



An
Coimisiún
Pleanála

Inspector's Report

PL-501291-DR-26

Development

Demolition of bungalow. Construction of Family Hub with elements of 1,2,3 & 4 storeys containing 23 accommodation units to house 100 people, with associated works.

Location

Spanish Point, Mart Lane, Dublin 18

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D25A/0427/WEB

Applicant(s)

Niall Melvin

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party and First Party Appeal

Appellant(s)

Niall Melvin

Stephen Flood

Maurice & Therese Moynihan & others

Brian & Marie McGovern

James Flynn & others

Barbara Creedon Flynn

Observer(s)

Sheila Moore

Date of Site Inspection

09th July 2026

Inspector

Lorraine Dockery

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1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.22 hectares, is located at Mart Lane, Dublin 18. The site currently contains a detached dwelling of stated floor area 367m², accessed from a relatively long driveway from Mart Lane.
- 1.2. Mart Lane is an established residential area, characterised by dwellings of varying heights and styles sited on relatively large plots. The subject site, which is irregular in shape, is bound by residential properties to the north, south and west while a neighbourhood centre is located to its east.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of an existing dwelling on site and construction of family hub. It is stated that the proposed residential emergency housing development is designed to provide emergency accommodation to families and enable the delivery of wraparound support services for families experiencing homelessness in the Dún Laoghaire-Rathdown area.
- 2.2. The proposal may be summarised as follows:

Table 1:

Site Area	0.22 ha
Gross floor area of demolition	367m ²
Gross floor area of new works	1391 m ²
No of Units	23 residential accommodation units to house 100 people (reduced to 18 no. units and 78 no. persons by way of FI)
Other Works	Communal and support spaces which include a dedicated space to facilitate on-site support services including counselling, employment assistance and early childhood education

	Altered vehicular entrance gates, new pedestrian entrance and railings to the public frontage SuDS, landscaping and other ancillary works
Building Height	1-4 storeys (reduced to 3 storeys of accommodation with reduced 4 th floor setback in FI response to PA)
Parking	9 car spaces/50 bicycle spaces
Part V	N/A

- 2.3. A letter of consent from Sinead Murphy (registered owner of site) is included with the application documentation.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 25 no. conditions

Further Information and Clarification of Further Information was requested by the planning authority and duly submitted by the applicant on 11/02/2026 and 18/03/2026 respectively.

Further Information was requested in relation to (i) Part V clarification (ii) submission of Daylight, Sunlight and Shadow Assessment (iii) reduction in height & omission of 2 units at GF level (iv) drainage matters (v) parks and landscape matters (vi) transportation matters and (vii) environmental and waste management matters

Clarification of Further Information was requested in relation to (i) clarity on the total number of proposed residential units, including the number of units on each floor and the number of units being removed from the original proposal (ii) submission of site investigation report and (iii) submission of the full outputs from the hydraulic modelling assessment.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Three reports from the Planning Officer – first report recommends FI, second report recommends CFI and third report recommends a grant of permission, subject to conditions

3.2.2. Other Technical Reports

Transportation Planning- Further Information requested (dated 09/07/2025). Subsequent Report - No objections, subject to conditions (dated 03/03/2026)

Environmental Health- FI requested in relation to submission of Construction & Demolition Environmental Management Plans, Resource & Waste Management Plan and Operational Waste Management Plan (dated 01/07/2025). Subsequent Report - No comment (dated 05/02/2026)

Public Lighting- requests submission of lighting design and report for internal access road (dated 04/06/2025)

Drainage Planning- FI requested (dated 30/06/2025) Subsequent Report - Clarification of FI required (dated 24/02/2026). Subsequent Report - No objections, subject to conditions (dated 25/03/2026)

Parks and Landscape Services- FI requested in relation to submissions of Arboricultural survey (dated 18/06/2025). Subsequent Report - Conditions recommended (dated 26/02/2026)

Housing Department- confirmation requested that the applicant had applied for and been granted an exemption certification under the provisions of Section 97 of the Planning and Development Act, 2000 (dated 19/06/2025)

Environmental Enforcement Department- FI requested in relation to submission of CMP, Resource & Waste Management Plan, Public Liaison Plan, Operational Waste Management Plan and Pest Control Plan (dated 04/07/2025)

3.3. **Prescribed Bodies**

Uisce Eireann- no objection in principle, subject to conditions (dated 01/07/2025)

3.4. **Third Party Observations**

A significant number of third-party submissions were received by the planning authority (28 no.) which raised matters similar to that contained in the third-party submissions received.

4.0 **Planning History**

Subject Site

D24B0505/WEB- permission GRANTED for extension to dwelling

Adjacent sites

PL06D.320925 (D24A/0509)

Permission REFUSED on appeal for demolition of a house for the construction of 14 dwellings and all associated site works for 1 reason relating to unacceptable low density of development

PL06D.323594 (D25A/0531/WEB)

Permission GRANTED on appeal for demolition of existing structures and construction of 21 dwellings with 26 in-curtilage car parking spaces.

LRD24A/0329- Permission GRANTED for amendments to SHD ABP-312132-21 at Old Bray Rd, Cornelscourt to include reduction of 2 floors and subsequent reduction in unit numbers

ABP-312132-21- Permission GRANTED at Old Bray Rd, Cornelscourt for construction of 419 BTR units (SHD) and associated site works

ABP-311428-21- Permission GRANTED on appeal for demolition of existing buildings and construction of mixed-use development (2 no. retail, 20 no. residential) at The Mart, Old Bray Rad

5.0 **Policy Context**

5.1. National Planning Policy

Section 28 Ministerial Guidelines

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

- Guidelines for New Emergency Accommodation
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Appropriate Assessment Guidelines for Planning Authorities

Other policy documents of note:

- National Planning Framework, First Revision

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

National Policy Objective 45 seeks to “increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.”

Chapter 6 states: Increasing housing supply remains the principal solution to resolving homelessness. Housing for All provides four pathways to achieving four overarching objectives one of which is Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion. Each of the pathways contains a comprehensive suite of actions to achieve these Housing Policy Objectives.

- Regional Spatial & Economic Strategy for the Eastern and Midland Region

Chapter 9 states, in respect of homelessness: The issue of homelessness is a critical challenge facing the Region into the future and is the first pillar of Rebuilding Ireland, the State's response to the need to accelerate housing supply in Ireland. The National Statement on Housing Need and Demand points to the fact that the homelessness problem has been increasing. Although the EMRA does not have an active role in the delivery of housing or in the provision of support services for homeless persons and families, the RSES will set the context for overall housing provision in the Region in the most sustainable locations, within which local authorities and other agencies and bodies will deliver homeless services and accommodation.

- Design Manual for Urban Roads and Streets (DMURS)
- Climate Action Plan

5.2 Local Planning Policy

Development Plan

The **Dún Laoghaire-Rathdown County Development Plan 2022-2028** applies

Zoning- 'Objective A' which seeks "to provide residential development and improve residential amenity while protecting the existing residential amenities"

'Residential' and 'Residential Institution' are 'Permitted in Principle' within the 'A' zoning (Table 13.1.2) while 'Aparthotel', 'Guest House', 'Hotel/Motel', 'Caravan park – residential', 'Residential – build to rent and Student Accommodation' are 'Open to Consideration'

Residential is defined in the Plan (Section 13.2) as: "The use of a building or part thereof including houses, apartments, flats, bed sitters, etc., designed for human habitation."

Residential Institution is defined in the Plan as: "A building or part thereof or land used as a residential institution and includes a monastery, convent, hostel, nursing home."

Lands to the east are zoned 'Objective NC' which seeks to 'protect, provide for and-or improve mixed-use neighbourhood centre facilities'.

Section 13.1.5 Not Permitted / Other Uses - Uses which are not indicated as 'Permitted in Principle' or 'Open for Consideration' will not be permitted. There may, however, be other uses not specifically mentioned throughout the Use Tables that may be considered on a

case-by-case basis in relation to the general policies of the Plan and to the zoning objectives for the area in question.

Chapter 4: Neighbourhood - People, Homes and Place

Overarching Policy Objective PHP1: That increased delivery of housing throughout the County will be subject to the Strategic Policy Objective to:

- Align with the provisions of the National Planning Framework and the Eastern and Midlands Regional Spatial and Economic Strategy.
- Accord with the Core Strategy set out in Chapter 2, the Housing Strategy and Housing Needs Demand Assessment for the County in Appendix 2 and/or the provisions of the future Regional Housing Need Demand Assessment.
- Embed the concept of neighbourhood and community into the spatial planning of the County by supporting and creating neighbourhoods and ensuring that residential development is delivered in tandem with the appropriate commensurate enabling infrastructure, including access to sustainable neighbourhood infrastructure, sustainable modes of transport, quality open space and recreation, and employment opportunities.

Policy Objective PHP13: Equality, Social Inclusion and Participation It is a Policy Objective to promote equality and progressively reduce all forms of social exclusion that can be experienced because of gender, gender identity, marital status, family status, age, race, religion, disability, sexual orientation, nationality, homelessness and membership of the Traveller Community and promote active participation consistent with RPO 9.1 and RPO 9.2 of the RSES.

Policy Objective PHP32: Homeless Accommodation It is a Policy Objective to support the provision of homeless accommodation and/or support services throughout the County.

Section 4.3.2.8: proposals for such facilities should not result in an overconcentration in one area and should not unduly impact upon existing amenities. As a partner with the other Dublin Local Authorities in the shared services provided by the Dublin Region Homelessness Executive it is an objective to implement the actions of the 'Homeless Strategy National Implementation Plan' and the 'Homeless Action Plan Framework for Dublin 2019- 2021'. Proposals for homeless accommodation or support services within DLR shall have regard to the requirements of the Dublin Region Homeless Executive.

Chapter 12 relates to Development Management standards

Site is located outside of the Foxrock Architectural Conservation Area

5.3 **Natural Heritage Designations**

The subject site is not located within a designated site. The nearest designated sites are as follows:

- South Dublin Bay SAC (Site Code: 000210)- circa 3.5km north
- South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024)- circa 3.5km north

6.0 **EIA Screening**

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

7.0 **The Appeal**

7.1. **Grounds of Appeal**

First Party Appeal

Against Condition No. 1 and Condition No. 23 (Parks contribution)

Contends that original proposed scheme was compliant with all relevant technical standards and reduction in scale, by way of FI, is not supported by objective evidence

Condition No. 1

- FI resulted in omission of upper set-back level forming; reducing number of units from 23 to 18 comprising approximately 78 bedspaces
- Drawings submitted at FI stage were provided without prejudice to the acceptability of the original proposal

- Sunlight, Daylight and Shadow Assessment confirms that originally proposed scheme results in no measurable loss of daylight, sunlight or residential amenity to adjoining properties
- PA has not identified any technical deficiency in original proposed scheme to justify omission of upper setback level and associated reduction in quantum of accommodation
- Setback was visually recessive, designed to minimise visual impact and integrate with surrounding context- its removal represents a disproportionate response; no specific adverse impact has been identified; a generalised preference for reduced scale does not constitute a sufficient planning basis to justify its removal; not supported by reasoned planning basis
- Proposed amendments are inconsistent with policy framework
- Impacts on viability; undermines the effectiveness and deliverability of the proposed development
- Seeks to amend Condition No. 1 so as to permit originally proposed development of 23 units, 100 bedspaces.

Condition No. 23

- Submits that the parks contribution is disproportionate, unsupported by stated methodology and inconsistent with the requirements of section 48 of the Planning and Development Act, 2000, as amended
- Planning authority has not identified (a) class of development (b) specific provision relied upon (c) rate applied (d) any calculation/breakdown showing how figure is derived
- Gives rise to fundamental deficiency in the condition; not in position to verify that the contribution has been imposed in accordance with applicable scheme
- PA reasoning is limited and does not constitute a sufficient basis for imposition of a contribution of this magnitude and does not reflect structured methodology required by Development Contribution Scheme

- Scheme does not provide for discretionary adjustment based on qualitative assessment of layout, landscape character or perceived deficiencies in on-site provision
- Proposal does not generate the same pattern, intensity or distribution of demand for public open space as conventional residential development
- Development incorporates dedicated onsite amenity provision designed specifically to meets the needs of the residents; functionally integrated with the operation of the family hub
- The inclusion of external, unrelated tree removal on adjoining lands, which the applicant had no involvement in, constitutes an impermissible extension of responsibility beyond the application site
- Condition does not meet requirements of precision, transparency or reasonableness
- Seeks amendment to condition so as to require a recalculation in accordance with Development Contribution Scheme

Third Party Appeals

Five no. third-party appeal submissions were received, one of which contains the names of 10 no. residents of Mart Lane. The submissions may be broadly summarised as follows:

Principle-

- lack of clarity regarding proposed use (inadequate development description); land use incompatible with zoning, likely to materially contravene low-density character of the area
- lack of planning policy supporting such uses in CDP, questions appropriateness of such a facility at this location; no proven demand exists for proposal; proposal is contrary to national homeless policy requirements; concerns regarding future use of proposal
- insufficient justification has been provided for the demolition of the existing dwelling having regard to Policy CA6 of CDP; climate impacts
- materially contravenes CDP backland development policies

- concerns regarding compliance with 'Guidelines for Development of New Emergency Accommodation' (DoPHLG, 2022)
- 15% public open space not provided, as per CDP requirements

Design rationale-

- excessive scale; poor design; overdevelopment; comprises random, ad hoc, piecemeal proposal; constrained nature of site
- intensification/density concerns with density of 82 units/ha proposed
- contrary to RES3 of CDP in relation to density and material contravention of CDP in this regard (note to An Coimisiún- Policy objective PHP18 relates to Residential Density)
- proposal differs materially from conventional residential development; incompatible with surrounding residential area

Impacts of residential amenities-

- overlooking, loss of privacy, insufficient separation distances to boundaries (1m of SE boundary), overbearing impacts, overshadowing, noise and general disturbance including from play areas
- non-submission of daylight/sunlight, acoustic or visual impact assessments
- impacts on school community
- construction stage impacts
- impacts on local social infrastructure

Impacts on visual amenity-

- impacts on Foxrock ACA; impacts on character of the area

Biodiversity-

- concerns regarding tree removal, insufficient Arboricultural Impact Assessment undertaken (section 8.2.8.6 of CDP)

Traffic issues-

- road currently impassable at drop off/collection times, concerns regarding insufficient parking and overspill parking into surrounding residential roads

- creation of traffic hazard, impacts on school children travelling to school; intensification of traffic movements
- concurrent application PL06D.320925
- emergency vehicle/refuse truck access;
- deficiencies in active travel and cycling infrastructure; inadequacy of sustainable transport provision; proposed scale and intensity of development is not adequately supported by the existing transport and servicing environment of the area; location of bus stop

Drainage issues-

- concerns regarding proposed SuDS strategy; reliance on future compliance

Other matters-

- lack of community engagement/consultation with relevant bodies and assessment of potential social impacts,
- access arrangements rely on third-party lands;
- inadequate assessment of operational nature of proposed facility and its compatibility with established low-density suburban residential context
- excessive reliance on future compliance through conditions
- consistency of planning authority decisions
- concerns regarding precedent and depreciation of property
- procedural matters relating to failure to re-advertise following FI

7.2 Applicant Response to 3rd Party Appeals

7.2.1 A first-party response to the third-party appeal submissions was received and may be summarised as follows:

- Residential use on residentially zoned lands; notes national guidance and Policy Objective PHP32 of Plan which supports provision of homeless accommodation; notes location at interface with NC zoned lands which influences character of site; outlines design rationale

- Dublin Regional Homeless Executive (DRHE) does not issue project-specific letters of support; reference their Monthly Reports on Homelessness which records scale of demand for such services
- Designed to Department's Guidelines for the Development of New Emergency Accommodation (2022)
- Outlines support for such uses in national policy
- Outlines rationale/location context for design rationale
- Figures 20 and 22 of Moynihan & Others appeal are not verified photomontages, do not appear to have been prepared in accordance with any recognised methodology and are unsupported by survey information, lens/camera data etc; should be afforded no evidential weight
- Sets out differences between this current proposal and others referenced in appeal submissions
- Notes ABP grant of permission on Mart Lane (ABP-311428-21) for a 5-storey building
- Contends that proposal will not impact on residential amenity nor Foxrock ACA (notes site is located outside of ACA)
- Contends that traffic, access and road safety matters have been dealt with in submitted reports and notes reports of PA; overflow parking on Mart Lane cannot arise due to current parking controls; matters raised are not supported by technical assessments
- Loss of trees can be mitigated by condition; Parks Division report is not an objection to the proposed scheme; tree protection measures put forward
- Outlines rationale for non-provision of public open space
- Contends that matters of drainage, waste and servicing have been addressed in submitted documentation
- Sets out rationale for demolition of existing dwelling in context of climate and embodied carbon

- Procedural matters- FI to planning authority was deemed not significant and therefore revised public notices were not required; in terms of precedent and property values, application is determined on its own merits; referenced to who may occupy the development rather than measurable land-use impacts are not matters for the Commission to take into account

7.3 Planning Authority Response

The grounds of appeal do not raise any new matter, which, in the opinion of the planning authority would justify a change of attitude to the proposed development.

7.4 Observations

An observation was received (stated to be on behalf of the board of Foxrock Area Community & Enterprise CLG (FACE)) which may be broadly summarised as follows:

- Understand the urgent need for accommodation with latest figures showing 15,747 homeless in Ireland, combined with 112,189 people registered for temporary protection and 3,947 registered for asylum
- Proposal represents major over-development of site, in terms of scale and density, without adequate amenities and access
- Out of character with the area
- Lack of open space and recreational amenities; materially contravenes Development Plan in relation to 15% open space provision
- Unsafe egress onto Mart Lane; sightlines should be included to demonstrate that safe visibility can be achieved
- Inappropriate separation distances to boundaries and therefore proposal materially contravenes the Sustainable Residential and Compact Settlement Guidelines

7.5 Further Responses

7.5.1 Two responses from third-parties to the first-party appeal submission were received and may be summarised as follows:

- Reiteration of many points made in original appeal submissions

- Contends that applicant is seeking to appeal PA decision in its totality by appealing Condition No. 1
- Sets out general examples where An Coimisiún have previously refused permission for demolition of dwellings
- No expert evidence provided in first-party appeal to challenge planning authority technical reports; seeks to revisit and undo key elements of PA assessment
- Lack of specificity to parks and landscape conditions
- Appeal appears to overlook comprehensive assessments undertaken by PA
- Considers planning authority to have acted in accordance with its section 48 Development Contribution Scheme
- Questions why an individual staying in the proposed development would not need the same level of open space as any other residents in the locality

7.5.2 A response to An Coimisiún Pleanála was received from the DAU, which may be summarised as follows:

- the proposed development site is not within the zone of notification for any recorded monuments that are subject to statutory protection in the Record of Monuments and Places (RMP) established under section 12 of the National Monuments (Amendment) Act 1930-2014. The Department also notes that the proposed development site is relatively small in scale
- nature of previous development at this site suggests that the proposed development site is of low archaeological potential. Therefore, the Department of Housing, Local Government and Heritage, recommends that no archaeological mitigation is required at this proposed development

8.0 Assessment

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

- Principle of proposed development
- Design Rationale- Height and Density/ First-Party Appeal against Condition No. 1
- Impact on the amenity of adjoining occupiers
- Impacts on visual amenity/built heritage/tree removal/first-party appeal against Condition No. 16
- Traffic and Transportation Matters
- Drainage Matters
- First-party appeal against Condition No. 23
- Other issues

8.1.2. In the interests of clarity, I am assessing this proposal, as per that permitted by the planning authority (namely as amended by Further Information to the planning authority).

8.1.3. I highlight to An Coimisiún that I consider there to be a lack of clarity in the first-party appeal submission received in terms of the scope of the appeal. It states that the appeal is confined to

(a) *the condition relating to the imposition of a parks contribution*- the condition number has not been referenced in the first-party appeal submission. In the interests of clarity, I am assessing this as an appeal against Condition No. 23 of the planning authority decision. I note however that section 3 of the appeal references 'Ground 1: Parks Contribution and related landscaping conditions'. I note that Condition No. 16 is a landscaping condition involving replacement planting. It is unclear if this condition is being appealed. In the interests of completeness, I will also include this Condition No. 16 in my assessment.

(b) *Condition No. 1, and any related conditions, which have the effect of reducing the permitted height, scale and accommodation quantum of the development-* given that the proposed development was reduced in height, scale and accommodation quantum by the response to FI and CFI to the planning authority, I consider that Condition No. 1 (which references the amendments made by FI and CFI) is the sole condition being appealed in this regard.

8.2. Principle of proposed development

Context

- 8.2.1. Some of the third-party submissions raise concerns regarding the principle of the proposed development at this location; contest whether the proposed development is in accordance with the zoning objective for the area and contend that there is a lack of clarity regarding the proposed use. Third-party submissions also contend that there is a lack of planning policy supporting such uses in the County Development Plan; question the appropriateness of such facility at this location; contend that there is no proven demand for the proposal and that it is contrary to national homeless policy requirements.

Proposed use

- 8.2.2. In terms of the proposed use, it is described in the submitted documentation as a family hub- a form of emergency and short-term supported accommodation intended exclusively for families experiencing homelessness and placed by the relevant housing authority. Occupation is temporary in nature (envisaged as generally up to 6-months in duration), time-limited and contingent on eligibility and referral through statutory homeless services. Residents do not enjoy exclusive possession in the manner associated with conventional residential occupation, nor do they occupy the units as permanent homes. While individual bedrooms may include limited kitchenette facilities, these are ancillary to the development's primary institutional function and do not convert the accommodation into independent dwellings. It is further stated that shared and managed facilities, including communal living spaces, support services, utility rooms, staff offices, family support rooms, and child-focused amenities, characterise the scheme. The facility's operation is supervised and managed at all times, with on-site staff and a structured support framework forming an integral part of its use. The use is fundamentally distinct from housing delivery in both function and planning character. It is stated that it does not result in the creation of

permanent residential units, does not contribute to private or social housing stock, and does not give rise to market or long-term tenure. It is described as being support infrastructure, analogous to other non-residential institutional or community care uses, rather than as residential development. It is stated that the facility will house up to 23 families, accommodating 100 individuals at full occupancy and is expected to operate at or near full capacity due to extreme demand. This figure was reduced to 18 no. units and 78 no. persons by way of Further Information to the planning authority. It is stated that the initiative will reduce reliance on costly and unsustainable emergency hotel placements, which remain a financial and social burden on the system. Families will stay for varying durations, depending on their needs with the goal being to transition families to permanent housing solutions within 6–12 months, as per DRHE progression objectives. The proposal will provide a structured progression model, ensuring families receive tailored support and the DRHE has confirmed that the proposed use is required and that it supports the project.

- 8.2.3.** Having regard to the information provided, I do not agree with the third-party assertions in relation to lack of clarity of proposed use and I am satisfied with the level of detail provided in this regard.

Zoning

- 8.2.4.** Some of the third-party submissions received state the proposal is not in compliance with the zoning objective for the area and that the proposal is likely to materially contravene low-density character of the area.
- 8.2.5.** The site is zoned 'Objective A' which seeks "to provide residential development and improve residential amenity while protecting the existing residential amenities".
- 8.2.6.** Table 13.1.2 of the operative County Development Plan states that 'Residential' and 'Residential Institution' are permitted in principle within the 'A' zoning. 'Residential Institution' is defined in section 13.2 of the Plan as "A building or part thereof or land used as a residential institution and includes a monastery, convent, hostel, nursing home." Given the characteristics of the proposal before me and the definition of 'residential institution' as set out in the Plan, I consider the proposal could be described as a type of hostel. This would fall within the definition of a residential institution. The planning authority consider that the proposed use can be best classed as 'Residential Institution'. I note An Coimisiún previously permitted homeless accommodation within an area zoned

'Objective A' within the administrative boundary of Dun Laoghaire Rathdown (PL-500674-DR-26).

- 8.2.7. Should An Coimisiún consider that the use does not fall within the scope of the term 'hostel' or 'residential institution', I draw attention to Section 13.1.5 of the DLR Development Plan which identifies that there may be uses not specifically mentioned in the Use Tables (Tables 13.1.2-13.1.19) that may be considered on a case-by-case basis in relation to the general policies of the Plan and to the zoning objectives for the area in question. In this regard, I note that the proposal relates to accommodation of persons generally for 6 months or more. I consider that the proposed use is a residential type use, in a similar way to student accommodation which is an 'open for consideration' use within the 'A' zoning. Subject to the consideration of other relevant objectives and standards of the Development Plan, I consider that the proposed use can be considered under the 'A' zoning of the lands.
- 8.2.8. As such, I consider that the use as described above exhibits characteristics of a residential institution. Overall, therefore, I consider that the proposed use would be acceptable in principle within the 'A' zoning of the site and does not represent a material contravention of the County Development Plan in this regard.

Need for proposal in context of national/regional/local policy

- 8.2.9. A third-party submission questions the appropriateness of such facility at this location; contends that there is no proven demand for the proposal and that it is contrary to national homeless policy requirements. Again, I would not agree with this assertion. In terms of national homeless policy requirements, I note Chapter 6 of the NPF, First Revision (April 2025) states that increasing housing supply remains the principal solution to resolving homelessness. Housing for All provides four pathways to achieving four overarching objectives one of which is Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion. Each of the pathways contains a comprehensive suite of actions to achieve these Housing Policy Objectives. Chapter 9 of the RSES for the Eastern and Midland region 2019-2031 states, in respect of homelessness that the issue of homelessness is a critical challenge facing the Region into the future and is the first pillar of Rebuilding Ireland, the State's response to the need to accelerate housing supply in Ireland. The National Statement on Housing Need and Demand points to the fact that the homelessness problem has been increasing. Although the EMRA does not have an

active role in the delivery of housing or in the provision of support services for homeless persons and families, the RSES will set the context for overall housing provision in the Region in the most sustainable locations, within which local authorities and other agencies and bodies will deliver homeless services and accommodation.

8.2.10. The documentation further states that the proposal is designed to meet a pressing spatial and social need, particularly within the Dún Laoghaire–Rathdown County Council (DLRCC) area, which continues to see sustained levels of family presentations into homelessness while lacking sufficient dedicated emergency capacity for family cohorts. It is stated that in March 2025, there were 1,546 families in emergency accommodation across the Dublin region, an increase of 93 compared with March 2024, representing a 6% annualised growth rate in family homelessness. It is further stated that the Dublin Region Homeless Executive (DRHE) has identified an unprecedented surge in family homelessness, necessitating immediate and strategic interventions and that the proposed development will serve as a crucial component in the DRHE's regional homelessness strategy, offering emergency accommodation relief to families across the greater Dublin area when necessary. It is stated that there are no other such homeless services withing 750m of the proposal. The cover letter included with the original planning documentation stated that the current proposal aligns directly with confirmed demand requirements identified by their office in dialogue with the Dublin Region Homeless Executive (DRHE). They further state that the Dublin Regional Homeless Executive (DRHE) does not issue project-specific letters of support and the first-party response to appeal makes reference to the DRHE Monthly Reports on Homelessness which records scale of demand for such services

8.2.11. I consider that a proven demand for such services has been demonstrated and given that there are no other such facilities within 750m, I consider such a location appropriate in principle for the proposed development. I have checked the planning register for Dun Laoghaire-Rathdown County Council and as of 22nd June 2026, no new homeless services were granted permission within 750m of the appeal site since the date of the planning authority's decision. It cannot therefore be argued that there is an over-concentration of such uses within the area. I note a refusal of permission at Quinn's Road, Shankill, Dublin 18 (D26A/0036/WEB) on 19th March 2026, which is currently under appeal. This site in Shankill is located approximately 7km from the site the subject of this current appeal and given the distance is considered not to be relevant to this case.

- 8.2.12. The planning authority highlights that the Development Plan sets out policy that supports the provision of Homeless Accommodation under section 4.3.2.8 and Policy Objective PHP32: Homeless Accommodation, which states that it is a policy objective to support the provision of homeless accommodation and/or support services throughout the County. I refer An Coimisiún to this policy objective of the operative Plan. This area has not been precluded within the operative Development Plan as an area not suitable for such services and I question the third-party rationale for stating why this area is not appropriate for such a use, given the lack of such services within the area and the fact that the proposal is located on a serviced, zoned site within an urban area in close proximity to services and facilities.
- 8.2.13. One of the third-party submissions received argued in detail that the proposal was not in compliance with the Guidelines for Development of New Emergency Accommodation (2022). I would not agree with this assertion. The Guidelines state that their purpose is to meet the commitment under Housing for All. They have been developed to ensure that there will be sufficient quality accommodation to meet the needs of those experiencing homelessness and that such accommodation affords those experiencing homelessness dignity and respect to minimize the trauma of homelessness. The guidelines state that there should be separate facilities for families and for single persons. This proposal is for family accommodation only. Preference should be for locations with easy access to public transport as well as to facilities such as shops, recreation, and centres of employment. In addition, for family accommodation, easy access to schools is also important. The proposal is located within an urban area with good access to public transport (within walking distance of 24hr BusConnects route), is within 1km of shops, recreation, centres of employment and schools. St. Brigid's primary school is located on Mart Lane. Provision of private open spaces in emergency temporary accommodation is not envisaged, but access to a shared open space or garden or convenience to a public park should be considered particularly for family type accommodation. A small, shared garden area with playground is proposed. Access to some level of private car parking should be considered for family type accommodation. This however will depend on location and parking may be considered unnecessary in town or city centre locations where good transport links are available. 9 no. car parking spaces are proposed and the site is located in an area where good transport links are available. Section 6 deals with Accommodations for Families. Each family has its own dedicated bathroom. Sufficient shared living spaces are being

made available while kitchen facilities with an associated dining area, shared between a number of families have been provided. Shared self-service laundry facilities are provided. A dedicated storage space for buggies is also recommended. While this has not been provided (solely a recommendation of the Guidelines), the matter could be adequately dealt with by means of condition. Overall, I consider that the location meets the requirements of the Guidelines for Emergency Accommodation and is suitable for the proposed use. I am satisfied that if permitted, the proposed development would provide an adequate standard of temporary accommodation for those availing of the services.

Justification for demolition of existing dwelling

- 8.2.14. Some of the third-party submissions received contend that inadequate justification has been put forward for the demolition of the existing structure on site, having regard to Policy Objective CA6 of the operative County Development Plan and question how it complies with climate policies. A Justification for Demolition Report was submitted with the application documentation, which sets out the rationale for demolition of the existing structure on site. It is stated that the flat roof extension is structurally unsound and poses a safety risk. Leylandii tree roots have led to structural movement and subsidence. The existing structure is energy inefficient and does not meet modern sustainability or insulation standards. It further states that retention of the existing building does not align with planning objectives for sustainable and compact urban growth.
- 8.2.15. The planning authority notes section 12.3.9 of the Plan in this regard and state that the existing dwelling on site is of no significant architectural merit; that the house is not visible from the street and therefore its loss is unlikely to harm the character of the area. They consider that a more robust justification would be required if the development were for a single replacement dwelling, however given that the proposal is for a more intensive use of an 'Objective A' zoned site, they consider that no further justification for the demolition of the existing dwelling is required.
- 8.2.16. One of the third-party submissions received sets out examples where An Coimisiún has previously refused permission for demolition of a dwelling within the Dun Laoghaire Rathdown administrative area. I highlight that many of the examples cited have a different context, in that they involve the demolition of a dwelling and its replacement with another single dwelling. That is not the case in this current appeal. I note Chapter 3 Climate Action of the operative County Development Plan and the policy objectives contained

therein. In particular, Policy Objective CA6: Retrofit and Reuse of Buildings of the Plan is referenced by third-parties. It states that *'It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES)'*. I note the wording 'where possible' in Policy Objective CA6, which to my mind infers a degree of flexibility. I note that no particular designations apply to the subject dwelling- it is not designated as a Protected Structure, it is not in the NIAH inventory and it is not located within an ACA. I note its condition, as set out in the submitted Demolition Justification Report. A visual inspection at the time of my site visit demonstrated that the house appears to be in habitable use. I note the replacement of one dwelling with an increased density of development on a serviced site in close proximity to services and public transport. I note that the proposal is consistent with other similar developments in the locality and note that An Coimisiún permitted the demolition of a single dwelling on Mart Lane in December 2025 and its replacement with 21 no. dwellings. Having regard to all of the information before me, I am satisfied with the proposed demolition of the existing dwelling on this site, in this instance.

Backland Development

- 8.2.17. Some of the third-party submissions received state that the proposal represents backland development and materially contravenes policies of the operative County Development Plan in this regard. It is also contended that the proposal represents overdevelopment of the site and comprises random, ad hoc, piecemeal development.
- 8.2.18. Section 12.3.7.6 of the Plan relates to backland development and states that residential development within the boundary of larger detached houses does not constitute backland development and will not be assessed as such. The planning authority did not consider the proposal to represent backland development. Having regard to the nature of the proposal, namely residential institution, I do not consider it to represent backland development.
- 8.2.19. Section 12.3.7.7 of the Plan relates to infill development and states that in accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. I consider that the proposal could be more appropriately

described as infill development. Policy Objective PHP19: Existing Housing Stock – Adaptation states that it is a Policy Objective to conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. As stated previously, it is considered that adequate justification has been put forward to justify the demolition of the existing dwelling on site. Policy Objective PHP19 secondly seeks to densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods. I consider the proposal to be in compliance with same.

8.3. *Design Rationale- Height and Density/ Open Space/ First-Party Appeal against Condition No. 1*

Height

- 8.3.1. I am generally satisfied with the heights proposed and consider that, if permitted, they would integrate well with existing development in the immediate locality. The overall height of the proposal was reduced at FI stage from 13.4m to 11.6m. The prevailing heights in the immediate area are generally two-storey properties. The proposal, as amended by the Further Information response to the planning authority, is three-storeys in height with small service area above. I concur with the opinion of the planning authority that the location of the subject site would be categorised as a City-Urban Neighbourhood in the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024). These Guidelines recognise that in order to achieve compact growth we will need to support more intensive use of existing buildings and properties, including the re-use of existing buildings that are vacant and more intensive use of previously developed land and infill sites, in addition to the development of sites in locations served by existing facilities and public transport. As stated elsewhere in this report, this is a zoned, brownfield site which is well served by public transport facilities, proximate to established services and facilities. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations and suburban and wider town locations. It recognises the need for our cities and towns to grow upwards, not just outwards. I have had particular regard to SP3 and the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal including

at the scale of relevant city/town, at the scale of district/neighbourhood/street, at the scale of the site/building, together with specific assessments. In his regard, I note the following:

Table 2:

At scale of relevant city/town
• Proposal assists in securing objectives of the NPF, in terms of focusing development in key urban centres, fulfilling targets in relation to brownfield, infill development and delivering compact growth • Site is well served by public transport • Proposal would not detract from the character and public realm of the area and makes a positive contribution to place-making. 3D visualisations submitted • Proposal would not adversely affect the skyline- height of nearby buildings noted • Given the scale of development proposed, I have no information before me to believe that the infrastructural carrying capacity of the area could not accommodate the proposed development. Neither the PA nor Uisce Eireann have raised concerns in this regard
At District/Neighbourhood/Street Level
• Proposal responds well to its overall environment and would make a positive contribution to the urban neighbourhood of the area • Proposal puts forward a good design response- it is not monolithic nor does it have long, uninterrupted walls of building • High quality, well considered materials proposed- this matter could be adequately dealt with by means of condition • Presently the site is considered to be underutilised • Proposal would make a positive contribution to the legibility of the area • Proposal would positively add to the mix of uses within the area and would make a positive contribution to the character and identity of the area.

• Proposal would respect the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring properties. This has been demonstrated in the submitted documentation
At site/building scale
• Proposed design maximises access to natural daylight, ventilation and views and minimise overshadowing. The proposal has been examined in the context of BRE guidelines and I am satisfied in this regard • Proposal ensures no significant adverse impact on adjoining properties by way of overlooking overbearing and/or overshadowing. Any impacts are considered to be in line with what one would expect within such an urban area • Proposal would result in an effective urban design and streetscape solution
Specific Assessments
• Environmental assessment has been undertaken within this report and I am satisfied in this regard

8.3.2. Generally, I do not consider the proposal to be excessively dominant, overbearing or obtrusive in its context and I consider that the subject site has capacity to accommodate a development of the nature and scale proposed, without detriment to the amenities of the area. I do not consider the proposal to be out of character with existing development in the vicinity nor does it represent over-development of the site. I am satisfied that the proposed development is in accordance with the operative Development Plan in this regard. The planning authority have not raised concern in relation to this matter.

Density

8.3.3. Some of the third-party submissions received contends that the density is too high for this constrained site; that the proposal represents overdevelopment of the site and the proposal is incompatible with surrounding residential area. They further state that the proposal is contrary to the County Development Plan and represents a material contravention of the Plan in this regard.

8.3.4. The planning authority state that the proposed development is not subject to use specific requirements, however it deemed it reasonable to outline what density could be achieved.

The planning authority state that taking into account Appendix B of the Compact Settlement Guidelines, the proposed development of 22 residential uses on a 0.22 ha gross area results in a density of c.100 units/ha. They consider this density to be appropriate for an area with a target density of 50-250 uph in line with the Compact Settlement Guidelines. They further note Policy Objective PHP18 and state that the area to the east of the site is considered one where the character is evolving, due to a recently permitted developments. Overall, they consider a density of 100 units/ha acceptable at this location.

- 8.3.5. I consider that given the nature of the use proposed, that the proposed development is not subject to density calculations. Notwithstanding this, I consider that in the interests of demonstrating that the proposal does not represent overdevelopment of the site, that it is an appropriate tool in this instance. I note that 18 units were permitted by the planning authority, giving a density of c.82 units/ha. Section 4.3.1.1, Policy Objective PHP18: Residential Density of the operative County Development Plan is noted. It seeks, inter alia, to encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development. I consider that the proposal is in compliance with same, a balance is being achieved with the protection of existing amenities. I consider that the area to the east of the site is considered one where the character is evolving, due to a recently permitted developments.
- 8.3.6. I also note the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and consider the proposed development to be located within City - Urban Neighbourhoods area, namely a highly accessible urban location with good access to employment, education and institutional uses and public transport. Densities in the range of 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork. The proposal is considered to be in compliance with same and does not represent a material contravention of the County Development Plan in relation to this matter. I also consider that the proposal would not materially contravene low-density character of the area and I consider that it represents an appropriate level of development on this urban, serviced site.

Open space provision

- 8.3.7. The matter of lack of open space has been raised in some of the third-party appeal submissions received, including concerns regarding the non-provision of private open space, together with the proposal not meeting the 15% Development Plan requirement for public open space. Given the nature of the proposed use, temporary transient accommodation, the 15% open space requirement as set out in the operative County Development Plan is not applicable in this instance. The Guidelines for Emergency Accommodation (2022), in relation to temporary emergency accommodation, states that private amenity space is not envisaged, but that access to a shared open space or garden or convenience to a public park should be considered, particularly for family accommodation. I note that the Guidelines for Emergency Accommodation do not set an absolute requirement for open space on site, however it is expressed as being desirable. Some shared garden space is proposed, with a children's play area albeit relatively limited in nature. The site is within walking distance of a number of public parks- Cabinteely Park, Clonkeen Park, St. Brigid's Park and Kerry Mount Green are all within walking distance.
- 8.3.8. Overall, therefore, I am satisfied that the proposed development would provide adequate amenity for residents in terms of access to recreational facilities and open space.

First-Party Appeal against Condition No. 1

- 8.3.9. I note the first-party appeal submission in this regard which states that the proposed scheme was compliant with all relevant technical standards and its reduction in scale, by way of FI, is not supported by objective evidence. They further state that the Sunlight, Daylight and Shadow Assessment confirms that originally proposed scheme results in no measurable loss of daylight, sunlight or residential amenity to adjoining properties and that the PA has not identified any technical deficiency in original proposed scheme to justify omission of upper setback level and associated reduction in quantum of accommodation. They consider the removal its removal represents a disproportionate response; no specific adverse impact has been identified; is not supported by reasoned planning basis which impacts on viability; undermines the effectiveness and deliverability of the development. They seek to amend Condition No. 1 so as to permit originally proposed development of 23 units, 100 bedspaces.
- 8.3.10. I do not agree with this assertion of the first party. I note the reduction in height, scale and quantum of accommodation as a result of the FI request of the planning authority. These

amendments were made on behalf of the first-party in response to their request. As has been stated in the third-party submissions, it was open to the applicant not to undertake these amendments/reductions in their response to the planning authority. I am assessing the proposal as permitted by the planning authority. A detailed assessment was undertaken by the planning authority, which includes technical reports from internal departments and a clear rationale has been set out for the recommendation in the Planner's Report. Impacts on daylight/sunlight are just one factor in the assessment of such a proposal. I note section 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity of the County Development Plan which states that it is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments. I concur with the opinion of the planning authority in relation to their concerns regarding the original proposed development and it is my opinion that if permitted as originally proposed, it could have overbearing impacts on adjoining properties, could be visually obtrusive and dominant in this context and could detract from the visual and residential amenities of the area. I consider that the amendments made on foot of the Further Information and Clarification of Further Information request by the planning authority provide a superior design solution for this site; would not impact on amenities to such an extent so as to warrant a refusal of permission and if permitted as amended would be consistent with the proper planning and sustainable development of the area. I recommend that An Coimisiún do not uphold the first-party appeal in relation to this matter and I recommend a grant of permission in line with that permitted by the planning authority.

- 8.3.11. Matters raised in relation to the viability of the scheme or otherwise are outside the remit of this planning appeal.

Conclusion

- 8.3.12. To conclude this point, I consider the proposed development to be acceptable in principle at this location and consistent with the proper planning and sustainable development of the area.

8.4. Impacts on Amenity of Adjoining Properties

- 8.4.1. Concerns were raised by third-parties regarding impacts on existing residential amenity including matters of overlooking, loss of privacy, insufficient separation distances to boundaries, overbearing impacts, overshadowing, noise and general disturbance. The planning authority raised matters of impacts on residential amenity in their Further Information request and were generally satisfied with the response received. The response to the FI request of the planning authority resulted in a reduction in height and scale of the overall proposal. The planning authority state that they have no concerns regarding the potential impact of any future development of the adjoining site as there would be no possibility of directly opposing first floor windows at this location. They have undertaken a comprehensive assessment of the impact of the proposal on residential amenity and I refer An Coimisiún to same.
- 8.4.2. One of the third-party submissions received states that there was non-submission of daylight/sunlight, acoustic or visual impact assessments. This is incorrect. A Sunlight, Daylight & Shadow Assessment (Impact Neighbours) was submitted as part of the Further Information submission to the planning authority. A series of 3D images were also submitted. Matters relating to noise were dealt with in the submitted documentation including section 7.6 of the Outline Construction and Demolition Environmental Management Plan. I am satisfied that there is adequate detail on file for me to undertake a comprehensive assessment of the proposed development.
- 8.4.3. In terms of impacts on the amenity of existing development in the area, I acknowledge at the outset that there will be a change in outlook as the site moves from its current level of development to that accommodating a development such as that proposed. This is not necessarily a negative.

Overlooking, separation distances and impacts on privacy

- 8.4.4. I am cognisant of the relationship of the proposed development to neighbouring properties. I note the locational context of the site within an urban area; the separation distances with nearby properties; the orientation of existing and proposed development, the nature of the uses proposed and the design of the proposed development including fenestration positioning, provision of obscure glazing and setbacks at upper levels. I consider that separation distances typical, or in excess of what would normally be anticipated within such an urban area are proposed. The design rationale is noted which includes for

setbacks at upper levels. These were increased at FI stage to the planning authority. The building is positioned nearer to the eastern boundary, adjoining the carpark area of the neighbourhood centre and Woodfield, which is currently boarded up and not in residential use. I am cognisant of the fact that it may revert back to residential use at some point in the future and I have taken this into consideration in my assessment of the proposal. Some level of overlooking is to be anticipated given the location of the site. The design rationale is such that overlooking has been minimised as far as practicable. In my opinion, any impacts are in line with what might be expected in an area such as this and therefore are considered not to be excessively overbearing given this context. One of the third-party submissions references terraces at upper levels. There are no terraces at upper levels and no access proposed onto the green roofs at upper levels. For the avoidance of doubt, I consider that this matter could be dealt with by means of condition. Having regard to all of the above, I consider that the proposal would not result in excessive levels of overlooking, overshadowing or impact on privacy.

Daylight and Sunlight

- 8.4.5. In designing a new development, I acknowledge that it is important to safeguard the daylight to nearby buildings. I have had regard to the guidance documents referred to in the Ministerial Guidelines and the Dun Laoghaire Rathdown County Development Plan to assist in identifying where potential issues/impacts may arise. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' asks that 'appropriate and reasonable regard' is had to the BRE guidelines. However, it should be noted that the standards described in the BRE guidelines are discretionary and are not mandatory policy/criteria and this is reiterated in Paragraph 1.6 of the BRE Guidelines. Of particular note is that, while numerical guidelines are given with the guidance, these should be interpreted with flexibility since natural lighting is only one of many factors in site layout design, with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout design (Section 5 of BRE 209 refers). The standards described in the guidelines are intended only to assist my assessment of the proposed development and its potential impacts. Therefore, while demonstration of compliance, or not, of a proposed development with the recommended

BRE standards can assist my conclusion as to its appropriateness or quality, this does not dictate an assumption of acceptability or unacceptability.

- 8.4.6. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that 'appropriate and reasonable regard' is had to the BRE guidelines. I note that the criteria under section 3.2 of the Building Height Guidelines at the scale of site/building include the performance of the development in relation to minimising overshadowing and loss of light.
- 8.4.7. I have had regard to section 12.3.1.1 Design Criteria of the DLR County Development Plan which states that the objective of DLR County Council is to achieve high standards of design and layout to create liveable neighbourhoods. This is achieved by a number of criteria which are taken into account in assessing applications including 'levels of privacy and amenity, the relationship of buildings to one another, including consideration of overlooking, sunlight/daylight standards and the appropriate use of screening devices'. A Sunlight, Daylight & Shadow Assessment (Impact Neighbours) was submitted as part of the Further Information submission to the planning authority. The information contained therein generally appears reasonable and robust. I note that the submitted Report has been prepared in accordance BRE BR209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', 3rd Edition 2022. I have carried out an inspection of the site and its environs.

Daylight

- 8.4.8. In terms of daylight, I note that section 5.3.7 of the Sustainable and Compact Settlements, Guidelines for Planning Authorities acknowledges that the provision of acceptable levels of daylight in new residential developments is an important planning consideration, in the interests of ensuring a high-quality living environment for future residents. It is also important to safeguard against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties. The Guidelines further state that 'In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development. Poor performance may arise due to design constraints associated with the site or location and there is a need to balance that assessment against the desirability of achieving wider planning objectives. Such objectives

might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution'. I am of the opinion that an effective urban design solution has been put forward which will lead to the comprehensive redevelopment of this brownfield site.

- 8.4.9. Paragraph 2.2.7 of the BRE Guidance (Site Layout Planning for Daylight and Sunlight - 2011) notes that, for existing windows, if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this would be kept to a minimum. BRE Guidelines recommend that neighbouring properties should retain a VSC (this assesses the level of skylight received) of at least 27%, or where it is less, to not be reduced by more than 0.8 times the former value (i.e. 20% of the baseline figure). This is to ensure that there is no perceptible reduction in daylight levels and that electric lighting will not be needed more of the time.
- 8.4.10. A VSC analysis was conducted on the windows on surrounding properties (referenced as Neighbour Group B1, B2 and B3 in the submitted assessment). I am satisfied that all relevant points have been considered. The results confirm that access to daylight for existing surrounding dwellings, when compared with their existing baseline experience, will not be compromised as a result of the proposed development as all points assessed meet BRE recommendations. Of the 23 points tested, 100% comply with BRE guidelines in terms of VSC. The average change ratio for VSC is 0.94.
- 8.4.11. I am satisfied with the assessment above and concur with its conclusion.

Sunlight

- 8.4.12. The impact on sunlight to neighbouring windows is generally assessed by way of assessing the effect of the development on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). A target of 25% of total APSH and of 5% of total WPSH has been applied. It is noted that only to windows that face within 90 degrees of due south require testing- any windows that do not, are notionally labelled as "North" in the documentation.
- 8.4.13. While not all windows relate to living rooms, the applicants have for completeness tested all of them. Again, 23 points were tested and 100% of tested windows comply with both the Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). It is therefore concluded that the proposed development complies with the BRE Guidelines in relation to both annual and winter sunlight availability to neighbours.

Overshadowing

8.4.14. In relation to overshadowing, BRE guidelines state that an acceptable condition is where external amenity areas retain a minimum of 2 hours of sunlight over 50% of the area on the 21st March. 100% of tested neighbouring amenity spaces pass the BRE 2-hours of sunlight on the 21st of March or 0.8 ratio and are considered to comply with the requirements of the BRE Guidelines. I am satisfied in this regard.

Noise/Disturbance

8.4.15. I consider that given the nature of the use, that any noise or disturbance, including that from the proposed children's playground would not be so great as to warrant a refusal of permission. Concerns raised in relation to construction impacts could be adequately dealt with by means of condition, through the submission of a final Construction and Environmental Management Plan, if An Coimisiún is disposed towards a grant of permission. Any construction impacts would be short-lived in duration and temporary in nature and I consider that any such negative impacts arising from the construction phase of development would not be so great as to warrant a refusal of permission. Any additional noise, light and emissions would be anticipated to be standard for such a development. I recommend that the matter of construction management be dealt with by means of condition, if An Coimisiún is disposed towards a grant of permission.

8.4.16. One of the third-party submissions states that there is inadequate assessment of operational nature of proposed facility and its compatibility with established low-density suburban residential context. I do not concur with this assertion. I highlight to An Coimisiún the array of plans and documentation submitted with the application, many of which were part of the Further Information response to the planning authority.

8.4.17. Impacts on the school community would not be so great as to warrant a refusal of permission or alteration to design proposed and no technical evidence has been submitted to validate any claims in this regard.

8.5. Impacts on visual amenity/built heritage/tree removal/first-party appeal against Condition No. 16

8.5.1. Some of the third-party submissions received state that the proposed development, due to its scale and locational context would have impacts on the visual amenity/built heritage of the area including that it would dominant and overbearing. Additionally, it is also stated

that the proposal fails to adequately protect the existing residential environment resulting in over-intensification of this constrained site. I do not concur with this assertion. It is also stated by some third-parties that the subject site is located within the Foxrock ACA.

8.5.2. I note that the subject site is located outside of the Foxrock ACA and neither is it immediately adjacent to the ACA. There are no protected structures nor structures listed on the NIAH inventory on the subject site. It is not located within a visually sensitive area nor any other designations applying to the site. Saint Brigid's National Schools is located to the west of the subject site (not immediately adjacent, which is designated as a Protected Structure within the operative County Development Plan (RPS Ref. 2063)). I note the report of the DAU to An Coimisiún Pleanála, which does not raise any concerns. I am satisfied that the proposed development will not impact negatively on the character or setting of any historic structures in the vicinity. The proposal will add visual interest at this location. It will be visible from the Bray Road and carpark associated with the adjoining neighbourhood centre. It will also be visible from some of the nearby residential properties and there will be a change in character as the site moves from its current level of development to that proposed- I do not consider this to be a negative. This is an area where the character and layout are changing and I note ACP decisions in this regard, which have permitted denser levels of development in the area than currently exists. The site does not have street frontage and aside from its visibility when viewed from the east (neighbourhood centre carpark in particular), the proposed development will not be unduly visible from the public realm. I consider that the proposed development would not be unduly dominant or overbearing in this context. I am satisfied with the transitions proposed and consider that they appropriately reflect the locational context of the site. I am of the opinion that its scale and massing is acceptable in townscape and visual terms. The planning authority have not raised concerns in this regard. Details of materiality could be adequately dealt with by means of condition. I do have issue with the proposed render finish to external elevations and question how it will weather and be maintained into the future. I recommend that external elevations have a brick finish. I consider that the site has the capacity to accommodate a development of the nature and scale proposed and any impacts on visual amenity or built heritage would not be so great as to warrant a refusal of permission.

Tree removal

- 8.5.3. Some of the third-party submissions received raise concerns regarding tree removal from the site, subsequent impacts on visual amenity with some submissions contending that insufficient arboricultural impact assessment was undertaken, in accordance with section 8.2.8.6 of CDP. I note that the relevant section of the Plan appears to be 12.8.11 Existing Trees and Hedgerows and not section 8.2.8.6 as cited in the third-party submission. The Parks and Landscape Division of the planning authority note that there are several trees of significant interest located on this site that are connected to a band of trees, that are labelled as tree icons and can be found on the CDP 2022- 2028 tree icon map, which relate to the protection and preservation of trees on this site. In relation to tree symbols on maps, I note the Plan states that the tree symbols on the maps may represent an individual tree or a cluster of trees and are not an absolute commitment to preservation. I highlight that there are no tree symbols on the subject site or in the immediate vicinity.
- 8.5.4. An Arboricultural Impact Assessment, including a Condition Tree Assessment, Tree Constraints Plan, Tree Retention/Removal Plan and Tree Protection Plan, were submitted as part of the Further Information response to the planning authority. I consider that adequate information has been submitted in this regard. I note that section 12.8.11 of the Plan states that Arboricultural Assessments carried out by an independent, qualified Arborist shall be submitted as part of planning applications for sites that contain trees or other significant vegetation. Such an assessment was submitted as part of the Further Information response to the planning authority. I refer An Coimisiún to section 4.4 of the submitted assessment which states that there are 52 no. trees on site, together with 1 tree line, 9 hedges and 3 shrub beds. Of these, there are no Category A trees, 3 no. Category B and 5 no. Category U trees. The remainder are Category C. Of these, it is proposed to remove 45 no. trees, 6 hedges and 3 shrub beds. It is stated by the applicants that most trees proposed for removal are of low quality and great effort has been made to retain those that are of most prominence within the treescape of this area. Tree protection measures/strategy have been put forward, together with mitigation measures which include for landscaping.
- 8.5.5. Further Information was requested from the applicant by the planning authority in relation to this matter. The Parks and Landscape Division of the planning authority note that extensive removal of mature trees on the site, most notably the Category B Aesculus

hippocastanum (Horse Chestnut), which is to be felled to accommodate the development. This loss is particularly evident from the former tree-lined car park adjacent to the site, which is now largely devoid of green infrastructure. This specimen, along with several other mature category C trees, forms an integral part of the established landscape. They further state that given the scale of tree loss already incurred and the additional removals proposed, the applicant must provide meaningful compensatory planting, which should include replacement tree planting throughout the site of appropriate species, size, and spacing to restore the canopy cover, biodiversity contribution, and visual amenity lost as a result of the development.

- 8.5.6. I am generally satisfied in relation to this element of the proposal. I acknowledge that the proposal will result in a significant volume of tree removal from the site. There are some mature trees which are proposed for removal, however, there are no Category A trees on site and the majority of those are of relatively low quality. Protection measures have been put forward, together with additional landscaping. I am satisfied that a certain amount of tree removal is necessary to facilitate the proposed development. This is somewhat inevitable on any such similar sites. I am satisfied that any loss of trees/planting would not be so great as to warrant a refusal of permission. The planning authority state that the applicant satisfied the Further Information request items and attached a condition in this regard. I note the commentary of the Parks and Landscape Division of the planning authority. They reference the former tree-lined car park adjacent to the site, which is now largely devoid of green infrastructure. I highlight to An Coimisiún that this car park is outside the red line boundary and does not appear to be in control of the applicant. Therefore, the removal of trees from this adjacent site cannot be assessed as part of this current appeal. Having regard to all of the above, I am generally satisfied in relation to the level of tree removal from the site.

First-Party appeal against Condition No. 16

- 8.5.7. As stated above, it is unclear whether Condition no. 16 is being appealed by the first-party, or not. In the interest of completeness, I shall address this matter. I note that in accordance with this section 12.8.11 of the Plan, the planning authority attached a condition requiring commensurate/replacement planting (Condition No. 16). I consider it reasonable to attach such a condition, given the extent of tree removal from the site and in order to protect the ecological value and amenity of the site and wider area. I consider the

attaching of a condition relating to replacement planting (similar to Condition No. 16) to this grant of permission to be appropriate in this instance and I recommend that if An Coimisiún is disposed towards a grant of permission, that a condition that involves agreement with the planning authority relating to replacement planting be attached to any such grant.

8.6. *Traffic and Transportation Matters*

- 8.6.1. Third parties raised a number of concerns regarding traffic and transportation matters including extent of traffic on road currently at school drop off/collection times and exacerbation of same; proposal would discourage students walking/cycling to school due to increased traffic; insufficient parking proposed; increased traffic movements and concerns regarding overspill parking into surrounding residential roads. It is contended that the proposal, if permitted, would lead to the creation of a traffic hazard, some raise concerns regarding cumulative impacts from concurrent application PL06D.320925, together with the assertion that the proposed scale and intensity of development is not adequately supported by the existing transport and servicing environment of the area. Concerns are also raised regarding emergency vehicle/refuse truck access.
- 8.6.2. The planning authority requested Further Information in relation to transportation matters and the applicant duly responded. The FI response included a DMURS Quality Audit including Stage 1 Road Safety Audit, Outline Travel Plan and Outline Construction and Demolition Environmental Management Plan. A letter of support from Yuko Toyota CarClub confirming an intention in principle to provide a car-sharing service at the proposed development was also submitted. The planning authority were satisfied with the response received and the Transportation Planning section stated that they had no objections to the proposal, subject to conditions.
- 8.6.3. The provision of 56 no. cycle parking spaces is noted, to include 2 no, cargo bicycle spaces. The proposed development provides 9 no. car parking spaces, including 1 universally accessible space, to serve the proposed development (18 units, 78 persons). The planning authority were satisfied in this regard.
- 8.6.4. I note Table 12.5 of the Plan sets out Car Parking Zones and Standards. I consider the site to be located within Zone 1 and standards are maximum in this zone. Table 12.5 states that for residential institutions, 1 space per 3 bedspaces is applied (maximum). This would give a maximum requirement of 26 spaces. I have examined section 12.4.5.2 (i)

Assessment Criteria for deviation from Car Parking Standards (set out in Table 12.5) and consider that the level of parking proposed is acceptable in this regard and an adequate justification can be put forward for deviation from these standards. I note that there are existing footpaths on both sides of Mart Lane which in turn link with the existing pedestrian footpaths on the Bray Road and nearby N11. I note the proposal includes for the extension of the footpath in front of the site. Additionally, there are designated cycle lane facilities on both sides of the N11 which is approximately 200m from the entrance to the proposed development on Mart Lane. In terms of public transport, the BusConnects Dublin project includes the new Dublin Bus E1 (Ballywaltrim to Northwood) and E2 (Dún Laoghaire to Harristown) Spine Bus Corridor from the city centre. Both the E1 and E2 Bus Routes provide a 24-hour service and have frequencies of between 4-8 minutes during peak hours. The E1 high-capacity public transport corridor travels along the N11 within approximately 250m of the proposed development site. The E2 high-capacity public transport corridor travels along Kill Lane within approximately 800m of the proposed development site. The BusConnects Dublin project also includes the new GoAhead Local Routes L26 (Blackrock to Kilternan, which has a frequency of 30 minutes at peak times) and L27 (Dún Laoghaire to Stepside, which also has a frequency of 30 minutes at peak times). The L26 and L27 travel along the Old Bray Road within approximately 500m of the proposed site. They link up with DART services, with both Blackrock and Dun Laoghaire DART stations being approximately 5km distant. I acknowledge the need to encourage a modal split. A letter of support from Yuko Toyota CarClub confirming an intention in principle to provide a car-sharing service at the proposed development has been submitted. I note the nature of the proposal and the proximity of the site to existing services and facilities. The proposed development will lead to benefits in seeking to reduce homelessness amongst families in the Greater Dublin area.

- 8.6.5. I consider the site to fall the category City- Urban Neighbourhood, located at a High Capacity Public Transport Node or Interchange within 500m walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop. I note SPPR 3 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) which states that it is a specific planning policy requirement of these Guidelines that (i) in city centres and urban neighbourhoods of the five cities...car parking provision should be minimised, substantially reduced or wholly eliminated. The TII have

not raised concerns in this regard- no report received. I am generally satisfied with the level of parking proposed.

- 8.6.6. The matter of adequate sightlines was dealt with by the planning authority in their request for Further Information and they state that the submitted drawings demonstrate the provision of the required sightlines and the provision of a continuous footpath as required. I am satisfied in this regard.
- 8.6.7. Any possible illegal parking is a matter for An Garda Síochána. I have no information before me to believe that the road network in the vicinity of the site does not have capacity to accommodate a development of the nature and scale proposed, notwithstanding any other applications in the planning system. While I acknowledge that there may be increased traffic at school drop off/collection times, this is usually short-lived in nature, during term-time only.
- 8.6.8. Details of construction traffic management have been set out in the documentation submitted and this matter can be adequately dealt with by means of condition, in the event of An Coimisiún issuing a grant of permission for the proposed development. The planning authority have not raised concerns regarding access for emergency vehicles/refuse trucks. The applicant submitted Further information in this regard – see Drg. No. D2082-MAL-00-XX-DR-C-0200. Additionally, details of waste stores/management have been dealt with in the submitted documentation. I am satisfied with the information before me in this regard.
- 8.6.9. One of the third-party submissions received state that access arrangement relies on third-party lands. I do not agree with this assertion. It appears to me that all works are proposed within the red line boundary. The planning authority have not raised issue in this regard. I refer An Coimisiún to section 5.13 of the Development Management Guidelines 2007, which acknowledge that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In addition, I also note section 34(13) of the Planning Act, which states that a person shall not be entitled solely by reason of a permission to carry out any development. I consider that the applicant has demonstrated sufficient legal interest to make this application. It is a matter for the courts to deal with further legal matters, if necessary, and I am noting both section 5.13 of the Development Management Guidelines and section 34(13) of the Act in coming to this conclusion. If An Coimisiún is

disposed towards a grant of permission, I recommend that a note be attached to any such grant noting that a person is not entitled solely by reason of a permission to carry out any development.

- 8.6.10. I am of the opinion that the proposal accords with local and national guidance in relation to parking provision at such locations and the recognised need for a change in modal split. I consider that increase in traffic movements would not be so great as to warrant a refusal of permission. I have no information before me to believe that public safety would be compromised in any way as a result of the proposed development. The planning authority have not raised concern in this regard. Based on all of the information before, I am satisfied that the proposed development is acceptable in this regard and would not lead to the creation of a traffic hazard or obstruction of road users.

8.7. Drainage issues

- 8.7.1. Some third-party submissions received raised concerns regarding drainage matters including SuDS strategy and concerns regarding reliance on future compliance.
- 8.7.2. A number of documents were submitted with the application documentation which deal with the matter of drainage and flood risk including Engineering Planning Report, Site-Specific Flood Risk Assessment and a number of calculations and drawings. I note that the planning authority requested Further Information and Clarification of Further Information from the applicant, which included clarity on drainage proposals. On receipt of the Clarification of Further Information, the Drainage Planning section of the planning authority stated that they had no objections, subject to conditions. I am of the opinion that a robust assessment of drainage matters was undertaken by the planning authority. I note a submission was received by the planning authority from Uisce Eireann, which states that they have no objection in principle to the proposed works, subject to standard conditions. I have examined the Uisce Eireann 10-Year Water Supply Capacity Register and Wastewater Treatment Capacity Register, which both state that there is potential capacity available.
- 8.7.3. This is a serviced site within an urban area, on zoned lands, with existing connections to public mains infrastructure. SuDs measures are proposed, including for green roofs. The site is not located within a flood zone. The design of the surface water drainage network to serve the proposed development has taken cognisance of the objectives and guidance contained in the Dún Laoghaire Rathdown County Development Plan, the Greater Dublin

Strategic Drainage Study (GDSDS) and CIRIA C735 The SuDS Manual. Climate change has been taken into consideration in the calculations. I have no information before me to believe that the existing infrastructure does not have capacity to facilitate a development of the nature and scale proposed. Details of proposed green roofs, bio-retention areas and SuDS measures, as conditioned by the planning authority, could be adequately dealt with by means of condition, if An Coimisiún is disposed towards a grant of permission.

- 8.7.4. Based on all of the information before me, including the guidance contained within the relevant Section 28 guidelines, I am satisfied that the site can be serviced adequately and that the proposed development will have no adverse effects on the surrounding area, subject to standard drainage conditions.

8.8. First-party appeal against Condition No. 23

- 8.8.1. Condition No. 23 reads as follows:

The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €140,018.06 to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Planning Authority in respect of the provision of the Community & Parks Public Infrastructure, Facilities and Amenities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14th December, 2015. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSi Tender Price Index (See Article 12 of the Scheme) commencing from 1st January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Community & Parks Public Infrastructure, Facilities and Amenities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

- 8.8.2. The first party appeal against Condition No. 23 is noted. The first party submission is summarised above in section 7.1 but it broadly submits that the parks contribution is

disproportionate, unsupported by stated methodology and inconsistent with the requirements of section 48 of the Planning and Development Act, 2000, as amended.

They further state that the planning authority has not identified (a) class of development (b) specific provision relied upon (c) rate applied (d) any calculation/breakdown showing how figure is derived.

- 8.8.3. I refer An Coimisiún to page 52 of 62 of the Planner's Report, in particular section entitled 'Development Contributions'. It is unclear how the levy has been applied and I concur with the opinion of the first-party that there is a lack of clarity in this regard. The planning authority have referenced Residential in their contribution table, noting a total of 18 proposed units and a demolition of 367m² (as per Q12 of submitted application form). It appears that no further details are provided by the planning authority in relation to how the figure of €140,018.06 was arrived at.
- 8.8.4. I have examined the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2023-2028, adopted October 9th, 2023, and I refer An Coimisiún to same. The planning authority state that there are no exemptions in the Scheme that would apply to the subject proposal. I would concur with this opinion.
- 8.8.5. A figure of €140,018.06 has been levied by the planning authority. I agree with the opinion of the first-party that no detailed breakdown of how this figure was arrived at has been put forward by the planning authority. This condition relates to Class 1 Community & Parks facilities & Recreational amenities. Based on the figure put forward by the planning authority it is unclear to me if the development has been levied as a residential or commercial development. While I note that the Planner's report references 'residential', I note that the floor area (as originally proposed) has been referenced which would imply a commercial calculation. As per the Development Contribution Scheme, residential calculations are based on per unit while commercial calculations are based on floor area. I also note that the floor area of the proposed development was reduced by way of a Further Information request from the planning authority and therefore the figure of 1391m² as referenced by the planning authority is not the floor area permitted. Based on the calculations put forward in the submitted FI drawings, I calculate that the permitted floor area to be 1222.83m² (459.95 m² (GF); 365.30 m² (FF); 313.25 m² (SF) and 84.33 m² (TF)).

8.8.6. Notwithstanding this lack of clarity, I consider that, in accordance with the adopted Scheme, such a use should be levied as a commercial contribution. Section 5.3 of the Scheme states that any development (including, for the avoidance of doubt, change of use) that is not residential in nature will be classified as commercial development. A € per square metre of commercial class of development is set out in Table A of the Scheme (section 4). On the basis of 1222.83m² and having examined the adopted Development Contribution Scheme (Table A), I consider that the following calculation should apply.

1222.83m ² @ €94.91 per unit	€116,058.79
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8.8.7. I recommend that Condition No. 23 of the decision of the planning authority should be amended to reflect the above recommendation.

8.9. Other Matters

Procedural Matters

8.9.1. A third-party submission received states that the application should be invalidated as there was a failure to re-advertise following receipt by the planning authority of Further Information. I do not agree with this assertion. The planning authority requested Further Information and on receipt of same, did not deem it significant. The decision of whether Further Information is significant or otherwise rests with the planning authority.

8.9.2. I note that there appears to be a minor typographical error in relation to the number of units referenced/site area in the EIA/AA section of the planning authority's notification of decision to grant permission to third parties. This matter is considered not to be material to the appeal.

Future Uses

8.9.3. Concerns were raised in third party submissions regarding future use of the proposed development. I can only assess the proposal before me, as set out in the public notices. I note Condition No. 1(b) of the planning authority decision which states that the proposed development shall be used solely for its stated and permitted use, namely as a family hub to accommodate persons experiencing homelessness so to facilitate their transition to stable housing. In my opinion, there is no lack of clarity in this regard. I recommend that if An Coimisiún is disposed towards a grant of permission, a similarly worded condition be

attached to any grant of permission. Non-compliance with conditions is a matter for the enforcement section of the planning authority.

Consultation

- 8.9.4. While consultation may be beneficial, there is no requirement under the legislation for such consultation to take place. If An Coimisiún is disposed towards a grant of permission, I recommend that a note be attached to any such grant noting that a person is not entitled solely by reason of a permission to carry out any development.

Availability of services locally

- 8.9.5. An issue raised in the grounds of appeal is the contention that there is a lack of services/ social infrastructure locally to support the proposed development.
- 8.9.6. Regard is again had to the Guidelines for the Development of New Emergency Accommodation (September 2022) which is referred to by parties to the appeal. The Guidelines for Emergency Accommodation (2022) state that preference should be for locations with easy access to public transport as well as to facilities such as shops, recreation, and centres of employment and they set a limit of 1km or at the very most 1.5km in well built-up areas for access to such services. In addition, for family accommodation, easy access to schools is also important. The proposal is located within an established urban area with good access to public transport, is within 1km of shops, recreation, centres of employment and schools. The site immediately abounds a neighbourhood centre and is proximate to St. Brigid's national school. The site has access also to high frequency bus services from Bus Connects service a short distance away on the N11. The site is within walking distance of a number of public parks. Overall, I consider that the location meets the requirements of the Guidelines for Emergency Accommodation and is suitable for the proposed use.

Building Regulations

- 8.9.7. Compliance with the Building Regulations, in relation to fire or other matters, is outside the remit of this planning appeal.

Devaluation of property

- 8.9.8. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out

above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Precedent

- 8.9.9. Concerns raised regarding setting of precedent are noted. I highlight to An Coimisiún that all applications are assessed on their own merits, having regard to the sensitivity of the receiving environment and the specifics of the proposed development

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- 8.9.10. It is noted that reference is made in a third-party appeal submission regarding cumulative impacts with the above appeal in terms of traffic concerns. I highlight to An Coimisiún that this appeal was refused permission for demolition of habitable house and construction of 14 dwellings on grounds relating to unacceptable low density of development.

Conditions

- 8.9.11. A third-party appeal submission contends that there is excessive reliance on future compliance through conditions. I do not agree with this assertion. 25 no. conditions were attached by the planning authority, many of which are standard in nature. I am satisfied that any matters conditioned in this recommended grant of permission can be adequately dealt with by means of condition.

Consistency of planning authority decisions

- 8.9.12. The matter of consistency of planning authority decisions is outside the remit of this appeal.

Consideration of Local Authority Conditions

- 8.9.13. Table 3 below details the reasoning behind my recommended conditions for the proposed development.

Table 3:

Consideration of Local Authority Conditions		
ACP-322837-25 P.A Ref: 2543605		
PA Condition No.	Subject	Included/Modified/Excluded in Schedule of Conditions and reasons
1	Plans and Particulars	Modified Covered in Condition No.1 (Standard ACP condition)
2	Soakaway	Modified Covered in Condition No. 2 & 9 (Standard ACP condition)
3 – 10 inclusive	Drainage	Modified Covered in Condition No. 2 & (Standard ACP condition)
11- 15 inclusive	Transportation	Modified Covered in Condition No. 7, 14 (Standard ACP condition)
16	Parks and Landscaping	Modified Covered in Condition No. 11 (Standard ACP condition)
17-20 inclusive	Environmental Health	Condition No. 18 Omitted- Plan submitted to PA at FI stage Condition No. 19 Omitted- Plan submitted to PA at FI stage

		CEMP covered in Condition No. 14 Demolition waste covered in Condition No. 15 Waste management covered in Condition No.16
21-25	Contributions	Modified- Covered in Condition Nos. 18 & 19 (Standard ACP condition)

9.0 AA Screening

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- the nature and scale of the proposed development
- the absence of any ecological pathway from the development site to the nearest European Sites;
- the distance of the site from the nearest European sites; and
- the AA screening determination of the Planning Authority.

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.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.
- 10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 10.3. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. I recommend a GRANT of permission, subject to conditions

12.0 Reasons and Considerations

Having regard to the Objective 'A' zoning of the site "to provide residential development and improve residential amenity while protecting the existing residential amenities", to Policy Objective PHP32 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 which supports the provision of homeless accommodation throughout the County, to the nature and scale of the proposed development and the characteristics of the surrounding area, it is considered that, subject to conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, is consistent with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and is therefore in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as amended by Further Information received by the planning authority on the 11th day of February 2026 and Clarification of Further Information received by the planning authority on the 18th day of March 2026, 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.	Prior to commencement of development, the developer shall submit to the planning authority for their written agreement: (i) details of proposed green roofs (ii) details of proposed bio-retention areas and SuDS measures (iii) details of a dedicated buggy storage area at ground floor area Reason: In the interests of clarity and the proper planning and sustainable development of the area
3.	(i) The proposed development shall be used solely for its stated and permitted use, namely as a family hub to accommodate persons experiencing homelessness so to facilitate their transition to stable housing (ii) The proposed development provides for 18 family units to

	accommodate a maximum of 78 persons. (iv) There shall be no access onto green roofs/flat roof elements at upper levels, apart from that required for maintenance purposes. Reason: In the interests of clarity, the proper planning and sustainable development of the area and to ensure effective control is maintained
4.	Prior to the commencement of the development, the developer shall submit for the written agreement of the planning authority, an updated site operational management plan for the development including a complaints procedure (with contact details for the management of the facility) available to local residents. The development shall be operated in accordance with the agreed site operational management plan. Reason: To ensure the satisfactory ongoing management and maintenance of the development, and to protect the residential amenities of the area.
5.	Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Proposed external elevations shall have a brick finish. Reason: In the interest of visual amenity.
6.	Details of any external proposed signage, lighting and CCTV cameras shall be first submitted to the planning authority for written agreement. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by

	a further grant of planning permission. Reason: in the interests of clarity, visual and residential amenity.
7.	The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular: (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense. (b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii; (c) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works, (d) Parking shall be reserved for residents of the proposed development only. Spaces shall not be reserved for any individual or individual units (e) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site. Reason: In the interest of traffic safety and convenience.
8.	Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional

	circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity.
9.	Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement. Reason: In the interest of public health and surface water management
10.	Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network. Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
11.	The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The species, variety, number, size and locations of all proposed trees and shrubs shall be agreed in writing with the planning authority, prior to the commencement of any works on site. The

	developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. Reason: To ensure a satisfactory completion and maintenance of the development in the interests of residential amenity and in the interests of protecting the environment
12.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Reason: In the interest of visual and residential amenity.
13.	Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional plant, solar/PV panels, machinery or telecommunications structures shall be erected on the roof of the proposed development. No fans, louvres or ducts shall be installed unless authorised by a further grant of permission. Reason: To protect the visual amenity of the area
14.	The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior

	to commencement of development. This plan shall provide, inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise and dust management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste. Reason: In the interests of public safety and residential amenity.
15.	Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. Reason: In the interest of sustainable waste management.
16.	A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan. Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.
17.	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company,

	or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination. Reason: To ensure the satisfactory completion of the development.
18.	(i) 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme. (ii) Specifically, in relation to Community and Parks Public Infrastructure, the developer shall pay to the planning authority a financial contribution of €116,058.79 (one hundred and sixteen thousand and fifty eight euro and 79 cents) in respect of Community and Parks Public Infrastructure 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. 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.
19.	The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood 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.

Note: The applicant is advised to note section 34(13) of the Planning and Development Act, 2000 (as amended) which states that a person shall not be entitled solely by reason of a permission to carry out any development.

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.”

Lorraine Dockery
Senior Planning Inspector

14th July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501291-DR-26
Proposed Development Summary	Demolition of existing dwelling and construction of a family hub and ancillary works
Development Address	Spanish Point, Mart Lane, Foxrock, Dublin 18
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to	State the Class here

be requested. Discuss with ADP.	
☒ 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ 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)	Part 2, Schedule 5, Class 10 (b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Class 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Lorraine Dockery **Date:** 14th July 2026

Appendix 2- Form 2 - EIA Preliminary Examination

Case Reference	PL-501291-DR-26
Proposed Development Summary	Demolition of existing dwelling and construction of a family hub and ancillary works
Development Address	Spanish Point, Mart Lane, Foxrock, Dublin 18
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Proposed development is described in section 2.0 above. The site area of 0.22 ha. The proposed development comprises the demolition of existing structure (dwelling) on site and the construction of a new family hub and all ancillary site works. (18 units to house 78 persons permitted by PA) The development comes forward as a stand-alone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	This is a brownfield site within an established urban area. The development is removed from sensitive natural habitats and designated sites and landscapes of identified significance in the Development Plan. It is considered that the proposed development would not be likely to have a significant effect, individually or in-combination with other plans and projects, on a European Site.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, its location, likely limited magnitude and spatial extent of effects, and absence of in-combination effects, there is no potential for significant effects on the environment factors listed in section 171A of the Act

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: Lorraine Dockery **Date:** 14th July 2026

Appendix 3: AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	See section 2.0 above I have considered the proposed demolition of existing dwelling and construction of a family hub in light on Mart Lane, Dublin 18 of the requirements of S177U of the Planning and Development Act 2000 as amended. A detailed description of the proposed development is presented in Section 2 of my report and detailed specifications of the proposal are provided in the AA Screening Report and other planning documents submitted by the applicant. In summary, the subject site is located on zoned lands within the administrative area of Dun Laoghaire- Rathdown County Council. It has a stated area of 0.22 hectares. The proposed development will be served by public mains connections. SuDS measures are proposed, which are standard measures in all new such developments and are not included to avoid/reduce an effect to a Natura 2000 site. The site is brownfield in nature. The site is not located within a Flood Zone. The application site was surveyed by ecologists with surveys undertaken in accordance with standard methodologies.
Brief description of development site characteristics and potential impact mechanisms	Demolition of existing dwelling and construction of a family hub. There are no drains, streams or other water features within or adjacent to the application site. The Cabinteely Stream, the nearest watercourse, is located approximately 250 metres south of the subject site.
Screening report	Y Concluded that that the proposed development of a family hub will not have significant effects on any European site, either individually or in combination with other plans or projects. As a result, a Stage 2 Appropriate Assessment is not required.

Natura Impact Statement	N
Relevant submissions	The planning authority have not raised concerns in this regard. Conclude that having regard to the scale, location and nature of the works associated with the development proposal, there will be no adverse impact on any Natura 2000 site as a result of the proposed development. It is clear from the location and nature of the project that there will be no likely significant effects on a Natura 2000 site as there are no known direct pathways including hydrological / hydrogeological links from the proposed development site to any of the Natura 2000 sites examined in this screening report. The NPWS have not raised concerns in this regard- no report received. Third- party submissions do not raise concerns regarding impacts of proposed development on designated sites and their Qualifying Interests.

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

The proposed development site is not located within any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). The nearest designated sites are:

- South Dublin Bay SAC (Site Code: 000210)- circa 3.5km north
- South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024)- circa 3.5km north

I consider these sites to be the only European sites which are potentially with a zone of influence of the proposed development.

European Site (Code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening Y/N
South Dublin Bay SAC (Site Code: 000210)	Mudflats and sandflats not covered by seawater at low tide [1140]	3.5km	N No spatial overlap No pathway from subject site	N The contained nature of the site (defined site)

<u>Conservation Objective</u> Maintain the favourable conservation condition of the species and habitats listed as QI/SCI for this SAC	Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] <u>South Dublin Bay SAC National Parks & Wildlife Service</u>			boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.
South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) <u>Conservation Objective</u> Maintain the favourable conservation condition of the species and habitats listed as QI/SCI for this SPA	Light-bellied Brent Goose (<i>Branta bernicla</i> hrota) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]	600m	N No spatial overlap No pathway from subject site	N The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the QIs listed.

	Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999] <u>South Dublin Bay and River Tolka Estuary SPA National Parks & Wildlife Service</u>			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*		
	Impacts	Effects	
South Dublin Bay SAC (Site Code: 000210)	Direct: None. No risk of habitat loss, fragmentation or any other direct impact Indirect: None. No hydrological pathways	The project is not directly connected with or necessary to the management of this European Site. Possibility of significant effects can be ruled out without further analysis and assessment.	
South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024)	Direct: None. No risk of habitat loss, fragmentation or any other direct impact Indirect: None. No hydrological pathways	The project is not directly connected with or necessary to the management of this European Site. Possibility of significant effects can be ruled out without further analysis and assessment.	

	Likelihood of significant effects from proposed development (alone): N
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?
	Possibility of significant effects (alone) in view of the conservation objectives of the site*
Further Commentary / discussion I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained within the submitted reports is considered sufficient to allow me to undertake an Appropriate Assessment screening of the proposed development. The screening is supported by associated reports, including ecological field surveys involving habitat survey and mapping and Construction and Environmental Management Plan. I do not consider that any other European Sites fall within the zone of influence of the project, based on a combination of factors including the intervening distances, the lack of suitable habitat for qualifying interests, and the lack of hydrological or other connections. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion. <u>Invasive Species</u> None identified	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site	
Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development does not have the potential to result in significant effects on South Dublin Bay SAC (Site Code: 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024). I therefore consider that it is possible to exclude the possibility that proposed development alone would result significant effects on South Dublin Bay SAC (Site Code: 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024). An appropriate assessment is not required on the basis of the possible effects of the project. Further assessment of in-combination with other plans and projects is not required at screening stage.	
Screening Determination Finding of likely significant effects In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development would not result in significant effects on the South Dublin Bay SAC (Site Code: 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) in view of the conservation objectives of a number of qualifying interest features of these sites.	

It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development is not required.

Inspector: Lorraine Dockery

Date: 14th July 2026

Appendix 4- WFD Screening			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. No.	PL-501291-DR-26	Townland Address	Spanish Point, Mart Lane, Dublin 18
Description of project		Demolition of bungalow and construction of family hub, with associated works.	
Brief site description, relevant to WFD Screening,		Site is located on zoned lands on a brownfield site.	
Proposed surface water details		SuDS measures proposed	
Proposed water supply source & available capacity		Existing connection to public mains	
Proposed wastewater treatment system & available capacity, other issues		Existing connection to public infrastructure	
Others?			

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

Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
River	KILL OF THE GRANGE STREAM_010 IE_EA_10K020200	Poor	At Risk	UWW, UR, HYMO	Surface run-off, drainage.	Standard mitigation measures included in CEMP by condition	Mitigation sufficient. No residual impacts predicted.
River	CARRICKMINES STREAM_010 IE_EA_10C040350	Good	Not At Risk	None	Surface run-off, drainage	Standard mitigation measures included in CEMP by condition	Mitigation sufficient. No residual impacts predicted.
Groundwater	Wicklow IE_EA_G_076	Good	At Risk	Unknown, Ag,	Potential for stormwater discharges to groundwater	Standard mitigation measures included in CEMP by condition	Mitigation sufficient. No residual impacts predicted.

Coastal	Dubin Bay IE_EA_090_0000	Good	Not At Risk	None	Potential for stormwater discharges to groundwater	Standard mitigation measures included in CEMP by condition	Mitigation sufficient. No residual impacts predicted.
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Inspector: Lorraine Dockery **Date:** 14th July 2026