An Coimisiún Pleanála

Commission Order
ACP-324263-26

Planning and Development Act 2000, as amended

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: LRD25A/0729/WEB

Appeal by Mark and Lyn Kennedy and by Others against the decision made on the 21st day of April 2026 by Dún Laoghaire-Rathdown County Council to grant, subject to conditions, a permission to Kilgobbin Apartment Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: The proposed Large-Scale Residential Development (LRD) will provide 120 number apartment units within two number blocks ranging in height from four to six storeys. The development will consist of; Block A, consisting of 44 number units (27 number one-bed (two-person), 13 number two-bed (three-persons), one number two bed (four-persons) and three number three-bed (five-persons) of four to five-storeys height and roof terrace; Block B, consisting of 76 number units (40 number one-bed (two-persons), 12 number two-bed (three-persons), 16 number two-bed (four-persons) and eight number three-bed (four-persons) and be five to six-storeys height. All units will be provided with terraces/balconies.
The proposed development will provide all associated public open space and play area, 54 number car parking spaces including accessible parking and Electric Vehicle parking, 273 number bicycle parking spaces, three number motorcycle parking spaces, bin/waste store, bulky goods stores and plant

room at ground floor levels, one number detached ESB substation and one number detached bicycle store. The proposed development will also provide for all associated site development and infrastructural works including foul and surface water drainage, roads, footpaths, landscaping, boundary treatment, public lighting and a pedestrian and cycling pathway connecting Belarmine, Vale and Kilgobbin Road. Vehicular access to the development will be from Belarmine Vale, all on lands adjacent to Riverside Cottage, Kilgobbin Road, Stepaside, Dublin

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

The Commission made its decision consistent with the Climate Action and Low Carbon Development Act 2015 (as amended) as amended by Climate Action and Low Carbon Development (Amendment) Act 2021 and the Climate Action Plan 2024 (CAP 2024) and Climate Action Plan 2025 (CAP 2025).

In making its decision the Commission also had regard to:

(a) the location of the site on lands zoned Objective A "Residential" and Objective F "Open Space" Dún Laoghaire-Rathdown County Development Plan 2022–2028;

(b) the relevant provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028, including Variation No.1 made on the 23rd of September 2026,

(c) Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2025;

(d) Flood Risk Management Guidelines (2019);

(e) Building Height Guidelines (2018);

(f) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024);

(g) the nature, scale and design of the proposed development;

(h) the existing pattern of development in the area;

(i) the availability of a wide range of physical, social and community infrastructure and services in the area;

(j) the proximity of the site to transportation modes;

(k) the submissions and observations received on file including from the planning authority, prescribed bodies, and first party;

(l) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites;

(m) the planning history in the vicinity of the site, and,

(n) the report and recommendation of the Planning Inspector.

Appropriate Assessment Screening

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report and found that the proposed development (alone) would not result in likely significant effects on any European Site.

It is concluded that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024), Dalkey Island Special Protection Area (Site Code 004172), Rockabill to Dalkey Island Special Area of Conservation Site Code 003000) or Bray Head Special Area of Conservation (Site Code 000714) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. The commission note that other European sites are too remote from the subject site for the appeal site to have a possible connection or pathway and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

Environmental Impact Assessment Screening

The Commission completed an environmental impact assessment screening of the proposed development. Having regard to:

(a) the nature and scale of the proposed development, which is below the thresholds in respect of Paragraphs 10 (b)(i) and (iv), Paragraph 10 (f) (ii), and Paragraph 14 of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended),

(b) the location of the site on land zoned 'A –Residential' and "F Open Space" in Dún-Laoghaire Rathdown County Development Plan 2022-2028,

(c) the zoning of the site, the extant permission on site and the pattern of development in the vicinity,

(d) the availability of public water and foul services to serve the proposed development, and

(e) the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended),

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

Having regard to the relevant provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028, including Variation No.1 made on the 23rd September 2026, (and specifically the amended policy objective PHP18 (residential density), and section 12.3.3.2 (residential density), which were considered in full by the Commission), to specific objective 81, (ensure provision of a footpath/cycleway connection between Belarmine and Kilgobbin Road to facilitate access from new residential communities to the LUAS line B1 public transport corridor), to the location of the subject site within the catchment area for the LUAS Line B1 development contribution scheme, to the zoning objectives on site, to the location of the site, proximate to education, community and commercial services, to the nature, scale and form of the residential buildings, the provision and disposition of open space within the residential zoned lands and on the wider open space zoned lands, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout and urban design, and would be acceptable in terms of pedestrian and traffic safety and convenience, would not be detrimental to conservation objectives of an European Sites or to the quality of receiving

waters and would constitute an appropriate and sustainable form of residential development at this serviced location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and would be consistent with the Climate Action Plan, 2025, the Climate Action and Low Carbon Development (Amendment) Act 2021, relevant Ministerial Guidelines and the statutory development plan.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 25th day of March 2026, except as may otherwise be required in order to comply with the following conditions. For the avoidance of doubt, the number of residential units permitted remains at 120 and the sub-station will be situated as per the original application. Where the conditions of this Order 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: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. Details of all external finishes including materials, colours and textures shall be submitted prior to the commencement of development, for the written agreement of the planning authority.

   Reason: In the interest of visual amenity.

3. The existing stile located adjacent to the gate on the southeastern boundary of the site onto Kilgobbin Road shall be retained in situ and shall not be removed or altered without the prior written agreement of the planning authority.

Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority a revised location for the southern "natural Play area" (adjacent to proposed pedestrian entrance at Kilgobbin Road). The Play area shall be relocated more centrally within the scheme where it can benefit from passive surveillance and overlooking. The location of this "natural play area" can be located within the lands Zoned Objective A – Residential or Objective F – Open Space.

Reason: In the interests of residential amenity & preserving the historical character and local distinctiveness of this feature and to protect the visual amenity of the area.

4. Proposals for a development name and 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 residential unit 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 names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

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

5. All measures outlined within the submitted Mobility Management Plan, and Car/Bicycle Parking Management Plan by NRB Consulting Engineers, dated the 29th day of August 2025, shall be implemented by the Applicant/Operator of the proposed development.

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

6. Prior to commencement of development, the developer shall submit for the written approval of the planning authority revised drawings which indicate the following;

(a) the proposed link from Belarmine Vale to Kilgobbin Road shall be continuous and be shown as a shared active travel facility (greenway) with an absolute minimum width of three metres in accordance with Table 2.2 of the current Cycle Design Manual.

(b) the drawings shall also demonstrate the provision of a continuous two-metre-wide footpath along the entire extent of the site with Kilgobbin Road, with an overrun barrier to be provided at the edge of the footpath to prevent pedestrians/cyclists from entering the live carriageway at the entrance location.

(c) the proposed 'speed hump' adjacent to the recreational area shall also be omitted.

Reason: In the interest of sustainable development and permeability.

7. Prior to first use, the proposed East-West pedestrian and cycle link, and proposed pedestrian/cycle link in north end of the site to the boundary with Sandyford Hall Close, shall be constructed and completed to the Taking in Charge standards of the planning authority.

Reason: In the interest of sustainable development and permeability.

8. All accepted measures outlined within the revised Stage 1 Quality Audit, by Bruton Consulting Engineers, Updated February 2026 shall be addressed, and prior to commencement of development, a Stage 2 Road Safety/Quality Audit of the detailed design shall be submitted for the written agreement of the planning authority. A Stage 3 Road Safety/Quality Audit of the post construction works shall then be submitted for the written agreement of the planning authority (Transportation Planning) prior to occupation of the proposed development.

Reason: In the interest of sustainable development and permeability.

9. All public open space areas and pedestrian/cycle links through the site shall not be gated and shall be fully accessible to the general public, 24 hours a day and seven days of the week.

Reason: In the interest of sustainable development and permeability.

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

    (a) engage the services of a suitably qualified archaeologist to co-ordinate the mitigation proposals contained in the Archaeological Assessment report for archaeological test excavation in advance of

construction works and provide a conservation plan for preservation in-situ of the well (SMR No. DU008-014_). No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.

(b) The archaeologist is required to notify the Department of Housing, Local Government and Heritage in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.

(c) The archaeologist shall carry out any relevant documentary research and will excavate test trenches, at locations chosen by the archaeologist, having considered the proposed developments.

(d) Having completed the work, the archaeologist shall submit a written report to the planning authority and to the Department for consideration.

(e) Where archaeological material is shown to be present, preservation by record (excavation) and/or monitoring may be required and the Department will advise the Applicant/Developer with regard to these matters.

No site preparation or construction works shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the Department;

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, site, features or other objects of archaeological interest.

11. 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.

12. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to service areas shall be in accordance with the detailed construction standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

13. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority.

(c) The developer shall ensure that all prospective occupiers of the proposed apartment units shall be made aware of the lack of car parking provision and lack of car parking entitlement.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

14. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has 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. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

15. 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 applicant shall submit to the planning authority for its written agreement fully dimensioned site-specific construction stage details and communally accessible maintenance arrangements for the proposed:

(a) Attenuation system;

(b) Green Roofs;

(c) SuDS measures (tree pits, bioretention, swales and permeable paving etc);

(d) Headwall details; and

(e) Culvert Detail at site access.

The developer shall ensure area specific site investigation, in particular with reference to water table levels are reviewed in the design of each element.

Reason: In the interest of public health and surface water management.

16. The developer shall enter into water and/or wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

17. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with the planning authority prior to commencement of development.

(a) Prior to the submission of the Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout tree protection fencing in accordance with BS 5837: 2012 and the Tree Protection drawing.

(b) This protective fencing shall enclose an area covered by the crown spread of the branches, or at a minimum a radius of two meters on each side of the tree for its full length and shall be maintained until the development has been completed.

(c) No construction equipment, machinery or material shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by this fencing, and there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree/hedge to be retained. Fencing to be in accordance with BS 5837: 2012 and as specified.

(d) The developer shall engage the services of a qualified Arborist, for the entire period of construction activity.

(e) The consultant shall visit the site as deemed appropriate by the Arborist, to ensure the implementation of all the recommendations in the tree reports and plans.

(f) To ensure the protection of trees to be retained with the site the applicant shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the Protection Plan.

(g) Prior to the commencement of development, the arborist shall submit photographs and confirmation that fencing for retained trees meets BS5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations' for the written agreement of the planning authority.

(h) All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work - Recommendations.

(i) The clearance of any vegetation including trees and scrub shall be carried out outside the birdbreeding season (1st day of March to the 31st day of August inclusive).

(j) The developer shall engage the services of a landscape architect for the entirety of the scheme. Details of which shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

18. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways and communal refuse/bin storage shall be maintained by a legally constituted management company.

(b) Details of the management company contract 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.

19. Prior to the commencement of development, the developer shall engage the services of a suitably qualified ecologist as the Project Ecologist/Ecological Clerk of Works (ECoW), from the commencement of construction and for the duration of the project including the implementation of mitigation measures and monitoring, for agreement with the planning authority Biodiversity Officer. The developer shall inform the planning authority in writing of the appointment and name of the ecologist, prior to the commencement of development. The Project Ecologist shall ensure the implementation of the biodiversity related

mitigation measures and recommendations in the submitted in the Ecological Impact Assessment Report and Landscape Design Rationale.

Reason: To protect Biodiversity and to ensure the implementation of mitigation measures and monitoring for Biodiversity.

20. Prior to commencement of the development, a pre-construction amphibian survey will be carried out by a suitably qualified ecologist. If found to be present, appropriate mitigation measures will be implemented and a report provided to the planning authority Biodiversity Officer.

Reason: To ensure the implementation of mitigation measures and monitoring for the Common Frog, a species which is afforded protection under the Wildlife Acts.

21 Prior to the commencement of development, the developer shall submit, for the written approval of the planning authority, a letter from the specialist/s, that they are satisfied that the final design of the lighting proposed for the development; that it is to the required specification to ensure no impacts nocturnal species including bats and non-volant mammals and that the riparian zone is unlit.

Reason: To mitigate the potential impact of increased nocturnal illumination at the proposed development on nocturnal species, including those which are afforded protection under the Wildlife Acts.

22. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency'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 file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to 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 sustainable waste management.

23. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted draft Construction Environmental Management Plan, Ecological Impact Assessment and Tree Survey, in addition to the following:

(a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

(b) the location of access points to the site for any construction related activity;

(c) the location of areas for construction site offices and staff facilities;

(d) Details of site security fencing and hoardings;

(e) Details of on-site car parking facilities for site workers during construction;

(f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

(g) Measures to obviate queuing of construction traffic on the adjoining road network;

(h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;

(i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during site development works;

(j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(k) the containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(l) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(m) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains; and

(n) the appointment of a Liaison Officer as a single point of contact to engage with the local community and respond to concerns.

A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

24. Site development and building works shall be carried out only between the hours of 0700 and 1900 Mondays to Fridays inclusive, between 0800 and 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.

25. A detailed site-specific Operations Environment Management Plan (OEMP) shall be submitted for agreement of the planning authority prior to the commencement of the proposed works. The OEMP shall include input from a suitably qualified ecologist for biodiversity elements and will include the following:

    (a) A complete table of mitigation and enhancement measures in respect of habitats and species.

    (b) A schedule for monitoring post construction and during operations in respect of measures for the protection of and enhancement for habitats and species, with provision for review and improvement of measures in the future, where necessary /appropriate shall be provided for agreement with the planning authority Biodiversity Officer. A commitment to this will be included in both the final CEMP and OEMP.

(c) A suitably qualified Project Ecologist/ Ecological Clerk of Works shall be retained: to ensure that the necessary measures are implemented; to oversee enhancement; and to conduct ecological monitoring.

Reason: To protect Biodiversity during operations.

26. 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 provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may 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 of the area.

27. 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 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.

28. 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.

29. The developer shall pay to the planning authority a financial contribution a financial contribution in respect of Luas Line B from Sandyford Depot to Cherrywood, namely Luas Line B1 in accordance with the terms of the Supplementary Development Construction Scheme made by the Planning Authority under section 49 of the Planning and Development Act 2000. The amount of the contribution 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 for determination. 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Chris McGarry
Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this 3rd **day of** October **2026**