-ground floor comprising non-habitable car parking and plant rooms but outlines that such non-habitable basement areas are acceptable below the maximum water level of attenuation features. The Basement Impact Assessment also outlines that the underside of basement slab will be 2.5m above the water level and will not impact the groundwater or interfere with the movement of groundwater beneath.
- 8.9.8. Having regard to the foregoing, including the relevant flood-risk information available for the site and the mitigation measures incorporated into the proposed development, I am satisfied that the proposed development is acceptable from a flood-risk perspective.

Surface Water Drainage

- 8.9.9. The applicant's Civil Engineering Infrastructure Report aims to outline how the proposed development complies with the 'Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Technical Document – Volume 2, New Developments, 2005'; the 'Greater Dublin Regional Code of Practice for Drainage Works, V6.0 2005'; DCC 'Sustainable Drainage Design & Evaluation Guide, 2021'; DCC 'Development Plan 2022-2028'; DCC 'Green & Blue Roof Guide, 2021'; and CIRIA Design Manuals C753, C697 and C609. It is stated that the system was designed with particular reference to the CDP, including Appendix 11, "Technical Summary of Dublin City Council Green & Blue Roof Guide (2021); Appendix 12, "Technical Summary of Dublin City Council Sustainable Drainage Design & Evolution Guide (2021)"; and Appendix 13, "Surface Water Management Guidance".
- 8.9.10. It is proposed to construct a new surface water drainage system for the development to collect runoff from roofs, paved areas and any additional runoff from landscaped

areas which doesn't percolate to ground. The aim of the drainage design is to treat, retain, and slowly discharge water from source into the underground drainage network. The system can be summarised as follows:

- Intensive green roofs will be provided on the majority of flat-roof areas. The raised podium garden in the centre of the site as well as all top roof levels will also have a layer of blue roof attenuation underneath the intensive green roof layer, allowing for rainwater falling onto the apartment blocks to be retained and slowly release into the buried drainage system at a controlled outflow.
- Permeable paving will be used for all hard paved roadways, parking bays and footpaths (with the exception of the site entrance road at the interface with the public roadway), providing attenuation and treatment of rainwater flows.
- Additional attenuation will be provided via a buried attenuation tank with downstream flow control, to limit the eventual discharge rate from the site.
- Soft landscaping will provide interception of rainfall and promote diffuse infiltration into the underlying soils.
- The site is underlain by clays which are expected to achieve low infiltration rates. The site infiltration rate has therefore been taken as zero in the design of the drainage system, representing 'worst-case' scenario.
- The proposed drainage system will discharge to the existing combined sewer in the South Circular Road to the northeast. The system is designed to accommodate flows for the 1 in 100-year storm event. A Hydrobrake flow control device will limit offsite flows to 2.1 l/s.

8.9.11. Notwithstanding the above, the third-party appeal grounds contend that the proposed development does not demonstrate compliance with CDP surface water policies, including SI21, SI22, SI23, and SI25. In this regard, I would state the following:

- SI21 – This policy promotes the use of natural or nature-based flood risk management measures as a priority, by requiring the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving and requiring the use of sustainable drainage techniques. Having regard to the proposed use of green/blue roofs, permeable paving, and soft landscaping, I am satisfied that the proposal suitably complies with this policy.

- S122 – This policy requires the use of SuDS and references the guidance set out in the GSDSDS / Greater Dublin Regional Code of Practice for Drainage Works; the Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design Best Practice Interim Guidance Document (DHLGH, 2021); and the DCC Sustainable Drainage Design & Evaluation Guide. Having regard to the proposals as outlined in the preceding paragraphs, I am satisfied that the proposal suitably complies with this policy.
- SI23 – This policy requires that all new developments with roof areas in excess of 100 sq. metres provide for a green blue roof designed in accordance with the requirements of DCC's Green & Blue Roof Guide (2021). Green blue roofs have been incorporated into the design where possible leading to intensive green roofs, green roofs on blue roof storage, and hardstanding material on blue roof storage covering more than the required 50% of the overall impermeable roof areas. I am satisfied that the proposal suitably complies with this policy.
- SI25 – This policy requires the preparation of a Surface Water Management Plan in accordance CDP Appendix 13 (Surface Water Management Guidance). While the application does not include a specific document entitled 'Surface Water Management Plan', I am satisfied that the Civil Engineering Infrastructure Report outlines surface water management plans in accordance with CDP Appendix 13. The proposals suitably comply with this policy.

8.9.12. The third-party appeal grounds also contend that proposals are unclear in relation to surface water attenuation volumes, discharge rates, the SUDS strategy, surface water management, and finished ground levels. However, the applicant's Civil Infrastructure Report clarifies that the proposed attenuation tank has a capacity of 228m³ (attenuation will be provided within the permeable paving and on the podium blue roof) and the proposed site discharge rate is 2.1 l/s. The report also clearly outlines the SuDS strategy and surface water management proposals, and drainage drawings clearly show the proposed finished ground levels. Accordingly, I am satisfied that there is no lack of clarity on these matters.

8.9.13. Specifically with regard to Storage World, I note that it has been questioned whether or not Unit No. 295 would be fully drained within the applicant's proposals. According to the drainage drawing (drawing no. WHH-BMD-ZZ-ZZ-DR-C-11200) submitted with the application, there would not appear to be any proposals to alter drainage

arrangements for Unit No. 295. However, I consider that this is a relatively minor matter that could be clarified as a condition in the event of a grant of permission.

Water & Wastewater

- 8.9.14. The third-party grounds of appeal include concerns about impacts on water pressure and sewage flows in the area.
- 8.9.15. With regard to wastewater, I note it is proposed that new foul drainage will be provided to collect and convey the foul flows from the new buildings. The proposed foul drainage layout and connections to the existing public sewer is designed in accordance with the Irish Water Standard Codes of Practice. A minimum pipe diameter of 225mm will be used at gradients no flatter than 1 in 200. It is proposed that foul flows will combine with the collected surface water flows, prior to connection to the existing combined sewer in the South Circular Road. For water supply, it is intended to connect via the existing 225mm diameter line along the northern boundary of the site, subject to agreement with Uisce Éireann.
- 8.9.16. A Pre-Connection Enquiry (PCE) was submitted to Uisce Éireann (UÉ) and feasibility for water and wastewater connections was confirmed without the need for infrastructure upgrade from UE, subject to standard conditions. A Statement of Design Conformity was submitted to Uisce Éireann on the 6th of October 2025 and a Statement of Design Acceptance was received on the 25th of November 2025. This document did not contain any specific conditions relating to the water or wastewater network.
- 8.9.17. Therefore, having regard to the available infrastructure capacity and compliance with all relevant design standards, and subject to standard conditions regarding UE connections, I am satisfied that the proposed development would not have any unacceptable impacts on the water and wastewater networks in the area.

Conclusion

- 8.9.18. Having regard to the foregoing, I am satisfied that the proposed development is acceptable from a flood risk perspective; that surface water management proposals would be appropriate in accordance with the CDP and related guidance standards; and that the proposed development can be adequately serviced by water and wastewater services in the area.

8.10. Building Height, Density, Design & Visual Amenity

Proposed Density & Height

- 8.10.1. The application outlines that the proposed development has a density of 229 uph, which is based on the provision of 250 no. units within a stated net site area of 1.09ha. This stated net area is based on the exclusion of areas (total 394m²) comprising roads within the overall gross site area (1.13ha).
- 8.10.2. In this regard I note that Appendix B of the Compact Settlement Guidelines deals with 'Measuring Residential Density'. Table 1 of the appendix outlines features which should be included and excluded from the net site area. This includes 'Larger, Regional or District Parks, Wayleaves or rights of way' and 'Other areas of land that cannot be developed due to environmental sensitives, topographical constraints (i.e. steepness) and/or are subject to flooding'. Having considered these criteria in relation to the southern part of the site along the canal, and having regard to the CDP zoning of this strip of land as 'Z9 - Amenity / Open Space Lands / Green Network' and a 'Conservation Area', and its inclusion as part of a larger linear open space including the planned Grand Canal Greenway, I do not consider that this area is suitable for development and/or inclusion within the net site area. The Z9 area (1,320m²) should therefore be excluded from the net site area, resulting in a reduced net site area of 0.96ha.
- 8.10.3. In addition to the above, the Guidelines outline that when calculating residential densities within mixed use schemes, planning authorities shall exclude the % of non-residential uses in proportion to the net site area. The proposed development includes a creche and café/kiosk with a total non-residential floor area of 178.7m², which is only c. 0.87% of the gross floor area (20,333m²). A commensurate reduction to the net site area results in an area of c. 0.95ha. Accordingly, it is my calculation that the proposal for 250 units on a net site area of 0.95ha would result in a density of 263uph.
- 8.10.4. In relation to building height, the proposed development incorporates a variety of heights. Block 1 is 4-5 storey; Block 4 is 5-6 storey, and Block 5 is 3-storey. The greatest height is within the central part of the site (Blocks 2/3). As highlighted in the third-party appeal grounds, I note that Blocks 2/3 include a lower ground floor/basement with 5-7 storeys above.

National Policy & Guidance

- 8.10.5. Chapter 3 of the *Building Height Guidelines* (2018) outlines a presumption in favour of buildings of increased height in urban locations with good public transport accessibility. It outlines broad principles for the consideration of proposals which exceed prevailing building heights, including the extent to which proposals positively assist in securing National Planning Framework objectives of focusing development in key urban centres, and the extent to which the Development Plan/LAP comply with Chapter 2 of the Guidelines and the NPF. SPPR 3 outlines that, subject to compliance with the criteria outlined in section 3.2 of the Guidelines, the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.
- 8.10.6. I note that the CDP 2022-2028 was prepared after the implementation of Building Height Guidelines and I am satisfied that the provisions of same have been incorporated into the CDP (particularly Appendix 3), which is addressed later in this section. Where relevant, the provisions of the Building Height Guidelines are also covered elsewhere in this report.
- 8.10.7. The Apartments Guidelines (2025) refer to density requirements but outline that such requirements are set out in the Compact Settlement Guidelines (2024). The Compact Settlement Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. It is intended that the Guidelines should be read in conjunction with other guidelines (including the Building Height Guidelines and the Apartments Guidelines) where there is overlapping policy and guidance. Where there are differences between these Guidelines and Section 28 Guidelines issued prior to these guidelines, it is intended that the policies and objectives and specific planning policy requirements of these Guidelines will take precedence.
- 8.10.8. Policy and Objective 3.1 of the Guidelines is that the recommended residential density ranges set out in Section 3.3 are applied within statutory development plans and in the consideration of individual planning applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate.

- 8.10.9. Table 3.1 of the Guidelines outlines the areas and density ranges for Dublin and Cork City and Suburbs. It outlines that the city centre of Dublin¹¹ and Cork are the most central and accessible urban locations nationally with the greatest intensity of land uses, including higher order employment, recreation, cultural, education, commercial and retail uses. It is a policy and objective of the Guidelines that residential densities in the range 100 dph to 300 dph (net) shall generally be applied in the centres of Dublin and Cork, and the proposed density (263 dph) would be within that range.
- 8.10.10. Section 3.4 of the Guidelines recommends that the density ranges should be further considered and refined. Step 1 in the refining process is the 'consideration of proximity and accessibility to services and public transport', which encourages densities at or above the mid-density range at the most central and accessible locations, densities closer to the mid-range at intermediate locations, and densities below the mid-density range at peripheral locations.
- 8.10.11. Table 3.8 outlines further guidance on accessibility and, as per section 8.8 of this report, I have already outlined that the site would be within a 'high-capacity public transport node or interchange'. Given that the recommended range is 100-300 dph and mid-density within that range would be 200 dph, I am satisfied that the proposed density of 263 dph would be 'at or above the mid-density range' in accordance with the recommendations of the Guidelines.
- 8.10.12. Step 2 of the refining process is the consideration of character, amenity and the natural environment with regard to the following criteria.

(a) Local Character.

The site itself is of an established industrial/warehousing character, and I am satisfied that planning policy strongly supports a significant change towards a residential-led character.

Immediately outside the site, the area is predominantly characterised by low-rise terraced residential development. Of particular note are the 'Z2 conservation area' properties along South Circular Road and Priestfield Cottages to the north and east of the site. Our Lady of Dolours Church is also a protected structure

¹¹ The Guidelines notes that the CDP 2022-2028 refers to the inner city and its immediately surrounding neighbourhoods within the canals

(RPS No. 1849) along SCR to the north of the site, while the Grand Canal to the south is part of a CDP 'conservation area'. The proposed development is clearly of a significantly different scale and character to this local context, although I acknowledge that there is an emerging pattern of high-density modern residential development in the wider surrounding area (e.g. the permitted developments on the Bailey Gibson and Player Wills sites).

The application is accompanied by 'Verified Photomontages' which illustrate the impact of the development on local character. It is based on 19 viewpoints which compare 'existing', 'proposed', and 'cumulative' (i.e. with other permitted developments) views. Having reviewed this study with regard to scale, mass, urban grain, and architectural language, I consider that the contrast between the proposed development and the historical local context is much stronger than any similarities that would exist with the emerging character of recently permitted development.

In particular, concerns apply in relation to the apparent scale, massing, and height of development in the most prominent views, as follows:

View 8 – From SCR the view of the proposed development is exposed through the proposed site entrance, and I consider that this is a sensitive view given its prominence and the presence of the Z2 conservation area and the protected structure (church). While I acknowledge that the development is setback to the rear of SCR, I consider that the cumulative scale, height, and density of Blocks 2, 3, and 4 forms an excessive mass. This forms an obtrusive feature which is out of character with existing development and would seriously detract from the built heritage value of the area.

Views 14 & 15 - From the south of the site the view of the proposed development is exposed due to the presence of the grand canal, and I consider that this is a sensitive view given its prominence and amenity value of the canal (conservation area). While I acknowledge that the redevelopment of this waterside site has the opportunity for increased height and scale, I consider that the proposed development is excessive in an otherwise predominantly low-rise context along the canal. I consider that it would form an obtrusive feature in the townscape which would seriously detract from the character of the area.

I acknowledge that it is not necessary to replicate the scale and mass of existing buildings. However, having regard to the significant increase in proposed building height, mass, and scale, I am not satisfied that the proposal responds in a positive and proportionate way to the receiving context.

(b) Historic Environments.

As in (a) above, I have outlined the historical environment and my concerns about impacts related to the significant height, scale, and massing of the proposed development. In this regard I note that the DCC Conservation Officer also raised serious concerns that the height, scale and massing will have serious impacts on the setting of the Protected Structure and surrounding established historic residential terraces, although the planning authority ultimately decided to grant permission subject to conditions including height reductions. However, notwithstanding these reductions, I would have outstanding concerns regarding the impact on the historic environment.

I also note that the DCC Archaeologist report highlights the significant heritage features within the site including a laundry and the canal docks basins. Given the scale of the proposed basement, it concludes that the archaeological impact is projected to be significant; that the submitted documents do not adequately assess the potential impact on significant industrial heritage assets; that there is no response to the request for a heritage interpretation strategy for the site; and that there is no meaningful evaluation for preservation in situ of significant features such as the potential remains of the canal basin docks. I consider that such information would more appropriately be provided in advance of decision-making. However, as outlined in the DCC decision, this could be addressed as a condition in the event of a grant of permission.

I note that the DCC decision (condition 4(d)) also requires the setback of the ESB substation and adjoining structures further off the common northern boundary in order to protect the integrity and setting of the existing wall, and this condition has been appealed by the applicant. However, I consider that these structures are of minor scale, and the application has demonstrated that the wall will be retained. Therefore, in the event of a grant of permission, I do not consider that this condition is necessary.

(c) The environment and protected habitats and species.

An evaluation of impacts on the environment and European Sites has been considered under the requirements of the Environmental Impact Assessment and Habitats Directives, as outlined in sections 6 and 10 of this report. I have concluded that the proposed development would not be likely to have significant effects on the environment and that an environmental impact assessment report is not required, and that adverse effects on the integrity of European sites can be excluded.

The application is also supported by an Ecological Impact Assessment (EclA). As well as desk studies of relevant information sources, it is informed by field surveys carried out in 2025 as follows:

- Preliminary Ecological Survey (June)
- Breeding Bird Scoping Survey (August)
- Camera Trap Monitoring (August – September)
- Invasive Species Survey (August)
- Internal Roost Inspection (August)
- Bat Activity Surveys (August, September)
- Bat Emergence Survey (August).

Based on a comprehensive review of ecological features, the EclA identifies Key Ecological Receptors (KERs) as follows:

- Grand Canal pNHA & Grand Canal I-WeBS site (National Importance) – Due to proximity and hydrological connection.
- GS2 – Dry meadows and grassy verges / WS1 – Scrub (Local Importance (Higher Value)) - located adjacent to the Grand Canal (outside site).
- FW3 – Canals (Local Importance (Higher Value)) – Proximity to site.
- Invasive Species (Negligible Value) - Several non-native invasive plant species were recorded across the site. Japanese knotweed, in particular, represents a high risk ecological and management issue, requiring regulated removal and off-site disposal.
- Bat Assemblage (Local Importance (Higher Value)) - Potentially suitable habitat adjacent to site. Limited access to these habitats and low transect survey effort accounted for by considering bats as potentially higher value receptor.

The EclA outlines that avoidance and mitigation of ecological impacts has been embedded in the project design, including SuDS, landscaping, and lighting. Notwithstanding this, it acknowledges the potential for construction, operational, and cumulative impacts. In particular, the spread of invasive species at construction stage is considered potentially significant. Other potential impacts are generally considered moderate or less. Having considered other development, no in-combination effects are anticipated.

The EclA also sets out a range of avoidance, mitigation, compensation and enhancement measures to address potential impacts.

The construction stage measures largely include best practice standards and mitigation in accordance with the CEMP, as well as proposals for Invasive Species Management, Timing of Vegetation Clearance, and Lighting Regime.

The operational measures include the protection of habitats through Invasive Species Management and the protection of fauna through sensitive lighting design.

Biodiversity Enhancement Measures are also proposed to include: Swift Box Scheme; Bat Box Scheme; and Low Intervention Hedgerow Management.

Monitoring arrangements are also proposed in relation to the mitigation and enhancement measures. The EclA concludes that provided all recommended measures are implemented in full and remain effective throughout the lifetime of the proposed development, no significant negative residual impacts on the local ecology, or on any designated nature conservation sites, will occur as a result of the proposed development.

I note that the submission from the DHLGH confirms satisfaction that there will be no adverse effects on European Sites. The submission also highlights potential impacts on bat species and otter but is satisfied that impacts on bats have been addressed through the proposed mitigation measures (lighting and bat boxes) and that impacts on otter can be addressed as a condition requiring the provision of an artificial holt in the event of a grant of permission.

Having regard to the foregoing, I am satisfied that the application appropriately allows for consideration of impact on biodiversity and natural features, and that

the implementation of the proposed mitigation, enhancement and monitoring measures and the conditions of any permission will ensure that there will be no unacceptable impacts on the natural environment, habitats or species.

(d) The amenities of residential properties.

This has been considered in sections 8.6 and 8.7 of this report. As outlined in section 8.6, I consider that the combined scale, height, design and proximity of Blocks 5 & 2 would seriously detract from the residential amenities of the SJT properties by reason of overlooking and overbearing impacts.

(e) Water supply and wastewater networks.

As outlined in section 10.9 of this report, I do not consider that there would be any unacceptable impacts on water supply and wastewater networks.

8.10.13. In conclusion regarding density policy/guidance in the Compact Settlement Guidelines, I acknowledge that the proposed density (263 dph) would be within the recommended range of 100-300 dph and would benefit from proximity and accessibility to a high standard of existing/planned public transport services. However, having regard to its significant height, scale, and massing, I do not consider that the proposed development would satisfactorily respond to local character and the historic environment, or that it would suitably protect the amenities of surrounding residential properties.

CDP Policy

8.10.14. In accordance with the Core Strategy, the CDP generally outlines that compact growth will be promoted throughout the city through appropriate infill development and consolidation of brownfield sites and targeted growth along key transport corridors.

8.10.15. Policy SC10 'Urban Density' is 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. These Guidelines have since been replaced by the Compact Settlement Guidelines (2024). Therefore, given that Policy SC10 refers to 'any amendment thereof' the previous 2009 Guidelines, I consider that the effect of

Policy SC10 is to apply the Compact Settlement Guidelines (which has been previously assessed earlier in this section).

- 8.10.16. Section 4.5.4 of the CDP deals with 'Increased Height as Part of the Urban Form and Spatial Structure of Dublin' and acknowledges the requirement to consider greater height in appropriate locations. Following on from the Building Height Guidelines (2018), it outlines that the strategic approach is to promote more intensive forms of development, including increased height, whilst ensuring that high quality places and a good quality of life are achieved. Policy and guidance regarding building height is set out in Appendix 3 of the CDP, including a detailed set of performance-based criteria for the assessment of proposals of enhanced scale and height. Sections 4.5.5 and 4.5.6 of the Plan set out further policies and guidance in relation to Urban Design, Architecture, and the Public Realm.
- 8.10.17. Appendix 3 of the CDP outlines that '*As a general rule, the following density ranges will be supported in the city*', including a range of 100-250 within the 'City Centre and Canal Belt' and a range of 100-150 in 'Former Z6' locations. With regard to 'former Z6' Lands, the CDP outlines that as part of a major review of Z6 and Z7 zoned lands across the city during the lifetime of the 2016 CDP, a number of large scale, industrially zoned lands were identified as having significant potential for regeneration as new mixed use communities, a number of which were zoned for this purpose by way of variation of the 2016 CDP. The appeal site was one such site which was formerly zoned 'Z6' in the CDP 2016-2022 prior to its rezoning to Z1/Z9 under Variation No. 23. Accordingly, I consider that the CDP range of 100-150 for 'Former Z6' locations applies to the appeal site.
- 8.10.18. I have previously outlined my view that the net density of the proposed development is 263 dph, which would exceed the 'general rules' outlined in the CDP. This applies to the range of 100-250 within the 'City Centre and Canal Belt', but obviously more significantly so with regard to the lower range of 100-150 in 'Former Z6' locations.
- 8.10.19. However, I have also outlined that the Compact Settlement Guidelines allow for a density range of up to 300 dph. Accordingly, I do not consider that a refusal of permission would be warranted based on an exceedance of the CDP ranges alone. A qualitative assessment of relevant criteria is more appropriate in this regard.

- 8.10.20. The CDP also acknowledges that schemes of increased density are often coupled with buildings of increased height and scale, and that for schemes that propose buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply.
- 8.10.21. Section 4 of Appendix 3 outlines that a default position of 6 storeys will be promoted in the city centre and within the canal ring subject to site specific characteristics and further considerations. Where a development site abuts a lower density development, appropriate transition of scale and separation distances must be provided in order to protect existing amenities. Proposals for increased height within key sensitive areas of the city (including the canals) must demonstrate that they do not have an adverse impact on these sensitive environments and that they make a positive contribution to the historic context. Heights greater than 6 storeys within the Canal Ring will be considered on a case by case basis subject to the performance criteria set out in Table 3. Section 4 also reflects national policy in outlining that higher densities will be supported in 'Public Transport Corridors'.
- 8.10.22. In relation to 'Former Z6 Industrial Lands', section 4 states that, in general, heights of 4-6 storeys is supported subject to compliance with key criteria and the performance criteria set out in Table 3. Where such sites abut existing lower density residential areas, appropriate transition of scale and separation distances must be provided in order to protect existing amenities. Heights greater than 6 storeys may be considered on a case-by-case basis where there is a strong placemaking and urban design rationale.
- 8.10.23. Having regard to the foregoing CDP provisions on building height and density standards, I acknowledge that there are some overlapping provisions given that the appeal site is at the same time within the canal ring, adjoining a public transport corridor, and on 'former Z6' land. While not disregarding other provisions, it is most notable that the proposed development does not comply with provisions relating to 'former Z6' lands. The proposed density of 263 dph would significantly exceed the 'general rule' of a range of 100-150 dph for such sites, and the proposed height (7 storeys over lower ground floor/basement) would exceed the height of 4-6 storeys supported in the CDP. I acknowledge that the CDP allows for heights greater than 6 storeys on 'former Z6' land where there is a strong placemaking and urban design

rationale, but I am not satisfied that this has been justified in this case (see table below).

8.10.24. Notwithstanding the exceedance of CDP provisions relating to density ranges and building height as outlined above, I acknowledge that the CDP allows for flexibility on these provisions through the consideration of the 'Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale' as per Table 3 of Appendix 3. My assessment of these criteria is summarised in the following table and should be read in conjunction with the remainder of this report.

	Objective	Assessment
1	To promote development with a sense of place and character	As per s. 8.10.12 of this report, I do not consider that the development would respect and/or complement local/prevaling character or have a positive impact on the local community or design quality. I do not consider that the development has sufficient variety in scale and form to appropriately transition to the site boundaries. Having regard to the inadequate separation distances between proposed blocks, I consider that the massing has a monolithic appearance, and I do not consider that set back floors are appropriately designed to adequately reduce height/scale.
2	To provide appropriate legibility	Although the site is opened up along the Grand Canal and SJT to improve legibility and permeability, I consider that there is a contrast between the proposed residential development and retained commercial uses to the east of the site which rely on shared access, circulation and parking requirements. This detracts from the legibility of the development at the prominent main access point off SCR.
3	To provide appropriate continuity and enclosure of streets and spaces	Although I acknowledge that the proposal would provide enhanced public space / thoroughfares in the form of the linear park along the canal and the proposed link to SCR, I consider that the link to SCR is compromised a result of conflict with vehicular traffic, particularly commercial traffic. See sections 8.5 and 8.8 of this report for further details.
4	To provide well connected, high quality and active public and communal spaces	As above, I have concerns about the quality of the public open space link to SCR as a result of traffic conflicts. And while communal open space is generally satisfactory, I have concerns that narrow peripheral spaces to the rear of Blocks 4 and 5 would be substandard in quality, lacking in appropriate supervision, and may facilitate anti-social behaviour. See sections 8.5 and 8.8 of this report for further details.
5	To provide high quality, attractive and useable private spaces	Having regard to the inadequate separation distances between the proposed blocks, including blocks 2 & 5 and blocks 3 & 4, I consider that there would be excessive overlooking of private balconies and apartment units, resulting in a substandard quality of residential amenity. See section 8.5 of this report for further details.
6	To promote mix of use and diversity of activities	As outlined in sections 8.3 and 8.5 of this report, I am satisfied that the development would provide a suitable mix of uses and housing mix.

7	To ensure high quality and environmentally sustainable buildings	As outlined in sections 8.4, 8.5, 8.7, 8.9 of this report, I am satisfied that the development would be acceptable in terms of daylight and sunlight; dual aspect; energy efficiency and climate resilience; and flood risk and surface water management.
8	To secure sustainable density, intensity at locations of high accessibility	As outlined in section 8.8 of this report, I am satisfied that this is an accessible location and that the development incorporates reduced parking provision to promote sustainable travel. The majority of parking is at basement level to optimise the development footprint.
9	To protect historic environments from insensitive development	I note that CDP policies BHA10 and BHA11 discourage the demolition of buildings which make a positive contribution to the character of the area. The buildings to be demolished in this case do not make a positive contribution and I have no objection in this regard. However, as per s. 8.10.12 of this report, I do not consider that the proposed development would appropriately protect the historic environment (conservation areas and Protected Structure). This would conflict with Policy BHA9 of the CDP which seeks to protect the special interest and character of all Dublin's Conservation Areas.
10	To ensure appropriate management and maintenance	The application is accompanied by a Building Life Cycle Report that sets out the management strategy for the scheme. It also includes an Operational Waste Management Plan and a Community Safety Strategy.

8.10.25. Having regard to the above, I consider that, in addition to exceeding the recommended quantitative density and height ranges in the CDP, the design and layout of the proposed development also fails to adequately address the qualitative criteria outlined in Table 3 of Appendix 3 of the CDP.

Conclusion

8.10.26. Having regard to the foregoing, I consider that the proposed density (263dph) would exceed the recommended density ranges for the canal ring (100-250 dph) and 'former Z6' locations (100-150 dph), and the proposed building height (7 storeys over lower ground floor/basement) would exceed the height of 4-6 storeys generally supported in 'former Z6' locations as per the CDP. And while the CDP incorporates some flexibility on these matters, I am not satisfied that the proposed development satisfactorily complies with the qualitative assessment criteria set out in Appendix 3 of the CDP to justify such exceedances.

8.10.27. I also acknowledge that national policy, including the Compact Settlement Guidelines and Building Height Guidelines allow for an exceedance of CDP standards, and the Commission may still grant permission in such instances in accordance with s.

37(2)(a) of the Act. Again however, having considered the qualitative criteria outlined in the Compact Settlement Guidelines and Building Height Guidelines, I am not satisfied that the proposed development satisfactorily justifies such exceedances.

8.10.28. Accordingly, I consider that the proposed development would provide an excessive quantum of development which would fail to integrate with local prevailing character and would result in a substandard design and layout which would fail to provide adequate levels of amenity for both existing and proposed properties. I consider that a refusal of permission is warranted on this basis.

9.0 Water Framework Directive

9.1. An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the River Basin Management Plan 2022–2027. The receiving water environment has been identified and assessed. See Appendix 4 of this report for further details.

9.2. Having regard to the nature, scale, and location of the proposed development, and the mitigation measures incorporated into the design, it is concluded that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

9.3. Any residual risks are capable of being addressed through the proposed mitigation measures as outlined in Appendix 4. The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

10.0 **Appropriate Assessment**

10.1. **Introduction**

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

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

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

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

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

10.3. **Screening the need for Appropriate Assessment**

An AA Screening exercise has been completed (see Appendix 1 of this report for further details). In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed

development alone will give rise to significant effects on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, North Bull Island SPA, and North-west Irish Sea SPA, in view of the conservation objectives. Appropriate Assessment is therefore required.

This determination is based on:

- The nature and scale of the proposed works
- The potential connectivity between the application site and the European Sites via surface water emissions and associated construction stage pollution
- The potential for the spread of invasive species via the surface water pathway at construction and operational stages
- The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.

The possibility of significant effects on other European sites has been excluded on the basis of objective information. No measures intended to avoid or reduce harmful effects on European sites (including those outlined in the applicant's NIS) were taken into account in reaching this conclusion.

10.4. **The Natura Impact Statement (NIS)**

As outlined in Appendix 2 of this report, a Natura Impact Statement (NIS) has been submitted with the application. It describes the proposed development, the project site and the surrounding area. The NIS outlines the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicts the potential impacts for these sites and their conservation objectives, suggests mitigation measures, assesses in-combination effects with other plans and projects, and it identifies any residual effects on the European sites and their conservation objectives.

The NIS was informed by a range of sources including desktop studies; relevant guidance and legislation; NPWS information on Natura 2000 sites; and field surveys (Preliminary Ecology Survey, Breeding Bird Scoping Survey, Camera Trap Monitoring, and Invasive Species Survey).

It considers the potential effects of the project on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, and the North-west Irish Sea SPA. It concludes that once the avoidance and mitigation measures are implemented as proposed, the Proposed Development will not have an adverse effect on the integrity of European sites, individually or in combination with other plans and projects.

Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided in section 4.4 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

10.5. Stage 2 Appropriate Assessment of implications of the proposed development

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

Appendix 2 of this report outlines the objective scientific assessment of the implications of the project on the qualifying interest features of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, and North-west Irish Sea SPA, using the best scientific knowledge in the field.

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

My conclusion is based on the following:

- The nature and scale of the proposed development; the location of the site at a significant distance from European Sites; and its limited hydrological connectivity with the European Sites.
- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the relevant qualifying interests of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, and North-west Irish Sea SPA.
- Effectiveness of mitigation measures proposed in the Natura Impact Statement and the Construction & Environmental Management Plan.
- Application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented in the event of a grant of permission.

11.0 Conditions of the DCC Decision

11.1. Given the fundamental concerns that I have outlined, which I consider warranting a refusal of permission, I do not propose to address all the conditions of the DCC decision. However, the main conditions, including those appealed by the applicant, are addressed as follows.

Conditions 4(a) – This condition requires the omission of the ‘pop up’ sixth floor of Block 3. I acknowledge that the condition has been appealed by the applicant on the basis that *inter alia* it reduces the massing and contributes to the need for additional housing at such locations (see section 7.3 of this report for further details).

In principle, I would not be opposed to the idea of a recessed ‘pop up’ element at the top floors of the blocks on the basis that it reduces the overall visibility, scale, and height. Accordingly, I consider that any height reductions should involve the removal of lower floors rather than this ‘pop up’ design feature.

However, my report has outlined fundamental concerns about the overall density, scale, height, and massing of the development. Accordingly, I do not consider that

this condition would address my concerns about the height and scale of Block 3, nor the height, scale and density of the development as a whole.

Condition 4(b) – This condition requires the omission of 2 no. apartments in Block 1 and 1 apartment in Block 4. I acknowledge that the condition has been appealed by the applicant on the basis that *inter alia* it is part of the overall height strategy and does not adversely impact on the amenities of surrounding properties (see section 7.3 of this report for further details).

As outlined in my report, I do not consider that the omission of units in Block 1 is necessary. It provides an acceptable height transition from existing development to the west of the site, and I have outlined that it would not result in any unacceptable overlooking, overbearing, or overshadowing impacts.

However, I have outlined concerns about Block 4 that relate to its location, height and substandard interface with the adjoining property to the east of the site. The omission of 1 unit in Block 4 would not adequately address these concerns, nor would it adequately address my concerns about the height, scale and density of the development as a whole.

Condition 4(c) – This condition requires the setback of Block 5 c. 1.5m to the east. I acknowledge that the condition has been appealed by the applicant on the basis that *inter alia* it is unnecessary and unjustified (see section 7.3 of this report for further details).

My report has outlined concerns about the impact of Block 5 as proposed in the application, including inadequate separation distances to Block 2 to the east. The condition requiring the relocation of Block 5 to the east would further reduce these separation distances and the standard of residential amenity within the scheme. It would also severely restrict ground level space for circulation etc. Accordingly, while I have fundamental concerns about Block 5 as proposed, I do not consider that this condition would adequately address these concerns or the wider concerns about the overall density, scale, height, and massing of the development as a whole.

Condition 4(d) – This condition requires the setback of the ESB substation and adjoining structures from the common boundary wall to the north. I acknowledge that the condition has been appealed by the applicant on the basis that *inter alia* the application ensure the retention and repair of the wall, and that the scale of the

structures will not adversely impact on the wall, residential amenity, or trees (see section 7.3 of this report for further details).

As outlined in my report, I am satisfied that this wall will be retained and protected and I do not consider that it would seriously detract from heritage value, residential amenity, or existing trees. In the event of a grant of permission, I do not consider that this condition is warranted.

Condition 4(e) – This condition requires the relocation of the proposed bin store adjacent to 13 SJT. I acknowledge that the condition has been appealed by the applicant on the basis that *inter alia* no environmental concerns have been identified and relocation is unnecessary (see section 7.3 of this report for further details).

As outlined in my report (section 8.6), I consider that this condition is appropriate and should apply in the event of a grant of permission.

Condition 5 - This is a consequential condition which confirms that the permission would be for a reduced number of 241 no. units as a result of the cumulative requirements of condition no. 4. I acknowledge that this would result in a reduced density of c. 253 uph. However, for the reasons outlined in my report, the amendments would not adequately address my concerns about the overall scale, height, and density of the proposed development.

Condition 8 – This outlines a range of requirements of the DCC Transportation Division. Subsection (c)(iii) requires agreement of the '*delivery set-down, loading and turning facilities (including for HGVs on lands within the applicant's ownership and / or on public roads, if required) provided for the retained industrial estate units adjoining the application site*'. Having regard to the importance of this issue as outlined in my report, I consider that this condition lacks clarity and is not an appropriate means to address the outstanding issues.

- 11.2. Having regard to the foregoing, I do not consider that the conditions of the DCC decision would adequately address my outstanding concerns. And while it is open to the Commission to impose further conditions in the event of a grant of permission, it is my opinion that the outstanding issues cannot be addressed without significant redesign of the scheme.

12.0 Recommendation

My report has outlined several instances where I consider that the proposed development would materially contravene the CDP. However, in the event of a grant of permission, I consider that these material contraventions could be justified by the Commission under s. 37(2)(a) of the Act. Accordingly, I do not consider that a refusal of permission would be warranted in respect of the following instances:

- The proposed development would materially contravene the CDP in respect of Objective CUO25 (provision of community, arts and culture spaces). However, having regard to the provisions of SPPR 6 of the Apartments Guidelines (2025) which prohibits a blanket threshold-based approach to such facilities in individual apartment schemes, the nature and scale of the proposed development, and the existing and proposed community, arts and cultural spaces in the area, I am satisfied that a material contravention of Objective CUO25 would be acceptable in this case.
- Having regard to the absence of a 'demolition justification report' and a fully detailed Climate Action and Energy Statement, the proposed development would materially contravene sections 15.7.1 and 15.7.3 of the CDP respectively. However, the application satisfactorily addresses the overall climate-related provisions of the CDP and would deliver suitable low carbon energy and heating solutions for a residential development that is not otherwise suited to the retention and reuse of the existing buildings. Accordingly, I am satisfied that a material contravention of sections 15.7.1 and 15.7.3 of the CDP would be acceptable in this case.
- The proposed development would materially contravene the CDP in respect of Section 15.9.1 (Unit Mix) by exceeding the 50% limit for 1-bed and studio units that applies in the CDP by virtue of SPPR 1 of the Apartments Guidelines (2020). However, having regard to the provisions of SPPR 1 of the updated Apartments Guidelines (2025), which does not include such restrictions on the mix of units, I am satisfied that a material contravention of Section 15.9.1 would be acceptable in this case.

- The proposed development would materially contravene the CDP in respect of Section 15.9.7 (Private Amenity Space) and the balcony size standards that apply by virtue of Appendix 1 and Section 3.35 to 3.39 of the Apartments Guidelines (2020). However, having regard to Section 3.8 of the updated Apartments Guidelines (2025), which allows for a reduced provision of balconies, I am satisfied that a material contravention of Section 15.9.7 would be acceptable in this case.

Otherwise however, having regard to the foregoing assessments, I recommend that permission should be **refused** for the proposed development for the reasons and considerations set out hereunder.

1. Having regard to the existing character and prevailing scale and pattern of development, and the site location adjoining low-rise residential properties, Our Lady of Dolours Church (Protected Structure), a Z2 Conservation Area along South Circular Road, and a Conservation Area along the Grand Canal, it is considered that the proposed development by reason of its excessive density, scale, height, and massing, including inadequate separation distances between the proposed blocks and from the site boundaries, would form an obtrusive feature that would seriously detract from the local character of the area and the historic environment, would seriously detract from the residential amenities of surrounding properties, and would result in a substandard level of residential amenity for the proposed apartments.

The proposed development would be contrary to Policies SC16, SC17, and Appendix 3 (including Table 3 'Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale') of the Dublin City Development Plan 2022-2028, and would be contrary to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (Department of Housing, Local Government and Heritage, 2024), including Specific Planning Policy Requirement 1 (Separation Distances) and Section 3.4.2 (Considerations of Character, Amenity and the Natural Environment).

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the design and excessive proximity of Block 4 to the existing commercial units to the east of the site, it is considered that the proposed development would result in a substandard level of residential amenity within the proposed development at this interface and would be prejudicial to the appropriate future development of the adjoining lands to the east. Furthermore, the proposed development fails to adequately integrate the vehicular access, parking and circulation requirements of one of the adjoining commercial units, and it is therefore considered that these vehicular requirements would seriously detract from the quality and amenity of the proposed development by reason of a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Stephen Ward
Senior Planning Inspector

25th May 2026

Appendix 1

Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	The proposed development mainly involves a mixed-use Large-Scale Residential Development (LRD) comprising the demolition of commercial and warehouse buildings and structures on site, provision of 250 no. apartments including internal residential amenity spaces, a crèche and a café/kiosk.
Brief description of development site characteristics and potential impact mechanisms	<p>The subject site has a gross area of c. 1.13 ha and is located c. 2km southwest of Dublin City Centre. The nearest Natura 2000 sites (South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA) are located c. 5km to the east of the site.</p> <p>The surface water proposals include a range of SuDS and attenuation measures. The network has been designed to restrict the outflow from the site to 2.1 l/s which will enter into a combined manhole before flowing into the public combined brick culvert sewer in South Circular Road.</p> <p>Foul sewerage will connect to the existing combined sewer on South Circular Road and will be treated at Ringsend WWTP, which ultimately discharges to the Liffey Estuary and Dublin Bay.</p> <p>Water supply will be provided from the existing Uisce Eireann public mains.</p>
Screening report	Yes (Prepared by DNV Synergy Environmental Limited)
Natura Impact Statement	Yes (Prepared by DNV Synergy Environmental Limited)
Relevant submissions	The submissions and observations received during the application and appeal process have been outlined in sections 3 and 7 of this report. The Department of Housing, Local Government and Heritage submission confirms satisfaction that the proposed development would not adversely affect Noth Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA, or North-west Irish Sea SPA. The other submissions do not relate to Natura 2000 sites or Appropriate Assessment.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model			
European Site (code) Qualifying interests and link to conservation objectives available at NPWS website	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
South Dublin Bay SAC (000210)	5	The site is located approximately 10m north of the Grand Canal, which flows into Liffey Estuary Lower transitional waterbody, approximately 4.9km downstream of the site, and the Dublin Bay coastal waterbody, approximately 10.7km downstream of the site, which overlaps with the European sites.	Yes
North Dublin Bay SAC (000206)	8		
South Dublin Bay and River Tolka Estuary SPA (004024)	5		
North Bull Island SPA (004006)	8		
North-west Irish Sea SPA (004236)	8	<p>There is some potential for pollutants entering the network via surface water during the Construction and Operational phases to reach European sites in Dublin Bay.</p> <p>The construction stage also has potential for groundwater contamination to affect European Sites.</p> <p>Via wastewater discharge to Ringsend and subsequent outfall to Liffey Estuary and Dublin Bay.</p>	
Rockabill to Dalkey Island SAC (003000)	14.5	It is noted that the hydrological connection (as described above) extends further to these European sites within the outer Dublin Bay area. However, given the significant distance and hydrological buffer, any potential pollutants would become diluted to indiscernible levels.	No
Dalkey Islands SPA (004172)	14		
Howth Head SAC (000202)	13.5		
Howth Head Coast SPA (004113)	16		
Rye Water Valley/Carton SAC (001398)	13.5	Within the same Dublin groundwater body. The construction stage has potential for groundwater contamination.	Yes
Other than the sites identified for further consideration in the above table, I do consider any other sites to be within the zone of influence due to lack of connectivity and/or significant distance/dilution factors.			

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

Habitat Loss & Alteration

The Proposed Development is not located within or immediately adjacent to any European sites. Therefore, no direct habitat loss or alteration is anticipated.

Habitat/Species Fragmentation

The Proposed Development does not have the potential to directly cause habitat loss or alteration. Therefore, no direct habitat/species fragmentation is anticipated.

Changes in Population Density

Having regard to the absence of potential habitat loss/alteration and habitat species/fragmentation, no direct changes in population density are anticipated.

Water Quality & Resource

As previously outlined, the site is located approximately 10m north of the Grand Canal, which flows northeast to the Liffey Estuary and Dublin Bay, overlapping with the aforementioned European sites (North Dublin Bay SAC; South Dublin Bay SAC; North Bull Island SPA; South Dublin Bay and Tolka Estuary SPA; and North-west Irish Sea SPA).

The proposed development will incorporate SuDS features designed to reduce runoff and remove pollutants at operational stage. These features are an integral and standard part of the proposed development, which does not constitute mitigation for the purposes of AA Screening.

However, during the Construction Phase, there is potential for silt and sediment generation from exposed soils. Taking a precautionary approach, this weak hydrological connection is acknowledged as a potential pathway for impacts to downstream European sites. To avoid any likely significant, specific mitigation measures are proposed.

With regard to potential groundwater impacts, there are no QI groundwater dependent habitats within European sites downstream of the Proposed Development within the Dublin GWB. Therefore, no impacts are anticipated.

The Rye Water Valley/Carton SAC (001398) is located approximately 13.6km northwest of the Site within the Dublin GWB. This site is designated for groundwater-dependent habitats (Petrifying springs with tufa formation (Cratoneurion) [7220]). However, given the limited flow distance within the Dublin GWB of <1km, the generally eastward direction of groundwater flow, the presence of numerous watercourses between the appeal site and the SAC, and the separation distance of c. 13.6km, I consider that there is no potential for groundwater contaminants from the appeal site to reach this SAC.

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

- There will be adequate hydraulic and organic capacity available in the WWTP.
- Uisce Eireann has confirmed that wastewater connection is feasible.

- Average effluent discharge associated with the proposed development would not be significant when equated as a percentage of the current licensed discharge at Ringsend WWTP.
- Evidence suggests that in the current situation, some nutrient enrichment is benefiting wintering birds for which the SPAs have been designated in Dublin Bay. The coastal waters in Dublin Bay are classed as 'unpolluted' by the EPA and enriched water entering Dublin Bay has been shown to rapidly mix and become diluted such that the plume is often indistinguishable from the rest of bay water.

Air and Land Pathways

The construction phase could introduce dust and noise impacts transferable via air and land pathways, as well as increased lighting and human activity during the Construction and Operational Phases. The likely zone of influence via air and land pathways is considered to be limited to surrounding areas within approx. 200-300m from the site boundary for any noise and dust sources. Additionally, light spill is considered to be limited to areas within the Site and habitats immediately adjacent to the boundaries. Due to a combination of the intervening distance and screening provided by Dublin City between the appeal site and the Dublin Bay European Sites, impacts relating to dust generation or disturbance due to noise, increased lighting and human presence can be excluded during both the Construction and/or Operational Phases.

Ex-situ Impacts

The habitats within the site, including buildings, rooftops, masonry walls, and extensive hardstanding such as paved areas and car parks, are not suitable for use as ex-situ supporting habitat by SCI species associated with European sites within the Proposed Development's zone of influence. The low-quality habitats, and high levels of human activity across the site do not provide the open, low-disturbance foraging or roosting conditions typically required by species from the nearby SPAs. In addition, the site is small, fragmented, and heavily urbanised, and the availability of more extensive, higher-quality grassland habitats (e.g., Templeogue Synge Street GAA Club and Brickfield Park). Thus, there is no potential for likely significant effects via ex-situ habitat loss.

Collision Risk

Based on the heights of the proposed structures and their physical appearance, it is considered that birds, including SCI species, do not face a significant risk of collision with the Proposed Development.

Invasive Species

Having regard to the presence of Japanese Knotweed on site and the potential downstream pathway to the Dublin Bay European Sites, the application proposes a Japanese Knotweed Management Plan as a mitigation measure.

Cumulative / in-combination effects

The applicant's AA Screening Report has considered cumulative / in-combination impacts, including other proposed and permitted developments in the vicinity of the site. For each development it outlines that, either an NIS/EIAR has been completed to include mitigation measures to prevent impacts on European Sites, or the development is too small and/or distant to result in cumulative effects.

It also considers relevant plans and policies (including the CDP 2022-2028) and outlines how they have been subject to AA to prevent in-combination effects on European Sites.

AA Screening matrix		
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: South Dublin Bay SAC (000210) <u>QI list</u> Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; Embryonic shifting dunes.	<p>During construction, there is potential for silt and sediment generation from exposed soils to enter the European Site via the Grand Canal and Liffey.</p> <p>The presence of Invasive Species (Japanese Knotweed) and the potential downstream pathway pose a potential risk of spreading.</p>	<p>In the absence of mitigation measures, the construction stage emissions have the potential for significant surface water quality effects.</p> <p>In the absence of mitigation measures for construction and operation, the spread could have significant effects on habitats.</p>
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
	Impacts	Effects
Site 2: North Dublin Bay SAC <u>QI list</u> Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; Embryonic shifting dunes; Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes); Fixed coastal dunes with herbaceous vegetation (grey dunes); Humid dune slacks; Atlantic salt meadows; Mediterranean salt meadows; Petalwort.	<p>During construction, there is potential for silt and sediment generation from exposed soils to enter the European Site via the Grand Canal and Liffey.</p> <p>The presence of Invasive Species (Japanese Knotweed) and the potential downstream pathway pose a potential risk of spreading.</p>	<p>In the absence of mitigation measures, the construction stage emissions have the potential for significant surface water quality effects.</p> <p>In the absence of mitigation measures for construction and operation, the spread could have significant effects on habitats.</p>
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	

	Impacts	Effects
Site 3: South Dublin Bay & River Tolka Estuary SPA (004024) <u>QI list</u> Light-bellied Brent Goose, Oystercatcher, Ringed Plover, Grey Plover (proposed for removal), Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull, Roseate Tern, Arctic Tern, Common Tern, Wetlands.	<p>During construction, there is potential for silt and sediment generation from exposed soils to enter the European Site via the Grand Canal and Liffey.</p> <p>The presence of Invasive Species (Japanese Knotweed) and the potential downstream pathway pose a potential risk of spreading.</p>	<p>In the absence of mitigation measures, the construction stage emissions have the potential for significant surface water quality effects.</p> <p>In the absence of mitigation measures for construction and operation, the spread could have significant effects on habitats and SCI species.</p>
	Likelihood of significant effects from proposed development (alone):	
	Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
	Impacts	Effects
Site 4: North Bull Island SPA (004006) <u>QI list</u> Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull, Wetlands.	<p>During construction, there is potential for silt and sediment generation from exposed soils to enter the European Site via the Grand Canal and Liffey.</p> <p>The presence of Invasive Species (Japanese Knotweed) and the potential downstream pathway pose a potential risk of spreading.</p>	<p>In the absence of mitigation measures, the construction stage emissions have the potential for significant surface water quality effects.</p> <p>In the absence of mitigation measures for construction and operation, the spread could have significant effects on habitats and SCI species.</p>
	Likelihood of significant effects from proposed development (alone):	
	Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
	Impacts	Effects
Site 5: North-west Irish Sea SPA (004236) <u>QI list</u> Red-throated Diver; Great Northern Diver; Fulmar; Manx Shearwater; Cormorant; Shag; Common Scoter; Black-headed Gull; Common	<p>During construction, there is potential for silt and sediment generation from exposed soils to enter the European Site via the Grand Canal and Liffey.</p> <p>The presence of Invasive Species (Japanese Knotweed) and the potential downstream pathway pose a potential risk of spreading.</p>	<p>In the absence of mitigation measures, the construction stage emissions have the potential for significant surface water quality effects.</p> <p>In the absence of mitigation measures for construction and operation, the spread could</p>

<p>Gull; Lesser Black-backed Gull; Herring Gull; Great Black-backed Gull; Kittiwake; Roseate Tern; Common Tern; Arctic Tern; Guillemot; Razorbill; Puffin; Little Gull; Little Tern.</p>		<p>have significant effects on habitats and SCI species.</p>
	<p>Likelihood of significant effects from proposed development (alone): Yes</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A</p>	
<p>Sites 6-9: Rockabill to Dalkey Island SAC (003000) <u>QI list</u> Reefs; Phocoena phocoena (Harbour Porpoise)</p> <p><u>Dalkey Islands SPA (004172)</u> <u>QI List</u> Roseate Tern; Common Tern; Arctic Tern</p> <p><u>Howth Head SAC (000202)</u> <u>QI list</u> Vegetated sea cliffs of the Atlantic and Baltic coasts; European dry heaths</p> <p><u>Howth Head Coast SPA (004113)</u> <u>QI List</u> Kittiwake</p>	<p>Impacts</p> <p>The site is located approximately 10m north of the Grand Canal, which flows into Liffey Estuary Lower transitional waterbody, approximately 4.9km downstream of the site, and the Dublin Bay coastal waterbody, approximately 10.7km downstream of the site, which overlaps and/or provides a distant/weak hydrological connection to these European Sites.</p> <p>During construction, there is potential for silt and sediment generation from exposed soils to enter the European Site via the Grand Canal and Liffey.</p> <p>The presence of Invasive Species (Japanese Knotweed) and the potential downstream pathway pose a potential risk of spreading.</p>	<p>Effects</p> <p>Given the significant distance and hydrological buffer, any potential pollutants would become diluted to indiscernible levels and would not be significant.</p>
	<p>Likelihood of significant effects from proposed development (alone): No</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p>	
<p><u>Site 10: Rye Water Valley/Carton SAC (001398)</u> <u>QI List</u> Petrifying springs with tufa formation (Cratoneurion) [7220]</p>	<p>The appeal site is within the same Dublin groundwater body as this SAC. The construction stage has potential for groundwater contamination.</p>	<p>Construction contamination could have significant effects on water quality/resource. However, given the limited flow distance within the Dublin GWB of <1km, the generally eastward direction of</p>

<p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail)</p>		<p>groundwater flow, the presence of numerous watercourses between the appeal site and the SAC, and the separation distance of c. 13.6km, I consider that there is no potential for groundwater contaminants from the appeal site to reach this SAC.</p>
	<p>Likelihood of significant effects from proposed development (alone): No</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p>	

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

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

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

Screening Determination

Significant effects cannot be excluded

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

This determination is based on:

- The nature and scale of the proposed works
- The potential connectivity between the application site and the European Sites via surface water emissions and associated construction stage pollution
- The potential for the spread of invasive species via the surface water pathway at construction and operational stages
- The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.

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

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

Appendix 2

Appropriate Assessment

Appropriate Assessment

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

Taking account of the screening determination (see Appendix 1), the following is an appropriate assessment of the implications of the proposed development consisting of a mixed-use Large-Scale Residential Development (LRD) comprising the demolition of commercial and warehouse buildings and structures on site, provision of 250 no. apartments including internal residential amenity spaces, a crèche and a café/kiosk, in view of the relevant conservation objectives of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, and North-west Irish Sea SPA, based on scientific information provided by the applicant and all other submissions and observations received.

The information relied upon includes the following:

- The Natura Impact Statement, Ecological Impact Assessment, and Construction and Environmental Management Plan prepared on behalf of the applicant.
- The other plans and particulars submitted with the application.
- The submissions and observations received.
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

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

Submissions/observations

The submissions and observations received during the application and appeal process have been outlined in sections 3 and 7 of this report. The Department of Housing, Local Government and Heritage submission confirms satisfaction that the proposed development would not adversely affect North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA, or North-west Irish Sea SPA. The other submissions do not relate to Natura 2000 sites or Appropriate Assessment.

Natura 2000 Sites: South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, North-west Irish Sea SPA.

Summary of Key issues that could give rise to adverse effects (from screening stage):

- **Water Quality Impacts**
- **Spread of Invasive Species**

Qualifying Interest features likely to be affected	Conservation Objectives (Summary of relevant Targets and Attributes)	Potential adverse effects	Mitigation measures (summary) See NIS - Section 4.4
South Dublin Bay SAC			
Mudflats and sandflats not covered by seawater at low tide.	Habitat Area – Stable or increasing. Community Extent – Maintain community. Community Structure - Conserve the high-quality community. Community distribution - Conserve in a natural condition.	<u>Water Quality Impacts</u> Significant adverse effects to the QIs/SCIs of these European sites are considered unlikely given the distance to the sites. However, in a worst-case scenario, construction related pollution events at the Site could contribute to a reduction in water quality in the European sites, in the absence of mitigation measures.	In summary, the proposed mitigation measures include, <i>inter alia</i> : <u>Pre-Construction</u> <ul style="list-style-type: none"> • Ecological Clerk of Works (ECoW) to advise on regulatory requirements, provide guidance, maintain records, and act as primary contact. • Japanese Knotweed Management Plan to be prepared and implemented, including: NPWS licensing requirements; Soil Management; Biosecurity Protocols; Waste classification and testing; Access and traffic management; monitoring and verification.
Annual vegetation of drift lines. Salicornia and other annuals colonising mud and sand. Embryonic shifting dunes.			
North Dublin Bay SAC			
Mudflats and sandflats not covered by seawater at low tide.	Habitat Area – Stable or increasing. Community Extent – Maintain community. Community Structure - Conserve the high-quality community. Community distribution - Conserve in a natural condition.	<u>Spread of invasive species</u> Significant adverse effects to the QIs/SCIs of these European sites are considered unlikely given the distance to the sites. However, in a worst-case	<u>Construction</u> <ul style="list-style-type: none"> • Surface Water Protection to comply with legislation, including: prevention of run-off to Grand Canal; soil contamination management; weather reviews; designated re-fuelling areas; spill / emergency plans; register of hazardous
Annual vegetation of drift lines, Salicornia and other annuals colonising	Habitat Area – Stable / increasing. Habitat distribution – No decline / change. Physical structure - Maintain natural		

<p>mud and sand, Embryonic shifting dunes, Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes), Fixed coastal dunes with herbaceous vegetation (grey dunes), Humid dune slacks.</p>	<p>circulation, structure, tidal regime. Vegetation structure - Maintain coastal habitats, structure and vegetation. Vegetation composition - Maintain the presence of species-poor communities, Negative indicator species to be limited.</p>	<p>scenario, the spread of invasive species at construction and operation phase could contribute to a reduction in habitat quality in the European sites, in the absence of mitigation measures.</p>	<p>substances; fuel and chemical storage.</p> <ul style="list-style-type: none"> • Silt and Sediment control including: silt curtain along boundary to Grand Canal and regularly monitored; Ecological Clerk of Works to ensure best practice. • Surface water and silt control measures will be checked on a daily basis by the Site contractor, on a monthly basis by a ECoW, and more frequently during periods of moderate to heavy rainfall. • Invasive species and biosecurity measures will be checked regularly. • All mitigation measures outlined in the NIS and the CEMP will be monitored and adhered to.
<p>Atlantic salt meadows, Mediterranean salt meadows</p>	<p>Habitat Area – Stable or increasing. Habitat distribution – No decline / change. Physical structure - Maintain natural circulation, structure, tidal regime. Vegetation structure - Maintain coastal habitats, structure and vegetation. Vegetation composition - Maintain range of sub-communities.</p>		<p><u>Operational</u></p> <ul style="list-style-type: none"> • Newly landscaped areas will be inspected for the presence of invasive species in the optimal botanical season for two consecutive years after completion. If detected, an Invasive Species Management Plan will be prepared and implemented to control and infestations and prevent further spread.
<p>Petalwort</p>	<p>Distribution of populations – No Decline. Population size – No Decline. Area of suitable habitat – No decline. Hydrological conditions – Maintain. Vegetation structure – Maintain.</p>		
<p>South Dublin Bay & River Tolka Estuary SPA</p>			
<p>Light-bellied Brent Goose, Oystercatcher, Ringed Plover, Grey Plover (proposed for removal), Knot, Sanderling,</p>	<p>Population trend – Stable or increasing. Distribution - No significant decrease in the range, timing or intensity of use of areas.</p>		

Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull				
Roseate Tern, Arctic Tern	<p>Passage population – No significant decline.</p> <p>Distribution – No significant decline.</p> <p>Prey biomass available – No significant decline.</p> <p>Barriers to connectivity – No significant increase.</p> <p>Disturbance at roosting site – No adverse effect.</p>			
Common Tern	<p>No significant decline in Breeding population abundance, Productivity rate, Passage population, Distribution, Prey biomass available.</p> <p>No significant increase in barriers to connectivity.</p> <p>Disturbance – No adverse effects.</p>			
Wetlands	Habitat Area – Stable.			
North Bull Island SPA				
<p>Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull</p>	<p>Population trend – Stable or increasing.</p> <p>Distribution - No significant decrease in the range, timing or intensity of use of areas.</p>			
Wetlands	Habitat Area - Stable			
North-west Irish Sea SPA				
Red-throated Diver; Great Northern Diver;	Population - No significant decline (or stable / increasing where			

<p>Fulmar; Manx Shearwater; Cormorant; Shag; Common Scoter; Black-headed Gull; Common Gull; Lesser Black-backed Gull; Herring Gull; Great Black-backed Gull; Kittiwake; Roseate Tern; Common Tern; Arctic Tern; Guillemot; Razorbill; Puffin; Little Gull; Little Tern.</p>	<p>objective is to 'restore' favourable condition).</p> <p>Spatial distribution – Sufficient locations, area, of suitable habitat.</p> <p>Forage - Sufficient locations, area of habitat and biomass.</p> <p>Disturbance - intensity, frequency, timing and duration at non-significant levels.</p> <p>Connectivity barriers - number, location, shape and area of barriers do not significantly impact access.</p>		
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The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

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

- Water Quality Impacts**

There is a significant separation distance (c. 5km¹²) between the appeal site and the closest part of any of the relevant Dublin Bay Natura 2000 sites, which offers potential for significant dilution of any potential pollutants. Furthermore, I consider that the size and transitional nature of the Liffey Estuary / Dublin Bay provides further significant capacity to assimilate/dilute any potential pollution.

In any case, having regard to the above and the nature and scale of the proposed development, I am satisfied that the application includes a suitably comprehensive range of mitigation measures. The measures relate to the construction stage, and I am satisfied that they will ensure that any emissions to surface water will not affect the downstream water quality at Dublin Bay. I note that the application also includes a CEMP and associated mitigation measures to appropriately control and manage the construction process.

Accordingly, the mitigation measures are adequate to ensure that the integrity of any of the Dublin Bay Natura 2000 sites will not be affected. The mitigation measures should be applied as a condition in the event of a grant of permission.

¹² As the crow flies. The hydrological distance is significantly greater.

- **Spread of Invasive Species.**

There is a significant separation distance (c. 5km¹³) between the appeal site and the closest part of any of the relevant Dublin Bay Natura 2000 sites, which offers a significant buffer against the potential for the spread of invasive species. Furthermore, I consider that the size and transitional nature of the Liffey Estuary / Dublin Bay provides further significant capacity to assimilate/dilute any potential invasive species impacts.

In any case, having regard to the above and the nature and scale of the proposed development, I am satisfied that the application includes a suitably comprehensive range of mitigation measures. The measures relate to the control and management of invasive species at construction stage, as well as the future monitoring and management of any potential invasive species at operational stage. I am satisfied that they will ensure that any potential invasive species will not affect the quality of habitats within the European Sites at Dublin Bay.

Accordingly, the mitigation measures are adequate to ensure that the integrity of any of the Dublin Bay Natura 2000 sites will not be affected. The mitigation measures should be applied as a condition in the event of a grant of permission.

In-combination effects

Section 4.3.2 of the NIS has considered cumulative / in-combination impacts, including other proposed and permitted developments in the vicinity of the site. For each development it outlines that, either an NIS/EIAR has been completed to include mitigation measures to prevent impacts on European Sites, or the development is too small and/or distant to result in cumulative effects. It also considers relevant plans and policies (including the CDP 2022-2028) and outlines how they have been subject to AA to prevent in-combination effects on European Sites.

Having regard to the likely effects outlined in this report, I consider that the potential for cumulative/in-combination effects is limited to water quality and the spread of invasive species. Consistent with the proposed development, I acknowledge that other developments along the Grand Canal and connected waterbodies have the potential to impact on the Dublin Bay Natura 2000 sites as a result of emissions to surface water at construction stage and also have the potential for the spread of invasive species at construction and operational stages.

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

¹³ As the crow flies. The hydrological distance is significantly greater.

Findings and conclusions

The applicant's NIS concluded that, once the avoidance and mitigation measures are implemented as proposed, the Proposed Development will not have an adverse effect on the integrity of European sites, individually or in combination with other plans and projects.

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

Reasonable scientific doubt

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

Site Integrity

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

Appropriate Assessment Conclusion: Integrity Test

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

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

My conclusion is based on the following:

- The nature and scale of the proposed development; the location of the site at a significant distance from European Sites; and its limited hydrological connectivity with the European Sites.
- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the relevant qualifying interests of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, and North-west Irish Sea SPA.

- Effectiveness of mitigation measures proposed in the Natura Impact Statement and the Construction & Environmental Management Plan.
- Application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented in the event of a grant of permission.

Appendix 3 - Form 1
EIA Pre-Screening

An Bord Pleanála Case Reference	ACP-324123-26		
Proposed Development Summary	Mixed use Large-Scale Residential Development (LRD) comprising the demolition of commercial and warehouse buildings and structures on site, provision of 250 no. apartments including internal residential amenity spaces, a crèche and a café/kiosk.		
Development Address	Lands at White Heather Industrial Estate, South Circular Road and including 307/307a South Circular Road and, 12a St James Terrace, Dublin 8		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes		✓
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Part 2, Class 10(b)(i) Part 2, Class 10(b)(iv)	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	✓	Part 2, Class 10(b)(i) - Construction of more than 500 dwelling units. Part 2, Class 10(b)(iv) - 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.	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	Part 2, Class 10(b)(i) - Construction of more than 500 dwelling units. Part 2, Class 10(b)(iv) - 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.	

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

Inspector: _____

Date: _____

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

A. CASE DETAILS		
An Coimisiún Pleanála Case Reference	ABP-324123-26	
Development Summary	Mixed use Large-Scale Residential Development (LRD) comprising the demolition of commercial and warehouse buildings and structures on site, provision of 250 no. apartments including internal residential amenity spaces, a crèche and a café/kiosk.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	The DCC Planner's Report outlines that the Planning Authority as the Competent Authority can conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and that an Environmental Impact Assessment is not required.
2. Has Schedule 7A information been submitted?	Yes	See applicant's EIA Screening Report.
3. Has an AA screening report or NIS been submitted?	Yes	See applicant's AA Screening Report & Natura Impact Statement
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	N/A	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried	Yes	The application includes a range of supporting documents, including:

<p>out pursuant to other relevant Directives – for example SEA</p>		<ul style="list-style-type: none"> • The Ecological Impact Assessment, the AA Screening Report, and the NIS consider the Habitats Directive, the Birds Directive, the Water Framework Directive, and the European Commission Directive on Noise. • The Construction and Environmental Management Plan considers the European Commission Directive on Noise. • The Resource Waste Management Plan and the Operational Waste Management Plan consider the Waste Framework Directive as well as directives on Hazardous Waste, Landfill, WEEE, and environmental damage. • The M&E Utilities and Energy Analysis Report considers the EU Energy Performance of Buildings Directive. <p>In addition to the above, the CDP has been subject to Strategic Environmental Assessment under the SEA Directive.</p>
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector’s Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Uncertain	The project would be of a different scale and character to existing development immediately adjoining the site. However, there is development of greater scale and different character emerging in the wider area.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	There will be significant demolition of the existing warehousing/commercial buildings, which will be replaced by a new residential use and associated services to complement the existing/proposed properties in the area. The nature and scale of the changes are comprehensively covered in the drawings and reports submitted.	No

		<p>There will be physical changes to topography as a result of demolition and excavation (including basement). This is informed by previous ground investigations and is addressed by the Resource Waste Management Plan, the Basement impact Assessment, and the Archaeological, Architectural & Industrial Heritage Assessment. Changes to vegetation are addressed in surveys and landscape plans.</p> <p>The Grand Canal is in close proximity to the site and potential impacts are addressed in the Civil Engineering Infrastructure Report, Site Specific Flood Risk Assessment, CEMP, and NIS.</p>	
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>The redevelopment of the land will provide a more suitable and efficient use which is consistent with the planned use of the area.</p> <p>The Resource Waste Management Plan (RWMP) outlines that the type and quantity of construction waste, soil, and stone will be audited throughout the project to prevent waste arising in the first place, and to re-use, recycle or recover waste materials where possible.</p> <p>The predicted water demand would be consistent with normal residential development. Irish Water has confirmed that there are no objections, and it is not proposed to extract groundwater.</p> <p>The materials/minerals and energy associated with the development would be typical of urban development and would be suitably designed</p>	<p>No</p>

		<p>as outlined in the Building Life Cycle Report and the M&E Energy Analysis Report.</p> <p>Biodiversity resources have been considered in the EclA and the NIS and I am satisfied that there would be no significant effects on relevant habitats or species.</p>	
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	Yes	<p>Construction activities will require the use of potentially harmful materials, such as fuels, concrete, and substances which will be typical of construction sites. Any impacts would be local and temporary in nature, and implementation of the RWMP and CEMP will satisfactorily mitigate potential impacts.</p> <p>No operational impacts in this regard are anticipated. Conventional operational waste will be managed through the implementation of the OWMP.</p>	No
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	Yes	<p>Waste produced from construction activity will be typical of such urban development and will be audited and recorded in accordance with the RWMP, with emphasis on reuse / recycle / recovery where possible. Mitigation measures have been included for potentially hazardous construction wastes such as asbestos.</p> <p>Construction noise and dust emissions are likely. Such construction impacts would be local and temporary in nature and implementation of a CEMP will satisfactorily mitigate potential impacts.</p> <p>At the operational phase, waste will be managed through the OWMP, and wastewater emissions will be managed via the existing infrastructure. No other</p>	No

		significant pollutant or hazardous material is predicted.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	Project involves underground excavation works and installation of new services infrastructure. However, it uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the CEMP to satisfactorily address potential risks in relation to contamination of land/ groundwater. Project includes for appropriate surface water management systems and wastewater will be appropriately discharged to the public system.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Potential for construction activity to give rise to noise, light, and vibration emissions. Such emissions will be localised, short term in nature and their impacts will be suitably addressed by the CEMP and Acoustic Design Statement (ADS). Operational phase of project will cause noise and light impacts which would be consistent with the established development in the area and would not result in significant effects as per the ADS and the 'Site Lighting Report'. It has also been demonstrated that the noise, lighting or other potential disturbance impacts would not significantly impact on biodiversity as per the EclA and the NIS.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Potential for construction activity to give rise to dust emissions but such emissions will be localised, short term in nature and their	No

		<p>impacts will be suitably addressed by the CEMP.</p> <p>The site is not within a drinking water protection area and is served by public mains, and therefore water contamination is not expected to impact on human health. Any potential water impact is also to be addressed by the CEMP.</p> <p>The operational phase will not result in significant effects for human health.</p>	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk having regard to the nature and scale of development. Any risk arising from construction (including asbestos) will be localised and temporary in nature. There is no significant Flood Risk as outlined in the Flood Risk Assessment. The site is not located within close proximity to any Seveso / COMAH sites.	No
1.10 Will the project affect the social environment (population, employment)	Yes	<p>The construction stage will involve a localised increase in employment opportunities. Any potential adverse impacts on the local community will be mitigated by the CEMP measures.</p> <p>The development would provide much needed additional housing and supporting services. The impacts would not be significant given the range and proximity of existing services in the area.</p>	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	This is a standalone development. Other separate significant developments in the area have been outlined in section 4 of the Inspector's Report, and the potential cumulative effects have been considered	No

		where relevant in the application documents, including the EIA Screening Report, LVIA, TTA, an AA. It is not considered that significant cumulative effects will arise.	
2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan. 	Yes	<p>The appeal site is almost entirely within the boundaries of the Grand Canal pNHA, which is also zoned as a conservation area in the CDP.</p> <p>The nearest Natura 2000 sites are the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC, both located c. 5km to the east of the site.</p> <p>These and any other ecological features have been addressed in the EclA and NIS and I am satisfied that there will be no significant effects subject to mitigation measures and the conditions of any permission (see sections 8.10 and 10 of this report).</p>	No
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	Yes	<p>The site is largely developed and is of limited ecological importance. The adjoining lands have potential ecological significance as a result of trees/vegetation and watercourses (Grand Canal). As per the EclA and NIS, it is not considered that there will be any significant effects on any such features in the surrounding area. As per the submission from DHLGH, impacts on otters could be satisfactorily addressed through a condition of any permission requiring the provision of an otter holt.</p>	No

<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>The adjoining Grand Canal is designated as a 'Conservation Area'.</p> <p>Adjoining properties to the north are zoned as 'Z2' conservation areas and Our Lady of Dolours Church is a Protected Structure.</p> <p>An RMP site runs along Dolphin's Barn Road but terminates at the junction with South Circular Road (northwest of the appeal site).</p> <p>Related matters are addressed in the application documents, including the 'Architectural Design Statement', 'Landscape Design Report', 'Archaeological, Architectural & Industrial Heritage Assessment' and the 'Townscape and Visual Impact Assessment'.</p> <p>I am satisfied that there is adequate information to assess the impacts of the development without the need for an EIAR.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>Yes</p>	<p>The water quality and regime of groundwater, the Grand Canal, and downstream water bodies will be appropriately protected by the proposed CEMP and surface water measures.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>Yes</p>	<p>The water quality and regime of groundwater, the Grand Canal, and downstream water bodies will be appropriately protected by the proposed CEMP and surface water measures. The site presents no significant flood risk issues.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No evidence or indications of such risks.</p>	<p>No</p>

<p>2.7 Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	No	<p>There are no National Primary Roads in the vicinity of the site. It is noted that the proposed Bus Connects corridor (Tallaght/Clondalkin to City Centre) is in close proximity to the site. Potential impacts have been addressed in the Traffic and Transport Assessment, and I am satisfied that there will be no significant effects.</p>	No
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	Yes	<p>There is an existing church to the north of the site, but it is not considered that the principle of residential development would be incompatible with this use. Otherwise, there are no sensitive uses within or adjoining the site. As per section 8.3 of the Inspector's Report, social and community infrastructure is adequate.</p>	No
<p>3. Any other factors that should be considered which could lead to environmental impacts</p>			
<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	Yes	<p>This is a standalone development. Other significant developments in the area have been outlined in section 4 of the Inspector's Report, and the potential cumulative effects have been considered in the application documents, including the EIA Screening Report, LVIA, TTA, an AA. It is not considered that significant cumulative effects will arise.</p>	No
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>	No	No transboundary considerations arise.	No
<p>3.3 Are there any other relevant considerations?</p>	No	No other issues arise.	No

C. CONCLUSION

No real likelihood of significant effects on the environment.	✓	EIAR Not Required
Real likelihood of significant effects on the environment.	✗	EIAR Not Required

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the nature and scale of the proposed development, in an established built-up area served by public infrastructure
 - (b) the limited extent and complexity of any environmental sensitivities in the vicinity
 - (c) the location and nature of the site and proposed development in relation to any sensitive location specified in Article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),
2. the results of other relevant assessments of the effects on the environment submitted by the applicant, including the results of the Strategic Environmental Assessment of the Dublin City Development Plan 2022-2028 under the SEA Directive,
3. the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the Civil Engineering Infrastructure Report; Basement Impact Assessment; Archaeological, Architectural & Industrial Heritage Assessment; Acoustic Design Statement; Construction and Environmental Management Plan; Natura Impact Statement; Resource Waste Management Plan; Operational Waste Management Plan; Building Life Cycle Report; M&E Energy Analysis Report; Site Lighting Report; and Ecological Impact Assessment;,

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

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 4

Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ACP-324123-26	Townland, address	Lands at White Heather Industrial Estate, South Circular Road and including 307/307a South Circular Road and, 12a St James Terrace, Dublin 8
Description of project		Mixed use Large-Scale Residential Development (LRD) comprising the demolition of commercial and warehouse buildings and structures on site, provision of 250 no. apartments including internal residential amenity spaces, a crèche and a café/kiosk.	
Brief site description, relevant to WFD Screening,		The site is located c. 2.km southwest of the city centre. It largely comprises the White Heather Industrial Estate which adjoins the Grand Canal to the south. The Grand Canal flows into the Liffey and subsequently Dublin Bay. It is also crossed by the Poddle (c. 700m downstream to the east). The site is underlain by the Dublin groundwater body, and ground investigations indicate that the water table level is c. 4.5m below ground level.	
Proposed surface water details		SuDS features cover 62.16% of all roof area within the site, with 54.25% of this being intensive green roof, a significant portion of this being positioned above blue roof storage. Permeable paving covers the majority of the external ground floor of the site. A buried modular attenuation tank is incorporated to hold up to the 1 in 30-year storm event. The new surface water drainage network has been designed to restrict the outflow from the site to 2.1 l/s which will enter into a combined manhole before flowing into the public combined brick culvert sewer in South Circular Road.	
Proposed water supply source & available capacity		It is intended to connect via the existing 225mm diameter line along the northern boundary of the site.	

	<p>A review of the Uisce Eireann Capacity Register (Published April 2026) on 15/05/2026 indicated that water supply capacity status for the 'Dublin City and suburbs' area to support 2035 population targets is 'Potential Capacity Available – Level of Service improvement required'.</p>
<p>Proposed wastewater treatment system & available capacity, other issues</p>	<p>It is proposed that foul flows will combine with the collected surface water flows, prior to connection to the existing combined sewer in the South Circular Road. A review of the Uisce Eireann Capacity Register (Published April 2026) on 15/05/2026 indicated that capacity is available at the Ringsend WWTP.</p>
<p>Others?</p>	<p>The application is accompanied by a Site-Specific Flood Risk Assessment. As outlined in section 10.9 of this report, I am satisfied that the development is acceptable from a flood risk assessment perspective.</p> <p>The application is also accompanied by an Environmental Impact Assessment Screening Report, an Ecological Impact Assessment (EclA), and a Natura Impact Statement. As outlined in sections 6, 8.10, and 10 of this report, I am satisfied that the proposed development would not have any unacceptable environmental or ecological effects and would not adversely impact on the integrity of European Sites, either alone or in combination with other plans or projects.</p>

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective	Identified pressures	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
Grand Canal (River / Canal)	Grand Canal Main Line (Liffey and Dublin Bay) (IE_09_AWB_GCMLE)	Good	Not at Risk	Not Identified	Adjoining the site to the south. Potential surface water run-off and pollution during construction and operation. Potential spread of invasive species.	A comprehensive range of measures is proposed, including: operational SuDs and wastewater proposals in the Civil Engineering Infrastructure Report; protection of groundwater as outlined in the Basement Impact Assessment; avoidance of flood risk as per the SSFRA; the prevention of waste pollution as per the RWMP and OWMP; and the protection of water quality as outlined in the CEMP, EclA, and the NIS.	The mitigation measures are sufficient to prevent any significant residual impacts.
Dublin (Groundwater)	Dublin (IE_EA_G_008)	Good	Under Review	Not Identified	Underlying the site. Potential surface water infiltration and pollution during construction and operation. Potential spread of invasive species.		