

3 PLANNING AND POLICY CONTEXT

3.1 Introduction

This chapter considers the Proposed Development in terms of legislative context and in relation to strategic, national, regional and local level planning policies and objectives.

3.1.1 Quality Assurance and Competence

This chapter was prepared by Rachel Redmond, Environmental Consultant with DNV. Rachel has a Bachelor of Science (Hons) in Environmental Science from University College Cork and a Sp.Dip in Corporate Environmental Planning. Rachel has over 4 years of experience as an environmental consultant preparing Environmental Impact Assessment Reports of a similar scale and nature to the Proposed Development.

This chapter has been reviewed by Mairéad Foran, Senior Environmental Consultant with DNV. Mairéad Foran has a B.A. (Moderatorship) in Environmental Sciences from Trinity College Dublin, and an Advanced Diploma in Planning and Environmental Law from King's Inns College, Dublin. Mairéad has over 6 years professional experience as an Environmental Consultant and experience working on a large number of EIARs and EIA Screening Reports for projects of a similar scale to that of the Proposed Development.

This chapter has been reviewed and approved by Catherine Keogan, Technical Director and EIA Lead at DNV. Catherine is an environmental consultant with 37 years' experience in consultancy, specialising in EIAs for large-scale residential, commercial developments, pharmaceutical, BESS and solar projects working closely with a range of developers, planning consultants and architects within the public and private sector. Catherine has a B.Sc. (Hons) in Analytical Science and a Post Graduate Diploma in Renewable Energy Technology Systems.

3.2 European and National Policy and Legislation

Directive 2011/92/EU (as amended by Directive 2014 /52/EU) (together, the EIA Directive) was enacted as a means to assess the effects of projects on the environment, and to properly ensure that any potential significant effects are assessed before a project proceeds.

Article 1(2)(g) of Directive 2011/92/EU, as amended by Directive 2014/52/EU, defines Environmental Impact Assessment (EIA) as a process consisting of:

- (i) *the preparation of an environmental impact assessment report by the developer, as referred to in Article 5(1) and (2);*
- (ii) *the carrying out of consultations as referred to in Article 6 and, where relevant, Article 7;*
- (iii) *the examination by the competent authority of the information presented in the environmental impact assessment report and any supplementary information provided, where necessary, by the developer in accordance with Article 5(3),*

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and any relevant information received through the consultations under Articles 6 and 7;

- (iv) the reasoned conclusion by the competent authority on the significant effects of the project on the environment, taking into account the results of the examination referred to in point (iii) and, where appropriate, its own supplementary examination; and*
- (v) the integration of the competent authority's reasoned conclusion into any of the decisions referred to in Article 8a.'*

Annex 1 of the EIA Directive defines mandatory projects that require an Environmental Impact Assessment Report (EIAR) (formerly EIS) and Annex II of the EIA Directive lists projects which do not necessarily have significant effects but can be subject to case-by-case analysis or thresholds to be determined by member states.

The requirement for a statutory Environmental Impact Assessment (EIA) is set out in the mandatory and discretionary provisions of the Planning and Development Act, 2000 (as amended) (the Act) and in Schedule 5 of the Planning and Development Regulations, 2001 as amended (the Regulations).

Projects listed in Schedule 5, Part 1, of the Regulations, will be subject to mandatory assessment (Article 4(1) of Directive 2011/92/EU, as amended by Directive 2014/52/EU) as they are deemed as projects which are likely to have a significant effect. The Proposed Development is not listed as a project under Schedule 5, Part 1, of the Regulations.

Schedule 5, Part 2 of the Planning and Development Regulations 2001 as amended, defines projects that are assessed on the basis of set mandatory thresholds for each of the project classes including:

"Schedule 5, Part 2 - Infrastructure projects

10(b)(i) Construction of more than 500 dwelling units.

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.

(In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

The Proposed Development does constitute an "urban development" as it is a housing development. According to the Interpretation of Definitions of Project Categories of Annex I and II Document (European Commission, 2015), "*Housing developments, in particular, are frequently included in the 'urban development projects' category*".

The total area of the Proposed Development site is approximately 18.6 hectares. It is greater than the 10-hectare threshold for a built-up area and accordingly, an EIAR is being prepared as part of this application.

In May 2022, the EPA published the Final "*Guidelines on the information to be contained in Environmental Impact Assessment Reports*". The Guidelines have been updated following the

introduction of transposing legislation and are now formally adopted. The preparation of these updated Guidelines has involved extensive consultation. Participants in this consultation included government departments, national agencies, regional and local government, independent statutory bodies, non-governmental organisations, members of the public, developers and bodies representing various professional, industrial and sectoral groups. The Guidelines emphasise the importance of the methods used in the preparation of an EIAR to ensure that the information presented is adequate and relevant. This document has been used in the preparation of this EIAR.

The EIA Directive requires the EIAR to identify, describe and assess, in an appropriate manner and in light of each individual case, the direct, indirect and cumulative significant effects of the Proposed Development on factors of the environment including:

- (a) *Population and human health*
- (b) *Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC (respectively, the Habitats Directive and the Birds Directive)*
- (c) *Land, soil, water, air, and climate*
- (d) *Material assets, cultural heritage, and the landscape*
- (e) *The interaction between the factors referred to in points (a) to (d)*

Section 172 of the Planning and Development Act 2001, as amended, provides the legislative basis for mandatory EIA. It states the following:

“An environmental impact assessment shall be carried out by the planning authority or the Board, as the case may be, in respect of an application for consent for proposed development where either —

(a) the proposed development would be of a class specified in —

- i) Part 1 of Schedule 5 of the Planning and Development Regulations 2001, and either*
 - I) such development [would equal or exceed, as the case may be, any relevant quantity, area or other limit specified in that Part, or*
 - II) no quantity, area or other limit is specified in that Part in respect of the development concerned,*

or

- (ii) Part 2 [(other than subparagraph (a) of paragraph 2)] of Schedule 5 of the Planning and Development Regulations 2001 and either —*
 - (I) such development [would equal or exceed, as the case may be, any relevant quantity, area or other limit specified in that Part, or*
 - (II) no quantity, area or other limit is specified in that Part in respect of the development concerned,*

or

- (b) (i) *the proposed development would be of a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 but [does not equal or exceed, as the case may be,] the relevant quantity, area or other limit specified in that Part, and*
- (ii) *it is concluded, determined or decided, as the case may be, —*
- (I) *by a planning authority, in exercise of the powers conferred on it by this Act or the Planning and Development Regulations 2001 (S.I. No. 600 of 2001),*
- (II) *by the Board, in exercise of the powers conferred on it by this Act or those regulations,*
- (III) *by a local authority in exercise of the powers conferred on it by regulation 120 of those regulations,*
- (IV) *by a State authority, in exercise of the powers conferred on it by regulation 123A of those regulations,*
- (V) *in accordance with section 13A of the Foreshore Act, by the appropriate Minister (within the meaning of that Act), or*
- (VI) *by the Minister for Communications, Climate Action and Environment, in exercise of the powers conferred on him or her by section 8A of the Minerals Development Act 1940,*

that the proposed development is likely to have a significant effect on the environment.”

In some cases, Member States have also established “*exclusion*” or “*negative*” lists specifying thresholds and criteria below which EIA is never required or below which a simplified EIA procedure applies. There may be exceptions to the negative thresholds, for example, for projects in defined sensitive locations. Such exceptions will apply in the case of Habitats Directive 92/43/EEC (as amended) assessments. The use of exclusion lists, defining thresholds below which EIA is never required, is very limited in the EU Member States.

3.3 National and Regional Planning Policy Context

3.3.1 National Planning Context

3.3.1.1 National Framework Plan (NFP) First Revision

The NFP is the Government’s high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. The NFP is published together with a 10-year national investment plan as one vision – Project Ireland 2040, meaning that implementation of the Framework will be fully supported by the Government’s investment strategy for public capital investment and investment by the State sector in general. The NFP outlines key future planning and development place making policies for the Eastern and Midland Regions, including a major new policy emphasis on renewing and developing existing settlements with the target of achieving at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites, such as the Proposed Development site.

Project Ireland 2040 includes a vision and strategy that is supported by a series of National Policy Objectives and will be aligned with the Government’s ten-year National Investment Plan. The Strategy promotes:

- Compact Growth;
- Enhanced Regional Accessibility;
- Strengthened Rural Economies and Communities;
- High Quality International Connectivity;
- Sustainable Mobility;
- A Strong Economy, supported by Enterprise, Innovation and Skills;
- Enhanced Amenities and Heritage;
- Transition to a Carbon Neutral and Climate Resilient Society;
- Sustainable Management of Environmental Resources; and
- Access to Quality Childcare, Education and Health Services

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To achieve the objective of compact growth, 40% of future housing delivery is to be delivered within and close to the existing built-up areas. Within Dublin, the NPF states that the city needs to *'accommodate a greater proportion of the growth it generates within its metropolitan boundaries and to offer improved housing choice.'*

National Policy **Objective 12** in this regards states:

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

The Proposed Development supports and assists in achieving the following objectives:

National Policy **Objective 20** in this regards states:

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

National Policy **Objective 22** in this regards states:

'In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.'

The NPF also includes the following objective in relation to social infrastructure needs:

National Policy **Objective 43**:

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

As defined in the NPF, ideally future homes will be located in places that can support sustainable development - places which support growth, innovation and the efficient provision of infrastructure, are accessible to a range of local services, can encourage the use of public transport, walking and cycling, and help tackle climate change.

The Proposed Development supports the policies and goals outlined in the NPF. The development is located in an area well served by the necessary infrastructure, and which is zoned specifically for uses of this nature.

Further details on how the Proposed Development supports and complies with planning policy and legislation are detailed in the planning report by Armstrong Fenton Associates submitted separately as part of this application.

3.3.1.2 Design for Urban Roads and Streets (DMURS)

The Design Manual for Urban Roads and Streets was adopted in 2013 and updated in 2022 set out design guidance and standards for constructing new and reconfiguring existing urban roads and streets in Ireland. It also outlines practical design measures to encourage more sustainable travel patterns in urban areas. DMURS aims to end the practice of designing streets as traffic corridors, and instead focus on the needs of pedestrians, cyclists, and public transport users. The manual sets out design guidance and standards for constructing new and reconfiguring existing urban roads and streets in Ireland. Incorporating good planning and design practice and focus on the public realm, it also outlines practical design measures to encourage more sustainable travel patterns in urban areas.

The principal design guidance of DMURS has been considered in the design of the Proposed Development. A Traffic and Transport Assessment was completed by Pinnacle, which considers that the Proposed Development is consistent with the principles and guidance outlined in the Design Manual for Urban Roads and Streets (DMURS).

3.3.1.3 Sustainable Urban Housing: Design Standards for New Apartments 2023 - Guidelines for Planning Authorities

The Sustainable Urban Housing Design Standards for New Apartments were published by the Minister for Housing, Planning and Local Government and published in March 2018 and updated in 2020 and 2023 under section 28 of the Planning and Development Acts 2000 as amended.

Planning applications which provide for new apartment development must have regard to the Apartment Guidelines 2023. The Guidelines set out a number of Specific Planning Policy Requirements (SPPR), should any conflict arise between the SPPRs and the respective Development Plan the SPPRs take precedence.

3.3.1.4 Urban Development and Building Height Guidelines (2018)

The Urban Development and Building Heights Guidelines were adopted in 2018 and set out national planning policy guidelines on building heights in urban areas in response to specific policy objectives set out in the National Planning Framework and Project Ireland 2040. The Guidelines promote an increase in building height in the right locations and set out certain criteria and requirements for developments of increased height.

In relation to individual Planning Applications the Guidelines identify that there is a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. In addition, Guidelines set out national planning policy that 'Applies those requirements in setting out relevant planning criteria for considering increased building height in various locations but principally (a) urban and city-centre locations and (b) suburban and wider town locations.' The Guidelines seek to secure

'...compact and sustainable urban growth' which means '...either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities'.

The Proposed Development will assist in achieving growth within an already built-up commuter area such as Saggart. In the context of the Proposed Development, this application is considered to meet the criteria of the Guidelines. The site of the Proposed Development is well served by public transport – *"frequent service and good links to other modes of public transport"* and it is designed *"to integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views."*

3.3.1.5 Guidelines for Planning Authorities on 'The Planning System and Flood Risk Management (November 2009)'

The Planning System and Flood Risk Management Guidelines were published by the Minister for the Environment, Heritage & Local Government in November 2009 under Section 28 of the Planning & Development Acts 2000 to 2022.

The Planning System and Flood Risk Management Guidelines require the planning system at all levels to avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere; adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk; and incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.

Details on how the Proposed Development supports and complies with The Planning System and Flood Risk Management Guidelines are detailed in the site-specific flood risk assessment (SSFRA) prepared by Kilgallen & Partners Consulting Engineers (2025), submitted separately as part of this application. The SSFRA concludes that the Proposed Development is appropriate at the site and with an overall low risk of fluvial, groundwater, coastal and pluvial flooding (Kilgallen & Partners Consulting Engineers, 2025).

3.3.1.6 Delivering Homes, Building Communities 2025-2030

The Government of Ireland has recently published *"Homes, Building Communities: An Action Plan on Housing Supply and Targeting Homelessness, 2025–2030"*, which supersedes the previous *"Housing for All"* strategy outlined below. This updated plan sets out a target to deliver 300,000 new homes by 2030, including provisions for social and affordable housing. It adopts a whole-of-government approach, emphasising accelerated delivery, major investment in infrastructure, and comprehensive planning reform. The plan also places a strong focus on tackling homelessness, with dedicated actions and increased social housing output. Key measures include the implementation of the Planning and Development Act 2024, the identification of Urban Development Zones, and the adoption of modern construction methods. The strategy is underpinned by substantial State investment and aims to support sustainable, inclusive communities while addressing housing affordability and supply challenges nationwide.

3.3.1.7 Housing for All - A New Housing Plan for Ireland (2021)

Housing for All - a New Housing Plan for Ireland' is the government's housing policy to 2030. It is a multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

The overall aim of Housing for All is : *"Everyone in the State should have access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life."* Housing for All provides four pathways to achieving four overarching objectives:

- "Supporting Homeownership and Increasing Affordability;
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion;
- Increasing New Housing Supply; and
- Addressing Vacancy and Efficient Use of Existing Stock."

To meet the targets as set out in the National Planning Framework and the measures discussed in the Housing Plan, Ireland needs an average of 33,000 homes constructed per annum until 2030

The Proposed Development will contribute to the number of residential homes being constructed and will assist in achieving the Housing Policy Objectives outlined in the Plan. The Government's *Housing for All Plan* as well as the policies outlined in the National Planning Framework support the delivery of residential development, such as that proposed. The Proposed Development is located in close proximity to quality public transport routes (the area is well serviced with public transport, including access to rail, buses, and established walking and cycling paths) and within an existing urban area.

3.3.2 Regional Planning Context

3.3.2.1 Eastern & Midland Regional Assembly - Regional Spatial & Economic Strategy (2019)

The Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (hereafter RSES) were adopted in 2019 to ensure the policies and objectives of the NPF are implemented at a regional level.

The Strategy identifies that the Region *'is home to over 800,000 households, with 4 out of 5 living in conventional housing while apartments account for around 18% of our housing stock. One of the challenges facing the Region is the continued growth rates of household formation coupled with a severe slowdown in the development of new housing stock during the economic recession, resulting in housing supply and affordability pressures in both sale and rental markets, particularly in Dublin and urban areas but affecting all of the Region'*.

The RSES sets out an ambitious target to achieve compact growth with 50% of housing to be provided within or contiguous to the built-up area of Dublin city and suburbs.

RPO 4.3: to *"support the consolidation and reintensification of infill / brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs and ensure that the development of future development areas*

is co-ordinated with the delivery of key water infrastructure and public transport projects.”

The Proposed Development will contribute to the target to achieve compact growth with 50% of housing to be provided within or contiguous to the built-up area of Dublin City and suburbs.

The Proposed Development has been designed in accordance with the above guidelines, objectives of the NPF and the RSES EMRA.

3.4 Local Policy

3.4.1 South Dublin County Development Plan 2022-2028

Under Section 9(1) of the Planning and Development Act 2000, as amended, every planning authority is obliged to make a development plan every six years. The South Dublin County Development Plan 2022-2028 is the current statutory plan for the region, against which planning applications will be considered.

Section 10(1) of the Planning and Development Act 2000, as amended, states that the purpose of a Development Plan is to set out “*an overall strategy for the proper planning and sustainable development*” in a particular functional area.

The strategic vision for the South Dublin County Development Plan 2022-2028 is that “*In 2028 South Dublin will be a place that our communities are proud of, that our businesses can thrive in and that will help us to live greener and healthier lives.*”

The South Dublin County Development Plan 2022-2028 sets the land use zoning objectives and uses that would be permissible in principle and/or open for consideration within each land use. The entirety of the Proposed Development site is located on land zoned objective “*RES-N*”.

The zoning for Objective “*RES-N*” includes “. *To provide for new residential communities in accordance with approved area plans*”.

Residential use is classed as permitted in principle for these zones as per the South Dublin County Development Plan 2022 – 2028.

3.4.1.1 Policy in relation to Residential Development

Chapter 6 housing of the South Dublin County Development Plan 2022-2028 outlines that South Dublin will need almost 15,500 new homes by the end of 2028, over 2,500 per year.

It is the policy of the South Dublin County Development Plan 2022-2028 :

H2 Objective 4: *To promote lifetime housing standards in new homes built in the County in accordance with best practice;*

H7 Objective 1: *To promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development in accordance with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing: Design*

Standards for New Apartments, Guidelines for Planning Authorities (2020), or as may be updated and Chapter 12: Implementation and Monitoring

H7 Objective 2: *To ensure that new residential developments incorporate energy efficiency measures and promote innovation in renewable energy opportunities.*

H7 Objective 4: *To ensure that residential development provides an integrated and balanced approach to movement, placemaking and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DTTAS and DEHLG (2013, updated 2019)*

H10 Objective 1: *To promote the provision of high-quality houses and apartments / duplexes within sustainable neighbourhoods by achieving the appropriate quantitative and qualitative standards, in accordance with Ministerial Guidelines and as set out in Chapter 12: Implementation and Monitoring.*

H13 Objective 1: *To promote and support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.*

Details on how the Proposed Development supports and complies with development managed standards are detailed in the Planning Report and Statement of Consistency by Armstrong Fenton Associates submitted separately as part of this application. Boherboy Road is not currently covered by a dedicated Local Area Plan. However, development in the area is guided by the South Dublin County Development Plan 2022–2028 and, where applicable, the Fortunestown Local Area Plan (2012), alongside national and regional planning policy.

3.5 Conclusion

Having regard to the policies and objectives of:

- European and National Policy;
- National Planning Framework;
- Regional and Spatial and Economic Strategies;
- South Dublin County Council Development Plan 2022-2028.

It is considered that the Proposed Development complies with the relevant national and regional and local planning policy context. As such, it is considered that the Proposed Development accords with the proper planning and sustainable development of the area.

3.6 References

Directive 2011/92/EU, as amended by Directive 2014/52/EU (the EIA Directive)

Guidelines for Planning Authorities on the Planning System and Flood Risk Management (Department of the Environment, Heritage and Local Government, 2009)

South Dublin County Council Development Plan 2022-2028

National Planning Framework (Project Ireland 2040)

Planning and Development Act 2000, as amended

Planning and Development Regulations 2001, as amended

Eastern & Midland Regional Assembly - Regional Spatial & Economic Strategy (2019)

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