



An
Coimisiún
Pleanála

Inspector's Report ABP-322451-25

Development

An infill residential development comprising of 4 houses, all on and off-site development works, open space, boundary treatments and landscaping with vehicular and pedestrian access.

Location

Greenacre, Ballybride Road,
Rathmichael, Dublin 18, D18 X8C8

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D25A/0109/WEB

Applicant

Bailey and Snowey Limited

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellant

Bailey and Snowey Limited

Observers

None

Date of Site Inspection

12/8/2025

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located at Ballybride Road, Rathmichael. Rathmichael is located to the west of Shankill Co. Dublin. Ballybride Road extends for circa 1.2km from the roundabout at the junction of Ferndale Road, Rathmichael Road and Stonebridge Road to Crinken Lane. The area is characterised by predominantly large, detached dwellings on large plots with direct access onto Ballybride Road and also onto a number of cul de sacs.
- 1.2. The appeal site, which has a stated area of 0.53 hectares, is situated on the western side of Ballybride Road. The site has 64m of frontage onto Ballybride Road and it extends circa 86m. The existing property on the site, "Greenacre" is a large detached dormer dwelling which has been subdivided into two separate residential units with separate front doors and rear gardens which are defined by wooden fence boundaries. The area of the site to the west of this is densely planted with mature trees, shrubs and hedges.
- 1.3. The eastern roadside boundary is formed by a wall and mature hedgerow, and the property is served by a gated vehicular entrance. The site is bounded by undeveloped lands to the north. To the south lies Bruíon Caortainn it contains three large, detached dwellings located to the southern side of an internal access road.

2.0 Proposed Development

- 2.1. Permission is sought for an infill residential development comprising of 4 no. houses, all on and off site development works, open space, boundary treatments and landscaping with vehicular and pedestrian access.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dún Laoghaire Rathdown County Council decided to refuse permission by Order dated 8th of April 2025. Permission was refused for the following reasons.

1. Under the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the site is subject to zoning objective A1, which seeks "to provide for new

residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans". The subject site is located on Tier 2 lands which are not currently sufficiently serviced to support new development and the future development of Rathmichael is contingent upon the timely delivery of supporting infrastructure as outlined under Section 2.3.7.2 and Appendix 1 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The site is located within the Rathmichael Local Area Plan boundary, for which a Local Area Plan will be prepared. Section 2.6.1.3 Local Area Plan Plan-Making Programme of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 notes that within the A1 zoned lands at Rathmichael there are a number of existing properties and "minor modifications and extensions to these properties can be considered in advance of the relevant Local Area Plans." The proposed development which comprises the construction of 4 no. new dwelling, having regard to its nature and scale, would not constitute 'minor modification and extensions to existing property'. Accordingly, the proposed development would be contrary to the provisions of Section 2.6.1.3 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, would set an undesirable precedent for other similar developments and would be contrary to the A1 zoning objective of the area, which seeks "to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans". It is considered that the proposed development undermines the intended plan-led and co-ordinated approach to residential development in the Rathmichael area as provided for in the Dún Laoghaire-Rathdown County Development Plan 2022-2028. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. Due to Endangerment of Public Safety as a result of additional traffic and vulnerable road users associated with the proposed development and the precedent which the proposed development would set on Ballybride Road and the adjacent linking roads, which do not currently have adequate pedestrian facilities, the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users. Therefore, the development would by itself, or by the precedent which the grant of permission for it would

set for other relevant development, adversely affect the use of the road network in the vicinity of by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

3. The Sustainable Residential Development and Compact Settlement Guidelines (2024) indicate recommended density ranges as set out in Section 3.3 of the Guidelines, which promote seeking higher residential densities. Having regard to the number of units proposed in this application, it is considered that the proposed development constitutes an unacceptably low density of development within this location, as such, would contravene Policy Objective PHP18: Residential Density of the Dún Laoghaire Rathdown County Development Plan 2022- 2028 and would also be contrary to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Therefore, the proposed development, would set an undesirable precedent for other similar developments and would be contrary to the proper planning and sustainable development of the area.
4. The subject site contains large mature trees, both to the front and rear. The Dún Laoghaire Rathdown County Development Plan 2022-2028 contains an objective to protect and preserve trees at this location, while Section 12.8.11 of the Dún Laoghaire Rathdown County Development Plan 2022-2028 outlines the requirements in respect of existing trees where new developments are proposed. The Planning Authority is concerned that the proposal has not been adequately designed to protect or preserve the trees and the amenities afforded by them. The Planning Authority has concerns that their removal would be injurious to the amenities and character of the area. The proposed development fails to accord with Section 12.8.11 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and would be injurious to the amenities of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Report of the Planning Officer - It was concluded that the site is located on lands zoned Objective 'A1', which seeks "to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans" and within the Rathmichael Local Area Plan boundary, for which a Local Area Plan will be prepared. The site is located on Tier 2 lands which are not currently sufficiently serviced to support new development and the future development of Rathmichael is contingent upon the timely delivery of supporting infrastructure. It is considered that the proposed development undermines the intended plan-led approach and co-ordinated approach to residential development in the Rathmichael area as provided for in the Dun Laoghaire-Rathdown County Development Plan 2022-2028. Having regard to the direction of National Planning Policy and objectives to promote higher densities and more compact settlements within appropriate locations, it is considered that on the basis of information lodged with the application, that the proposed development of 4 no. dwellings on a 0.530 hectare site constitutes an unsustainable use of the application site, which if permitted it would be contrary to the provisions of Policy Objective PHP18: Residential Density of the development plan and Section 3 of the Sustainable Residential Development and Compact Settlement Guidelines 2024. There are concerns in respect of the design and layout of the scheme and its impact on the retention of trees and also the extent of tree and hedgerow removal proposed. The Transport Planning Section raised concerns in relation to traffic safety/hazard. The proposed development is considered to be premature at this time and a refusal of permission is recommended.

3.2.3. Other Technical Reports

3.2.4. Transport Planning – Refusal recommended. Due to Endangerment of Public Safety as a result of additional traffic and vulnerable road users associated with the proposed development and the precedent which the proposed development would set on Ballybride Road and the adjacent linking roads, which do not currently have adequate pedestrian facilities - i.e. the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, as per

Clause 4 of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.

- 3.2.5. Municipal Services Department – Further information requested in relation to surface water attenuation calculations, provide drawing of proposed water butt and provide cross sections and long sections of proposed SuDS measures indicating that it is designed in accordance with the SuDS manual.
- 3.2.6. Parks & Landscape Services Department – Further information is requested in relation to the provision of a new arboricultural survey, tree constraints/survey plan, arboricultural impact assessment plan and tree protection plan.
- 3.2.7. Environmental Health Officer – Further information requested in relation the submit a detailed Construction Environmental Management and a Resource & Waste management plan.

3.3. Prescribed Bodies

- 3.3.1. Uisce Éireann – No objection subject to conditions.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received one submission/observation in relation to the application. The issues raised concerned the trees and hedgerows on site and it was requested that they be protected. The site is considered to form part of an ecological corridor and it was requested that it be protected.

4.0 Planning History

Appeal Site

- 4.1.1. Reg. Ref. D16A/0414 – Permission was refused for a development comprising permission for the demolition of existing dwelling (c.310m²) and construction of a residential development consisting of a total of 28 dwellings in 6 no. 2.1/2 storey 5 bedroom detached houses, 6 no. 2.1/2 storey 5 bedroom semi-detached houses, 2 no. three storey apartment blocks containing 4 no. 1 bed apartments and 12 no. 2 bed apartments, 2 no. bin/bicycle stores (34.7m² each), widening of existing

vehicular entrance, provision of a 2.0m wide footpath to Ballybride Road and all associated site works.

Permission was refused for the following reasons:

1. Having regard to the location and unserviced nature of the subject site as well as to the future residential capacity of these lands as expressed in Section 1.2.4 (Residential Land Supply) of the Dún Laoghaire Rathdown County Development Plan, 2016-2022, the development would be premature pending the significant water and drainage infrastructural shortcomings in the area being addressed; in addition to the upgrading of the existing local network to facilitate increased traffic and pedestrian levels as well as facilitating better linkages to the public transport infrastructure in the area. A coordinated approach is needed to avoid piecemeal and haphazard development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is the policy of the Planning Authority as expressed under Policy ST2 and ST3 of the Dún Laoghaire Rathdown County Development Plan 2016-2022 to actively support sustainable modes of transport and ensure that land use and zoning are fully integrated with the provision and development of high quality public transportation systems. Having regard to the distance to social and community facilities to support this residential development, to the nature of the local public road network and the distance to high quality public transport routes; it is considered that future occupants of the proposed development would be primarily reliant on the private car as a mode of transport. The proposed development would contravene Policies ST2 and ST3, which are core objective of the County Development Plan, 2016-2022; and would, therefore, be contrary to the proper planning and sustainable development of the area
3. Due to endangerment of public safety as a result of the intensification of vehicular traffic and vulnerable road users on Ballybride Road the development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. The development is also considered premature because of the lack of adequate, safe facilities for vulnerable road

users on Ballybride Road which renders it unsuitable to carry the increased vehicular traffic and vulnerable road user traffic likely to result from the development. Therefore the development would by itself, or by the precedent which the grant of permission for it would set for other relevant development, adversely affect the use of the road network in the vicinity of by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

4. Development of the kind proposed on the land would be premature by reference to the existing deficiency in the provision of sewerage facilities and the period within which the constraints may reasonably be expected to cease and would be contrary to the proper planning and sustainable development of the area.
5. This subject site is heavily planted with trees which leads to a sylvan character. A significant number of these trees are scheduled for removal as part of this proposed development. The existing trees and hedgerows have not been suitably incorporated into the proposed development. In particular, the trees and hedgerows along the Northern Boundary add positively to the character/visual amenity of the area. This is contrary to Policy OSR7 and Section 8.2.8.6 Trees and Urban Woodlands of the Dún Laoghaire Rathdown County Development Plan, 2016-2022. Therefore the proposal is contrary to the proper planning and sustainable development of the area.
6. The proposed public open space proposals, public realm and boundary treatment proposals are deficient as follows: a. Much of the provision of the public open space is taken up by SUDS measures and is therefore likely to be unusable for much of the year. b. The public realm design consisting mainly of permeable paving and macadam surfacing is likely to be visually of poor quality. c. The open space along the eastern boundary is considered incidental open space and not useable. d. The proposed site boundary treatments are considered poor quality. This is contrary to UD 3: Public Realm Design and Section 8.2.8. of the Dún Laoghaire Rathdown County Development Plan, 2016-2022 and contrary to the proper planning and sustainable development of the area.

- 4.1.2. Reg. Ref. D05A/1543 – Permission was granted for the demolition of an existing single storey house and shed and the construction of 1 no. 2 storey and 3 no. single storey detached houses with associated site works including 4 no. biocycle on-site wastewater treatment systems, one per dwelling.

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework – First Revision – April 2025

- 5.1.1. The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life.
- 5.1.2. National Policy Objective 7 seeks to “deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.”
- 5.1.3. National Policy Objective 8 seeks to “deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.”
- 5.1.4. National Policy Objective 43 seeks “to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”
- 5.1.5. National Policy Objective 45 seeks to “increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.”

5.2. Section 28 Ministerial Guidelines

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

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)

5.3. Climate Action Plan 2025

- 5.3.1. The Climate Action Plan 2025 (CAP25) is the third annual update to Ireland’s Climate Action Plan. It should be read in conjunction with Climate Action Plan 2024.
- 5.3.2. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

5.4. National Biodiversity Action Plan 2023-2030

- 5.4.1. Ireland’s 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature.
- 5.4.2. The targets set out in the Plan are in the context of five objectives that lay out a clear framework for our national approach to biodiversity.
 - Objective 1: Adopt a Whole of Government, Whole of Society Approach to Biodiversity.
 - Objective 2: Meet Urgent Conservation and Restoration Needs.
 - Objective 3: Secure Nature’s Contribution to People.
 - Objective 4: Enhance the Evidence Base for Action on Biodiversity.
 - Objective 5: Strengthen Ireland’s Contribution to International Biodiversity Initiatives.

5.5. Dún Laoghaire Rathdown Development Plan 2022-2028

- 5.5.1. The appeal site at Greenacre, Ballybride Road, Rathmichael, Dublin 18 is located on lands zoned Objective 'A1' which has the objective: "to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans."
- 5.5.2. Residential is a Permitted in Principle use under zoning Objective A1 Permitted in Principle is defined as "Land uses designated under each zoning objective as 'Permitted in Principle' are, subject to compliance with the relevant policies, standards and requirements set out in this Plan, generally acceptable."
- 5.5.3. There are objectives on the site "to protect and preserve Trees and Woodland."
- 5.5.4. Section 2.4 – Core Strategy
- 5.5.5. Section 2.4.3 refers to Sustainable Neighbourhood Infrastructure
Introduces a new 'Sustainable Neighbourhood Infrastructure' land use zoning objective that seeks to enhance the importance of community infrastructure as part of the sustainable compact growth agenda set out in the core strategy.
- 5.5.6. Section 2.4.6 refers to Phasing
"....., it is noted that Old Connaught and Rathmichael are not currently serviced, and the future development of these areas is contingent upon the timely delivery of supporting infrastructure. It is considered that a plan-led approach to the development of both Rathmichael and Old Connaught is of paramount importance to ensure the proper planning and sustainable development of these new residential communities."

The Development Plan commits to the preparation of the Rathmichael Local Area Plan within the Development Plan period and that the process will provide for a more granular approach to land use zoning within the RLAP. It notes that within the A1 zoned lands at Rathmichael there are a number of existing properties. In the interim, until local area plans are prepared, "Minor modifications and extensions to these properties can be considered in advance of the relevant Local Area Plans."
- 5.5.7. Chapter 14 - Specific Local Objectives

Land Use Zoning Map 10 relates to the subject site. Specific Local Objective 86 states that “It is an Objective of the Council to prepare a Local Area Plan for Rathmichael.”

5.5.8. Chapter 12 - Development Management Standards

5.5.9. Section 12.8.11 refers to Existing Trees and Hedgerows

New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows. New developments shall, also have regard to objectives to protect and preserve trees and woodlands (as identified on the County Development Plan Maps). The tree symbols on the maps may represent an individual tree or a cluster of trees and are not an absolute commitment to preservation. Decisions on preservation are made subject to full Arboricultural Assessment and having regard to other objectives of the Plan. Arboricultural Assessments carried out by an independent, qualified Arborist shall be submitted as part of planning applications for sites that contain trees or other significant vegetation. The retention of existing planted site boundaries will be encouraged within new developments, particularly where it is considered that the existing boundary adds positively to the character/visual amenity of the area.

5.5.10. Appendix 1: Tiered Approach to Land Zoning – Infrastructure Assessment.

5.5.11. Section 4.7 New Residential Communities: Old Connaught and Rathmichael “Old Connaught and Rathmichael are not currently serviced, and the future development of these areas is contingent upon the timely delivery of supporting infrastructure. Implementation plans incorporating phasing programmes are to be prepared as part of the Local Area Plan making process for both new communities, linking development with the commensurate delivery of supporting infrastructure.”

5.5.12. Zoning Tier Rathmichael:

- Tier 2 pending delivery of requisite water infrastructure
- Tier 2 pending delivery of requisite waste-water infrastructure
- Tier 2 pending delivery of requisite transport Infrastructure

5.5.13. Details of the status of the Rathmichael LAP provided on the Dun Laoghaire Rathdown County Council website.

- The pre-draft consultation stage ran from 4th April 2025 to 9th May 2025 during which there were two public information drop in days.
- The Planning Authority received a total of 191 submissions.
- The Planning Authority is currently preparing a Draft Local Area Plan for Rathmichael.
- Once prepared, the Draft Local Area Plan will be placed on public display for a further period of public consultation.

5.6. Natural Heritage Designations

- 5.6.1. Rockabill to Dalkey Island SAC (Site Code 003000) is located circa 3.3km to the north-east of the appeal site.
- 5.6.2. Dalkey Island SAC (Site Code 004172) is located circa 5.2km to the north-east of the appeal site.
- 5.6.3. Ballyman Glen SAC (Site Code 000713) is located circa 3.27km to the south of the appeal site.
- 5.6.4. Knocksink Wood SAC (Site Code 000725) is located circa 4.8km to the south-west of the appeal site.
- 5.6.5. South Dublin Bay SAC (Site Code 000210) is located circa 7.28km to the north of the development site.
- 5.6.6. South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is located circa 7.28km to the north of the development site.

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal has been submitted by Hendrik W van der Kamp, Town Planner on behalf of the applicant Bailey and Snowy Ltd. The issues raised are as follows;

- It is submitted that the proposed development would not set a precedent for other similar developments on the basis that similar subdivision has been submitted and completed on the adjoining site and nearby sites. The following planning history is highlighted.
- Under Reg. Ref. D05A/1543 on the site adjoining the appeal site to the south which has an area of 0.42 hectares permission was granted for the development of 4 no. houses. It is noted that the Roads Department had no objections to the sightlines of 90m. The permitted density was equivalent to 9.5 houses per hectare. Under Reg. Ref. D06A/0901 on the site directly opposite the appeal site permission was granted for the development of 3 no. houses. The site had an area of 0.74 hectares. The permitted density was equivalent to 4 houses per hectare. Under Reg. Ref. D04A/0848 on the site to the north-west of the appeal site on the eastern side of the road permission was granted for the demolition of the existing house and development of 2 no. houses. The site had an area of 0.6 hectares. It is noted that the Roads Department had no objections subject to a condition that adequate sight lines are provided. The permitted density was equivalent to 3.3 houses per hectare.
- Refusal reason no.1 states that the proposed development"would be contrary to the A1 zoning objective of the area, which seeks 'to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans."
- While the reason for refusal does not state that the proposed development would be premature for that reason, it is clearly implied that this case. The proposed development and similar development on other sites would be contrary to the zoning until such time as a Local Area Plan has been prepared and has been approved. It is noted that the development plan lists nine local area plans to be prepared during the development plan period.

- It is highlighted that the objective to achieve an approved local area plan for Rathmichael is not a new planning objective. An objective stating this was previously included in the 2004 Dun Laoghaire-Rathdown County Development Plan 2004-2010, however it was never achieved. Notwithstanding the failure to prepare a Local Area Plan during the three plan periods it is noted that permissions have been granted for the subdivision of single house sites.
- Reference is made to the report of the Planning Officer in respect of the application Reg. Ref. D05A/1543 on the site adjoining the appeal site to the south which stated, “application site is located within the area subject to the preparation of a Local Area Plan (Ferndale Road Local Area Plan). The pre-draft consultation phase of the plan was undertaken in October-November 2004. A strategic land-use transportation plan ‘the North Bray Environs LUTS’ (NBE LUTS) is currently being prepared and the findings will inform the plan preparation. The current proposal is not considered inappropriate or premature pending the adoption of the local area plan by virtue of its scale and number of dwelling units proposed. Moreover, cognisance must be taken of the precedent set by the permitted developments for site subdivision in the plan area. This proposal for demolition of a single dwelling and replacement with additional units is considered acceptable on the basis that it represents a more efficient use of land and that the existing structure on the site is not of any architectural merit.”
- It is submitted that the proposed scheme would provide a possible continuation of the proposed access road to adjoining lands which would provide for access for the development of rear gardens of properties on Ferndale and Ballybride Road.
- It is submitted that the proposed development should be considered under the zoning objective which is provide for new residential developments without waiting for an approved local area plan. It is highlighted that the site is service and that Uisce Eireann have confirmed that the proposed development can be connected to the water and wastewater services network.

- The provisions of the Sustainable Development and Compact Settlement Guidelines (2024) promote higher residential densities. However, it is not the case that the same densities should apply in all locations, and it is considered that a graded approach should be taken. According to the guidelines refining the density that is appropriate for a given site should be done in a two-step approach where the first step consists of an assessment of the accessibility of the site and the second step the local character, amenity and natural environment.
- The site is remote from public transport facilities. There is no bus stop in the vicinity of the site. According to the guidelines the site should be considered a peripheral site. The guidelines state that for peripheral sites planning authorities should encourage “densities below the mid-density range at peripheral locations.”
- The guidelines state, “the evaluation of impact on local character should focus on the defining characteristics of an area, including for example, the prevailing scale and mass of buildings, urban grain and architectural language, any particular sensitivities and the capacity of the area for change. While it is not necessary to replicate the scale and mass of existing buildings, it will be necessary to respond in a positive and proportionate way to the receiving context through site responsive design.”
- The refusal reason refers to policy objective PHP18 of the Development plan. It states that the proposed development would contravene this policy objective. The objective states a general aim to encourage higher densities, it is qualified having regard to the established character of the area. The objective states, “Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.”
- It is submitted that in assessing the proposal the Planning Authority has failed to properly assess an appropriate density, having regard to the guidelines quoted in the refusal reason. The report of the Planning Officer did not refer to

the two step approach in terms of assessing appropriate densities for a given location, the overall assessment is considered to be a blanket application of minimum densities without proper regard to accessibility characteristics of the site or adjoining development.

- Refusal reason no. 2 states that the proposed development would result in: “Endangerment of Public Safety as a result of additional traffic and vulnerable road users associated with the proposed development.” The transportation division report relates this endangerment of public safety not to lack of sight visibility distances at the proposed vehicular access point, but rather to the rural character of the road and lack of pedestrian and cyclist facilities:”it is considered that, by reason of pedestrian/vehicle and cyclist/vehicle conflicts along the surrounding local road network serving the site, which is rural in character and lacking in acceptable pedestrian and cyclist facilities, the proposed development and precedent that such a development would set, especially in the absence of the Local Area Plan for the area would endanger public safety by reason of traffic hazard.”
- It is noted that there is no reference to the fact that there is a public footpath along one side of the road. It is noted that the Planning Authority granted a number of similar permissions for subdivision of single house sites resulting in pedestrian and cyclist movements and vehicular movements on Ballybride Road. It is highlighted that the Transportation Division had no objections to the scheme granted under Reg. Ref. D05A/1534, Reg. Ref. D06A/0901 and D04A/0848.
- Ballybride Road is located within the 50km/hour speed limit area. There is a footpath located on the opposite side of the road. The applicant is amenable to the construction of a footpath of 2m in width along the frontage of the site and they would accept a condition requiring this.
- The design of the proposed internal access road includes a double bend close to the junction with Ballybride Road and therefore traffic speeds close the entrance would be low.
- The refusal reason states that traffic hazard would arise from “..the precedent which the proposed development would set on Ballybride Road and the

adjacent linking roads, which do not currently have adequate pedestrian facilities.” This is not understood having regard to the previous planning permissions in the vicinity of the site.

- The report of the Transportation Division raised concerns regarding the lack of public transport facilities and amenities in the vicinity of the site, it states “Transportation Planning consider that the proposed development and the precedent that such development would set are not in accordance with the current County Development Plan (2022-2028). Policies T1 (Integration of Land Use and Transportation Policies) and T4 (Development of Sustainable Travel and Transportation) to support and promote sustainable modes of transport. Residents of the proposed development would be reliant on travel by car due to a lack of local amenities/facilities/destinations within a reasonable travel time/distance by foot from the proposed development and the distance and lack of safe walking to the public transport network.”
- In response to this it is stated that the appeal site and other development in this part of the county is reliant on private transport more than public transport. In relation to the proposed density of the scheme it is argued that by permitting the low density scheme it is possible to free up residential accommodation in other parts of the county which may be developed at high density.
- It is submitted that adequate sight distances can be achieved and that no issues arise in relation to traffic safety.
- Refusal reason no. 4 states that “the Planning Authority is concerned that the proposal has not been adequately designed to protect or preserve the trees and the amenities afforded to them.” The applicant does not accept this. Section 12.8.11 of the Development Plan states that “New developments shall be designed to incorporate as far as practicable, the amenities offered by existing trees and hedgerows.” A detailed tree survey was prepared and was included with the planning application documentation. The proposed layout of the development does not require the removal of any of the Category A trees. The proposed development has therefore been designed to incorporate existing trees on the site.

- The appeal submission includes a document prepared by Arborist Associates Ltd. which provides a response to the report of the Parks and Landscape Services Department.
- It is highlighted that the Parks and Landscape Services Department recommends the retention of four trees. Two are located along the eastern site boundary and two are located along the northern site boundary. They are tree no's 1862, 1871, 1872 and 1800. These trees will be protected as part of the development.
- In conclusion, it is considered that the proposed development would facilitate in depth residential development in accordance with a Local Area Plan to be prepared for the area and that the proposed development is therefore in accordance with the proper planning and sustainable development of the area.
- The applicant respectfully requests that the Commission grant permission for the proposed development.

7.2. Planning Authority Response

- In response to the letter dated 7th of May 2025 with regard to the appeal Ref: 322451-25 the Commission is referred to the previous Planner's Report.
- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

8.0 Assessment

Having examined the application details and all other documents on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered is as follows:

- Policy Context
- Access and traffic
- Trees on site

8.1. Policy Context

- 8.1.1. Refusal reason no. 1 issued by the Planning Authority refers to the A1 zoning objective of the site which seeks "to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans". It also refers to the site being located on Tier 2 lands which are not currently sufficiently serviced to support new development and the future development of Rathmichael is contingent upon the timely delivery of supporting infrastructure as outlined under Section 2.3.7.2 and Appendix 1 of the development plan. The refusal reason sets out that the site is located within the Rathmichael Local Area Plan boundary, for which a Local Area Plan will be prepared, and it also sets out that section 2.6.1.3 of the development plan refers to the Local Area Plan Plan-Making Programme. Table 2.16 refers to the Local Area Plan Making Programme and it includes the Rathmichael LAP which states that a new plan is to be prepared. It is stated in the refusal reason that for A1 zoned lands at Rathmichael that minor modifications and extensions to properties can be considered in advance of the provision of the LAP. This is set out under section 2.6.1.3 of the development plan. It is stated in the refusal reason that the proposed development of 4 no. new dwelling, having regard to its nature and scale, would not constitute 'minor modification and extensions to existing property' and that the proposed development would undermine the intended plan-led and co-ordinated approach to residential development in the Rathmichael area as provided for in the Dún LaoghaireRathdown County Development Plan 2022-2028.
- 8.1.2. It is set out in the appeal that the objective to achieve an approved local area plan for Rathmichael is not a new planning objective. An objective stating this was previously included in the Dun Laoghaire-Rathdown County Development Plan 2004-2010, however it was never achieved. It was highlighted in the appeal that notwithstanding the failure to prepare a Local Area Plan during the three plan periods it is noted that permissions have been granted for the subdivision of single house sites. It stated in

the appeal that the proposed development should be considered under the zoning objective which is provide for new residential developments without waiting for an approved local area plan. The first party highlighted that the site is serviced and that Uisce Eireann have confirmed that the proposed development can be connected to the water and wastewater services network.

- 8.1.3. The appeal site is located on lands which are within the defined boundary of the Rathmichael LAP and are currently zoned A1. Appendix 1 of the Development Plan refers to - Tiered Approach to Land Zoning – Infrastructure Assessment. Section 4.7 refers to New Residential Communities: Old Connaught and Rathmichael. It is stated under this section of the Plan that Old Connaught and Rathmichael are not currently serviced, and the future development of these areas is contingent upon the timely delivery of supporting infrastructure. Implementation plans incorporating phasing programmes are to be prepared as part of the Local Area Plan making process for both new communities, linking development with the commensurate delivery of supporting infrastructure. The lands at Rathmichael are Tier 2 zoned lands which require the delivery of requisite waste-water infrastructure, water infrastructure and transport Infrastructure. Accordingly, the future development of these zoned lands is contingent upon the timely delivery of supporting infrastructure. While I note the point raised by the first party that the proposed development can be connected to the water and wastewater services network the matter of deficiencies in existing transport infrastructure remains. As set in Section 4.7 of Appendix 1 of the Plan there are requirements to provide new infrastructure and upgrade existing in respect of Ferndale Road including upgrades to local roads to facilitate bus, pedestrian and cycle movements, the provision of a new link road from Ferndale Road to Dublin Road at Shanganagh, the provision of Cherrywood to Rathmichael Link Road and the phased introduction of bus services in line with increased demand.
- 8.1.4. Furthermore, the provisions of the Rathmichael LAP will provide a more granular / detailed breakdown for zoning within the plan boundary which will allow for the planned approach and co-ordinated approach to residential development of these zoned lands including the appeal site.
- 8.1.5. In relation to the timeframe for the provision of the Rathmichael LAP I would highlight to the Commission that the details of the status of the Rathmichael LAP provided on the Dun Laoghaire Rathdown County Council website are as follows that the pre-

draft consultation stage ran from 4th April 2025 to 9th May 2025 and that the Planning Authority is currently preparing a Draft Local Area Plan for Rathmichael.

- 8.1.6. Accordingly, I am satisfied that based on the zoning objective A1, which provides for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans, and the characterisation of the lands as Tier 2 zoned lands, that proposals other than minor modifications or extensions to existing properties cannot be considered in the absence of a local area plan. Based on the details set out above, I consider that the development proposed is premature pending the approval of the Rathmichael LAP.
- 8.1.7. The third reason for refusal refers to the density of the proposed scheme. It is set out in the refusal reason that the Sustainable Residential Development and Compact Settlement Guidelines (2024) indicate recommended density ranges as set out in Section 3.3 of the Guidelines, which promote seeking higher residential densities. The Planning Authority were of the opinion that having regard to the number of units proposed in this application, that it constituted an unacceptably low density of development within this location and that it would contravene Policy Objective PHP18: Residential Density of the Development Plan.
- 8.1.8. Policy Objective PHP18: Residential Density of the Development Plan sets out that it is an objective of the Plan to increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12 of the Plan. The objective also seeks to encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.
- 8.1.9. Therefore, the overarching aim of this objective is to ensure that there is sustainable development of zoned residential lands to provide for compact development through the provision of appropriate residential densities.
- 8.1.10. It is argued in the appeal that the density of the proposed scheme should be considered on the basis of the density of permitted scheme in the area. The appeal refers to a number of permitted applications under Reg. Ref. D05A/1543 on the site

adjoining the appeal site to the south, permission was granted for the development of 4 no. houses at a density of 9.5 units per hectare. Under Reg. Ref. D06A/0901 on the site directly opposite the appeal site permission was granted for 3 no. houses at a density of 4 houses per hectare and under Reg. Ref. D04A/0848 on the site to the north-west of the appeal site on the eastern side of the road permission was granted for the demolition of the existing house and development of 2 no. houses. The permitted density was equivalent to 3.3 houses per hectare. While I would note these cited permitted developments in the area, I would also note that these applications refer back to between 18 to 21 years ago and as such were subject to the provisions of the Development Plans in force at the time and the provisions of the relevant Ministerial guidelines in place at the time. Therefore, the policy context when those permissions were granted is not comparable to current context having regard to the passage of time and significant changes in respect of policies concerning the density and design of development. Accordingly, I would not accept the premise of the argument provided on that basis.

8.1.11. The proposed development of 4 no. houses on a 0.53 hectare site would have a density equivalent to 7.5 residential units per hectare. In relation to the provisions of the Sustainable Residential Development and Compact Settlement Guidelines (2024) and specifically Section 3.3 of the Guidelines this refers to Settlements, Area Types and Density Ranges. The appeal refers to the provisions of section 3.4 of the guidelines which relate to refining density. It is stated in the appeal that there should be consideration in respect of the two-step approach set out in section 3.4 of the guidelines where the first step consists of an assessment of the accessibility of the site and the second step the local character, amenity and natural environment.

8.1.12. In relation to this matter, I would consider that the issue of considering the density of the scheme in the two-step approach would be appropriate if the appeal site were located lands not zoned Objective 'A1' which has the objective: "to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans." However, on the basis of the fact that the site is subject to this zoning objective I would be of the opinion that it is not appropriate in this context to consider the piecemeal development of the subject site at a density of 7.5 residential units per hectare in the absence of the Rathmichael Local Area Plan which as detailed previously in this report is currently being

prepared. Accordingly, I would concur with the opinion of the Planning Authority that the proposed development would be contrary Policy Objective PHP18: Residential Density of the Development Plan and to the provisions of the Sustainable Residential Development and Compact Settlement Guidelines (2024).

8.2. Access and Traffic

- 8.2.1. The second reason for refusal issued by the Planning Authority refers to traffic and pedestrian safety. It is set out in the reason for refusal that the proposed development would endanger public safety as a result of additional traffic and vulnerable road users associated with the proposed development. It was also concluded in the reason for refusal that proposed development would set a precedent in relation to development on Ballybride Road and the adjacent linking roads, which do not currently have adequate pedestrian facilities.
- 8.2.2. The appeal referred to a number of previous planning applications Reg. Ref. D05A/1534, Reg. Ref. D06A/0901 and D04A/0848 where permission has been granted for similar types of development for subdivision of single house sites. The first party therefore questions how a precedent would be set given the previous planning permissions in the vicinity of the site.
- 8.2.3. It was highlighted in the appeal that Ballybride Road is located within the 50km/hour speed limit area. The first party in the appeal noted that there was no reference to the existing public footpath along the opposite side of the road in the vicinity of the site. In relation to the design of the scheme the applicant is amenable to the construction of a footpath of 2m in width along the frontage of the site and they would accept a condition requiring this. Regarding the design of the road within the scheme it is stated in the appeal that the proposed internal access road includes a double bend close to the junction with Ballybride Road and that traffic speeds close the entrance would be low.
- 8.2.4. The report of the Transportation Planning Section dated 27th of March 2025 stated that they considered that the proposed development and the precedent that such development would set are not in accordance with the current County Development Plan (2022-2028). Policies T1 (Integration of Land Use and Transportation Policies) and T4 (Development of Sustainable Travel and Transportation) to support and

promote sustainable modes of transport. The report concludes that residents of the proposed development would be reliant on travel by car due to a lack of local amenities/facilities/destinations within a reasonable travel time/distance by foot from the proposed development and the distance and lack of safe walking to the public transport network.

8.2.5. In response to this it is stated that the appeal site and other development in this part of the county are reliant on private transport more than public transport. In relation to the proposed density of the scheme it is argued that by permitting the low density scheme it is possible to free up residential accommodation in other parts of the county which may be developed at high density. In relation to this argument, I would not accept it on the basis that subject to the provision of the Rathmichael Local Area Plan it is the intention of the under the provisions of the County Development plan that the subject site and surrounding area would be developed at a higher density with this development being facilitated by the provision of infrastructural improvements to the local road network serving the site including pedestrian and cyclist facilities and the provision of public transport.

8.2.6. Having inspected the site, I would highlight that the road network in the area primarily consists of narrow carriageways with occasional segregated walkways. Notwithstanding the proposal from the applicant to provide a footpath along the frontage of the site, which would not address the matter of the segregation of existing walkway, I would consider that, it is not practical to safely walk or cycle from the proposed site to the nearest activity centre in Shankill without encountering conflicts between pedestrians, cyclists, and motor vehicles.

8.2.7. Accordingly, I consider that the road infrastructure in this location is inadequate to support safe movement for all users. The lack of appropriate infrastructure results in traffic conflicts and safety risks. Furthermore, the increased traffic generated by the proposed development, along with the precedent it could set for similar developments, would pose a significant threat to public safety due to traffic hazards.

8.3. Trees on site

8.3.1. The fourth reason for refusal refers to the large mature trees located on the site. The appeal site contains three separate locations where there a tree or cluster of trees

identified in the Development Plan with an objective to protect and preserve trees and woodland. It is set out in the reason for refusal that the Planning Authority had concerns that the proposed scheme had not been adequately designed having regard to the objective to protect and preserve trees at this location. The refusal reason refers to Section 12.8.11 of the Dún Laoghaire Rathdown County Development Plan 2022-2028.

- 8.3.2. Section 12.8.11 of the Plan refers to Existing Trees and Hedgerows it requires that new developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows. It is also required that new developments shall, also have regard to objectives to protect and preserve trees and woodlands.
- 8.3.3. In response to this refusal reason, it is submitted in the appeal that a detailed tree survey was prepared and was included with the planning application documentation. A Tree Survey prepared by Arborist Associates Ltd. dated 26th October 2023 was submitted with the application. As detailed in the Survey there are no Category A grade trees on the site.
- 8.3.4. The appeal includes a response from Arborist Associates Ltd. which they prepared having regard to the report of the Parks and Landscape Services Department. The document states that in response to the trees which the Parks and Landscape Officer highlighted for retention that they are all indicated for retention in the Tree Protection Plan Dwg. No. GAR002 and their retention has been incorporated into the development.
- 8.3.5. The Parks and Landscape Services Department recommends the retention of four trees. Two are located along the eastern site boundary and two are located along the northern site boundary. Tree no. 1800 is a mature Scots Pine is located on the eastern roadside boundary it is proposed to be retain along with the tree no's 1879 and 1881.
- 8.3.6. Tree no. 1862 is a mature Horse Chestnut tree located at the eastern end of the northern site boundary it is proposed to be retain along with tree no. 1860. Tree no. 1871 and tree no. 1872 are mature Sycamore trees located along the northern boundary of the site. It is proposed to retain these trees into the completed landscaped development. The document from Arborist Associates Ltd. stated that in

relation to the tree symbols on the Development Plan map and the objective to protect and preserve trees and woodland that the proposed development layout has been considered in relation to the retention of the trees along the northern and eastern boundaries and in particular the Horse Chestnut tree, Tree no. 1862, Tree no. 1976 a Sycamore tree, Tree no. 1977 a Horse Chestnut tree, Tree no. 1979 a Hawthorn tree, Tree no. 1980 a Sycamore tree and Tree no. 1981 a Sycamore tree.

8.3.7. In relation to this matter, I note the details provided on the Site Layout – Landscape, Drawing No: D1249-1-05 which indicates that regarding Tree no's 1862, 1976 and 1979 these trees are proposed to be retained and trimmed subject to plot boundaries. In relation to Tree no. 1980 and Tree no. 1981 those trees are located outside the application site.

8.3.8. Having regard to the details provided in the appeal response and with the application including the Tree Survey prepared by Arborist Associates Ltd and the Site Layout – Landscape, Drawing No: D1249-1-05, I would be of the opinion that the proposed layout of the development has been designed to incorporate existing trees on the site and in particular having regard to the development plan objectives referring to the site to protect and preserve trees and woodland.

9.0 AA Screening

9.1. I have considered case ABP-322451-25 in light of the requirements S177U of the Planning and Development Act 2000 as amended.

9.2. The closest European Sites, part of the Natura 2000 Network, is the Rockabill to Dalkey Island SAC (Site Code 003000) which is located circa 3.3km to the north-east of the appeal site. Dalkey Island SAC (Site Code 004172) is circa 5.2km to the north-east of the appeal site. Ballyman Glen SAC (Site Code 000713) is located circa 3.27km to the south of the appeal site. Knocksink Wood SAC (Site Code 000725) is located circa 4.8km to the south-west of the appeal site.

9.3. The proposed development comprises an infill residential development comprising of 4 no. houses.

9.4. No streams/watercourses are identified on site.

- 9.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.6. The reason for this conclusion is as follows:
- The nature and scale of the proposed development and the location of the site on developed serviced lands.
 - The absence of any ecological pathway from the development site to the nearest European Site.
 - Location-distance from nearest European site.
- 9.7. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.8. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. The proposed development has been subject to a screening for Water Framework Directive Assessment (refer to Appendix 3 of this report).
- 10.2. The subject site is located at Greenacre, Ballybride Road, Rathmichael, Dublin 18. It is a suburban area circa 1.5km to the west of village of Shankill and 3km to the north of the town of Bray.
- 10.3. The Dargle Stream_040 is situated circa 635m to the south. The Shanganagh Stream_010 is located 970m to the north. The Southwestern Irish Sea-Killiney Bay (HA10) Coastal waterbody is located 1.75km to the east of the site. The Wicklow (IE_EA_G_076) groundwater body underlies the site.
- 10.4. The proposed development comprises an infill residential development comprising of 4 no. houses, all on and off site development works, open space, boundary treatments and landscaping with vehicular and pedestrian access. It is proposed to connect to Uisce Éireann mains wastewater and water supply infrastructure.
- 10.5. No water deterioration concerns were raised in the appeal.

- 10.6. I have assessed the proposed infill residential development comprising of 4 no. houses, all on and off site development works, open space, boundary treatments and landscaping with vehicular and pedestrian access.
- 10.7. I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.8. The reason for this conclusion is as follows:
- The nature and scale of the development
 - The project uses standard construction / pollution control methods, materials and equipment.
 - A surface water management system including SuDS features is also proposed.

Conclusion

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

11.0 Recommendation

- 11.1. I recommend that permission be refused for the following reasons and considerations.

12.0 Reasons and Considerations

1. Having regard to the A1 zoning objective of the lands relating to the subject site as set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the objective of which is to provide 'for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans', Section 2.6.1.3 of the development plan (Local Area Plan-Making Programme), which sets out that within Rathmichael A1 zoned area 'minor modifications and extensions to existing properties' can be considered in advance of the relevant local area plan being in place, and Appendix 1, Section 4.7 (New Residential Communities: Old Connaught and Rathmichael) which sets out that development in this Tier 2 area is contingent upon the timely delivery of supporting infrastructure, it is considered that the proposed development of four new residential units at this location does not constitute a minor modification or an extension to an existing property and would not be in accordance with the A1 zoning objective for the area, section 2.6.1.3 or Appendix 1, Section 4.7 of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Sustainable Residential Development and Compact Settlement Guidelines (2024) indicate recommended density ranges as set out in Section 3.3 of the Guidelines, which promote seeking higher residential densities. Having regard to the number of units proposed in this application, it is considered that the proposed development constitutes an unacceptably low density of development within this location, as such, would contravene Policy Objective PHP18: Residential Density of the Dún Laoghaire Rathdown County Development Plan 2022- 2028 and would also be contrary to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Therefore, the proposed development, would set an undesirable precedent for other similar developments and would be contrary to the proper planning and sustainable development of the area.
3. It is considered that the additional traffic generated by the proposed development, and the precedent it would set for similar developments, would endanger public safety by reason of traffic hazard, due to the increase in conflicts between pedestrian/cyclist/vehicle movements resulting from the proposed development and the inadequate provision of pedestrian and cyclist facilities throughout the road network at this location.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Siobhan Carroll
Planning Inspector

15th of August 2025

Form 1 - EIA Pre-Screening

Case Reference	322451-45
Proposed Development Summary	Infill residential development comprising 4 no. houses, site development works, open space boundary treatment, vehicular and pedestrian access.
Development Address	Greenacre, Ballybride Road, Rathmichael, Dublin 18.
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	Class 10(b)(i), Schedule 5 Part 2
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>EIA is mandatory for developments comprising over 500 dwelling units or urban development over 10 hectares in size or 2 hectares if the site is regarded as being within a business district.</p> <p>The proposal is significantly below this threshold being 4 no. residential units and the site has an area of 0.53 hectares which is sub threshold.</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	322451-25
Proposed Development Summary	Infill residential development comprising 4 no. houses, site development works, open space boundary treatment, vehicular and pedestrian access.
Development Address	Greenacre, Ballybride Road, Rathmichael, Dublin 18.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development has a modest footprint, comes forward as a standalone project. It does require demolition of the existing derelict dwelling on the site. It does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan. There are no protected species/habitats on site.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIAR required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3 - Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	322451-25	Townland, address	Greenacre, Ballybride Road, Rathmichael, Dublin 18.
Description of project		Infill residential development comprising 4 no. houses, site development works, open space boundary treatment, vehicular and pedestrian access. It is proposed to connect to Uisce Éireann mains wastewater and water supply infrastructure.	
Brief site description, relevant to WFD Screening,		The site is located within a suburban area at an elevation of approximately 50m contour. The soil type is AminDW - Deep well drained mineral soil (mainly acidic). The bedrock is Lower-Middle Ordovician slate, sandstone, greywacke, conglomerate. The Dargle Stream_040 is situated circa 635m to the south. The Shanganagh Stream_010 is located 970m to the west. The Southwestern Irish Sea-Killiney Bay (HA10) Coastal waterbody is located 1.75km to the east of the site. The Wicklow groundwater body (IE_EA_G_076) underlies the site.	
Proposed surface water details		On site attenuation with discharge to surface water drainage network.	
Proposed water supply source & available capacity		Uisce Éireann mains water connection – no capacity issues	

Proposed wastewater treatment system & available capacity, other issues			Uisce Éireann mains wastewater connection– no capacity issues Connection to public Mains. Foul water from the Site will eventually be treated at Ringsend Wastewater Treatment Plant (WwTP) prior to discharge into Dublin Bay.			
Others?			No			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	635m	Dargle Stream_040	Good	Not risk	-	Not hydrologically connected to the watercourse.
River Waterbody	970m	Shanganagh Stream_010	Good	Not at risk	-	Not hydrologically connected to the watercourse.

Coastal Waterbody		1.75km	Southwestern Irish Sea-Killiney Bay (HA10)	High	Not at risk	-	Not hydrologically connected to Coastal waterbody
Groundwater Waterbody		Underlying Site	Wicklow (IE_EA_G_076)	Good	At risk	Agriculture and unknown	Underlying GWB
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if ‘screened’ in or ‘uncertain’ proceed to Stage 2.
1.	Site clearance/Construction	Wicklow (IE_EA_G_076)	Pathway exists	Siltation, pH (concrete), hydrocarbon spillages	Standard construction practice	No	Screened out

				Deterioration of water quality			
OPERATIONAL PHASE							
2.	Discharges to Ground	Wicklow (IE_EA_G_076)	Pathway exists	Spillages Deterioration of water quality	SUDs features	No	Screened out
DECOMMISSIONING PHASE							
3.	NA	NA	NA	NA	NA	NA	NA