



Development	Removal of carpark, associated areas of hard-standing surface and construction materials on site and construction of 89 no. apartments, car parking spaces with all site services, site infrastructure and site development works.
Location	Site at the former Royal Oak Public House, Finglas Road & Old Finglas Road, Glasnevin, Dublin 11, D11 FX60
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB2288/25
Applicant	Zirbac DLK Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Aventale Limited & Residents of Violet Hill
Observer(s)	None
Date of Site Inspection	23 rd February 2026
Inspector	Matthew O'Connor

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Appendix 1: Form 1 - EIA Pre-Screening

Appendix 2: Form 2 - EIA Preliminary Examination

Appendix 3: AA Screening Determination - Test for likely significant effects

Appendix 4: Water Framework Directive Screening and Assessment.

1.0 Site Location and Description

- 1.1. The appeal site is irregularly shaped with a stated areas 0.420ha and located on the eastern side of the Finglas Road (R-135) in Glasnevin, Dublin 11. The subject site was formerly occupied by the Royal Oak public house which was demolished a number of years ago. The lands are currently in an unkempt condition with areas of hardstanding, demolition material and colonised vegetation present. The western boundary along the a dual carriageway of the Finglas Road contains temporary security fencing which adjoins a shared footpath/cycleway; the southern and western boundaries comprise palisade fencing and a block wall along with trees and other vegetation and there is an overgrown sloping embankment to the rear (east) of the site which is wooded.
- 1.2. The character of the surrounding area is predominantly residential with the established Violet Hill housing estate located to the east of the site on the higher ground at the embankment and Glasnevin Oaks on the Old Finglas Road (R-102) is to the immediate north of the site. These residences are two-storey terraced/semi-detached dwellings. On the opposing side of the Finglas Road is the Tolka Vale apartment complex which comprises 3 no. part-five, part-six storey blocks. To the north of the site along the Finglas, there are a number of multi-storey apartment blocks existing and currently under development. To the south of the site is Violet Hill Park and the Tolka River passes under the Finglas Road. The wider area is characterised by conventional housing estates, industrial estates such as Finglas Business Park and Dublin Industrial Estate whilst Glasnevin Cemetery is to the south of the site.
- 1.3. There are no protected structures on or adjoining the site and there are no National Monuments on the lands, however the site is proximate to recorded monuments to the east and south relating to DU018-001 (Mill) and DU018-002 (Bridge) respectively. The appeal site is indicated as being within a located within Flood Zone C.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - removal of existing carpark and associated hard-standing areas and materials;
 - construction of an apartment building (ranging in height between part-five, part-seven and part-eight storeys) consisting of 89 no. apartments.

- Car, motorcycle and bicycle parking.
- Bin store, ESB sub-station and switch room at under-croft/ground floor level.
- A new vehicular entrance and 2 no. pedestrian entrances from Finglas Road.
- Communal open space and public open space.
- Landscaping and boundary treatments.
- Connections to services.
- All associated site works.

2.2. The following table presents the key figures of the proposed development and outlines the principal components of the proposal from the submitted planning file:

Key Figures for the Proposal	
Site Area	0.420 hectares
No. of Units	89 no. apartments
Unit Mix	34 no. 1-bed 46 no. 2-bed (4p) 4 no. 2-bed (3p) 5 no. 3-bed
Density	212 uph
Plot Ratio	2.5
Site Coverage	54.4%
Height	5-8 storeys Principal height ranges: 15.8m; 21.5m; and 24.1m
Other Uses	N/A
Aspect	Dual aspect 59%
Open Space	Communal: 799sq.m

	Public: 386sq.m
Vehicle Parking	44 no. car spaces & 3 no. motorcycle spaces
Bicycle Parking	220 no. bicycle parking spaces (incl. 6 no. cargo bike spaces)
Part V	8 no. units

2.3. In addition to the standard plans and particulars, the application is accompanied by the following documents/reports which include:

- Planning Report
- Housing Quality Assessment
- Transportation Statement
- Photomontages
- Invasive Species Management Plan
- Ecological Impact Assessment
- Infrastructure/Drainage Drawings
- Operational Management Plan
- Flood Risk Assessment
- Building Life Cycle Report
- Construction Environmental Management Plan
- Architectural Design Statement
- Schedule of Accommodation
- Civil Planning Report
- Daylight/Sunlight Assessment
- AA Screening Report
- Landscape Drawings
- Universal Design Access Statement
- Management Mobility Plan
- Operational Waste Management Plan
- Climate Action Energy Statement
- Construction & Demolition Waste Management Plan

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission for the development, subject to 21 no. conditions. Whilst many of the conditions are generally standard, I make reference to the following conditions of note:

- Condition 1: Development carried out in accordance with plans and particulars.

- Condition 2: Payment of a Section 48 Development Contribution.
- Condition 3: Payment of a Section 49 Supplementary Development Contribution.
- Condition 4: Lodgement of cash deposit or bond.
- Condition 5: Any mitigation and monitoring measures shall be complied with.
- Condition 6: Materials and finishes.
- Condition 7: Finishes to railings/balconies for privacy.
- Condition 8: Landscape, biodiversity and tree protection requirements.
- Condition 9: Contribution in lieu of Public Open Space.
- Condition 10: No additional development above parapet level.
- Condition 11: Requirements of Transportation Planning Division.
- Condition 12: Drainage specifications.
- Condition 13: Notification of City Archaeologist.
- Conditions 14: Construction Hours.
- Condition 15: Lighting specifications.
- Condition 16: Noise control.
- Condition 17: Streets/roads shall be kept clear of debris/soil/materials.
- Condition 18: Naming & Numbering
- Condition 19: Electric communications/digital connectivity infrastructure
- Condition 20: Provision of social and affordable housing.
- Condition 21: Taken-in-charge areas and setting up of a Management Company.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. First Planner's Report

- The first Planner's Report had regard to the submitted documentation, locational context of the site, planning history on site, relevant sections of the Development Plan and inter departmental/referral reports.
- The principle of development was deemed to be acceptable in terms of the land use zoning. In relation to density, the Planning Authority note that there was no objection to the density of 268 units in the previous SHD proposal (refused) and that the site circumstances have not overly changed.

- With regard to design and integration, the Planning Authority the supporting documents and assessments carried out by the applicant. Reference/comparison is made to the previous application which was refused. The Planning Authority note that there are no protected views which will be impacted and that the building will be less landmark in profile. The site can set its own character and provide for a strong urban edge as well as reactivating a long-term derelict site.
- The Planning Authority considered the design of the apartment block to be acceptable in terms of massing and setbacks but did comment on the external materials, balconies and frontage integration. In terms of height, the Planning Authority note the parameters for considering taller buildings in the Development Plan and national policy. It is further noted that previous buildings have been approved on the site but were never enacted. The proposed height was deemed to be appropriate for the site and area and allows for a suitable density of development that will represent an efficient use of scarce zoned and serviced urban lands and the provision of residential units. The Planning Authority did not consider that the height of the development at this location are inappropriate for its setting and potential impacts upon existing residential areas.
- With regard to Density, the Planning Authority acknowledged the proposed density against the density of the previously refused scheme and indicated that the Development Plan is informed by regional and national planning guidance which are unambiguous in terms of objectives to the realise the efficient use of scarce zoned and serviced urban lands in the interest of urban consolidation and critical need to increase the number of residential units within the city.
- In relation to apartment standards, the Planning Authority was satisfied that all the units were compliance with unit size/design and aspect. However, Further Information is required to clarify the 10% floor area exceedance and the dual aspect windows.
- The Planning Authority note that Social Audit is required for all residential applications comprising of 50 or more units. But that no such audit was provided for the proposal. The Planning Authority had regard to the previous SHD application which did include an audit and indicated that there is no justification to refuse

permission on the ground of available social infrastructure. Additionally, the Planning Authority outline that Compact Settlement Guidelines require a Community, Social and Cultural Infrastructure Audit in support of a Large-scale Residential Development application (in excess of 100 homes) and that this appears to supersede the Development Plans threshold.

- With respect to Private Open Space, the Planning Authority was satisfied that the balconies/terraces complied with standards. It recommended that dividing screens be at least 1.8m in height and that it would be preferable for balconies/patios be fitted with opaque glazing. On the matter of Play Space, the Parks Division noted insufficient information on the play facilities was provided and would be required with further landscape submissions as part of compliance conditions.
- The Planning Authority noted the 386sq.m of Public Open Space is 9.6% of the site and below the 10% requirement but that a financial contribution can be provided in lieu. In terms of the Communal Open Space, the Planning Authority noted discrepancies with the stated communal spaces, however it noted the locations of these spaces and their useability.
- In relation to Daylight and Sunlight, the Planning Authority noted the assessment in terms of Daylight to Windows and Sunlight to Windows to adjacent properties and the proposal.
- With respect to overlooking and privacy, the Planning Authority noted that the Development Plan's recommended minimum overlooking separation distance has been superseded by SPPR1 of the Compact Settlement Guidelines. It noted that the scheme has been lowered and is set further back from adjoining party boundaries and the rear of dwellings on Violet Hill Drive from the previous proposal. Additionally, the proposal is also designed to not affect existing trees outside the site which will provide some screening to boundaries. Clarification is required for the screening details of balconies and need for additional landscape buffers between apartments and external areas.
- In relation to the traffic, access and parking, the Planning Authority noted that the provision of 44 no. spaces is 49% of the maximum requirement for Zone 2 of the Development Plan but is appropriate for the site adjacent to the Core Bus Corridor

which is a highly accessible site. Motorcycle parking is also considered to be acceptable and the quantum of bicycle parking is also appropriate but that details on the parking is required. The development will not impact on the delivery of the Finglas and Finglas to Phibsborough BusConnects project. Concern was raised with the proposed layby for serviced vehicles and that alternatives are provided. The applicant was requested to confirm the location of the fire hydrant to ensure that the proposed Fire Tender access point is appropriate.

- The Planning Authority required Further Information in relation to Part V. 10 units are proposed to be transferred however no breakdown is provided.
- With respect to Archaeology, the Planning noted the referral response from the City Archaeologist which sought the inclusion of a condition in the event of a grant.
- In relation to services and drainage, the Planning Authority note that Uisce Eireann raised 'no objection' to the proposal however, the Drainage Planning Policy and Development Control Section seeks Further Information in relation to surface water.
- With regard to Flood Risk, the site is located in Flood Zone C and the submitted report indicates that there is no record of flood events however a number of mitigation measures are included. The Planning Authority consider that the site can be considered to be at low risk of flooding however, Further Information is requested to update the report with the correct names of rivers.
- The Planning Authority noted the submission of a report informing invasive species on the site and a management plan to deal with same. In addition, the biodiversity of the site and surrounding area is set out and it is deemed that subject to successful implementation of measures that the proposed will not cause any significant negative impacts on designated sites, habitats, legally protected species, or any other features of ecological importance.
- With respect to Appropriate Assessment (AA), the Planning Authority noted the Screening Report submitted and concluded that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

- No issues raised with respect to Environmental Impact Assessment (EIA).

Further Information was sought in relation to 8 no. items which are summarised as follows:

1. Clarify communal open space areas, provide a Universal Design Statement, update the Schedule of Accommodation and indicate dual aspect units; clarify the details of balconies and privacy measures along with interfaces/frontages, and provide finishing/details.
2. Clarify agreements with Housing Section for Part V.
3. Provide supporting documentation for apartment schemes as required by the Development Plan and Compact Settlement Guidelines.
4. Clarify willingness to provide payment in lieu for under provision of public open space.
5. Clarify level of sunlight for proposed area of public open space.
6. Liaise with Parks, Biodiversity and Landscape Division on recommended conditions.
7. Respond to issues raised by the Transportation Planning Division.
8. Revised drainage/SuDS requirements and update to Flood Risk Assessment.

3.2.3. Second Planner's Report

- The second Planner's Report provides an analysis of the applicant's Further Information response and forms the basis to grant permission with conditions.
- In relation to Item No. 1 of the Request for Further Information, it was acknowledged that there was an error in the areas of communal open space and that there is 799sq.m provided. The areas comply with best practice for sunlight and the increase in the plinth and overall height does not affect third party amenity. Universal Design of units has been demonstrated along with the number of dual aspect units. The details of privacy/screening to terraces has been clarified. The frontage of the building to the public realm has been improved with setback bicycle parking in the brick plinth, separate pedestrian/cycle entrance gates and recessed bus bench in the brick plinth. In addition, details of finishes to balconies and other items have been included.

- In relation to Item No. 2 of the Request for Further Information, a Part V Schedule identifying 8 no. units has been included and The 8 no. units includes a mix of one amounts to 10% of the total cumulative area of the residential apartments.
- In relation to Item No. 3 of the Request for Further Information, additional documentation such as Operational Management Statement/Building Lifecycle report; Operational Waste Management Plan; Lighting Report; Construction Demolition Waste Management Plan Construction and Environmental Management Plan; and a Climate Action and Energy Statement have been submitted.
- In relation to Item No. 4 of the Request for Further Information, the applicant confirms a willingness to provide a financial contribution in lieu of the shortfall of public open space provision.
- In relation to Item No. 5 of the Request for Further Information, the applicant has submitted an updated Daylight & Sunlight Assessment which indicates that the Public Open Space meets the March 21 sun-on-ground recommendations.
- In relation to Item No. 6 of the Request for Further Information, the applicant indicated a willingness to comply with the conditions recommended by the Parks, Biodiversity & Landscape Division
- In relation to Item No. 7 of the Request for Further Information, the applicant outlined servicing and operational movements for the development, increased finished floor levels to allow for vehicle clearance; incorporation of future road alignment and accessing to ensure compatibility with BusConnects; updated bicycle parking details; confirmation that no areas will be taken-in-charge; and, fire tender proposals.
- In relation to Item No. 8 of the Request for Further Information, it has been indicated that the Drainage Planning, Policy and Development Control Section (DPPDC) have no objection to the development, subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

3.2.4. Other Technical Reports

- Transportation Planning Division: Further information was initially requested. The section indicated that the provision of a set-down area on the public footpath is

unacceptable and that an alternative strategy be proposed along with the submission of a Servicing and Operation Strategy. In addition, drawings of the bicycle parking areas are to be provided and the areas to be Taken in Charge by Dublin City Council shall be outlined. The applicant shall clarify fire tender access arrangements. A subsequent report received had no objection subject to conditions which are effectively standard in composition.

- Drainage Section: Further Information was initially requested on account of the lack of adequate information regarding the management of surface water. It was further indicated that the section was not in favour of the proposed underground attenuation tanks and noted that a green blue roof should be provided. A subsequent report had no objection, subject to a number of conditions relating to verifying sewers, surface water connections, nature-based solutions amongst other items.
- Archaeology: No objections subject to condition requiring that the City Archaeologist should be notified should any archaeological material be discovered during the course of site works and that it is obligatory that the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland are notified.
- Parks Department: The report received noted that a tree survey was not submitted and that a tree protection plan be submitted for construction stage along with a bond. The shortfall of open space can be addressed by way of a financial contribution. The design of open spaces and details on play provision is not of a satisfactory standard and further submissions are required by condition. conditioned below. No concerns raised in relation to biodiversity with further conditions recommended on invasive species.

3.3. Prescribed Bodies

- Uisce Éireann – No objection subject to conditions in relation to connection agreements, no building over public infrastructure and compliance with Uisce Éireann codes and standards.
- Transport Infrastructure Ireland (TII) – No objection. A condition is recommended for a Section 49 Supplementary Development Contribution levy for light rail.

- National Transport Authority (NTA) – Response received noting the approved Ballymun/Finglas to City centre CBC Scheme runs adjacent to the site. The NTA request that the developer liaise with NTA before commencement of the construction stage to coordinate their works with the Ballymun/Finglas Core Bus Corridor construction.
- Dept of Housing, Local Government and Heritage – No response received.

3.4. Third Party Observations

3.4.1. 25 no. third party observations were submitted in relation to the subject development. The issues of concern relating to the proposed development have been summarised by the Planning Authority as follows:

- Overly dense scheme and too high – at 8-storeys double recommended height and fails to meet relevant assessment criteria.
- Note failure of some proposed units access to sunlight.
- Lack of assessment of impact upon daylight-sunlight access for adjoining 3rd parties – as ruled out by the 25-degree trigger test. Appendix 16 sets out assessment best practice.
- Impact on energy efficiency on adjoining houses due to overshadowing.
- Will overlook adjacent developments - cited separation distances from 3rd parties are incorrect.
- Photomontages provided are in adequate. No CGIs provided viewing the site from directly across the road or provided as an aerial view.
- Site only suitable for houses, retirement accommodation is required in the area.
- Sufficient apartments have been developed nearby.
- need for residential development can be met by 6000 proposed homes in new Baile Boggin masterplan – located 500m away.
- Affect the character of the area – including the apartments across the road will be an incongruous form of development - finishes are bland.
- There is an over proportion of bed units.
- Public transport at capacity especially at peak periods – nearest LUAS stop is too far away.
- Impact on local heritage e.g. the setting of Glasnevin Cemetery.

- No bat survey appears to determine if the bats are just foraging or are roosting on the site. – will negatively impact on habitats.
- There are also other red conservation status listed birds such as the grey wagtail in the area.
- Digging will affect trees root systems on the slopes – could fall on houses. Houses on Violet hill were built on stilts – evident subsidence. A former owner cut into the embankment and may have weakened them. Suggest cement clad the existing slope as per the Merville development.
- Tree retention is unlikely to be prioritised. Will result in displacement of vermin into surrounding areas as happened with demolition of the pub.
- Flood risk assessment is inadequate
- Public consultation - documents belatedly loaded up online – notable this occurred during summer holidays.
- No lifecycle report or operational management plan submitted with the application.
- Ownership of part of land is disputed
- The TPD have noted that there are a number of third-party submissions on file at the time of writing. In relation to this division concerns are include the vehicular access arrangements, potential queuing at the vehicular entrance, impact on bus capacity, access for refuse and fire tender vehicles, cycling facilities, car parking and potential overspill into adjacent residential areas.

4.0 Planning History

- 4.1. There have been a number of proposals for the redevelopment of the subject site with the following planning history noted:

ABP Ref. 313255-22: Permission REFUSED by An Bord Pleanála for the removal of existing carpark, and associated areas of hard-standing surface and materials; construction of a Build-To-Rent residential development comprising 103 no. apartments in a part-six, part-seven, part-eight, part-nine storey over basement apartment building; public open space; car and bicycle parking; bin stores; ESB sub-station; new vehicular entrance and pedestrian entrances and all ancillary works including landscaping, boundary treatments and connections to services. Applicant: Three Castle Investment Limited..

ABP Ref. PL29N.248996 (D.C.C Ref. 2458/17): Permission GRANTED by An Bord Pleanála who overturned the decision of Dublin City Council to refuse permission for the clearance of the site; erection of two five-storey residential apartment blocks comprising 69 no. apartments over basement; car and bicycle parking; provision of vehicular and pedestrian access; retaining wall; landscaping; boundary treatments; and, all other associated site works. Applicant: LDC Developments Ltd.

D.C.C Ref. 6360/06: Permission GRANTED by Dublin City Council for the replacement of the former Royal Oak Public House with a residential development of 86 no. apartments in 3 no. seven-storey blocks; over-basement car and bicycle parking; bin stores; entrance/exit ramp off Finglas Road; communal open space; landscaping and boundary fencing; and, all other associated site works. Applicant: M Doran, M Doran & K Featherston.

This application was subsequently REFUSED an Extension of Duration (6360/06/x1) in 2013.

ABP Ref. PL29N.208209 (D.C.C Ref. 5909/03): Permission GRANTED by Dublin City Council for the demolition of the existing licensed premises and the construction of a mixed development comprising 51 no. apartments in 2 no. four-storey buildings over-basement; 1 no. retail unit, a restaurant, licenced public House and ancillary accommodation; car parking; landscaping; and all associated site works. Applicant: Ashgrange Holdings & J & G Stafford.

ABP Ref. PL 29N.128240 (D.C.C Ref. 4279/00): Permission REFUSED by An Bord Pleanála who overturned a decision of Dublin City Council to grant permission for the demolition of the existing licensed premises and replacement with a new 4-5 storey mixed development, consisting of a licensed premises, retail, offices and 129 no. and basement car park. Applicant: Ashrange Holdings and G & F Stafford.

Other Relevant Planning History

ABP Ref. 314610-22: Permission APPROVED for the construction of the Ballymun/Finglas to City Centre Core Bus Corridor Scheme (BusConnects).

5.0 Policy Context

5.1. National Policy

5.1.1. National Planning Framework (NPF) - First Revision

The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of our country out to the year 2040. The various policies of this Framework are structured under National Policy Objectives (NPOs) the following of which are considered to be relevant to the subject development:

National Policy Objective 3: Eastern and Midland Region: approximately 470,000 additional people between 2022 and 2040 (c. 690,000 additional people over 2016- 2040) i.e. a population of almost 3 million Northern and Western Region: approximately 150,000 additional people between 2022 and 2040 (c. 210,000 additional people over 2016-2040) i.e. a population of just over 1 million; Southern Region: approximately 330,000 additional people over 2022 levels (c. 450,000 additional people over 2016-2040) i.e. a population of just over 2 million.

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

National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

National Policy Objective 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.

National Policy Objective 10: 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.

National Policy Objective 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.

National Policy Objective 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.

National Policy Objective 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.

National Policy Objective 42: To target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040.

National Policy Objective 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 45: 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.

5.1.2. Sustainable Residential Development and Compact Settlement Guidelines (2024)

These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well-designed. The Guidelines focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements.

Table 3.1 identifies areas and density ranges for Dublin and states that sites should aim to achieve a density of 50-250 units per hectare (net) in respect of City-Urban Neighbourhoods. It provides that sites within suburban and urban extension areas should aim to achieve a density of 40-80 units per hectare (net) while noting that densities of up to 150 dph (net) shall be open for consideration at ‘accessible’ suburban/urban extension locations, as defined in Table 3.8: Accessibility. This definition provides for:

High Capacity Public Transport Node or Interchange

Lands within 1,000 metres (1km) walking distance of an existing or planned high capacity urban public transport node (that includes DART) or locations within 500 metres walking distance of an existing or planned BusConnects ‘Core Bus Corridor’ stop.

Accessible Location

Lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services.

In terms of Development Standards for Housing the following Specific Planning Policy Requirements (SPPRs) are deemed relevant to the subject development and abridged as follows:

SPPR 1 – Minimum separation distances

SPPR 2 – Minimum Private Open Space Standards (Apartments units shall be required to meet the private and semi-private open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023 and any subsequent updates).

SPPR 3 – Car Parking. 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. In accessible locations, car-parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.

SPPR 4 – Cycle Parking and Storage. All new housing schemes include safe and secure cycle storage facilities to meet the needs of residents and visitors.

5.1.3. Urban Development & Building Heights, Guidelines for Planning Authorities (2018)

The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but actively sought out and brought forward by our planning processes, in particular by Local Authorities and An Bord Pleanála. The Guidelines also caution that due regard must be given to the locational context and to the availability of public transport services and other associated infrastructure required to underpin sustainable residential communities.

5.2. **Regional Plans**

5.2.1. Eastern & Midland Regional Assembly: Regional Spatial & Economic Strategy (RSES) 2019 to 2031.

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

5.3. **National Guidance**

5.3.1. The following national planning guidance are also considered to be relevant:

- *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).*
- *Development Management: Guidelines for Planning Authorities (2007).*
- *Quality Housing for Sustainable Communities: Design Guidelines (2007).*

- *Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009)*
- *Childcare Facilities Guidelines for Planning Authorities (2001).*

5.4. Development Plan

5.4.1. The Dublin City Development Plan 2022-2028 is the relevant Development Plan for the subject site.

5.4.2. Chapter 2 relates to ‘Core Strategy’ and contains various policies and objectives for addressing climate change challenges through mitigation and adaptation. I consider the following sections and associated policies to be of relevance:

- Section 2.3: Settlement Strategy
- Section 2.7: Implementation

5.4.3. Chapter 3 relates to ‘Climate Action’ and contains various policies and objectives for addressing climate change challenges through mitigation and adaptation. I consider the following policies to be of relevance:

- *Policy CA3: Climate Resilient Settlement patterns, Urban Forms and Mobility.*
- *Policy CA8: Climate Mitigation Actions in the Built Environment.*
- *Policy CA9: Climate Adaptation Actions in the Built Environment.*
- *Policy CA24: Waste Management Plans for Construction and Demolition Projects.*
- *Policy CA27: Flood Risk Assessment and Adaptation.*

5.4.4. Chapter 4 relates to ‘Shape and Structure of the City’ and it is the aim for Dublin City’s future development to achieve a high quality, sustainable urban environment, which is attractive to residents, workers and visitors. Compact growth is encouraged by promoting appropriate infill development (developing vacant or underused land), and the use of brownfield lands and sites. There will be targeted growth along important transport corridors and the inner city is indicated as a priority area. The relevant policies from this section are:

- *Policy SC5: Urban Design and Architectural Principles.*
- *Policy SC8: Development of the Inner Suburbs.*

- *Policy SC10: Urban Density.*
- *Policy SC11: Compact Growth.*
- *Policy SC12: Housing Mix.*
- *Policy SC13: Green Infrastructure.*
- *Policy SC14: Building Height Strategy.*
- *Policy SC15: Building Height Uses.*
- *Policy SC16: Building Height Locations.*
- *Policy SC17: Building Height.*
- *Policy SC18: Landmark-Tall Buildings.*
- *Policy SC19: High Quality Architecture.*
- *Policy SC20: Urban Design.*
- *Policy SC21: Architectural Design.*
- *Policy SC23: Design Statements.*

5.4.5. Chapter 5 relates to 'Quality Housing and Sustainable Neighbourhoods' and the aim to create a compact city with sustainable neighbourhood. It is deemed fundamental that quality housing is provided which is suitable for citizens throughout their lives and adaptable to people's changing circumstances. I consider the following policies/objectives to be of relevance:

- *Policy QHSN1: National and Regional Policy.*
- *Policy QHSN2: National Guidelines.*
- *Policy QHSN6: Urban Consolidation.*
- *Policy QHSN10: Urban Density.*
- *Policy QHSN36: High Quality Apartment Development.*
- *Policy QHSN37: Homes and Apartments.*
- *Policy QHSN38: Housing and Apartment Mix.*
- *Policy QHSN39: Management.*

- *Policy QHSN48: Community and Social Audit.*
- *Policy QHSN55: Childcare Facilities.*

5.4.6. Chapter 8 relates to 'Sustainable Movement and Transport'. The Development Plan states that sustainable and efficient movement of people and goods is crucial for the success and vitality of the city. The Plan seeks to promote ease of movement within and around the city and play a key role in safeguarding the environment and adapting to climate change impacts. The policy approach promotes integration of land use and transportation, and improved public transport and active travel infrastructure such as walking and cycling. The relevant policies and objectives of this chapter include:

- *Policy SMT1: Modal Shift and Compact Growth.*
- *Objective SMTO1: Transition to More Sustainable Travel Modes.*
- *Policy SMT27: Car Parking in Residential and Mixed Use Developments.*

5.4.7. Chapter 9 relates to 'Sustainable Environmental Infrastructure and Flood Risk'. The Plan acknowledges that for Dublin to continue to grow and develop, sustainability of energy, water, waste management and resource efficiency needs to be improved. The policies and objectives in the Development Plan are intended to provide for a more holistic and nature-based approach to flood risk and surface water management. I consider the relevant policies/objectives to be as follows:

- *Policy SI13: Minimising Flood Risk.*
- *Policy SI14: Strategic Flood Risk Assessment.*
- *Policy SI15: Site-Specific Flood Risk Assessment.*
- *Policy S123: Green Blue Roofs.*
- *Policy S130: Waste Management in Apartment Schemes.*
- *Policy S135: Ambient Noise Quality.*
- *Policy S142: Light Pollution.*

5.4.8. Chapter 11 relates to 'Built Heritage and Archaeology' and sets out the role in valuing and safeguarding built heritage and archaeology. The following policy is considered to be of particular note:

- *Policy BHA26: Archaeological Heritage*

5.4.9. Chapter 14 relates to 'Land Use Zoning'. The site is covered by two land use zones. The majority of the site is zoned 'Z1' - Sustainable Residential Neighbourhoods which has an objective *'to protect, provide and improve residential amenities'*. Permissible uses include residential. A small portion of the site is zoned 'Z9' - Amenity/Open Space Lands/Green Network which has an objective *'to preserve, provide and improve recreational amenity, open space and ecosystem services'*. Permissible uses include open space.

5.4.10. Chapter 15 relates to 'Development Standards' and sets out the standards and criteria to be considered in the development management process. This chapter is wholly relevant in relation to the assessment of developments, however the following sections are considered to be of particular note:

- Section 15.2: Planning Process and Documentation
 - *15.2.3: Planning Application Documentation - Planning Thresholds*
- Section 15.4: Key Design Principles
 - *15.4.1 Healthy Placemaking*
 - *15.4.2 Architectural Design Quality*
 - *15.4.3 Sustainability and Climate Action*
 - *15.4.4 Inclusivity and Accessibility*
- Section 15.5: Site Characteristics and Design Parameters
 - *15.5.1 Brownfield, Regeneration Sites and Large Scale Development*
 - *15.5.2: Infill Development*
 - *15.5.4: Height*
 - *15.5.5: Density*
 - *15.5.6: Plot Ratio and Site Coverage*
 - *15.5.7: Materials and Finishes*
 - *15.5.8: Architectural Design Statements*
 - *15.5.9: Models and Photomontages*
- Section 15.6: Green Infrastructure and Landscaping
- Section 15.7: Climate Action
- Section 15.8: Residential Development

- 15.8.1: *Quality-Making Sustainable Neighbourhoods*
- 15.8.2: *Community and Social Audit*
- 15.8.4: *Childcare*
- 15.8.5: *Public Realm*
- 15.8.6: *Public Open Space*
- 15.8.7: *Financial Contributions in Lieu of Open Space*
- 15.8.8: *Play Infrastructure*
- 15.8.9: *Naming of Residential Estates*
- 15.8.10: *Gated Communities*
- 15.8.11: *Management Companies-Taking in Charge*
- 15.8.12: *Financial Securities*
- Section 15.9: Apartment Standards
- Section 15.15: Built Heritage and Archaeology
 - 15.15.1: *Archaeology*
 - 15.15.2: *Built Heritage*
- Section 15.16: Sustainable Movement and Transport
- Section 15.18: Environmental Management

5.4.11. Volume 2 of the Development Plan contains a number of appendices containing notes and standards for various development types. The following appendices are relevant to the subject proposal:

- Appendix 3 – ‘Achieving Sustainable Compact Growth’
- Appendix 5 - ‘Transport and Mobility: Technical Requirements’.
- Appendix 9 – ‘Basement Development Guidelines’.
- Appendix 11 – ‘Technical Summary of Dublin City Council Green & Blue Roof Guide (2021)’.
- Appendix 13 – ‘Surface Water Management Guidance’.
- Appendix 16 – ‘Sunlight and Daylight’.

5.5. Natural Heritage Designations

5.5.1. The appeal site is located within a built-up urban area and is not located on or within any designated Natura 2000 sites. The nearest designated sites are indicated as the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code:

004024) approximately 4.28km to the southeast; South Dublin Bay Special Area of Conservation (Site Code: 000210) approximately 6.74km to the southeast; North Bull Island Special Protection Area (Site Code: 004006) approximately 7.16km to the east; North Dublin Bay Special Area of Conservation (Site Code: 000206) approximately 7.17km to the southeast; and, the North-West Irish Sea Special Protection Area (Site Code: 004236) approximately 9.78km to the east. The Royal Canal Proposed Natural Heritage Area (Site Code:002103) is approximately 0.66km to the south.

6.0 EIA Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

Two third party appeals have been made against the Planning Authority's decision to grant permission. The appeals are made by Aventale Limited (stated as being an Environmental Non-Governmental Organisation) and the Residents of Violet Hill (care of Denis Carr). There is considerable overlap in the respective grounds of appeal and so in the interests of clarity, I have combined the appeals. The key points can be summarised as follows:

Building Height, Mass, Density and Scale

- The proposed building is overly tall and bulky, would be overbearing and dominant with the scale of surrounding residential dwellings which are generally two-storey.
- The scale, height and massing would be incoherent and have negative impact on the character and visual and residential amenity of the area. The intensity of development is more akin to inner city/regeneration sites.

- Concerns were raised by Planning Authority at pre-planning stage about the proposed height of the building.
- The proposal does not sufficiently overcome the core concerns of the SHD application refused by An Bord Pleanála.
- According to the Development Plan, building heights of 3 to 4 storeys will be promoted as a minimum in the Outer City (Suburbs) outside of the canal ring. No fixed height cap is imposed but proposals exceeding the norm are required to demonstrate exceptional merit and compliance with listed criteria.
- The subject site fits the 'City – Suburban/Urban Extension' category, albeit in an accessible location but does not meet any other specific criteria. The height and density relies on this 'City – Urban Neighbourhood' classification on the sole basis of the site being within 500 metres of a BusConnects stop.
- The density range as per the Compact Settlement Guidelines is 40-80dph for suburban area and the absolute upper limit for accessible suburban/urban extension locations is 150dph, with densities above that range only open for consideration up to that ceiling. The proposed density is between 2.6 – 5.3 times the normal suburban/urban extension range and 41% above the 150dph maximum that is open for consideration.
- The increased height fails to deliver a high-standard of urban design/placemaking due to its monolithic design and lacks articulation. The building does not respect existing street proportions or scale of dwellings in Violet Hill Drive.
- Proposed height does not avoid overbearing or overshadowing of adjoining sites.
- Density and height in suburban/inner-suburban contexts are much lower than the city centre according to Chapter 4 of the Development Plan.
- QHSN10 of the Development Plan seeks densities that integrate with the character of surrounding areas.
- Over half the site (54.4%) is to be built upon which is higher than any other apartment building in the area.
- The applicant omits mention of developments in close proximity to the site sharing a similar context of adjoining Violet Hill Park which is sensitive to its surroundings.
- Reference is made to a contrasting development in Dublin City which was approved for 38 no. apartments in 3-4 storey blocks.

- The Compact Settlement Guidelines are explicit that increasing density has to be done in a way that respects existing character and amenity. The prevailing adjacent height is predominantly two-storeys but the proposed development is part-5, part-7 part-8 storeys and represents an abrupt jump in height.
- The Building Height Strategy (Chapter 11 & Appendix 3) aims to protect Dublin as a low-rise city and concentrate 5-8 storey and tall buildings in identified locations. The transitional zone policy (Chapter 14) requires avoidance of abrupt transitions in scale and protection of the amenities of more sensitive zones.
- Deciding on density is not just about separation distances; it is explicitly about whether the height/scale responds positively to the prevailing pattern.
- The combination of very high density and a mid-to-high rise form at this location does not reflect the balance between compact growth and local character that Chapters 3 and 4 of the Development Plan look for.
- An eight-storey building at this location fails the Development Plan's context-appropriate test for height in the surrounding 2-3 storey area.
- To understand the impact and lack of appropriate scaling and transition – the dwellings at Violet Hill Drive currently have a clear view through the site to the Finglas View and beyond. From the applicant's photomontage, no homes of Violet Hill Drive are visible.
- The submitted photomontages illustrate the incongruous and overbearing nature of the proposed development.
- The applicant's over-reliance on outlining that previously-refused SHD is an attempt at visual misdirection from the continued incongruity and overbearing nature of their proposal.
- No CGIs were provided view the site from directly across the road or provided as an aerial view to show the full extent of the development when viewed from Finglas Road and the mass of building on the site.
- The proposal fails to satisfy Criteria 1 of the Urban Design Manual in terms of evolving naturally as part of its surroundings, increased density respecting form and landscape of surrounding area, architecture and landscaping informed by developments; and positively contributes to the character and identity of the neighbourhood.

- The Planning Authority have overlooked the Urban Design Manual and have given undue consideration of the Inspector's Report for the previously refused SHD development.
- The changes to the boundary is minor and proximity/scale of the building do not materially change impacts on neighbouring dwellings from the previous refusal.
- When viewed from the rear of the closest dwellings on Violet Hill Drive, the existing residents are facing a 7-8 storey monolithic façade with a separation distance of approx. 30 metres.

Inadequate Daylight and Sunlight Assessment

- No Vertical Sky Component (VSC) analysis was carried out for neighbouring properties.
- The proposal is unusually tall relative to its surroundings. BSEN17037 and BRE 209 should be applied together during this transition period as per the Development Plan.
- The BRE Guide warns against rigid reliance on the 25 degree screening alone in tight urban or suburban contexts. Given the height disparity and proximity to 2-storey homes, a full VSC and Daylight Distribution (DD) analysis should have been conducted regardless of the 25 degree trigger.
- Due to significant contrasting heights, windows could still experience annual sunlight losses even if the 25 degree test is passed narrowly.
- The Sunlight and Daylight Assessment has overlooked cumulative sunlight loss impacts on south facing windows nearby – especially given the steep 8-storey height against 2-storey neighbours.
- The amenity overshadowing margins are extremely tight. The analysis shows that while gardens retain at least 50% sunlight for 2 hours on March 21st, many properties barely clear the threshold.
- Marginal compliance means even slight modelling variations or errors could lead to non-compliance.
- The overshadowing analysis narrowly demonstrates compliance, leaving limited headroom for tolerances or errors especially given no VSC or full Sunlight Hours analysis was performed.

- The Sunlight & Daylight Assessment's angle-based dismissal ignored the site context involving a tall building in a suburban area. The geometry of the site and buildings may not be well-represented by simplistic angle lines in complex contexts
- Proposal may lead to loss of light to several homes in Violet Hill Drive impacting on mental health. The height of the apartment block will impact on retrofitting of homes, such as installing PV panels.
- No Annual Probable Sunlight Hours Analysis was provided.

Zoning

- A portion of the site encroaches on lands zoned 'Z9' – Amenity/Open Space Lands/Green Network. 'Z9' zoned land is treated in the Development Plan as city-wide green infrastructure where development is to be exceptional and sport-related but in this instance it will be subsumed into a private development.

Overdevelopment

- Proposal would unnecessarily impose an incongruous dominant and overbearing development which fails to integrate with the surrounding area and impact the residents of Violet Hill given the planned new development in nearby Ballyboggan.

Lack of Site Risk Assessment

- The lands to rear of Violet Hill Drive are on a steep embankment which has suffered subsidence.
- The proposal does not mention the embankment or addressed the risk of subsidence and concerns were sidestepped by the Planning Authority.
- The development would necessitate excavation works on this sloping ground and there are concerns of excavation impacts on the neighbouring homes.
- In the event of a grant, there must be a planning condition that adjacent houses can engage structural engineers to monitor homes during construction with costs borne by the developer.

Lodgement of Application and Consultation Period

- The planning notices were erected on 5th of June 2025 but the planning documents were not uploaded on DCC website until 10th of June 2025. The public consultation time was 4 weeks instead of 5 weeks and therefore insufficient.

Unit Mix

- Only 5 no. 3-bed houses are proposed and the low number does not align with the qualitative standards of the Development Plan.

Access

- Emergency vehicles will be unable to access the site due to the extent of building proposed on site.
- The safety practices being implemented for an apartment complex without emergency access is queried.
- Refuse lorries would be unable to access the site and would need to park in the lay-by which will impede pedestrians and cyclists.
- It is not clear how maintenance vehicles would enter and navigate around the site due to the scale/footprint of the building.

Car Parking

- The car parking will have detrimental impacts on the amenity of Violet Hill with illegal/overspill parking in Violet Hill and may decrease road safety.
- The public transport infrastructure and the cycle network is not sufficient to warrant residents of proposal not having cars.

Cycle Infrastructure

- Describing the C1 – Cycle Track as being separated from Finglas Road is not correct. The cycle track is in poor condition and part-shared with a Bus Lane which is hazardous for users and proper infrastructure needs to be built.

Inadequate Public Transport

- The high density of the proposed apartments would add to the already saturated public transport in the area where buses are often full at peak times.
- The stated frequency/timelines of journeys as provided by applicant is inaccurate.
- Broombridge LUAS is not easily accessible for pedestrians and traverses an industrial estate which is not safe. There is no bicycle parking or Dublin Bikes or car parking. Car access is 1.9km due to routing.

Impact on Local Environment

- The proposal is adjacent to River Tolka and Violet Hill Park.
- No bat survey has been carried out to determine if bats are roosting on the site.
- A number of red and amber conservation status birds are in the locality.

Impact on Local Heritage

- The proposal is adjacent to Glasnevin Cemetery (which includes protected structures) and sites of Archaeological interest. The scale of development will be at odds with Policy SC25 of the Development Plan.

Lack of contribution of facilities and amenities

- The proposal offers no amenity to the area e.g. shop, creche or recreational facility and the existing local amenities have been overstated in the application.

Impact on Telecommunications

- Potential impacts on mobile phone reception to existing residents in Violet Hill.

Drainage, Surface Water and Sewer

- Uisce Eireann do not allow building over assets and it is queried how a site can be developed without satisfying that there is clearance from sewers.
- Concerns were raised by Drainage Division regarding surface water management which have not been addressed.

Flood Risk

- The Flood Risk Assessment is inadequate and lacking recent assessment.
- The Flood Zone C cannot be relied upon and so the site cannot be considered safe from flood events.

7.2. Applicant Response

7.2.1. A response has been received on behalf of the applicant which is summarised as follows:

Overlooking, Overbearing and Overshadowing Effects

- The separation distance of 30 metres is acceptable and in all instances where a window could potentially overlook a neighbouring dwellings, the window

separation distances are in excess of 36 metres which exceeds Development Plan standards.

- Increased separation distances have been applied as the proposal is a taller block.
- The height, scale and massing of the development has been significantly reduced from the previous proposal which was refused.
- The development is comfortably set back from the boundaries protecting the amenity and trees of Violet Hill Park.
- The closest block to Violet Hill Drive is set back 14 metres from the eastern boundary and the projecting part of the block is 16.8 metres from the boundary and has a blind façade above first floor level.
- Emphasis is placed on the slope from Violet Hill to the site with the lowest dwelling being at the same elevation as the 5th storey as such the proposal is only 3-4 storeys higher than the dwellings in Violet Hill with a separation distance of 36 metres.
- The design provides functional design and it is contended that the split levels, windows and balconies does not make the building look like an industrial shed.

Environmental Impacts and Flood Risk

- The applicant's reports confirm the proposal will not have negative effects on the surrounding environment.
- The site is located in a built-up area and previously housed buildings on the site. The natural environment will be protected at all stages of construction and operation as detailed in the ecology report.
- Residential development is permitted in Flood Zone C and the area has been under review since 2017 as hydraulic conditions have changed but are not expected to effect the site – which has never flooded.
- The flooding assessment identifies that the site is not located within an area with documented flood risk.

Traffic, Parking and Public Transportation

- It is an objective of Dublin City Council to reduce car use and promote active travel and so the provision of excessive car parking could not align with this vision.
- The number of car and bicycle parking spaces is consistent with the Development Plan having regard to the locational context.

- Dublin City experiences busy buses during peak hours and is not considered to be an appropriate means to prohibit housing development.
- The site is in an Urban Neighbourhood as it is consistent with the criteria of such and located within a High-Capacity Public Node or Interchange as defined in the Compact Settlement Guidelines.
- The site has access to frequent public transport via bus stops on Finglas Road and Broombridge Train and Luas services are 1.5km from the site.
- The F-spine bus routes (F1, F2, F3) commenced in 2025 as part of the BusConnects Redesign.
- The subject site is well-located and within proximity to a high capacity, high frequency public transport network.
- In relation to the cycle network, the Glasnevin area benefits from very good cycle paths which are separated from the road along a section of Finglas Road. The sharing of cycle lane with buses is standard in Dublin and not an issue for concern.

Density and Height

- Table 3.1 of the Compact Settlement Guidelines informs that residential densities in the range 50dph to 250dph (net) shall generally be applied in urban neighbourhoods of Dublin. Therefore, the proposed 212dph is appropriate.
- Appendix 3 of the Development Plan provides guidance for increased height, scale and density in Dublin City. Sites situated in areas identified as Public Transport Corridors are considered to have capacity for increased height.
- The site is within 5000 metres of a high frequency bus stop and 1.5km from Broombridge Luas/Rail station.
- The development seeks to provide an apartment building rising to 8-storeys with appropriate setbacks to ensure the proposal is not overbearing in scale and presents no undue impact on neighbouring residential amenities.

Loss of Character

The development has been designed to protect amenities of surrounding residences through separation distances and split floors.

Whilst the eastern side of the site is characterised by mature residential dwellings, there are apartment buildings on the opposing side of Finglas Road and taller

apartment buildings are also located on Finglas Road. The development is therefore consistent with the character of the area.

Lack of Contribution of Facilities and Amenities

The development is for 89 no. apartments and does not need to provide a creche, shop or recreational facility and the scheme provides open space.

Surface Water/Drainage

The submitted drawings indicate the location of the sewer which runs parallel to the Finglas Road and cuts east through the subject site at the northern end. Condition No. 12 of the decision to grant also protects the sewer.

7.3. **Planning Authority Response**

- A response from the Planning Authority has been received on file and states that *'the Planning Authority would request that the Commission uphold our decision'*. The response also indicates a number of conditions to be attached in the event of a grant of permission.

7.4. **Observations**

- None.

8.0 **Assessment**

From the outset, I have had regard to the proposed apartment development and I note the Planning Authority carried out a robust assessment of the proposed apartments in terms of unit mix, apartment sizes and storage, layout design, units per floor core, floor-to-ceiling heights, aspect, private amenity space and communal facilities. I am satisfied the Planning Authority acknowledged that the proposed development comprehensively complied with the required standards for apartments or where applicable, conditions were attached to ensure compliance. To this end, I do not consider that these elements of the proposed development require further elaboration as part of my assessment of the proposal.

Having examined the application details and other associated documentation on file, the third party appeals, having conducted an inspection of the site, and having

reviewed relevant local policies and guidance; I consider the main issues in this appeal can be addressed under the following headings:

- Principle of Development.
- Height, Density and Design
- Impact on Residential Amenity
- Traffic, Transportation and Parking
- Open Space
- Water Services & Drainage
- Impacts on Biodiversity and Trees
- Flood Risk
- Other Matters
- Appropriate Assessment (Screening).

8.1. Principle of Development

8.1.1. In assessing any development, I consider that a key consideration for the assessment of the proposal is the principle of development. The proposed development seeks to construct a new part-five, part-seven, part-eight storey building comprising 89 no. apartments (34 no. 1-bed; 50 no. 2-bed; and, 5 no. 3-bed units). The appeal site is located across two zoning categories. The comprehensive majority of the lands are zoned 'Z1' - Sustainable Residential Neighbourhoods where the objective is *'to protect, provide and improve residential amenities'*. I note the residential is listed as 'permissible use' in this zoning designation. I also note that two small portions of the site are zoned 'Z9' - Amenity/Open Space Lands/Green Network which has an objective *'to preserve, provide and improve recreational amenity, open space and ecosystem services'*.

8.1.2. Having reviewed the submitted Site Layout Plan, I note that the apartment building is to be sited entirely within the 'Z1' zoned lands and that part of the proposed public open space and an area of the existing vegetated embankment (not subject to development works) is located in the 'Z9' zoned lands which is a very limited extent of the overall site. I do not consider that the proposed development would be at odds with

the designated land uses or the zoning objectives for 'Sustainable Residential Neighbourhoods' and 'Amenity/Open Space Lands/Green Network' respectively or that the development would be incompatible with the wider area. Moreover, in the interests of clarity, I do not consider that the subject development would constitute a material contravention of the 'Z9' lands use zoning objective given that the proposed apartment block is not sited in this zoning category and the only element of works proposed in this land use zone is open space.

- 8.1.3. In consideration of the nature of the proposed development, the appeal site is on underutilised brownfield lands in a built-up urban area along the Finglas Road and the principle of an apartment development would be acceptable at this accessible location, Notwithstanding, it is imperative that such a proposal is assessed against the relevant parameters of the Development Plan and these matters will be assessed in the following sections.

8.2. Height, Density and Design

- 8.2.1. The proposed development comprises a single apartment block of 89 no. apartments ranging in height from five to eight storeys. The proposed building is generally fronted along Finglas Road and is 'L' shaped. The contemporary block is flat roofed across the variable levels with the principal heights indicated as being 15.8 metres, 21.5 metres and 24.1 metres respectively. The appeal site has an area of 0.420ha resulting in a density of 212 units per hectare (uph). The grounds of appeal raise concerns regarding the design, height, scale and density of the proposed development. These matters form a common theme in both appeals and are also raised in appellants' concerns relating to residential amenity. According to the appeals, the proposed development would out of character with the prevailing character of development in the area, disproportionate in terms of height, visually obtrusive, bulky and dominant within the receiving environment and would have an excessive density. It is also contended that the design is not of a high standard and would be out of keeping with the character of the area and that the proposed development would contravene proper planning guidelines and the Development Plan.
- 8.2.2. In terms of assessing the development, I acknowledge that design, height and density could each be considered as separate individual topics; however, it is my opinion that as an apartment development, these matters are analogous with the design of the

proposed building and informs its height and consequently the density. Therefore, I consider that design, height and density be considered hand in hand.

Density

8.2.3. With respect to density, the grounds of appeal have raised concern in relation to the proposed residential density of 212 uph and describe same as being excessive and inappropriate at the subject location as well as being inconsistent with the Development Plan. The views expressed by the appellants is that the density of development is excessive and would constitute an overdevelopment of the subject site and resulting in a number of adverse impacts of the amenities of the area. The applicant's response to the appeals refers to Table 3.1 of the Compact Settlement Guidelines (2024) and outlines that residential densities in the range 50dph to 250dph (net) shall generally be applied in Urban Neighbourhoods of Dublin and so the proposed density is appropriate. I note that the Planning Authority's assessment had considerable regard to the proposed density and informs that there was no objection to the density of 268 units per hectare in the previously refused SHD application on the subject site. It was also the consideration of the Planning Authority that the circumstances and characteristics of the site have not overly changed in terms of its brownfield setting on a public transport route. In addition, reference was made to the Development Plan being informed by Regional Planning Guidelines and the National Planning Framework with respect to the efficient use of zoned and serviced urban lands, the interests of urban consolidation and, a critical need to increase residential units in the city. It was contended by the Planning Authority that the site and area and allows for a suitable density of development.

8.2.4. In considering the density of the proposal, I acknowledge that the development of 89 no. apartments on a site with an area of 0.420ha results in a density of 212uph. Having regard to Section 3.2 of Appendix 3: – 'Achieving Sustainable Compact Growth Policy for Density and Building Height in the City' of the Development Plan, I note that it is stated that appropriate densities are essential to ensure the efficient and effective use of land. It is further noted that excessive density can be problematic. In terms of a strategic approach, the Development Plan states that the highest densities should be located at the most accessible and sustainable locations. It is emphasised that there should be a focus not just on maximising density to maximise yield but on a range of

qualitative criteria and other factors including architecture, urban design, community facilities and quality placemaking. The Development Plan continues to state that the density of a proposal should respect the existing character, context and urban form of an area and protect existing and future residential amenity. In addition, public transport accessibility and capacity also determine the appropriate density permissible and all proposals for higher densities must demonstrate how the proposal contributes to healthy place making, liveability and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods. Table 1: 'Density Ranges' in Appendix 3 – 'Achieving Sustainable Compact Growth Policy for Density and Building Height in the City' sets out a net density ranges across various locations such as the City Centre & Canal Belt, SDRAs, SDZ/LAPs, Key Urban Villages, Former Z6 lands and the Outer Suburbs. Section 4: 'The Compact City – How to Achieve Sustainable Height and Density?' of Appendix 3 in the Development Plan sets out a policy approach for the assessment of development of increased height, scale and density in the city that aligns with the Section 28 Guidelines. It is emphasised that all proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3.

8.2.5. From a national planning policy perspective, I note that the Compact Settlements Guidelines for Planning Authorities (2024) are also relevant, and I note that these guidelines were published subsequent to the adoption of the Dublin City Development Plan 2022- 2028. Table 3.1: 'Areas and Density Ranges Dublin and Cork City and Suburbs of the Residential Development' relates to areas and density ranges in Dublin and Cork City and Suburbs. These areas relate to City – Centre; City – Urban Neighbourhood; and, City – Suburban/Urban Extension and have density ranges of 100dph to 300dph (net) in city centres, 50dph to 250dph (net) in urban neighbourhoods and up to 150dph (net) suburban/urban extension areas.

8.2.6. In my assessment of the proposed density, I am of the view that given the location of the subject site, it falls into the 'Outer Suburbs' of Dublin City Council's administrative area. Having regard to the aforementioned Table 1: 'Density Ranges' in Appendix 3 – 'Achieving Sustainable Compact Growth Policy for Density and Building Height in the City', a net density range of 60-120 units per hectare is indicated for sites located in

these areas. The commentary associated with Table 1 acknowledges that schemes of increased density are often coupled with buildings of increased height and scale. In such instances where proposed buildings and density are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3: 'Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale' of Appendix 3 of the Development Plan shall apply (please refer to Section 8.2.11 of this assessment). At national level, I consider the subject site falls into the 'City-Urban Neighbourhood' density category in Table 3.1 – 'Areas and Density Ranges Dublin and Cork City and Suburbs' of the Compact Settlements Guidelines for Planning Authorities (2024). These areas are described as compact medium density residential neighbourhoods around the city centre that have evolved over time to include a greater range of land uses; strategic and sustainable development locations; and, lands around existing or planned high-capacity public transport nodes or interchanges. It is indicated that residential densities are in the range 50 dph to 250 dph (net) shall generally applied. I have formed my view that the site is in a 'City-Urban Neighbourhood' on the basis of the site adjoining the Finglas Road which supports the F Spine of the BusConnects route providing a high frequency bus services at this location.

8.2.7. Therefore, the proposed density of the subject development at 212uph is considerably above the density range envisaged for Outer Suburbs (60-120uph) as set out in the aforementioned Table 1 of Appendix 3 of the Development Plan. However, in considering the development from a national policy perspective, the density would be within the 50dph to 250dph range set out in Table 3.1 – 'Areas and Density Ranges Dublin and Cork City and Suburbs' of the Compact Settlements Guidelines for Planning Authorities (2024).

Height

8.2.8. In relation to the height of the proposed development, I note the contention of the appellants that the part-five to part-eight storey apartment block does not accord with the established height of neighbouring dwellings, namely in the Violet Hill housing development and would be out of character and overly tall, bulky and dominant. The applicant's response to the appeals refers to Appendix 3 of the Development Plan which provides guidance for increased height in Dublin City and claims that the site is

situated in areas identified as Public Transport Corridors which are considered to have capacity for increased height. In addition, it is contended by the applicant that the design of the part-eight storey building has included split floors, set-backs and increased separation so as to not impact on neighbouring residential amenities. It is further claimed that the development is consistent with the character of the area as there are apartment buildings on the opposing side of Finglas Road and taller apartment buildings are located on Finglas Road. The assessment of the Planning Authority considered that that proposed height is appropriate to the site and area whilst allowing for a suitable development of residential units on zoned and serviced lands. Regard was had to local, regional and national policy for increased heights and densities and it was acknowledged that certain areas area considered as suitable for increased intensity of development subject to exemplar design, integration with surrounds and residential amenity considerations. The Planning Authority also had regard to the planning history of the site whereby apartment proposals were granted permission but never implemented. The Planning Authority also inform that the previous development, had a height of 9-storeys (approximately 31.2 metres) which was deemed to be appropriate by the Planning Inspector but was refused due to concerns that the scale, massing and limited setbacks would result in impacts on the amenities of neighbouring residences.

8.2.9. In consideration of the height of the proposal, I have had regard again to Appendix 3: – ‘Achieving Sustainable Compact Growth Policy for Density and Building Height in the City’ of the Development Plan. Section 3 states that consideration of what constitutes a tall building can be subjective and also depends on context and it is indicated that there are three general height categories for height in Dublin – Prevailing Height, Locally Higher Buildings and Landmark/Tall Buildings. Section 4 sets out a policy approach for the assessment of development of increased height, scale and density in the city that aligns with the Building Height Guidelines (2018) which are Section 28 Guidelines. The Development Plan notes that heights of at least three to four storeys, coupled with appropriate densities, will be supported in principle in areas including in suburban locations. It is stated that considering locations for greater height and density, schemes must have regard to the local prevailing context within which they are situated and that this is particularly important in the lower scaled areas of the city where broader consideration must be given to potential impacts such as

overshadowing and overlooking, as well as the visual, functional, environmental and cumulative impacts of increased building height. The Development Plan continues to state that *‘greater heights may be considered in certain circumstances depending on the site’s location and context and subject to assessment against the performance based criteria set out in Table 3’*.

8.2.10. In terms of locations, Public Transport Corridors are specifically listed and it is states that there is a recognised scope for height intensification and the provision of higher densities at designated public transport stations and within the catchment areas of major public transport corridors with BusConnects specifically stated. It is also noted that landmark/tall buildings are generally considered to be buildings which are substantially taller to their surroundings and cause a significant change to the skyline. The Development Plan describes such building as typically being greater than 50 metres in height.

8.2.11. With the above in mind, I consider that the proposed development must be considered in respect of Table 3: ‘Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale’ of Appendix 3 of the Development Plan especially with regard to height and density given its locational context. In the interests of completeness of assessment, I have applied the objectives and performance criterion of this Table as part of my own consideration of the proposal:

Table 1: Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale

<p>Criteria 1: To promote development with a sense of place and character</p>	<p>The proposed development comprises a part-five, part-seven, part-eight storey apartment block on a brownfield site adjacent to Finglas Road (R-135). In my opinion, the proposed development is not out of character with the surrounding area where a number of multi-storey apartment buildings have been developed.</p>
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	<p>I acknowledge that the proposed building would be higher than other developments in the immediate surrounding area but regard must be had to the overall setting of the site in this location. In my view, the design of the block has been reasonably considered with the mass broken down. I do not consider that the overall height can be determined by itself or read solely on the basis of the established houses to the east and north of the site. Regard must be had to the changing land levels which in my opinion do not result in abrupt transitions particularly in relation to Violet Hill Drive</p> <p>I do not consider that the design, scale and height of the apartment development would have significant undue impacts on the residential amenities of neighbouring residences to the north and east of the site given the layout of the proposed building, separation distances, existing screened boundaries and changing land levels. With this in mind, I do not consider that the block would be so visually dominant so as to render it inappropriate when viewed along Finglas Road and the adjoining lands.</p> <p>I consider that the site is appropriate for compact urban development and that an</p>
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	<p>apartment building of a height and scale, as proposed, could lend itself to forming its own character at this location on Finglas Road that would not be inconsistent with other apartment developments situated to the north of the site.</p>
<p>Criteria 2: To provide appropriate legibility</p>	<p>The proposed development is located on the site of the former Royal Oak public house which has been demolished and the lands left undeveloped for a number of years. In my view, the lands constitute a brownfield site. I consider that the development of the lands would enable compact development of an idle site and provide enhanced legibility along the Finglas Road and the junction with Old Finglas Road. The apartment building will address the Finglas Road and connect to the existing footpath and cycle lane which in turn will allow for permeable connectivity to the wider area. The site is also located proximate to bus stops along the Finglas Road served by the F Spine of the BusConnects route which provides high frequency bus services at this location.</p> <p>Given the design and scale of the block, it is considered that the proposal would be prominent at this location which also contains a number of apartment schemes along the Finglas Road.</p>

	<p>In my opinion, I consider that the proposed development would make a positive contribution to the legibility of the Finglas Road from both the northern and southern approaches in particular.</p>
<p>Criteria 3: To provide appropriate continuity and enclosure of streets and spaces</p>	<p>I consider that the height, scale and massing of the proposed development have been appropriately considered for this particular site in the context of Finglas Road. Whilst I note that the adjoining properties to the north and east of the site are two-storey, these established developments do not front Finglas Road and are not read in association with the site. Furthermore, I am of the view that this brownfield site, in its own setting, would not be out of context or character with this section of Finglas Road which has been transformed in recent decades through the development of other multi-storey apartment blocks.</p>
<p>Criteria 4: To provide well connected, high quality and active public and communal spaces.</p>	<p>Public open space is provided (386sq.m) in the form of a landscaped area on a narrow sliver of land to the west (side) of the block and the front boundary of the site adjacent to the Finglas Road. The general width and useability of this space from an amenity perspective is questionable in my opinion however, I am of the view that it would that this area would positively contribute to the junction</p>

	<p>between Finglas Road and Old Finglas Road. Additionally, a contribution in lieu of the shortfall of open space is recommended by the Planning Authority and I deem this to be acceptable.</p> <p>Communal open space (799sq.m) is provided by way of a series of courtyards/terraces on the building and will provide appropriate amenity value to prospective residents.</p> <p>I note that play facilities have been indicated but that detail on same is lacking. However, such details can be provided by way of condition in the event of a grant of permission.</p> <p>The submitted Daylight and Sunlight Assessment indicates that the amenity spaces are compliant with the criteria set out in BRE guidelines.</p>
<p>Criteria 5: To provide high quality, attractive and useable private spaces</p>	<p>All of the proposed units are served with balconies/terraces which comply with the apartment standards.</p> <p>Concerns have been raised by the appellants in relation to overbearing impacts from the proposed scheme onto established residences neighbouring the site. However, as outlined in Section 8.3 of this report, I do not consider that there would be any undue amenity impacts as a result of the subject proposal.</p>

	<p>The Daylight and Sunlight Assessment submitted with the application demonstrates that 81 no. (91%) of the units meet the EN 17037:2018 sunlight exposure recommendations of greater than 1.5 hours on March 21st and that sunlight provision results to the proposed development in accordance with BS EN 17037:23018 are considered excellent. In addition, all 237 no. spaces assessed (bedrooms, and kitchen/living/dining) exceed the target levels in the BS EN 17037:2018 standard, so it is contended that the proposed development can be considered to provide an excellent standard of amenity from a daylight perspective.</p>
<p>Criteria 6: To promote mix of use and diversity of activities</p>	<p>The proposal is strictly residential and does not provide for or promote a mix of use and diversity of activities. Given the primary 'Z1' residential land-use zoning across the site and surrounding uses, I consider the development to be acceptable.</p> <p>The proposal provides for a mix of 1-bed (38.2%), 2-bed (56.2%) and 3-bed (5.6%) units which is considered to be acceptable and in accordance with Section 15.9.1 'Unit Mix' of the Development Plan and SPPR1 of the Apartments Guidelines (2023).</p>

	<p>78% of the apartment units exceed the minimum floor area by 10%. This is not in accordance with Section 15.9.2 of the Development Plan which requires the majority of all apartments in a scheme of 10 or more units to exceed the minimum floor area by a minimum of 10%.</p>
<p>Criteria 7: To ensure high quality and environmentally sustainable buildings.</p>	<p>The applicant submitted a Construction Environmental Management Plan; a Construction and Demolition Waste Management Plan; a Climate Action Energy Statement and a Building Life Cycle Report. These reports essentially set out how the proposal will align with best practice constructions, use of durable materials, energy efficiency and maintenance.</p> <p>From a design perspective, I note that 59% of units are dual aspect and no single aspect units are north facing. An 'A' BER rating for the apartment units is anticipated. PV panels are also proposed and plant is located at both the ground floor and roof level.</p> <p>A Flood Risk Assessment was submitted with the application and states that the site is in Flood Zone C and that a justification test is not required and no flooding is anticipated.</p>

<p>Criteria 8: To secure sustainable density, intensity at locations of high accessibility</p>	<p>The proposed development is located in an urban area along the Finglas Road which has the benefit of high frequency bus services ('F' Spine – BusConnects).</p> <p>I am of the view that the redevelopment of the site as an apartment scheme represents an appropriate balance between the sites location on a transport corridor and the prevailing character of development particularly on the Finglas Road.</p>
<p>Criteria 9: To protect historic environments from insensitive development</p>	<p>There are recorded National Monuments or Protected Structures on the appeal site. The closest recorded monuments are to the eastern side of Finglas Road relating to a 'Mill – unclassified' (Ref. DU018-001) and to the southwest of the site at Tolka Bridge relating to 'Bridge' (Ref. DU018-002). There are a number of Protected Structures/monuments of note in Glasnevin Cemetery, which is to the south of the site however, I do not consider that the subject development would impact on these features/monuments.</p> <p>Due to the possibility of archaeological material being encountered during development it is recommended that the following condition be applied to any grant of permission for this development:</p>

	<p>The recommendation of the DCC Archaeologist is that a condition be attached that in course of site works if any archaeological material is discovered, the City Archaeologist be notified. I consider this condition to be reasonable.</p>
<p>Criteria 10: To ensure appropriate management and maintenance</p>	<p>An Operational Waste Management Plan and Operational Management Plan was submitted with the application. I do not consider that the operation of apartment development is of a scale that is likely to lead to generation of excessive servicing activity/drop-offs/deliveries or associated parking on the supporting road network which would cause obstruction or create a traffic hazard.</p>

8.2.12. Having regard to my own assessment against the criteria of Table 3: 'Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale' of Appendix 3 of the Development Plan, I consider the proposed development to be acceptable. The apartment block is in accordance with the Development Plan commentary which is consistent with the Urban Development and Building Height Guidelines (2018) in terms of height. These guidelines provide criteria to be applied in the assessment of applications for increased height and it is evident that there is support increased building height and density in locations with good public transport accessibility. There is no numerical limitations in terms of minimum or maximum building height to be applied in such instances.

8.2.13. I acknowledge that the established prevailing character to the immediate north and east of the subject site (Glasnevin Oaks and Violet Hill Drive) is fundamentally low-

density, low-rise two-storey conventional housing. That said, it should be noted that the subject site is an underutilised brownfield site adjoining Finglas Road with those neighbouring dwellings located on higher land levels. Whilst I acknowledge that a previous assessment of an SHD proposal was refused by An Bord Pleanála, the principle of a nine-storey apartment was deemed to be acceptable in terms of height. The subject development has been reconsidered to address concerns regarding height, scale and massing with the omission of the 9th floor level and an overall reduction in height. Additionally, the redesign of the building has reduced the massing and bulk from the previously refused development with an increased emphasis given in respect of the stepped heights and narrow plan and the re-siting of the apartment block on the land to increase the separation distances from the eastern site boundary. In my opinion, the appeal site can accommodate a contemporary multi-storey building of both a greater height and density than that of the established two-storey houses on the adjoining lands and therefore, I do not consider that the part-five, part-seven and part-eight apartment block is of such a height, width/depth and mass so as to be problematic with the surrounding low-rise (two-storey) housing to the north and east.

8.2.14. Furthermore, I also consider that the site can form its own character and independent form which would not be incompatible with this urban location. It is my view that the character of the wider area, particularly along Finglas Road has experienced a change in context with the number of apartment developments particularly within 500 metres of the north of the site. Therefore, I consider the proposed apartment development would be acceptable in the context of this location which, in my view, is transitioning from an outer suburban area to an urbanised public transport corridor that has undergone redevelopment along the Finglas Road.

8.2.15. The proposed development introduces a new public realm element with the provision of public open space adjacent to the junction at Finglas Road and Old Finglas Road. This will enhance pedestrian linkages across part of the site and would contribute to the legibility of this section of Finglas Road. It is my opinion that the proposed apartment development would make a positive contribution to place-making by way of the introduction of new street frontage along the Finglas Road and will form a focal point at the junction of Finglas Road and Old Finglas Road. As a further point, I do not consider that the proposed apartment development would impact or effect upon views

in the wider locality. The subject site is not located within an Architectural Conservation Area (ACA) and there are no protected structures on or adjoining the site. I am also of the view that the development would have substantive separation from features and structures of note in Glasnevin Cemetery which are approximately 950 metres to the southeast.

8.2.16. In conclusion, I consider that the proposed apartment development on the appeal site would be acceptable in terms of height, density and design and will not detrimentally affect the character of the site or wider area. Furthermore, it is my view that the development of this site for residential development would result in an underutilised, zoned and serviced brownfield site being brought into an appropriate use that would make the most efficient use of the lands.

Material Contravention

8.2.17. In considering the appeal file, the matter of material contravention of the Development Plan requires assessment in terms of density. As previously outlined, the proposed development exceeds the recommended density range for the 'Outer Suburbs' as stipulated in Table 1: 'Density Ranges' in Appendix 3 – 'Achieving Sustainable Compact Growth Policy for Density and Building Height in the City' (60-120 units per hectare). However, I note that the Development Plan acknowledges that schemes of increased density are often coupled with buildings of increased height and scale. In this instance, where proposed buildings and density are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 applies. In this regard, I consider that that higher densities than the illustrated density range for a particular development may otherwise be considered as being acceptable subject to compliance with Table 3. Having carried out my own assessment of the proposal against the detailed performance criteria (see Table 1 of this report), I consider the density of the proposed development is acceptable. I have formed this view on the basis that the proposed development would make appropriate use of an underutilised brownfield site on primarily residential zoned lands which are serviced and in a highly accessible urban location. It is also my opinion that the density would be acceptable as the height/design of the apartment block would be read in its own setting along this particular section of the Finglas Road and would contribute to the creation of a compact city by optimising land use at a scale and design that is capable of integrating with the

surrounding location and would not be detrimental to the residential amenities of neighbouring properties. I therefore consider that the proposed development is in compliance with Appendix 3 and does not represent a material contravention of the objectives of the Dublin City Development Plan 2022-2028.

- 8.2.18. Furthermore, having regard to national guidance, I do not consider that the development exceeds the recommended density range in Table 3.1 of the Sustainable Residential and Compact Settlement Guidelines (2024) which is between 50 dph to 250 dph (net) in City – Urban Neighbourhood locations. I have already indicated my satisfaction that the appeal site meets the definition of such an area given its setting adjoining a high-capacity public transport node (F Spine of BusConnects). Therefore, I consider that the development can be considered having regard to the aforementioned guidelines issued under section 28 of the Planning & Development Act 2000 and which were published subsequent to the adoption of the operative Development Plan.

Design

- 8.2.19. As indicated, the grounds of appeal raise concern with respect to the design and claim that the apartment block would be out of character, incongruous and dominant within the surrounding environment. It is also indicated that the building would have a monolithic appearance. The applicant's response to the appeals has countered by stating that the design is functional and has been considered to take account of impacts on residential amenities of neighbouring properties. I note that the assessment of the Planning Authority included commentary on the proposal from a design perspective with specific consideration to design and integration, residential standards, height, access/parking, open space, materials and finishes, boundary treatments and landscaping amongst other matters. The Planning Authority did not raise any considerable concerns in terms of the design and scale and informed that conditions be attached where clarification on certain elements is required. In this regard, Condition No. 6 included an option to have a single brick finish and that recessed wall areas of balconies and terraces shall be finished in brick, and finishes for downpipes and vents. Condition No. 7 of the Planning Authorities recommendation to grant permission includes for the railings of balconies/patios to be arranged to maximise privacy to the private open space and include opaque glazing to be placed behind the railings as required.

- 8.2.20. In assessing the design of the proposed development, I have had regard to the supporting materials on the appeal file including the Architectural Design Statement, Planning Report, CGIs/photomontages along with the various plans, elevations, and sections. The applicant's Architectural Design Statement details the locational context, site history and provides a rationale for the proposed development. It is stated that the applicant aims to provide high-quality homes using contemporary architecture to sensitively integrate with and complement the immediate context. It is indicated that attention has been paid to existing residential homes in the immediate vicinity in terms of massing, scale, overlooking, overshadowing along with regard to integration through the detail design of the plinth wall at street level, developing a street level animated connection between people on the Finglas Road and the residents. Design approaches in terms of the site's location in a transitional area close to public transport in addition to the site setting have been outlined which inform that the site is suitable for an apartment development. The report continues to state that integration of the building with the existing context has been considered through stepped massing and increased setback from boundaries of the site. Regard is also had to the open spaces, landscaping and finishing materials in addition to the parking/servicing of the building. I consider the Architectural Design Statement to be robust and I acknowledge the design reasoning behind the proposal.
- 8.2.21. In considering the design, I note that the 89 no. apartments proposed comprise 34 no. 1-bed; 50 no. 2-bed; and, 5 no. 3-bed units across each of the respective floor levels arranged in a single apartment block ranging in height from five to eight storeys. The building is 'L' shaped with the primary elevation fronts the Finglas Road. The external material palette includes a predominantly brick finish with light and dark bricks to provide contrasting elements. The plinth addressing the Finglas Road will include a Hit and Miss type pattern.
- 8.2.22. The Development Plan requires that apartment design and unit mix comply with national guidance and relevant Section 28 Guidelines. In my view, the proposed demonstrates appropriate regard to the policy provisions of the Development Plan, particularly in relation to Chapter 15: Development Standards. I am also satisfied that the apartment units comply with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023). On this point, I note that

the Planning Design Standards for Apartments Guidelines for Planning Authorities were published on the 8th of July 2025 but that Section 1.1 of this document states that the Guidelines only apply to planning applications submitted after the publication of the guidelines. In the interest of clarity, I am therefore satisfied that the new guidelines are not relevant to the current appeal. Overall, I consider that the proposed apartments would achieve a good standard of living accommodation to future occupants.

8.2.23. In my view, the proposed apartment building provides both a logical and legible layout which has appropriate regard to the irregular shape of the site. I consider that the development will introduce permeability and a strong frontage along this section of Finglas Road. It is my opinion that the building design has been well-informed with potential impacts on neighbouring amenities being mitigated through the laying out the block along the public road, maximising separation distances from the neighbouring two storey dwellings to the north-east and east and retaining established trees/vegetation on the embankment. I consider that windows on the easternmost section of the building have been minimised to limit the perception of overlooking and that balconies/terraces serving units on other elevations have been arranged to restrict direct overlooking. In my view the balconies are acceptable as proposed, however, should the Commission be minded to grant permission, a condition similar to that of Condition No. 7 of the Planning Authority's recommendation could be attached to further safeguard privacy at balconies and terraces. I further consider that the design approach is sensitive to the site context and the character of surrounding development with the tallest element of the block in the centre of the building which steps down to the north, east and south which breaks down the scale and massing. Additionally, I consider that use of external materials and finishes further assists in breaking down the overall mass and scale of the proposed development to a degree and given that the proposal is a standalone building, the brick finishes would be acceptable. I consider that materials and finishes can be conditioned in the event of a grant and agreed with the Planning Authority.

8.2.24. Having regard to the above, I consider the design and layout of the proposed development to be appropriate and is suitable for the appeal site's specific characteristics and setting as a brownfield site situated within accessible urban locations. I am also satisfied that the design of the part-five, part-seven, part-eight

storey apartment block would represent a contemporary urban development that is consistent with policy provisions set out in the Development Plan through to national planning guidance for compact urban development on serviced lands within the built-up area of Dublin City.

8.3. Impact on Residential Amenity

8.3.1. The appellants raise concerns in respect of adverse residential amenity impacts from the proposed development on account of overbearance, overshadowing and loss of daylight and sunlight. In the interests of clarity, I shall consider each topic under the following sub-headings:

Overbearing

8.3.2. Having regard to the grounds of appeal, I note that concerns have been raised regarding the proposed development appearing incongruous, dominant and having an overbearing impact particularly from the adjoining properties at Violet Hill Drive which would result in a negative impact on the residential amenity. Concerns are also expressed that the residents in the closest dwellings at Violet Hill Drive are facing a 7-8 storey monolithic façade. The applicant's response to the appeals informs that the proposed development has increased separation distances and reduced the overall height, scale and mass of the previously refused SHD proposal have been applied as the proposal is a taller block. It is also claimed that the subject development is set back from the site boundaries to protecting the amenity and trees of Violet Hill and that the closest element of the apartment building to Violet Hill Drive has a blind façade above first floor level. The applicant has dismissed the concerns of the proposal being dominant by referring to the sloping land and claiming that the lowest dwelling in Violet Hill is at the same elevation as the 5th storey of the apartment block which results in the proposal being three to four storeys higher than the dwellings in Violet Hill with a separation distance of 36 metres. The applicant has also indicated that the design is functional and it is contended that the split levels, windows and balconies do not make the building appear as an industrial shed as claimed by appellants.

8.3.3. I have had regard to the submitted CGIs prepared at application stage, notably Views 01, 02 and 03 from within the Violet Hill Drive housing development and I would acknowledge that the proposed apartment development will represent a significant

change to this area given that the subject site is currently idle and would introduce a block with a proposed height ranging between five to eight storeys. That said, I note the proposal has been designed with the block stepping down from eight storeys to five storeys to address the surrounding built context and varying topography of adjoining lands and that the elevations have been considered to take account of potential effects from overlooking and privacy impacts. Given the proposed separation distances between the apartment block and the closest residences in Violet Hill Drive in addition to the existing tree coverage on the embankment, which is to be retained, I do not consider that the proposal would appear overbearing when viewed from within the Violet Hill housing development.

8.3.4. Therefore, whilst I accept that there would be an inevitable change in the immediate surrounding context and especially for the residential properties to the north, north-east and east of the appeal site which contain a predominance of two-storey houses; I am of the view that in established, built-up, residential areas it is to be expected that there would be contextual change arising from new development to adjacent residential properties. I have already outlined my considerations that the height and scale of the proposal is acceptable and that the apartment block would be read in its own context and setting along this section of Finglas Road. To this end, it is my opinion that the change of site context is not one that can be deemed to give rise to a significant overbearing impact.

Loss of Privacy and Overlooking

8.3.5. I note that the appeals have not expressly raised concerns in terms of overlooking or loss of privacy from the proposed development. Notwithstanding, I have had regard to the layout and configuration of the proposed apartment block and the associated units on the subject site and I am of the opinion that there is appropriate separation distances, in excess of 30 metres, between the proposed apartment block and the rear elevations neighbouring dwellings. I consider that the separation distances are above Development Plan standards and national guidelines/standards.

8.3.6. I note that upper floor balconies/terraces are positioned on all elevations respectively with the majority of balconies affixed externally to the building and some balconies are set into the building. The orientation of the proposed building is such that balconies and terraces do not directly face the rear elevations of the nearest properties in Violet

Hill Drive and Glasnevin Oaks. I also note that there are no balconies proposed on the easternmost part of the building and that the number of opes is limited to windows serving an internal corridor/hall of the block and the side windows of the kitchen/dining/living area of 6 no. apartments. The main communal terrace at first floor level is at a lower land level to the dwellings in Violet Hill Drive and surrounded by a parapet (1.2 metres). This communal area and playground would also be screened by the existing trees and vegetation on the embankment between the appeal site and thee dwellings to the east and northeast. The communal area at seventh floor level is sited on the northern extent of the proposed building and enclosed with a parapet wall. There is considerable separation from this area and neighbouring properties and I do not consider that overlooking will occur.

8.3.7. As such, I do not consider that there are any significant privacy or overlooking issues from the apartment windows and balconies or communal spaces of the proposed development to the neighbouring properties. Having regard to layout and setbacks of the proposal, I consider that there is adequate separation from the apartment units to the rear elevations of the dwellings to the north, northeast and east (Glasnevin Oaks and Violet Hill Drive) and windows have been limited on the easternmost portion of the building to reduce the perception of overlooking. In addition, I further note that the existing trees and vegetation on the embankment would provide additional screening between the development and Violet Hill Drive.

Daylight, Sunlight and Shadowing

8.3.8. The grounds of appeal claim that the submitted Daylight and Sunlight Assessment is inadequate with detailed impact analysis on adjacent windows being omitted; a conclusion that no Annual Probable Sunlight Hours (APSH) assessment is required; tight margins in terms of amenity overshadowing; limited angle assessment validity; and, loss of light to house and gardens of dwellings in Violet Hill Drive which will negatively impact on existing residences and inhabitants.

8.3.9. The applicant submitted a Daylight and Sunlight Assessment for the subject development and the assessment considers daylight to the proposed development, sunlight to the proposed development, amenity overshadowing of the communal spaces, daylight to the windows of adjacent properties and sunlight to the windows of

adjacent properties and overshadowing to adjacent gardens and open spaces. Having reviewed this assessment, I note that the Executive Summary (as revised at Additional Information stage) indicates that it has been prepared using the methodology's set out in BS EN 17037:2018 Daylight in Buildings and BRE 209: Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice. The overall conclusion states that the proposed development would provide an excellent level of daylight and sunlight provision also confirms that adjacent properties are unlikely to be significantly affected in terms of daylighting and sunlighting.

- 8.3.10. One of the appeals claim that the Daylight and Sunlight Assessment is inadequate as a detailed impact analysis on adjacent windows has been omitted. Reference is made to no Vertical Sky Component (VSC) analysis being carried out for neighbouring properties but it is contended by the appellant that the 25-degree rule is a preliminary screening tool to flag major impacts and does not automatically exempt a proposal from full VSC analysis where neighbouring properties are close to the proposed eight storey block. The appellant considers that given the height of the building in the suburban context and proximate to two-storey houses that a full VSC and Daylight Distribution (DD) analysis should have been carried out in any event. The appellant also claims some windows in neighbouring houses could still experience annual sunlight loss even if the 25 degree test is passed narrowly.
- 8.3.11. Section 5 of the applicant's Assessment relates to Daylight to Windows – Adjacent Properties. It is stated 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 is indicated as being the case if either the VSC measured at the centre of an existing main window is less than 27%, and less than 0.80 times its former value; and, if 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. According to analysis undertaken and supported by a 3D computer analysis model of the proposed development and Nos. 18-52 Violet Hill Drive (located to the immediate east and northeast of the proposed apartment building), the proposed development does not subtend an angle of more than 25° to the horizontal therefore a VSC Analysis was not required. I have had regard to applicant's

assessment and I am satisfied, based on the applicant's modelling, the windows on the west-facing (rear) elevations of properties No. 18-52 Violet Hill Drive are within the acceptable range of over 0.8 or 80% of their original values. I do note, from a review of available satellite imagery, that the applicant's assessment does not include some of the existing single storey rear extensions to a number of the properties to the east of the appeal site in Violet Hill Drive. In my opinion however, the applicant's assessment of the impact of the proposed development on the adjacent properties is not incomplete and I have formed this view based on the separation distances, the changing land levels which would not impact sky light. I do not consider that a full VSC or daylight distribution, as sought by the appellant, is required as the Decision Chart in the BRE Guide indicates that daylighting is unlikely to be significantly affected where a new development does not subtend more than 25 degree at the lowest window.

8.3.12. The grounds of appeal claim that the amenity overshadowing margins are extremely tight. It is accepted in an appeal that the analysis shows that gardens retain at least 50% sunlight for 2 hours on March 21st which is the BRE benchmark but that many units barely clear the threshold and that several gardens have results around 51-62% which are considered to be just above the minimum. An appellant has claimed that marginal compliance means even slight modelling variations or errors could push units into non-compliance. Section 4 of the applicant's Assessment relates to Amenity Overshadowing – Proposed Communal Space. I note the commentary provided refers to Section 3.3 of the BRE Guide which relates to Site Layout Planning for Daylight and Sunlight. The recommendations are that at least half of the amenity areas should receive at least two hours of sunlight on March 21st. The table provided in the assessment indicates that the 3 no. areas of Communal Open Space and the Public Open Space area all demonstrate compliance with the recommendations of the BRE Guide and I am satisfied with the analysis provided.

8.3.13. Having regard to the concerns raised in an appeal, I note that it has been claimed that the proposed development may lead to loss of light to homes in Violet Hill Drive which could negatively impact on mental health of residents. It is further claimed that the height of the building would impact on potential retrofitting of homes, such as the installation of PV panels dating from the 1970s which have a poor energy rating. In addition, it is also stated that no Annual Probable Sunlight Hours Analysis was

provided as it was deemed unnecessary by the applicant. I note that Section 6 of the applicant's Assessment relates to Sunlight to Windows – adjacent properties. According to the commentary provided, 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. It is stated that this will be the case where 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 21st September and 21st March and less than 0.80 times its former value during that period; and, has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

8.3.14. The Assessment indicates that the proposed development does not subtend the 25 degrees angle for any adjacent properties that have a window within 90 degrees of due south, in this instance Nos. 18-52 Violet Hill Drive to the east of the subject site, and therefore the Annual Probable Sunlight Hours analysis is not required. I acknowledge the findings in relation to the sunlight to windows of adjacent properties and I do not consider that an Annual Probable Sunlight Hours (APSH) assessment is required on the basis that it has been demonstrated that the proposed development will not result in a loss of sunlight to the existing residences. In addition, I do not consider that the analysis overlooked cumulative sunlight loss impacts on south facing windows of nearby by residences as claimed by the applicant on account of the siting of the proposed development to the west and southwest of the dwellings in Violet Hill Drive and in my view, there is considerable separation from the proposed development and the houses to the north of the site at Glasnevin Oaks. To this end, I am satisfied that a study has been completed in respect of the most sensitive adjoining residences to enable a robust assessment of the subject development.

8.3.15. Section 7 of the Daylight and Sunlight Assessment relates to Overshadowing to Adjacent Gardens and Open Spaces. The commentary provided in the analysis states that it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on March 21st. In addition, if as a result of a new development that an existing garden or

amenity area does not meet the above, and the area that can receive two hours of sun on March 21st is less than 0.80 times its former value, then the loss of sunlight is likely to be noticeable. The assessment contains a 3D computer analysis model of the proposed development along with Nos. 18-52 Violet Hill Drive which are located to the east and northeast of the proposed apartment building. The analysis and supporting table find that all of garden spaces of the nearest properties pass the analysis for overshadowing. From my review, I note that there will be no additional shading on these gardens as a result of the development given the separation of the proposed apartment from the residences and the orientation of the units.

- 8.3.16. Having regard to the above, I am satisfied that the applicant has suitably demonstrated that the proposed development, as presented, would not result in a significant loss of Sunlight and Daylight for surrounding properties. I consider the proposed development complies with the BRE guidelines in relation to overshadowing of the neighbouring amenity spaces and will not cause a significant negative impact on the residential amenity of the neighbouring properties due to overshadowing. Moreover, I am satisfied that the neighbouring residential properties would not be affected by the proposed development in terms of daylight or sunlight and shadow and I consider the assessment of the applicant to be adequate in accordance with best practice guidelines. Therefore, I consider that satisfactory levels of residential amenity will be maintained.
- 8.3.17. In the interests of completeness for the proposed development, I note that the assessment for daylight provision to the proposal was carried out and indicates that BS EN17037:2018 was used. It is indicated that 100% of rooms analysed met the recommended target lux levels (100 lux for bedrooms, 150 lux for dining/living rooms and 200 lux for combined Kitchen/Living/Dining (KLD)). All of the 237 no. spaces assessed (bedrooms, and kitchen/living/dining) in the proposed development exceed the target levels in BS EN 17037:2018, so the proposed development and it is contended that the development provides an excellent standard of amenity from a daylight perspective. An assessment was also undertaken in accordance with BRE 209 in relation to sunlight to the proposed development. The assessment states that 81 no. of the 89 no. apartments or 91% meet EN 17037:2018 sunlight exposure

recommendations of greater than 1.5 hours on March 21st and the sunlight provision results are considered to be excellent.

Conclusion

8.3.18. Overall, in relation to the concerns of impacts on residential amenity in the vicinity of the site, I am satisfied, having regard to the location, design and layout/positioning of the proposed building that the apartment development would not give rise in any undue diminishment to residential amenities of existing neighbouring properties, particularly in terms of overlooking, loss of privacy, overshadowing/loss of light and overbearance. Furthermore, I am of the view that the proposed development would result in the creation of an acceptable balance between protecting existing residential amenities and providing compact growth in a highly accessible urban location.

8.4. Traffic, Transportation and Parking

8.4.1. The appellants raise a number of transportation and parking concerns in relation to the proposed development. In terms of access, it is claimed that emergency vehicles will be unable to access the site due to the extent of building across the site and that refuse lorries will be unable to access the site and would be required to park in a lay-by thus impeding pedestrians and cyclists. It is further claimed that it is unclear how maintenance vehicles would enter and navigate the site. The grounds of appeal contend that the level of car parking would result in overspill within the Violet Hill estate and may hinder road safety. One of the appellants also claims that the cycle infrastructure is insufficient and hazardous for users. It is also contended that public transport is already saturated with buses often being full at peak times and that the travel times indicated by the applicant are incorrect. Additionally, this appellant states that Broombridge LUAS is not easily accessible for pedestrians as it traverses an industrial estate which is not safe and that there is no bicycle parking/City Bikes or car parking available. In the interests of completeness, I will address each of the matters under the following sub-headings:

Parking Provision

8.4.2. The grounds of appeal indicate that car parking provision is insufficient for the subject development and there is concern that overspill parking from the apartments would impact nearby roads. From review of the appeal file, I note that a total of 43 no. car

parking spaces are provided at the ground floor level to serve the proposed development, including 3 no. accessible spaces, 1 no. car share space and 1 no. delivery space. Half of the car parking spaces are EV spaces. In addition, 3 no. motorcycle spaces are also proposed to serve the development.

8.4.3. The subject site is located within Zone 2 of Map J of the Development Plan where a maximum of 1 car parking space per unit is permitted. The applicant's Transport Statement has justified the amount of proposed parking on account of the availability of public transport in the area such as bus and Luas along with cycle infrastructure in the area. I note that the report from the Transportation Planning Division of Dublin City Council had no objection to the car parking provision. In my consideration of the parking provision, I am of the view that the appeal site is in an highly accessible urban location that is well served by public transport and so the proposed car parking spaces serving the proposed development would be acceptable in this instance. I have formed this view on the basis that the site is within 150 metres of Dublin Bus stops (Tolka Vale and Ballyboggan Road) along the Finglas Road serving routes F1, F2, F3, L89 and 40D. The F-spine bus route is part of BusConnects between IKEA Ballymun and Tallaght whilst the 40D bus route runs between Tyrellstown and Parnell Street and the L89 bus route serves Broombridge and Kilsallaghan/Rivermeade Avenue. The appeal site is also 1.4km walking distance (19 minute walk) from the Broombridge rail station and LUAS terminus. I therefore consider the appeal site to be in an adequately serviced area which is proximate to public transport and Dublin City centre. Additionally, I also consider the quantum of car parking would be in accordance with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023) which inform that car parking should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport.

8.4.4. In terms of bicycle parking, I have considered the extent of bicycle parking proposed which is indicated as 176 no. residential bicycle spaces and 22 no. visitor bicycle spaces in a secure area within the ground floor level of the building. The Transportation Planning Division reviewed the bicycle parking proposed and deemed it to be satisfactory. It is my view that the parking is appropriate as it exceeds the minimum

standards as set out in the Development Plan and is acceptable in terms of its arrangement and access. Having carried out an inspection of the subject site, I note that there is an existing off-road cycle lane running along the front of the site at Finglas Road. I note that this cycle lane merges into a demarcated lane shared with the designated Bus Lane towards to the city centre however, I consider this to be part of the established cycle network and is acceptable for bicycle users.

- 8.4.5. In terms of traffic generation and parking overspill, I do not consider that the proposed apartment development of 89 no. apartments would result in significant additional vehicle movements or exceptional traffic volumes to and from the site given the urban location of the proposal. I acknowledge that the proposal may result in increased demand for car parking in this area and note that there is no parking provision along Finglas Road (R-135). That said, the extent of car parking would be known to prospective residents of the development and the control/management of car parking by private vehicles in established residential streets away for the subject site is the responsibility of the Local Authority. I am further satisfied with the sightlines provided at the proposed vehicular entrance are sufficient and that safe access/egress has been demonstrated.

Servicing

- 8.4.6. As noted, the grounds of appeal claim that emergency vehicles will be unable to access the site due to the extent of building proposed and that refuse lorries would be unable to access the site resulting in the use of a lay-by which will impede pedestrians and cyclists. It is further claimed that it is unclear as to how maintenance vehicles would enter and navigate around the site due to the extent of building on the site.
- 8.4.7. I have reviewed the servicing arrangements for the subject development and note that applicant submitted a swept path analysis for both Fire Tenders and Refuse Vehicles in response to a request for Additional Information. In terms of refuse collection, no service vehicles will be required to set down or operate from the public footpath along Finglas Road (R-135) and it has been demonstrated that such vehicles can enter the site beneath the building with sufficient clearance and can manoeuvre within the back of the site to access bin stores and exit the site in a forward motion. I am of the view that this arrangement is acceptable and in accordance with the DMURS guidance. In relation to fire tenders, such vehicles can access the front entrance of the site but

would be required to undertake a reverse movement from the entrance back onto the Finglas Road (R-135). I note the referral response from the Transportation Planning Division accepted the applicant's response regarding hose deployment at the front entrance. Additionally, it was acknowledged that the egress for the fire tender would need to reverse onto the public road but reference was made to DMURS whereby emergency vehicles are exceptional users of the street environment and, in active deployment, would be afforded priority over other road users to complete the manoeuvre. The Transportation Planning Division had 'no objection' to the proposals for fire tender access/egress. I consider that the details of access for emergency vehicles, refuse collections and service vehicles for general servicing needs (i.e. domestic/household deliveries) are adequately demonstrated. I accept the reversing manoeuvre for fire tenders onto the Finglas Road, however as outlined above, such vehicles would be afforded priority in the event of an emergency. I do not consider that the servicing arrangement would cause undue obstruction to pedestrians, cyclists, public transport or other road users.

8.5. Open Space

8.5.1. The proposed development is to be served by public open space and communal open space. The area of public open space is indicated as being 386sq.m and located in the northern extent of the site. The communal open space is indicated as 799sq.m and is arranged in a series of courtyards – 108sq.m at ground floor level; 574sq.m (terrace and play ground) at first floor level; and 117sq.m at seventh floor level. Two areas of play provision totalling 130sq.m in the form of a play area (69sq.m) at ground floor level and a playground (61sq.m) at the first floor level courtyard are to be provided. In the interests of clarity, I shall consider public open space, communal open space and play provision under separate sub-headings below.

Public Open Space

8.5.2. As noted, the public open space is indicated as 386sq.m and sited in the northern extent of the appeal site. It is indicated as a narrow sliver of landscaped space with grass, a pathway and tree planting fronting the public footpath along the Finglas Road and its junction with the Old Finglas Road. Table 15.4 of the Dublin City Development Plan 2022-2028 sets out a minimum requirement of 10% of the site area for residential developments on 'Z1' zoned lands. I note that the report of the Parks Department

considered that the proposed open space at 386sq.m is below the 10% open space requirement of the total site area (0.420ha) but that the shortfall may be made up by way of a financial contribution. It was further noted that the Daylight/Sunlight Assessment did not assess this space but that its orientation would suggest that it would be compliant.

8.5.3. In my view, the proposed open space area is disconnected from the apartment building and forms a type of residual area on the appeal site. I also consider that the open space is too small to provide an appropriate level open space to serve the development subject site from a viable recreational perspective; however, it is my opinion that the open space area would provide an enhanced amenity space for the future occupants of the scheme and the public on account of its landscaping and siting which would significantly improve the overall character at the junction between Finglas Road and Old Finglas Road. In my view, location is unsightly from a public realm perspective and so the creation of a public open space with enhanced permeability is welcomed. I note that the updated Sunlight and Daylight Assessment submitted at Additional Information stage demonstrates that this open space area would benefit from appropriate levels of natural light and I am satisfied that this area would be acceptable on account of its orientation and siting to the north of the apartment building.

8.5.4. In addressing the matter of a Material Contravention, I acknowledge that the provision of 386sq.m of open space is a shortfall of the minimum open space requirement of 10% of the site area for residential developments in areas zoned Z1 as set out in Section 15.8.6 of the Development Plan. However, under Section 15.8.7 of the Development Plan, it is stated that in some instances, it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity in lieu of open space provision on the site. Given the size of the appeal site and its irregular layout, I am satisfied with the recommendation of the Parks Department regarding the payment of a financial contribution in lieu of the shortfall of public open space and I do not consider that shortfall of public open space constitutes a material contravention of the Development Plan given that there is a clear alternative for addressing open space provision. I therefore recommend that if the Commission is minded to grant permission for the development that a suitably worded condition be attached requiring that a

financial contribution to be paid in relation to public open space as provided under Section 15.8.7 of the Development Plan.

Communal Open Space

8.5.5. In relation to the communal open space, a total of 799sq.m is to be provided in a series of courtyards with 108sq.m at ground floor level; 574sq.m (terrace and play ground) at first floor level; and 117sq.m at seventh floor level. I consider that the quantum of communal open space exceeds the requirements set out in the Apartment Standards. I note that the Parks Department was satisfied with the amount of space provided but concern was raised that the design of this communal open space was not satisfactory and that further landscaping is required to be conditioned. I consider that the proposed communal open space is acceptable in terms of its siting and layout. I do not consider that the terraces at the upper levels would cause any undue overlooking of neighbouring properties and having reviewed the updated Daylight and Sunlight Assessment, all of the communal open spaces are predicted to receive the required level of sunlight thus conforming with the BRE guidelines for Amenity Overshadowing (two hours of sunlight on 21st March in excess of 50% of the area).

Play Provision

8.5.6. In relation to play provision, a play area (69sq.m) and playground (61sq.m) is to be provided at ground floor level communal area and the first floor level courtyard respectively. This quantum of play space exceeds the requirements set out in the Apartment Standards which is indicated as between 85sq.m and 100sq.m. I note that the Parks Department highlighted that insufficient information on the play facilities was provided. In response to the Request for Additional Information, the applicant stated their willingness to provide further information with regards to play facilities by way of compliance submission on a relevant condition of a grant of planning permission. From my review of the Planning Authority's recommendation to grant permission, I note that there is no explicit reference to details of play provision/equipment. I am satisfied that the indicated location of the play provision is acceptable from a safety and surveillance perspective and it is my view that should the Commission be minded to grant permission for the development that a suitably worded condition be attached requiring that details of play facilities be provided.

8.6. Water Services and Drainage

- 8.6.1. The grounds of appeal raise concerns regarding the approval of permission where the applicant has not satisfied that there is clearance from Uisce Éireann networks and has also indicated that the Drainage Division of Dublin City Council had concern in respect of surface water management which an appellant claim has not been addressed.
- 8.6.2. The proposed development is to connect to existing services in terms of water supply, foul and surface water. In relation to water and foul connections, I note correspondence on the appeal file from Uisce Éireann indicates that the applicant engaged with Uisce Éireann via a Pre-Connection Enquiry and a Confirmation of Feasibility was issued advising that water and wastewater connections are feasible without infrastructure upgrades. The referral from Uisce Éireann acknowledged that their assets are within the site and that it is not permitted to build over same and that separation distances from public infrastructure, as per Uisce Éireann's Standards Codes and Practices must be achieved. Condition No. 12 of the Planning Authority's decision to grant permission includes requirements to locate/identify services on the site and to maintain separation distances. I consider the connection to the existing foul and water infrastructure would be acceptable having regard to the scale of the development in an existing built-up area and would unlikely constrain the existing service network. In the event of a grant of permission, a condition requiring compliance with Uisce Éireann standards/best practice can be attached.
- 8.6.3. In relation to surface water drainage, the Drainage Planning, Policy and Development Control Section (DPPDC) of Dublin City Council initially sought Additional Information on the basis of a lack of adequate information regarding the management of surface water for the development. The Drainage Division was not in favour of the proposed underground attenuation tank and requested that the applicant assess whether alternative storage mechanisms could be provided. The applicant was also requested to demonstrate how nature-based SuDS devices are to be incorporated into the management of surface water run-off for each sub-catchment within the site. In addition, it was indicated that the justification for allowing 6.4l/s discharge from the site is not acceptable and that the applicant revise the proposal to allow for a discharge rate of 2l/s/ha or Qbar, whichever is greater. The applicant's response to Additional

Information revised the proposal to prioritise surface-based and nature-based SuDS with a Blue Roof, Rainwater Gardens and Permeable Paving and reducing underground attenuation tank storage by 50%. In addition, the proposed outflow from the development was indicated as being reduced to 2.9 l/s for the overall site. I note that the second report of the Drainage Planning, Policy and Development Control Section (DPPDC) stated that it had 'no objection' to the revised proposal, subject to conditions. In this regard, I again refer to Condition No. 12 of the Planning Authority's decision to grant permission which includes requirements to comply with the requirements of the Greater Dublin Strategic Drainage Study (GDSDS) and the location/identification of surface water sewers on the site. Having regard to the information on file, I consider the proposals to be acceptable to manage surface water from the building and would adequately control drainage arising from the appeal site before discharge to public service infrastructure. In this regard, I am satisfied that a similarly worded condition is appropriate, should the Commission be minded to grant permission, to address surface water collection/disposal on the site and would be in accordance with the requirements of the Local Authority who are responsible for surface water and storm water drainage systems.

8.6.4. In relation to the distances from services, I have reviewed the appeal file and note that the engineering particulars illustrate the location of existing services in proximity to the proposed building works. I acknowledge that the prescribed 3-metre separation distance as set out in the GDSDS is to ensure protection of the services and to maintain sufficient access. Notwithstanding, it is my view that development occurring proximate to or indeed over sewers are relatively common, especially in built-up areas, and I am satisfied that there are reasonable modern engineering solutions available to ensure that damage to the services network is prevented. I further note that it is not uncommon that a development site would be surveyed at construction stage to verify the exact/precise location of sewers and that a condition requiring same would not be unreasonable.

8.7 Impacts on Biodiversity and Trees

8.7.1. The grounds of appeal outline the site's proximity to the Violet Hill Park and the River Tolka. Reference is made to the submitted Ecological Impact Assessment which states that the site is likely to be of importance for foraging bats and records of bat species

in area. The appeal also notes that no bat survey has been undertaken to determine if bats are only foraging on the site or if they are roosting on the lands. In addition, the appellant makes reference to Swifts being present on the site along with other Red listed birds. The appeal also states that amber listed species in the area which have not been mentioned include kingfisher, cormorant and swan.

Ecology

8.7.2. An Ecological Impact Assessment (EclA) was submitted with the planning application and provides details relating to methods of surveys generated from desk-based studies and a site walkover in Spring 2025. These surveys include a habitat survey to identify flora and fauna along with invasive species. The EclA outlines the baseline ecological condition with the European sites identified in proximity to the site. The assessment notes the culverted stream in the vicinity of the site and proposed method of drainage for the development. The habitat classification of the site has been identified as being scrub (WS1), artificial surfaces (BL3) and broadleaved woodland (WD1). The EclA states that no rare or protected plants were encountered but that two invasive plants species (giant hogweed and three cornered garlic) are present on the site. species of conservation significance were identified on site. In terms of fauna, the assessment states that the site does not contain any amenity grassland and there are no wet areas suitable for waders, so it is unsuitable for any of the species associated with the SPAs in Dublin Bay. A number of bird species were identified during surveys which are deemed to be common in suburban areas and it is noted that there is a possibility that birds could nest within the woodland in the north of the site and in some of the larger trees overhanging the site boundaries. In respect of terrestrial animal species, it is noted that a fox was observed on the site and there is likely a fox earth was observed in the woodland in the east of the site however, foxes are deemed to be of negligible ecological importance. The assessment informs that no badger setts were observed on the site and that no other mammals were observed. The scrub and demolition piles could be suitable for small mammals such as hedgehogs and pygmy shrew but that it is difficult to confirm their presence given their nocturnal nature. On a precautionary basis, the assessment assumes the subject site to be of Local Importance for one or more of these species, based solely on the suitability of the habitats. No amphibians/reptiles or fish/aquatic fauna were observed on the site and it

is indicated that the site is not suitable for such species. In relation to terrestrial invertebrates, the habitat is deemed to be common for suburban landscapes.

8.7.3. In relation to bats, the assessment notes that such species typically avoid urban areas with artificial lighting. With respect to potential roosts, the assessment informs that there are no buildings or mature trees within the site and that the subject lands and its immediate surroundings are of negligible importance for roosting bats. In terms of foraging / commuting habitat, the assessment acknowledges that the site inspections were undertaken outside of the recommended survey season for bats but that assumptions could be made. The River Tolka and riparian habitats are considered to be of Local Importance for foraging bats with Soprano pipistrelle likely to be abundant and common pipistrelle and Leisler's bat to be frequent. The assessment also notes that Daubenton's bat have been recorded in Glasnevin and Tolka Valley Park but that this particular species is relatively unusual in suburban areas (usually occurring only on large rivers that have little or no artificial illumination). Given the site's close proximity to the River Tolka and surrounding woodland it is deemed that the site forms a sheltered area that is likely to attract flying insects upon which bats would feed. As such, bat foraging activity is expected to be moderate to high within the site.

8.7.4. In terms of predicted impacts from the proposal, the assessment states that the majority of broadleaved woodland is located outside the of the site boundary and will not be affected. Some pruning or lopping of branches overhanging the site may be required to facilitate the works but will not significantly affect trees and so the proposed development will have an imperceptible effect on woodland habitat. There is a risk that invasives could also be spread as a result of development and site clearance works could disturb birds or mammals. In addition, lighting may have a significant ecological impact as it could prevent bats from foraging. The EclA includes a number of proposed mitigation measures for the proposal. In terms of invasive species, it is noted that an Invasive Species Management Plan has been prepared for the site and that the approaches would be consistent with best practice and regularly undertaken for construction projects. To protect birds, it is recommended that tree felling occurs outside of the nesting season. If this is not possible, an ecologist will survey the area and should nests be encountered felling/removal will be delayed. To avoid or minimise displacement of bats from high-quality feeding areas within the site and the nearby

Tolka Valley, 'bat-sensitive' lighting techniques will be implemented. The report also recommends ecological enhancement on the site with the installation of swift boxes. In terms of residual impacts arising from the proposed development, the assessment concludes that the proposal will not cause any significant negative impacts on designated sites, habitats, legally protected species, or any other features of ecological importance. The EclA also concludes by stating that the proposed development will be in compliance with policy for biodiversity net gain and green infrastructure connections on account of proposed nature-based infrastructure solutions such as the green roof, the connection of the site to wider green infrastructure network locality, retention of woodland and species sensitive lighting and incorporation of features in the building.

8.7.5. In considering the above, I am satisfied that the assessment has appropriately set out the subject development, its locational setting and legislative context and relevant ecological/habitat guidance. I also note the extent of surveys carried out and consideration of birds, bats terrestrial mammals, amphibians and plant species. Furthermore, I acknowledge the summaries presented and the assessment of any effects/mitigation required. I do not consider that the proposed development would result in significant adverse impacts/loss to wildlife. Whilst I acknowledge that it is possible for the site to potentially support limited foraging for mammals and limited nesting/roosting for birds on account of the existing trees, its overgrown condition and proximity to the River Tolka; I am of the view that the appeal site is not especially sensitive in terms of biodiversity or ecology value given the existing site context as a brownfield site adjacent to a busy regional road within a built up urban area. As such, do not consider that the proposal would result in the loss of habitat and habitat fragmentation which may affect common mammalian species. I would also be satisfied that vegetation clearance would take place outside of nesting season (March 1st – August 31st inclusive) as recommended in the EclA which would mitigate potential impacts on foraging and nesting habitat for birds. I do not consider that species such as kingfisher, cormorant and swan, as referenced by an Appellant would be impacted by the proposed development given the site setting. I also acknowledge the proposal to install Swift boxes onto the apartment building and consider them to be a welcome addition.

8.7.6. I also note the appellants' reference to the presence of bats in the area and I would acknowledge that it is possible for bats to potentially commute and forage in the area whilst potentially roosting in trees proximate to the subject site. I do note that the site inspection for the EclA was conducted in March 2025 and is accepted by the applicant's consultant that it is not an appropriate time of year to survey bats. That said, I note the assumptions provided in the assessment is based on the existing site habitats. In my view, I do not consider that the proposed development would result in negative impacts to bats on the basis of the extent of buildings works proposed adjacent to the Finglas Road which is a busy route with existing street lighting and is surrounded with residences. I also note that the established trees on the site boundaries would remain which would assist in screening the new development from the River Tolka corridor. I further note that the EclA recommends measures for bat sensitive lighting and I am satisfied, should the Commission be minded to grant permission for the subject development, that a suitably worded planning condition could be attached requiring the relevant mitigation measures be incorporated into updated Construction Environmental Management Plans.

Trees

8.7.8. In relation to trees, I note that the subject site was formerly occupied by the Royal Oak public house which was demolished a number of years ago and the site has remained idle and undeveloped in the intervening period. I am satisfied that after the removal of the building(s), the idle site has been colonised with trees, scrub and other vegetation in the central portion of the site where the apartment block is proposed. I have had regard to the submitted Landscaping Plan which indicates proposed planting and landscaping for the site along with various paving and screen planting. I note that the applicant has indicated that the existing sloping area/embankment comprising dense trees along the northeastern extent of the site is to be retained along with various groupings of trees to the eastern and southern boundaries of the site.

8.7.9. The assessment of the Planning Authority noted that a Tree Survey was not submitted with the application and that it is likely that trees along the perimeter would be impacted from development works, accordingly it was recommended that a tree survey and tree protection plan be conditioned along with a tree bond. Given the overgrown and unkempt condition of the site, clearance works would be required to accommodate the

proposed development, and I accept that there can be no realistic potential to preserve these trees in the area of the apartment block. I acknowledge that the full extent of tree removal within the appeal site, particularly in the area where the apartment block is to be developed, has not been clearly detailed. However, having regard to the development history of the site and on the basis of the subject site being principally zoned for residential development, I do not consider that it would be unreasonable for these lands to be developed for such a purpose and so I have no objection to the removal of trees within the central area of the site. That said, in the interests of clarity, should the Commission be minded to grant permission, a condition could be attached requiring the submission of a Tree Impacts Plan which sets out the number and types of trees to be removed and a Tree Protection Plan setting out the appropriate management/protection of the trees to be retained on the site.

8.8. Flood Risk

8.8.1. The grounds of appeal claim that the flood risk assessment for the subject site is inadequate and lacks assessment that reflect current and future flooding risks. It is contended by an appellant that the 'Zone C' designation cannot be relied upon and there is a risk to proceed without undertaking a justification test. It is highlighted that the site is adjacent to Flood Zones A and B (River Tolka) which is currently 'under review' by the OPW. As such, the subject site cannot be considered safe from future flood events on the absence of up-to-date information. The applicant's response to the appeal states that residential development is permitted in Flood Zone C and that the area has been 'under review' since 2017 as a result of changing hydraulic conditions but that same are not expected to affect the site and there is no history of flooding associated with the subject lands.

8.8.2. A Flood Risk Assessment was submitted with the application and informs of the site's development history, topography and presence of the Bachelor's Stream, a subterranean tributary of the River Tolka, and the River Tolka to the subject development. According to the assessment, the site is situated in Flood Zone C and that an apartment development (residential) is classified as a 'Highly Vulnerable Development' and that the site is appropriate for development without further mitigations and that a justification test is not required to be undertaken at this stage. The assessment outlines that the proposed site level (equal or higher than existing

ground level) is above the level obtained for fluvial flood risk, tidal flood risk and climate change simulation. In this regard, the site falls outside of the 0.1% AEP event (i.e. 100-year returning period event) for fluvial risk, the 0.5% AEP event (i.e. 200-year returning period event) for tidal risk and potential climate change (i.e. 20% increase in rainfall or 0.5m sea level rise).

8.8.3. The Hydrological Assessment Flood Risk Assessment indicates that the site is at a low risk of Fluvial flooding given its location in Flood Zone C. In addition, according to OPW Flood Maps, no documented potential pluvial flood risk in the direct vicinity of the subject site and that surface water will be dealt with appropriately to ensure there is no local flooding or site run-off. Moreover, the development is deemed to be at low to no risk from tidal flooding as large bodies of water are not in close proximity of our site and the River Tolka is not tidal. The report also claims that the development is not at risk of river flooding. Despite the proximity of the Tolka and the subterranean stream, the sloped nature of the site and other hydrological barriers exist which would redirect water flow from the site. In relation to Road and Network flooding, it is assumed that the site will remain at low risk from public sewer and road drainage and infrastructure failures should relevant authorities maintain their drainage networks. In terms of mitigation, no flood mitigation is required for fluvial, tidal, groundwater and surface water flooding.

8.8.4. In considering the above and having examined the Composite Flood Map included in the Strategic Flood Risk Assessment prepared in relation to the Dublin City Development Plan 2022-2028, I am satisfied that the subject site is located in Flood Zone C. I note the appellant's contention in relation to Clonee (Tolka), Mulhuddart, Dublin City (Map MR006) which is indicated as being 'Under Review' since 2017 with the description of hydraulic conditions having changed. In my view, I do not consider that this status precludes any development being considered in such areas. Overall, I am satisfied that the probability of flooding on the appeal site is low for fluvial, pluvial and coastal flooding and I consider that it has been satisfactorily demonstrated that the subject development would not be susceptible to flooding and that the proposed development would not adversely affect adjoining properties, lands and roads in this regard.

8.9. Other Matters

8.9.1. Having regard to the appeals, I shall consider the following items under the sub-headings below.

Procedural Considerations

8.9.2. An appellant has raised concerns regarding alleged irregularities in terms of the erection of the site notice lodgement of the planning particulars which has resulted in an insufficient consultation period timeframe. According to the appellant, the planning notice was erected on 5th of June 2025 but that the application documents were not uploaded to the Dublin City Council website until 10th of June 2025. Having regard to the appeal file, I note that the date on the Site Notice and Newspaper Notice is 5th of June 2025 and that the documents were date received to Dublin City Council on 5th of June 2025. I note that the Dublin City Council's online portal upload date may be the 10th of June 2025 however, given that the last date for submissions/observations is stated as 9th of July 2025, I am satisfied that third parties could engage with the planning process in accordance with planning legislation and were not prevented from making comments on the application within the submission period.

Heritage & Archaeology

8.9.3. An appeal has referred to the proposed development being adjacent to Glasnevin Cemetery, which includes a number of Protected Structures along with sites of Archaeological interest in proximity so the proposed development. It is further contended that the scale of development would be at odds with Development Plan policy. In the interest of clarity, I note that the appeal has erroneously referred to Policy SC25 however there is not such policy in the Development Plan however, the appellants wording is mainly drawn from Policy SC19 (High Quality Architecture).

8.9.4. I have reviewed the appeal file and I note that there are no recorded National Monuments on the appeal site, however, the site is in close proximity to two recorded monuments – 'Mill – unclassified' (Ref. DU018-001----) to the west and 'Bridge' (Ref. DU018-002----) to the south. A referral response was received from the Archaeology Section of the Planning Authority who raised no objection to the proposed development and recommended a condition be attached that the City Archaeologist be notified if any archaeological material is discovered during the course of site works along with

obligatory notification of the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland. I consider this condition to be reasonable and should the Commission be minded to grant permission that a condition be attached which is similarly worded to Condition No. 13 of the Planning Authority's schedule of conditions.

8.9.5. There are no Protected Structures on or immediately adjoining the site. The appellant refers to Protected Structures in Glanevin Cemetery which is to the southeast of the appeal, however, I note that these particular structures are some 900 metres from the site and would be read in the context and setting of the cemetery. On this basis I do not consider the proposed development would impact on the Protected Structures and I consider that the development has been appropriately designed in the context of the surrounding environment.

Subsidence & Land Instability

8.9.6. The grounds of appeal have raised concern in relation to potential subsidence and land instability around the embankment on the site and houses at Violet Hill Drive as a result of the proposed development. The appellants have not provided any professional reports/engineering opinions to corroborate the claims of subsidence risk and I note that the Planning Authority or the applicant have not directly addressed this matter. From my review of the appeal file, I note that no works are proposed to the tree covered embankment adjacent to the dwellings at Violet Hill Drive and in this regard, I am of the view that there is no potential for the development to damage or destabilise ground conditions in this particular sloping/raised area. Furthermore, I consider that appropriate regard would be had to ground conditions on/adjacent to the subject site as part of best practice construction methods/techniques and therefore if the Commission is minded to grant permission, that specific technical considerations could be incorporated as part of an updated Construction Environmental Management Plan should it be deemed necessary as part of a condition of permission.

Childcare

8.9.7. The grounds of appeal have raised concern in relation to the proposed development lacking contribution towards facilities and local amenities to the area, namely a creche. The assessment of the Planning Authority noted that the proposal did not include the

provision of a childcare facility and acknowledged the contention of the applicant that the development would fall under the 75 no. unit threshold on account of the unit mix. The Planning Authority also noted applicant made reference to several existing facilities within the area which serve the broader catchment area. In my view, the Planning Authority had no concerns in respect of the non-provision of childcare.

8.9.10. In considering the proposed development, I am of the view that an important element of residential development is the provision of childcare facilities. The subject development seeks permission for 89 no. apartments but does not provide a childcare facility. In accordance with the Childcare Guidelines, there is a requirement for a childcare facility at an equivalent to a minimum of 20 child places for every 75 dwelling units. Policy QHN55 of the Development Plan seeks to facilitate the provision of appropriately designed and sized fit-for-purpose affordable childcare facilities as an integral part of proposals for new residential and mixed-use developments, subject to an analysis of demographic and geographic need undertaken by the applicant in consultation with the Dublin City Council Childcare Committee.

8.9.11. Having regard to the Childcare Guidelines and particularly the Apartment Guidelines (2023), I note that there is flexibility whereby 1-bed and studio units should not be considered to contribute to a requirement for childcare provision; and, subject to location, flexibility may also apply in part or whole to units with two or more bedrooms. The proposed development comprises 34 no. 1-bed units, 50 no. 2-bed units and 5 no. 3-bed units. Therefore, I am satisfied, given the extent of 1-bed units proposed as part of this apartment development, that there is no requirement for childcare provision to be provided to serve the proposal. In the interests of clarity, I do not consider that there is a material contravention of the Development Plan as the proposed development would align with the provisions set out in Section 28 guidelines (Childcare Facilities, Guidelines for Planning Authorities 2001 and Guidelines for Planning Authorities – Design Standards for New Apartments (2023) respectively).

Social Audit

8.9.12. The appellants contend that the proposed development offers no amenity to the area in terms of a shop, creche or recreational facility. It is further indicated that the existing local amenities in the surrounding area have been overstated in the application. The

applicant's response to the appeal contends that the apartment development does not need to provide facilities.

8.9.13. In consideration of this matter, I note that Policy QHSN48: Community and Social Audit of Chapter 5: Quality Housing and Sustainable Neighbourhoods of the Development Plan seeks to ensure that all residential applications comprising of 50 or more units shall include a Community and Social Audit to assess the provision of community facilities and infrastructure within the vicinity of the site and identify whether there is a need to provide additional facilities to cater for the proposed development. In addition, Section 15.8.2 of Chapter 15: Development Standards of the Development Plan reiterates the requirement for a community and social audit in all residential applications comprising of 50 or more units. I note that no such report/audit has been provided as part of the subject application.

8.9.14. In review of the Planning Authority's assessment, I note that reference was made to a specific report which was provided under a previous application for a Build-to-Rent scheme under the SHD process (ABP Ref. 313255-22). The Planning Authority have quoted the assessment of the Inspector who determined that there was no justification to refuse permission on the ground of available social infrastructure. The assessment of the Planning Authority also contended that the requirement for a Community, Social and Cultural Infrastructure Audit as set out in the Compact Settlement Guidelines (2024) supersede the threshold of the Development Plan.

Matter of Material Contravention

8.9.15. In my view, it is evident that a Community and Social Audit should have been carried out for the subject proposal as per the requirements of Policy QHSN48 of the Development Plan but this has not been done and raises the matter of a Material Contravention of the Development Plan. The Commission should note that it may decide to grant a permission even if the proposed development contravenes materially the development plan as stated in Section 37(2)(a) of the Planning & Development Act 2000 (as amended). Having regard to Appendix C: Supplemental Information for Planning Applications in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the recommended threshold for a 'Community, Social and Cultural Infrastructure Audit' is for a Large-scale Residential Development application (in excess of 100 homes) where such an audit

has not been undertaken as part of the statutory plan making process. Taking these guidelines into account, I am of the view that the criteria for a Social Infrastructure Audit is large-scale developments over 100 units where no such audit has been prepared or exists for the Development Plan. As such, I consider that permission for the proposed development should be granted Section 37(2)(a) of the Planning & Development Act 2000 having regard to the abovenamed section 28 guidelines which were published subsequent to the adoption of the Dublin City Development Plan 2022-2028. As a further point, I am of the view that the proposed development of 89 no. apartments in a singular block on a brownfield site on serviced lands in an urban development would be acceptable and I do not consider that the subject development, on its own merits, would impact significantly on available social infrastructure in the locality to serve the community.

Impact on Telecommunications

8.9.16. One of the appeals claim that the proposal, on account of its scale and height, may impact on mobile phone reception to the neighbouring residents in Violet Hill. In note the assessment of the Planning Authority which considered that the height of the block would cause any undue negative impact on microwaves-telecommunications on or bird flight. In consideration of this matter, I would acknowledge that tall buildings have the potential to significantly impact on phone signal due to building height which may obstruct signal from telecommunication antennae and decrease signal strength. It is also my view that the external finishes to a build such as mass concrete or metal cladding may impact on reception. However, I also consider that undulating land levels and tall vegetation, such as mature tree coverage may also impact on signal/reception. It is my opinion that the size/height of the building would not be to such a scale that it would impact upon telecommunications. The subject site is in a generally low-lying area and there are a number of multistorey buildings in the area. Additionally, I note that the existing eastern and southern boundaries of the site contain mature trees. On this basis, I do not consider that the proposed development would exacerbate any issues in terms of phone signal or telecommunications. As a further point, I also note that taller buildings can be utilised for antennae and boosters at roof level and so, if there was a need to aid signal, I am of the view that this could be achieved separate to the current proposal.

Overdevelopment

8.9.20. As previously outlined, the grounds of appeal claim that the proposed development would unnecessarily impose an incongruous dominant and overbearing apartment building that would fail to integrate with the surrounding area and impact on neighbouring residents the Violet Hill housing estate. One of the appeals highlights a planned new development of 6,0000 homes in Ballyboggan which is proximate to the subject site. In addition, references are also made to other apartment/residential developments in the locality and in the administrative area of Dublin City which are contended to be of a lower height and scale to the proposed development and would be more appropriate for the site.

8.9.21. In consideration of these matters raised, I would note that I am assessing the subject proposal which is before the Commission on its own individual merits and against the provisions of the operative Development Plan and current development standards. In my opinion, the consideration of established or historic developments in the area or in other parts of the administrative area of Dublin City are beyond the remit of this report as such developments would have been considered on their own respective merits. With regard to the appellant's reference to a planned development at Ballyboggan, I am of the view that this relates to the Ballyboggan Masterplan, a non-statutory Draft Masterplan for urban regeneration on lands in Dublin Industrial approximately 250 metres to the south of the site (as the crow flies) which was prepared by Dublin City Council and on public display between April and May 2025. I do not consider that this Draft Masterplan inhibits consideration of the subject development on the appeal site nor is it indicative that the proposal would result in the overdevelopment of the area.

Plot Ratio and Site Coverage

8.9.22. With regard to plot ratio and site coverage, I note that Table 2: 'Indicative Plot Ratio and Site Coverage' as pertained in Appendix 3: 'Achieving Sustainable Compact Growth Policy for Density and Building Height in the City' of the Development Plan to be relevant. The indicative Plot Ratio and Site Coverage for 'Outer and Residential Areas' is stated as being 1.0-2.5 and 45%-60%. The applicant has illustrated that the plot ratio for the subject development is 2.5 and that the site coverage is 54.4%. Whilst I note that the appellants' claim that the proposal would constitute over development of the site, I am of the view that both the site coverage and plot ratio is in accordance

with the Development Plan for a residential area. Additionally, I further note that the Development Plan informs that higher plot ratio and site coverage may be permitted in certain circumstances such as adjoining major public transport corridors, where an appropriate mix of residential and commercial uses is proposed and the facilitation of comprehensive re-development in areas in need of urban renewal. With this in mind, I consider the plot ratio and site coverage to be appropriate for the subject site given its intended residential use and its brownfield status adjacent to a high-capacity public transport corridor.

Planning Authority Conditions

8.9.23. As previously noted, permission for the subject development was granted by Dublin City Council, subject to 21 no. conditions. In my view, many of the planning conditions reflected in the planning authority's recommendation are standard in nature and would be appropriate for a residential/apartment development. This report has outlined matters where particular elements of the proposal require conditioning and I am satisfied that such items can be incorporated to the proposed development should the Commission be minded to grant permission. I am satisfied that any items which require specific parts could be agreed in writing by the planning authority, prior to the commencement of development and would not be significant or material to the overall development.

9.0 Appropriate Assessment (Screening)

9.1. Introduction

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

- Compliance with Article 6(3) of the EU Habitats Directive.
- Screening the need for Appropriate Assessment.

9.2. 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).

9.3. Screening the need for Appropriate Assessment

An Appropriate Assessment Screening exercise has been completed (see Appendix 3 of this). In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this Appropriate Assessment screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC and North Bull Island SPA, in view of the conservation objectives for these respective sites, which are therefore excluded from further consideration. Therefore, it is considered that Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed works and the standard operational practice measures that would be implemented regardless of proximity to a European Site.
- The limited connectivity between the application site and the nearest European Sites as a result of significant distance, dispersal and dilution factors.

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

10.0 **Water Framework Directive**

10.1. The subject development comprises the construction of 89 no. apartments in a part-five, part-seven, part-eight storey block and all associated site works. The impact of the proposed development in terms of the Water Framework Directive is set out in

Appendix 4 of this report. The appeal site is located on brownfield lands which were formerly occupied by a public house, now demolished, on Finglas Road in Glasnevin, Dublin 11. The site is generally flat but does contain an embankment on the eastern portion of the site and gently slopes in a north to south direction. The subject development is indicated as connecting to the existing water supply and that foul will be connected to sewer network. Surface water will include SUDs measures (including Blue Roof, Rainwater Gardens and Permeable paving) along with the provision of on-site attenuation discharging to the surface water sewer.

10.2. In Appendix 4 of this report, I have outlined potential pathways to the relevant waterbodies and potential impacts at construction and operational stages. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project and the associated mitigation measures set out by the applicant, I am satisfied that it can be eliminated from further assessment because there is no residual risk to any surface and/or groundwater water bodies, either qualitatively or quantitatively.

10.3. The reasons for this conclusion are as follows:

- The nature and scale of the proposed works on mainly residential zoned lands;
- The distance between the proposed development and relevant bodies, and/or the hydrological connectivity to same;
- The various measures included as part of the application to address surface water, wastewater and construction activity.

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

11.0 Recommendation

11.1. I recommend that the decision of the Planning Authority be upheld and that permission be GRANTED, subject to conditions, for the reasons and considerations below.

12.0 Reasons and Considerations

12.1. Having regard to:

- The site's location on lands predominantly zoned 'Z1' where residential development is 'permissible use';
- The policies and objectives in the Dublin City Development Plan 2022-2028;
- The nature, scale and design of the proposed development which would make efficient use of an underutilised serviced brownfield site in an urban area of Dublin City;
- The pattern of existing development in the surrounding area of the Finglas Road;
- The relevant provisions of the National Planning Framework – First Revision (2025), the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Urban Development and Building Heights Guidelines for Planning Authorities (2018), and, Guidelines for Planning Authorities – Design Standards for New Apartments (2023);
- The contents of the appeals received;

It is considered that subject to compliance with the conditions set out below, the proposed development would provide an acceptable form of residential amenity for future occupants, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, density, building height and overall quantum of development and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

<p>1.</p>	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 5th June 2025 and as amended by further information submitted on 13th October 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Coimisiun Pleanála for determination.</p> <p>Reason: In the interest of clarity</p>
<p>2.</p>	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
<p>3.</p>	<p>The measures identified and contained within the submitted Environmental Impact Assessment (EclA), Invasive Species Management Plan, and all other plans and particulars submitted with the application shall be implemented in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interests of clarity, and of protecting the environment and public health.</p>
<p>4.</p>	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit full details for the collection and disposal of surface water from the site for the written agreement of the planning authority.</p>

	Reason: In the interest of public health and surface water management.
5.	<p>The internal road network serving the proposed development, including turnabout areas, junctions with the public road, parking areas, footpaths and kerbs, home and signage, shall be in accordance with the detailed construction standards and requirements of the Local Authority for such works and with the relevant provisions of the Design Manual for Urban Roads and Streets (DMURS). In default of agreement, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: In the interests of amenity and of traffic and pedestrian safety.</p>
6.	<p>No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts, or other external plant other than those shown on the drawings hereby approved unless authorised by a prior grant of planning permission.</p> <p>Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.</p>
7.	<p>All service cables associated with the proposed development (such as electrical, telecommunications, and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
8.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing existing trees which are proposed for retention; measures for the protection of these landscape features during the construction period; the species, variety, number, size and locations of all proposed trees and shrubs; the details of screen planting; green roof design; and, hard landscaping works, specifying surfacing materials, furniture (including play equipment) and finished levels.</p>

	<p>(b) Specifications for any mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p> <p>(c) A timescale for implementation including details of phasing.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
<p>9.</p>	<p>(a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.</p> <p>(b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.</p> <p>Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.</p>
<p>10.</p>	<p>Any external lighting for the scheme shall comply with the recommendations for E3 locations as per the ILE's Guidance Note 1 for the Reduction of Obtrusive Light (2021), with bat-sensitive lighting techniques to be incorporated into the lighting plan for the proposed development to avoid or minimise effects on foraging bats.</p> <p>Reason: In the interests of amenity and public safety, and wildlife protection.</p>

11.	<p>Prior to the commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
12.	<p>(a) Residential car parking spaces shall be permanently allocated to residential use and shall not be sold, rented, or otherwise sub-let or leased to other parties.</p> <p>(b) The bicycle parking quantity shall be provided as per the bicycle parking standards of the Dublin City Development Plan 2022-2028 and shall comply with SPPR 4 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Resident cycle parking spaces shall be secure, conveniently located, sheltered, and well lit. Key/fob access shall be required to resident bicycle compounds. All cycle parking design including visitor parking shall allow both wheel and frame to be locked. Electric bike charging facilities within the resident cycle parking areas shall be provided. All cycle parking shall be in situ prior to the occupation of the development.</p> <p>Reason: To ensure that adequate car and bicycle parking facilities are available to serve the proposed development.</p>
13.	<p>The construction of the development shall be managed in accordance with an updated Construction & Environmental Management Plan (CEMP) which shall be placed on the file and retained as part of the public record. This plan shall provide details of intended construction practice for the development, including:</p> <p>(a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</p> <p>(b) location of areas for construction site offices and staff facilities;</p> <p>(c) details of site security fencing and hoardings. Hoardings shall include a one square metre area on each frontage detailing site management contact details;</p>

	<p>(d) details of on-site car parking facilities for site workers during the course of construction;</p> <p>(e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</p> <p>(f) measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>(g) measures to prevent the spillage or deposit of clay, rubble, or other debris on the road network;</p> <p>(h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any road or footpath during the course of site development works;</p> <p>(i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;</p> <p>(m) a record of daily checks that the works are being undertaken in accordance with the Construction & Environmental Management Plan shall be kept for inspection by the Planning Authority;</p> <p>(n) a community liaison officer shall be appointed for the duration of the construction works.</p> <p>Reason: In the interests of amenities, public health, and safety.</p>
14.	<p>(a) During the construction phase, the proposed development shall comply with British Standard 5228 ' Noise Control on Construction and open sites</p>

	<p>Part 1. Code of practice for basic information and procedures for noise control.'</p> <p>(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.</p> <p>Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.</p>
<p>15.</p>	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
<p>16.</p>	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement</p>

	<p>of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
17.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the local authority.</p> <p>Reason: In order to safeguard the residential amenities of properties in the vicinity.</p>
18.	<p>If, during the course of site works any archaeological material is discovered, the City Archaeologist should be notified immediately. Further, it is obligatory under the National Monuments Act that the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland are notified.</p> <p>Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed within the site in the course of development.</p>
19.	<p>Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p>

	Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas
20.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
21.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
22.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development</p>

	<p>Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
23.	<p>The developer shall pay to the planning authority a financial contribution of €200 per unit as a contribution in lieu of a shortfall of the public open space requirement in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment.</p> <p>Reason: It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>
24.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to</p>

	<p>the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of [three] years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiun Pleanála for determination.</p> <p>Reason: To secure the protection of trees on the site.</p>
25.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
26.	<p>The developer shall pay to the Planning Authority a financial contribution in respect of the extension of Luas Cross City Scheme, in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer</p>

or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Matthew O'Connor

19th March 2026

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	PL-500370-DN-25
Proposed Development Summary	Removal of carpark, associated areas of hard-standing surface and construction materials on site and construction of 89 no. apartments, car parking spaces with all site services, site infrastructure and site development works.
Development Address	Site at the former Royal Oak Public House, Finglas Road & Old Finglas Road, Glasnevin, Dublin 11, D11 FX60
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	Class 10 (b)(i) Construction of more than 500 dwelling units.
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10 (b)(i) Construction of more than 500 dwelling units - The proposed development is subthreshold as it relates to the construction of a residential development comprising 89 no. apartment units.</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input checked="" type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	PL-500370-DN-25
Proposed Development Summary	Removal of carpark, associated areas of hard-standing surface and construction materials on site and construction of 89 no. apartments, car parking spaces with all site services, site infrastructure and site development works.
Development Address	Site at the former Royal Oak Public House, Finglas Road & Old Finglas Road, Glasnevin, Dublin 11, D11 FX60
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposal comprises a residential development on a brownfield site on the Finglas Road in Glasnevin, Dublin 11.</p> <p>The size of the development, which seeks 89 no. apartments in an individual apartment block on a site of 0.420ha would not be described as exceptional in the context of the existing urban environment.</p> <p>The proposal will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster. The site is located in Flood Zone C.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The proposed development is situated on a brownfield site which was formerly occupied by a public house (now demolished) on zoned lands in an urban area along the Finglas Road in Glasnevin, Dublin 11. The prevailing character of the area is predominantly residential with apartment style developments being constructed over the last number of years on the Finglas Road with established two-storey conventional dwellings served by the adjoining road network.</p> <p>There are no significant environmental sensitivities in the vicinity. The River Tolka is proximate to the site which outflows to Dublin Bay and potential impacts on the Natura 2000</p>

	network is addressed under Appropriate Assessment (Screening).
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature and scale of the proposed development (i.e. a residential development comprising 89 no. apartment units on residential zoned lands in the administrative area of Dublin City), there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3

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	Removal of carpark, associated areas of hard-standing surface and construction materials on site and construction of 89 no. apartments, car parking spaces with all site services, site infrastructure and site development works.
Brief description of development site characteristics and potential impact mechanisms	<p>The appeal site is located on the eastern side of the Finglas Road in Glasnevin, Dublin 11. The surrounding area is characterised by mainly residential uses. The appeal site a brownfield site and was the formerly a public house prior to demolition. The site is generally flat with an embankment to the rear (east) and levels falling gently from north to south.</p> <p>There is a subterranean watercourse, the Bachelor's Stream, which has been culverted beneath/adjacent to the subject site. The River Tolka is approximately 30 metres to the west of the site and this river runs beneath the Finglas Road (R-135) to the south of the site and continues eastward to the sea at Dublin Bay.</p> <p>Surface water will be collected by a series of SUDs measures and will connect to existing sewer network.</p> <p>Water supply will be provided from the Uisce Eireann public mains.</p> <p>Foul will connected to the existing Uisce Eireann sewer network.</p>
Screening report	Yes - Submitted with the application.
Natura Impact Statement	Not submitted.
Relevant submissions	The Dublin City Council Planner's Report concluded that no appropriate assessment issues arise and that the proposed development would not be likely

to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

The Commission received a number of submissions from third parties at application stage who raised concerns about impacts on species and local biodiversity. No specific concerns were raised in the third party appeals with respect to impacts on Natura 2000 sites.

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

The European Sites potentially within a zone of influence of the proposed development are listed in the table below.

European Site (code)	Qualifying interests (Feb 2026)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
South Dublin Bay SAC (Site Code: 000210)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC	Approx. 6.7km	Yes. A weak hydrological pathway exists between the site and this SAC via potential surface water discharges to the River Tolka (40m west of the subject site) which flows in to Dublin Bay; ground water flows to the River Tolka downgradient of the subject site, and, the sewer system (foul and storm water) to serve the site will be treated at a WWTP and ultimately	Yes

			discharge to Dublin Bay.	
South Dublin Bay and River Tolka Estuary SPA (Site Code: 004042)	To maintain the favourable conservation condition of Light-bellied Brent Goose; Oystercatcher; Bar-tailed Godwit; Ringed Plover; Knot; Sanderling; Dunlin; Redshank; Black-headed Gull; Roseate Tern; Common Tern; Arctic Tern; and, wetland habitat as a resource for the regularly occurring migratory waterbirds that utilise it in South Dublin Bay and River Tolka Estuary SPA. Grey Plover is proposed for removal from the list of Special Conservation Interests for South Dublin Bay and River Tolka Estuary SPA. As a result, a site-specific conservation objective has not been set for this species.	Approx. 4.26km	Yes. A weak hydrological pathway exists between the site and this SPA via potential surface water discharges to the River Tolka (40m west of the subject site) which flows in to Dublin Bay; ground-water flows to the River Tolka downgradient of the subject site, and, the sewer system (foul and storm water) to serve the site will be treated at a WWTP and ultimately discharge to Dublin Bay.	Yes
North Dublin Bay SAC (Site Code: 000206)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide; Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>); Mediterranean salt meadows (<i>Juncetalia maritimi</i>); and, Petalwort in North Dublin Bay SAC. To restore the favourable conservation condition of Annual vegetation of drift	Approx. 7.14km	Yes. A weak hydrological pathway exists between the site and this SAC via potential surface water discharges to the River Tolka (40m west of the subject site) which	Yes

	lines; Salicornia and other annuals colonizing mud and sand; Embryonic shifting dunes; Shifting dunes along the shoreline with Ammophila arenaria ('white dunes'); Fixed coastal dunes with herbaceous vegetation ('grey dunes'); and, Humid dune slacks in North Dublin Bay SAC.		flows in to Dublin Bay; groundwater flows to the River Tolka downgradient of the subject site, and, the sewer system (foul and storm water) to serve the site will be treated at a WWTP and ultimately discharge to Dublin Bay.	
North Bull Island SPA (Site Code: 004006)	To maintain the favourable conservation condition of 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; and, Wetland in North Bull Island SPA.	Approx. 7.1km	Yes. A weak hydrological pathway exists between the site and this SPA via potential surface water discharges to the River Tolka (40m west of the subject site) which flows in to Dublin Bay; groundwater flows to the River Tolka downgradient of the subject site, and, the sewer system (foul and storm water) to serve the site will be treated at a WWTP and ultimately discharge to Dublin Bay.	Yes

I note that there is a range of other Natura 2000 sites in the surrounding area, however, having considered the Source-Pathway-Receptor model and the nature and scale of the proposed development, I do not consider these or 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

Construction Phase

During the construction Phase, surface/ground water run-off containing silt/sediments, hydrocarbons and/or other chemicals and pollutants could inadvertently be released into ground or over the land and into the River Tolka and ultimately to the coast comprising the South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA. That said, having regard to the nature and scale of the proposed works on a brownfield site; the separation distance between the appeal site and the ditch itself; along with the considerable separation and dilution factors on the eventual hydrological route between the subject site and the Natura 2000 sites (c. 4km), I consider that this potential pathway is insignificant.

Operational Phase

Surface water will be collected and controlled through a series of SUDS measures in accordance with standard surface water management practices. It will connect to the existing sewer network. Having regard to the nature and scale of the proposed development including the proposed surface water management proposals, and the considerable separation and dilution factors along the ultimate hydrological route between the appeal site and the Natura 2000 sites (in excess of 4km), this potential pathway is considered to be insignificant.

Wastewater will be diverted to the existing foul sewer and I note that Uisce Eireann have not indicated any constraints in terms of upgrades or capacity. I am satisfied that there is adequate capacity in the foul network. Accordingly, I consider that the potential for likely significant effects on these Natura 2000 sites as a result of the wastewater discharge can be excluded.

Water will be supplied via the existing public mains and I am satisfied that water supply requirements would not significantly affect these waterbodies and the associated Natura 2000 sites. As such, I consider that the potential for likely significant effects on these Natura 2000 sites as a result of the water supply can be excluded.

I consider that all of the proposed measures associated with the site servicing (i.e. surface water, wastewater, and water supply) to be standard practice and would be essential elements of the proposed development that would be implemented regardless of proximity to a European Site. In other words, such works are not mitigation measures for the purposes of Appropriate Assessment Screening.

Other Effects

Although the construction and operational stages of the subject development will lead to some increased disturbance, I do not consider that any Natura 2000 sites are within the disturbance Zone of Influence. Having regard to the nature and size of the appeal site and its considerable separation distance from Natura 2000 sites, I do not consider that there is potential for significant ex-situ effects for any of the species / qualifying interests.

The proposed development, in my view, can be considered as a standalone development on the subject site and is not associated to any other development in the area. That said, I acknowledge that the potential for significant cumulative and/or in-combination effects with other plans/projects must be considered. I note that the applicant’s Screening for Appropriate Assessment report which was submitted at application stage states that as the proposed development poses no risk of impacts on European sites in isolation, the risk of in-combination effects can also be ruled out. In my consideration of the proposal, I have considered the effects of other existing developments, particularly in relation to the effects relating to water supply, surface water, and wastewater as discussed through this screening exercise. I have also had regard to the Dublin City Development Plan 2022-2028 and associated zoning/land-use maps and note that the Development Plan was subject to Appropriate Assessment (Natura Impact Report) in Volume 6 relating to some 25 no. European Sites.

Having regard to the foregoing, I consider that there is capacity to accommodate the cumulative / in-combination effects while excluding the potential for likely significant effects on Natura 2000 sites.

Appropriate Assessment - Screening Matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1: South Dublin Bay SAC (Site Code: 000210)</p> <p>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>	<p>Direct: None</p> <p>Indirect: Negative impacts (temporary) on surface/ground water quality due to construction related emissions including increased sedimentation and construction related pollution. Negative impacts (long-term) on surface / ground water quality due to operational run-off.</p>	<p>The project is located on lands in proximity to the River Tolka which is hydrologically connected to the Natura 200 network.</p> <p>Significant construction effects as a result of surface water quality impacts are not likely having regard to the scale of the development and its significant separation from the SAC. The operational effects relating to surface</p>

		<p>water, water supply and wastewater are not likely having regard to the scale of the development; the contained nature of the subject site the application of standard operational practice measures that would be implemented regardless of proximity to a European Site; and the significant distance, dispersal and dilution factors between the appeal site and the SAC.</p> <p>It is unlikely that the project could generate impacts of which could affect habitat quality within the SAC for the SCIs listed and the conservation objectives would not be undermined.</p>
<p>Site 2: South Dublin Bay and River Tolka Estuary SPA (Site Code: 004042)</p> <p>Light-bellied Brent Goose (Branta bernicla hrota)</p> <p>Oystercatcher (Haematopus ostralegus)</p> <p>Ringed Plover (Charadrius hiaticula)</p> <p>Grey Plover (Pluvialis squatarola)</p> <p>Knot (Calidris canutus)</p>	<p><u>Direct:</u></p> <p>None</p> <p><u>Indirect:</u></p> <p>Negative impacts (temporary) on surface/ground water quality due to construction related emissions including increased sedimentation and construction related pollution.</p> <p>Negative impacts (long-term) on surface / ground water quality due to operational run-off.</p>	<p>The project is located on lands in proximity to the River Tolka which is hydrologically connected to the Natura 200 network.</p> <p>Significant construction effects as a result of surface water quality impacts are not likely having regard to the scale of the development and its significant separation from the SPA.</p> <p>The operational effects relating to surface water, water supply</p>

<p>Sanderling (Calidris alba)</p> <p>Dunlin (Calidris alpina)</p> <p>Bar-tailed Godwit (Limosa lapponica)</p> <p>Redshank (Tringa totanus)</p> <p>Black-headed Gull (Chroicocephalus ridibundus)</p> <p>Roseate Tern (Sterna dougallii)</p> <p>Common Tern (Sterna hirundo)</p> <p>Arctic Tern (Sterna paradisaea)</p> <p>Wetland and Waterbirds</p>		<p>and wastewater are not likely having regard to the scale of the development; the contained nature of the subject site the application of standard operational practice measures that would be implemented regardless of proximity to a European Site; and the significant distance, dispersal and dilution factors between the appeal site and the SPA.</p> <p>It is unlikely that the project could generate impacts of which could affect habitat quality within the SPA for the SCIs listed and the conservation objectives would not be undermined.</p>
<p>Site 3: North Dublin Bay SAC (Site Code: 000206)</p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Annual vegetation of drift lines</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae)</p>	<p><u>Direct:</u></p> <p>None</p> <p><u>Indirect:</u></p> <p>Negative impacts (temporary) on surface/ground water quality due to construction related emissions including increased sedimentation and construction related pollution.</p> <p>Negative impacts (long-term) on surface / ground water quality due to operational run-off.</p>	<p>The project is located on lands in proximity to the River Tolka which is hydrologically connected to the Natura 200 network.</p> <p>Significant construction effects as a result of surface water quality impacts are not likely having regard to the scale of the development and its significant separation from the SAC.</p> <p>The operational effects relating to surface water, water supply</p>

<p>Mediterranean salt meadows (Juncetalia maritimi)</p> <p>Embryonic shifting dunes</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes)</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>Humid dune slacks</p> <p>Petalophyllum ralfsii (Petalwort)</p>		<p>and wastewater are not likely having regard to the scale of the development; the contained nature of the subject site the application of standard operational practice measures that would be implemented regardless of proximity to a European Site; and the significant distance, dispersal and dilution factors between the appeal site and the SAC.</p> <p>It is unlikely that the project could generate impacts of which could affect habitat quality within the SAC for the SCIs listed and the conservation objectives would not be undermined.</p>
<p>Site 4: North Bull Island SPA (Site Code: 004006)</p> <p>Light-bellied Brent Goose (Branta bernicla hrota)</p> <p>Shelduck (Tadorna tadorna)</p> <p>Teal (Anas crecca)</p> <p>Pintail (Anas acuta)</p> <p>Shoveler (Anas clypeata)</p> <p>Oystercatcher (Haematopus ostralegus)</p>	<p><u>Direct:</u></p> <p>None</p> <p><u>Indirect:</u></p> <p>Negative impacts (temporary) on surface/ground water quality due to construction related emissions including increased sedimentation and construction related pollution.</p> <p>Negative impacts (long-term) on surface / ground water quality due to operational run-off.</p>	<p>The project is located on lands in proximity to the River Tolka which is hydrologically connected to the Natura 200 network.</p> <p>Significant construction effects as a result of surface water quality impacts are not likely having regard to the scale of the development and its significant separation from the SPA.</p> <p>The operational effects relating to surface water, water supply and wastewater are not</p>

Golden Plover (Pluvialis apricaria)		likely having regard to the scale of the development; the contained nature of the subject site the application of standard operational practice measures that would be implemented regardless of proximity to a European Site; and the significant distance, dispersal and dilution factors between the appeal site and the SPA. It is unlikely that the project could generate impacts of which could affect habitat quality within the SPA for the SCIs listed and the conservation objectives would not be undermined.
Grey Plover (Pluvialis squatarola)		
Knot (Calidris canutus)		
Sanderling (Calidris alba)		
Dunlin (Calidris alpina)		
Black-tailed Godwit (Limosa limosa)		
Bar-tailed Godwit (Limosa lapponica)		
Curlew (Numenius arquata)		
Redshank (Tringa totanus)		
Turnstone (Arenaria interpres)		
Black-headed Gull (Chroicocephalus ridibundus)		
Wetland and Waterbirds		
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4: Conclude if the proposed development could result in likely significant effects on a European site.		
I conclude that the proposed development (alone) would not result in likely significant effects on the South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC and North Bull Island SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.		
No mitigation measures are required to come to these conclusions.		

Screening Determination

Finding of no likely significant effects

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

This determination is based on:

- The nature and scale of the proposed works and the standard operational practice measures that would be implemented regardless of proximity to a European Site.
- The limited connectivity between the application site and the nearest European Sites as a result of significant distance, dispersal and dilution factors.

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

Appendix 4: Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref.	PL-500370-DN-25	Townland, address	Site at former Royal Oak Public House, Finglas Road & Old Finglas Road, Glasnevin, Dublin 11, D11 FX60
Description of project		Removal of carpark, associated areas of hard-standing surface and construction materials on site and construction of 89 no. apartments, car parking spaces with all site services, site infrastructure and site development works.	
Brief site description, relevant to WFD Screening		<p>The site is located on the lands of the former Royal Oak public house on the Finglas Road in Glasnevin, Dublin 11. It is a brownfield site that is presently undeveloped with hardstanding and stockpiles of material from the demolished Royal Oak building. The topography is generally flat but the site does gently slope from north to south and the rear area site has an overgrown embankment. The majority of the site is zoned 'Z1' Sustainable Residential Neighbourhoods with a small portion of the zoned 'Z9' - Amenity/Open Space Lands/Green Network in the Dublin City Development Plan 2022-2028. There is a subterranean watercourse (Bachelor's Stream) beneath the site which is indicated as being culverted and connects to the River Tolka which flows from west to east to the south of the site. The site boundaries contain a mix of temporary security fences, railings and trees. The subject site is located approximately 4.26km from the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC, the North Bull Island SPA and the North Dublin Bay SAC are approximately 7km from site. The bedrock aquifer category is stated as being Locally Important and is indicated as having a 'High Vulnerability' groundwater vulnerability in this area. There is a subterranean watercourse, the Bachelor's Stream adjacent to/traversing the appeal site in a north-south direction before joining the River Tolka. The submitted documentation states that this watercourse is 40 metres from the site but the precise location of this watercourse is not illustrated on maps. The River Tolka is approximately 30 metres to the west of the site and this river runs beneath the Finglas Road (R-135) to the south of the site. The River Tolka runs eastward approximately 4.4km before entering the Dublin Bay.</p>	

Proposed surface water details	<p>Surface water will be provided by way of SUDs measures discharging to the sewer network. The subject development includes permeable paving, planters, attenuation tanks, a blue roof and green roof to deal with water arising from the development before connecting to sewers.</p> <p>The purpose of SuDs measures is essentially to mimic natural drainage, which is reduced due to the introduction of man-made surfaces such as buildings and footpaths/roads. Therefore, SuDs measures aim to assist with the slowing down of run-off which in turn reduces the potential for flooding and to also improve the water quality of surface waters and storm water run-off in line with the Water Framework Directive.</p>
Proposed water supply source & available capacity	Mains water connection. Uisce Eireann has provided a report stating the applicant has engaged with Uisce Éireann via a Pre-Connection Enquiry and Uisce Éireann can confirm that a Confirmation of Feasibility (CDS25002028) has been issued to the applicant advising that water and wastewater connections are feasible.
Proposed wastewater treatment system & available capacity, other issues	New connection to public sewer. Uisce Eireann provided a report stating that the applicant has engaged with Uisce Éireann via a Pre-Connection Enquiry and Uisce Éireann can confirm that a Confirmation of Feasibility (CDS25002028) has been issued to the applicant advising that water and wastewater connections are feasible. No capacity issues are identified, and no upgrade works are required.
Others?	The site is within Flood Zone C. A Flood Risk Assessment was submitted with application and indicates that the site is at low risk from fluvial flooding, no documented potential pluvial flood risk, low to no risk from tidal flooding, not at risk from river flooding, no added flood risk from groundwater flooding and assumed to be at low risk from road/network flooding depending on maintenance of services by relevant authorities.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g. at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	Adjacent to/beneath site	Bachelor's Stream	At Risk	Poor	Urban Run-off Urban Waste Water	Potential run-off from the surface water drainage into the

		IE_EA_09T0 11100			Diffuse Sources Run-Off Combined Sewer Overflows	ground connecting and to subterranean stream.
River Waterbody	25m to the west	Tolka IE_EA_09T0 11100	At Risk	Poor	Urban Run-off Urban Waste Water Diffuse Sources Run-Off Combined Sewer Overflows	Surface water run-off.
Groundwater Waterbody	Under-lying site	Dublin	Review	Good	Agriculture, Urban Run-Off and Hydromorphological pressures	Potential run-off from the surface water drainage into the ground.
Transitional	4.4km to east	Tolka Estuary	At Risk	At Risk	Agriculture, Urban Run-Off and Hydromorphological pressures	Potential run-off from the site and connection via River Tolka.
Coastal	10km to east	Dublin Bay	Not at Risk	Good	None identified	Potential run-off from the site and connection via River Tolka.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						
CONSTRUCTION PHASE						

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Bachelor's Stream IE_EA_09T0 11100	Surface water run-off	Water pollution: Run-off during site works, hydrocarbon spillages This could result in a deterioration of surface water quality during site preparation and construction stages.	Standard Construction Measures / Conditions including the implementation/ adherence with CEMP	No. Having regard to the scale of development and requirement for appropriate construction management measures, I am satisfied there would be no significant risk to the watercourse.	Screened out.
2.	Surface	Tolka IE_EA_09T0 11100	As above.	As above.	As above.	No. Having regard nature and setting of the development and the requirement for appropriate construction management measures, I am satisfied that there would be no significant risk to this watercourse.	Screened out.
3.	Ground	Dublin	Potential pathway	Reduction in groundwater quality: Resulting from	As above.	No - appropriate construction/ management	Screened out.

			exists via the ground.	pollution of surface water run-off by spillages/run-off.		measures can be applied and so I am satisfied that there would be no significant risk to groundwater	
4.	Transitional	Tolka Estuary	Potential pathway from pollutants being carried from the site to the estuary via the River Tolka.	Water pollution from hydrocarbon spillages	As above.	No.	Screened out.
5.	Coastal	Dublin Bay	Potential pathway from pollutants being carried from the site to the coast via the River Tolka.	Water pollution from hydrocarbon spillages	As above.	No.	Screened out.
OPERATIONAL PHASE							
1.	Surface	Bachelor's Stream IE_EA_09T0 11100	Surface water run-off.	Hydrocarbon spillages. Failure of drainage network and SUDs features.	Standard Construction Measures / Conditions. Storm/Surface water management	No. I am satisfied that the collection and treatment of surface water, in principle, could be adequately managed on site and that there will be no significant	Screened out.

					Connection to Uisce Éireann service network.	pollution risks to this watercourse.	
2.	Surface	Tolka IE_EA_09T0 11100	Surface water run-off.	Hydrocarbon spillages. Failure of drainage network and SUDs features.	As above.	No. I am satisfied that the collection and treatment of surface water, in principle, could be adequately managed on site and that there will be no significant pollution risks to this watercourse.	Screened out.
3.	Ground	Dublin	Pathway exists via drainage.	Reduction in groundwater quality from pollution or the failure of the service network.	As above.	No. I am satisfied that the collection and treatment of surface water, in principle, could be adequately managed on site and that there will be no significant pollution risks to groundwater.	Screened out.
4.	Transitional	Tolka Estuary	Potential pathway exists between site and Tolka River.	Water pollution from hydrocarbon spillages	As above.	No. I am satisfied that the proposed collection/treatment of surface water, in principle, could be managed on site with no significant pollution risks.	Screened out.

5.	Coastal	Dublin Bay	Potential pathway exists between site and Tolka River.	Water pollution from hydrocarbon spillages	As above.	No. I am satisfied that the proposed collection/treatment of surface water, in principle, could be managed on site with no significant pollution risks.	Screened out.
DECOMMISSIONING PHASE							
1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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