



An
Coimisiún
Pleanála

Inspector's Report

ACP-323594-25

Development	Demolition of existing structures and construction of 21 dwellings with 26 in-curtilage car parking spaces.
Location	The Grove, Mart Lane, Foxrock, Dublin 18, D18Y9N2
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D25A/0531/WEB
Applicant(s)	Mart Lane Property Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal
Appellant(s)	Mart Lane Property Developments Ltd.
Observer(s)	2. no. observations received: 1. Mrs. Margaret McCourt 2. Mr. Stephen Flood

Date of Site Inspection

5th November 2025

Inspector

I. McCormack

1.0 Site Location and Description

- 1.1. The site is located at the junction of Mart Lane and St. Brigit's Park Road in Foxrock, Dublin 18. It is accessed off Mart Lane and currently accommodates a single 5-bedroom dwelling known as 'The Grove' (204.4 sqm) along with substantial mature planting and tree cover. The application has a stated site area of 0.609ha.
- 1.2. The immediate vicinity is an established residential area with large detached residential properties on generous plots characterised by mature landscaping. St Brigid's National School is located to the immediate east of the site on the opposite site of St. Brigid's Park. St Brigid's National School is a designated Protected Structure (RPS No.2063) and on the National Inventory of Architectural Heritage (NIAH REF. 602230055). 'Suncroft' is located to the west of the site and is registered on the National Inventory of Architectural Heritage (NIAH Ref: 60230056). The site is located outside the boundary of the Foxrock Architectural Conservation Area (ACA).
- 1.3. Foxrock Village is about 1 km to the south, and Cornelscourt Shopping Centre is 900 metres to the south. The surrounding area is generally characterised by a mix of low to medium density private housing. The site is generally flat/level with the adjoining public road.

2.0 Proposed Development

- 2.1.1. The proposed development includes the following works:
 - The demolition of a habitable house of 204.4 sq.m (known as 'the Grove'),
 - the construction of a new residential development consisting of 21 dwellings (7 no. two bedroom duplex units; 7 no. three bedroom duplex units; 1 no. three bedroom semi-detached house and 6 no. four bedroom houses) ranging from 2 to 3 storeys in height;
 - 26 in-curtilage car parking spaces, 3 no. covered bicycle stands;
 - 1,023 sq.m of public open space; landscaping and boundary treatments including tree retention, removal and new planting;
 - water and utility services and connections; lighting; waste management;
 - and all enabling and ancillary development and works above and below ground.

- Vehicular access is proposed from a new entrance onto Mart Lane. Pedestrian and cycling access is also provided from St. Brigid's Park.
- The existing site boundary and pedestrian footpath along St. Brigid's Park will be set back by 2m into the site for a distance of 52 m to facilitate additional set down facilities along St. Brigid's Park to be used in connection with St. Brigid's Boys National School.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority REFUSED permission on the 27th August 2025 for the following reason:

Having regard to the location of the proposed development, the residential zoning objective, the Dun Laoghaire – Rathdown County Development Plan 2022 – 2028, including policy objectives PHP18 (residential density), section 12.3.3.2 (residential density) and the density ranges set out in table 3.1 in the Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024), which promotes residential densities in the range of 50dph to 250dph (net) shall generally be applied in urban neighbourhoods of Dublin, it is considered that the proposed density at 34.5 units per hectare constitutes an unacceptable low density of development within this 'City - Urban neighbourhood' which would constitute unsustainable use of this accessible and fully serviced site and, as such, would contravene Policy PHP18 (residential density) and section 12.3.3.2 of the Dún Laoghaire Rathdown County Development Plan 2022 – 2028 and would also contravene the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Therefore, to permit 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.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner Report

- 3.2.2. The report provides a summary of the proposed development and submissions received. The report reviews the characteristics of the site and the proposed

development, the planning history and various national policies and provisions of the development plan.

- 3.2.3. The recommendation within the report of the Planning Officer reflects the decision of the Planning Authority and can be summarised as follows:

Principle of Development

- The site is zoned Objective 'A', with a stated objective to provide residential development and improve residential amenity while protecting the existing residential amenities'. The principle of residential use is acceptable.
- The site is located outside of Foxrock ACA

Demolition

- Demolition was considered appropriate under D24A/0509. Demolition Report accompanied the application. The existing dwelling is derelict and of no particular architectural merit. Demolition acceptable in accordance with Section 12.3.9 'Demolition and Replacement Dwellings' of the Development Plan.

Density and Previous Refusal of Permission

- The site is ca. 200m west of Cornelscourt neighbourhood centre. The no. 63A bus route adjoins the site, and the Stillorgan Core Bus Corridor is located ca. 250m to the northeast of the site which will form route E-Spine of Bus Connects high capacity public transport route.
- The site falls within a 'City- Urban Neighbourhood' category as per section 3.1 of the Compact Settlement Guidelines with residential densities in the range of 50dph – 250dph (net) generally to be applied.
- Policy PHP 18 'Residential Density' of the Development Plan includes the objective to promote compact urban growth and encourage higher density developments.
- The proposed density is 34.5 uph. The report notes the previous ACP decision to refuse development on the site. The PA is of the opinion that the density remains too low and that an appropriate density towards the lower end of the 50-250uph range is achievable.

Residential Amenity

- Adequate separation distances have been provided and there is not direct overlooking of adjoining properties.
- Noise measures are considered appropriate. Preliminary CEMP noted.
- Regarding Sunlight/Daylight, as the scheme is for 21 units only a daylight analysis is not required. In any case the PA raised no concerns in this regarding owing to the orientation of the units.

Unit Mix

- Unit mix noted including provision of duplex units.
- Table 12.1 of DLRDP regarding unit mix applies to more than 50 units.

Residential Standards

- Unit floors areas, Dual aspect and Private open space all considered acceptable and in accordance with Section 28 Ministerial Guidelines.

Public and Communal Open Space

- Public Open Space – 1023sqm (16.8%) public open space provided. Table 12.8 of DLRDP requires 15%.
- Communal Open Space – Minimum required as section 12.8.3.2 of the DLRDP is 112sqm. No communal space has been provided for the proposed 14 no. duplex units. It is set out that the development would not meet the requirements of the Development Plan in this regard.

Trees and Landscaping

- It is set out that the removal of 44 trees approx. 64% of trees surveyed on site is unacceptable.

Building Height and Visual Impact

- It is considered that the three-storey height of the development is in keep with the character of the area and compliant with the content of Policy Objective PHP42 and the Height Strategy of the DLRDP.

Access, Car and Bicycle Parking

- Noting the reports from Transportation Planning it is set out that the location of

the vehicular entrance impacts the existing bus stop on Mart Lane and expects the National Transport Authority (NTA) will require the relocation of the stop. Measures to address pedestrian and cycling permeability also set out including a zebra crossing to be provided on St. Brigid's Park.

- It is set out that car parking shall be required to address SPPR3 of the Compact Settlement Guidelines - 1 no. car parking space per dwelling.

Surface Water Drainage and Flood Risk

- Report refers to Drainage Planning reports which sets out no objections.

Part V Housing

- Condition recommended. Although it is noted that the applicant seeks to comply by way of the transfer of 4 no. units or c. 19.05%.

Public Lighting – No objection

Construction Management - Compliance with the provisions of the Development Plan required in terms of the Preliminary Construction and Environment Management Plan (PCEMP) and Construction & Demolition Waste Management Plan (CDWMP) . Condition recommended.

Other Matters - None noted.

EIA/AA – Screened out owing to the small scale nature of the development on served lands in an urban location.

Conclusion

The development represents inefficient uses of fully serviced lands and as accessible urban location and does not align with Policy Objective PHP18 or section 12.3.3.2 of the DLRDP 2022-2028 which promote compact, high density developments at appropriate locations.

A modest increase in density, as referenced by An Coimisiún Pleanála under D24A/0509/ ABP320925-24, would require the scheme to meet the minimum density of 50 units per hectare , thereby supporting sustainable land use and aligning with national and local planning.

Concerns as regards several technical aspects of the development noted and while these matters would typically be addressed by way of further information, it was

determined that they do not mitigate the fundamental issues of underdevelopment and policy non-compliance.

Refusal Recommend. The recommendation within the report of the Planning Officer reflects the decision of the Planning Authority.

3.3. **Other Technical Reports**

Drainage Report (29/7/2025) – No objection subject to conditions.

Transportation Planning (25/8/2025) - Recommended FI be requested on the following issues:

- A letter of consent from the National Transport Authority (NTA) to the relocation of bus stop 3266 is required.
- provision of a zebra crossing on St. Brigid's Park , in line with the southernmost permeability link to/from the proposed development.
- Provision of 1 no. car parking space per dwelling in accordance with SPPR 3 – Car Parking (i) of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.

Public Lighting (17/7/2025) – No objection

Parks Department (18/8/2025) - Refusal Recommended – loss of unacceptable amount of strategically important trees.

Environmental Health Officer (8/8/2025) – No objection subject to conditions.

Environmental Enforcement Report (21/7/2025) No objection subject to conditions.

3.4. **Prescribed Bodies**

The planning authority referred to the application to the following prescribed Bodies:

Uisce Eireann (30/7/2025) – No objection in principle. UE standard conditions recommended.

3.5. **Third Party Observations**

Two no. third party observations were made to the Planning Authority. Issues raised in the submissions included inter alia the following:

- Concerns regarding security issues along the shared boundary between the site and adjoining residential properties.

- Permeability of lands to the rear which will be landlocked by the proposed development.
- Construction impacts including noise during school time.

4.0 Planning History

Site (recent)

ABP 320925-24 / PA REF. D24A/0509 – Permission refused on 17/02/2025 for the demolition of a house for the construction of 14 dwellings and all associated site work.

The refusal reason states:

Having regard to the location of the proposed development, the residential zoning objective, the Dun Laoghaire – Rathdown County Development Plan 2022 – 2028, including policy objectives PHP18 (residential density), section 12.3.3.2 (residential density) and the density ranges set out in table 3.1 in the Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024), which promotes residential densities in the range of 50dph to 250dph (net) shall generally be applied in urban neighbourhoods of Dublin, it is considered that the proposed density at 20.3 units per hectare constitutes an unacceptable low density of development within this ‘City - Urban neighbourhood’ which would constitute an unsustainable use of this accessible and fully serviced site and, as such, would contravene Policy PHP18 (residential density) and section 12.3.3.2 of the Dún Laoghaire Rathdown County Development Plan 2022 – 2028 and would also contravene the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Therefore, to permit 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.

The Board Direction includes the following note:

The Board recognises the tension between achieving a well-designed and commercially attractive residential scheme that respects local built character and site constraints (e.g., shape, mature tree coverage, legal covenants), and the density requirements contained within the County Development Plan and the Compact Settlement Guidelines. In this regard, the Board considered that a modest increase in density could be achieved with the introduction of duplexes into the residential mix.

Adjacent Site

PA REF: D15A/0031 (Suncroft) – Refers to grant of permission (23/05/2015 for a detached 228 m2 4-bedroom house on a 780 m2 site including boundaries and services and a new independent entrance to Suncroft including the demolition of the existing garages. This permission related to lands to the west of Suncroft It was not implemented and has since expired. Extensions have been built on this footprint.

5.0 Policy Context

5.1. National

5.1.1. National Planning Framework (2025)

The National Planning Framework 2025 sets out that the ‘major policy emphasis on renewing and developing existing settlements established under the NPF 2018 will be continued, rather than allowing the continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages.’

Relevant Policy Objectives include:

- National Policy Objective 6: Investment in student accommodation within our universities.
- National Policy Objective 7: 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.
- National Policy Objective 8: 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.
- National Policy Objective 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 10: Deliver Transport Orientated Development (TOD) at scale at suitable locations, served by high-capacity public transport and located within or adjacent to the built-up footprint of the five cities or a metropolitan town and ensure compact and sequential patterns of growth.
- National Policy Objective 11: Planned growth at a settlement level shall be

determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

5.1.2. Climate Action Plan,2025

- Climate Action Plan 2025 (CAP25) is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021. Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.
- Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

5.1.3. Delivering Homes, Building Communities 2025 - 2030

The government's housing Action Plan on housing supply and targeting homelessness to 2030. Delivering Homes, Building Communities aims to accelerate the delivery of new homes, to deliver 300,000 by the end of 2030.

5.1.4. National Biodiversity Action Plan (NBPA) 2023-2030

The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen,

community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

1. Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
2. Objective 2 - Meet Urgent Conservation and Restoration Needs
3. Objective 3 - Secure Nature’s Contribution to People
4. Objective 4 - Enhance the Evidence Base for Action on Biodiversity
5. Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives

5.2. Section 28 Ministerial Guidelines

5.2.1. The following Section 28 - Ministerial Guidelines are 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).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023). (Application made prior to 9th July 2025 therefore having regard to the ‘transitional arrangements’ the 2025 Guidelines do not apply in this instance)
- The Architectural Heritage Protection Guidelines for Planning Authorities 2011.

5.3. Other Guidance

- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Cycle Design Manual (2023).

5.4. Regional Policy

5.4.1. Regional Spatial and Economic Strategy 2019-2031

RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 3.3: Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing; Design Standards for new Apartment's Guidelines' and the 'Urban Development and Building Heights Guidelines for Planning Authorities

5.5. Local

Dun Laoghaire – Rathdown Development Plan 2022 – 2028

Zoning

The subject site is zoned "Objective A" which has zoning objective "to provide residential development and improve residential amenity while protecting the existing residential amenities".

Land use zoning map No.6 shows three number tree symbols on the subject site which is indicative of a County wide objective to protect and preserve trees and woodlands. The tree symbols on the maps may represent an individual tree or a cluster of trees and are not an absolute commitment to preservation as stated in section 12.8.11 Existing Trees of the Hedgerows of the plan (page 291).

Chapter 2 – Core Strategy

- 2.6.2 Active Land Management
- Policy Objective CS11 – Compact Growth

Chapter 3 – Climate Action

- 3.4.1.2 Policy Objective CA6: Retrofit and Reuse of Buildings

Chapter 4: Neighbourhood – People, Homes and Place

4.3.1 Delivering and Improving Homes state-

- ‘The ‘Sustainable Residential Development in Urban Areas’ Guidelines and the accompanying ‘Urban Design Manual’ include recommendations regarding appropriate densities for various types of locations. Having regard to the Guidelines and consistent with RPO 3.3 and 4.3 in the RSES:
 - Where a site is located within circa 1 kilometre pedestrian catchment / 10 minute walking time of a rail station, Luas line, Core/Quality Bus Corridor and/or 500 metres / 5 minute walking time of a Bus Priority Route, and/or 1 kilometre / 10 minute walking time of a Town or District Centre, higher densities at a minimum of 50 units per hectare (net density¹) will be encouraged.’
- 4.3.1.1 Policy Objective PHP18: Residential Density
 - Increase housing (houses and apartment 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.
 - Encourage higher residential densities if 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.
- 4.3.1.2 Policy Objective PHP19: Existing Housing Stock – Adaptation
 - Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.
 - Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.
- 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity.

Chapter 8 – Green Infrastructure and Biodiversity

Section 8.7 Biodiversity, 8.7.1.1 Policy Objective GIB18: Protection of Natural Heritage and the Environment – Implementation of this Policy Objective will involve, inter alia: M) Protection of existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character, including those listed under Tree Protection Orders (TPOs) and ensure that proper provision is made for their protection and management.

Chapter 9 – Open Space, Parks and Recreation

- 9.2.1.4 Policy Objective OSR4: Public Open Space Standards It is a Policy Objective to promote public open space standards generally in accordance with overarching Government guidance documents ‘Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities’, (2009), the accompanying ‘Urban Design Manual - A Best Practice Guide’, and the ‘Sustainable Urban Housing: Design Standards for new Apartments’, (2020).
- Policy Objective OSR7: Trees, Woodland and Forestry

Chapter 12 – Development Management

- 12.3.1.1: Design Criteria
- 12.3.3.2: Residential Density
 - In general, the number of dwellings (houses or apartments) to be provided on a site should be determined with reference to the Government Guidelines document: ‘Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’ (2009) and Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2020). As a general principle, and on the grounds of sustainability, the objective is to optimise the density of development in response to type of site, location, and accessibility to public transport. (See policy PHP18, Chapter 4).
- 12.3.7.7: Infill
- 12.3.9 Demolition and Replacement Dwellings
- 12.4.8: Vehicular Entrances and Hardstanding Areas.
- 12.8.3.1: Public Open Space

- 12.8.3.2 Communal Open Space – *While public and communal open space may adjoin each other, there should generally be a clear distinction with an appropriate boundary treatment and/or a ‘privacy strip’ between the two.*
 - Table 12.9 sets out required standards.
- 12.8.3.3 (i): Private Open Space for Houses
- 12.8.7.1: Separation Distances
- 12.8.7.2: Boundaries
- 12.8.11: 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.

5.6. Natural Heritage Designations

- 5.6.1. The site is not located within or adjacent to any designated Natura 2000 site. The nearest Natura 2000 site(s) are as follows:
- The South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (Site Code: 004024), approximately 3.4 km northeast of the site.
 - The South Dublin Bay Special Area of Conservation (SAC) (Site Code: 000210), approximately 3.4 km northeast of the site.
 - Rockabill to Dalkey Island Special Area of Conservation (SAC) (Site Code 003000), approximately 5.6 km east of the site.
 - Dalkey Islands Special Protection Area (SPA) (Site Code 001206), approximately 5.6 km east of the site.

5.7. EIA Screening

- 5.7.1. 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.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been lodged against the Planning Authority's decision to refuse permission. The grounds of appeal can be broadly summarised as follows:

- 6.1.1. The appeal sets out the recent planning history context. The submission notes an error in the previous application as regards the site area and sets out that the area was incorrectly stated as 0.69ha with a density of 20.3ha. and this should have stated the site area was 0.609ha. with a corresponding density of 23uph.
- 6.1.2. The following grounds of appeal are raised:

Reason for Refusal

- It is set out that the layout, form and density of the proposed development was directly informed by the previous reason for refusal under D24A/0509 /ABP 320925-24.
- The DLRCC reason for refusal did not afford appropriate regard to the terms of the Board's decision in particular the 'Note' included by the Board in its Direction.
- It is argued that the Note refers to a 'modest increase in density could be achieved with the introduction of duplexes into the residential mix' and that this implies that it is not necessary to achieve 50dph but that a material increase in density above 20dph must be achieved and that it is not necessary to replace all houses.

Having regard to the above the appeal sets out that the design approach is guided by the following:

Compliance with Relevant National and County Policy on Density

- Referring to section 4.5 of the NPF which includes the text 'to enable brownfield

and infill development, planning policies and standards need to be flexible, focusing on design-led and performance-based outcomes, rather than specifying absolute requirements in all cases' it is set out that the proposed development will facilitate a significant increase in the established density.

- Referring to the Compact Settlement Guidelines, it is argued that Table 3.1 sets out that a density of '50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.'(emphasis added) and section 3.3.6 *Exceptions* states that 'in the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter.'
- The development provides a 50% increase in density from the previous application and that responds to the immediate site context.

Consistent with Policy Objective PHO18 'Residential Density' the proposed scheme provides houses and duplexes on an underutilised brownfield site and the Development Plan recommends density for infill sites is 35uph and that Section 2.6.2.1 of the DP acknowledges that infill and brownfields development can be more challenging to deliver.

These provisions are consistent with Policy Objective 3.1 of the Compact Settlement Guidelines Policy Objective 3.1.

Covenant on Title

- The site previously formed part of the grounds of 'Suncroft' . When the subject site was sold by 'Suncroft' it was subject to deed of covenant to protect the amenities of 'Suncroft' including a non-development buffer along the entire length of the boundary with 'Suncroft' of varying widths 3m/5m/8m. The Covenant includes height limits - Zone A to the front of the site limited building ridge height to 8.5m and Zone B is restricted to 11.0m right height.
- It is set out that subsequent to the previous application the applicant engaged with the owners of 'Suncroft' and agreed a deviation from the covenant to facilitate the provision of duplex units addressing St. Brigid's Park. The

proposed layout (including buffer) and typology provides a deviation from the height restrictions in the covenant and has maximised the density of development achievable within these constraints.

Site Context and Neighbouring Amenities

- The site is a transitional site between the relatively lower detached densities on Foxrock and the high urban densities in Cornelscourt. The layout acknowledges this transitional location.
- The design respects the amenities of adjoining properties including those in St. Brigid's Park located to the south of the site.

Other Matters Raised in the Planner's Report

- Communal Open Space – It is set out that all duplex units benefit from generous private amenity spaces ranging from 14.4sqm – 22.8sqm for 2 bed units (7sqm required), 11.5sqm – 17.9sqm for three-bed units (9 sqm required). 1,023sqm of public open space is proposed, 110sqm in excess of the DP requirement of 15% of the site area. It is submitted that the future residential of the duplexes will benefit from a high level of amenity. The response notes that should the Commission consider it appropriate part of the public open space can be redesigned to provide for communal open space dedicated to the duplex unit and this matter can be addressed by condition.
- Bus Stop -It is set out that the Bus Stop has since been removed.
- Zebra Crossing – The applicant is happy to accept a condition requiring the provision of a zebra crossing on St. Brigid's Park in line with the southern pedestrian link.
- Car Parking – The proposed 26 no. car parking spaces is under the maximum standards of 35 spaces outlined in the DP (Table 12.5). it is further stated that the proposed development provides marginally above the standard of 1 space per residential unit as set out in the Compact Settlement guidelines. The provision is considered reasonable and will prevent overspill.
- Tree Loss – The layout prioritises minimising the removal of mature specimen trees, affording particular regard to the protection of the trees at the location identified on the DP Map No. 6.

The submission concludes that the density ranges in the Compact Settlement guidelines are not absolute and note the importance of context and that the application of density targets can be nuanced in particular circumstances and that the proposed development provides for a 50% increase in density from 23uph to 34.5uph, which reasonable comes within the scope of a 'modest' increase and meets the criteria established by the Board's decision under ABP 320925-24.

6.2. Planning Authority Response

In a response dated 30th September 2025, the Planning Authority refer to Commission to the previous Planner's Report. It is considered that the grounds of appeal do not raise any new matters.

6.3. Observations

Two no. observations have been received. The observations raise concerns with respect to:

- Concerns regarding security issues along the sharded boundary between the site and adjoining residential properties.
- Permeability of lands to the rear raised. Concern that rear gardens of adjoining properties will be landlocked by the proposed development.
- Construction traffic and noise level during school hours.
- The observation from Mrs Margaret McCourt notes that the development accords with the Boards thinking under previous application.

7.0 Assessment

7.1. Introduction

7.1.1. Having inspected the site and examined the application details and all other documentation on file, including all of the submission received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal can be addressed as follows:

- Principle of Development
- Density
- Loss of Trees
- Other Matters

7.2. Principle of Development

Proposed Development

- 7.2.1. In brief, the proposed development comprises the demolition of the existing single storey dwelling on the site and the construction of a new residential development consisting of 21 dwellings consisting of 7 no. two bedroom duplex units; 7 no. three bedroom duplex units; 1 no. three bedroom semi-detached house and 6 no. four bedroom houses, ranging from 2 to 3 storeys in height.

Zoning

- 7.2.2. The subject site is in an area zoned 'Objective A' as per the Dun Laoghaire – Rathdown Development Plan 2022 – 2028 which has a zoning objective 'To provide residential development and improve residential amenity while protecting the existing residential amenities.' Residential development is permitted in principle under this zoning objective.
- 7.2.3. In addition, the provision of residential development on lands zoned 'Objective A' would be consistent with the policies of the Planning Authority as set out in section 2.6.2 *Active Land Management* of the Development Plan and Policy Objective CS11 – *Compact Growth to deliver 100% of all new homes, that pertain to Dublin City and Suburbs, within or contiguous to its geographic boundary (Consistent with RPO 3.2 of the RSES)* and to encourage the development of underutilised and brownfield sites, with a view to consolidating and adding vitality to existing centres and ensuring the efficient use of urban lands.
- 7.2.4. The provision of residential development on lands zoned 'Objective A' would be consistent with the policies of the Planning Authority as set out in Section 2.3.6.4 *Housing Target for the Core Strategy* and Section 4.3.1.2 Policy Objective PHP19: *Existing Housing Stock – Adaptation where is a policy objective to densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.*
- 7.2.5. The Commission will note that that land use zoning map No.6 shows a number tree symbols on the site which is indicative of a County wide objective 'to protect and preserve trees and woodlands.' The Commission should note that is not an absolute commitment to preservation every tree as stated in section 12.8.11 (Existing Trees of

the Hedgerows) of the plan and does not preclude development of the site. I refer the Commission to section 7.4 of the report.

Demolition

- 7.2.6. Regarding the demolition of the existing dwelling on site section 12.3.9 *Demolition and Replacement Dwellings* of the Development Plan sets out that the Planning Authority has a preference for and will promote the deep retrofit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. I note Development Plan provisions (including 3.4.1.2 Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock – Adaptation) and acknowledge the ‘embodied carbon’ implications associated with the demolition and reconstruction of a new development.
- 7.2.7. In this instance a Demolition Report accompanied the application. The existing dwelling on site is not a Protected Structure nor is it considered to be of architectural merit. I am satisfied the demolition works are therefore justified and I consider that demolition must be balanced with the wider sustainability issues associated with the proposed development including compact growth and the policy objectives for the delivery of housing. The Planning Authority raised no concerns in this regard.

Conclusion

- 7.2.8. I am satisfied that the principle of residential development including demolition of the existing dwelling on site, which is not of architectural merit acceptable in line with the land use zoning objectives for the site as set out in the Development Plan 2022-2028 subject to detailed considerations below.

7.3. Density

- 7.3.1. The PA recommended refusal for the following reason:

Having regard to the location of the proposed development, the residential zoning objective, the Dun Laoghaire – Rathdown County Development Plan 2022 – 2028, including policy objectives PHP18 (residential density), section 12.3.3.2 (residential density) and the density ranges set out in table 3.1 in the Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024), which promotes residential densities in the range of 50dph to 250dph (net) shall

generally be applied in urban neighbourhoods of Dublin, it is considered that the proposed density at 34.5 units per hectare constitutes an unacceptable low density of development within this 'City - Urban neighbourhood' which would constitute unsustainable use of this accessible and fully serviced site and, as such, would contravene Policy PHP18 (residential density) and section 12.3.3.2 of the Dún Laoghaire Rathdown County Development Plan 2022 – 2028 and would also contravene the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Therefore, to permit 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.

- 7.3.2. The Commission will note that the wording of the reason for refusal reflects the decision of ABP 320925-24 to refuse permission for 14 no. units on this site where density of 20uph applied (see section 4.0 Planning History of this report). I draw the Commission's attention also to the appeal response which notes that an error was made in the previous application where the site area is stated as 0.69ha with a density of 20.3ha., this should have stated the site area was 0.609ha. with a corresponding density of 23uph.
- 7.3.3. The proposed density is 34.5 uph. The Planning Authority in their assessment noting the reason for refusal under ABP 320925-24 consider that the density remains too low and that an appropriate density towards the lower end of the 50-250uph range in accordance with the Compact Settlement Guidelines is achievable on site.
- 7.3.4. The Planning Authority sets out that Policy PHP 18 'Residential Density' of the Development Plan includes the objective to promote compact urban growth and encourage higher density developments. This is supported in section 12.3.3.2 *Residential Density* which refers to compliance with Government Guidelines and sets out that as 'a general principle, and on the grounds of sustainability, the objective is to optimise the density of development in response to type of site, location, and accessibility to public transport. (See policy PHP18, Chapter 4).' The PA consider owing to the location of the site ca. 200m west of Cornelscourt neighbourhood centre and the accessibility of the site to public transport including the no. 63A bus route which adjoins the site, and the Stillorgan Core Bus Corridor located ca. 300m to the northeast of the site which will form route E-Spine of Bus Connects high capacity public transport route that the site is suitable for increased density. The Planning Authority

maintain that the site falls within a 'City- Urban Neighbourhood' category as per section 3.1 of the Compact Settlement Guidelines with residential densities in the range of 50dph – 250dph (net) generally to be applied.

- 7.3.5. The applicant's appeal argues that the layout, form and density of the proposed development was directly informed by the previous reason for refusal under ABP320925-24 , in particular, the 'Note' added by the Board¹ which states: *'The Board recognises the tension between achieving a well-designed and commercially attractive residential scheme that respects local built character and site constraints (e.g. shape, mature tree coverage, legal covenants), and the density requirements contained within the County Development Plan and the Compact Settlement Guidelines. In this regard, the Board considered that a modest increase in density could be achieved with the introduction of duplexes into the residential mix.'*
- 7.3.6. The appeal argues that the DLRCC reason for refusal did not afford appropriate regard to the terms of the Board's decision in particular the 'Note' included by the Board in its Direction. It is argued that the 'Note' refers to a 'modest increase in density could be achieved with the introduction of duplexes into the residential mix' and that this implies that it is not necessary to achieve 50dph but that a material increase in density above 20dph must be achieved and that it is not necessary to replace all houses. It is further argued that this approach is consistent with section 4.5 of the NPF which includes the text 'to enable brownfield and infill development, planning policies and standards need to be flexible, focusing on design-led and performance-based outcomes, rather than specifying absolute requirements in all cases' and that Table 3.1 of the Compact Settlement Guidelines sets out that a density of '50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.'*(emphasis added)* and section 3.3.6 *Exceptions* states that 'in the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter.'
- 7.3.7. Consistent with Policy Objective PHO18 'Residential Density' the proposed scheme

¹ Subsequent to the decision on ABP 320925-24 on 12th June 2025 An Bord Pleanála officially changed its name to An Coimisiún Pleanála under Part 17 of the Planning and Development Act 2024

provides houses and duplexes on an underutilised brownfield site and the Development Plan recommends density for infill sites is 35uph and that section 2.6.2.1 of the Development Plan acknowledges that infill and brownfields development can be more challenging to deliver and states that ‘to enable appropriate brownfield and infill development the County Development Plan sets out planning policies and standards focusing on design-led and performance-based outcomes with the objective of urban infill and brownfield development objectives which safe-guard against poor quality design and deliver well-designed development proposal..’

7.3.8. It is the applicant’s contention that the site is at a ‘transitional’ location and that density ranges in the Compact Settlement guidelines are not absolute and note the importance of context and that the application of density targets can be nuanced in particular circumstances and that the proposed development provides for a 50% increase in density from 23uph to 34.5uph, which reasonable comes within the scope of a ‘modest’ increase and meets the criteria established by the Board’s decision under ABP 320925-24.

7.3.9. In the first instance, it is the recommendation of DLRCC that is the relevant decision that subject of this appeal. As regards the planning history on the site the relevant decision is the reason for refusal as set out by the Board’s Order dated 17th February 2025. Furthermore, it is of relevance that the reason for refusal by DLRCC and the reason for refusal under ABP 320925-24 included specific reference to Table 3.1 and that ‘*residential densities in the range of 50dph to 250dph (net) shall generally be applied in urban neighbourhoods of Dublin*’. The inference being that density should reflect the density ranges set out in table 3.1 of the Compact Settlement Guidelines.

Dun Loaghaire County Development Plan 2022-2028

7.3.10. The DLRCC Development Plan policy seeks to maximise the use of zoned and serviced residential land. The Plan does not place an upward limit on residential densities. Policy Objective PHP 18: *Residential Density* of the Development Plan seeks 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... subject to suitable design. The Development Plan does not prescribe a maximum density standard for the area/site but supports minimum densities of 50uph per hectare in

central/accessible locations and 35uph throughout the County (Section 4.3.1 *Delivering and Improving Homes* of the Development Plan).

- 7.3.11. The core strategy of the Development Plan states that development in DLR will be concentrated in the built-up footprint of the County in order to achieve compact growth and that this will be in the form of higher residential densities. Section 3.1 of the Development Plan sets out that this increases efficiencies as travel distances between home, work, education and services are reduced and hence active modal share, which is zero carbon can be increased. The site is determined to be at an accessible location (as set out in Par. 7.3.4 above) and no party disputes this. Therefore, the proposed 34.5 units per hectare is contrary to the Development Plan and section 4.3.1 which sets out that where a site is located within circa 500 metres / 5 minute walking time of Core/Quality and/or of a Bus Priority Route, and/or 1 kilometre / 10 minute walking time of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.
- 7.3.12. I note also that the Development Plan at section 4.3.1 *Delivering and Improving Homes* does go on to acknowledge that in some circumstances higher residential density development may be constrained, however, where practical, the Development Plan encourage compliance with higher densities. This is further supported by Policy Objective PHP19: *Existing Housing Stock – Adaptation* which includes that it is a policy objective to ‘densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.’
- 7.3.13. The Board acknowledged the constraints of the site in the ‘Note’ attached to the Board Direction ABP 320925-24 namely the Covenant, the trees and the shape of the site and suggest the introduction of duplex units would improve density on the site.
- 7.3.14. As regards these constraints, the Covenant includes specified buffers from the adjoining ‘Suncroft’ property and height limits - Zone A to the front of the site has a specified limited building ridge height to 8.5m and Zone B is restricted to 11.0m in height or three storeys. I note that in response to the appeal that applicant has set out that subsequent to the previous application the applicant engaged with the owners of ‘Suncroft’ and agreed a deviation from the Covenant to facilitate the provision of duplex units addressing St. Brigid’s Park. I consider this a positive introduction to the scheme

and creates a streetscape element addressing St. Brigid's and this is successful.

- 7.3.15. While the applicant considers this design intervention has maximised the density of development achievable within the site constraints, I do not agree. In addition to the Covenant the trees of site are subject to an objective "to protect and preserve trees", however as per the Tree Removal and Mitigation Plan (Drawing No. 544B-PD-1.4) accompanying the application, 43 no. existing trees are proposed for removal, 22 no. trees will be retained. This is a loss of ca. two-thirds of the trees on site. While the applicant argues mitigation in the form of additional planting, this loss of mature trees has not been balanced with any meaningful increase in residential density in the southwestern section of the site (identified as Zone B in the Covenant). In my opinion and consistent with the 'Note' attached to the Board Direction ABP 320925-24, there is potential to provide for a terrace type duplex block in Zone B potentially straggling Zone A whilst also providing for a limited number of residential houses. The tighter footprint of duplex units has the potential further increase the residential density on the site and possibly provide for the retention of more trees on site and/or where the loss of trees remains as significant this loss can be justified by the increase in density in line with the local and national objective to achieve compact growth on serviced and accessible lands. I am further satisfied that the shape of the site does not limit the potential to provide additional duplex units at this location.

National Policy

- 7.3.16. In terms of national policy guidance, I acknowledge that the 'Sustainable Residential Development in Urban Areas' Guidelines and the accompanying 'Urban Design Manual' are referenced in section 4.3.1 of the Development Plan in relation to density. However, as set out above these Guidelines have been superseded by the more recent Compact Settlement Guidelines which set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. Accordingly, I propose to apply the Compact Settlement Guidelines as the prevailing national guidance on density.
- 7.3.17. Policy and Objective 3.1 of the Guidelines establishes that the recommended residential density ranges are applied within statutory development plans and in the consideration of individual applications, and that these density ranges are refined

further at a local level using the criteria set out in Section 3.4 where appropriate. In accordance with Table 3.1 of the Guidelines, I am satisfied that the appeal site is within the 'City - Urban Neighbourhoods' category of Dublin City. It is a policy and objective of the Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork. Therefore, the proposed density of 34.5 uph (net) would be contrary Policy and Objective 3.1.

7.3.18. It is the applicants contention that the Guidelines establish that a density of '50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.'(emphasis added) and section 3.3.6 *Exceptions* states that 'in the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter.' and therefore the prosed 34.35upg is acceptable and in accordance with the Guidelines.

7.3.19. The Commission will note that in addition to the density ranges outlined in section 3.3 of the Guidelines, section 3.4 recommends that the ranges should be refined having regard to: (Step 1) Proximity and Accessibility to Services and Public Transport; and (Step 2) Considerations of Character, Amenity and the Natural Environment.

7.3.20. Section 3.4 *Refining Density* of the Guidelines, Step 1: Consideration of Proximity and Accessibility to Services and Public Transport. The site has been determined to be at as 'accessible location' as set out above. As regards Step 2: Considerations of Character, Amenity and the Natural Environment (section 3.4.2 of the Guidelines) I note the following:

Tabel 1: *Considerations of Character, Amenity and the Natural Environment (Step 2 - section 3.4.2 of the Compact Settlement Guidelines)*

Section 3.4.2 (a) - Evaluation of impact on local character...
The applicant contends and I would agree that the site is a transitional site between the relatively lower detached densities on Foxrock and the hight urban densities in Cornelscourt. However, while the applicant argues that the layout as proposed acknowledges this transitional location, in my opinion the site has capacity for increased density whilst respecting the site location and adhering to the Covenant

three-storey height limitation and buffers. I refer the Commission to section 7.3.14-7.3.15 above.

The applicant notes that the design respects the amenities of adjoining properties including those in St. Brigid's Park located to the south of the site. I would agree.

The architectural form, design and scale at the eastern boundary (St Brigid's Park) respond positively to the adjacent character whilst also providing for increased residential density and serves to define the development and establish an appropriate streetscape intervention at this location opposite St. Brigid's School.

Any additional built forms would be located within the site and subject to the retention of existing site boundaries including trees and hedgerow and limited to three storeys only and would be intervisible from limited viewpoints.

Section 3.4.2 (b) - Historic environments (built and landscape heritage) ...

The site is not in a designed Architectural Conservation Area (ACA).

The site is removed from and independent of the adjoining Protected Structure 'Suncroft' and all buffers set out in the Covenant have been adhered to in the proposed layout.

The development will replace an existing single storey dwelling that is of no architectural merit.

Section 3.4.2 (c) -Evaluation of impact on the environment and on protected habitats and species...

The application was accompanied by Arboricultural Assessment and Arboricultural Impact Assessment, A Bird, Badger and Bat Assessment. The report concludes that no species of conservation concern were noted and outlines mitigation measures. I consider these measures reasonable and can be secured by way of condition if the Commission is minded to grant permission.

I refer the Commission to section 8.0, 9.0, Appendix 1 and Appendix 2 of this report.

The reports demonstrate that, subject to recommended construction and design related mitigation measures, the proposed development would not have a significant impact on the receiving environment.

A Flood Risk Assessment Report accompanied the application. The subject site has been analysed for risks from tidal flooding from the Irish Sea, fluvial flooding, pluvial flooding, groundwater and drainage system failures due to human error or mechanical system failure. As the flood risk from all sources can be mitigated, reducing the flood risk to low or very low, the proposed development is considered acceptable in terms of flood risk.

Section 3.4.2 (d) -Impact of a proposed development on the amenities of residential properties that are in close proximity...

SPPR 1 of the Guidelines sets out a minimum separation distance of 16m between opposing windows serving habitable rooms above ground floor level. This has been complied with.

SPPR1 includes '*There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.*' As such the development is consistent with SPPR 1 of the Guidelines.

The site is subject to a legal Covenant with specific separation distances and building heights to be adhered.

Some concerns were raised by the Observers regarding security issues along the shared boundary between the site and adjoining residential properties and that permeability of lands to the rear of adjoining properties to the west will be landlocked by the proposed development. I refer the Commission to the Boundary Plan & Detail drawing no. 544B-PD-1.3 accompanying the application. With the exception of 'Suncroft' where the existing boundary hedge is to be retained (as per the Covenant) the remaining shared site boundaries will consist of a 1.8m welded mesh fence with ilex aquifolium hedge to the front. I am satisfied that this will provide appropriate security between the shared site boundaries. As regards permeability of lands to the rear while this is not a matter for this application, I note potential future

access to lands further west of the site by extension of the access road subject to detailed design consideration.

Section 3.4.2 (e) - water supply and wastewater networks (including treatment works)

No capacity issues within the UE network were identified and it is not anticipated that there has been any change in circumstances in the intervening period that would prevent the connection to UE networks, or that would require any upgrades.

Summary

While it is acknowledged that the site is subject to constraints these are not so restrictive as to limit the capacity to provide for increased density as set out in section 7.3.14 -7.3.15 above and in accordance with Tabel 1: *Considerations of Character, Amenity and the Natural Environment (Step 2* - section 3.4.2 of the Compact Settlement Guidelines).

7.3.22. I am satisfied that the site does have capacity to provide for an increase in residential density over and above the proposed 34.5uph subject to appropriate design. In coming to this conclusion, I am conscious of the provisions of section 3.3.6 *Exceptions* of the Guidelines as regards the potential limitations of 'infill' sites and the constraints of the site as discussed above and noted under the previous application ABP 320925-24, and while I accept in this context densities in excess of 50+uph are unlikely, a density close to 50uph is achievable, in my opinion. In this regard while I consider any provision less than the 50uph would not be consistent with the density ranges set out in table 3.1 of the Compact Settlement Guidelines, I am satisfied that any shortfall below the 50uph range is acceptable in accordance with section 3.3.6 *Exceptions* in this instance and would reflect consistency with section 4.5 of the NPF 'to enable brownfield and infill development, planning policies and standards need to be flexible, focusing on design-led and performance-based outcomes, rather than specifying absolute requirements in all cases' it is set out that the proposed development will facilitate a significant increase in the established density'.

7.3.23. In my opinion permission should be refused on the basis that the proposed density at 34.5uph is too low and would be contrary to policy objectives PHP18 (residential density), section 12.3.3.2 (residential density) of the Development Plan and the

provision of the Compact Settlement Guidelines where it is a policy and objective that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork. The proposed density of 34.5 uph (net) is significantly below this density range.

Conclusion

- 7.3.24. Having regard to the above, I agree with the recommendation of DLRCC that the proposed density is too low for this serviced and accessible site. I recommend permission be refused for the following reason:

Having regard to policy objectives PHP18 (residential density), section 12.3.3.2 (residential density) of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and the provisions of the Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024) as they relate to sustainable residential development, including the provision of appropriate residential density and the creation of compact settlements, it is considered that the proposed density at 34.5 units per hectare constitutes a low density of development within this 'City - Urban neighbourhood' which would constitute unsustainable use of this accessible and fully serviced site and, as such, would contravene Policy PHP18 (residential density) and section 12.3.3.2 of the Dún Laoghaire Rathdown County Development Plan 2022 – 2028 and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Therefore, to permit 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.

7.4. Loss of Trees

- 7.4.1. The Parks Department recommend permission should be refused because of the significant loss of trees on site. The site is subject to an objective "to protect and preserve trees". Urban tree planting and preservation of existing trees where possible and appropriate is supported by the Council's 'TREES: A Tree Strategy for Dún Laoghaire-Rathdown 2011 – 2015.'. In the context of the tree stands identified for protection in the Development Plan, they are located to the north, south and east of the site.
- 7.4.2. There are no Tree Protection Orders attached to the site. With respect to trees and hedgerows the Development Plans require new developments to incorporate, as far

as practicable, the amenities offered by existing trees. New developments should have regard to objectives to protect and preserve trees and woodland (Policy Objective OSR7: Trees, Woodland and Forestry, GIB25: Hedgerows, Section 12.8.11 Existing Trees and Hedgerows).

- 7.4.3. The application was accompanied by a Tree Survey Report and an Arboriculture Report. The report does not include an assessment of the impact on the trees but rather an inventory of the trees. However, as per Tree Removal and Mitigation Plan (Drawing No. 544B-PD-1.4) significant tree and vegetation removal is proposed in site. (The Commission will note that drawings prepared by The Tree File reflect the incorrect site layout) and the As per Drawing No. 544B-PD-14, 43 of the 65 trees assessed are proposed for removal. This equates to 66.2% of the overall tree population. Most of the trees identified for removal are category B and category C trees. The trees to be retained are primarily located to the southwest of the site.
- 7.4.4. By way of compensation and to enhance the development landscape and integration a comprehensive tree planting schedule is proposed, details are set out in the Landscape Design Statement and drawings accompanying the planning application. Given the location of the site and the species present in the site, the tree and hedge species proposed have been selected from native species, in particular, Oak, Scots Pine and Birch. Some smaller species such as Hawthorn and Holly have been used as ornamental trees throughout the site while also acting as key biodiversity features in the site. Further details of the proposed trees and hedges can be found on (drawing no. 544B-PD-1.2). The approach is consistent with planting for biodiversity and takes cognisance of the All-Ireland Pollinator Plans 2015-2020 as issued by the National Biodiversity Data Centre along with the most up to date 'Plants for Pollinators' plant lists as issued by the RHS and will assist in addressing the objectives of the National Biodiversity Action Plan (NBPA) 2023-2030.

Conclusion

- 7.4.5. The Arboricultural impact is high in my opinion and the redesign of the scheme as set out on section 7.3 above may result in the potential to retain more trees on the site subject to design. Notwithstanding. I accept that there will be loss of trees as a result of the redevelopment of the site and this is a direct consequence of the increase in density on the site in line with the requirements of local and national policy to secure

compact growth. I am satisfied that the implementation of additional planting including encompassing a mix of native species will provide a positive biodiversity gain on this site.

7.5. Other Matters

Communal Open Space

- 7.5.1. The PA in their assessment set out that no communal open space has been provided for the duplex units. In response the applicant states that all duplex units benefit from generous private amenity spaces ranging from 14.4sqm – 22.8sqm for 2 bed units (7sqm required), 11.5sqm – 17.9sqm for three-bed units (9 sqm required), I would agree.
- 7.5.2. The proposed development includes 7 no. two bedroom duplex units and 7 no. three bedroom duplex units. The Apartment Guidelines 2023 establish that the minimum floor areas for communal amenity spaces is 7sqm for two bedroom (4 persons) units and 9 sqm for three bedroom units. This equates to 112sqm. In addition, the Apartment Guidelines set out that the ‘provision and proper future maintenance of well-designed communal amenity space will contribute to meeting the amenity needs of residents. In particular, accessible, secure and usable outdoor space is a high priority for families with young children and for less mobile older people.’. As regards provision of communal space, the applicant sets out that 1,023sqm of public open space is proposed, 110sqm in excess of the Development Plan requirement of 15% of the site area. The applicant has indicated that should the Commission consider it appropriate part of the public open space can be redesigned to provide for communal open space dedicated to the duplex unit and this matter can be addressed by condition. I am satisfied owing the excess of public open proposed that this matter can be addressed by way of condition should the Commission be minded to grant planning permission. I refer the Commission to the Landscape Plan Drawing No. 544B-PD-1.1 accompanying the application.

Transportation Planning

Car Parking

- 7.5.3. The Transportation Planning Department consider that 1 no. car parking space per dwelling in accordance with SPPR 3 – Car Parking (i) of the Sustainable Residential

Development and Compact Settlements Guidelines for Planning Authorities should be provided. The site is located in Zone 2 as per Table 12.5 of the Development Plan with a requirement of 1 space per 2-bed unit and 2 spaces per units for 3bed+ units . The applicant contents that the proposed 26 no. car parking spaces is under the maximum standards of 35 spaces outlined in the Development Plan (Table 12.5) and that the proposed development provides marginally above the standard of 1 space per residential unit as set out in the Compact Settlement guidelines and this provision is considered reasonable and will prevent overspill. In this regard, I note SPPR 3 standards do not include provision for visitor parking. I am satisfied that the provision of 5 additional spaces in this instance is not excessive and in accordance with the Development Plan standards.

Zebra Crossing

- 7.5.4. The Transportation Planning Department recommend the provision of a zebra crossing on St. Brigid's Park, in line with the southernmost permeability link to/from the proposed development. The applicant has indicated that they are happy to accept a condition requiring the provision of a zebra crossing. I am satisfied that if the Commission is minded to grant planning permission this matter can be addressed by way of condition subject to compliance with the requirements of DLRCC.

Bus Stop

- 7.5.5. The Transportation Planning Department set out that a letter of consent from the National Transport Authority (NTA) to the relocation of bus stop 3266 is required. In response their appeal the applicants set out that the Bus Stop has since been removed. A bus stop road marking is evident on the day of site inspection (5/11/2025) therefore in the absence of evidence to the contrary in the event the Commission is minded to grant planning permission a suitable condition requiring a letter of consent from the NTA is recommend prior to the commencement of any development works on the site.

Construction Impacts

- 7.5.6. Concerns were raised about construction impacts including noise during school time. I note that St. Brigid's N.S. is located directly opposite the site. In this regard, I am satisfied that construction impacts can be mitigated through the imposition of a condition relating to Construction Management including a traffic management plan.

Any implications will be short term.

8.0 Water Framework Direction (WFD) Screening

- 8.1.1. Please refer to Appendix C of this report.
- 8.1.2. There are no water courses in the immediate vicinity of the appeal site. The proposed development comprises the construction of 21 residential units. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and 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.
- 8.1.3. 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. The reason for this conclusion is as follows:
- The nature and scale of the works;
 - The location of the site in a serviced urban location, the distance from the nearest water bodies, the lack of direct hydrological connections and the current status of the groundwater body.
- 8.1.4. I conclude 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.

9.0 Appropriate Assessment

- 9.1. I refer the Board to Appendix A Screening Determination.

Screening Determination Conclusion

- 9.1.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in Foxrock, The nearest Natura 2000 site(s) are:
- the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (Site

Code: 004024), approximately 3.5 km northeast of the site

- The South Dublin Bay Special Area of Conservation (SAC) (Site Code: 000210), approximately 3.5 km northeast of the site.
- Rockabill to Dalkey Island Special Area of Conservation (SAC) (Site Code 003000), approximately 5.6 km east of the site.
- Dalkey Islands Special Protection Area (SPA) (Site Code 001206), approximately 5.6 km east of the site.

9.1.2. The development comprises the provision of 21 new residential units. No appropriate assessment issues were raised as part of the appeal. 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. The reason for this conclusion is as follows:

- The nature and scale of the works including connection to municipal drainage services.
- The significant separation distance from the nearest European site and lack of meaningful connection

9.1.3. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and development Act 2000) is not required.

10.0 Conclusion and Recommendation

It is recommended that the proposed development is refused for the reasons and considerations as set out below.

11.0 Reasons and Considerations

1. Having regard to policy objectives PHP18 (residential density), section 12.3.3.2 (residential density) of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and the provisions of the Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024) as they relate to sustainable residential development, including the provision of appropriate

residential density and the creation of compact settlements, it is considered that the proposed density at 34.5 units per hectare constitutes a low density of development within this 'City - Urban neighbourhood' which would constitute unsustainable use of this accessible and fully serviced site and, as such, would contravene Policy PHP18 (residential density) and section 12.3.3.2 of the Dún Laoghaire Rathdown County Development Plan 2022 – 2028 and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Therefore, to permit 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.

Irené McCormack
Senior Planning Inspector
18th November 2025

Appendix A – Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Screening Determination

1: Description of the project

A detailed description is presented in Section 2 of my report.

In summary, permission is sought for the construction of 21 no. dwellings on a stated site area of 0.609 hectares. Foul water and surface water is proposed to drain to the public main. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.

The nearest Natura 2000 site(s) are as follows:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (Site Code: 004024), approximately 3.4 km northeast of the site.
- The South Dublin Bay Special Area of Conservation (SAC) (Site Code: 000210), approximately 3.4 km northeast of the site.
- Rockabill to Dalkey Island Special Area of Conservation (SAC) (Site Code 003000), approximately 5.6 km east of the site.
- Dalkey Islands Special Protection Area (SPA) (Site Code 001206), approximately 5.6 km east of the site.

I refer the Commission to section 2.3 of the AA Screening Report accompany this application. The AA Screening report included Bray Head SAC (site code: 00714) ca. 10km from the site. I have not included this in section 2 below given the distance from the site and lack of connectivity.

Submissions and Observations

The planning authority referred to the application to the relevant prescribed Bodies. No reports were received.

2. Potential impact mechanisms from the project

Zone of Influence

The Conservation Objectives and Qualifying Interests of sites in South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, Rockabill to Dalkey Island SAC and Dalkey

Islands SPA are outlined in the table below.

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Site
<p>South Dublin Bay SAC (site code: 000210).</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] The NPWS has identified a site specific conservation objective to maintain the favourable conservation condition of the Annex I Habitat Mudflats and sandflats not covered by seawater at low tide [1140], as defined by a list of attributes and targets</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.</p>	c.3.5km
<p>South Dublin Bay & River Tolka SPA (site code: 004024).</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Artic Tern (<i>Sterna paradisea</i>) [A194] Wetland and Waterbirds [A999]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.</p>	c.3.5km
<p>Rockabill to Dalkey Island SAC (site code: 003000)</p> <p>Habitat • Reefs Species • Harbour Porpoise - <i>Phocoena phocoena</i></p> <p>Conservation Objective: To maintain or restore the favourable</p>	c.5.6km

<p>conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.</p>	
<p>Dalkey Islands SPA (site code 0004172)</p> <p>Species • Roseate Tern - <i>Sterna dougallii</i> • Common Tern - <i>Sterna hirundo</i> • Arctic Tern - <i>Sterna paradisaea</i>.</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.</p>	5.6km

Conclusion on the extent of the Zone of Influence

The development is for a relatively small scale residential scheme and given the nature of the works within the applicants existing site and outside the Natura 2000 sites, it is not expected that any habitat fragmentation would take place. The already established pattern of urban development in this location would mean that any limited periods of disturbance caused by the works would not add to any disturbance or displacement effects that would result in lessening of species density.

Having regard to the separation distance between the site and nearest natura 2000, it can be concluded that there could be no direct impacts, such as loss of habitat or physical disturbance of habitats or species, by the proposed development on any European site. There will be no direct or ex-situ effects from disturbance during construction or operation of the proposed development.

The proposed development is within the Cabinteely Stream catchment. The Cabinteely Stream is linked to the Carrickmines and Shanganagh rivers, with the Shanganagh entering the sea in the Killiney Bay area between Ballybrack and Shankill. The distance of river channel from the source of the Cabinteely Stream to the sea is approximately 6 km. After entering the sea, the riverine waters are at distances of between 2 km and 8 km before the potential arises to mix with waters within any of the designated site. With such distances, any silts or other potential pollutants entering the drainage network at the

Proposed Development site, even in the most extreme scenarios, would be completely attenuated by the dilution, dispersal and settlement that would occur within first the river system and then the marine environment. There is no prospect that materials carried in drainage water from the Proposed Development site, could have any measurable effect on the interests of Dublin Bay

I note that standard construction practices and best practice construction measures, as relates to the prevention of surface water pollution at construction stage, as outlined in detail in the Engineering Report , would prevent polluted surface water from entering the surface water drainage network. These installations have not been introduced to avoid or reduce an effect on any effect on any Natura site and would be introduced as a standard measure on such housing developments, regardless of any direct or indirect hydrological connection to a Natura 2000 site. They constitute the standard approach for construction works in an urban area. I am satisfied that the surface water design features proposed at operational stage will ensure the quality of surface water run-off will be sufficient so as not to result in any likely significant effects on any Natura 2000 within Dublin Bay, or any other Natura 2000 sites, having regard to the sites' conservation objectives. Notwithstanding, and even if these standard work practices were not employed, or should they fail for any reason, and pollutants enter Dublin Bay indirectly via the public surface water network, I am satisfied that any such contaminants would be sufficiently dispersed and diluted within the surface water network and within the estuarine/marine environment of Dublin Bay, such that likely significant effects on those Natura 2000 sites within and adjacent to Dublin Bay can be ruled out.

All foul drainage is to be drained to the existing Public Sewer.

In addition, the Commission will note that A Bird, Badger and Bat Assessment accompanied this application. The report notes that no bird species of conservation concern were noted. There is no evidence of badgers within the garden. Fox and rabbit activity noted. There was no evidence of bats anywhere within the house to be demolished. There are a number of mature trees within the site. The tree within the centre of the garden offers the highest roost potential but there were no signs of usage or any bats emerging or returning to this tree. The main activity within the site overall was common pipistrelle. All other bat species were uncommon or occasional. Leisler's bats were flying over the site but were very uncommon overall. There was also a brown long-eared bat noted both during the active survey period and by a static monitor indicating a number of visits to the house and garden by this species Soprano pipistrelles were even less in evidence within the site based on recordings on the survey dates. With the

implementation of appropriate mitigation measures including appropriate lighting no significant impacts on are likely. Therefore, no long-term negative effects will arise from this aspect of the project.

Summary

It is not considered likely that the proposed development will interfere with any of the key relationships of any Natura 2000 site. It is considered that there will be no long-term residual impacts from the proposed works upon the key relationships that define any Natura 2000 sites.

3. Likely significant effects on the European site(s) ‘alone’

I refer the Board to Section 3.2 of the AA which sets out *Description of any Likely Changes to the Natura 2000 Sites*

I am satisfied that no risks to the conservation objectives of any Natura 2000 sites are considered likely due one or more of the following:

- Lack of direct connectivity between the proposed works areas and the designated areas. There will be no loss of habitat within any Natura 2000 site as a result of the proposed works. It is not anticipated that the loss of any species of conservation interest will occur as a result of the proposed works due to injury or mortality.
- Significant buffer between the proposed works area and the designated area. No significant risk of disruption to any Natura 2000 sites are likely during this project.
- The nature of the site’s conservation objectives .
- No habitat fragmentation to any Natura 2000 site is predicted.
- There will be no additional emissions of water from the site. Drainage and wastewater will be to existing mains. No emissions are predicted that will impact upon any Natura 2000 site.

Based on a consideration of the likely impacts arising from the proposed works and a review of their significance in terms of the conservation interests and objectives of the Natura 2000 Sites screened, no significant impacts have been identified on the Natura 2000 sites as a result of the proposed development.

5: Where relevant, likely significant effects on the European site(s) ‘in-combination with other plans and projects’

In combination or Cumulative Effects

The AA Screening Report notes that in the immediate Foxrock area, there are regular developments, often involving substantial upgrades to existing residences. All ongoing and proposed developments in planning in the area are subject to strict environmental assessment including AA Screening (where relevant).

Overall, it is considered that the Proposed Mart Lane Development, which is of a relatively small scale and has been designed sensitively to reflect the character of the local area, will not contribute to an in-combination impact on any European site. I would agree.

No cumulative or in-combination impacts were identified as part of this process. No cumulative or in combination impacts are therefore predicted.

Overall Conclusion- Screening Determination

I conclude 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. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

I am satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests of the applicable Natura 2000 sites can be excluded having regard to the following:

- Both the construction and operation phases of the Proposed Development will follow best industry practice and all statutory legislation in the treatment of surface water to ensure that the risk of contaminants entering local water resources is minimised
- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on downstream water quality in Dublin Bay due to the level of separation and the dilution arising from the volume of water between the sites.
- There will be an improvement in surface water run-off during the operational phase, relative to the existing situation, as surface water will be attenuated/ part treated within the site.

Foul and surface waters will discharge to the existing combined foul and surface water network and will travel to Shanganagh-Bray wastewater treatment plant for treatment prior to discharge; the Shanganagh-Bray wastewater treatment plant is required to operate under EPA licence and meet environmental standards and thus would not impact on the overall water quality within the receiving waters of the Irish Sea.

No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for

impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Appendix B

Form 1 - EIA Pre-Screening

Case Reference	ACP-323594-25
Proposed Development Summary	Demolition of existing structures and construction of 21 dwellings with 26 in-curtilage car parking spaces.
Development Address	The Grove, Mart Lane, Foxrock, Dublin 18, D18Y9N2
	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.	
<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,	

<p>Schedule 5 or a prescribed type of proposed road 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 checked="" 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>Class 10 (b) (i) >500 dwellings</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)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-323594-25
Proposed Development Summary	Demolition of existing structures and construction of 21 dwellings with 26 in-curtilage car parking spaces.
Development Address	The Grove, Mart Lane, Foxrock, Dublin 18, D18Y9N2
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).	<p>The proposal is for residential units in a built up urban area. The increased height and scale are not considered to result in significant environmental effects.</p> <p>Demolition works would be minor in scale and whilst some excavation would be required, this would not be significant in the context of the environment.</p> <p>Construction materials and activities would be typical for an urban residential development of this nature and scale.</p> <p>The use of fuels and materials would be typical for construction sites. Construction impacts would be local and temporary in nature and could be suitably managed through a Construction Environmental Management Plan.</p> <p>In terms of accidents, no significant risk is anticipated having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature.</p> <p>No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.</p>
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,	<p>The area is mixed use in nature with residential being a significant use. The development would conform to the residential nature of the locality. There would be no significant impact on any protected areas, protected views, built or natural heritage or European Sites.</p>

densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
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).	All development has the potential for some impacts/disturbance during the construction phase such as noise, vibration, dust, air quality and traffic. However, these impacts would be short term and temporary and can be appropriately managed and mitigated by way of conditions and the implementation of a detailed Construction Environmental Management Plan. Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.
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.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix C -Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	323594-25	Townland, address	The Grove, Mart Lane, Foxrock, Dublin 18, D18Y9N2
Description of project		Demolition of existing structures and construction of 21 dwellings with 26 in-curtilage car parking spaces.	
Brief site description, relevant to WFD Screening,		There is no watercourse on or in the immediate vicinity of the site. The site is situated within the catchment of the Cabinteely Stream, which is located approximately 300 m south of the site and is the closest watercourse to the subject site. The Cabinteely Stream rises between Plunkett Avenue and Hainault Road, a little to the east of Westminster Road. The Cabinteely Stream continues in a southeast direction and joins the Carrickmines Stream, which in turn joins the Shanganagh River. The Shanganagh River flows beneath the N11 and continues eastwards and enters the sea in the southern part of Killiney Bay (between Ballybrack and Shankill). It is noted in the CEMP (Section 3. Surface Water Impacts) that it is not envisaged that the proposed development will have an impact on the Cabinteely Stream, or any watercourse, and therefore no mitigation measures are required to protect this watercourse.	

	As per the Geological Survey of Ireland (GSI) Groundwater Vulnerability Maps the site sits on “high” groundwater vulnerability. A site investigation to confirm the location of the water table will be carried out pre-construction to confirm the flood risk from groundwater and inform the design.
Proposed surface water details	<p>The existing site drains surface water, unrestricted, to St. Brigid’s Park to the East of the site. There is a 300mm diameter combined sewer along Mart Lane. It is proposed that the development will attenuate the surface water on-site before discharging at the existing greenfield rate into the existing combined sewer.</p> <p>SuDS aims to provide an effective system to mitigate the adverse effects of urban storm-water runoff on the environment by reducing runoff rates, volumes and frequency, reducing pollutant concentrations in stormwater, and to allow for the maximum collection of rainwater for re-use where possible. A full SuDS treatment train approach will be implemented in accordance with CIRIA C735 ‘The SuDS Manual’.</p> <p>The measures which will be implemented as detailed in the accompanying Engineering Assessment Report.</p>
Proposed water supply source & available capacity	<p>Water supply to the subject site will be provided via a new proposed connection to the existing 101.6 Cast Iron watermain on Mart Lane north of the site. All water supply details shall be in accordance with Uisce Eireann requirements.</p> <p>A review of the Uisce Eireann Capacity website on 14/11/2025 indicated ‘Potential Capacity Available - LoS improvement required’</p>
Proposed wastewater treatment system & available	Connection to the public network identified.

capacity, other issues			The Commission will note that a review of the Uisce Eireann Capacity website on 14/11/2025 indicated spare capacity available.			
Others?			Flood Risk Assessment concluded that the flood risk from all sources can be mitigated, reducing the flood risk to low or very low, the proposed development is considered acceptable in terms of flood risk.			
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)
Groundwater body	Underlying Site	IE_EA_G_076 (Wicklow)	Good	At Risk	Anthropogenic Pressures	No –Low permeability due to underlining granite bedrock
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.	Clearance works/ Construction	IE_EA_G_076 (Wicklow)	No pathway exists	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practices/conditions	No	Screened out
OPERATIONAL PHASE							
2.	Discharges to ground	IE_EA_G_076 (Wicklow)	Surface water disposal	None	SUDs features	No	Screened out
DECOMMISSIONING PHASE							
3.	NA	NA	NA	NA	NA	NA	NA