



Development	Permanent change of use of previously vacant basement to a Medically Supervised Injecting Facility as previously granted on a temporary basis under Reg. Ref. 4121/18 / ABP-312618-22.
Location	13/14 Merchants Quay (Riverbank Building), Dublin 8
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB5521/25
Applicant(s)	Merchants Quay Ireland (Homeless & Drugs Services)
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Patrick Coyne
Observer(s)	Cllr. Michael Pidgeon
Date of Site Inspection	22 nd May 2026
Inspector	Catherine Dillon

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1.0 Site Location and Description

- 1.1. The subject site comprises a detached three storey building over a basement, set back from the established building line on the south side of Merchant's Quay and to the south of the River Liffey. The building also known as Riverbank building is currently occupied on the upper floors by Merchant Quays Ireland (MQI) homeless, health and addiction support services, and the basement by a Medically Supervised Injecting Facility.
- 1.2. The Riverbank building forms part of a larger block along Merchants Quay which extends from Wood Quay/Winetavern Road to the east and to Ushers Quay to the west. Cook Street lies to the south of the subject site and runs parallel to Merchants Quay.
- 1.3. Immediately to the west of the site is the Four Courts Hostel which has a multi storey car park to its rear which is accessed from Cook Street. To the east of the subject site separated by a vehicular access (Skipper's Lane) is the Franciscan Friary complex containing its Church and associated buildings. The Church has a vehicular entrance (accessed by a fob) onto Cook Street. There is also a vehicular access onto this lane from Merchant's Quay.
- 1.4. Abutting the subject premises to its rear are a block of four storey apartments with windows facing onto Skipper's Lane. To the west of the apartments is St.Audeon's National School which fronts onto Cook Street. There is a vehicular access into the school, which serves a small car parking area to the eastern boundary of the school next to the apartments. The pedestrian access into the school is on the western side of the school.
- 1.5. The surrounding uses within the immediate area comprise a mixture of civic, residential, religious, amenity, educational, health care, tourist and commercial uses reflective of the site's city centre location.
- 1.6. There are a number of high frequency bus routes serving this stretch of Merchant Quays, and the Four Courts Luas Stop is located c.350m to the north of the site. Heuston Train Station is c.1.2km to the west of the site. The site addresses the River Liffey Conservation Area to the north of Merchants Quay and the site lies within the Liberties area of the city.

2.0 Proposed Development

- 2.1. The proposed development is for the permanent change of use of the previously vacant basement at Riverbank building at Nos. 13/14 Merchants Quay which was granted a temporary 18-month planning permission by the Commission (ABP Ref: 312681-22), to a Medically Supervised Injecting Facility (MSIF). It is stated there are no physical changes proposed to the building or layout, or intensification of use from that granted in the temporary permission.
- 2.2. The planning application was accompanied by a planning report which provided the following:
- Background to the nature of the MSIF facility,
 - Data on the operation and patterns of use of the premises,
 - Details, composition and copy of minutes of the Stakeholder Forum meetings,
 - Feedback/observations to the operation of the facility from the stakeholder partners,
 - An independent interim 6 month report on the evaluation of the MSIF from Queens University Belfast (QUB), commissioned by the HSE,
 - It is stated a complete evaluation will take 18 months to complete and will include an evaluation of the MSIF, a child impact assessment and any potential changes in the environment. QUB and Trinity College Dublin (TCD) have been appointed to complete this research.
- 2.3. The background and nature of the MSIF is summarised as follows:
- The MSIF commenced operation at the premises on 22nd December 2024 and the 18 month period will expire in June 2026.
 - The MSIF is Ireland's first medically supervised injecting facility operating under the Misuse of Drugs (Supervised Injecting Facilities) Act 2017.
 - The operation of the facility will continue to be subject to licence under the provisions of the Misuse of Drugs (Supervised Injecting Facilities) Act 2017. This licence is granted by the Minister of State, Department of Health with

responsibility for Public Health, Wellbeing, and the National Drugs Strategy, in accordance with the Misuse of Drugs Act 2017.

- The Misuse of Drugs Act 2017 was enacted on 16 May 2017 and allows for the licensing of a medically supervised injecting facility in Ireland.
- The Act defines a supervised injecting facility as '*a facility operated by a licence holder where authorised users may consume drugs by injection*' and the Act enables the Minister to issue licences to operate a supervised injecting facility. The legislation was enacted, '*to provide for the establishment, licensing operations and regulations of supervised injecting facilities for the purposes of reducing harm to people who inject drugs in public places; to reduce the incidence of drug injection and drug related litter in public places and thereby to enhance the public amenity for the wider community.*'
- Merchant Quays Ireland (MQI), are a voluntary organisation and were chosen by the HSE to operate this service, on an initial 18 month pilot basis.
- The facility is open to any person who injects drugs and is free of charge, and provides a structured, medically supervised environment.

2.4. The planning report provided details of the proposed use of the premises for the facility which is summarised as follows:

Reception room

The client presents at reception and registers at the facility. After assessment and registration, individuals wait in the reception area which has a waiting/seating area, before being permitted to enter into the injection room.

Injection room

This is a clinical area comprising 7 injection cubicles/booths. Each service user is assigned a private booth and provided with sterile injecting equipment. Nurses are present to provide harm reduction advice, and offer guidance as needed. Each booth has secure built-in sharp bins for needles/syringe disposal. Staff monitor for any adverse reactions or signs of overdose. The user typically remains in the booth for up to 15 minutes post injection.

Aftercare/Observation room

This room provides an area where people can relax and be monitored for approximately 30 minutes post injecting, where they have access to staff and nurses are present, and can avail of refreshments. Users also have access to medical care, crisis and counseling interventions (if requested), and where referrals to social services/housing/treatment can occur.

The premises also contains a staff office & breakout room, staff WC and a further 4 WCs and plant room.

Patrols

The MQI Community Engagement Team (CET) carry out regular high visibility patrols in the area around the facility, to collect drug paraphernalia, engage with people who may be using drugs and provide a point of contact with the community.

2.5. An activity report was submitted which was carried out during the first 9 months (Jan-Sept 2025) of the premises being in operation and is summarised as follows:

- In total 1,189 individuals used the MSIF facility, in which 10,723 visits were made up to September 2025.
- On a monthly basis the number of clients increased from 165 in Jan to 380 in Sept 2025.
- The average number of daily visits has increased from 16.9 in Jan to 51.8 visits in Sept.
- The highest peak was in August at 57.1 average visits per day.
- Average peak hours are 10.00-11.59 weekdays and 12.00-16.59 at weekends.
- 51% of the clients used the facility on more than one occasion in the 1st quarter, increasing to 57.7% in the 3rd quarter.
- Clients between the ages 25-44 years represent the largest cohort age group.
- The highest percentage of clients live in temporary/emergency accommodation 23.2%, followed by 18.3% living with friends and 15.3% rough sleeping in the 3rd quarter of 2025.

- Heroin is the most common substance used at the service (69.3% in 3rd quarter).
- There were a total of 179 (non fatal) overdoses, and 3 ambulance call outs since the premises opened.
- Since the operation of the facility, 20 clients have been referred to another MQI service, the highest being to the Mental Health Team.
- Of the 60 incident reports recorded from Jan-Sept , the highest number (23) related to aggression.
- The Community Engagement Team (CET) carried out 589 patrols from Jan-Sept.

2.6. It is stated the MSIF hours of operation would continue as currently which are:

- Monday to Friday: 08.30 - 12.30 & 14.00 - 19.00 hours.
- Saturday & Sunday: 12.00-19.00

2.7 The planning report also submitted a map identifying homeless and support services within 750m of the subject site.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. On 17th December 2025, Dublin City Council issued a notification of their decision to grant planning permission for the proposed development subject to 4 conditions.

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

Condition 2: Development to operate in compliance with all conditions attached to the previous permission on site, Reg: Ref: 412/18 & ABP -312618-22.

Condition 3: The use of the basement level of the development shall continue to be restricted to a Medically Supervised Injecting Facility, unless otherwise authorised by a prior grant of planning permission.

Condition 4: Developer to comply with requirements set out in the Codes of Practice from the Drainage Division, Transportation Division and the Noise & Air Pollution Section.

3.2. **Planning Authority Reports**

3.2.1. Planning Report

The planning report dated 16th December 2025, considered the proposal was permissible within the Z5 Development Plan zoning objective for the site as it was a building for the health, safety and welfare of the public, and having regard to the provisions of the Dublin City Development Plan the development would not materially contravene the policies and objectives of the Plan.

The report noted the submitted documentation with the planning application and acknowledged that the facility has provided positive outcomes for the public realm, and the operators have engaged with stakeholders and the community. It was considered the MSIF complemented the long-established network of social support services support in the area and addresses a demonstrable need, reducing harm and improving amenity in an area affected by drug use.

Conclusion

Overall, the report concludes having regard to the positive outcomes of the facility to date, the strategic mixed use city centre location, that the use is consistent with national and international best practice, provides a critical need, contributes to public health and the public realm, and that a permanent permission would provide stability and consolidate to the aforementioned gains.

The development would not impact on Natura 2000 sites and there would be no significant effects on the environment.

3.2.2. Other Technical Reports

Drainage Division: Report dated 6/11/2025: No objection to the development.

Environmental Health Officer: Report dated 1/12/2025: No objection in principle, providing the applicant adheres to best practice to limit noise from the facility.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland (TII): Submission dated 14/11/2025: The proposed development falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme - Luas Cross City (St. Stephen's Green to Broombridge Line) under S.49 Planning and Development Act 2000, as amended. If

the above application is successful and is not exempt, include a condition to apply the Section 49 Luas Line Levy.

3.4. **Third Party Observations**

Two third party submissions were received during the assessment of the planning application, one from a local resident objecting to the development, and one from an elected representative supporting the development. I have reviewed both these submissions and confirm the issues raised continue to form the basis of the appeal, which are detailed in Section 6 below.

4.0 **Planning History**

4.1. **ABP Ref: 305315-19 & P.A Ref: 4121/18:** ABP granted planning permission on 23rd December 2019 for a temporary 3 year period for a Medically Supervised Injecting Facility (MSIF) in the basement of the subject premises. This permission was subject to a Judicial Review by St. Audeon's NS Board of Management. The decision was quashed by order of the High Court perfected on 2nd December 2021.¹ The appeal was subsequently remitted to the Board for reconsideration, primarily to assess the impact of the development on the adjoining St.Audoen's school. A new file number ABP Ref: 312618-22 was assigned to the development.

4.2. **ABP Ref: 312618-22 & P.A Ref: 4121/18:** Temporary planning permission was granted by ABP on 21st December 2022, for the use of an existing vacant basement to a Medically Supervised Injecting Facility (MSIF) at Riverbank Building, Merchant's Quay (the subject site). Conditions of note to the grant of planning permission by the Board include the following:

Condition No. 2 of this permission specified that the use of the premises as a Medically Supervised Injecting Facility shall cease on or before the expiration of a temporary period of 18 months from the date of first operation, unless before the end of that period, permission for the continuance of the use beyond that date shall have been authorised by way of a separate grant of permission.

Reason: To allow a review of the development and enable the impact of the development to be assessed having regard to the amenity and sustainability of the

¹ [2021]IEHC 453

local neighbourhood, including the local school and other community facilities, the resident community, the local economy including tourism business and the public realm in general.

Condition No. 3: The Night Café facility shall not operate within the subject building, unless as otherwise granted by way of a separate application for permission.

Reason: In the interest of clarity and to control the scale and extent of services and activity on the subject site.

Condition No.4: Restricted the use of the basement to a Medically Supervised Injecting Facility, unless as otherwise agreed.

Reason: In the interest of clarity.

Condition No.5: The development shall be managed and operated in accordance with the measures outlined in the Public Realm and Community Engagement Plan (June 2019) and the Operations Plan (June 2019) as submitted to the planning authority on the 28th day of June 2019.

Reason: To ensure the efficient operation of the facility and to protect amenity and safety of the local neighbourhood, including the local school community and other community facilities, the resident community, the local economy including tourism business, and the public realm in general.

This permission expires in June 2026.

- 4.3. **P.A. Reg. Ref. 0392/17:** The Temple Bar Company sought a declaration as to whether the use of the premises of Merchants Quay Ireland at Riverbank Court, Merchants Quay Dublin 8, as a supervised injecting facility is or is not development and if it is development, whether it is exempted development. By Order dated 6th November 2017, DCC decided that the proposed development is not exempt from the requirement to obtain planning permission.
- 4.4. **ABP Ref. PL29S.228820 (P.A. Reg. Ref 5850/07):** A Section 139 appeal by the Franciscan Social Justice Initiative against conditions attached to DCC's decision to grant permission in March 2008, at the Riverbank Centre for a change of use of the subject premises from children's court, to day-care centre for social services, dining, administration and other healthcare services.

The Board decided on 10th October 2008, to remove Condition no. 9 and amend conditions Nos. 2 and 3 as follows:

Condition No. 2 was amended to omit the temporary 4 year permission but required details to be submitted regarding off street waiting area, CCTV installation, StreetLink Service area, and the removal of bus stop away from the entrance to the building and supervision of off street waiting area.

Condition No. 3 was amended to require the cessation of other existing facilities at Cook Street and Wine Tavern Street on the commencement of the opening of the Riverbank Centre.

Condition No.9, related to the submission to DCC of an annual report and plan outlining the details of the Streetlink service and confirm measures to be put in place to ensure funding of the service.

5.0 Policy Context

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

- 5.1.1. The Dublin City Development Plan 2022-2028 is the operative plan for the area and came into effect on 14th December 2022.

Zoning:

The subject site is zoned 'Z5-City Centre' within the Development Plan with an objective 'to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design, character and dignity.'

- 5.1.2. Section 14.7.5 of the Development Plan outlines the primary purpose of this use zoning is to sustain life within the centre of the city through intensive mixed use development. The strategy is to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night. As a balance, and in recognition of the growing residential communities in the city centre, adequate noise reduction measures must be incorporated into development, especially mixed-use development, and regard should be given to the hours of operation.
- 5.1.3. The relevant policies and objectives in the assessment of this appeal include the following:

SC2- City's Character

To develop the city's character by (inter alia):

- cherishing and enhancing Dublin's renowned streets, civic spaces and squares;
- developing a sustainable network of safe, clean, attractive streets, pedestrian routes and large pedestrian zones lanes and cycleways in order to make the city more coherent and navigable and creating further new streets as part of the public realm when the opportunities arise.

QHSN10- Urban Density

QHSN13 -Healthy Dublin City Framework & the Healthy Ireland Framework 2019-2025

To support the Healthy Dublin City Framework and the Healthy Ireland Framework 2019-2025 in promoting a long-term vision of improving the physical and mental health and well-being of the population at all stages of life.

QHSN14- High Quality Living Environment

To support the entitlement of all members of the community to enjoy a high quality living environment and to support local communities, healthcare authorities and other bodies involved in the provision of facilities for groups with specific design/ planning needs.

QHSN20 – Community Facilities for People with Specific Planning and Design Needs

To facilitate the provision of community facilities for people with specific planning and design needs, such as family resource centres, Traveller resource centres, youth centres and youth cafes, skateboarding areas and kids clubs subject to compliance with normal planning criteria.

QHSN27-Homeless Action Plan 2022-2024, a Framework for Dublin

To support the implementation of the Homeless Action Plan 2022-2024, a Framework for Dublin or any subsequent review and the Housing First National Implementation Plan 2022-2026 and support related initiatives to address homelessness.

QHSN28 Temporary Homeless Accommodation and Support Services

To ensure that all proposals to provide or extend temporary homeless accommodation or support services shall be supported by information demonstrating that the proposal would not result in an undue concentration of such uses nor

undermine the existing local economy, resident community or regeneration of an area. All such applications shall include: a map of all homeless services within a 750 metre radius of the application site, a statement on the catchment area identifying whether the proposal is to serve local or regional demand; and a statement regarding management of the service/facility.

In this regard Section 15.13.9 refers to hostels/sheltered accommodation/family hubs, and states that an over-concentration of non-tourist hostel accommodation, homeless accommodation, social support institutions and family hubs can potentially undermine the sustainability of a neighbourhood and so there must be an appropriate balance in the further provision of such developments and/or expansion of such existing uses in electoral wards which already accommodate a disproportionate quantum. Accordingly, there is an onus on all applicants to indicate that any proposal such development will not result in an undue concentration of such uses, nor undermine the existing local economy, the resident community, the residential amenity, or the regeneration of the area.

Applications for such uses are required to include the following:

- A map of all homeless and other social support services within a 750m radius of application site.
- A statement on catchment area, i.e. whether proposal is to serve local or regional demand and estimation of expected daily clients.
- A statement regarding security and operational management of the service/facility including hours of operation.
- Assessment of the impact on the public realm and quality environment.

Conditions may be attached to a grant of permission limiting the duration of the permission and the use on a temporary basis.

QHSN29: Temporary Accommodation Located in the City Centre

To ensure a review of the existing provision of temporary/homeless accommodation in the city centre, with a specific regard to Dublin 1, 7 and 8. The aim of which should be to reduce the overconcentration of services in those locations and to provide more temporary/homeless accommodation in areas not currently providing such services. There will also be a general presumption against the development and expansion of any new temporary/homeless accommodation services within Dublin 1, 7 and 8, including adaptation of tourist hostels and hotels, in acknowledgement of the existing

concentration of such uses. Nothing of this policy will interfere with the Council's humanitarian obligation to provide suitable emergency accommodation to those in need.

QHSN47-High Quality Neighbourhood and Community Facilities

To encourage and facilitate the timely and planned provision of a range of high-quality neighbourhood and community facilities which are multifunctional in terms of their use, adaptable in terms of their design and located to ensure that they are accessible and inclusive to all. To also protect existing community uses and retain them where there is potential for the use to continue.

QHSN52-Sláintecare Plan

To support the Health Service Executive and other statutory, voluntary, private agencies and community based services in the provision of appropriate healthcare facilities - including the system of hospital care and the provision of community-based primary care facilities, mental health, drug and alcohol services and wellbeing facilities including Men's Sheds - and to encourage the integration of healthcare facilities in accessible locations within new and existing communities in accordance with the government Sláintecare Plan.

QHSN60- Community Facilities

To support the development, improvement and provision of a wide range of socially inclusive, multi-functional and diverse community facilities throughout the city where required and to engage with community and corporate stakeholders in the provision of same.

CEE14-Quality of Place

To recognise that 'quality of place', 'clean, green and safe', is crucial to the economic success of the city, in attracting foreign and domestic investment, and in attracting and retaining key scarce talent, residents and tourists.

BHA9- Conservation Areas

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.

Changes of use will be acceptable where in compliance with the zoning objectives where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications and will promote compatible uses which ensure future long-term viability.

GI33- River Liffey

To recognise the unique character, importance and potential of the River Liffey to the city and to protect and enhance its civic, ecological, amenity, historical and cultural connections. To promote the sustainable development of this key resource for amenity and recreational uses in and along the river and its development as a green corridor in the city. In this regard, Dublin City Council will work with river based organisations and relevant stakeholders who use the river.

Liberties Strategic Development Regeneration Area

The site is located within the Liberties Strategic Development Regeneration Area and Chapter 13 of the Development Plan sets out the overarching framework and guiding principles of this designated Strategic Development Regeneration Area. The subject site is not identified as a key site within this framework. The framework however seeks to support the provision of community/cultural uses and undertake an audit of community infrastructure in the Liberties area in order to identify additional community needs.

5.2. National and Regional Policy

5.2.1. National Planning Framework (NPF) First Revision

NPO 36: Support the objectives of public health policy including the Healthy Ireland Framework and the National Physical Activity Plan, through integrating such policies, where appropriate and at the applicable scale, with planning policy.

NPO 38: Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration

and greater accessibility in the delivery of sustainable communities and the provision of associated services.

5.2.2. 'Reducing Harm, Supporting Recovery – A health-led response to drug and alcohol use in Ireland 2017-2025' sets out the Government's integrated strategy to address the harm caused by substance misuse in our society up to 2025. It highlights a recognised problem with street injecting in Ireland, particularly in Dublin City centre, which poses a significant health risk for people who use drugs, and results in discarded needles which presents a public health risk to others. Objective 2.2.29 aims to provide enhanced clinical support to people who inject drugs and to mitigate the issue of public injecting. This is to be delivered by establishing a pilot supervised injecting facility and evaluating the effectiveness of the initiative.

5.2.3. Regional Spatial & Economic Strategy (RSES) for Eastern & Midland Region

RPO 9.14: Local authorities shall seek to support the planned provision of easily accessible social, community, cultural and recreational facilities and ensure that all communities have access to a range of facilities that meet the needs of the communities they serve.

5.2.4. Section 28 Guidelines

Development Management Guidelines for Planning Authorities, June 2007

5.3. **Natural Heritage Designations**

The appeal site is located c. 3.5km from the South Dublin Bay and River Tolka Estuary SPA and c. 4km from the South Dublin Bay SAC. There are other Natura 2000 sites in the wider Dublin Bay area.

6.0 **EIA Screening**

6.1.1. The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

7.1.1. A third party submission was received from Patrick Coyne on the following summarised grounds:

Statutory objections have not been met

- Development does not meet Section 35A of the 2025 Act which requires the protection of the public realm in areas of socio-economic vulnerability such as Merchant's Quay.
- Development does not contain any independent social economic assessment, from Gardaí for example.
- Applicants own community engagement data contradict claims of improved public realm outcomes, recording discarded needles, crack pipes, recurring public injections, and persistent street drinking within a small catchment area of the surrounding streets.

Misapplication of Z5 zoning

- The planner's report treats the MSIF as a generic 'healthcare' use and fails to address its distinct externalities, such as public injecting, congregation, litter and street disorder.
- No cumulative appraisal of impacts on tourism, commercial viability, pedestrian safety, civic character or the public realm.
- Zoning analysis is therefore incomplete.

Cumulative Impacts not assessed

- There are at least 24 social-support and addiction related services within 750m of the site.
- No meaningful indicators of improved neighbourhood conditions such as reductions in public injections, street dealing or disorder was provided.
- The planning assessment fails to consider the cumulative burden on the local community which is contrary to the Development Plan which seeks to have a balanced distribution and avoidance of over concentration and high quality living environment.

Exclusion of Article 20F emergency accommodation

- Article 20F emergency accommodation was excluded from the service count on the basis that such uses constitute ‘accommodation’ rather than ‘services’.
- Such accommodation operates as a service-intensive social support use typically featuring, on site management support, welfare interventions, addiction related referrals and daily supervision, security and significant footfall.
- Excluding this accommodation creates a loophole.

Boundary Misalignment and absence of a Viable Governance Framework

- Boundary is between 2 distinct DCC administrative areas and 2 separate Garda districts which undermines oversight, enforcement and public realm management.
- The facility is not contained within a single administrative zone, & no single agency has clear responsibility.
- Application provides no governance plan or assessment of boundary driven risks, does not capture cross boundary impacts, and therefore governance is unmanageable, enforcement unfeasible and public realm cannot be protected.

Stakeholder engagement

- Submissions have relied on statutory bodies and public organisations aligned with the project.
- No independent data from residents, businesses or publication of dissenting views falling short of Section 11C of the 2025 Act.
- No evidence of substantive engagement with the adjacent school regarding child safety, safeguarding concerns or mitigation measures contravening Section 35A and policies SN1, QHSN10, CHC and CEE of the Development Plan.
- No minutes, submissions, or records of concerns from the school are provided among the 8 stakeholder observations.

Evaluation and impacts of the use

- Evidence relates to internal operational measures while omitting outcomes that matter to the wider community such as reduction in public injecting, reductions in street dealing, improvements in neighbourhood safety and addition and recovery outcomes.
- Interim evaluation acknowledges incomplete data sets, absence of demographic information and limited community involvement.
- 18 month independent review has not been completed, is not independently assessed and has not been published.
- Statutory review is procedurally unsound.
- Limitations of the evidence base presents high levels of non-fatal overdoses as positive rather than analysing market changes, drug purity trends, treatment uptake and addiction severity.

Proximity to a Primary School

- Although a school representative is listed as part of the Stakeholder Forum, there is no evidence of substantive engagement.
- There is no child safety assessment, environment audit, incident mapping or consultation with parents and school.
- No mitigation measures were co-developed with the school and no assessment with regards to children's routes, visibility of drug related activity, environmental safety and safeguarding risks.
- This contravenes Section 35A, and policies SN1, QHSN10, CHC & CEE of the Development Plan and the expectation of a child impact assessment as part of the 18 month evaluation.

Inadequate Appropriate Assessment

- Given the site's proximity to the River Liffey and potential indirect pathways to Natura 2000 sites, the conclusion that no Stage 2 Appropriate Assessment is required lacks a precautionary approach.

Conclusion

Respectively requests An Coimisiún Pleanála:

- Require completion and publication of the full statutory 18 month evaluation.
- Require a new planning application supported by independent certified socio-environmental data.
- Mandate a full cumulative impacts assessment for the surrounding area, that ensures transparent and representative community consultation, including residents, schools and businesses.
- Require a child safety and public realm assessment.
- Require a cross boundary governance plan (Garda & DCC) with a single point of accountability and integrated monitoring.
- An appendix was attached with a list of legislation.

7.2. Applicant Response

7.2.1. A response to the third party appeal was received from the applicant's agents and includes the following:

- The applicant's agent sets out the site context, the planning authority decision and key points from this decision, and an itemised response to the first party's submission. The submission also attached 3 appendices.
- Appendix 1 contains an independent academic research paper from the International Journal on Drug Policy relating to the assessment of the MSIF at Merchant Quays carried out between Sept 2024-April 2025 regarding its impact on discarded needles, public disorder, public injecting, loitering and drug related litter within a 500m radius of the facility,
- Appendix 2 is an updated MQI information pack dated February 2026 which also includes an Interim Report on the evaluation of the MSIF from Queen's University Belfast (QUB), details of the Stakeholder Engagement forum and minutes up to November 2025, and

- Appendix 3 includes an email from the HSE outlining the requirements of the HSE in an evaluation report of the operation of the service at 6 and 18 months including a child impact assessment.
- The applicant's submission is summarised as follows:

Introduction

- Grounds raised are unfounded, subjective, and have no basis in statutory planning terms.
- Many of the arguments are based on misinterpretations of policy, or on hypothetical scenarios that fall outside the scope of the application or the determination of DCC or ACP.
- Third party appeal fails to raise any material planning considerations.

Statutory and Zoning Considerations

- Appellant refers to Section 35A of the 2025 Act. No statutory provision exists within the Planning and Development Act 2000, as amended, Planning & Development Act 2024 or the Planning & Development 2025 (Amendment) Act or associated regulations.
- The application is supported by a robust and multi evidential base demonstrating public realm and amenity outcomes arising from the MSIF.
- This evidence is supported by independently certified operational data by the HSE, third party stakeholder submissions and peer reviewed research.
- Appellant references the existence of drug related issues within the wider urban area whilst failing to acknowledge the MSIF exists to intercept, manage, and reduce these activities within the public realm.
- In the absence of the MSIF, drug related materials and activities would remain unmanaged within streets, lanes and public spaces.
- Information from other MSIF type facilities in other jurisdictions identifies the positive impact of reducing the visibility of drug related activities in public areas, relative to a baseline scenario if no facility exists.

- Reference is made to an attached independent academic assessment in the International Journal of Drug Policy (Appendix 1), entitled 'Dublin's supervised injecting facility'.
- The conclusions of this academic research are quoted extensively in the submission, but in summary it emphasizes that the research carried out at the appeal premises aligned closely with those observed for a MSIF in Vancouver relating to the positive impacts of supervised injection facilities in reducing public syringe litter, and that the facility adds to the international evidence base demonstrating the positive effects of MSIF, after a relatively short period, and should provide reassurance for those jurisdictions considering such an approach.
- This research, taken together with updated operational data (Appendix 2) and stakeholder submissions provide clear evidence that the MSIF contributes to the public realm safety and amenity.
- The applicants zoning argument that the P.A misapplied the Z5 zoning objective and incorrectly classified the MSIF as a generic health care use, misrepresents the P.A. assessment and the established planning history of the site.

Social Services Concentration and 20F accommodation

- The evidence of social service support and addictive related services in the area was presented as part of the planning application and considered by the P.A..
- The permanent change of use of the MSIF will not add a new unrelated use to the area but will maintain an existing, established and complementary function within the long standing MQI service cluster.
- This is the only Medically Supervised Injecting Facility in Ireland and therefore cannot contribute to an over concentration of similar services.
- The appellant has not identified any omission in the P.A assessment nor demonstrated that the continuation of the MSIF materially alters the existing balance of uses in the area.

- The concentration analysis was submitted to comply with Section 15.13.9 of the DCDP which requires a map of all homeless and other social support services within a 750m radius of an application site. P.A did not consider there to be any deficiencies in the analysis presented.
- The application relates solely to the permanent continuation of a use that has already been assessed, permitted, and operational. The cumulative impacts of that use were evaluated both under the parent permission and in the P.A's consideration of the current proposal.
- Reference is made to the previous Inspector's comments that acknowledges there is a high concentration of homeless accommodation in the area and that the MSIF facility would represent a minor increase in the concentration of homeless and social support services in the area.
- The MSIF does not introduce a new category use nor does it materially alter the established pattern of development in the area.

Boundary Misalignment

- Operational arrangements between statutory bodies, including policing structures and service coordination, are not matters for the determination of under the planning system.
- The operation of the MSIF has been subject to ongoing engagement and oversight by relevant statutory bodies including Garda Síochána and DCC.
- A formal submission by An Garda Síochána was provided as part of the planning application documentation which confirms that no issues of concern had arisen in relation to the operation of the MSIF from a policing perspective.
- DCC has over the last 2 years chaired a Merchants Quay Engagement meeting which was convened to discuss the development, opening and operation of the MSIF on a quarterly basis, and includes An Garda Síochána, HSE, Dept of Health, and on most occasions the Minister of State for Public Health, Well Being and the National Drugs strategy.

- The MSIF has been operational for over a year without any identified governance failures, enforcement gaps or cross boundary impacts of the nature alleged by the appellant.

Stakeholder Engagement

- Sections 11C and 35A of the 2025 Act do not exist within the Planning and Development Act 2000, as amended, Planning & Development Act 2024 or the Planning & Development 2025 (Amendment) Act or any associated regulations, and a failure to comply with statutory provisions that do not exist cannot constitute a material planning consideration.
- The MSIF Stakeholder Forum was established in advance of the facility becoming operational and meets on a regular basis, records minutes and is a transparent mechanism for information exchange and includes representation from the local community, school, business, non statutory and statutory representatives, to ensure the efficient operation of the MSIF and to protect amenity and safety of the local neighbourhood.
- A representative of the local school has been a participating member of the Stakeholder Forum and matters relating to the school, safety, local conditions and operational concerns have been discussed within the forum and addressed through agreed operational measures.
- No objection or submissions from the school has been lodged indicating any resolved concerns.
- Appellant has not provided any evidence to suggest the school has raised outstanding issues with the facility.

Evaluation and Timing

- The completion or publication of the 18 month evaluation is a separate health and licensing regime required under the Misuse of Drugs (Supervised Injecting Facilities) Act 2017 and is not a statutory prerequisite for the determination of a planning application. They are both distinct processes.
- The planning system is concerned with land use impacts and the proper planning and development of an area, whereas the health-led evaluation

process relates to clinical effectiveness, service outcomes and public health oversight.

- It was prudent to submit the planning application in October 2025, to ensure the permission did not lapse and that the facility could continue to operate and allow the planning process to run its course including the possibility of an appeal.
- MSIF has been operating for a substantial period, the P.A were provided with operational data of the facility, stakeholder material, and interim evaluation findings in which to form a robust planning assessment.
- No demonstrable harm has been identified during the operation of the facility.

Potential Impacts

- The performance of the facility during the temporary permission period provided an evidence-based basis for assessing real world impacts rather than hypothetical scenarios.
- The P.A had before it submissions from AGS, Dublin Fire Brigade and the HSE which confirmed that no public safety concerns had arisen in connection with the facility, that emergency call outs had been reduced, no increase in disorder, congregation or criminal activity associated with the facility.
- The relationship with the adjacent school was considered under the parent permission and as part of the permanent permission.
- MQI has implemented specific operational safeguards to protect students, staff and the school environment including, continued engagement with the school, deployment of targeted controls around the area, pilot arrangement for a second Garda to patrol the area, and the school is represented in the Stakeholder Forum providing a direct and ongoing channel for engagement and issue resolutions.
- There have been no recorded incidences at the school to date since the facility started, the school did not make a submission to the application or to MQI's stakeholder email regarding concerns/issues since the operation commenced.

- HSE has confirmed a child impact assessment is being undertaken as part of the of the 18 month operational evaluation of the facility under the Misuse of Drugs Act 2017.
- The MSIF has operated without giving rise to the impacts alleged by the appellant and that the assessment of community, safety and neighbourhood effects were comprehensively assessed in planning terms.

Appropriate Assessment

- No physical works, extensions, no intensification of floorspace, no alteration to drainage, emissions or operational parameters are proposed as part of the development.
- The Appellant's claim fails to identify any plausible source-pathway-receptor linkage that would trigger a requirement for a Stage 2 Appropriate Assessment, and no mitigation measures are required or proposed.
- The precautionary principle does not require a Stage 2 Appropriate Assessment in the absence of credible evidence of risk. It requires that a competent authority screen for potential effects and proceed to further assessment only where reasonable scientific doubt exists.
- The P.A were entitled to conclude, that the proposed development would not , either alone or in combination with other plans and projects, adversely affect the integrity of any European site.

Conclusion

- Issues raised by appellant do not stand up to public scrutiny, are largely ill informed and speculative, unsubstantiated and do not identify any material planning reasons that would justify overturning the P.A decision.
- Evidence from the pilot phase indicates improvements to the public realm conditions, enhanced local safety, reduction in visible drug use and waste benefitting the residents, businesses and visitors.
- The permanent change of use to this nationally significant facility will secure long term public health and community benefits, consolidating Dublin's role in delivering a compassionate, evidence-based drug response to drug use.

7.3. Observations

7.3.1. An observation was received from a local representative Councillor Michael Pidgeon in response to the grounds from the third party (appellant) submission, which are summarised as follows:

Introduction

- The centre was highly controversial upon its proposal and opening but the fears associated with it have not materialised.
- This is evidenced in the documentation submitted and the fall in the number of objections compared to the first proposal.
- He is a local councillor for the area and has made supportive submissions at the various stages of the centre's opening.

Statutory Obligations not met

- The appellant refers to insufficient evidence of public realm protection in line with Section 35A of the 2025 Act but he has been unable to locate such a provision in the Act.
- Acknowledges this may be an error, but requests that particular attention is paid to any claims of legislation and development plan policy etc., to ensure they are accurate.
- The third party cites various long-standing issues in the area, many of which are not new, or that they have been caused by the centre without evidence.
- The third party calls for 'independent verification' of public realm protection, and this has been submitted as part of the planning application in the 'Independent Interim report on the Evaluation of the MSIF from Queen's University.'

Misapplication of Z5 zoning

- The third party has not quoted the correct wording of Zoning Z5 as detailed in the CDP.

- The purpose of zoning is to identify uses for an area and it is not necessary for every single development to demonstrate a specific contribution to each and every possible objective of a zoning area.
- The Z5 zoning permits permissible uses such as buildings for the health, safety and welfare of the public, community facility, medical and related consultants and primary health care all of which cover the work in the supervised injection facility.
- If this broad city centre zoning with such permissible uses does not encompass a supervised injection facility, which zoning in the city would.
- The centre is to provide a location for indoor private injecting and the closure of the facility would be displaced to the streets.

Service Concentration & Spatial Equity

- The opening of the injection centre replaced the Night Café service at Merchant Quay, so the current MSIF centre resulted in no additional social support or addiction service.
- If planning permission was refused for the MSIF service, it is reasonable to assume that the space owned by the addiction charity would return to its previous use.
- The appellant refers to specific provisions within the CDP that deal with homeless accommodation and support services, but this is not a facility for homelessness and is aimed at drug addiction.
- The application complies with the documentary evidence set out in policy QHSN28.

Boundary Misalignment

- The boundaries referred to by the appellant are internal administrative areas to Dublin City Council and divisional boundaries of An Garda Síochána.
- There is no interagency protocol to deal with these boundary issues because they are not interagency boundaries, and are internal boundaries used by unitary organisations.

- The precise value of internal administrative boundaries is that they offer clarity on reporting on decision making.
- The idea that singular bodies such as the Gardaí or DCC need to set up specific structures to deal with things close to internal administrative boundaries is not based on any legal or practicable requirement.
- There are not jurisdictional borders between different states or different organisations and dealing with crime across the bridges of the Liffey is standard work for the two Gardaí divisions and DCC works cohesively across both sides of the river.
- There is a policing plan, city public realm framework, a single point of operational accountability and crime and drug monitoring already in place for both the Gardaí and the City Council.

Stakeholder Engagement

- Appellant has criticised the P.A for relying on certain submissions in making its decision.
- There was ample opportunity for any persons or groups to make an oppositional submission as part of the planning process, but they have not chosen to do so.
- This is in contrast to the previous application which attracted many objections.
- The lack of objection is a reflection that fears associated with the facility's operation have not materialised and a lack of opposition is not a failure of the applicant or P.A.
- There is no evidence that the school has raised concerns since the opening of the facility and if the school wished to make an observation on this application they could as they did in the previous planning application.
- Appellant assumes an absence of criticism or objection as a deficiency, but on the contrary indicates the opposite.

- Appellant has disregarded the documented on-going work through a local consultative forum of which the details have been provided in the planning application.

Evaluation and Timing

- Appellant has misunderstood the purpose of the 18 month evaluation which is for the HSE to judge the value and performance of the service for its funding and from a public health perspective and is not part of the planning process.
- It would be a misunderstanding of the nature of the long term evaluation to use it as a reason to refuse or delay planning permission.

Omitted or downplayed Impacts

- Appellant has ignored the proven positive health impacts of the facility in that it reverses overdoses and saves lives, which affects residents of the city directly when they face addiction, or indirectly when they see it in their area.
- The success of the facility should not be dismissed as a niche concern, nor should the lives of people in addiction be devalued in such a way that they are not seen as a part of the wider community.
- Appellant does not show evidence that issues such as public injecting or street dealing has worsened since the centre's operation.

Appropriate Assessment

- The applicant is seeking to continue a change of use with minor internal modifications to a long established building.
- The claim that the change of use of a long established building across from the River Liffey would harm Dublin Bay's ecology should be disregarded.

Conclusion

- The facility is working well and saving lives and should be allowed to continue.

7.4. Prescribed Bodies

7.4.1. Minister for Public Health, Well Being & the National Drugs Strategy: An observation was received in support of the MSIF from the Minister as a public representative.

The main elements of the observation are summarised below:

Government Commitment to a health-led approach to drug use

- Primary purpose of a SIF is to reduce the harms of drug use among people who inject drugs.
- Commitment to establish a SIF is contained in the National Drugs Strategy and the Programme for Government.
- The rationale for the SIF is detailed in the National Drugs Strategy, the EU Drugs Agency and the Queens University Belfast Rapid Evidence Review.

Public health benefits of a SIF

- Provides a clean, safe, healthcare environment where people can inject drugs, obtained elsewhere, under the supervision of health care professionals, which reduces the harms associated with injecting drugs.
- Health service staff can support vulnerable and marginalised people who cannot or no longer engage with existing health services.
- Benefits include access to public services, public amenity for the community, reduces drug overdoses and public expenditure and wider economic costs.

Licence to operate SIF

- Government has legislated for SIF in the Misuse of Drugs Act 2017.
- Dept of Health granted a licence to MQI in 2024 to operate a pilot SIF for a maximum period of 18 months (copy of licence enclosed).
- Conditions of the licence include, supervised consumption of injected drugs, community & engagement, public realm strategy for the operation, patient engagement plan, key performance indicators reported on a monthly basis, and Garda Síochána can enter premises without a warrant.
- MQI have adhered to the licence conditions since opening on 22nd December 2024.

Demand for the SIF

- High demand for facility with 17,000 visits up to February 2026.
- Successful treatment of 285 non-fatal overdose interventions.
- Evidence that facility has reduced drug related litter in the vicinity.

Intention to extend SIF licence

- Given the success of the facility it is intended to extend the licence.
- Extension will allow for the consideration of the final evaluation report in September 2026.
- Following a review of the evaluation report, the Minister will decide whether to invite MQI to apply for a licence to continue operating the facility.

Conclusion

- The SIF has reduced the harm of injecting drugs for over 1,500 individuals.
- Intention to extend licence for the SIF for a further time limited period to allow for the consideration of the evaluation report on the pilot time period, to ensure continuity of the service.

7.4.2. Health Executive Service (HSE): An observation was received from the HSE Addiction Services in support of the facility on the following summarised grounds:

- HSE have engaged with Queens University Belfast (QUB) and Trinity College Dublin, to conduct an independent evaluation of the operation and impact of the facility and a child assessment over the first 18 months of service, covering the key indicators in relation to the MSIF. This work will be is overseen by a research advisory group chaired by the HSE.
- The results of a 6 month report carried out by QUB on the operation of the MSIF is attached in Appendix 1 and the findings are summarised as follows:
 - Reduced drug related litter
 - Reduced public injecting
 - Outreach patrol removed 1,161 needles in six months
 - Low levels of public injection observed

- Community forums reported positive local impacts & fewer people injecting
- 347 patrols carried out in the 1st 6 months
- 401 client, 196 businesses & 109 resident engagements.
- Reference is also made to the independent academic research paper in the International Journal on Drug Policy relating to the MSIF at Merchant Quays, which provided the following findings:
 - 20% reduction in discarded needles within 500m of the site
 - 59% reduction in drug related litter within 500m
 - 45% decline in loitering outside the facility
 - Each client attending was associated with a 5% reduction in discarded needles.
- It is acknowledged this research was carried out within the first 4 months of operation but provides a positive impact on public health in the immediate vicinity of the site.
- The child impact assessment of the MSIF is still in progress, but is expected to be completed by June 2026, and will include engagement with the wider community. The impact of the rights and welfare of children in the local community and schools will be assessed to include the following:
 - Exposure of children in the area to drug culture
 - Potential risks and adverse effects on the rights and welfare of children as a result of the facility
 - Determining whether concerns raised in Inspector's report dated 2022 have been addressed, including the policing and management of the MSIF, engagement with the local schools and community, drug related activities near the school, and measures that may be required to mitigate any potential risks.
- St James' Hospital staff compared their emergency department overdose data from May-July 2024 with their data from Feb-April 2025 (when facility opened)

and found a reduction of 20.4% on overdose presentations for drug use and 46% reduction in opioid-related overdose presentations.

- These findings are in line with Dublin Fire Brigade's recordings which presented a reduction in the number of ambulance call outs to Merchants Quay since the MSIF opened from 247 incidents in 2024 to 103 incidents in 2025.
- Number of attendees to the facility 5904 visits by 811 unique individuals in the first 6 months of operation is an indicator of the facility's success.

Conclusion

- Based on the findings thus far the HSE has no concerns about the MSIF and considers the facility provides a positive impact on public health to a marginalised and vulnerable cohort of people.
- Request the Commission to consider the findings of the reports referenced as well as the opinion of the HSE in determining if permanent planning is to be granted for the MSIF.

7.5. Planning Authority Response

7.5.1. No response received from the P.A..

7.6. Further Responses

7.6.1. A further response was received from the appellant dated 12th March 2026, following notification from ACP on receipt of the first party response. This submission is summarised as follows:

Introduction

- Resides at Inns Quay area and respects the work carried out by MQI, providing addiction support and homeless services.
- Questions whether DCC decision to allow a drug injection centre at the specific location meets the procedural standards that Dublin City Council has established.

750m neighbourhood context

- Site is within 50m from St.Audeon's NS and there are approx. 24+ social support and addiction related services concentrated with a 750m radius surrounding the site. This figure does not include Article 20F accommodation.
- Purpose of submission is to ensure that DCC's decision is procedurally compliant and reflects the full impact assessment of the Development Plan policies.

Material Alteration 5.18

- Dublin City Council's Material Alteration 5.18 established a policy to ensure a review of the existing provision of temporary/homeless accommodation in the City Centre with a specific regard to Dublin 1,7 & 9 with the aim to reduce the over concentration of such services in those locations. There will also be a general presumption against the development and expansion of any new temporary/homeless accommodation within Dublin 1,7 and 8 including the adaption of tourist hostels and hotels due to the concentration of such uses.
- This policy identifies Dublin 8 as an area where there is an existing over concentration of services and establishes a general presumption against new temporary/homeless accommodation services.
- The MSIF at Merchants Quay is in Dublin 8 and is a new addiction and homeless support service and under the adopted policy there is a presumption against this.
- DCC's decision does not reference this policy and does not explain how this presumption has been overcome.

QHSN27- Assessment Framework

- This policy requires all proposals for temporary homeless accommodation to be supported by information demonstrating that the proposal would not result in an 'undue concentration' nor undermine 'the existing local economy, residents' community or regeneration of an area'.
- Application argues that the MSIF is the only facility within 750m of the site, which obscures the concentration of related uses.

- QUB evaluation data shows that service users travel from across the Dublin region. The application does not provide a formal catchment statement identifying whether the facility serves the Inns Quay neighbourhood or a tri-country region, which is a material consideration.
- No unified statement as to how the concentration of services within the 750m radius will be holistically managed and is therefore contrary to QHSN27.
- The exclusion of Article 20F housing underestimates the actual service density within the 750m radius catchment as required in Policy QHSN27.

International Experience & why these policies exist

- Research and on the ground experience indicates that cities that have experienced high concentrations of homeless services and addiction facilities in single neighbourhoods have documented significant public realm, community and economic effects when such concentrations are not managed in a coherent and holistic manner.
- International experience indicates that providing injection facilities, shelter and emergency accommodation without robust health and addiction treatment can perpetuate rather than resolve homelessness.

Binding High Court Precedent

- In *St. Audoens NS v An Bord Pleanála* [2021] IEHC 453, which relates to the previous application for the MSIF facility at this site, the court held that the decision maker must substantially engage with submissions from the adjacent primary school and must explain reasons for not accepting school-based concerns.
- DCCs decision does not substantially address the school's position or welfare considerations.
- Whilst a child impact assessment is stated as being 'in progress' it was not completed before permission was granted.
- This binding precedent indicates that the current decision may be open to the same procedural challenge.

Statutory Duty to State Reasons

- P.A does not explain how the presumption in Material Alteration 5.18 has been overcome and why 24+ services in 750m of the site does not constitute 'undue concentration'.
- The obligation to state reasons has not been satisfied.

Inconsistent application of QHSN27 standards

- In the Avalon Part 8 application, a councillor posed the question to the Chief Executive at a meeting on 2/3/26, requesting inter alia a full breakdown of all homeless and support services within a 1 mile radius of the site, evaluation of anti-social behaviour, and documentation of consultation with residents and businesses.
- Inconsistent approach by DCC to this application compared to Avalon House, where they are applying rigorous service concentration and stakeholder standards and demonstrates they have the capacity to identify Article 20F accommodation.

3 recommended options proposed by appellant:

Option 1: Supplementary Information

- Request supplementary information with a map of all homeless and support services within 750m including Article 20F emergency accommodation, a formal catchment statement, cross boundary governance and an explanation of how material alteration 5.18 has been overcome.

Option 2: Impose conditions to address gaps

- Impose conditions addressing the gaps, requiring completion of a child impact assessment, submission of interagency protocols, establishment of a community liaison board, complete mapping of all Article 20F accommodation, quarterly reporting on external impacts within 750m radius of the facility to minimise neighbourhood effects and the appeal can be withdrawn.

Option 3: remit to DDCC for reconsideration

- Commission remit the matter to DCC for reconsideration in light of Avalon House Part 8 proposal.

Conclusion

- Reiterates that he does not contest the principle of service provision or the value of supporting vulnerable population.
- Questions whether DCC's decision to allow the facility at this location meets the DCC standards, in particular with regards to an over concentration of uses within 750m of the site.
- Decision must be complaint with Material Alteration 5.18 & QHSN27 and response to the St. Audoen school precedent.
- Decision should be grounded in complete assessment, full policy compliance and clear reasoning.

8.0 **Assessment**

8.1. **Introduction**

8.1.1. Having inspected the site and examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and having regard to all relevant local/national policies and guidance, I consider that the main issues for assessment in this appeal are as follows:

- Background to the planning history of the facility,
- Principle of the development,
- Impacts on the school, residential amenity, wider community and character of the area,
- Appropriate Assessment, and
- Other Issues

8.2. **Background to the planning history of the facility**

8.2.1. Planning permission was granted for the use of the River Bank/MQI premises in 2008 for the provision of social services, dining, administration and other healthcare services. There has therefore been an established social support service at these premises to cater for the homeless community who do not have access to mainstream medical support including addiction services.

8.2.2. Planning permission was granted by the Commission (ABP Ref: 312618) for the use of the basement of the River Bank/MQI building on 21st December 2022, to be used as a Medically Supervised Injecting Facility (MSIF), for a temporary period of 18 months. The premises opened on 22nd December 2024. There were two conditions attached to this permission which are pertinent to the assessment of this appeal, namely conditions 2 and 5.

Condition 2- temporary 18 month permission for the MSIF

8.2.3. Condition 2 of this permission stated, that the use shall cease on or before the expiration of the 18 month period from the first date of operation, unless before the end of that period, (my emphasis) permission for the continuance of the use beyond that date shall have been authorised by way of a separate grant of permission.

8.2.4. The reason for this condition was to allow for the review of the development and to allow for the monitoring and evaluation of the impacts of the facility on the amenity and sustainability of the local neighbourhood and in particular the school and other community facilities, the resident community, the local economy including tourism business and the public realm in general.

8.2.5. The appellant contends the continued grant of permission at this site for the MSIF is procedurally unsound, as it relies on an interim evaluation with incomplete data sets, that the 18 month independent review is incomplete and that a child impact assessment has not been published.

8.2.6. The first party in response notes it is important to distinguish between the statutory planning assessment, and the separate health led evaluation and licensing regime under the Misuse of Drugs 2017, which regulates the operation of the facility through a licensing framework administered independently of the planning system. The completion of the 18-month evaluation required under the 2017 Act is not therefore a statutory prerequisite for the determination of the planning application.

8.2.7. The HSE in their observations to the appeal indicate that an independent child impact assessment of the MSIF is still in progress, and that this will identify potential risks and adverse effects on the rights and welfare of children, will include engagement with the school and the wider community and that this is expected to be completed by June 2026. This assessment forms part of the licensing requirement for the

facility under the Misuse of Drugs Act 2017 and was not a requirement of condition 2 of the temporary planning permission.

- 8.2.8. The previous High Court case relating to the parent permission clarified the relationship between the planning and licensing systems. As per the findings the planning system is concerned primarily with the land use impact of a development and that the granting of a licence for the use is independent to the land use as granted. I note in the Minister's submission to this appeal, that MQI have adhered to the licence conditions since opening and that the Minister intends to extend the licence for a further limited period to allow for the consideration of the 18-month evaluation report. The Minister in his submission also attached details of the licensing requirements for the operation of the MSIF which includes particulars of the protocols and clinical governance of the facility and would not therefore be within the scope of planning control. I also note the Minister has powers under the Drugs Act to revoke, suspend or amend a licence at any time the licence holder has become negligible to hold a licence or is in breach of regulations under the Act or the conditions of the licence.
- 8.2.9. The Section 28 Development Management Guidelines, recommends that it may sometimes be appropriate to grant a temporary permission in the case of a use which may possibly be considered a "bad neighbour" to uses already existing in the immediate vicinity, in order to enable the impact of the development to be assessed, provided that such a permission would be reasonable having regard to the expenditure necessary to carry out the development. This matter was considered by the Inspector in the parent permission, and the rationale for an 18 month period was considered an appropriate period for the operation to establish best practices, whilst allowing for monitoring and assessment over a significant period of time to assess its impact. The time period also coincided with the pilot period for the licence. I note the licence as submitted by the Minister, requires the publication of a child rights impact assessment, and if potential impacts on children is determined, mitigation measures should be put in place. A child impact assessment was not required as part of the planning permission but is required as part of the licence.
- 8.2.10. The Development Management Guidelines further state the existence of a planning condition, or its omission, will not free a developer from his or her responsibilities

under other codes and it is entirely wrong to use the development management process to attempt to force a developer to apply for some other licence, approval, consent, etc.. At best, the imposition of conditions in relation to matters that are the subject of other controls is an undesirable duplication. In practice, such an approach can give rise to conflict and confusion if the effect of a condition on a development is different from that of the specific control provision.

- 8.2.11. From the documentation submitted with the appeal, the MSIF facility started operating on 22nd December 2024 and the 18 month temporary planning permission period would therefore expire on 22nd June 2026. I note the third party considers the application is premature as the statutory evaluation period has not yet expired. However, I consider the condition attached to the temporary permission allowed for an application to be made seeking the continued use of the premises before the 18 month period expired, and to enable an assessment to be made on the operation of the facility given the unprecedented and sensitive nature of the facility.

Condition 5- Public Realm Engagement Plan & Operations Plan

- 8.2.12. This condition required the development to be managed and operated in accordance with the measures outlined in the Public Realm and Community Engagement Plan submitted with the planning application, to ensure the facility operated efficiently and protected the amenity and safety of the neighbourhood. This condition links to condition 2 to a large extent as it enables an assessment to be made in accordance with the Section 28 guidelines for 'bad neighbour' type uses, as to whether the facility has been operating in accordance with the measures of the Public Realm and Community Engagement Plan to protect the amenity and safety of the neighbourhood, since it commenced operation, in December 2024.
- 8.2.13. I have read the Public Realm & Community Engagement Plan and Operations Plan submitted with the previous planning permission to which condition 5 refers. The Public Realm and Community Engagement Plan's aim was to strengthen relationships with the local community through engagement and communication, including the Community Engagement Team (CET) actively patrolling the area, monitoring and clean ups, community check-ins and dealing with query calls/ responses, and the provision of a Community Fund. MQI were to work closely with An Garda Síochána (AGS) and address challenges of anti-social behaviour and AGS

were to form part of the MSIF monitoring committee. The aspects and outcomes of the Public Realm & Community Engagement Plan will be discussed further within this report under impacts of the development on the surrounding area in Section 8.4 below.

8.2.14. The Operations Plan included details of the hours of operation of the MSIF, staffing levels, licensed security staff to manage queuing on the street, and a range of criteria in which the clients must comply with, in order to access the facility. On the day of my inspection I noted there were security staff at the entrance into the facility and I also note from the Stakeholder Forum minutes that the hours of operation have been amended to prevent queuing at the premises, evidence that the CET engage with the community, the provision of community funding has been provided, and that continuous evaluation and monitoring of the impacts of the facility is being carried out on a regular basis with the local neighbourhood including the school, resident community, AGS, and local businesses.

Conclusion

8.2.15. I acknowledge the 18 months for the temporary permission would not expire until June of this year, which is in 2 months time, however, as outlined above condition 2 of the parent permission did not prevent a new planning application being made to continue the existing use within the 18 month period.

8.2.16. The appellant refers to the 18 month evaluation not being complete for a number of reasons including a child impact assessment. However, the 18 month evaluation and child impact assessment relates to the licence and not the parent planning permission. The critical assessment as outlined in the Section 28 guidelines is whether the current operation period of the use (16 months) is enough to enable a decision to be made by the Commission based on the current operation of the use with regards to the amenity of the neighbourhood, including the school, residents' community and local economy including tourism and the public realm to which condition 5 of the parent permission, specifically relates. The impacts of the MSIF as currently operating on the immediate neighbourhood are addressed within section 8.4 of this report below.

8.3. Principle of the Development

8.3.1. The appellant considers the development was not assessed in accordance with the Development Plan. The temporary permission for the MSIF premises was considered by the Commission under the Dublin City Development Plan 2022-2028, and this Development Plan still remains extant, and as such the same planning policies of the previous plan apply to this development.

Zoning

8.3.2. In terms of zoning the site is located within the Z5 'City Centre' zone where the objective is 'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. It is stated within the Plan that the purpose of this zoning is to sustain life within the centre of the city through intensive mixed-use developments and provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night.

8.3.3. The specific nature of the proposed MSIF centre summarised in section 2.0 of this report, and as described in the Misuse of Drugs Act 2017 is 'a facility operated by a licence holder where authorised users may consume drugs by injection' which was enacted in legislation, 'to provide for the establishment, licensing operations and regulations of supervised injecting facilities for the purposes of reducing harm to people who inject drugs in public places; to reduce the incidence of drug injection and drug related litter in public places and thereby to enhance the public amenity for the wider community.'

8.3.4. From the documentation submitted with the planning application and appeal, the MSIF facility operates as a structured, health orientated service designed to provide a secure setting where people can inject pre obtained illegal substances with sterile equipment, under the supervision of trained health care professionals, in a controlled environment and provides an alternative to injecting in public places or on the city's streets. The aim of the MSIF is to reduce the risks of public injecting, overdoses, transmission of infection and provide for a place to safely dispose of syringes.

8.3.5. The facility provides education, medical advice and support around overdose prevention to the users of the facility. Naxalone training and distribution for overdosing is provided at the centre, and sterile injecting equipment is available for individuals leaving the facility. The MSIF provides the service users with access to

other uses within the River Bank/MQI building including clinical rooms which are available for medical, crisis and counselling interventions, hot meals, and can provide referrals to social services/housing and treatment.

- 8.3.6. In Section 14.7.5 of the Development Plan permissible uses are identified under this zoning, which are extensive but pertinent to this appeal, and include inter alia, buildings for the health, safety and welfare of the public, community facilities, medical and related consultants, and primary health care centre.
- 8.3.7. Although the MSIF does not come within the foregoing uses, the planning system must be agile in its response to new uses, and I consider the use as being permissible within the Z5 zoning as it provides a health and community facility for the service user, enabling them to avail of health aftercare, medical and counselling interventions and medical aid in the event of an overdose. Furthermore, as the service user would inject in a safe environment rather than on the street or a public place the facility provides mutual benefits for the health, safety and welfare of the overall community in the area.

Concentration of social support services

- 8.3.8. The appellant makes reference to the development not being in accordance with a number of policies and objectives within the Development Plan; namely CHC, CEE and QHSN10. There are no specific objectives/policies CHC or CEE within the Development Plan and policy QHSN10 stated by the appellant relates to residential density and would not be relevant in the assessment of this appeal.
- 8.3.9. The appellant in his submission refers to a Material Alteration 5.18 made to the Draft Dublin City Development Plan 2022-2028 consultation process, which resulted in a new policy being inserted after Policy QHSN27 in the Draft Plan. The policy is QHSN29 in the adopted DCDP, and relates to temporary/homeless accommodation with a general presumption against the development and expansion of any new temporary /homeless accommodation services within Dublin 1,7 and 8. However this policy relates to homeless/temporary accommodation, and is not relevant to the use under consideration which is a social support service. The appellant refers to policy QHSN27 in his second submission which is specific to the Homeless Action Plan 2022-2024, a framework for Dublin, which again relates to homeless housing provision and would not be relevant to this proposal.

- 8.3.10. The appellant in his submission does not dispute the facility provides a social purpose but considers the development results in an over concentration of homeless and social support and addiction related services within a 750m radius of the subject site, and that this is significantly higher when Article 20F emergency accommodation is included. I note however the appellant has not provided any details regarding the number of social support service uses, or Class 20F accommodation in the area.
- 8.3.11. Policy QHSN28 of the Development Plan seeks to ensure that proposals to provide temporary homeless accommodation and support services do not result in an undue concentration of such uses nor undermine the existing local economy, resident community or regeneration of an area. All applications for such uses are required to provide a map of all homeless and other social support services within a 750m radius of the application site, a statement on catchment area, identifying whether the proposal is to serve local or regional demand and a statement of the management of the facility.
- 8.3.12. The appellant states that that QUB evaluation shows service users travel from across the Dublin region and the application does not provide a full catchment identifying whether the facility serves the Inns Quay neighbourhood or a tri county region. The MSIF activity report from January 2025 -September 2025 indicates that 23% of the clients that use the facility are in temporary or emergency accommodation, 18.3% were living with friends, and 15.3% were rough sleeping. It is not therefore clear where the users of the facility come from, but I acknowledge that the MSIF is a unique use to Ireland, and people may travel from outside the catchment to use the facility. Notwithstanding a lack of clarity regarding the catchment area for the users of the facility, there is no evidence to suggest the catchment of the users of the facility is having a detrimental effect. However, I note in the QUB report based on their findings, identified established needs may exist elsewhere and that it would be helpful to conduct a needs assessment to address distance barriers.
- 8.3.13. The floor area of the MSIF use is stated as being 383m², which is relatively small compared to the overall three storey River Bank/MQI building. I therefore consider the MSIF an ancillary use to the existing River Bank/MQI building which currently provides social support to homeless persons and people experiencing addiction. It is not disputed that Dublin city centre experiences a high level of homelessness, and

support services are required to assist in this issue. I do not however, consider the MSIF provides accommodation for the homeless, but acknowledge it does provide a support service to people that may, or may not, be homeless, particularly in the local area.

- 8.3.14. Although policy QHSN28 of the Development Plan does not provide a quantum for what qualifies as an over concentration of homeless and social support uses in a particular area, it likewise does not propose a 'blanket ban' on certain uses in an area. I note however, the P.A considered the proposal would not result in an over concentration of social support uses in this mixed use city centre area.
- 8.3.15. The planning report submitted with the planning application provided a map identifying all social support services within 750m of the site in accordance with policy QHSN28. A total of 24 social services sites were identified including the River Bank (existing MQI) building, homeless accommodation and food services, addiction support, and charitable offices. Of the 24 social services sites identified, there were a total of 9 addiction services and 9 homeless accommodation premises. I further note there were 39 social supports services identified in the parent permission within a 500m radius of the site, which would suggest that the number of social services support services has reduced since this application was initially granted.
- 8.3.16. Nevertheless, the closest social support premises to the subject site is Water House Gate (accommodation) along Ushers Quay to the west of the subject site, a Narcotics Anonymous building to the south of Cook Street, and Dublin Christian Mission along the north of the Liffey which provides food. With the exception of the River Bank building, there are no other social services premises identified along the Merchant Quay block. From my site inspection of the area, I consider it a mixed use city centre site, with an extensive variety of uses and developments within its immediate area and within 750m of the site; including a substantial number of residential areas both north and south of the River, commercial uses, public houses, a school, offices, civic buildings including the Four Courts, and the Council offices, and a number of churches. The evidence submitted within the application does not indicate any issues of concentration. I therefore do not consider there is an overconcentration of homeless accommodation or support services in the immediate area or within a

750m radius of the site. Furthermore, the appellant has not provided any evidence to contradict that submitted by the applicant in this regard.

- 8.3.17. The appellant refers to Article 20F of the Planning and Development Act 2000 accommodation and that this has not been included in the support services map submitted with the planning application. Class 20F of the Planning and Development Regulations, and not Article 20F of the Act, as referenced by the appellant, exempts the temporary change of use of specific buildings for international protection applicants and displaced persons, and subject to certain criteria being met, generally does not require planning permission. The appellant has not provided any evidence identifying the location of this accommodation, and on the basis of such development not requiring planning permission, it is not recorded on the planning portal.
- 8.3.18. The appellant refers to Alteration 5.18 of the Development Plan which they contend identifies there is a presumption against any new temporary /homeless accommodation services within Dublin 1, 7 and 8, and that the MSIF is a new addiction and homeless support service, and under the adopted policy a presumption against this development applies.
- 8.3.19. Policy QHSN29 of the Development Plan is identical to wording of the material alteration 5.18 to which the appellant refers, in that it relates to temporary /homeless accommodation in the city centre and includes a general presumption against the development and expansion of any such temporary/homeless accommodation services within Dublin 1,7, and 8 in acknowledgement of the existing concentration of uses. Whilst MQI at Riverbank provides homeless and addiction support, the MSFI does not provide homeless accommodation but provides support for people to inject drugs in a safe environment and is an ancillary and complementary use to the existing uses carried out in the Riverbank/MQI building. I therefore consider this policy is not applicable in this instance and the development would not be contrary to this policy.
- 8.3.20. National, regional and local planning policy supports an integrated and inclusive approach to promoting health and well being, through various programmes which seek to address health inequalities and better lives for all citizens. Policy QHSN52 of the Development Plan supports the Government's Sláintecare Plan to encourage the

integration of healthcare facilities in accessible locations within new and existing communities.

- 8.3.21. The Government's Strategy 'Reducing Harm, Supporting Recovery', highlights a recognised problem with street injecting in Ireland particularly in Dublin City centre, and that this poses a health risk for people who use drugs and, a public health risk to others as a result of discarded needles. Objective 2.2.29 of this strategy aims to provide enhanced clinical support to people who inject drugs and to mitigate the issue of public injecting, and that this is to be delivered by establishing a pilot supervised injecting facility and evaluating the effectiveness of the initiative. I therefore consider the MSIF facility in this location aligns with this national objective.

Conclusion

- 8.3.22. Medically Supervised Injecting Facilities (MSIF) were introduced in the Misuse of Drugs Act, and although this is the first in Ireland, I consider the use is one that provides a health and community facility for the user which has been demonstrated has mutual benefits for the health, safety and welfare of the overall community in the area, particularly with regards to the disposal of drug litter. I therefore consider the development is a permissible use in this location and is in accordance with national and local planning policy.
- 8.3.23. I consider the use is an affiliated and complementary use to the existing uses carried out in the MQI/River Bank centre, which is a long and established facility in this mixed and varied part of the city centre. The MSIF facility would not therefore result in an increase in social support uses in the area, as it would be ancillary to the existing uses carried out in the MQI building. Given the mix and variety of uses in the immediate 750m radius of the site, I do not consider the MSIF use would result in a proliferation or over concentration of homeless or social support uses in this area.

8.4. Impact on the school, residential amenity, wider community and character of the area

- 8.4.1. The third party refers to the High Court case for the previous permission for this facility were the Court held that the decision maker must substantially engage with submissions from the adjacent primary school and must provide reasons for not addressing such concerns. The appellant considers DCC's decision does not substantially address the school's position on welfare considerations, the stakeholder

group does not include representatives of the public, that the applicant's assessment relies solely on internal indicators such as a reduction in overdose reversals, and lacks any independent assessment of the operation of the facility.

- 8.4.2. The first party contends that the application is supported by a robust and multi layered evidential base, the MSIF Stakeholder Forum includes representations from the local community, school, business, non-statutory and statutory representatives, to ensure the efficient operation of the facility and to protect the amenity and safety of the local neighbourhood. Matters relating to the school safety, local conditions and operational concerns have been discussed at the forum and addressed through operational measures. They further note no objections or submissions from the school has been lodged indicating any resolved unresolved concerns.
- 8.4.3. The applicant in their application and appeal documentation provided details of the Stakeholder Forum established by MQI in April 2024, stakeholder members, observations of the stakeholders on the impacts of the facility since commencement, an independent academic research report which accessed the 'before' and 'after' impacts of the facility, and a 6 month evaluation report commissioned by Queen's University Belfast.
- 8.4.4. The Operational Plan submitted as part of the parent permission required an independent monitoring committee to oversee all aspects of the service including inter alia performance indicators of the service and aimed to deliver specific quality improvements and reduction measures.

Stakeholder Forum

- 8.4.5. Condition 5 of the parent permission required the facility to be managed and operated in accordance with the measures outlined in the Public Realm & Engagement Plan and Operations Plan as submitted with the planning application, to protect the amenity and safety of the neighbourhood. The aims of the Engagement Plan included strengthening relationships between MQI and local community groups, facilitating clear and honest communication with the community and regular forums in which to discuss matters relating to the overall MQI service.
- 8.4.6. The Stakeholder Forum was established by MQI in April 2024, prior to the opening of the facility to meet and provide an open forum for feedback. It has met on 12 occasions to date since April 2024 – November 2025, and includes representatives

from St. Audoens NS, HSE, An Garda Síochána (AGS), Dublin City Council, Sporting Liberties, National Ambulance Service, UISCE, Oliver Bond Regeneration Project, an Oliver Bond Resident and Dublin Town (representative of the business community). I therefore do not agree with the appellants contention that there are no independent stakeholders within this forum. I also consider the stakeholder forum aligns with the Community Engagement Plan submitted with the parent permission and therefore complies with Condition 5 in this regard.

- 8.4.7. MQI sent an email to the stakeholder forum requesting observations on the operation of the MSIF in the context of the planning application. Copies of 8 email responses are included within Appendix 5b of the applicant's appeal submission. The submissions were from Oliver Bond Residents Association, Sporting Liberties, CEO of Dublin Town, UISCE, An Garda Síochána, HSE, Chairperson of the MSIF Clinical Governance Committee and, Dublin Fire Brigade. The majority of these responses were positive about the facility noting there is a serious drug problem in the area, the benefits of the MSIF in providing a safe place for people who use drugs and saving lives, a reduction in the number of disposed needles in the area, no negative consequences for businesses in the area, increased community engagement with the MQI and a high number of new attendees and returning service users. Sporting Liberties acknowledged they had concerns initially but the concerns had not materialised. The Oliver Bond Residents Association felt that for the first 5-6 months the centre was running well but in the past 3 months they have witnessed a higher rise in drug use, anti social and crime outside the MQI building, but consider this a Garda issue, and if there were 'consumption rooms' at the premises it would take this problem off the streets. They did however acknowledge that they have built good relationships with MQI and hoped that this would continue as they never had dealings with MQI in the past. Dublin Fire Brigade reported a drop in ambulances being displaced to the Merchant Quay area from 11 in 2024 to 6 in 2025. A review from St.James's Hospital showed a 20% reduction in overdose presentations and a 46% reduction in opioid related presentations since the opening of the facility.
- 8.4.8. I note there was no response from the school to the email issued by MQI, and no submission to the planning application or appeal from the school. However, the school being part of the Forum group would have been aware a new planning application was being submitted and the various evaluation reports carried out by the

MQI. I note from the minutes, action measures were recommended at the meeting including the school tracking the frequency of incidents, MQI, St.Audeons and USICE to work on a joint proposal to DCC to address concerns with regards visible drug use activity at the school environs, and the Garda proposed a pilot for additional surveillance in this regard.

- 8.4.9. In the absence of any submission from the school to the application or appeal, it is difficult to assess the direct impact the MSIF is having on the school students and staff, and whether the anti-social and drug use experienced at the school is a consequence of the prevailing drug use in this inner city location. Nevertheless, I consider through the Stakeholder Engagement forum the school have been encouraged to engage with the operators of the facility and MQI have been responsive to any concerns raised by the school.
- 8.4.10. On the day of my site inspection, I noted the entrance to the school for the students is to the north west of the school building, and during school starting times the gates are monitored by 2 teachers. In my opinion this is not an unusual operational procedure for schools. I also noted that the vehicular entrance between the Church and the MQI Building (Skipper's Lane) which accesses onto Cook Street, is a fob entrance and would not therefore be accessible for users of the MSIF to access onto Cook Street. I also note the entrance into the facility will eventually be on the western side of the building further away from Skipper's Lane. Users of the MSFI service would therefore have to walk from Merchants Quay to Cook Street to get to the school, which would equate to c.300m via Winetavern Street or c.350m via the R108 to the west. Although the school reported on 2 occasions at the stakeholder forum meeting that the school had experienced anti-social behaviour associated with drug use, I consider this would not be unusual in an area with a high level of drug use, and may not necessarily arise from the presence of the MSIF, and over the 16 month period of the operation of the facility, two instances of anti social behaviour would not in my opinion be considered excessive.
- 8.4.11. The hours of operation were not restricted in the parent permission, but the QUB report states the hours of operation of the facility changed in August for a variety of reasons outlined in the report but primarily to reduce queuing outside the facility and to coincide with the opening times at Riverbank, from 3pm to 2pm. From the MQI

activity report the peak weekday hours of use for the MSIF tend to be between 10.00 - 12.00 and 15.00-16.00 hours which would generally be when the school is either operational or when it is closed, although I note the school has a breakfast and homework club which would extend beyond the school's official opening times.

- 8.4.12. The Forum minutes dated April 2024, record that a representative from the school was in attendance when a discussion on the opening times was raised and that this was not to conflict with the school opening and closing times. The action from this meeting in this regard, involved MQI engaging with St.Audeon's on opening times. It is stated within the QUB report that in the minutes of the July 2025 Clinical Governance Committee Meeting that the local school representative who had attended the most recent SIF Stakeholder Forum has indicated that the school did not object to the proposed change in opening hours.
- 8.4.13. I further note from the Forum minutes that the Gardaí proposed an extra patrol for the school on a pilot basis, and that the Garda in their email response to the operation of the facility since opening has no matters of concern pertaining to the operation of the MSIF.
- 8.4.14. I consider from the emails submitted by the forum group to the MSIF Programme Manager seeking feedback on their views on the planning application, that there is regular engagement with the community in the area and MQI, and that this forum provides for matters to be addressed when they occur. The Forum includes a broad and varied representation of groups within the area which includes the community, school, residents, businesses in addition to Dublin City Council, AGS and UISCE.

Independent research on the MSIF

- 8.4.15. The planning application included an independent assessment of 4 months before and 4 months after the opening of the MSIF². This research included 124 patrols over the 8 month period (Sept 2024-April 2025) in which the number of discarded needles, drug related litter, public injecting and loitering outside the facility was recorded within a 500m radius of the centre. The results of the research following the opening of the centre are summarised as follows:

² Evans, D.S., Keenan, E (2026): Dublin's supervised injecting facility: An Assessment of its impact on discarded needles <https://doi.org/10.1016/j.drugpo.20251015101>

- 20.4% decline in the number of discarded needles.
- 59% decline in drug related litter.
- There were only 2 observations of public injecting during the patrols (1 before the MSIF opened and 1 after).
- Public injecting levels were low before the MSIF opened and remain stable.
- 45% decline in loitering outside the facility.

Although the research has limiting factors which include the short time frame of the study period and that other factors that can affect drug use patterns, the study results closely aligned with those observed for an MSIF centre in Vancouver. In its concluding analysis of the research it is stated that, *'the study adds to the international evidence base demonstrating the positive impact of MSIF, even after a relatively short period of operation, and should provide reassurance for those jurisdictions considering such an approach'*.

8.4.16. I consider the results of this study provide an important and reasonable evidence-based analysis assessment of the 'before' and 'after' picture of the MSIF centre with regards to the public realm of the area. Although they present a 4 month period following the opening of the premises the research indicates that the centre has enhanced the public realm by reducing drug litter in the area and also indicates that there is an uptake in the users of the facility since its opening date. I consider the findings of this independent report broadly correlate with the comments of the Forum Stakeholder group, which in general are positive with regards to improvements to the public realm by reducing drug litter, loitering outside the premises and reduction in discarded needles.

QUB Interim Evaluation

8.4.17. The HSE engaged with Queen's University Belfast (QUB) to undertake a 6 month independent evaluation of the MSIF, following its opening. The brief for the evaluation report was to assess whether the service was implemented as intended and whether it was in compliance with Condition 5 of the parent permission which required the development to be managed and operated in accordance with the measures outlined in the Public Realm and Community Engagement Plan and the Operations Plan.

- 8.4.18. The QUB research evaluation included 4 days of data collection, site visits to the site, analysis of policies and meetings, interview extracts with people that use drugs, and that do, and do not use the facility, activity data and staff notes regarding their experience of the service. The report's recommendations related to the extension of the licence to operate the MSIF, beyond the 18 month pilot.
- 8.4.19. The findings from the QUB research indicates that the operation of the MSIF is an ongoing and iterative process with constant improvements and checks in place to improve the facility for both the users and the community. The uptake in the users of the facility has increased since opening and the users of the facility are provided with dignity and respect and their opinions valued by the staff at the facility. The public realm in the immediate vicinity of the premises has improved with regular patrols from MQI, a decline in drug related litter and provides for continued engagement with the clients, community and businesses in the area.
- 8.4.20. Based on the findings from both the stakeholder forum, the independent research and the QUB evaluation report, I consider the applicants have met the requirement of condition 5 of the parent permission. The stakeholders observations on the operation of the MSIF as submitted in the MQI information pack with the planning application, and submission of support to the appeal from the local councillor of the area, indicates that the MSIF has not resulted in the initial fears first expressed by the submissions to the parent permission and there have been improvements to the public realm from the MQI patrols and reduced drug litter in the area. Furthermore, the observer considers in the absence of the MSIF, drug related materials and activities would remain unmanaged within streets, lanes and public spaces. These positive aspects of the facility are further endorsed by the Minister of Health and the HSE.
- 8.4.21. I consider condition 5 of the parent permission which required the development to be managed and operated in accordance with the submitted measures outlined in the public realm, community engagement and operations plan has been adhered to over the 16 months of the use commencing. The operation of the facility will continue to be subject to licence under the provisions of the Misuse of Drugs (Supervised Injecting Facilities) Act 2017. This licence is granted by the Minister of State, Department of

Health with responsibility for Public Health, Wellbeing, and the National Drugs Strategy, in accordance with the Misuse of Drugs Act 2017.

8.4.22. I note that in 2025 the average daily number of visits to the premises was 41.6, with the peak number of visits being in August at 57.1 daily visits. In 2025, 55% of the clients used the facility on more than one occasion with 20% using the facility 10 or more times throughout the year. I therefore consider that the average daily number of clients to the facility could not be considered excessive in this relatively busy city area.

8.4.23. There are no external alterations proposed to the building, and I therefore do not consider the use would impact on the setting of the Liffey Architectural Conservation Area.

Conclusion

8.4.24. This MSIF facility is a pilot facility identified in the Government's integrated health strategy to address the public health risks for people who use drugs and the impact of discarded needles which presents a public health risk to others. Street injecting is a recognised problem in Ireland and in particular Dublin City Centre, and this MSIF is a pilot service to evaluate the effectiveness of mitigating public injecting for both the users and the general public.

8.4.25. The MSIF at this site is a complementary and ancillary service to the established social support uses carried out within the Riverbank building. The MSIF operates as a health orientated service and is not, as contended by the appellant a homeless associated use. As such the use is permissible within the zoning for this site and from the evidence submitted would not result in an undue concentration of such uses.

8.4.26. I consider the performance indicators for the MSIF facility for the 16 months in which it has been operating shows improvements to the public realm in general through the lowered public use of hazardous injecting, reduced drug litter in the area, regular patrols of the area, and overall engagement with the community. The third party has not provided any evidence in their submission which contradicts the findings in any of these reports.

8.4.27. The Public Realm and Community Engagement Plan and Operations Plan is an ongoing and iterative process for the use and allows for continued engagement with

the community of the area. In the event the Commission are minded to grant a permanent permission for the MSIF, MQI would be required to continue to manage and operate the facility in accordance with the conditions set out below and the Minister of Health's licence.

- 8.4.28. Whilst I note the number of objections to the current proposal are significantly reduced from that of the parent permission, and I acknowledge this does not necessarily indicate an acceptance of the facility, it is an indicator as stated by a number of stakeholders that the initial concerns that the development would give rise to an increase in drug related activity, has not materialised since the MSIF started operating. I also consider the use as currently operating does not have a material impact on the school.
- 8.4.29. It is also recognised among the stakeholder forum, Garda, residents, business groups, Ambulance Service and the independent research reports, that the facility has delivered health and societal benefits to both the users of the facility and improved the public realm in the area.
- 8.4.30. On balance, I consider the evidence details submitted with the appeal, and the operation of the premises for 16 months, enables a decision to be made on the current operation of the use with regards to the amenity and sustainability of the local neighbourhood.

8.5. **Appropriate Assessment**

- 8.5.1. The third party raised concerns in their first submission that a Stage 2 Appropriate Assessment is required for the development.
- 8.5.2. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act as amended.
- 8.5.3. The subject site is located c.4km from South Dublin Bay Special Area of Conservation (SAC) and c. 3.5km from the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA). There are no direct pathways between the subject site and these Natura 2000 sites, although there would be indirect connections via the River Liffey via surface water and foul water connections.
- 8.5.4. Having regard to the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment and that no mitigation measures have

been relied upon for this assessment, and the development would not have any effect on a European Site.

8.5.5. The reason for this conclusion is as follows:

- The development is a for a change of use to an existing and established building.
- The assimilative capacity due to the separation distance between the site and the closest European site.
- The existing connection to the public wastewater and water network, and
- Taking into account screening report/determination by Dublin City Council.

8.5.6. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

8.5.7. I am therefore satisfied that no Appropriate Assessment issues arise with the development , and a Stage 2 Appropriate Assessment is not required.

8.6. **Other Issues**

Boundary misalignment

8.6.1. The third party refers to the facility not being contained within a single administrative zone and no single agency has clear responsibility. Whilst I do not consider this is a planning matter, I note The Garda, Dublin City Council and Dublin City are part of the stakeholder forum and I consider such organisations are involved in the holistic management and operation of statutory functions for the well being of the city.

Avalon House

8.6.2. The appellant has raised an issue regarding the Council not being consistent with their application of policy QHSN27 standards and refers to a Part 8 development at Avalon House for emergency accommodation but does not provide a reference number in this regard. Policy QHSN27 relates to the Homeless Action Plan 2022-2024, a Framework for Dublin and would not be relevant to this appeal.

- 8.6.3. A current Part 8 application for the change of use of Avalon House, in Dublin 8, from a tourist hostel to a family hub providing emergency accommodation appears to be under consideration by the Council at the time of writing this report. However, this Part 8 application is for emergency accommodation and would not have any bearing on the current proposal with regards to the Dublin City Development Plan policies or standards.

Recommendation of 3 options for way forward

- 8.6.4. The appellant has recommended 3 options for a pathway forward for the Commission in determining this appeal, which includes seeking supplementary information, including inter alia emergency accommodation facilities being included within the catchment map, cross boundary protocol, establishment of a community liaison board and child impact assessment, or imposing conditions to address gaps, or remit for consideration. As stated elsewhere within this report I consider the information and details submitted with the planning application and appeal enable the Commission to determine the appeal as currently presented.

9.0 Water Framework Directive

- 9.1. The subject site is located within Dublin City Centre and is c.18m to the south of the River Liffey. There are no watercourses within the appeal site. The River Poddle waterbody (IE-EA-09P030800) is c200m to the west of the site and flows into the Liffey. This waterbody has poor status. The groundwater body is the Liffey (IE-EA-G-008) which has good quality status.
- 9.2. No water deterioration concerns were raised in the planning appeal. 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, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 9.3. The reason for this conclusion is as follows:

- The small-scale nature of the development.
- Locational distance between the site and waterbodies.
- The existing connection to the public wastewater network.

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

10.0 Recommendation

10.1. Having regard to the foregoing and the reasons and considerations outlined below, I recommend that a permanent planning permission should be granted subject to conditions.

11.0 Reasons and Considerations

Having regard to the national drugs and alcohol strategy 'Reducing Harm, Supporting Recovery – A health-led response to drug and alcohol use in Ireland 2017-2025', published by the Department of Health in 2017, and the provisions of the Dublin City Development Plan 2022-2028, including Policies QHSN13, QHSN14, and QHSN52, it is considered that the development would support healthcare authorities and other bodies with specific needs, in promoting a long term vision of improving the physical and mental health of the population and the entitlement of all members of the community to enjoy a high quality living environment.

The use would be consistent with the 'Z5 City Centre' zoning objective and QHSN28, as outlined in the Development Plan and, having regard to the established uses on the site and the nature and limited scale of the proposed facility, it is not considered that the proposed development would significantly detract from the mix of uses in the area or result in an overconcentration of institutional accommodation and other social support services.

The proposed facility aims to reduce the level of exposure to drug injection and associated anti-social behaviour in the public realm and it is considered that, subject to the conditions set out below, the development would not seriously injure the amenities of the area or the sustainability of the local neighbourhood, including the local school and other community facilities, the resident community, the local economy including tourism business, or the public realm in general.

Furthermore, the proposed development would not detract from the visual amenity or built heritage of the area and would therefore, be in accordance with the proper planning and sustainable development of the area.

Having regard to the provisions of the Dublin City Development Plan 2022-2028, the zoning objective to 'To protect, provide and improve residential amenities', the established residential use and planning history on the site, the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, there would be no adverse impact on the existing residential and visual amenities of the area. The development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The Night Café facility shall not operate within the subject building, unless as otherwise granted by way of a separate application for permission.

Reason: In the interest of clarity and to control the scale and extent of services and activity on the subject site.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the basement level of the proposed development shall be restricted to a Medically Supervised Injecting Facility (as specified in the documentation lodged with the application and appeal), unless as otherwise authorised by a prior grant of planning permission.

Reason: In the interest of clarity

4. The development shall be managed and operated in accordance with the measures outlined in the Public Realm and Community Engagement Plan (June 2019) and the Operations Plan (June 2019) as submitted to the planning authority on the 28th day of June 2019.

Reason: To ensure the efficient operation of the facility and to protect the amenity and safety of the local neighbourhood, including the local school and other community facilities, the resident community, the local economy including tourism business, and the public realm in general.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a satisfactory standard of development.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be

referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

7. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (St Stephens Green to Broombridge Line) 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, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Catherine Dillon
Planning Inspector

29th April 2026

Appendix 1:

Form 1 EIA Pre-Screening

Case Reference	PL-500670-DS
Proposed Development Summary	Permanent change of use of previously vacant basement to a Medically Supervised Injecting Facility as previously granted on a temporary basis under Reg. Ref: 4121/18 & ABP Ref: 312618-22.
Development Address	Nos.13/14 Merchants Quay (Riverbank Building), Dublin 4
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 type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input checked="" 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 type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<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, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	If a development is not a Class – Include this paragraph under EIA Screening (A separate heading) in the Inspectors Report. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Act)
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold
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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____