



An
Coimisiún
Pleanála

Inspector's Report

ACP-324032-26

Development	Large Scale Residential Development which consists of the following: Amendments to permitted SHD REF : ABP- 311287-21
Location	Lands at 97A Highfield Park (D14P710), 1 Frankfort Castle & 2 Frankfort Castle Dublin 14
Planning Authority	Dun-Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	LRD25A/0621/WEB
Applicant(s)	Pembroke Partnership Limited
Type of Application	LRD
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party Appeal
Appellant(s)	Michael Morris. Patrick Leahy

Niall Byrne and Angharad Sweeney.

Suzanne Hanlon.

Heather Strong and Others.

Aine Carroll and Others.

Lorcan & Jennifer Grey.

Bernie Eustace.

Micheal Gunning.

Observer(s)

None.

Date of Site Inspection

11th March 2026.

Inspector

Kathy Tuck.

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1.0 Site Location and Description

- 1.1. The site is located c. 100m west of Dundrum Road, to the rear of existing commercial and residential properties, c. 750m north of Dundrum Village and c. 1km north of Dundrum Town Centre. Although the site is located in close proximity to a variety of services and facilities, the immediate vicinity of the site has a low-density suburban character.
- 1.2. The site currently accommodates 3 no. residential properties and a derelict building known as Frankfort Lodge. Two of the existing residential properties are provided in Frankfort Castle, which was constructed in the 1850's and subsequently extended and subdivided. These properties are generally located in the centre of the site and have large gardens which are heavily landscaped and planted. No. 97A is a modern detached house located to the northwest of the Frankfort Castle. The derelict Frankfort Lodge is located immediately south of Frankfort Castle.
- 1.3. The site has a stated area of 0.9ha and gently slopes in an east west direction. The majority of the site is secluded and screened and has a sylvan character, this is due to the numerous trees and vegetation along the sites boundaries and within the site. However, this character is limited to the subject site.
- 1.4. Permission has been granted on site under ABP-311287-21 for a residential development, full details of which have been set out in detail under Sections 5.1 and 8.4 of my report below. From undertaking a site visit I note that site clearance works have now begun on site which include demolition of part of some outbuildings associated with no. 2 Frankfort Castle and the removal of some vegetation.
- 1.5. The site is bound to the north by single and 2-storey dwellings at Highfield Park, to the south by 2-storey terrace dwellings at Frankfort Court, to the east by Old Frankfort and a number 2-storey of detached residential properties and to the west by the Luas Line.
- 1.6. Access to the site is from Dundrum Road via Old Frankfort, which includes a 5.8m wide bridge over the River Slang. Old Frankfort provides access to 20 no. residential dwellings in this regard 6 no. large, detached properties, a small housing estate 'Frankfort Court' which comprises 14 no. terrace dwellings and a 3-storey apartment development 'Frankfort Hall', which fronts onto Dundrum Road.

- 1.7. There are currently 4 no. vehicular access points to the subject site, in this regard there are 2 no. access points on Old Frankfort which provide access to each of the dwellings within Frankfort Castle, 1 no. access from Frankfort Court. During a site visit on the 17th November 2021 this access was blocked up and appeared to be disused and associated with the Frankfort Lodge site. There is an additional access from Highfield Park. This access serves 2 no. dwellings, no. 97A which forms part of the current application, and no. 97B.

2.0 Proposed Development

- 2.1. This is an application for an amendment to a Strategic Housing Development which was permitted by An Coimisiun Pleanála (previously An Bord Pleanála) under ABP-311287-21 for a development comprising of 115 no. apartments, creche and associated site works.
- 2.2. The amendments sought under this LRD application include:
- 2.3. The omission of 14 No. apartment units (consisting of the omission of 1 No. 1 bed unit and 13 No. 2 bed units). 1 No. 1 bed unit is proposed to be incorporated at ground floor level of Block A (adjoining space providing cycle storage and oversized storage provision), resulting in a net omission of 13 No. Units from the permitted scheme and the total provision of 101 No. Apartment units.
- 2.4. Omission of fourth floor level of Block B. Setbacks are proposed at the western elevation of second and third floor levels of Block A and at the southern and eastern elevations of the third-floor level of Block A; at the southern elevation of second and third floor levels of Block B; and at the northern elevation of second floor level of Block C. The proposed development will include the recessing of 3 No. balconies at the western elevation of the third-floor level of Block B.
- 2.5. Omission of the as permitted substation, plant and switch room from the southern boundary. A below ground water tank is now proposed at the southern boundary.
- 2.6. An amended foul drainage layout, with foul water drainage connection now proposed to the east at Dundrum Road (R117), and omission of the as permitted drainage connection to the southwest at Frankfort Court.
- 2.7. A decrease in car parking spaces from 73 No. (as permitted) to 72 No. spaces.

- 2.8. The relocation of permitted creche and surface level car parking in accordance with Condition No. 2 of ABP Ref. 311287-21 and all other associated works above and below ground, including landscaping, to serve the proposed development.
- 2.9. While a request for further information was issued by the Planning Authority on the 30th September 2025, I note that the issued raised related to engineering matters and did not alter the amendments as proposed and set out above.

3.0 Planning Authorities Pre-Application Opinion

- 3.1. The applicant submitted a request for a pre-application meeting in line with Section 247 of the Planning and Development Act 2000, as amended, to the Planning Authority on the 20th January 2025.
- 3.2. A response was received from the Planning Authority on the 24th January 2025 which stated that subject to the provisions within Section 247(7) of the Act, no further consultation is required in this instance and the applicant may proceed with the lodgement of the application for amendments to the permitted SHD ABP Reg Ref 311287-21 at Old Frankfort, Dundrum, Dublin 14, D14 HY03.

4.0 Planning Authority Decision

4.1. Decision

The Planning Authority, following a request for further information, issued a decision to grant planning permission on the 18th December 2025 subject to 10 conditions. Conditions of note are as follows:

Condition 1

The amendments to the development permitted under Ref. ABP-311287-21 shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with this application, as amended by Further Information received on 24th November 2025, save as may be required by the other conditions attached hereto. REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

Condition 2

Save for the amendments authorised by the permission and conditions set out herein, the developer shall comply with all conditions of the parent grant of permission under Ref. ABP-311287-21.

REASON: In the interest of the proper planning and orderly development.
Transportation Matters

Condition 3

Prior to commencement, the Applicant shall submit revised drawings and details which demonstrate the provision of a continuous, safe durable sealed surface to enable access to the bike and bin stores within Block A.

REASON: In the interest of public safety.

Condition 4

- (a) Prior to commencement of development, a Demolition and/or Construction Method Statement shall be submitted for the written agreement of the planning authority subject to the written agreement of TII. The method statement shall resolve all Luas interface issues and shall (i) identify all Luas alignment interfaces, (ii) contain a risk assessment for works associated with the interfaces, and (iii) contain mitigation measures for unacceptably high risks, including vibration and settlement monitoring regime if necessary. The method statement shall be in accordance with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system.'
- (b) The proposed development is located in close proximity to a Luas Line; the applicant should ensure there is no adverse impact on Luas operation and safety. The development shall comply with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system'.

REASON: In the interests of the proper planning and sustainable development of the area

Condition no. 10

The Developer shall pay all Financial Contributions on foot of ABP Ref. 311287-21. This development shall not be carried out without prior agreement, in writing, between the Applicant and the Planning Authority relating to the payment of development contributions. REASON: Investment by Dún Laoghaire-Rathdown County Council in

Local Authority works has facilitated and will facilitate the proposed development. It is considered appropriate and reasonable that the developer should contribute to the cost of same

4.2. Planning Authority Reports

4.2.1. Planning Reports

The first report of the Planning Authority dated the 29th September 2025 notes the site location and description, details of the proposed development, a summary of submissions/observations received, details of relevant planning history, departmental reports received, details of prescribed bodies reports received, relevant national, regional and local planning policy and provides for an AA and EIA Screening determination.

The assessment notes that the principle of development has been established on the site and is therefore acceptable and that the amendments proposed would not impact negatively upon the visual or residential amenities of the area. On foot of reports received from internal consultees a request for the following further information was issued:

Item 1

Submit updated drawings and supporting calculations with regard to the surface water outfall arrangements.

Item 2

Applicant is requested to include a calculation demonstrating the percentage coverage of green roof area.

Item 3

Clarify location of the below-ground water tank and its impact on the surface water network.

Item 4

Demonstrate accordance with Condition 2 of the parent permission Reg. Ref. ABP31128721 and address the following:

- a. show how access west of the Block A ramps will be restricted to emergency vehicles only, using physical measures such as bollards, surface treatments, or signage.
- b. visibility splay at the basement car park entrance to Block A shall be revised to ensure unobstructed sightlines towards Block D.

Item 5

Revised drawings which revise the access route to the cycle parking and bin storage area to ensure that it is not impeded by the proposed grasscrete surface.

Item 6

Revised drawings and details which demonstrate a minimum 1.8m continuous footpath along the northern façade of Block A.

The applicant submitted a response on the 21st November 2025 which provided for the following:

Item 1

- Bioretention area has been omitted to comply with Condition 2 (e) of the permission (ABP Ref. no. 311287-21).
- CS Consulting Engineers further information report contains calculations.

Item 2

Proposed green roof achieves a coverage of 65% - refer to Dwg. No. H081A-CSC-XX-XX-DR-C-0110).

Item 3

Below ground water tank forms part of sprinkler system and not connected to, proposed surface water drainage network.

Item 4

- Proposed internal road layout has been revised to restrict vehicular access to the west of Block A.

- internal road (which runs north of Block A from east to west) has been reduced from to 5.0m in width.
- flexible bollards are provided as a physical barrier at this termination point, whilst signage is also now proposed, in compliance with Item 4(a).
- Sightlines at the basement Block A basement car park entrance of 14m are achieved.

Item 5

Access to the west of Block A is now restricted to emergency vehicles and bicycles only. Refuse collection vehicles are no longer proposed to have access to the grasscrete surface around Block D

Item 6

- A 2m continuous footpath along the northern façade of Block A, and a consistent footpath width of 1.8m along the internal road's northern side is now proposed
- Proposed herbaceous planting and trees adjacent to the vehicular entrance at Block A have been removed

The Planning Officer within their second report considered the response to be acceptable and issued a decision to grant planning permission in line with the decision issued.

4.2.2. Other Technical Reports

Transportation Planning Report

Dated 26th September 2025- considers the following further information required:

- submit revised drawings and details which clearly demonstrate accordance with Condition 2 of the parent permission Reg. Ref. ABP31128721.
- Submit revised drawings which revise the access route to the cycle parking and bin storage area to ensure that it is not impeded by the proposed grasscrete surface. A safe, durable, and unobstructed surface must be provided for both cyclists and waste collection.

- Submit revised drawings and details which demonstrate a minimum 1.8m continuous footpath along the northern façade of Block A. The proposed herbaceous planting and trees adjacent to the vehicular entrance must be removed to ensure clear pedestrian access.

Report dated 3rd December 2025 - Notes that the response received is acceptable and recommends that permission be granted subject to condition.

Drainage Planning Report

Dated the 10th September 2025 - considers the following further information required:

- Updated drawings and supporting calculations and report to demonstrate that the removal of this bioretention area will not adversely impact the proposed surface water outfall arrangements.
- Include a calculation demonstrating the percentage coverage of green roof area noting that the minimum coverage requirement is 60%.
- Provide a detailed drawing to demonstrate the location of the below-ground water tank at the southern boundary of the site, and its impact, if any on the surface water network.

Report dated 4th December 2025 – Considers the further information submitted to be acceptable and recommends permission be granted subject to condition.

Parks Department Report

Dated the 10th September 2025 – considers the following further information required:

- Updated arboriculture survey.
- Arboricultural Impacts Assessment.
- Tree protection plan.
- Boundary treatment details.

No further reports received.

Housing

Dated the 4th September 2025 - notes no objection subject to condition.

Environmental Enforcement Report

Dated the 9th September 2025 - notes no objection subject to condition and that the file was referred to the Environmental Health Officer.

4.3. **Prescribed Bodies**

Environmental Health Officer

Report dated the 11th September 2025 notes no objection subject to condition.

Transport Infrastructure Ireland

Report dated 23rd October 2025 - notes no objection subject to condition.

4.4. **Third Party Observations**

The Planning Authority received 17 no. third party submissions. The Planning Officer provides for a detailed summary of all concerns raised. The broad themes are similar to that raised within the grounds of this appeal and can be summarised as follows:

- Legal and ownership issues.
- Traffic and access constraints.
- Parking provision.
- Construction phase impacts.
- Residential amenity
- Landscaping and biodiversity.
- Flood risk.
- Overdevelopment and density.
- Design and heritage.
- Public transport.
- Amenity space.
- Housing mix.
- Impact on value of property.

5.0 Planning History

5.1. Subject Site

Strategic Housing Development Application:

ABP Ref. 311287-21 An Bord Pleanála granted permission on the 20th December 2021 for a residential development comprising 114 No. apartment units (consisting of 1 and 2 bed units) on a site of 0.9 hectares at Old Frankfort, Dundrum, Dublin 14.

- Conditions of note:

Condition no. 2:

- a. The 4.2m wide internal carriageway proposed around Block D and the centre of the site shall be permanently omitted. The proposed internal vehicular access route shall be approximately 40m in length from the junction with Old Frankfort, to allow vehicular access to the basement level car park beneath Block A and to the surface car parking spaces at the southern boundary of the area of public open space. Access beyond this point shall be for emergency vehicles only.
- b. The 4 no. disabled car parking spaces proposed at the sites southern boundary shall be permanently omitted. 2 no. additional surface level car parking spaces shall be provided at the revised western boundary of the internal road, adjacent to Block A. The final location and quantity of dedicated surface level disabled car parking spaces shall be agreed in writing with the planning authority.
- c. Open space and paved and landscaped areas shall be provided in lieu of the internal road to be omitted. Communal open space which incorporates an active play area shall be provided to the south of Block D, adjacent to the area of internal residential amenity space.
- d. The proposed access ramp to the entrance of Block A shall be revised to ensure it provides efficient access to Block A and does not cause an obstruction to the footpath provided immediately adjacent to Block A.
- e. The creche unit shall be relocated to apartment unit BA.007 at the north eastern corner of the ground floor of Block A. The area of open space to the east of Block A, shall be incorporated into the creche unit as an outdoor play space.

- f. Subject to condition 2(e), the cycle parking storage area at the ground floor of Block A shall be extended into the vacated creche unit.
- g. High level windows and / or obscure glazing shall be provided to habitable rooms with north facing windows at first, second and third floor levels in Block B, in this regard units BB.017, BB.018, BB.029, BB030, BB041 and BB.042 as indicated on the architectural drawings submitted, to prevent undue overlooking of rear amenity space of dwellings on Highfield Park.
- h. High level windows and / or obscure glazing shall be provided to habitable windows on the southern elevation of Block B, in this regard units BB.012, and BB.023 at first floor level and the units that sit directly above them at second floor level, to prevent undue overlooking of properties in Frankfort Court.

Revised Plans and particulars showing compliance with these requirements shall be submitted to and agreed with the Planning Authority prior to the commencement of development.

Reason: In the interest of residential and visual amenity

- PA Ref D11A/0166 Permission was granted in 2011 to demolish existing house (Frankfort Lodge) and construct a new two storey detached house over part basement (previously refused permission Reg. Ref. D10A/0183), together with blocking up existing vehicular entrance and the provision of new vehicular entrance and all associated landscaping and site works.
- PL06D.237049 Permission refused for Demolition of existing house and outbuildings and construction of a new two-storey detached house over part basement.
- VV06D.303493: In 2019 the Board considered that in accordance with section 9(3) of the Urban Regeneration and Housing Act 2015 the Frankford Lodge site was a vacant site within the meaning of that Act.

5.2. Surrounding Sites

Local Authority Housing Development: ABP-320912-24

Permission was granted in 2025 for 934 no. residential units, across 9 blocks ranging in 2 to 9 stories, and 4,380 sqm of non-residential uses at the former Central Mental Hospital, Dundrum Road, Dundrum, Dublin 14, c.380m to the north-east of the subject site.

Strategic Housing Development Application ABP-309553-21

Permission was refused in 2021 of the demolition of some structures on site and the construction of 299 no. apartments and a childcare facility at The Goat Bar and Grill, Lower Kilmacud Road, c. 1.3km south east of the subject site. The reason for refusal considered that the proposed development failed to meet the criteria set out in Section 3.2 of the Building Height Guidelines.

6.0 Policy Context

6.1. National Planning Policy

6.1.1. National Planning Framework – First Revision (April 2025).

A number of overarching national policy objectives (NPOs) are of relevance, targeting future growth within the country's existing urban structure. NPOs for appropriately located and scaled residential growth include:

National Policy Objective 2 The projected level of population and employment growth in the Eastern and Midland Regional Assembly area will be at least matched by that of the Northern and Western and Southern Regional Assembly areas combined.

National Policy Objective 3: Eastern and Midland Region: approximately 470,000 additional people between 2022 and 2040 (c. 690,000 additional people over 2016-2040) i.e. a population of almost 3 million Northern and Western Region: approximately 150,000 additional people between 2022 and 2040 (c. 210,000 additional people over 2016-2040) i.e. a population of just over 1 million; Southern Region: approximately 330,000 additional people over 2022 levels (c. 450,000 additional people over 2016-2040) i.e. a population of just over 2 million.

National Policy Objective 4: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

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 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.

National Policy Objective 12: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 22: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.

National Policy Objective 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

6.2. Regional Policy

6.2.1. Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. The RSES seeks to promote compact urban growth by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. The RSES seeks to build a resilient economic base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth.

The followings RPOs are of particular relevance:

RPO 3.2: Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 4.3: Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the ‘Sustainable Residential Development in Urban Areas’. ‘Sustainable Urban Housing; Design Standards for New Apartment’ Guidelines, and Draft ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

- Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

6.3. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

Sustainable Residential Development & Compact Settlement Guidelines 2024

The guidelines expand on the higher-level policies of the National Planning Framework (NPF) in relation to the creation of settlements that are compact, attractive, liveable and well-designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlement.

In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).

Of relevance to the subject application are the following:

- SPPR1 – separation distances of c.16m between directly opposing first floor windows.

- SPPR2 - Apartments and duplex units shall be required to meet the private and semi-private open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023 (and any subsequent updates). All residential developments are required to make provision for a reasonable quantum of public open space.
- SPPR3: In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.
- SPPR4: It is a specific planning policy requirement of these Guidelines that all new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents and visitors. The following requirements for cycle parking and storage are recommended:
 - i. Quantity – in the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied. Visitor cycle parking should also be provided. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/ enlargement, etc. It will be important to make provision for a mix of bicycle parking types including larger/heavier cargo and electric bikes and for individual lockers.
 - ii. Design – cycle storage facilities should be provided in a dedicated facility of permanent construction, within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Cycle parking areas shall be designed so that cyclists feel safe. It is best practice that either secure cycle cage/compound or preferably locker facilities are provided.

Urban Development and Building Heights, Guidelines for Planning Authorities (2018).

The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but actively sought out and brought forward by our planning processes, in particular by Local Authorities and An Bord Pleanála. These Guidelines caution that due regard must be given to the locational context and to the availability of public transport services and other associated infrastructure required to underpin sustainable residential communities.

Of particular reference within these guidelines is Section 2.8 which states:

Historic environments can be sensitive to large scale and tall buildings. In that context, Planning Authorities must determine if increased height buildings are an appropriate typology or not in particular settings. An Initial assessment of the existing character and setting of a place will assist in a robust framework for decision-making that will facilitate increases in building height and involve an integrated understanding of place. With regards to large-scale and tall buildings in historic urban areas, an examination of the existing character of a place can assist planning authorities, and others to:

- *establish the sensitivities of a place and its capacity for development or change and;*
- *define opportunities for new development and inform its design.*

Sustainable Urban Housing: Design Standards for New Apartments 2025

The minimum floor area for one-bedroom apartments is 45m², for two-bedroom apartments it is 73m² and for three-bedrooms it is 90m². Most of proposed apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenities space are set out in the appendix to the plan, including a requirement for 3m² storage for one-bedroom apartments, 6m² for two-bedroom apartments and 9m² for three bedroom apartments. In suburban locations a minimum of 50% of apartments should be dual aspect. Ground level apartments should have floor to ceiling heights of 2.7m

Other relevant guidance:

- Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities.
- Design Manual for Urban Roads and Streets (2013).

- Smarter Travel – A New Transport Policy for Ireland (2009-2020).
- Architectural Heritage Protection Guidelines, Dept. of Arts Heritage and the Gaeltacht (2011).
- The Planning System and Flood Risk Management Guidelines (2009).

6.4. **Dun-Laoghaire Rathdown County Development Plan 2022-2028**

6.4.1. Land use Zoning

The subject site is zoned under Objective A which seeks *‘to provide residential development and improve residential amenity while protecting the existing residential amenities’*

6.4.2. Other Relevant Sections

Chapter 2 – Core Strategy

The Core Strategy Housing Target provides a housing target of 18,515 units for Dún Laoghaire-Rathdown for the period of 2020-2028. The subject site is identified as a location for Infill/Windfall units as per Figure 2.8 of the County Plan which sets out the Residential Development Capacity Audit.

- Policy Objective CS11 – Compact Growth.

Chapter 3 – Climate Action

Sets out the detailed policy objectives in relation to climate and the role of planning in climate change mitigation, climate change adaptation and the transition towards a more climate resilient County.

- Section 3.4 Achieving sustainable Planning Outcomes
- Policy Objective CA5- Energy performance in Buildings.

Chapter 4 – Neighbourhood – People, homes and Place

Sets out the policy objectives for residential development, community development and placemaking, to deliver sustainable and liveable communities and neighbourhoods.

Section 4.3.1 Delivering and Improving Homes notes that Density plays an important role in ensuring that the best use is made of land intended for residential development.

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.*

- Overarching Policy Objective PHP1: increased delivery of housing throughout the County will be subject to the Strategic Policy Objective.
- Policy Objective PHP2: Sustainable Neighbourhood Infrastructure.
- Policy Objective PHP3: Planning for Sustainable Communities.
- Policy Objective PHP5: Community Facilities.
- Policy Objective PHP6: Childcare Facilities.
- Policy Objective PHP18: Residential Density.
- Policy Objective PHP20: Protection of Existing Residential Amenity.
- Policy Objective PHP26: Implementation of the Housing Strategy.
- Policy Objective PHP27: Housing Mix.
- Policy Objective PHP30: Housing for All.
- Policy Objective PHP35: Healthy Placemaking.
- Policy Objective PHP36: Inclusive Design & Universal Access.
- Policy Objective PHP40: Shared Space Layouts.
- Policy Objective PHP42: Building Design & Height.
- Policy Objective PHP44: Design Statements.

Chapter 5 - Transport and Mobility

Seeks the creation of a compact and connected County, promoting compact growth and ensuring that people can easily access their homes, employment, education and the services they require by means of sustainable transport. The relevant policy objectives from this chapter include:

- Policy Objective T23: Roads and Streets

Chapter 8 - Green Infrastructure and Biodiversity,

Includes policies for the protection, creation, and management of this resource in an integrated manner by focusing on key themes within GI such as landscape and the coast; access; biodiversity; and parks.

- Policy Objective GIB1: Green Infrastructure Strategy
- Policy Objective GIB18: Protection of Natural Heritage and the Environment.

Chapter 9 – Open Space, Parks and Recreation

Recognises that having safe and easy access to a network of open space and parks, means that the recreational needs of residents are met, while enhancing their health and well-being. The relevant policies from this chapter include:

- Policy Objective OSR4 - Public Open Space Standards

Chapter 10 - Environmental Infrastructure and Flood Risk.

Recognises the critical importance of high-quality infrastructure networks and environmental services in creating sustainable, healthy, and attractive places to live and work.

Chapter 12 - Development Management

Contains the detailed development management objectives and standards that are to be applied to proposed developments. Relevant sections of this chapter include: •

- Section 12.3.1: Quality Design
- Section 12.3.3.1: Residential Size and Mix
- Section 12.3.3.2: Residential Density
- Section 12.3.4.2: Habitable Rooms
- Section 12.3.4.5: Management Companies and Taking in Charge

- Section 12.4.8: Vehicular Entrances and Hardstanding Areas
- Section 12.8.3: Open Space Quantity for Residential Development
- Section 12.8.3.1: Public Open Space
- Section 12.8.7.1: Separation Distances
- Section 12.8.7.2: Boundaries
- Section 12.8.11: Existing Trees and Hedgerows.

Appendix 3 - Development Management Thresholds

Appendix 5 - Building Height Strategy

Appendix 6 - Waste Management Guidelines

Appendix 13 - Statement Demonstrating Compliance with Section 28 Guidelines.

6.5. Draft Variation no. 1 of the Dun-Laoghaire Rathdown County Development Plan 2022-2028

- 6.5.1. This proposed Variation has been prepared to respond to the recent changes in National planning policy, namely the publication of the NPF – First revision and the publication of the following Section 28 Ministerial Guidelines including the NPF Implementation; Apartment Guidelines 2025 and the Compact Guidelines 2024.
- 6.5.2. It is intended to address specific, immediate policy updates that are needed in the short term and proposes changes to a number of sections in the Written statement inclusion Chapter 2 – Core Strategy, Policy objectives included in Chapters 4, 5 and 8, various section of the development management, land use zoning and specific local objective chapters in addition to Appendix 13, 15 and 16. It also includes for an amendment boundary to the LAP for Dundrum.
- 6.5.3. This proposed Variation was on public display from Thursday 18th December 2025 to Monday 26th January 2026 and the Chief Executive (CE) Report on submissions received to the Proposed Variation was prepared and circulated to the Elected Members for their consideration on Friday 6th March 2026. Elected Members will consider the proposed variation and the report of the Chief Executive at a Special Council meeting in April 2026. It has therefore not yet been adopted.

6.6. Dundrum Local Area Plan, 2023

The appeal site is identified as being within the development boundary of the Dundrum Local Area Plan 2023 where the land use zoning is reflective of the County Plan (Objective A – Residential).

While the LAP recognises a number of opportunity sites the appeal site is not recognised as being one.

Relevant policies are as follows:

Policy DLAP 1 – Urban Design.

Chapter 3 – people and homes.

Section 3.3.4 – Density, Plot Ratio, Building Height, and Residential Mix.

Policy DLAP 17 – Residential Density

Policy DLAP 18 – Building Heights.

Policy DLAP 19 – Residential Mix.

Chapter 4 – Transport and Movement

Policy DLAP24 – Connected Networks

Policy DLAP 25 – 10 minute concept.

Policy DLAP 26 – Modal Shift.

Chapter 5 – Climate Action

Chapter 6 – Dundrum Multifunctional Town and Neighbourhood Centres

Chapter 8 – Heritage and Conservation.

6.7. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are the South Dublin Bay SAC (stie Code 000210), the South Dublin Bay and River Tolka Estuary SPA (site code SPA 004024) and the South Dublin Bay pNHA (Site Code NHA 000210) which are situated c.3.95km to the east of the subject site. The Rockabill to Dalkey Island SAC is also situated c.10.749kmt to the east of the site.

7.0 The Appeal

7.1. Grounds of Appeal

The Commission received 9 no. 3rd Party Appeals against the decision of Dun Laoghaire Rathdown County Council to grant permission. The 3rd Party Appellants have all been listed on the cover page of this appeal. The grounds raised are similar in each of the appeals received and I have provided for a summary of all the ground raised below by theme:

1. Road Bridge Access to site – safety concerns

- Development can only be accommodated if the access is updated to obtain optimal width.
- Two cars cannot pass – safety issues.
- Site not suitable for increased density.
- Revised scheme does not address safety concern.
- Planning Authority did not address concerns relating to access – lane is within control of Local Authority.
- Road not in applicants control and no evidence of agreement to undertake upgrade works.
- Pedestrian/Cycle/Car all competing to enter/exit and will cause safety issues.
- Lane/Bridge already serves 21 houses that that together with the proposed 101 units will increase difficulties.
- Upgrade required under permission granted PA Ref D00A/0112 but never undertaken.
- No alternate route if issues arise during construction phase.
- Assessment of Planning Authority did not address concerns raised.
- Images included with appeal demonstrates width constraints.
- Planning needs to consider all aspects including access/infrastructure.
- Access not designed to accommodate high volume/intensified traffic.
- Proposal will overload bridge.
- No independent updated survey.
- Any impact could isolate existing residents.

- Lane already prone to obstruction by parking/deliveries
- Deficiency at entrance raised in SHD not addressed.
- No technical assessment of sole access to development.
- Operational/queuing/delay/reliability on shuttle all remain unknown.
 - Capacity assessment essential.
 - No evidence that access arrangements will work.
- No RSA even given the level of upgrade works proposed.
 - Bridge is a constrained environment with limited clearance.
 - Deprives decision maker of independent assessment to road users.
- No structural/bridge condition assessment.
 - No evidence it is suitable for construction/operational phase.
- Applicant failed to submit complete/transparent/robust assessment.
 - Not minor omission.
 - Application is premature/deficient and should not be permitted.
- Not in line with DMURS – requires 5.5m two way local street.
- Fire safety requires 3.7m width for tender access.
- Bridge fails to meet requirements.
- Any obstruction will create gridlock – single point failure as per DMURS.
- Emergency service will be blocked.
- Transport report (2025) confirms access ramp to block A obstructs westerly sightlines – blind entry system.
- Access road at bridge contrary to section 4.4.1 and section 12.3.7.6 of County Plan.
- Bridge has not been upgraded as required under PA Ref D00A/1112.
- Bridge and Road deficiencies ignored in LRD application.
- Access not in accordance with DMURS.

- Proposal for a yield sign based 'stop and go' system unacceptable.
- Lack of priority pedestrian crossing at west end of bridge.
- Single lane of traffic not addressed.
- No pedestrian connection to existing footpath to south of site.
- Traffic lights required.
- Permitted development introduces intensification of movements to receiving environment which is at capacity.
- Bridge is sole access – no TTA to demonstrate the following:
 - How shuttle/priority will work/Network effects/Interactions with active travel/Effect on service vehicles.
- Road Safety Audit and Structural assessment required.

2. Scope of Application

- LRD is a new application and should not have been dealt with in the absence of detailed documentation.
- Should have been invalidated.
- Not in public interest to try and amend shortcomings in planning application lodged at this stage.
- Acknowledged existing permission on site
 - Represents a material contravention.
 - Does not form a baseline in planning terms.
 - Technical reports can't be relied upon without re-submission.
 - This is a fresh application under Section 34 of the Planning and Development Act, 2000 (as amended) – must be assessed as such.
 - Earlier permission is no more than a material consideration.
- Amendments don't resolve substantive concerns which require full consideration.

- Remains a material intensification in close proximity to residential dwelling – overlooking.
- Reference made to an agreement to deal with the on-going Judicial Review Pertaining the parent permission (ABP-311287-21).
- SHD legislation no longer in force.
- Planning Authority references the previous application as an LRD under EIA Screening.
- Application should have restarted as a LRD application.
- Difficult to see how an amendment can be made to a permission that no longer exists.
- Planning Authority needs to address this anomaly.
- Fails to meet national standards for LRD applications:
 - Universal access and DMURS.
 - No phasing Plan

3. Legal Ownership

- No legal entitlement/unreasonable burden/elevated safety risk.
- Road is maintained/funded/insured by the residents of Frankfort Court.
- Intensification of use of lane results in unreasonable/incommensurable transfer of liability to residents without a legal agreement.
- Proposed development would heighten the obstructions already present on the laneway.
- No agreement with developer to use private roadway
- Access is proposed via a privately owned and gated lane way – not in the ownership of the applicant.
- Not subject to any right of way – therefore applicant does not have legal capacity to deliver proposed entrance.
- Proposed use of this entrance for public access will:

- Safety and security issue.
- Loss of residential amenity.
- Trespassing/damage of boundaries.
- Potential Liability.
- Use of entrance requires establishment of clear legal agreement.
- Planning history characterised by access concerns and legal complexity:
 - Previous scheme was overturned by High Court yet current application has been framed as though it were a amendment of such.
- Approach undermines density and reliance on a permission that does not exist.
- Discrepancy in red line boundary – area included claimed to be in ownership of others.
- Valid application requires clear/uncontested legal interest.
- Permission for utility access via Frankfort Court which is a private road – no permission given to access/install/connect to utilities through private lands.
- Amended foul layout submitted but no other utilities mentioned ie Surface Water/water supply/electricity.
 - Not possible to confirm if will be accessed through Frankfort Court.
- Part 4 of the Development description '*An amended foul drainage layout, with foul water drainage connection now proposed to the east at Dundrum Road (R117), and omission of the as permitted drainage connection to the southwest at Frankfort Court*' – unclear meaning/implications.
 - No explanatory drawings/supporting documents.
 - Owners/management company not been notified.
- Dispute on location of boundary on all 3 boundaries.
- 4th Boundary with Luas and question over ownership of strip of land between site and Luas.
- Applicant failed to provide sufficient certainty to allow proper assessment.
- Roadway to the east included in site area – not owned by the applicant:

- Privately owned with a right of way on it.
- Result in its inclusion has allowed for density calculations to be lowered.
- Request ACP to investigate this.
- Article 22 (2)(g) planning and development regulations, 2001 – applicant must demonstrate legal interest.
 - Applicant attempting to serve LRD on lands outside scope of original easement.
 - Restrictive use of Covenant – intensification of use outside of this use restriction.

4. Future potential pedestrian links

- Proposed pedestrian/emergency entrance likely to block access to Frankfort Court at key times.
- Access will be onto a laneway under private ownership – no engagement to obtain access.
- Main exit proposed further down the lane – so emergency exit does not serve any purpose.
- Current access to site via single cottage via a laneway in ownership of Frankfort Court management company:
 - Different proposition to a developer assuming full site access is available to serve 101 units.
- Use of entrance requires establishment of clear legal agreement.
- Cannot function as a public access – creates an outcome that is incapable of implementation in practice.
- No planning/safety/functional justification for pedestrian access to Frankfort Court.
 - Introduction of permeability to cul-de-sac.
 - Not appropriate/necessary.
- Frankfort Court does not form part of any wider pedestrian/vehicle network.

- Dead end.
- Will increase footfall on private road.
- Unwanted safety risk.
- Will create intensification of private road.
- No legal interests in lane to Highfield Park and should not form part of the development.
- Request connection to Highfield Park be omitted.
- No legal right to use laneway into Highfield park.
- Inspector of ABP-311287-21 recognised connection via 113 and 115 Highfield Park provides an adequate connection therefore second connection not required.
- Applicant not sought permission for link beside 97B Highfield – indicated as a future potential link.
- No legal basis for the connection to Frankfort Court - Appears unwarranted.
 - No consent given to provide this link.
 - Will encourage illegal parking/cycle access.
 - Location of Block A stops provision of footpath - required under decision PL06D.232173.

5. Reliance on outdated reports

- Traffic assessment submitted was undertaken during Covid 19
 - Not appropriate to rely on this assessment in 2026.
 - All reports should have been updated.
- TTA is outdated and unrepresentative – cannot be relied upon as undertaken during Covid 19.
- Essential assessment missing and outdated –
 - TTA/Bridge Structural Assessment/shadow analysis.

- Planning Authority could not have carried out a complete evidence based assessment and therefore the grant of permission represents a failure of due process.
- No TTA – relied on SHD outdated TTA.
- Information relied upon must be accessible to the Public – cannot be expected to search historic files.
- Assessment must be based on documentation available on current file.
- Technical assessment relies on documentation not lodged – renders application inadequate/undermining requirements of fair procedure.
- Planning Authority should have been presented with updated TTA.
- No evidence with LRD that the SHD TTA still remains valid.
- Planning Authority deprived of increased updated traffic and up to date policy context.
- Given concern over traffic hazard – difficult to understand how Planning Authority could consider proposed with lack of up to date information.
- Right to public participation rendered ineffective where key documents are withheld.
- Applicant failed to include a TTA
 - Proposal depends on it.
 - Reliance on TTA of a separate application is contrary to proper planning.
- Planning Authority can only consider a TTA from a valid application where development is substantially unchanged:
 - Concern if Planning Authority applied necessary rigour in its assessment.
- Extent may inform a decision – cannot substitute requirement for public availability of documents
 - Failure to submit TTA is a fundamental procedural/substantive deficiency.

- Reports for parent permission prepared 5 years ago – considered to be out of date and undertaken during Covid 19.
- Planning Authority can't make informed decision without updated reports.
- No bike lanes or regular bus services on Dundrum Road and Luas is at full capacity:
 - No plans to implement such.
 - Density based on good connectivity of the site.
 - LDA development at central mental hospital site 200m from the subject site will cause own implications for traffic levels/Luas.
 - Updated reports required to consider implications.
- Any consideration of biodiversity dismissed
 - Large tree coverage as set out in decision of ACP.
 - No addressing impact on bats/badgers.
- LRD treated as amendment but includes material changes – internal layout.
- Relies extensively on SHD reports prepared for a different scheme and are outdated and creates a Planning Risk.
- Planning policy updated since SHD.
- LRD governed by 2021 planning regulations which requires additional procedures/documents.

6. Amendment Development Layout

- Density not acceptable
- Density/height/scale/massing are contrary to Planning Policy.
- Density/height/scale/massing contrary to NPF.
- Since SHD granted the County Plan has changed and LAP adopted.
- Non-compliance with Section 28 Guidelines.
- Access and parking non-compliant with national transport policies.
- Fails to comply with the following objective of the DLR County Plan 2022-2028:

- Contrary to land use zoning.
- Objective PHP-1 site not serviced by adequate road access.
- Objective PHP-2 - site not accessible.
- Objective PHP-3 – Not served by supporting infrastructure.
- Chapter 4 and 12 – residential development.
- Appendix 5 – Building height strategy.
- Block A - too tall, too long, too bulky and excessive in massing.
- Block B - Height, scale, massing not appropriate as it immediately adjoins rear gardens.
- No precedent for 4 storey development.
- Massing fails to respond to surrounding development.
- Internal courtyard, communal and public open space push massing to the boundaries.
- Poor mix of units
- Poor provision of open space.
- Adverse impact on building conservation on historic Frankfort Castel.
- Not all Land within red line boundary in control of applicant - derives density measures.
- Reference to future potential cycle/pedestrian link depends on lands not in applicant control.
- Layout fails to provide permeability and relies on existing gateway at Frankfort Court.
- Planning and Property Law – access created for a single residential user cannot be lawfully intensified to accommodate greater pedestrian/cycle movements.
- Applicant required to demonstrate legal interest in lands:
 - Assessment therefore fundamentally flawed.
 - Land not in ownership should not be relied upon for density.

7. Impact amenity

- Imposition places unreasonable burden of 3rd parties.
 - ACP consistently find this to be inappropriate.
 - Conditions should regulate development and should not impose obligation/risk on adjoining property owners.
- Eroding residential amenity through overlooking/overshadowing/activity.
- Density would materially alter character and undermine existing residential amenity.
- More suitable model – family homes.
- Multi storey basement raises environmental concern:
 - disturbance of ground water.
- Increased Vermin
- Proposal not in keeping with character of area – not in keeping with DLR Development Plan's own objectives.
- Fails to meet Section 3.2 if SPPR of Section 28 building height guidelines.
 - Streetscape level fails to successfully integrates into the existing character.
- Residential guidelines made a point of introducing distances from 3/4/5 storeys to existing 1/2 storey in the vicinity
 - Minimum of 35m recommended.
 - Separation exacerbated by habitable room.
 - Block B only 12m from Frankfort Court affecting use of open space/overshadowing and overbearing.
- Proposal will give rise to the following:
 - Noise Impact.
 - Loss of privacy.

- Light pollution.
- Negative impact on right to light.
- Visual/overbearing impact.
- Structural risk – water tank.
- Proposal fails to address long standing concern and negative impact residential amenity.
- Block B materially close to Frankfort Court
 - Stated to be less than 12m at first floor level.
 - Was previously 22m- 45% reduction.
 - Notwithstanding national guidance – below development plan 22m requirement.
- Condition no. 7 acknowledges significant impact on neighbours:
 - Planning Officer report allows for work on site 6 days a week 7am to 7pm with the exception of Saturday afternoon.
 - Site is in residential area not greenfield/industrial area.
 - Request no work on weekend and 9-5 Monday-Friday.
- Proposal runs contrary to zoning objective to protect residential amenity.
- Negative impact on Visual and Residential Amenity.
- Block B – diminish residential and visual amenity.
- 13m separation distance from rear elevation to north elevation of Block B.
 - Resulting in significant overlooking.
 - Need to consider if amendment protects amenity.
- Side facing windows remain in Block B
 - Directly overlooking rear garden.
 - 6m from garden boundary.
- Concern overbearing impact of 4 storey building.

- Proposed negative impact on property values due to –overbearing/loss of light/loss of residential amenity.
- Block B when considered from rear amenity space remains unchanged from original permission:
 - No mitigation offered to screen development.
- Request further amendments.
 - Step down further.
 - Adequate screening from balconies.
 - Address provision of landscaping and boundary wall.
- Concerns relating to Block A:
 - Represents overdevelopment
 - Negatively impact visual amenities.
 - Overbearing
 - Overlooking/perception of overlooking.
 - Overshadowing.
- Block B will give rise to:
 - Negatively impact visual amenities.
 - Overbearing
 - Overlooking/perception of overlooking.
- Block B proximity to Frankfort Court with roof terraces and outward facing openings:
 - Risk of loss of privacy and residential amenity / Planting screening not enforceable.
- No opening should be located on southside of Block B.
- Balconies on south/west should be removed/greatly reduced.
- No updated sunlight/daylight/shadow analysis.
 - Required as Block B position altered.

- Elevated topography.
- Sensitive relationship to existing units.
- Without such, the Planning Authority/ACP can't legally conclude on residential amenity.
- Incomplete assessment relied on in SHD assessment which were previously highlighted to the Commission - Intentionally omitted correct dimensions of adjoining properties.
- Noise/light assessment for operational and construction phase required.

8. Car Parking

- Frankfort Court already overflowing with parking.
- 72 spaces for 101 no. units not adequate.
- Dundrum not city centre location -occupants will need cars.
- Development will create overflow of car parking.
 - Construction traffic also needs consideration
- Carparking provision insufficient.
- Justification or reduced parking not based on any evidence.
- No capacity increase to LUAS to serve the development.
- No cycle infrastructure to serve the development.

9. Wider Traffic concerns

- Wider traffic conditions and public transport pressures – network beyond capacity.
- Dundrum road and public transport operating to capacity.
- No credible up to date evidence of these networks and if they can absorb additional demand.
- No updated report provided.
 - Proposal will functionally overload the transport system.
- No statement of consistency with DMURs.

- No Road Safety Audit – Relies on SHD documents.
- DMURS compliance is not a one off assessment.
- Where amendments to layout are proposed they need to be assessed against DMURS.
- Reliance on previous assessments deprives Planning Authority and 3rd Parties opportunity to assess application in safety terms.
- ACP held incorporation by reference is not acceptable substitute in revised development applications.
 - Substantive deficiencies.
- Therefore, application fails to comply with DMURS.
- Single lane bridge not suitable for serving construction phase.
- CEMP does not address single lane bridge.
- How will single lane bridge operate during construction phase/deliveries to the site.
- Proposing removal of/alteration to pedestrian provision and introduction of shared surface - Requires DMURS statement of consistency.
- Cycle parking not demonstrated safe coherent connections to wider area - Inconsistent with Development Plan Policy.
- Lack of DMURS assessment deprives 3rd Party of opportunity to evaluate scheme.

10. Condition no. 2 Parent Permission

- Parent decision based on layout that minimised vehicular intrusion.
 - Limited to internal road being 40m from the junction with Old Frankfort.
 - Current plans show vehicular route exceeding 40m.
 - Planning Authority admitted layout shows disproportionate focus on vehicular movement.

11. Other Issues

- No EIA Screening submitted – SHD assessment now outdated.
 - Require an EIA/Ecological assessment before decision be made.
 - Reference to Case Law [2021] IEHC 597 - Para 22 of judgement list of items needed to be considered and includes a EIA Screening.
 - Screening report submitted with SHD needs assessment.
- Planning Authority granted permission subject to a stage 1 requirement for new engineer's report.
 - Developers' submission lacked any technical integrity.
 - No technical information for removing critical drainage infrastructure.
 - Permitting development with an attenuation system that may be undersized – gross violation.
- Heritage/Biodiversity
 - Significant threat to trees – underpinned by large bond of €25,000 as per condition no. 5 of the SHD decision.
 - Monolithic design overwhelms setting of Frankfort Castle
- Principal of Development is presumed from the SHD.
 - Plot Ratio of 1.26 on a sensitive 0.9ha site not acceptable.
 - decision to refuse PL06D.237049 (Frankfort Lodge): can't understand how a single house was refused v a SHD 3/4 storey development was granted.
- Loss of trees and hedgerow
 - Parks department concerns not addressed.
 - Tree loss is excessive and removes important screening.
 - Trees indicated to be retained may not be.
 - Permission under D10A/0183 (PL06A.237049) refused due to tree loss.
 - Tree loss should have resulted in lower density not a higher one.

- Loss of habitats.
- Planting does not mitigate tree loss.
- Offers no visual mitigation.
- No mitigation to screen block B.
- Boundaries and existing planting to Frankfort Court are threatened
- Construction Management
 - Working hours should be fixed and not subject to amendment.
 - Complaint procedures and independent complaint process required.
 - Contractors' vehicles should not be parked in neighbouring areas.
 - Construction noise management needs to be reviewed.
 - Construction visual impact needs to be minimised.
 - Construction phase will cause light spillage.
 - Dust impacts from construction.
 - LRD fails to engage on any of the above issues.

7.2. Applicants Response

A response to the 3rd Party appeals was received from the applicant on the 23rd February 2026 and can be summarised as follows:

- All 3rd party appeals have raised numerous issues which have already been considered by the Commission under ABP-311287-21.
- Proposal represents a reduced scale:
 - Does not propose any new elements beyond the original footprint.
 - Considered that a large number of grounds raised are not relevant.
- Proposed LRD scheme incorporated changes to the scheme as envisaged under Condition No. 2 of ABP Ref. 311287-2 - sought a number of revisions such as the relocation of the childcare facility and revisions to the car parking layout.

- SHD is subject to Judicial Review (JR).
- SHD has not been quashed.
- Agreement is in place with the Applicant and the litigants that the scale of the permitted development would be reduced through the submission of an LRD amendment application.

1. Design of Proposed Development / Residential and Visual Amenities

- Design and Scale of Development:
 - Reduction in the scale, density, and massing resulting in a positive impact on the visual and residential amenity of neighbouring properties.
 - Original density accepted by the Commission.
 - Density of 119 units per hectare is considered to be wholly appropriate, having regard to the classification of the subject site as 'City – Suburban/Urban Extension' under the Compact Settlement Guidelines.
- Separation Distance:
 - Condition 2(C) (i) of the SHD permission - sought to amalgamate 2 no. bedrooms at the first floor of Block C to provide a 1-bedroomed unit and the minor revision of the fenestration to prevent overlooking of unit BC.014 is addressed as part of the proposed development.
 - minimum separation distance of c. 13.1 sq m is achieved - SPPR 1 of the Compact Settlement Guidelines seek a minimum of 16m.
 - There are no directly opposing windows serving habitable rooms, in compliance with SPPR 1 of the Compact Settlement Guidelines
 - Note that the separation distances have been previously assessed and approved by ABP in the parent permission
 - DLRCC Planners Report considered amendments will have a positive impact on the adjacent residential amenity, reducing the potential for negative visual and overbearing impacts.
 - Requests that photomontages be taken from the private open spaces is not deemed to be a reasonable request - DLRCC and ACP found that there is

no adverse impact from the massing of the permitted or proposed amendments to the scheme.

- Daylight, Sunlight, and Overshadowing:
 - All concerns raised are unsubstantiated.
 - development seeks to reduce the scale and massing permitted on site.
 - proposed development represents an improved scenario.
 - SHD was compliant with relevant BRE Guidelines.
 - wider area is undergoing a transition in the form and scale of residential development, as evidenced by the quantum of recently permitted and constructed development – noted by ACP in previous assessment.
- 2. Procedure for Amendments to SHD Application (via LRD Application)
 - SHD is subject to a JR, the decision of ABP has not been quashed.
 - extent of the submitted application documentation is wholly appropriate for this amendment application.
 - correct procedure for amending a previously permitted SHD application is through the LRD process.
 - Section 34(3C) of the Planning and Development Act 2000:
 - DLRCC Planners Report noted assessment is restricted to assessment of the LRD modifications only - cannot re-assess the permitted SHD *de novo*.
 - Grounds of appeal in respect of the perceived shortfall in submitted supplementary documentation are unsubstantiated and incorrect.
 - validity of the assessments submitted in relation to the permitted SHD cannot reasonably be questioned:
 - having regard to the reduced scale of development.
- 3. Validity of Assessments prepared in respect original SHD Application.
 - The full suite of documentation as submitted with the SHD Application available on LRD website.

- Proposed development seeks to reduce the scale and intensity of the permitted SHD development –
 - environmental assessments prepared in relation to the SHD Application continue to remain valid.
- Duration of the permission is intrinsically tied to that of the permitted SHD; the subsequent LRD does not extend the duration of the existing SHD permission –
 - Therefore, validity of the assessments carried out in relation to the permitted SHD cannot reasonably be questioned given that these are valid as part of the permitted SHD permission
- Given the reduction in scale considered that a full suite of updated assessments was not required to accompany the LRD Application.
- Traffic and Transport Assessment (TTA) data was collected in 2018:
 - While SHD was assessed during COVID19 the data was collected prior to Covid pandemic.
 - Figures accepted by ACP.
- DLRCC Transportation Department raised no concerns in respect of the traffic assessment.
 - Sought clarification on a number of elements at RFI stage none relating to TTA.
 - Drawings demonstrate compliance with Condition 2 of the parent permission.

4. Permeability / Pedestrian Access / DMURS

- Old Frankfort existing bridge
 - ABP Inspectors Report considered it as improved pedestrian safety and priority at this location.
 - Quality Audit prepared with SHD raised no safety concerns in respect of the proposed access arrangements - noted under Section 11.9.12 of the SHD Inspectors Report.

- no amendments are proposed in respect of pedestrian access / layout arrangements to the site.
- Pedestrian Access to Frankfort Court
 - Permeability is a key component to promoting sustainable and connected development.
 - Not being introduced as part of this application - already permitted under the SHD permission.
 - Reference to Policy T11: Walking and Cycling of the Development Plan.
 - acknowledge that Frankfort Court sits outside the ownership - pedestrian path can therefore not be provided at this location.
 - Inspector notes connection would increase permeability.
- Pedestrian Access to Highfield Park
 - Inspectors Report on SHD stated – *“there is an existing pedestrian laneway that provides access between Highfield Park and Old Frankfort and, therefore, it is my view that there is adequate connectivity between these streets.”* (pg. 70 inspectors report).
 - Acknowledge northernmost portion of this laneway is in private - link is dependent on elements outside the Applicant’s control.
 - Section 11.10.4 of the Inspectors Report notes
 - disputes between the parties in relation to land ownership or rights of way are ultimately civil / legal issues that would be dealt with more appropriately outside of the planning process
- DMURS
 - DMURS Statement was prepared and appended to the TTA submitted with SHD.
 - Minor revisions are proposed to the internal road and walkways layout as part of the LRD application to ensure compliance with Condition 2 of the permitted SHD

- thus, any grounds for appeal in relation to an updated DMURS Statement are not considered relevant.

5. Drainage

- Drainage connection to Frankfort Court is no longer proposed - no longer a legal / landholding concern.
- proposed amendments are fully compliant with the green/blue roof policies of the DLRCC Development Plan - represents an improved scenario in respect of SuDS measure.
- DLRCC drainage department deemed the RFI Response to be satisfactory.
- proposed amendments make no change to the surface water outfall arrangements.

6. Car Parking, Vehicular Access and Movement.

• Car Parking

- Proposed car parking ratio is c. 0.71 spaces per unit whilst the permitted SHD provided a car parking ratio of c. 0.64.
 - proposed amendments represent an improved scenario.
- Subject site is strategically located proximate to a number of public transport links including Dublin Bus and Luas services.
- DLRCC Development Plan car parking standards are expressed as 'maximums' - Compact
- Settlement Guidelines outline that the maximum car parking provision shall be 1.5 no. spaces per dwelling, but that 'car parking provision should be substantially reduced' in accessible locations.
- previous car parking ratio permitted under SHD of 0.64 was not deemed to be a material contravention of the development Plan.

• Vehicular Access and Movement

- existing bridge maintained by DLRCC

- Inspectors Reports for SHD noted - relatively limited number of trips generated by the proposed development would not impact on the structural stability of the existing bridge.
- no amendments proposed to the access layout and as such, the Commission is restricted in its ability to re-assess elements of permitted SHD development which are not proposed to be amended.
- Structural Survey of Existing Bridge
 - Condition 3 of SHD required the submission of a detailed structural survey of the existing bridge / Old Frankfort.
 - Conditions related to the permitted SHD are still relevant to the current LRD proposal, and that the *Notification of Grant of Permission* as issued by DLRCC (Reg. Ref. LRD25A/0621/WEB) requires all compliance with all conditions of the permitted SHD.
 - structural survey of the existing bridge will be prepared and submitted to DLRCC prior to the commencement of the development.

7. Landscaping, Trees, and Open Space

- Proposed development provides a high quality landscaped and open spaces – all accessible to members of the public.
- Soft landscaping elements have been selected for longevity and biodiversity value, in compliance (not contravention) with green infrastructure policies of the Development Plan.
- Policy OSR7 has not changed from the previous to the current DLRCC Development Plan.
- proposed development retains a significant quantum of the high-quality mature trees on the subject site, and the proposed landscaping plan provides the addition of a significant number of new trees to reinforce those retained.

8. Construction Phase Feasibility

- Construction and Environmental Management Plan (CEMP) prepared in respect of the permitted SHD outlines various traffic management measures proposed during the construction stage of the development.
- Construction Traffic Management Plan (CTMP) will be prepared in consultation with DLRCC and with An Garda Síochána, ensuring continued safe access to and from Frankfort.
- SHD TTA projected a worst-case scenario (maximum) of 38 no. trips to and from the site during AM and PM peak hours daily.
- DLRCC Transportation Report, subject application, raised no concerns in respect of the projected construction traffic levels.

9. Impact on property values

- Implications on the value of existing properties is not a planning issue

10. Miscellaneous Items

- Flood Risk
 - layout for the scheme has a negligible impact on surface water drainage.
 - update to the Site-Specific Flood Risk Assessment prepared by CS Consulting Engineers in respect of the permitted SHD concluded that the likelihood of on-site flooding is deemed to be minor.
- Built Heritage (including Historic Boundary Wall)
 - no protected structures located at the site.
 - Outline Construction and Environmental Management Plan outlined the relevant provisions for the construction phase for the development, including excavation.
 - No concerns have been raised by the conservation / heritage section of DLRCC in response to the proposed amendments, nor were any concerns raised by ABP at the time of the SHD Application.
 - Proposed development is compliant with Policy Objective HER 20 of the Development Plan which seeks to retain, rehabilitate, and reuse existing older buildings which contribute to the character of the area.

- Proposed repair and reuse of the existing Frankfort Castle represent a sensitive and efficient use of the underutilised historic structure, which is not protected but which will be maintained in situ to reinforce the existing sylvan character of Old Frankfort.
- Site Boundary Disputes
 - Proposal does not encroach into the privately owned internal road of Frankfort Court. Moreover, we highlight that there are no vehicular movements proposed / required through Frankfort Court.
 - refer to the Ground Floor Layout prepared by OMP Architects - illustrates the irregular shape of the redline/application boundary at the interface between Old Frankfort and Frankfort Court, which reflects the private ownership of the Frankfort Court Road.

7.3. Planning Authority Response

A response was received from Dun-Laoghaire Rathdown County Council on the 9th February 2025 which notes no further comment and requests that the Commission uphold the decision of the Planning Authority.

7.4. Further Responses

A further response was received from Michael Gunning, a third-party appellant to this appeal which notes the following:

1. Changes to site since lodgement of appeal
 - Substantial works have been undertaken in a short period including:
 - Removal of trees/hedgerow/vegetation.
 - Removal of internal and perimeter boundaries.
 - Consolidation of lands.
 - Demolition of part of an existing structure.
 - Mechanical clearance of significant portion of site.
 - Photographic record included.

- Works have materially altered the physical, visual and environmental characteristics of the site from when application documentation was submitted.

2. Relationship to Earlier SHD and the Current LRD

- Documentation before the Commission were prepared in the context of the SHD – including receiving environment that has been removed.
- Site now differs in material respect from the condition described in documentation before the commission.
- SHD has a limited remaining duration.
- Where the current LRD proposal builds on the framework of the SHD – the interaction between the two permissions may be a matter the Commission considers in its overall assessment.

3. Relevance to the Commissions Assessment.

- Consideration needs to be given to the changes in the receiving environment in the context of:
 - Ecological and biodiversity assessments continue to reflect the original site conditions.
 - Landscape and visual impact assessment corresponds to original site conditions.
 - Drainage and hydrological considerations.
 - Reliance on aspects of the earlier SHD baseline.
- This is confined to the Commissions assessment and does not address enforcement matters.

4. Existing Correspondence

- Planning Authority has issued a warning letter.

5. Adequacy of Information before the Commission.

- Commission may want to consider if the material before them remains sufficient to enable a complete and lawful assessment of environmental effects by reference to the site as it now exists.

- Observation made to assist the Commission in ensuring that its considerations of the appeal proceeds based on an accurate understanding of the current site context.

I would note to the Commission that this further response was not circulated to any other Party to this appeal.

8.0 **Assessment**

8.1. **Introduction**

8.1.1. Having examined the application details and all other documentation on file, including appeal and observation submissions, the reports of the local authority, having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal are as follows:

- Scope of LRD Application
- Principal of Development
- Permitted SHD Scheme
- Proposed Design and Layout amendments.
- Impact on Amenity
- Legal Interest
- Connection to services
- Traffic Issues.
- Other Issues
- Planning Conditions.

8.1.2. In respect of the proposed development, I have carried out a screening determination for Appropriate Assessment (AA) and a screening determination for Environmental Impact Assessment (EIA) which are presented in sections 9.0 below(?), and section 10.0 and appendix 1, appendix 2 and appendix 3 below.

8.2. Scope of LRD Application

8.2.1. The subject site, situated at Frankfort Castle, Dundrum, Dublin 14, was subject to a previous application for permission under ABP-311287-21, where permission was granted in December 2021 for a residential scheme under the Strategic Housing Development Planning legislation. The application subject to this appeal relates to a Large Residential Scheme (LRD) seeking solely to amend part of the previously permitted development on site.

8.2.2. Section 34(3C) of the Planning and Development Act 2000 (as amended) states:

34 (3C) In determining an application for permission that relates to a development in respect of a part of which permission has previously been granted—

(a) under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, or

(b) on foot of an application in accordance with section 32A, the planning authority concerned shall, notwithstanding section 34(2)(a), be restricted in its determination of the application, other than in respect of any assessment of the effects of the proposed development on the environment, to considering the modifications proposed by the applicant to the previously permitted development and for the purposes of determining such an application the reference in subsection (6) to "the development concerned" shall be read as a reference to "the modifications to the previously permitted development"

8.2.3. Appellants to this appeal have stated that this amendment LRD application constitutes a whole new planning application and it should have therefore been assessed as such and that the applicant should have been required to submit a suite of updated assessment and technical reports.

8.2.4. The statutory description of subject application states that permission is being sought for an amendment to a permitted development ABP-311287-21. This permission was granted under Section 9 of the Planning and Development (Housing) and Residential Tenancy Act 2016 (as amended) referenced as Strategic Housing Developments (SHD). I note that the SHD legislation has now been revoked and been replaced by the Planning and Development (Large Scale Residential Developments) Act 2021. Where

an applicant now wants to amend a permitted SHD applications they now need to engage in the LRD Process.

8.2.5. In this instance the applicant, submitted a request for a pre-application meeting in line with Section 247 of the Planning and Development Act 2000, as amended to the Planning Authority on the 20th January 2025.

8.2.6. Section 247(7) of the Planning and Development Act, 2000 (as amended) states:

Where a planning authority receives a request under this section in relation to a proposed development in respect of a part of which (referred to in this section as the "permitted development") permission has already been granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016 or on foot of an application in accordance with section 32A, and the planning authority is satisfied, having compared the proposed development to the permitted development, that—

(a) the proposed development is substantially the same as the permitted development, and

(b) the nature, scale and effect of any alterations to the permitted development are not such that require the consultation process to be repeated,

the planning authority may determine, notwithstanding subsection (1A), that no consultation is required under this section in relation to the proposed development and may provide a confirmation in writing to the person who made the request to that effect.

8.2.7. In accordance with Section 247(7) of the Planning and Development Act, 2000 (as amended) the Planning Authority issued an opinion that it was considered that no consultation was required in advance of the lodgement of the subject planning application. I consider that the Planning Authority therefore were correct in the process followed.

8.2.8. Therefore, having regard to Section 34(3C) of the Planning and Development Act 2000 (as amended) my assessment of this LRD application will be restricted to modifications described within the statutory notice, other than in respect of any assessment of the effects of the proposed development on the environment.

8.2.9. I note that a number of concerns raised by the appellants to this appeal relate to issues which have previously been addressed as part of the assessment of the parent application under ABP-311287-2. These include issues relating to access arrangements and the structural issues relating to Frankfort Bridge, legal interest, active travel connections and outdated technical reports. I consider that I am precluded from undertaking an assessment of any part of the development which is not subject to the amendments proposed.

8.3. **Principal of Development**

8.3.1. The subject site is zoned under objective 'A – Residential' under the Dun Laoghaire Rathdown County Development Plan 2022-2028 (DLRCDP) which seeks to provide residential development and improve residential amenities while protecting the existing residential amenities. Residential Development and Childcare Services are both listed as being permitted in principle under Objective A land use zoning.

8.3.2. A number of appellants have raised concern with regard to the changes in local planning since the parent permission on site was granted. At the time of the assessment of ABP-311287-21 the Dun Laoghaire Rathdown County Development Plan 2016-2022 was the valid development plan. While I note that this development plan has now lapsed and been replaced with the 2022-2028 County Plan, the land use zoning pertaining to the subject site remains consistent and unchanged. In addition, the new plan has not introduced any site-specific objectives or additional level of protection.

8.3.3. Having regard to the nature of the development proposed, the extant planning permission on the lands and the current statutory plan for this area, the residential and childcare facility uses proposed on this site are acceptable, and I am satisfied that the proposed development would be in accordance with the Development Plan land-use zoning objectives for the site.

Core Strategy

8.3.4. Dundrum is identified as being a major centre as per the Core Strategy Map, Figure 2.9, of the DLRCDP 2022-2028. The Core strategy table, table 2.1 of the County Plan, recognises infill/windfall site with extant permissions that are not yet commenced.

Furthermore, figure 2.8 of the County Plan, Residential Development Capacity Audit–Aggregate Data, identifies the subject site as being an infill/windfall site.

- 8.3.5. Given that there is an extant permission pertaining to the subject suite, as granted under ABP-311287-21, and this LRD is seeking permission to amend such albeit by reducing the overall unit number granted, I consider that the proposed amended development would remain consistent with the Core Strategy of the Dun Laoghaire Rathdown County Development Plan 2022-2028. I do not consider that a reduction of 14 No. Units as proposed would not be a material alteration to the development as permitted in the context of the core strategy.

Density

- 8.3.6. The subject application is seeking to amend development permitted under ABP-311287-21 by omitting 14 no. apartment units. This would equate to an overall unit total of 101. The site area of the parent permission was given as 0.9ha. The site layout plan as submitted with both the parent and amendment application has indicated that the developable area, where a portion of the public road, which is in third party ownership and maintained by the council was discounted, to be 0.85ha.
- 8.3.7. The parent permission yielded a net density of 135 units per hectare whereas the proposed amended scheme would generate a net density of 119 units per hectare and a gross density of 112 units per ha. I note that a concern was raised by appellants with regard to the calculation of the density of the proposed scheme and the inclusion of roadway which would impact the outcome. This has been set out clearly above that I have discounted this area.
- 8.3.8. Objective PHP18 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 states that it is a policy objective to increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12 and encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

- 8.3.9. Section 4.3.1 of the County Plan recognises that density plays an important role in ensuring that the best use is made of land intended for residential development. It further makes reference to the ‘Sustainable Residential Development in Urban Areas’ Guidelines and the accompanying ‘Urban Design Manual’, to RPO 3.3 and 4.3 in the RSES and states that *“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 density) will be encouraged”*.
- 8.3.10. I note that that Sustainable Residential Development in Urban Areas Guidelines, 2009 have now been superseded by the Sustainable Residential Development and Compact Settlements Guidelines 2024. However, the Dun Laoghaire Rathdown County Development Plan 2022-2028 has not yet been amended to incorporate the updated guidelines but that this process is currently being undertaken by the Planning Authority through Variation no. 1 which is currently with its members for consideration.
- 8.3.11. The Planning Officer in their assessment notes that the omission of units will result in a density of 119 units per hectare (I note that this would be the net density) which is considered to be compliant with an area of this typology (Urban Neighbourhood) as defined under the Sustainable Residential Development and Compact Settlements Guidelines 2024.
- 8.3.12. The subject site is located within Dundrum and situated c. 900m which would equate to a 13minute walk time to the Dundrum Luas Stop. In addition, there are a number of Dublin Bus Routes operating in the Dundrum Road (R117) with the closet stop being situated c.90m from the entrance to the appeal site.
- 8.3.13. I am of the opinion that the site would be considered as a city- Urban Neighbourhood as per Table 3.1 of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, 2024. These areas are defined as being lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. Residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.

- 8.3.14. I further note that table 3.8 of the Compact Guidelines define high-capacity public transport nodes or interchanges as Lands within 1,000 metres (1km) walking distance of an existing or planned high capacity urban public transport node or interchange, namely an interchange or node that includes DART, high frequency Commuter Rail, light rail or MetroLink services; or locations within 500 metres walking distance of an existing or planned Bus-Connects 'Core Bus Corridor'¹² stop. Highest densities should be applied at the node or interchange and decrease with distance.
- 8.3.15. Overall, having regard to the subject site and its proximity to both a number of bus routes and the Luas, I consider that while the proposed amendment will reduce the density achieved on the appeal site, it would still accord with Policy Objective PHP18 of the County Plan and the requirements of Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, 2024 .

8.4. Permitted SHD Scheme

- 8.4.1. Permission was granted under ABP-311287-21 under the now revoked Strategic Housing Development (SHD) legislation, introduced under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Permission was granted by An Commission Pleanála (previously An Bord Pleanála on the 20th December 2021 for a period of 5 years. Notwithstanding the on-going legal proceeding the permission granted remains extant.
- 8.4.2. Permission was granted for the demolition of No. 97A Highfield Park, Frankfort Lodge and extensions to Frankfort Castle and the construction of a residential scheme comprising 115 no. units arranged in 4 no. blocks (Block A, B, C and D).
- 8.4.3. Block A is to be located to the front (southeast) of Frankfort Castle at the site's boundary with Frankfort Court and Old Frankfort. This block is rectangular in shape and would accommodate 35 no. apartments and an 80sqm creche. It is 4 storey's (14m) in height over a double basement. There is a minimum separation distance of 11m from the side elevation of Block A and the front building line of the single storey annexed building of Block D (Frankfort Castle) to the west. The top level of Block A is set back and finished in a zinc cladding. The lower levels are finished in brick.
- 8.4.4. Block B is to be located to the rear (west) of Frankfort Castle at the site's western boundary with the Luas line and accommodate 54 no. units. It has a staggered building

line with the southern portion of the block siting directly behind Frankfort Castle. It ranges in height from 3 – 5 storeys (9.5m – 16.1m) with the highest element located in the centre of the block, behind Frankfort Castle. The tallest elements of Block B are c. 5m higher than Frankfort Castle. The southern portion of Block B is located c. 10m from the rear elevation of Block D. The blocks are separated by an internal access road.

- 8.4.5. Block C is located to the north (side) of Frankfort Castle along the site's northern boundary which is formed with the rear garden of properties on Highfield Park. It is rectangular in shape, accommodates 22 no. units and is 3-storeys in height (9.9m). The western portion of Block C is located c. 8m from the side (northern) elevation of Frankfort Castle. There is also a maximum 12m, separation distance between the eastern elevation of Block B and the western elevation of Block C.
- 8.4.6. Block D comprises the refurbishment of the existing 2 storey Frankfort Castle building to accommodate for 4 no. apartments and a 103.6sqm residential amenity area at the ground floor level.
- 8.4.7. The main vehicular access is provided via a new access on Old Frankfort with emergency access only proposed via Frankfort Court. The permission also included 67 no. car parking spaces to be provided at basement level, which includes 2 no. car sharing spaces and an additional 10 no. spaces are provided at surface level.
- 8.4.8. An Coimisiun Pleanála, previously An Bord Pleanála at the time of assessment, granted planning permission on the 20th December 2021 subject to 25 no. conditions. Condition no. 2 of the grant of permission sought a number of amendments to the scheme which included the relocation of the creche facility from the rear of Block A to the northeastern corner of the ground floor of Block A, in lieu of the proposed 2-bed (84.1sqm) apartment (BA.007) and that the bicycle storage area at the ground floor of Block A be extended into the vacant creche unit. The condition also required the inclusion of high level windows to a number of units within block B.
- 8.4.9. On foot of condition no. 2 of ABP-311287-21 the applicant is now seeking an amendment which addresses the issue of Condition no.2 and also seeks to reduce the overall scale of the development in terms of unit numbers and massing.

8.5. Proposed Layout and Design Amendments.

- 8.5.1. The amendments as proposed are seeking to omit 14 no. of the units permitted under the parent application which will in turn reduce the overall massing and deal with the requirements of Condition no. 2 of the parent application. I have set out the exact wording of Condition no. 2 under Section 5.1 of my report above.
- 8.5.2. I note that no amendments are proposed to block D, which pertains to the existing Frankford Castle building and will accommodate 4 no. apartments and a 103.6sqm residential amenity at ground floor level.

Amendments to Block A

- 8.5.3. The proposed amendments to the ground floor of Block A include for the relocation of the creche facility to the north-eastern corner of the block replacing a 2-bed apartment unit (unit Ba.007). The original location of the creche now comprises an extension to the permitted cycle store area and a 1 bed apartment unit (unit no. BA 003). This amendment was required by condition no. 2 (e) and 2 (f) of the parent permission.
- 8.5.4. Condition No. 2(f) required that the bicycle storage area at the ground floor of Block A be extended into the vacant creche unit. The application has extended this area and also provide for a 1 bed unit. While I note that condition 2(f) did not require an additional residential unit at the vacant position of the creche, I do consider it to be acceptable as it would not reduce the cycle parking provision below that required or impact on the overall scheme or amenities of the surrounding area given its ground floor position.
- 8.5.5. At second floor level the western gable wall has been set in c.8.255m through the omission of a two-bed unit (unit BA 019) and the reconfiguration of unit BA018 from a 2-bed unit in the permitted scheme to a one bed unit (now unit BA.026).
- 8.5.6. At third floor level the western gable has been set in c.9.6m and the eastern gable has been set in c.5.5m. The 3rd floor plate now provides for 7 no. apartment units (3 no. 1-bed units and 4 no. 2-bed units) as opposed to 8 no. apartment units (6 no. 2-bed units and 2 no. 1-bed units) in the permitted scheme.
- 8.5.7. All elevations have been amended through the reconfiguration of the fenestration layout on foot of the reduction in the unit numbers. In addition, balconies have been

repositioned and are now inset to the facades as opposed to projecting beyond the elevation. The footprint of Block A on site has remained unchanged.

- 8.5.8. I consider that the amendments to block A are acceptable and will provide for increased separation distances to the existing dwellings located to the south within Frankfort Court. I am also of the opinion that the inset balconies will not only be more visually appealing in terms of elevational treatment but will also provide for a better level of amenity for future potential residents.
- 8.5.9. The relocation of the creche facility allow for compliance with Condition no. 2 (e) and 2 (f). I further consider that the repositioned creche to the front of Block A allows for ease of access to the facility from the wider population and will create a more active street frontage at the entrance to development.

Amendments to Block B

- 8.5.10. The proposed amendments include for the omission of the entire 4th floor plate of Block B which will lead to the loss of 4 no. 2 bed units and 4 no. 1 bed units. As such, the overall height has reduced to 3 storeys with a maximum ridge level of c.13.25m reducing to c.9.45m at second floor level and c.6.3m at first floor level again at the south-east corner.
- 8.5.11. In addition, the block has been set in c.5.2m at third floor level along the southern elevation and c.3.5m at second floor level which has created a stepped effect at the southern elevation of the building. It is proposed to introduce planting on the set back at second floor level. In addition, the amendments have resulted in the omission of any window opes being situated on the southern elevation of Block B.
- 8.5.12. The amendments also provide for the recessing of 3 No. balconies at the western elevation of the third-floor level of Block B which previously projected beyond the elevation of the block. The amendment have result in an increased separation distance from Block B to the southern elevation of the site which is shared with the rear amenity space serving units 11-14 Frankfort Court and the omission of the widow opes has addresses previous concerns raised regarding overlooking.
- 8.5.13. Again, I consider that the reduction in scale together with the setbacks have improved the overall scale and massing of the block which in turn will reduce previous impacts to the residential amenity of Frankfort Cout to the south and Highfield Park in terms of

overbearance and overlooking. I will discuss this further in section 8.6 of my report below.

Amendments to Block C

- 8.5.14. The proposed amendments include for the set back of the northern elevation of the second floor level of Block C which results in the omission of 2 no. balconies. The roof profiling of the northern elevation had been amended to provide for a sloping roof which adds for some level of visual interest.
- 8.5.15. I consider these amendments to be minor but also to improve the perceived impact upon the residential amenity of the dwelling situated at 103-113 Highfield Park.

Conclusion

- 8.5.16. Appellants to this appeal consider that the amendments proposed do not go far enough to overcome the concerns raised as part of the original assessment of the parent permission under ABP-311287-21 and that further set backs together with an adequate level of screening is required.
- 8.5.17. Overall, the proposed amendments do not represent an intensification of the development of the appeal site as set out by some appellants but will in turn reduce the quantum of development already permitted. I consider that the proposed amendments provide for an overall reduction in the massing of the permitted scheme which in turn will have a positive impact on protecting existing levels of residential amenities enjoyed by adjoining residents. I have addressed this further under section 8.6 of my report below.

8.6. Impact on Amenity

- 8.6.1. Concerns have been raised that the proposed amendments will give rise to a significant negative impact upon the current level of residential amenity enjoyed at this location with regard to overlooking, overshadowing, overbearance and increased levels of noise.
- 8.6.2. Block A is situated at the southeastern corner of the site where the nearest existing residential units are nos. 1-4 Frankfort Court, with no. 1 Frankfort Court being closest. Block A has been set c.5m from the southern boundary of the subject site. The closest apartment unit at third floor level (unit no. A2N) to no. 1 Frankfort Court provides for a

separation distance of c.19m. At second floor level a separation distance of c.17m is achieved, which at first floor level, the closest opening serving a habitable room is set c.16m from the side elevation of no. 1 Frankfort close.

- 8.6.3. SPPR 1 of the Compact Settlements Guidelines 2024 states that separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. It is further stated that separation distances below 16 meters may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. This SPPR relates to directly opposing window openings and I note that in this instance there are no openings proposed on the southern or western elevations of Block A that directly oppose any openings serving existing dwellings within Frankfort Court.
- 8.6.4. Therefore, I consider that having regard to the amendments being proposed to Block A in terms of the recess proposed at 2nd and 3rd floor and the elevations amendments including the recessed balconies, the separation distance maintained and the set back from the southern boundary, that the proposed amendments to Block A will not negatively impact on the current level of amenities enjoyed in terms of overlooking or overbearance. Furthermore, having regard to the orientation of the subject site relative to the path of the sun and the separation distance maintained I do not consider that Block A will give rise to undue issue of overshadowing.
- 8.6.5. Block B is situated on the western section of the site. The block's southern elevation is set off the southern boundary of the site which is shared with the private amenity space serving nos. 11-14 Frankfort Court. The amendments to Block B include for setbacks along the southern elevation at 2nd and 3rd floor and the omission of the permitted 4th floor. As such the 3rd floor has been set c. 24m from the rear elevation of the opposing dwellings, the 2nd floor has been set back c.20m, while the 1st floor level is set c.16.9m from the rear elevation of the opposing dwellings to the south. Furthermore, there are no window openings proposed along the southern elevation of this block.
- 8.6.6. I therefore consider having regard to the separation distances proposed, the stepped nature of block B along its southern elevation and the lack of openings proposed also along

the southern elevation that the proposed amendments to this block will not give rise to any undue levels of overbearance or overlooking of units 11-14 Frankfort Court. Furthermore, issues of overshadowing are not anticipated again having regard to the orientation of the site relative to the path of the sun.

- 8.6.7. The western elevation of block B mainly addresses the Luas Line but also addresses slightly the private amenity space associated with 97B Highfield Park. The northern elevation of Block B is also addresses the private amenity space serving no. 99 -103 Highfield Park.
- 8.6.8. Block B has been provided with a separation distance ranging from c.23m to c.28m to the rear elevation of no. 99-101 Highfield Park which increases to c.30m to no. 103 Highfield Park. As such, I do not consider that Block B will impede upon the current level of amenities enjoyed by the residents of these dwellings. There are window openings proposed on the northern elevation of Block B they have been reduced from what was previously granted under the extant permission on same. While I note that there are balconies proposed on the eastern elevation which are set c.8.2m from the northern boundary of the site, they have been provided with privacy screens which I consider will overcome any issues of overlooking or perceived overlooking.
- 8.6.9. As stated in my report above, section 8.6.3, the Compact Guidelines note that in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces, separation distances below 16 meters may be considered acceptable.
- 8.6.10. At its closest point, Block B is situated c.7m from the shared boundary with 97B Highfield Park. This area of 97B Highfield Park forms part of the private amenity space and I note from undertaking a site visit that this boundary is heavily planted on the western side with a large number of mature trees and hedging which indicates that this space is not utilized on a daily basis. Furthermore, the omission of the 4th floor plate of Block B as permitted under the extant parent permission is considered as a significant improvement on the impact on the current level of amenities enjoyed. In addition, there are no directly opposing windows on the rear elevation of 97B Highfield Park that are directly overlooked.

- 8.6.11. Overall, I consider that the proposed amendments to Block B will reduce the impact on the dwellings situated within Highfield Park from that caused by the parent extant permission.
- 8.6.12. With regards to block C, the amendments include for the set back of the third floor which has in turn increased the separation distance between this block and the shared boundary with the rear amenity spaces serving dwellings within Highfield Park. There are no window opes proposed on the principle northern elevation of the block. There are window opes serving bedrooms which are set back c.4m from the principle northern elevation of the block and are provided with a separation distance in excess of 30m from the rear elevation of the dwelling situated in Highfield Park.
- 8.6.13. Therefore, I do not anticipate that the amendments to this block will give rise to any undue issues of overlooking or overbearance on the opposing dwellings. Furthermore, I note that there is no proposed amendment to the permitted height of this block and as such there will be no additional impact.

Unit MX

- 8.6.14. The omission of the 14 no. units has led to a change in the overall unit mix now being provided on site. The proposed amended development will now provide for 44 no. 1 bed units and 70 no 2 bed units equating to 44% 1 beds and 56% 2 beds. The permitted scheme on site provided for 45 1 bed units (39%) and 70 no. 2 bed units (61%).
- 8.6.15. The previously permitted unit mix represented a material contravention of the previous County Development Plan. However, the Board (at the time of assessment) considered it to be consistent with the standards of the Apartment Guidelines, 2020.
- 8.6.16. Table 12.1 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 sets out the Apartment Mix Requirements for apartment developments. For developments situated in Existing Built-up areas for scheme of 50+ units it states that Developments may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios.
- 8.6.17. SPPR 1 of the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025 states that *“there shall be no restrictions within statutory plans in relation to the mix of unit sizes or types to be provided within apartment developments.*

There shall be no minimum or maximum requirements for apartments with a certain number of bedrooms.” I note that the County Plan is currently in the process of being varied to incorporate the requirements of these updated.

- 8.6.18. I note that the unit mix proposed does not achieve the dwelling mix as per the requirement of Table 12.1 of the Dun Laoghaire Rathdown County Development Plan 2022-2028. This is an amendment application to a permitted scheme where the unit mix also represented a material contravention of the unit mix requirements of the Dun Laoghaire Rathdown County Development Plan 2016-2022. I consider that the unit mix proposed to be acceptable having regard to the extant permission on site and the provisions of the guidelines.
- 8.6.19. In this context, this amendment does not itself give rise to a material contravention of the development plan and I note that the Planning Authority granted permission in this instance. Should the Commission determine this to be a material contravention, noting the decision of the Planning Authority, a grant of permission would be permissible in under Section 37(2)(A) of the Planning and Development Act, 2000 (as amended).

Conclusion

- 8.6.20. Overall, the proposed amendment represents a reduction in the unit numbers, scale and massing of the permitted residential development under ABP-311287-21. I consider that the amendments proposed will in turn reduce the overall impact the development would have upon the current level of both visual and residential amenity enjoyed in the surrounding areas.

8.7. Legal Interest

- 8.7.1. The site layout plan submitted as part of the amendment application includes for 2 no. future possible pedestrian connections to the surrounding residential areas. One no. connection is situated along the north-western boundary leading to Highfield Park and one on the southern boundary to Frankfort Court.
- 8.7.2. Concern has been raised over the inclusion of these 2 no. pedestrian/cycle connections from the proposed development and it is stated that the applicant does not have control over these adjoining lands to deliver such. It is further contended that the proposed development includes works on land within the control and ownership of

Frankfort Court Management Company and that the red line boundary extends to lands not within the control of the application.

- 8.7.3. I note that there are a number of objectives set out within Dun Laoghaire Rathdown County Development Plan 2022-2028 which seek to promote the inclusion of high-quality active travel links within the county in an effort to promote more sustainable modes of travel. I note specifically Policy T11: Walking and Cycling of the County Plan seeks to ensure that the design and layout of new developments enable, facilitates and encourages the use of sustainable travel modes through the provision of inclusive walking and cycling network across the County.
- 8.7.4. These 2 no. possible connections were included on the previously permitted layout submitted as part of the parent application, ABP-311287-21. I consider that the inclusion of such connection complies with Policy T11 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and will promote active travel modes of transport. However, I note that they have been indicated as being 'potential' on the Site Layout Plan Drawing submitted (DWG no. 19012A-OMP-00-ST-DR-A-1000) and therefore will only be feasible if legal interest is obtained. They do not form part of the development description to which my assessment relates.
- 8.7.5. The applicant has acknowledged within their response to the 3rd Party Appeals received that Frankfort Court sits outside their ownership and that a pedestrian path can therefore not be provided at this location as it would rely on consent from the legal land owner. The applicant further states with regard to the potential connection indicated to Highfield Park that the northernmost portion of this laneway is in private ownership, and therefore the proposed pedestrian link is dependent on elements outside the Applicant's control. However, they state that they would be happy to accept a condition of permission which omits this pedestrian link.
- 8.7.6. While concerns were raised with requirements for agreement for connection to services in Frankfort Court the amended wastewater treatment route now no longer relies on connection to such. This is discussed further in section 8.8 of my report below.
- 8.7.7. With regard to the numerous concerns raised over the red line boundary and the legal interest of the application, I note that section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately

matters for resolution in the Courts. Furthermore, Section 34(13) of the Planning and Development Act 2000, (as amended), states that a person shall not be entitled solely by reason of a permission to carry out any development.

8.7.8. Therefore, I consider that the disputes between the parties in relation to land ownership or rights of way are ultimately civil / legal issues that would be dealt with more appropriately outside of the planning process.

8.8. Connection to services

8.8.1. The parent permission, ABP-311287-21, included an onsite foul pumping station, from which all foul effluent was to be pumped to a stand-off manhole outside the development boundary and then discharge by gravity into the existing 225mm diameter uPVC foul sewer located in Frankfort Court.

8.8.2. The amendments subject to this application now propose to re-configure the foul drainage strategy to provide for a new gravity connection from the development to the existing 300mm combined sewer situated to the east of the site therefore no longer requiring reliance on the sewer within Frankfort Court. A revised Pre-Connection Enquiry was submitted to Uisce Éireann on the 12th of February 2025, reflecting the proposed reduction in residential unit numbers and the proposed changes to the development's foul drainage outfall, and a new Confirmation of Feasibility was received from Uisce Éireann on the 5th of June 2025.

8.8.3. It is contended by appellants that no details have been provided as to the amendments proposed to the wastewater connection. I note that the application has been accompanied by a suite of engineering drawings and documents which provide details of the proposed amendments to the drainage system and that this was considered to be acceptable to the Water Services Section of the Planning Authority.

8.8.4. Drawing no. H081A-CSC-XX-XX-DR-C-0110 Proposed SuDS Layout & Drainage Areas clearly indicates that the wastewater and surface water drainage no longer relies on a connection to any adjoining residential estates.

8.8.5. With regard to surface water, the applicant is proposing to omit a 23m² bioretention area which was previously situated immediately to the east of Block A. The applicant states that this amendment was required to allow for compliance with Condition no. 2(e) which required the relocation of the crèche and the inclusion of this area of open

space to serve as outdoor play space. In addition, it is also proposed to provide for a below-ground water tank at the southern boundary of the site which forms part of the development's sprinkler system and is therefore not connected to the proposed surface water drainage network.

- 8.8.6. The Water Services section of the Planning Authority raised concern over the surface water proposal with regard to omission of this bioretention area and the implications it will have upon the proposed surface water outfall arrangement. It was also requested that the applicant submit calculations demonstrating the percentage coverage of green roof area noting that the minimum coverage requirement is 60% and clarify the exact location of the below-ground water tank at the southern boundary of the site.
- 8.8.7. In response the applicant clearly addressed all issues raised and the response was deemed acceptable to the Planning Authorities Water Service Sections. I accept that the changes made are acceptable and concerns raised with regard to such are therefore not warranted.

8.9. **Traffic Issues**

- 8.9.1. A number of concerns have been raised by appellants to this appeal with regard to the access arrangement to serve the site, the reliance on an outdated Traffic and Transport Assessment, the internal road layout and the car parking quantum.
- 8.9.2. As noted above under Section 8.2 of my report above, having regard to Section 34(3C) of the Planning and Development Act 2000 (as amended) my assessment is confined to that of the amendments as described within the statutory notices associate with the subject application. No work or amendments are proposed to entrance to the subject site which has already been assessed as part of the parent permission which remains to be an extant permission. Therefore, my assessment will relate solely to the amendments to the internal road layout and also the car parking quantum.

Internal Layout

- 8.9.3. The amendments to the internal road layout arises on foot of condition no. 2 associated with the parent permission ABP-311287-21. Condition no. 2(a) required the omission of the 4.2m-wide internal carriageway around Block D and the central site area. From assessment of the amended site layout submitted I note that this carriageway has now been omitted as indicated in the amended site layout plan submitted.

- 8.9.4. Condition 2(b) of the parent permission required the removal of the 4 no. surface-level disabled parking spaces along the southern boundary, and provision of an additional 2no. disabled spaces adjacent to Block A. The disabled car parking spaces previously situated to the south of Block A have now been omitted and the site layout plan submitted, in response to the further information request, indicates the provision of 3 no. disabled parking bays to the north of the entrance route directly opposing Block A.
- 8.9.5. Condition 2(d) required the revision of the pedestrian access ramp to the entrance of Block A so that it provides efficient access to Block A and does not cause an obstruction to the footpath provided immediately adjacent to Block A. This access has been revised and there is no obstruction caused and this is evident on amended plans submitted.
- 8.9.6. The Transportation Section of the Planning Authority raised some concern over the amendments to the internal layout and consider that the proposal would not comply with the requirements of Condition no. 2. While a request for further information included some of the concerns raised, the Planning Officer noted that other concerns raised by the Transportation Section related to matters already determined under the assessment of the parent permission. This related to the length of the internal carriageway which was also raised as a concern by an appellant to this appeal.
- 8.9.7. I note that no amendment has been made to the entrance carriageway and it remains as permitted under the parent application. The applicant responded to the request for further information and the second report from the Transportation Section notes that the amendments now comply with the requirements of Condition no. 2 and that they have no objection to the proposed development subject to the additional conditions being included.
- 8.9.8. Overall, I consider that the internal modifications to the road layout are minor in nature and are required on foot of the inclusion of condition no. 2 of the parent extant permission (ABP-311287-21).

Car Parking

- 8.9.9. The applicant has reduced the overall car parking quantum to be provided, and it is now proposed to provide for a total of 72 No. spaces to serve the proposed 101 no. apartment units which would equate to a ratio of 0.71 spaces per unit. The Dun

Laoghaire Rathdown County Development Plan sets out the parking requirements for development within Section 12.4 and the Table 12.5..

- 8.9.10. Appellants to this appeal consider that there is no justification for the reduced parking provision and that it will result in overflow parking being undertaken within the surrounding residential areas. It is further contended that the Luas cannot be relied upon as it is operating to capacity. I note that no evidence with regard to the capacity level of LUAS has been provided.
- 8.9.11. The car parking provision as permitted under the parent permission yielded a ratio of 0.67 no. spaces per unit . This represented a material contravention of the previous parking requirements as per the Dun Laoghaire Rath Down County Development Plan 2016 – 2022. However, the current County Plan, being the 2022-2028 provides for amended parking requirements.
- 8.9.12. The County Development Plan provides for 3 no. parking zones under Section 12.4.5.1. Parking zone no. 2 includes areas, which are within 10-minute walk of Dart and Luas stations. Given the proximity to Dundrum Luas Station, it is considered Zone 2 is applicable to the subject site. Table 12.5 of the County Plan set out that 1 no. parking space is required for 1 and 2 bed houses and apartments and 2 no. parking spaces for 3 bed or more houses are required. In addition, it requires 1 space per 60sq.m of childcare floorspace.
- 8.9.13. Therefore, the proposed development would generate a requirement for 101 spaces to serve the residential proportion of the development and a further 2 spaces to serve the crèche. While I note the proposal is seeking to reduce the car parking provision, given that it also entails reducing the apartment numbers, there is in fact an increased level of provision from that previously permitted on the site.
- 8.9.14. While the provision of 72 No car parking spaces falls below the standards required, I note that section 12.4.5.2 of the County Development Plan states that in certain instances, in Zones 1 and 2, that the Planning Authority may allow a deviation from the maximum or standard number of car parking spaces specified in Table 12.5. and that the level of parking permitted and the acceptability of proposals, will be decided at the discretion of the Planning Authority, having regard to certain criteria. This includes the proximity of the site to public transport services and level of service and

interchange available; Walking and cycling accessibility/permeability and any improvement to same to name a few.

- 8.9.15. I would note, as set out above, the appeal site is situated c. 900m which would equate to a 13 minute walk time to the Dundrum Luas Stop and there are a number of Dublin Bus Routes operating in the Dundrum Road (R117) with the closet stop being situated c.90m from the entrance to the appeal site. Therefore, I consider having regard to the proximity of the appeal site to a number of public transport options that that a deviation from the standard number of car parking spaces specified in Table 12.5 of the County plan can therefore be justified.
- 8.9.16. Furthermore, SPPR 3 of the Compact Settlement Guidelines, 2024, notes that for the urban neighbourhoods of the five cities, car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.
- 8.9.17. The car parking provision of the parent permission was identified as a material contravention of the previous 2016 County Development Plan. The amendments to the extant permission do not in themselves result in a material contravention of the current development plan standards as the current provides for flexibility in the application of parking standards under section 12.4.5.2 of the current plan.
- 8.9.18. Therefore, it is concluded that the proposed development does not constitute a material contravention of the development plan in relation to car parking. Noting the decision of the planning authority to grant permission, should the Commission determine that a material contravention arises, a decision to grant permission would be permissible under s.37(2)(a).

8.10. **Other Issues**

8.10.1. Access and Road Safety

This concern, which has been raised by all 3rd Party Appellants to this appeal, relates to the suitability and safety of the use of the bridge which links the appeal site, Old Frankfort and Frankfort Court to the Dundrum Road (R117). It is contended that a survey report together with an updated Traffic and Transportation Assessment is required.

This LRD is not seeking to amend the access permitted to serve the permitted development and as such I consider these concerns to be outside the scope of my assessment and have already been considered under the assessment of ABP-311287-21 being the parent permission. Furthermore, I note that the proposed amendment would result in a reduced number of units on the site and a commensurate reduction in trips to and from the site.

8.10.2. Out-dated Reports

All 3rd party appellants contend that all reports prepared in conjunction with the parent SHD legislation are now 5 year old and out of date and can therefore be relied upon in the assessment of this application. It is argued that the TTA submitted with the SHD was undertaken during COVID and is not a true representation of traffic impacts and numbers today.

Again, with reference to Section 8.2 of my assessment above I note that the scope of my assessment of this application is limited to the statutory notices associated with such which is seeking an amendment to the permitted scheme as per ABP-311287-21. I would draw the Commissions attention to the parent application which remains an extant permission that could be implemented at any time.

8.10.3. Tree Removal

Appellants to this appeal consider that the proposed level of tree removal would represent a material contravention to the County Development Plan. Reference is not made to any specific objective of the current plan.

The applicant is not proposing to remove any further trees from the subject site than has already been indicated within the parent permission and as such I consider that this issue has previously been assessed under the ABP-311287-21. Furthermore, the quantum of tree loss required was not identified as a Material Contravention under the previous assessment of the scheme.

8.10.4. EIA Screening

I noted that an EIA Screening Schedule 7A assessment was submitted as part of the parent application which was assessed in detail as part of the assessment of ABP-311287-21. I have undertaken a further EIA Screening which has been set out within Section 9.0 and appendix 1 and appendix 2 of my report.

I do not consider that the EIA Screening Schedule 7A assessment submitted previously is required to be updated and resubmitted as part of this amendment application.

8.10.5. Impact on Property Value

I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, and the extant permission pertaining to the appeal site, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

I would further note no evidence in support of this claim has been provided as part of any 3rd party appeal received.

8.11. Planning Conditions

8.11.1. The Planning Authority granted permission subject to 23 no. conditions on the 18th December 2025. I have set out below details of each condition and provided an examination of whether they should be included by the Commission in the event that the decision of the Planning Authority is upheld and permission is granted

Condition no.	Details
1	Standard condition. I consider this condition to be acceptable to be retained.
2	Tying the development to the conditions of the Parent SHD Permission Ref. ABP-311287-21. I consider this condition to be acceptable to be retained.
3	Transport Condition – requiring revised drawings for agreement demonstrating continuous, safe durable sealed surface to enable access to the bike and bin stores within Block A.

	<p>I consider having regard to the comments of the Transportation Section of the Planning Authority that this condition is required and should therefore be retained.</p>
4	<p>Requires:</p> <ul style="list-style-type: none"> (a) Demolition and/or Construction Method Statement which - resolves all Luas interface issues and deals with any impacts to the Luas. (b) ensure there is no adverse impact on Luas operation and safety. The development shall comply with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system. <p>Given the proximity of the western boundary to the LUAS Line I consider this condition should be retained</p>
5	<p>Prevent any construction spillage.</p> <p>I considered this to be a standard condition and should be retained.</p>
6	<p>Submit to the Planning Authority for its written agreement,</p> <ul style="list-style-type: none"> a) a complete Engineering Services Report, to include the referenced appendix C, and a demonstration that there is no flood in the site for the 1 in 100 year event plus the 20% climate change allowance b) drainage-related conditions and obligations of the parent planning permission ABP Ref. 311287-21 and as set out in the Drainage Planning Report dated 26th January 2022 shall apply. <p>On foot of the report from the drainage department, I consider this condition to be acceptable and should therefore be retained.</p>
7	<p>implement the measures detailed within the submitted Outline Construction Management Plan (OCMP) dated 03/08/2021 & submit a site-specific Construction Management Plan (CMP).</p>

	I considered this has already been captured under condition no. 2 above and therefore is not required.
8	Implement the measures detailed within the submitted Construction & Demolition Waste Management Plan submitted as part of the SHD dated 03/08/2021 and submit a site-specific Resource & Waste Management Plan. I considered this has already been captured under condition no. 2 above and therefore is not required.
9	Public Liaison Plan for the duration of the work. I considered this has already been captured under condition no. 2 above and therefore is not required.
10	Requires all payment of all Financial Contributions on foot of ABP Ref. 311287-21. I considered this has already been captured under condition no. 2 above and therefore is not required.

8.11.2. I note that this appeal relates to a permission to amend a development which was permitted under ABP-311287-21. Permission was granted under ABP-311287-21 for a residential development on the 20th December 2021 for a period of 5 years from that date.

8.11.3. I consider that a condition should be attached to tie the lifetime of this permission to that of the permitted SHD Application as per ABP-311287-21.

9.0 EIA Screening

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply.

I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

10.0 AA Screening

10.1. See Appendix 3 of this report for Appropriate Assessment Screening Determination. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the South Dublin Bay SAC (stie Code 000210), the South Dublin Bay and River Tolka Estuary SPA (site code SPA 004024) or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

10.2. This determination is based on:

- The assessment previously undertaken as part of ABP-311287-21.
- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- Taking into account screening determination by LPA

10.3. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

11.0 Water Framework Directive

11.1. The subject site is situated Frankfort Castle, Dublin 14. The River Slang is situated at the entrance to the appeal site and runs in a northern direction where it meets the Dodder River. The Rive Sing has a moderate status under the EFD 2019-2024

11.2. The proposed development comprises of amendments to a permitted scheme which includes for a reduction in unit numbers and an amended foul drainage layout, with foul water drainage connection now proposed to the east at Dundrum Road (R117). The site is situated subline ground water area which has a good status.

11.3. 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. 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.

11.4. The reason for this conclusion is as follows:

- Nature of works regard the scale;
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

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

12.0 Recommendation

12.1. Having regard to the foregoing, I recommend that permission is granted for the Large-Scale Residential Development (LRD) as proposed for the reasons and considerations set out below.

13.0 Reasons and Considerations

Having regard to the following:

- a) the location of the site on lands zoned for A – ‘Sustainable Residential Neighbourhoods’ within the Dun Laoghaire Rathdown County Development Plan 2022-2028
- b) the policies and objectives of the Dun Laoghaire Rathdown County Development Plan, and the Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES);
- c) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),

- d) Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2025),
- e) Urban Development and Building Heights Guidelines for Planning Authorities December (2018).
- f) The nature, scale and design of the proposed development comprising an amendment to a permitted development on the site,
- g) the existing pattern of development in the area,
- h) the availability of a wide range of physical, social and community, infrastructure and services in the area,
- i) The proximity of the site to transportation modes,
- j) the submissions received,

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, height and would be acceptable in terms of pedestrian safety and convenience, would provide for adequate active travel measure through the provision cycle and pedestrian infrastructure, can adequately be accommodated within the municipal wastewater network, and would not be detrimental to conservation objectives of the South Dublin Bay SAC (stie Code 000210), the South Dublin Bay and River Tolka Estuary SPA (site code SPA 004024) Natura 2000 sites or to the quality of receiving waters. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025, the Climate Action and Low Carbon Development (Amendment) Act 2021 and the Dun Laoghaire Rathdown County Development Plan 2022-2028.

14.0 Recommended Draft Order

Appeal: by Michael Morris, Patrick Leahy, Niall Byrne and Angharad Sweeney, Suzanne Hanlon, Heather Strong and Others, Aine Carroll and Others, Lorcan & Jennifer Grey, Bernie Eustace, and Micheal Gunning (all 3rd Party) against the decision made on the 18th day of December 2025 by Dun Laoghaire Rathdown County Council to grant permission to Pembroke Partnership Limited.

Proposed Development:

The development will consist of a large-scale residential development comprising amendments to a previously permitted Strategic Housing Development (ABP Ref. 311287-21) on lands of c. 0.9 hectares at No. 97A Highfield Park (D14P710), and No. 1 Frankfort Castle (D14 HY03), No. 2 Frankfort Castle (D14DE72) and Frankfort Lodge (D14C9P2), Old Frankfort, Dublin 14.

The proposed amendments will consist of:

1. The omission of 14 No. apartment units (consisting of the omission of 1 No. 1 bed unit and 13 No. 2 bed units). 1 No. 1 bed unit is proposed to be incorporated at ground floor level of Block A (adjoining space providing cycle storage and oversized storage provision), resulting in a net omission of 13 No. Units from the permitted scheme and the total provision of 101 No. Apartment units;
2. The omission of fourth floor level of Block B. Setbacks are proposed at the western elevation of second and third floor levels of Block A and at the southern and eastern elevations of the third floor level of Block A; at the southern elevation of second and third floor levels of Block B; and at the northern elevation of second floor level of Block C. The proposed development will include the recessing of 3 No. balconies at the western elevation of the third floor level of Block B;
3. The omission of the as permitted substation, plant and switch room from the southern boundary. A below ground water tank is now proposed at the southern boundary;
4. An amended foul drainage layout, with foul water drainage connection now proposed to the east at Dundrum Road (R117), and omission of the as permitted drainage connection to the southwest at Frankfort Court;
5. A decrease in car parking spaces from 73 No. (as permitted) to 72 No. spaces;
6. The proposed development will include the relocation of permitted creche and surface level car parking in accordance with Condition No. 2 of ABP Ref. 311287-21; and

7. All other associated works above and below ground, including landscaping, to serve the proposed development.

Decision

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

Matters Considered:

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

In coming to its decision the Commission has had regard to the following:

- a) The location of the site on lands zoned for Residential within the Dun Laoghaire Rathdown County Council 2022-2028 and the location of the subject site within the urban area of Dundrum.
- b) The provisions of the Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)
- c) the provisions of the Project Ireland 2040 National Planning Framework,
- d) the provisions of the Climate Action Plan (2025), and the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- e) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024),
- f) the provisions of the Urban Development and Building Height Guidelines for Planning Authorities (December 2018),
- g) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (July 2025),
- h) the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028 including the 'A - Residential' zoning for the site.

- i) The nature, scale and design of the proposed development comprising an amendment to a permitted development on the site,
- j) the documentation submitted with the planning application the first and third party grounds of appeal,
- k) the submissions and observations received on file including from the planning authority, prescribed bodies, and first and third parties,
- l) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,
- m) the planning history in the vicinity of the site, and,
- n) the report of the Planning Inspector.

Appropriate Assessment Screening

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report and found that the proposed development (alone) would not result in likely significant effects on the South Dublin Bay SAC (site Code 000210), the South Dublin Bay and River Tolka Estuary SPA (site code SPA 004024).

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

Environmental Impact Assessment Screening

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

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

- b) the location of the site on land zoned 'A –Residential' in Dun Laoghaire Rathdown County Council 2022-2028,
- c) the existing use of the site, the extant permission on site and the pattern of development in the vicinity,
- d) the availability of public water and foul services to serve the proposed development,
- e) the criteria set out in Schedule 7 of the Planning & Development Regulations, 2001 (as amended).

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

The Commission consider that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, height and would be acceptable in terms of pedestrian safety and convenience, would provide for adequate active travel measure through the provision cycle and pedestrian infrastructure, can adequately be accommodated within the municipal wastewater network, and would not be detrimental to conservation objectives of the South Dublin Bay SAC (Site Code SAC000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code SPA 004024) Natura 2000 sites or to the quality of receiving waters. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025, the Climate Action and Low Carbon Development (Amendment) Act 2021 and the Dun Laoghaire Rathdown County Council 2022-2028.

15.0 Conditions

1. The amendments to the development permitted under Ref. ABP-311287-21 shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with this application, as amended by Further Information received on 24th November 2025, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission [Register Reference ABP-3112287-21 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. Prior to commencement, the Applicant shall submit revised drawings and details which demonstrate the provision of a continuous, safe durable sealed surface to enable access to the bike and bin stores within Block A.

REASON: In the interest of public safety.

4. (a) Prior to commencement of development, a Demolition and/or Construction Method Statement shall be submitted for the written agreement of the planning authority subject to the written agreement of TII. The method statement shall resolve all Luas interface issues and shall (i) identify all Luas alignment interfaces, (ii) contain a risk assessment for works associated with the interfaces, and (iii) contain mitigation measures for unacceptably high risks, including vibration and settlement monitoring regime if necessary. The method statement shall be in accordance with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system.'

(b) The proposed development is located in close proximity to a Luas Line; the applicant should ensure there is no adverse impact on Luas operation and safety. The development shall comply with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system'.

REASON: In the interests of the proper planning and sustainable development of the area

5. All necessary measures shall be taken by the Applicant and Contractor to: prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works, repair any damage to the public road arising from carrying out the works, avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.
- REASON:** In the interest of public safety, visual and residential amenity.

6. (a) The applicant shall submit to the Planning Authority for its written agreement, a complete Engineering Services Report, to include the referenced appendix C, and a demonstration that there is no flood in the site for the 1 in 100-year event plus the 20% climate change allowance.
- (b) All drainage-related conditions and obligations of the parent planning permission ABP Ref. 311287-21 and as set out in the Drainage Planning Report dated 26th January 2022 shall apply.

REASON: In the interests of public health. Construction Management Plan

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

Kathy Tuck
Planning Inspector

20th March 2026

Appendix 1

EIA Pre-Screening

Case Reference	ABP-324032-25
Proposed Development Summary	Large Scale Residential Development which consists of the following: Amendments to permitted SHD REF : ABP 311287-21.
Development Address	Lands at 97A Highfield Park (D14P710), 1 Frankfort Castle & 2 Frankfort Castle Dublin 14
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.	State the Class here
EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input 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>S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.</p>

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

Case Reference	ABP-322649-25
Proposed Development Summary	Large Scale Residential Development which consists of the following: Amendments to permitted SHD REF : ABP 311287-21.
Development Address	Lands at 97A Highfield Park (D14P710), 1 Frankfort Castle & 2 Frankfort Castle Dublin 14
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 urban site is serviced and its size is not exceptional in the context of the prevailing plot size in the area.</p> <p>The proposed development comprises amendments to a permitted development.</p> <p>A short-term construction phase would be required, and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.</p> <p>The size and scale of the permitted development is much bigger in terms of height compared to surrounding development, but not significantly or exceptionally so. The subject development will result in a reduction in the scale of that permitted development.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and	The development is situated in an urban area and situated adjacent to existing residential properties and an areas of public open space which is not exceptional in the context of surrounding development.

<p>approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects. This amendment is seeking to reduce the scale of the parent permission.</p> <p>The permitted parent development was accompanied by a EIA Screening report and it was determined that EIA was not required.</p> <p>The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, which is seeking amendment to a permitted residential development, on serviced land, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p>Conclusion</p>	
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ Date: _____

Appendix 3

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the project in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at 97A Highfield Park (D14P710), 1 Frankfort Castle & 2 Frankfort Castle Dublin 14 and situated c. c.3.95km to the west of the South Dublin Bay SAC (stie Code 000210) and the South Dublin Bay and River Tolka Estuary SPA (site code SPA 004024). The Rockabill to Dalkey Island SAC is also situated c.10.749km to the east of the site.

The proposed development is seeking permission to amend a previously permitted residential scheme (ABP-311287-21) which permitted 115 no. apartments, creche and associated site works. The amendments proposed include a reduction in the previously permitted development by omitting 14 no. apartment units; the provision of 1 no. 1 bed unit to be incorporated at ground floor level resulting in a net omission of 14 No. Units from the permitted scheme and the total provision of 101 No. Apartment units. A full description of the proposed amendment is set out in Section 2.0 of my report above. The amendments proposed will result in a reduction in the scale of the development permitted on site. The conclusion of the screening assessment undertaken for the parent permission concluded that that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any Natura 2000 sites.

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 assessment previously undertaken as part of ABP-311287-21.
- Nature of works and the limited scale of what is being proposed.
- The location of the site from nearest European site and lack of connections

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.