

An  
Coimisiún  
Pleanála

**Direction**  
**CD-020235-25**  
**ABP-322106-25**

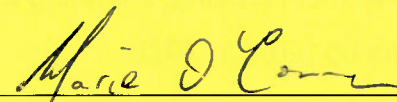
The submissions on this file and the Inspector's report were considered at a meeting held on 15/07/2025.

The Commission decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

#### **Planning**

**Commissioner:**

**Date:** 22/07/2025

  
Marie O'Connor

#### **DRAFT WORDING FOR ORDER**

##### **Reasons and Considerations**

In making its decision, the Commission had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

In performing its functions in relation to the making of its decision, the Commission had regard to:

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development

(Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State, and also had regard to the following:

- (a) the provisions and policies of the Dublin City Development Plan 2022-2028,
- (b) the National Planning Framework (NPF) First Revision – April 2025 issued by the Government of Ireland,
- (c) the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024,
- (d) the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018 as updated in 2020,
- (e) the Design Manual for Quality Housing issued by the Department of Housing, Local Government and Heritage in January 2022,
- (f) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing Local Government and Heritage in December 2022,
- (g) the Design Manual for Urban Roads and Streets (DMURS),
- (h) the National Biodiversity Action Plan (NBAP) 2023-2030,
- (i) the availability in the area of a wide range of social and community infrastructure necessary to serve the proposed development,
- (j) the planned public transport improvements
- (k) the pattern of existing and permitted development in the area,
- (l) the submissions and observations received in relation to the planning application and the appeal, and
- (m) the report of the Inspector.



In deciding not to accept the Inspector's recommended reason for refusal number one regarding flood risk, the Commission noted the concerns of the Inspector in relation to historic drainage at the site. However, the Commission noted, from the Basement Impact Assessment (March 2025), that although the site is located within 100 metres of an open drainage pond, the site for the proposed development it is not hydrologically linked to the local groundwater regime and considered that the excavations will not encounter the underlying bedrock and therefore there will be no impact on the underlying groundwater.

The Commission are satisfied that the Basement Impact Assessment (March 2025), the Site Specific Flood Risk Assessment (March 2025) and the Outline Construction Management Plan (March 2025) provide sufficient details regarding the mitigation measures which will be undertaken during the construction and operation of the basement, particularly in relation to the monitoring of groundwater levels, if dewatering of excavations is required, and the protection of watercourses from dust, silt and surface water during works, and are satisfied that potential impacts on surrounding groundwater levels and flows have been adequately addressed. Taking the totality of the reports submitted with the application and appeal, including the Basement Impact Assessment (2025), the Site Specific Flood Risk Assessment (March 2025), the Outline Construction Management Plan (March 2025) and the current status of the Poddle Flood Alleviation Scheme, the Commission concurred with the planning authority – Drainage Division, that, subject to compliance with conditions, the development raised no concerns in relation to flood risk.

In relation to the Inspectors recommended reason for refusal number two the Commission considered the information submitted in the Geophysical Survey Report, the revised Basement Impact Assessment, the historical and recent site mapping and the Natura Impact Statement. The Commission agreed with the Inspectors Appropriate Assessment, which indicated that there were concerns around the location of historic drainage systems on-site regarding flood risk and local water quality. However, the Commission was satisfied with the conclusion that, with the proposed mitigation measures which include site-specific surfacewater mitigation measures to protect the water quality of the existing manmade lake on site which flows to the River Dodder, any flood related impact on the quality or regime of water

would not have any significant impact on the downstream European Sites. These mitigation measures, during the construction and operational phases, would be adequate to ensure there was not a risk of deterioration of the waterbody either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise the waterbodies reaching its Water Framework Directive objectives. The Commission noted the Planning Authority- Transportation Planning Division's concerns in relation to the accessibility of the site and accepted that the location of the residential units is in excess of 500m from the Templeogue/Rathfarnham to City Centre Core Bus Corridor Bus stop at the periphery of the site. However, the Commission concurred with the Inspector that there was sufficient evidence provided in the Traffic and Transport Assessment (March 2025), the Residential Travel Plan (March 2025), the Car and Cycle Parking Management Plan (March 2025) and the observations from the National Transport Authority regarding planned public transport improvements in the vicinity of the site to consider the location to be classified as 'accessible' with the majority of the development within 500m of a bus stop given the proposals to upgrade Route 54A (F1 Spine) on the Fortfield Road.

In relation to the concerns of the planning authority in relation to carparking, the revised basement layout increases the carparking provision for the development to 195, comprising 19 in curtilage spaces for the houses, 7 club car spaces, 9 disabled spaces and 8 visitor spaces at surface level and 152 car spaces for the apartment units in the basement. The Commission agreed with the Inspector that given the location of the site in Area 2 as identified within Map J of the Dublin City Development Plan 2022-2028, that the carparking provision is acceptable subject to the implementation of the measures set out in the Residential Travel Plan (March 2025) and the Car and Cycle Parking Management Plan (March 2025) and the provision of a revised cycle parking plan to cater for the secure storage of electric and cargo bikes.

The Commission noted the Inspector's recommendation regarding the removal of units in Block C but considered that the inclusion of a condition to provide for a revised privacy strip and amended public open space as suggested by the planning authority -Parks, Biodiversity and Landscape Services would ensure that, given the



quantum of open space within the site, issues regarding residential privacy and security, and access to the public space could be addressed.

### **Appropriate Assessment Stage 1:**

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that North Dublin Bay SAC (Site Code:000206), South Dublin Bay SAC (Site Code:000210), North Bull Island SPA (Site Code: 004004), South Dublin Bay and River Tolka Estuary SPA (Site Code:004024) and North-west Irish Sea SPA (Site Code: 004236) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

### **Appropriate Assessment Stage 2:**

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on North Dublin Bay SAC (Site Code: 000206), South Dublin Bay SAC (Site Code 000210), North Bull Island SPA (Site Code 004004), South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), North-west Irish Sea SPA (Site Code: 004236) in view of these sites Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site specific Conservation Objectives for the European Site,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Site. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

### **Environmental Impact Assessment Screening**

The Commission completed an Environmental Impact Assessment Screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A of the Planning and Development Regulations 2001, as amended, identifies and describes adequately the effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on zoned lands in an established residential area served by public infrastructure,
- (c) the pattern of existing and permitted development in the area including the concurrent application for road improvements to Fortfield Road in the vicinity of the site (ABP Ref:321966-25) and the Bus Connects Templeogue/Rathfarnham to City Centre Core Bus Corridor (ABP Ref:HA29N.316272),
- (d) the location of the site outside of any sensitive location specified in Article 109(4)(a) the Planning and Development Regulations 2001, as amended, and the absence of any potential impacts on such locations,
- (e) the absence of any significant environmental sensitivity in the vicinity and the location of the site outside of the designated archaeological protection zone,



- (f) the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development' issued by the Department of the Environment, Heritage, and Local Government (2003),
- (g) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended,
- (h) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive, and
- (i) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the outline Construction Environmental Management Plan, the Ecological Impact Assessment, the Natura Impact Statement, the Arboricultural Report, the Site Specific Flood Risk Assessment, Basement Impact Assessment Report, the Archaeological Impact Assessment, and the Residential Travel Plan,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

### **Conclusions on Proper Planning and Sustainable Development:**

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience, and would not have any significant adverse effects on biodiversity or water quality. The Commission considered that the proposed development would be in accordance with the Dublin City Development Plan 2022-2028 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 19th day of December 2024 and as amended by the further plans and particulars received by the An Coimisiún Pleanála on 19<sup>th</sup> day of March 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. Mitigation and monitoring measures outlined in the plans and particulars including the Ecological Impact Assessment, Arboricultural Report, Residential Travel Plan (March 2025), Basement Impact Assessment Report (March 2025), and Site Specific Flood Risk Assessment (March 2025) submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment, public health, and clarity.

4. Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.



5. Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

6. Prior to the commencement of the development, the developer shall submit for the written agreement of the planning authority a revised cycle parking plan, which shall have regard to the NTA Cycle Design Manual (2023) and the provision of additional ground level Sheffield type stands.

**Reason:** In the interest of Residential Amenity and sustainable transport.

7. The scheme shall be landscaped in accordance with the landscape plans and Landscape Design Statement received by the planning authority on the 19<sup>th</sup> day of December 2024, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following substantial completion of the external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:

- (a) A Tree, Woodland and Hedgerow Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The areas of public open space shown on the Landscape Design Statement and lodged plans shall be reserved for such use and shall be soiled, seeded,

- and landscaped in accordance with the detailed requirements of the planning authority, including the following amendments,
- (c) All open space paths shall be suitable for wheelchair use;
  - (d) Wayfinding signage shall be included in all public open space;
  - (e) Lifebuoy rings shall be installed to lake edge;

**Reason:** In the interest of residential and visual amenity.

8. Prior to the commencement of the development, a report of an assessment of the extent of the privacy strip to all building adjoining public open space, in particular the area adjacent to Block C, to demonstrate adequate set back and residential privacy and security shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of residential amenity, security and privacy.

9. If, during the course of site works any archaeological material is discovered, the City Archaeologist shall be notified immediately. The developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.

**Reason:** In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

10. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority:
- a. A detailed conservation strategy, method statements and specifications for the proposed repair of the bridges and boundary wall to Fortfield Road including a full drawing survey of the existing boundary walls and details of all proposed new elements, including safety rails and examples where relevant.
  - b. Confirmation that the development will be monitored by a suitably qualified architect with conservation expertise and accreditation,



competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

**Reason:** In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

11. A finalised Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of environmental protection, residential amenities and public health and safety.

12. A detailed final 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 sustainable transport and safety.

13. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details

shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of proper planning and sustainable development.

14. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot and for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and 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.

15. In the context of the proposed apartment blocks, no additional development shall take place above roof parapet level, including lift motor enclosures, air-handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment unless otherwise agreed in writing with the planning authority.

**Reason:** To protect the visual amenities of the area.

16. Not more than 50% of residential units shall be made available for occupation before completion of the childcare facility, to an operational standard, unless otherwise agreed in writing with the planning authority.



**Reason:** To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

17. A minimum of 20% of all car parking spaces shall be provided with functioning electric vehicle charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/ points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** In the interest of sustainable transportation.

18. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account any trees included in the submitted Landscape Scheme. Such lighting shall be provided prior to the making available for occupation of any residential unit.

**Reason:** In the interest of amenity and public safety.

19. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection networks.

**Reason:** In the interest of public health and to ensure adequate water and wastewater facilities.

20. Drainage and attenuation arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interests of public health.

21. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

22. 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 interests of visual and residential amenity.

23. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.



24. (a) Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

25. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a

percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

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

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



27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

**Reason:** To secure the protection of trees on the site.

28. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.