



An
Coimisiún
Pleanála

Inspector's Report ACP-324043-26

Development	Demolition of outbuildings, and construction of 252 residential units in two 5-8 storey blocks with childcare facilities, residential amenities and all associated site and infrastructural works.
Location	Site at Merrion, Chesterfield, Cross Avenue, Blackrock, Co. Dublin
Website	https://www.chesterfieldlrdplanning.com/
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	LRD25A/0637/WEB
Applicant(s)	Cairn Homes Properties Ltd.
Type of Application	Largescale Residential Development
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party against Decision
Appellant(s)	Catherine Greene James Sheehan Karin Crofton

Observer(s)	Ronan O'Dwyer Fergus O'Brien Adele Greene
Date of Site Inspection	3 rd April, 22 nd April 2026
Inspector	Mary Kennelly

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1.0 Site Location and Description

- 1.1. The appeal site is located on lands at Merrion Townland, Chesterfield, Cross Avenue, Blackrock, Co. Dublin. It is a large infill site situated on the southern side of Cross Avenue between Merrion Avenue to the east and Booterstown Avenue to the west. The site is located c.1km from Booterstown Dart Station, c.1km from Blackrock Village and c.1.4km from Blackrock Dart Station. It is located c.1km from the N11 and is served by several high-frequency bus routes. The location of the site is primarily residential and is characterised by a mix of 2-storey detached and semi-detached houses, interspersed by several apartment schemes, ranging in height from 2-4 storeys.
- 1.2. The site forms part of the original landholding associated with Chesterfield House (a Protected Structure) and is accessed from Cross Avenue via an existing private road which serves the site and Chesterfield House. The lands to the immediate north comprise Chesterfield House and associated landscaped gardens including a 'Summer House' and various outbuildings. To the north of the Chesterfield House plot is another large house, 'Renesca', with an additional house under construction, both of which have frontage to Cross Avenue. The site is bounded by residential development on all sides including Cross Avenue and Redwood Grove to the north, Southwood Park and Glenvar Park to the east, Clonfadda Wood to the south and Cherbury Court/Gardens and Booterstown Park to the west.
- 1.3. The stated site area is 2.77ha (gross), and 2.52ha (net, excluding the internal access road). The appeal site is primarily greenfield in nature, comprising disused grasslands and disused outbuildings. The site features established mature treelines and woodland along the western, southern and eastern boundaries, and the remains of an ornamental pond set within the northern wooded area. There is a level change within the site of approx. 6.4m. from south to north.
- 1.4. The access route and entrance from Cross Avenue are included in the red-line boundary, as well as part of Cross Avenue itself due to proposed infrastructure works.

2.0 Proposed Development

- 2.1.** The proposed development comprises the demolition of two existing outbuildings, and the construction of 252 residential units, a childcare facility, internal roads, pedestrian and cycle paths, open spaces, and all associated site and infrastructural works.
- 2.2.** The residential units comprise of 236 apartments across two blocks ranging in height from 5-8 storeys over basement and 16 no. 5-bedroomed terraced houses along the southern boundary. The houses are 3-storeys in height and are arranged in a single terrace with the existing treeline maintained to the south of the proposed dwellinghouses. The apartments are accommodated in two blocks, which are centrally located within the scheme, to the north of the terrace of houses. The taller sections of the apartment blocks (up to 8-storeys) are centrally located and the height tapers down to 5-storeys towards the eastern and western boundaries.
- 2.3.** The central communal open space is located between the two apartment blocks with two further communal open space courtyards enveloped within the C-shaped buildings. It is proposed to provide two main areas of public open space, the principal one of which adjoins the refurbished landscaped gardens associated with Chesterfield House and extends to the ornamental pond, which it is proposed to realign and enlarge as part of the landscaping features of the development. This area includes a substantial 'Natural Play Area' in the NE corner. The second public open space area is a continuation of the main POS at the north-eastern side of the site and includes a proposed woodland and orchard area with formal and informal active spaces.
- 2.4.** The proposed internal access road is located alongside the western boundary of the site and provides access to the underground car park at the NW corner of Block 1. Internal vehicular access is provided beyond this to the north of the proposed townhouses. Carparking for the proposed apartments is mainly located within the basements of each block. The townhouses would be provided with 2 parking spaces within each curtilage. Secure cycle parking is provided within the basements of the apartment blocks and rear access is provided for the townhouses.
- 2.5.** Residential amenities including a gym, yoga room, meeting room and resident's lounge, kitchen and bathroom facilities area provided for within each apartment

block. The residential amenity area overlooks the ornamental pond. A childcare facility with approx. 480sq.m is provided for with space for c.60 children and secure outdoor play areas. The childcare facility is located within Block 1 at ground floor level, at the south-western corner of the building.

- 2.6.** The proposed development includes proposals for the installation of infrastructure along Cross Avenue to facilitate connections to the municipal potable water supply at the junction of Cross Avenue and Booterstown Avenue and to the surface water sewer at the junction of Cross Avenue and Mount Merrion Avenue. The proposal includes all associated site and infrastructural works, including connections to existing infrastructure, foul and surface water drainage, hard and soft landscaping, boundary treatments, internal roads, cycle paths and footpaths. In addition, the proposal includes provision for bin and general-use stores, plant rooms, an ESB substation, public and communal open space, including children’s play areas and an ancillary play area for the childcare facility, public lighting, and utilities infrastructure.
- 2.7.** The following tables present a summary of the principal characteristics, features, and floor areas of the components of the proposed scheme, which are extrapolated from the application forms, and plans and particulars (LRD Design Statement, Schedule of Accommodation, Housing Quality Assessment).

Table 1: Key Statistics

Site Area	Total Area: 2.77ha Net Developable Area: 2.52ha
Floor Areas (gross floor spaces)	Total Floor Area: 26,250sqm Residential: c.25,770sqm Childcare facility: c.480sqm, play area c.130sqm Outbuildings (demolition): c.55.7sqm
Residential component	Total: 252 residential units Houses: 16 (6.35%) Apartments: 236 (93.65%)
Net Density	c.100dph (102dph if internal access road excluded)

Building Height	Houses: 3 storeys Apartments: 5-8 storeys
Dual Aspect	Houses: 16 (100%) Apartments: 236 (59%)
Open Space	Public: 4,210sqm (16.71%) Communal: 2,050sqm Private: gardens, terraces, balconies (various sqm)
Part V provision	Total: 25 units (c.10%) – site purchased between 01/09/15 and 31/07/21 => 10% Part V threshold Block 01: 4 no. 1-bed, 11no. 2-bed, 2no. 3-bed Block 02: 3 no. 1-bed, 5 no. 2-bed
Car Parking	Total: 261 spaces Residential: 259 spaces (houses: 32 spaces, apartments: 227 spaces) Other: 2 spaces (childcare and visitor)
Motorcycle Parking	10 spaces (apartments/creche)
Bicycle Parking	Total: 544 spaces <u>Long-stay</u> (Total 488) - Residential: 486 spaces apartments Creche: 2 spaces <u>Visitor/short-stay</u> (Total 56) - Houses: 4, apartments 49 Creche: 3 spaces

Table 2(a): Summary of Residential Unit Mix

Houses (16 units, 6.35% of the scheme)						
Unit Type	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Total	-	-	-	-	16	16
% of Total	-	-	-	-	100%	100%
Apartments (236 units, 93.65% of the scheme)						
Unit Type	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Total	43	137	56	-	-	236
% of Total	17.06%	54.37%	22.22%	-	-	100%
Overall Unit Mix as % of Total						
	1 bed	2 bed	3 bed	4 bed	5 bed	Total
	43	137	56	-	16	252
	17.06%	54.37%	22.22%	-	6.35%	100%

Table 2(b): Summary of Unit Types and Bedspaces

Unit Type Bed/P	1 bed/ 2P	2 bed/ 4P	3 bed/ 5P	5 bed/ 9P	Total
Houses	-	-	-	16	16
Triplexes/ Duplexes	-	-	6	-	6
Apartments	43	137	46	-	226
Unit Type Total	43	137	52	16	248
Total Bedspaces	86	548	260	144	1,038

- 2.8. The application includes a range of architectural, engineering and landscaping drawings, and is accompanied by a range of reports and supporting documentation (see full list in the applicant's Cover Letter, pgs. 3-7).

2.9. The supporting documentation accompanying the application (14/08/25) includes several ecological reports (including an Ecological Impact Assessment, a Bat Impact Assessment and an Appropriate Assessment Screening Report, an EIA Screening Report, several reports relating to climate action, an Archaeological Assessment, an Architectural Heritage Impact Assessment, a Landscape and Visual Impact Assessment and an Arboricultural Report. In response to a Further Information request (RFI) from the planning authority (see section 4.0 below for details), a further set of reports and revised drawings were submitted.

3.0 Planning Authority Opinion

3.1. It is indicated that a Pre-application Consultation Meeting (LRD Stage 1) under section 247 of the Planning and Development Act 2000, as amended (2000 Act) took place between the applicant and the planning authority on 6th August 2024.

3.2. It is further indicated that a Stage 2 LRD pre-application meeting, in accordance with section 32C of the 2000 Act, took place on 20th January 2025. The planning authority issued its LRD Opinion on 17th February 2025.

3.3. The Opinion indicates that the documentation, submitted under section 32B of the 2000 Act as part of the pre-application consultations, did constitute a reasonable basis for an application for permission for the proposed LRD (DLRCC Ref. PAC/LRD 2/009/24).

3.4. The Opinion also advised that a number of issues would need to be addressed and/or specific information should be addressed in any future LRD application.

These are grouped under the following headings (in summary):

- Density and Design
- Height and massing
- Materials and finishes
- Internal road network design, footpaths, pedestrian priority and pedestrian connectivity with adjoining developments
- Layout and elevational treatment of the townhouses
- Details of Cross Avenue Junction Layout to accord with P.A. specifications

- Privacy, separation distances and residential amenity
- Housing Quality Assessment
- Unit mix to comply with CDP requirements
- Bulky storage facilities
- Daylight/ Sunlight Access
- Carparking and bicycle parking provision/layout
- Childcare facility – capacity, size and form, drop-off facilities
- Relationship with Protected Structure, including CGIs to/from PS, rational for heights and details of uses and treatment of podium level
- Landscaping Design Statement/Plans including a report addressing issues raised by Parks and Landscape Dept., boundary treatments, planting specifications and tree protection.
- Open Space provision, layout and landscaping
- Arboricultural Report Assessment
- Report addressing the concerns of the Biodiversity Officer
- Report addressing concerns of Drainage Dept. including Surface Water Drainage proposals
- Public Lighting Report/layout.
- Details of Taking in Charge and management proposals
- Letter from Uisce Eireann re capacity of public infrastructure to serve the development
- Wind and Pedestrian Comfort Study
- Climate Action Report
- Environmental Impact Assessment Screening
- CEMP, including Construction Traffic Management Plan
- Phasing Plan for construction phase

- 3.5. The application, lodged with the planning authority on 14th August 2025, includes a Statement of Response from the applicant on the LRD Opinion which includes specific responses to the points of information requested by the planning authority.
- 3.6. For the clarity and convenience of the Commission, copies of the minutes of the pre-planning meetings and the planning authority's LRD Opinion are available on the case file.

4.0 Planning Authority Decision

4.1. Summary of Decision

- 4.1.1. The planning authority granted permission for the proposed development on 6th March 2025, subject to 32 conditions. This is a third-party appeal (four appellants) against the planning authority's decision to grant permission.
- 4.1.2. The majority of conditions attached to the grant of permission are standard in nature (construction, operational, technical, procedural, and financial).
- 4.1.3. Conditions of note or specific to the appeal include:
 - Cond. 2 Development to be completed in its entirety prior to first occupation or in accordance with an agreed phasing plan (7-year duration of permission).
 - Cond. 3 Revised rear elevation to townhouses, omitting Juliette balcony and replacing with a window to match the design of other windows.
 - Cond. 4 Childcare facility – available prior to first occupation, any changes in hours of operation of number of children – new planning application.
 - Cond. 6 Engage Ecologist to oversee implementation of mitigation measures
 - Cond. 7 Pre-construction surveys with regard to bats, mammals, ornithology and amphibians. If any species found, halt works and consult NPWS and P.A.
 - Cond. 8 Badger Conservation Management Plan
 - Cond. 9 Invasive Species Management Plan

- Conds. 10/11 - Ecology/Public Lighting Plan - with input from mammal and bat specialists. Upon completion, report stating satisfaction. Lighting Plan to ensure retained woodland area and attenuation pond is unlit and no light spill to wider area.
- Conds. 12/13 - Ecology – various requirements regarding planting for biodiversity enhancement, widening of the drainage ditch for development of the attenuation pond and for the submission of a Habitat and Species Management Plan.
- Cond. 14 Transportation matters including requirement for revisions involving a reduction of car parking provision to one space per dwelling unit (houses and apartments) and the provision of a continuous foot path and cycle route across the proposed entrance. Other requirements included the submission of a Travel Plan, implementation of the pedestrian connections to Cherbury Ct. and Clonfadda, Road Safety Audit, Electric Vehicle Charging points and quality bicycle stands.
- Cond. 15 Drainage matters including details of emergency overflow manhole for the pond, the proposals for the surface water sewer on Cross Avenue, updated calculations for attenuation and flow and restriction on pedestrian bridge to be above 1% AEP design level.
- Cond. 17 Landscape matters including engagement of Landscape Architect /consultant to oversee the Landscape Design and upon completion, verification of satisfactory completion of works.
- Conds. 18-21 Tree Protection measures during works and appointment of Arboricultural Consultant, specific duties for Arboriculturalist and no felling of trees without prior approval.
- Conds. 35/36 Security bonds for completion of services and tree bond, respectively.
- Conds. 37-40 Development Contributions for provision of Surface Water Infrastructure (€35,538.72), Transport Infrastructure (€533,153.28) and Community, Parks Facilities & Recreational Amenities (€2,985,638.88).

4.2. Planning Authority Reports – Planning Reports

Planner's Report - Initial Assessment

4.2.1. The Area Planner noted the planning history of the site and of the lands in the vicinity of the site as well as submissions received from the following: -

- Prescribed bodies – DHLGH, Environmental Health Office and Uisce Eireann
- Internal correspondence – Biodiversity, Building Control, Conservation, Drainage, Environmental Enforcement, Housing, Parks and Landscape, Public Lighting, Transportation
- Third party submissions

4.2.2. The planner's report includes an assessment of the proposed development under the following headed items:

- Principle of Development
- Demolition Works
- Climate Action
- Density
- Conservation/Protected Structure
- Residential Accommodation and Unit Mix
- Residential Standards
- Design and Layout
- Building Height and Massing
- Sunlight and Daylight Access
- Open Space Provision and Public Realm
- Childcare Facilities
- Sustainable Neighbourhood Structure
- Drainage
- Parking, Access and Transportation

- Public Lighting
- Noise
- Construction Management Plan
- Refuse Management
- Part V and Housing
- Taking In charge
- Archaeology
- Other Matters including references to legal precedent
- EIA Screening
- Screening for Appropriate Assessment
- Development Contributions

4.2.3. The planning authority concluded that the proposed development was acceptable in respect of most items listed above. In particular, the Area Planner was satisfied that the proposed development of this residential infill site is generally acceptable in terms of the requirements of the CDP and of national policy. It was noted that having regard to the planning history of the site and area, the principle of residential development has been established and a development of increased density and building height has been accepted in principle.

4.2.4. It was stated that the planning authority was satisfied that the site is capable of accommodating increased height given its location proximate to high frequency/capacity public transport and that the site is one of the few remaining sites in Blackrock capable of delivering residential development of this scale. It was considered that the proposed development had demonstrated that it would respond positively to its surrounding context, that the visual impact would be largely contained within the immediate surroundings of the site and that it would be consistent with the emerging pattern of development in the area.

4.2.5. The proposed development was assessed against the policies and objectives of the County Development Plan and it was considered that it would provide for a high standard of accommodation and amenity to serve future residents. Furthermore, it

was considered that it would not result in undue adverse impacts on the residential amenities of adjoining residential properties.

4.2.6. However, dissatisfaction was expressed with issues relating to biodiversity, access to daylight and sunlight, some elements of layout and design, some matters relating to transportation, cycle and car parking provision and some Arboricultural matters. The matters identified were recommended to be addressed either by way of condition or by means of a request for Further Information.

4.2.7. The initial assessment concluded with a recommendation that Further Information (FI) be requested from the applicant in relation to the following matters (in summary)

Further Information Request 7th October 2025

- Item 1. AA Screening – revised report addressing hydrological pathway between surface water run-off routed into the new surface/storm water sewer and South Dublin Bay SAC and South Dublin Bay & River Tolka SPA via the proposed new SW connection.
- Item 2. Ecological Impact Assessment – Additional details regarding
 - (a) Badger Conservation Plan and mitigation
 - (b) Temporary artificial pond for translocation of amphibians and
 - (c) Site evaluation regarding suitability for breeding bird habitats.
- Item 3. Daylight and Sunlight – Provide compensatory design measures.
- Item 4. Layout and Design Townhouses– Reconsider POS area to rear of townhouses; redesign carparking provision for townhouses (reduce to 1 space/unit) and provide for suitable bin stores and bikes stores.
- Item 5. Layout and Design Apartments – Address overlooking between balconies and internal living rooms and from Level 7 to duplexes at Level 5.
- Item 6. Play areas – provide the following additional details
 - (a) Dedicated area for older children
 - (b) Play area to North-East
 - (c) Play area between the two apartment blocks
 - (d) Screening for outdoor play area adj. to creche

- Item 7. Cycle parking – revised drawings showing omission of blind right-angle turn from bike store.
- Item 8. Car parking – provide further justification for parking provision and consider reduction of no. of spaces in accordance with SPPR 3 of CSG. Provide the following
- (a) EV parking – 1 in 5 spaces
 - (b) Future proofing of all spaces for EV parking
 - (c) Car-sharing spaces and letter of support from service provider
 - (d) Allocation of visitor parking
 - (e) Motorcycle parking
 - (f) Additional bulky storage space
- Item 9. Transportation issues provide the following –
- (a) Clarification of surface treatment of the 4.8m carriageway and 1.5m footpath between the roundabout and the rear of the site
 - (b) Details of creche set down/drop off/ turning area
 - (c) Revised details of creche entrance – suitable for bikes and people with diverse range of disabilities
 - (d) Zebra crossing/signage at roundabout – pedestrian route to creche
 - (e) Measures to prevent errant car parking
- Item 10. Pedestrian connectivity – details of pedestrian connection between site and lands to the west (Cherbury Court)
- Item 11. Landscaping/Arboricultural – a detailed tree-replacement strategy
- Item 12. Land ownership – details for the purposes of tree removal

Planner's Report following Further Information Assessment

- 4.2.8. The Further Information response (RFI) was submitted to the planning authority on 1st December 2025.
- 4.2.9. **Item 1** – A revised AA Screening Report and a Water Framework Directive Compliance report were submitted to address the issues of identification of the

hydrological pathway by which surface water would reach the SAC and SPA and the potential pollution that might arise. *The response to this item was considered to be satisfactory. It is noted that the Biodiversity Officer and the DHLGH did not raise any further issues following a review of the revised AA Screening report.*

- 4.2.10. **Item 2 (a)** – A Badger Conservation Plan was submitted which was based on additional dedicated badger surveys. This Plan provides proposed measures to safely remove the potential sett on site and to promote and support continued badger usage of the site through habitat creation and supplementary planting. *This response was not considered to be adequate by both the Biodiversity Officer and the DHLGH as it had not clearly established the presence of badger activity. Further (pre-construction) surveys were therefore required to provide a clearer understanding of badger activity on site, and should activity be confirmed, works would have to be halted, and the applicant would have to consult with the NPWS to ensure that appropriate mitigation measures are put in place. The P.A. considered that this matter could be addressed by means of a condition(s).*
- 4.2.11. **Item 2(b)** – A plan for the temporary amphibian enclosure (layout and location) was submitted and the CEMP updated accordingly. *The response to this item was considered to be satisfactory.*
- 4.2.12. **Item 2(c)** - A Revised EclA was submitted which established that the site is important with regard to breeding birds and breeding birds were brought forward as a KER of local importance. *The response to this item was considered to be satisfactory.*
- 4.2.13. **Item 3** – The floor plan was adjusted to address issues regarding overlooking (Item 5 below), and the revised plans included an updated Daylight and Sunlight assessment, which includes compensatory design measures. It was noted that there has been no discernible change in the performance of the development following the revisions and that the proposed development, overall, achieves a high standard of daylight (c.80+%) and sunlight (between 62-78%) given the densities being achieved and the nature and context of the site. The compensatory measures were highlighted, including open plan configurations to shared living spaces, optimised window dimensions and all units being 10% above the minimum floor area. *The response to this item was considered to be satisfactory.*

- 4.2.14. **Item 4 (a)** – Revised drawings relating to the area of public open space to the rear of the town houses and the parking provision for these houses were submitted. The private gardens to the rear of the houses have been reduced in size (to 50sq.m, depth 8m) to facilitate a larger rear communal space and the design has ensured that the existing trees along the boundary can be retained with no potential impacts to the tree roots. This space would be shared between the residents of the townhouses only and would include walking routes around the trees. *The response to this item was considered to be satisfactory.*
- 4.2.15. **Item 4 (b)** – Revised drawings relating to the townhouse parking spaces were submitted with amended dimensions but the number of spaces per unit remained the same. *The P.A. was not satisfied with the response to this item, and a condition was recommended requiring a reduction in the quantum of parking spaces to one per unit.* The bin and bike stores were also amended with covered bin stores and bicycle parking, *which was considered to be satisfactory.*
- 4.2.16. **Item 5** – Apartment overlooking issues were addressed in revised drawings. A side screen to the relevant balconies of the C-shaped component has been provided and the positioning of balconies has been adjusted by swapping the location of the 2-bed and 1-bed apartment units on each floor to achieve a better separation distance. With regard to overlooking of the duplex units, a planter is proposed around the perimeter of the terrace at Level 7 to prevent overlooking. *The response to this item was considered to be satisfactory.*
- 4.2.17. **Item 6** – An updated Landscape Report together with revised drawings were submitted which provide details of the proposed play areas and details of the overall play strategy. The playground to the northeast will be designated for older children with suitable equipment and the playground between the apartment blocks for younger children with age-appropriate equipment. Details of screening for the creche playground was also provided. *The response to this item was considered to be satisfactory.*
- 4.2.18. **Item 7** – Drawing no. CA-01-02-T2-B1-DR-HJL-AR-1009 was submitted which addressed the issue of the blind right-angle turn. *The response to this item was considered to be satisfactory.*

- 4.2.19. **Item 8** – In response to the request for justification of the parking provision and a reduction in same, the Transportation Planning Dept. was not satisfied with the quantum of parking for the townhouses and recommended a condition to reduce the parking provision to one space per unit. The provision of bulky storage was amended to increase it from 91sq.m to 219sq.m. *The response to this item was considered to be satisfactory, subject to a condition regarding the reduced parking provision.*
- 4.2.20. **Item 9** – Revised drawings and details have been provided which amend the road layout, roundabout design, childcare facility drop-off area and access and include a zebra crossing as requested. *The response to this item was considered to be satisfactory.*
- 4.2.21. **Item 10** – Revised drawings have been submitted which clearly identify the proposed pedestrian connection between the application site and the shared boundary with Cherbury Court. *The response to this item was considered to be satisfactory.*
- 4.2.22. **Item 11** – Drawing No. 0539-113 ‘Tree Replacement Strategy’ and a Landscape Management Plan have been provided. The Parks and Landscape Services were generally satisfied with the additional information. However, some concern was raised regarding the invasive tendencies of some of the proposed trees and considered that an Arboriculturist should be employed to monitor all works to trees and that a Landscape Architect be retained for the duration of the works. *The response to this item was considered to be satisfactory, subject to a condition requiring the engagement of an Arborist and a Landscape Architect to oversee the works to trees.*
- 4.2.23. **Item 12** – The applicant has confirmed that the boundary of the site is correct, as per the original submission, and that only trees contained within the site boundary and in the ownership of the developer form part of this application. *The response to this item was considered to be satisfactory.*

Planner’s Recommendation

- 4.2.24. In conclusion, the planning authority found the proposal to be acceptable under all of the headed items, concluding that subject to conditions, the proposed development complies with the national and local development plan context, would not have an adverse impact on the residential or visual amenities of neighbouring properties, by reason of overshadowing, overlooking or overbearing appearance, or detract from

the character of the surrounding area, and would be in accordance with the proper planning and sustainable development of the area.

4.3. Other Technical Reports - Reports were received from the following –

Biodiversity Officer - Initial Report (23/09/25) - summarised at 6.1 of Planner's Report. This consisted of a report following a technical review of all plans and documents including the EclA, the Appropriate Assessment Screening Report, The Bat Assessment, The Arboricultural Report, the Outdoor Lighting Report, the Site-Specific Flood Risk Assessment, the Landscape Report, CEMP and the Environmental Impact Assessment Screening Report.

4.3.1. Further information was requested in respect of the EclA and the AA Screening Report. In terms of the EclA, FI was requested regarding the suitability of the site as breeding bird habitat, a more detailed evaluation of the site regarding badger activity and a revised badger conservation plan and an invasive species management plan. In terms of the AA Screening Report, it was requested that it be clearly demonstrated that there will be no likely significant effects due to wastewater discharges on the South Dublin Bay SAC and the South Dublin Bay and River Tolka SPA by reason of surface water run-off routed into the proposed new surface stormwater sewer and/or any pollution that might arise. A number of conditions were also proposed in respect of various matters including pre-construction surveys, tree protection/management, protection of bats and the engagement of an ecologist.

4.3.2. Biodiversity Officer - Subsequent report (23/12/25) – generally satisfied with the FI except regarding the adequacy of the Badger Conservation Plan, the absence of an Invasive Species Management Plan. However, it was considered that these matters could be addressed by means of conditions. In addition, a number of other conditions were recommended.

4.3.3. Building Control (20/08/25) – no objection subject to standard conditions.

4.3.4. Conservation Division, Architects Dept. (30/09/25) –The proposed development was considered to be similar to previous permissions granted including ABP.313252, whereby principles had been established regarding high-density development on the site, the relationship with Chesterfield House, and the maintenance of historic sightlines from the Drawing Room. The proposed landscaping approach, including the retention and enhancement of the ornamental pond, was welcomed, as well as

the retention of a significant number of mature trees and the restoration of garden features. No built heritage objections.

- 4.3.5. Drainage Planning (17/09/25) - No objection subject to conditions. The review also addressed the SSFRA submitted by the applicant which was considered satisfactory.
- 4.3.6. Environmental Enforcement/ Waste Management – Initial report (20/08/25) - Further Information requested in respect of the baseline noise survey. Conditions were also recommended in respect of the implementation of the measures set out in the submitted Construction Management Plan. Subsequent report (03/12/25) – no objection subject to conditions.
- 4.3.7. Housing (4/9/25) - No objection subject to conditions.
- 4.3.8. Parks and Landscape Services Initial Report (12/09/25) – The overall landscaping plan was welcomed and the proposed diagonal, axial bridge circulation was considered to provide a strong geometry around the pond while the green spaces were generally of a meaningful scale and purpose. However, the circulation behind the townhouses was seen as problematic and needed to be enlarged. The loss of 141 trees was highlighted and as such, there was a need for a generous proposal for replacement tree planting. The proposed permeability enhancement by means of connectivity through Cherbury Court and Clonfadda Wood was welcomed. Further Information was requested in respect of a replacement tree strategy and a review of the open space area to the rear of the townhouses. Parks and Landscape – Subsequent report (06/01/26) no objection subject to conditions.
- 4.3.9. Public Lighting Unit, Infrastructure and Climate Change Department (08/09/25) - No objection subject to conditions.
- 4.3.10. Transportation Planning – Initial report (30/09/25) – The cycle parking provision was acceptable in terms of quantity and design but several issues relating to convenient and safe access were raised. The car parking provision was assessed as 0.99 spaces per residential unit (based on omission of 9 universally accessible spaces and 2 car sharing spaces from the calculation). Given the proximity of the site to high frequency/capacity public transport and to amenities in the locality, a reduction in parking provision was considered necessary. A need to accommodate EV charging and car-sharing facilities was also identified. The Cross Ave junction was required to be revised with a continuous footpath and tightened radii. Further Information was

requested in respect of these matters as well as specific elements of the site and road layout, connectivity issues and the submission of a Construction Traffic Management Plan.

- 4.3.11. The Traffic and Transport Assessment was assessed. Although the proposed development was not expected to generate high traffic volumes, being below the threshold for analysis of the junctions, analysis was nevertheless carried out. It was noted that the junction of Mount Merrion Avenue and Cross Avenue was assessed as being over capacity with an RFC of 1.02-1.10, which has been the case since 2023, and that this would rise to 1.08-1.15 with the development. However, the Transport Department considered that the proposed measures contained in the Residential Travel Plan, which would mitigate traffic impacts and reduce reliance on private cars, together with a further reduction in car parking (as noted above), would reduce vehicular movements associated with the proposed development.
- Transportation Planning – Subsequent Report (23/12/25) – no objection subject to conditions including a reduction in the proposed parking provision for the townhouses from 2 spaces to one space per unit and revised plans with measures to prevent on-street parking in front of the houses.

4.4. Prescribed Bodies

4.4.1. Department of Housing, Local Government & Heritage Development Application Unit

- The Initial report (23/09/25) notes the following concerns: -

- AA Screening Report - was deficient in terms of tracing the hydrological pathway between surface water run-off at the site and the European sites, as it would be routed through the proposed upgraded storm sewer on Cross Avenue and the storm drain under Mount Merrion Ave. Details are required on the route of this pathway including its length and the discharge point. Without this information, it was stated that it was not possible to rule out the possibility of significant effects.
- Bat Assessment (EclA) - it was noted that while no roosts were identified, 14 trees with Potential Roost Features were identified and that 11 of these were proposed for removal to facilitate the development. The proposed mitigation measures, involving pre-works checks by bat specialists, raised the issue of a need for a derogation licence in the event that any bat roosts are identified.

Other mitigation measures including bat friendly lighting, bat boxes and preservation of dark corridors were welcomed. Overall, the proposal was considered to be acceptable subject to conditions requiring implementation of the proposed mitigation measures.

- Badger conservation - It was noted that two potential badger setts were identified. One was disused and the other was in use by a family of foxes with cubs at the time of survey, but a badger was also identified as exploring the burrow. Despite some badger activity, no mitigation was proposed. Given the protected status of badgers, it was considered that mitigation measures should be proposed, including pre-works surveys.
- Amphibians - Amphibian surveys identified frog spawn in the drainage ditch, which it is intended to enlarge and plant up with aquatic plants to serve as an attenuation pond and ornamental feature. It is intended to carry out pre-works checks for breeding amphibians. It will also be necessary to establish a temporary pond for translocation of any breeding amphibians identified for the duration of the works.
- Vegetation clearance - Concern was also raised about the extent of tree removal in the context of any such vegetation clearance occurring during the bird breeding season.

4.4.2. Further information reflecting the concerns highlighted above was recommended. The Subsequent report form the DHLGH (22/12/25) – concerns remained regarding the Badger Conservation Plan and in particular, the need to establish the continuous usage of the sett on site and whether it forms part of a network, before potential impacts of the possible destruction of a sett on the community of local badgers can be properly evaluated, and appropriate mitigation in the form of the creation of an artificial badger sett within the development site. Clarification of FI was therefore recommended. However, the Area Planner pointed out that Clarification of FI was not possible as part of the LRD process. It was acknowledged that it was not possible to establish the pattern of usage of the possible sett in the timeframe of the current application and, as such, it was considered that this matter would have to be addressed by means of condition.

- 4.4.3. Environmental Health Office - Initial report (18/09/25) – Further information requested in respect of a noise baseline survey in relation to demolition and construction phases. An assessment of potential impacts in terms of excessively noisy works on neighbouring properties to be predicted and appropriate mitigation measures proposed. In addition, the report should include predictive modelling on the noise impacts of the operational phase. Environmental Health Office Subsequent Report - No objection subject to condition.
- 4.4.4. Uisce Eireann (17/09/25): Confirmation of Feasibility for water and wastewater connections. Water supply connection is feasible subject to infrastructure upgrade which is proposed as part of the development. Wastewater connection is feasible without infrastructure upgrade. No objection subject to condition.

4.5. Third Party Observations

- 4.5.1. The planning authority indicates submissions were received from 32 third parties during the assessment of the application, and summarises the key issues raised.
- 4.5.2. I have reviewed the submissions on the case file and confirm several of the issues raised therein continue to form the basis of the third-party appeals, which are outlined in detail in section 7.0 below.

5.0 Planning History

5.1. Appeal Site

5.1.1. ABP 313252-22 (SHD Application)

On 12th September 2024, a split decision was issued by ABP for a Strategic Housing Development comprising the demolition of the non-original fabric of Chesterfield House (Protected Structure) and sheds, provision of 3 residential units within the refurbished Chesterfield House and the construction of 363 no. residential units consisting of 8 no. houses and 355 no. Build-to-Rent apartments, a childcare facility and all associated site works. An amended order was made on the 29th of October 2025 in respect of the proposed site access and associated junction improvements.

- 1) Permission was granted subject to conditions for the following –

- (i) The demolition of the non-original fabric of Chesterfield House (210sq.m GFA) and change of use of the remaining structure from office and caretaker residence to residential use (3 no. build-to-sell units).
 - (ii) Works to the 'Original Drawing Room' (Protected Structure)
 - (iii) Change of use of the existing 'Summer House' (59.3sq.m GFA) to caretaker's maintenance and storage, including alterations and internal modifications.
 - (iv) The demolition of 3 no. derelict sheds (combined 113sq.m GFA) and decommissioned water tank.
 - (v) The construction of 8 no. houses (to the north of Chesterfield house).
- 2) Permission was refused for the construction of 355 no. residential units across 6 no. blocks in the southern portion of the site ranging in height from 3 to 8 storeys over basement, a childcare facility. The proposal included several elements that are common to the current proposal before the Commission including access via the existing shared access from Cross Avenue and improvement works to the junction, installation of infrastructure along Cross Avenue to facilitate connections to municipal potable water supply and the public surface water sewer and realignment and enlargement of the ornamental pond. Permission was refused for one reason, as follows:
1. Having regard to the proximity of ABP.311190-21 (244 no. BTR units) ca. 220m to the northeast of the site, which is currently under construction and also accessing directly onto Cross Avenue, the cumulative impacts of a further 355 BTR units as proposed in one area would result in the over proliferation of BTR at this location and would be contrary to section 4.3.2.3 and Policy Objective PHP28 as it relates to 'over proliferation' of Build-to-Rent development of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

The permitted elements are currently under construction.

5.1.2. ABP.302921-18 (SHD Application)

Permission was granted on the 13th of February 2019 for the demolition of non-original fabric of Chesterfield House (a Protected Structure) and derelict sheds and for the construction of 221 residential units, resident's amenity facility and all associated works. This decision was quashed on the 10th of July 2019.

5.1.3. PL06D.238361 (PA Ref. D10A/0591)

Permission was granted by ABP for 90 residential units (36 houses and 54 apartments) on lands to the south of Chesterfield House (c.2.5ha) and associated works in lieu of development permitted under PL06D.218536. Permission was sought for 97 units, which was in lieu of the 120 units granted under 218536, but the number of units was reduced by condition. Permission was subsequently granted by the P.A.(D10A/0591/E) for an extension of duration of permission for this development until 31/05/21.

5.1.4. PA Ref. D07A/0531

Permission was refused by PA for amendments to PL06D.218536 in respect of a development comprising revisions to the interior and exterior of Chesterfield House.

5.1.5. PL06D.218536 (PA Ref. D06A/0069)

A proposal for 204 residential units was granted by ABP following substantial amendments which had reduced the number of units to 164 at P.A. decision stage and to 142 at ABP decision stage, with 220 basement parking spaces. The proposed development also included the change of use of Chesterfield House to office use and its refurbishment, together with a caretaker's apartment and demolition of the non-original extensions. In addition, demolition of the non-original outhouses, works to the landscaped gardens and walkways, and works to the entrance gate and access road were included in this permission.

5.1.6. PL06D.210828 (PA Ref. D04A/0950)

Planning permission was refused by ABP for 76 no. houses and 45 no. apartments in a four-storey block. The proposed development included the demolition of the Summer House.

5.2. Adjacent Lands to the North (Renesca, Cross Avenue, Blackrock)

5.2.1. ACP.320576 (PA Ref. D24A/0381)

Permission granted on appeal (January 2025) for the construction of (a) a 3-storey, 5-bed detached dwelling on the western side garden, (b) a new vehicular and pedestrian access point off Cross Avenue, (c) the removal of a section of stone wall to facilitate a new entrance, (d) a new boundary wall to subdivide the property and all associated works. This house is currently under construction.

5.2.2. PA Ref. D23A/0778

On 12th February 2024, the planning authority refused permission to construct a 5-bed detached dwelling on the western side garden of the property at 'Renesca', Cross Avenue on grounds of unacceptable low-density development within this city-urban neighbourhood and contrary to Policy PHP18 of CDP.

5.2.3. ABP.304913-19 (PA Ref. D19A/0292)

Permission granted by ABP (6th December 2019) for demolition of existing dwelling ('Renesca') and construction of an apartment block comprising 33 no. apartments, ranging in height from 3 to 5 storeys over basement.

5.3. Adjacent Lands to the Northeast (Former Blackrock College Lands)

5.3.1. PA Ref. LRD24A/0342/WEB

Permission was granted (15/08/24) for amendments to Blocks A and B of the permitted scheme granted under ABP.311190 (SHD) – see below - to provide 5 no. additional apartments resulting in a total of 246 no. apartments across the entire development.

5.3.2. ABP.311190 Cross Avenue BTR Scheme (SHD)

Permission granted on 8th December 2021 for a Build-to-Rent apartment development consisting of 3 no. blocks ranging in height up to 9 storeys comprising 244 no. apartments with access from Cross Avenue. The proposal will include Resident Support Facilities and Resident Services and Amenities, provision of 71 no. car parking spaces, 479 cycle parking spaces and 10 no. motorcycle spaces

At the time of site inspection, the scheme appeared to have been completed or at least was at an advanced stage of construction.

5.4. Lands to south-west (southern side of Mount Merrion Avenue) – BTR Scheme

5.4.1. ABP.315112-22 (PA Ref. D22A/0202) – 45 Woodlands Park, Blackrock

Permission granted by ABP on 25/04/24 for demolition of dwelling and ancillary garage, construction of a five-storey over basement Build-to-Rent later living facility comprising 39 apartments (reduced to 38 apartments by ABP).

6.0 Policy Context

6.1. National and Regional Policy Context

6.1.1. National Planning Framework, First Revision, Project Ireland 2040 (NPF)

Several national policy objectives (NPOs) are applicable to the proposed development, a new residential scheme within a suburban area of Dublin City and suburbs.

National Strategic Outcome 1 (Compact Growth) - sets out the focus on pursuing a compact growth policy at national, regional, and local level. The revised NPF emphasises the need for compact growth within existing towns and cities and in aligning new housing development with transport infrastructure. From an urban perspective the aim is to deliver a greater proportion (40%) of residential development within the existing footprint of built-up areas, to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

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

NPO 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.

NPO 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.

NPO 10 – Deliver Transport Oriented Development (TOD) at scale at suitable locations, served by high-capacity public transport and located within or adjacent to the built-up footprint of the five cities or a metropolitan town and ensure compact and sequential patterns of growth.

NPO 42 – To target the delivery of housing to accommodate approx. 50,000 additional homes per annum to 2040.

NPO 43 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 45 – Increase residential density in settlements through a range of measures including - infill development schemes, increased building height and more compact forms of development.

14.2.3 'Avoid' and 'Shift' Measures – Enhanced Spatial Planning and Land Use Planning - The revision of the National Planning Framework presents an opportunity to re-emphasise the cross-linkages between land-use and spatial planning and the transport system. The policy pathway for cutting transport emissions centres around the 'Avoid-Shift-Improve' approach and specifically, Compact Growth Transport Oriented Development, improved 'Active Travel' infrastructure, better public realm and planning consents for alternative fuel and EV charging infrastructure.

6.1.2. Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019

The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) covering Dublin City and suburbs. It is based on three key principles which reflect the three pillars of sustainability – Social, Environmental and Economic. One of the key principles is to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located within the 'Dublin Metropolitan Area' and the Metropolitan Area Strategic Plan (MASP), which forms part of the RSES, seeks to prioritise large strategic sites which are based on key corridors that will deliver significant development in an integrated and sustainable manner. Key Principles of MASP

include delivery of compact and sustainable growth, accelerated housing delivery, integrate land use and transport planning and the alignment of growth with enabling infrastructure.

Relevant Regional Planning Objectives include -

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.

6.1.3. Housing for All 2021-2030

This Government policy specifies four pillars by which universal access to quality housing options is to be achieved. Of relevance to the proposed development is the achievement of Pillar 1, which seeks to increase the supply of new housing.

6.1.4. Climate Action Plans 2024 and 2025

Climate Action Plan 2025, to be read in conjunction with Climate Action Plan 2024, outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy (net zero) by 2050 is to be achieved. These include the delivery of carbon budgets and the reduction of emissions across sectors of the economy. Of relevance to the proposed development, is that of the built environment sector. The Commission must be consistent with the Plan in its decision making.

6.1.5. National Biodiversity Plan 2023-2030

Includes five objectives by which the current national biodiversity agenda is to be set and the transformative changes required to ensure nature is valued and protection is delivered. Of relevance to the proposed development, are the targets and actions associated with Objective 2 on achieving the conservation and restoration needs of environmental designations. Section 59B(1) of the Wildlife (Amendment) Act 2000, as amended, requires the Commission to have regard to the objectives and targets of the Plan in the performance of its functions.

6.1.6. Section 28 Ministerial Planning Guidelines

Several national planning guidelines are applicable to the proposed development (consolidated compact growth, increased residential densities with a greater mix of building heights and typologies in suburban locations, achievement of necessary standards for residential developments).

Several of the guidelines include Specific Planning Policy Requirements (SPPRs), the application of which is mandatory in the design and assessment of residential schemes.

The relevant guidelines include the following :-

- **Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024**, (Compact Settlement Guidelines).

Applicable policy for the proposed development includes:

- Section 3.3: sets a policy objective that densities in the range of 50dph-250dph (net) shall generally be applied for sites in 'City – Urban Neighbourhoods' locations of Dublin City and suburbs.
- Section 3.4: outlines a two-step density refining process, based firstly on a determination of accessibility to public transport options and secondly on five site-specific criteria (impacts on character, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water services capacity).
- Policy and Objective 3.1 requires that the recommended density ranges are applied and that, where appropriate, these density ranges are refined further using the site-specific criteria.
- Policy and Objective 4.1 requires the implementation of principles, approaches and standards in the Design Manual for Urban Roads and Streets, 2013, including updates (DMURS).
- Section 5.3: requires the achievement of residential standards:
 - SPPR 1 – Separation Distances requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of houses and duplexes above ground floor level.
 - SPPR 2 – Minimum Private Open Space specifies new standards for houses (3 bed 40sqm, 4 bed+ 50sqm), and private open space for duplexes and apartments remains as per the Apartment Guidelines (see below).
 - Policy Objective 5.1 recommends a public open space provision of between 10%-15% of net site area.
 - SPPR 3 – Car Parking in city centres and urban neighbourhoods should be minimised, substantially reduced or wholly eliminated. It specifies the maximum allowable rate of car parking provision at

these locations at 1 no. space per dwelling, (where provision is justified to the satisfaction of the P.A.).

- SPPR 4 – Cycle Parking and Storage requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and the provision of safe and secure cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
- Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases. However, in cases where a technical assessment is required, regard should be had to standards in the BRE Guide 209 2022. Planning Authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development. A balance is required to be achieved between poor performance due to site constraints and wider planning gains.

- **Design Standards for Apartments, Guidelines for Planning Authorities, 2025 (Apartment Guidelines).**

- Section 3.0: Apartment Design Standards includes several SPPRs and design criteria for apartment and duplex units as follows:

- SPPR 1 – Housing Mix

(A) With the exception of Social Housing, Social and Affordable Housing (Part V), Housing for the elderly, there shall be no restriction 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.

(B) Where any such restriction or requirement is set out within a statutory plan, this SPPR requirement shall apply to any single apartment scheme and there shall be no restriction in relation to the

mix of unit sizes or types and there shall be no minimum requirements for apartments with a certain number of bedrooms within the development, except in the circumstances set out above.

- SPPR 2 - Minimum Floor Areas (supercede those in statutory plans) – see also Appendix 1

Studio apartment (1-bed) – 32sq.m

1 bedroom apartment (2 persons) – 45sq.m

2-bedroom apartment (3 persons) – 63sq.m

2-bedroom apartment (4 persons) – 73sq.m

3-bedroom apartment (4 persons) – 76sq.m

3-bedroom apartment (5 persons) – 90 sq.m

Note 1 – At least 25% of units must exceed the minimum sizes set out in SPPR2 by 10%

Note 2 – all floor measurements should be internal wall-to-wall dimensions, standards apply to units on one floor (duplexes must provide additional circulation space)

- SPPR 3 – Dual Aspect Ratios

(i) A minimum of 25% of units shall be dual aspect

(ii) For building refurbishment schemes/urban infill schemes on site of up to 0.25ha, further discretion may be applied.

Note 1 - Ensure that larger units are dual aspect where feasible.

Note 2 - Single aspect units - maximise the no. of south-facing units (or west/east) and north-facing may be considered where overlooking a significant amenity.

Note 3 - Dual aspect units can include corner units and units accessed from open-air walkways.

- SPPR 4 – Floor to Ceiling Heights

Ground level – 2.7m minimum

➤ SPPR 5 - Lift and stair cores

No requirement of minimum number of units per floor per core.

➤ SPPR 6 – Communal, Community and Cultural Space

The provision of new communal, community and cultural facilities within apartment schemes shall only be required in specific locations identified within the CDP and shall not be required on a blanket threshold-based approach in individual apartment schemes.

Childcare provision should be established having regard to the scale and unit mix of the proposed development and the geographical distribution of childcare facilities and emerging demographic profile of the area. 1 bed/studio apartments should not generally be considered to contribute to a requirement for on-site childcare provision, but this may on occasion, be applied to 2-bed units.

➤ Appendix 1 – Internal storage/Private Amenity space etc.

Appendix 1 includes standards for minimum widths for the main living/dining rooms, bedroom widths, minimum storage space requirements, minimum recommended floor areas for private amenity space and communal amenity space

- **Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018** (Building Height Guidelines). Applicable policy for the proposed development includes:

- Section 3.1 Increased Building Height – It is Government Policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility
- Section 3.2 Development Management Criteria requires that a proposed development complies with the criteria for three scenarios, namely At the Scale of the City/Town, at the Scale of the District/Neighbourhood and At the Scale of the Site/Building.

- SPPR 3 requires that where these criteria apply, the P.A. may approve such development, even where specific objectives of a development plan may indicate otherwise.
- SPPR 4 requires new residential development on greenfield sites in suburban locations to achieve the minimum density in the applicable section 28 Ministerial Guidelines, a greater mix of building heights and residential typologies, and the avoidance of mono-type building typologies (e.g. two storey or own-door houses only), particularly in developments of 100 units or more.
- **Childcare Facilities, Guidelines for Planning Authorities, 2001** (Childcare Guidelines). Applicable policy for the proposed development includes:
 - Appendix 2 recommends the provision of a childcare facility with a capacity of 20 childcare spaces per 75 dwellings units.
 - Section 2.4 outlines the scale and/ or requirement for childcare facilities may depend on the nature of the proposed development (reiterated in Section 4.7 of the Apartment Guidelines which allows 1- and 2-bedroom units to be discounted from childcare demand calculations).
- **Design Manual for Urban Roads and Streets, 2019** (DMURS)

DMURS sets out guidance for new and existing roads incorporating good planning design practice. It places a strong focus on the needs of pedestrians, cyclists and public transport and on improving the safety of streets and enhancing placemaking.
- **Architectural Heritage Protection Guidelines for Planning Authorities, 2011**

These guidelines include advice on appropriate development within Architectural Conservation Areas and for Protected Structures and their settings.
- **The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009** (Flood Risk Guidelines). Applicable policy for the proposed development includes:
 - Table 3.1 which provides a classification of vulnerability of different types of development (e.g., residential as highly vulnerable, local transport

infrastructure as less vulnerable, amenity open spaces as water compatible).

- **Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023** (Commercial Institutional Investment Guidelines).
 - Section 3 requires restrictions on the first occupation of houses and duplexes (own-door residential units) to individual purchasers or persons eligible for social and/ or affordable housing, excludes corporate entities.

6.2. Local Policy Context

Dún Laoghaire Rathdown County Development Plan 2022-2028

- 6.2.1. The statutory plan for the area is the Dun Laoghaire Rathdown County Development Plan 2022-2028 (CDP). CDP contains map-based designations and policy in several chapters which establish the context for the proposed development.
- 6.2.2. The site is zoned Objective A – ‘To provide residential development and improve residential amenity while protecting the existing residential amenities.’ ‘Residential’ and ‘Childcare Service’ uses are ‘permitted in principle’ under Zoning Objective A.
- 6.2.3. There are two map-based designations, namely, the Land Use zoning objective (as stated above) and an objective ‘To protect and preserve Trees and Woodlands’. Chesterfield House is located to the immediate north of the site and is listed within the Record of Protected Structures (RPS No. 171) as ‘Original Drawing Room’. This implies that it is this single room that is listed for protection, rather than the house. The site is not located within an Architectural Conservation Area.
- 6.2.4. The most relevant CDP policy objectives include:

Chapter 2 – Core Strategy

Policy Objective CS2 – Core Strategy – To support the delivery of the core Strategy in accordance with the Core Strategy Map (Fig. 2.9) and Core Strategy Table (2.11)

Policy Objective CS11 – Compact Growth - To deliver 100% of all new homes, that pertain to Dublin City and Suburbs, within or contiguous to its geographic boundary. (Consistent with RPO 3.2 of the RSES)

Table 2.7 of the plan indicates the housing target up to Q1 2028 is 18,515, which is reflective of the target outlined in the RESE. This equates to a population increase of 38,125. Table 2.9 of the Plan indicates that there are approx. 553.28 ha. of serviced land available.

Chapter 3 Climate Action

Relevant policies include:

CA5 – Energy Performance in Buildings

CA7 – Construction Materials

CA8 – Sustainability in Adaptable Design

CA17 – Electric Vehicles

CA18 – Urban Greening

These policies generally seek to ensure that high levels are achieved of energy conservation, energy efficiency and the use of renewable energy sources (CA5) and use of materials with a low to zero embodied energy and CO₂ emissions (CA7). They also seek to ensure flexible design to enable adaptation of spatial layout and design (CA8) as well as supporting the roll out of electric vehicle charging infrastructure (CA17). The retention and promotion of urban greening (provision of planting/trees) in urban areas is supported in order to build climate resilience and ensure healthy placemaking (CA18).

Chapter 4 – Neighbourhood – People, Homes and Place

There are several policy objectives in Section 4.2 – ‘People’, which seek to plan for the creation of sustainable communities and neighbourhood infrastructure in order to create the physical and social infrastructure to create healthy and attractive places that people want to live with a good quality of life. These policy objectives include:

PHP2 – Sustainable Neighbourhood Infrastructure

PHP3 – Planning for Sustainable Communities

PHP6 – Childcare Facilities

Section 4.3 – Delivering and Improving Homes - There are several policy objectives relating in this section which promote the objectives of Housing for All

(PHP25 and PHP30), provision of social housing (PHP31) and Implementation of the Housing Strategy (PHP26).

At **Section 4.3.1**, it is stated that where a site is located within c.1km 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 1km/10 minute walking time of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.

The following policy objectives in Section 4.3, are particularly relevant to the proposed development: -

Policy Objective PHP 18 - Residential Density – 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. 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.

Policy Objective PHP20 – Protection of Existing Residential Amenity – To ensure the residential amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

Policy Objective PHP27- Housing Mix – To encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the county in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.

Section 4.4 ‘Place’ contains several policy objectives relating to the achievement of good quality urban design and placemaking, which is identified as a key component of sustainable residential communities.

Relevant policies include: -

Policy Objective PHP35 – Healthy Placemaking - It is a Policy Objective to:

- Ensure that all development is of high-quality design with a focus on healthy placemaking consistent with NPO 4, 26 and 27 of the NPF, and RPO 6.1, 6.12, 9.10 and 9.11 of the RSES.
- Promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013).
- Ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.

Policy Objective PHP42 – Building Design and Height – It is a policy objective to:

- Encourage high quality design of all new development
- Ensure new development complies with the **Building Height Strategy** for the County as set out in **Appendix 5** (consistent with NPO 13 of NPF)

Chapter 5 – Transport and Mobility

The aim of this chapter is to create a compact and well-connected county by integrating land use and transport policy, reducing car dependency and promoting walking, cycling and public transport. Relevant policies include -

Policy Objective T1 – Integration of Land Use and Transport Policies

Policy Objective T4 – Development of Sustainable Travel and Transport

Policy Objective T11 – Walking and cycling

Policy Objective T12 – Footways and Pedestrian Routes

Policy Objective T17 – Travel Plans

Policy Objective T18 – Car Sharing Schemes

Policy Objective T19 – Carparking Standards

Policy Objective T26 – Traffic and Transport Assessments and Road Safety Audits

Policy Objective T27 – Traffic Noise

Policy Objective T28 – Road Safety

Policy Objective T30 – Street Lighting

Chapter 8 – Green Infrastructure and Biodiversity

Policy Objective GIB12 Access to Natural Heritage – To promote, protect and enhance sustainable and appropriate access to the natural heritage of the County, where practicable, in a balanced way while protecting the natural heritage of the County.

Policy Objective GIB18: Protection of Natural Heritage and the Environment -

To protect and conserve the environment including, in particular, the natural heritage of the County and to conserve and manage Nationally and Internationally important and EU designated sites - such as Special Protection Areas (SPAs), Special Areas of Conservations (SACs), proposed Natural Heritage Areas (pNHAs) and Ramsar sites (wetlands) - as well as non-designated areas of high nature conservation value known as locally important areas which also serve as ‘Stepping Stones’ for the purposes of Article 10 of the Habitats Directive.

Other relevant policies include -

GIB19 – Habitats Directive

GIB22 – Non-Designated Areas of Heritage Importance

GIB 29 – Nature Based Solutions

Chapter 9 – Open Space, Parks and Recreation

OSR4 – Public Open Space Standards - To promote public open space standards generally in accordance with overarching Government guidance documents ‘Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities’, (2009), the accompanying ‘Urban Design Manual - A Best Practice Guide’, and the ‘Sustainable Urban Housing: Design Standards for new Apartments’, (2020)

OSR7 – Trees, Woodland and Forestry - To implement the objectives and policies of the Tree Policy and the forthcoming Tree Strategy for the County, to ensure that the tree cover in the County is managed, and developed to optimise the

environmental, climatic and educational benefits, which derive from an ‘urban forest’, and include a holistic ‘urban forestry’ approach.

OSR13 – Play Facilities and Nature Based Play – To support the provision of structured, and unstructured play areas with appropriate equipment and facilities, incorporating and facilitating Nature-based Play with respect to the provision of Play Opportunities throughout the County, and to support the aspirations of the forthcoming Play Policy prepared within the lifetime of the Plan. These play facilities will also seek to maximise inclusivity and accessibility, to ensure that the needs of all age groups and abilities - children, teenagers, adults and older people – are facilitated in the public parks, open spaces and the public realm of DLR.

Chapter 10 – Environmental Infrastructure and Flood Risk

EI6 – Sustainable Drainage Systems – To ensure that all development proposals incorporate Sustainable Drainage Systems (SuDS).

EI7 – Water Supply and Wastewater Treatment and Appropriate Assessment – To require that all developments relating to water supply and wastewater treatment are subject to screening for Appropriate Assessment to ensure there are no likely significant effects on the integrity, defined by the structure and function, of any European sites¹ and that the requirements of Article 6 of the EU Habitats Directive are met. (Consistent with RPO 10.7 of the RSES).

Chapter 11 – Heritage and Conservation

HER 8 – Work to Protected Structures – It is a policy objective to

- (i) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- (ii) Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the ‘Architectural Heritage Protection Guidelines for Planning Authorities’ published by the Department of the Arts, Heritage and the Gaeltacht.
- (iii) Ensure that all works are carried out under supervision of a qualified professional with specialised conservation expertise.
- (iv) Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is

appropriate in terms of the proposed scale, mass, height, density, layout, and materials.

- (v) Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.
- (vi) Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.
- (vii) Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.
- (viii) Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.
- (ix) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.
- (x) Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development (consistent with NPO 17 of the NPF and RPO 9.30 of the RSES).

Chapter 12 – Development Management

Section 12.3.5 – Apartment Developments

Section 12.3.1.1 – Design Criteria

Section 12.3.3.1 – Residential Size and Mix

Section 12.3.3.2 – Residential density

Section 12.3.5.1 – Dual Aspect

Section 12.3.5.2 – Separation between blocks

Section 12.3.5.5 – Min apt. floor areas (and Table 12.40)

Section 12.3.5.6 – Other apartment design standards

Section 12.8.3.3 – Private open space Houses/Apartments (Tables 12.10 / 12.11)

Table 12.1 (extract): Apartment Mix Requirements

Area (see Fig.2.9 Core Strategy Map)	Threshold	Mix 1/ 2 bed Requirement	3+ bed Requirement
Existing Built-Up Area	Schemes of 50+ units	Apartment Developments may include up to 80% studio, 1- and 2- bedroom units and with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of overall development as studios.	Minimum 20% 3+ bedroom units

Appendices

Appendix 2 - Housing Strategy and Housing Needs Demand Assessment

Appendix 5 – Building Height Strategy including Policy BHS1 and Table 5.1 – Performance Criteria to be met where a proposed development involves buildings which are taller than the prevailing building height.

Variation no. 1

6.2.5. It should be noted that the P.A. has proposed **Variation No.1 to the Development Plan**, which has been through a public consultation exercise was considered at a Special Meeting of the Council in April 2026. This proposed variation is intended to respond to recent national planning policy changes, namely the new housing growth requirements in the National Planning Framework (First Revision, 2025), the Planning and Design Standards for New Apartments Guidelines (2025) and the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, 2024 (the Compact Settlement Guidelines or CSG). At the time of writing this report, Variation No. 1 had not been adopted.

6.3. Natural Heritage Designations

- 6.3.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA).
- 6.3.2. The European site designations in proximity to the appeal site include (measured at closest proximity) -
- South Dublin Bay SAC (000210) is c.0.67km to the northeast
 - South Dublin Bay & River Tolka Estuary SPA (004024) is c.0.64km to NE
 - Rockabill to Dalkey Island SAC (003000) is c.7km to the east.
 - Dalkey Islands SPA (004172) is c.7km to the northeast.
- 6.3.3. Other designated sites in proximity to the appeal site include -
- South Dublin Bay pNHA (000210) c.0.68km to NE
 - Dolphins, Dublin Docks pNHA (000201) c. 4.38km to N
 - Sandymount Strand/R. Tolka Estuary RAMSAR (832) c. 0.68km to NE
 - Dublin Bay UNESCO Biosphere c. 0.67km to NE

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. Four third party appeals have been received by the Commission against the planning authority's decision to grant permission for the proposed development. The appeals are made by named parties with addresses given at Cross Avenue ('Renesca' and 'The Hermitage'), Southwood Park and Clonfadda Wood.
- 7.1.2. The key issues raised in the grounds of appeal can be summarised as follows:

1. Excessive Density – Contrary to Compact Settlement Guidelines

- The Compact Settlement Guidelines (CSG) states that residential density ranges should be determined based on considerations of centrality and accessibility to services and public transport as well as character, amenity and the natural environment. The area does not fall within the 'City-Urban Neighbourhood' as the site is not located convenient to high frequency public

transport and is not a key urban centre. Instead, it is submitted that it falls within the City-Suburban/Urban Extension area where the density should be at a maximum 80uph.

- Centrality - The site does not comply with the criteria for 'City-Urban Neighbourhoods' in that it is not located in a neighbourhood 'around the city centre' with a greater range of land-uses or identified in the CDP as a 'Strategic and Sustainable Development Site' or designated as a town centre. Instead, it is a low-density residential area.
- Accessibility - The site fails the 'accessibility test' for 'City-Urban Neighbourhoods' which is defined (Table 3.8 CSG) as '*Lands within 1000m walking distance of a high-capacity public transport node or interchange or within 500m (i.e. 5-6 minutes' walk) of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services*'. It is submitted that the site is located at least 900m from the nearest high frequency bus service on either the N11 or the Rock Road and more than 1km from any high-capacity urban public transport node or interchange. In this regard it is argued that Booterstown Dart Station does not qualify as an interchange as it does not intersect with other transport modes. It is acknowledged that Blackrock Dart station could be regarded as such a node or interchange, but the site is located c.1.4km from that station.
- Tiered approach to density - Section 3.1 of the CSG requires a tiered approach to density with the highest densities at the most central and accessible locations and lower densities at the periphery. Having regard to the tiered approach in the CSG, it is submitted that the site is in an 'intermediate' location, (as previously assessed by the Inspector in 313252), which means that the lower range of density should apply, i.e. 40-80 units per hectare.

2. Excessive height and scale – Contrary to Building Height Guidelines and Building Height Criteria in Appendix 5 of CDP

- The prevailing density of the area is low, and the prevailing height is around 2 storeys. The surrounding development is characterised by mainly two-storey detached or semi-detached houses with a small number of 4-storey apartment blocks and a 5-storey block under construction at 'Renesca'.

- The Building Height Guidelines recommend that in suburban areas, a mix of 2, 3 and 4-storey development which should integrate well into the surrounding neighbourhood. The Development Management criteria (3.1) for development that is taller than the prevailing building height, requires that such sites are well served by high capacity, high frequency public transport. This is disputed.
- Development Management Criteria - Section 3.2 of the Guidelines requires that such a development, at the scale of the district/neighbourhood, responds to its overall natural and built environment and makes a positive contribution to the improvement of legibility and integrates in a cohesive manner. It is submitted that the LVIA identifies long-term, moderate, negative visual impacts on views from Cross Avenue, Southwood Park, Clonfadda Woods and Cherbury Court. As such, it is argued that it fails to integrate successfully into or enhance the character of the area.

3. Inappropriate design – fails to respect the built form adjoining the site

- Excessive scale and height - the scale, height and design of the proposed 5-8 storey apartment blocks are out of character with the architecture of buildings and established pattern of development in the area and would significantly affect the skyline. The excessive scale will result in overdevelopment which would not respect the historic character of the road.
- Inadequate screening - The treeline on the boundary will not successfully screen the proposed development due to its excessive height.

4. Planning History and Precedent

- A history of refusals exists at the site and in the vicinity on several grounds, particularly related to density.
- The BTR permitted on the opposite side of Cross Avenue (Blackrock College) has already doubled the housing capacity of the road and has had detrimental effects on residential amenity.
- There have been several infill developments in the area which have significantly increased the overall density, but this has been achieved with an appropriate height and scale which has been more in keeping with the

character of the area. In contrast, this proposal will create a negative precedent and lead to further high-rise buildings which will erode the character of the area.

5. Residential amenity of adjoining residential properties

- Development Plan policies - Zoning Objective A – the proposed development does not improve residential amenity and fails to comply with Policy Objectives PHP18 – Residential Density, PHP20 – Protection of Existing Residential Amenity and Section 12.3.7.7 – Infill. It is considered that the proposed development does not sufficiently protect the residential amenities and character of the adjoining residential property due to the infill and backland nature of the site and the significantly higher density and height of the proposed buildings relative to the established pattern of development surrounding the site.
- Significant negative impact on residential amenities of the adjoining properties will arise due to the following
 - Overbearing and visual impacts - As a result of the prevailing low density in the immediately surrounding lands, the sensitive nature of the residential land uses and the susceptibility of the visual receptors to change, (as identified in the LVIA), the appeal site is significantly more sensitive to change and has a lower capacity to absorb high density development such as that proposed. The views from Cherbury Court and Southwood Park are particularly oppressive when viewed from the closest properties to the site. The excessive height and width of the apartment blocks will result in monolithic and overbearing structures in this low-rise neighbourhood and in an incongruous and obtrusive feature in the area due to the excessive scale and failure to respond to the character of its surrounding context.
 - Overshadowing and loss of light – the proposal will result in severe overshadowing of the private amenity spaces of existing residences at Redwood Grove and Southwood Park during the afternoons of the spring and autumn months and of those at Southwood Park during the late afternoons and evenings of the summer months. This will result in

a considerable loss of residential amenity due to the time of day/seasons involved. In addition, a noticeable adverse reduction in daylight access to dwellings at Southwood Park and Clonfadda Wood will occur. The impact on daylight/sunlight access of existing adjoining properties is considered to represent a disproportionate effect and arises from overdevelopment of the site.

- Overlooking and loss of privacy – the developer has failed to demonstrate that the proposed houses would protect the privacy of adjoining properties (as required by SPPR 1 of the CSG). This is due to the position of windows and balconies combined with their close proximity to adjoining dwellings and rear gardens.
- Construction phase impacts – during the construction of the BTR at Blackrock College, the residents of the area suffered from disruption due to construction impacts for a considerable time.

6. Residential Amenity of Future Occupants

- Inadequate standard of Daylight and Sunlight Access – one in five rooms fail to achieve the lowest minimal standards for daylight access.
- Appropriate Daylight Standards - Reference is made to the standards that, it is submitted, should be applied in accordance with various policies and guidelines including the Compact Settlement Guidelines, the Building Height Guidelines and Appendix 5 of the Dun Laoghaire Rathdown CDP. It is considered that the Daylighting Standards represent a low bar, and the proposed development demonstrates an exceptionally low level of compliance. It is submitted that the BRE Guidance is already a reduced standard falling below the European standard (EN 17037). It is pointed out that the British Standard BS EN 17037 includes a 'National Annex' allowing for the application of a sub-minimal daylight standard to residential rooms.
- Lack of site constraints or wider objectives - It is further noted that where daylight standards are not met, the guidance requires that account be taken of any site constraints and any wider planning objectives and that compensatory measures be proposed in such instances. It is disputed that the site is constrained as it is considered to be a typical suburban location and given that

many infill sites contain heritage buildings, mature trees or variations in ground levels. In any case, it is argued that a constrained site is not sufficient justification to fail to achieve adequate daylighting. Furthermore, the proposed development does not involve 'wider planning objectives' such as urban regeneration.

- Level of non-compliance is unacceptable - The proposed development provides that 19% of all residential rooms will not be capable of achieving the 'sub-minimal standard' in the BRE guide and the BS EN 17037, most of which are living spaces (living/kitchen/dining). It is submitted that this is an extraordinary level of non-compliance with an already reduced standard on an undeveloped, unconstrained suburban site surrounded by low density development. Reference is made to an ABP decision in Tallaght (ABP.313606-22), whereby permission was refused for a 334-unit development, inter alia, because 14% of the proposed units would not receive levels of daylight in accordance with BS EN 17037.
- Lack of Adequate Compensatory Measures - It is claimed that the proposed compensatory measures are inadequate as they comprise either design interventions that failed to bring daylight access in the affected apartments up to standard (e.g. open plan LKDs, optimised window design) or factors that apply to the scheme as a whole. This does not represent compensation for inadequate daylighting.

7. Access, Traffic and Transportation

- Traffic congestion on Cross Avenue, particularly during school drop off and collection times, will be exacerbated by the proposed development. The junction of Cross Avenue and Mount Merrion Road is acknowledged in the TTA as being beyond its design capacity for 2023 without the development, yet the proposed development will introduce a significant additional volume of traffic which will put even further pressure on this junction.
- Car parking standards - Map T2 of the CDP indicates that the site is located in Parking Zone 2. Section 12.4.5.1(ii) provides that 'within parking zone 2, maximum standards shall apply for all uses except residential where the standard is required.' A parking standard of 324 no. spaces applies (Table

2.5), yet the proposed development includes 271 no. spaces (having regard to Cond. 14 (a) which requires a max. of 1 space for each townhouse). As the site is located a considerable distance from high quality public transport, there is no justification for deviation from parking standards in this instance.

- Visitor parking – the proposal does not provide for adequate levels of visitor parking. On-street parking in the area is very limited with no parking on the Booterstown Avenue side of the road due to double yellow lines and restricted parking adjacent to the Zion Hill entrance (recently constructed BTR development), which is also inadequately served by car parking provision.
- Cycle parking – notwithstanding the proposal to provide 544 no. cycle spaces (as revised by FI), the proposed development continues to heavily rely on stacked cycle parking, with 252 no. spaces of the 488 no. residential cycle spaces being stacked. This is not in accordance with the DLRCC's 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' or the NTA's Cycle Design Manual 2023 (section 6).
- Enhancement of pedestrian access – Pedestrian permeability is considered to be very poor as the site is situated a considerable distance from the road, necessitating circuitous routes for cyclists and pedestrians. It is stated that there is no agreement for or consent to allow connections within Clonfadda Woods to the roadway and footpath or erection of any signage.
- Walking distances/speeds underestimated – in addition to the 'considerable walking distances', it is submitted that the walking times to public transport do not include the access route and that the walking speeds are also underestimated.
- Traffic hazard - The proposal will give rise to a traffic hazard and fails to provide adequate carparking and cycle parking facilities. Given the distance from good quality public transport, the inadequacy of the car and cycle parking provisions, the proposal is likely to give rise to overspill and haphazard parking on adjacent roads. This would exacerbate traffic congestion and result in a traffic hazard and obstruction for pedestrians, cyclists and other road users.

8. Impacts on Built Heritage and Historic Landscapes

- Curtilage of Chesterfield House – the AHIA seems to argue that the gardens of Chesterfield House do not extend beyond the ‘Original Drawing Room’ and reference a previous planning application in this regard, without the report substantiating this opinion. It is submitted that the assessment does not take into account recent case law, (Monkstown Road Residents Association & Ors v. an Bord Pleanála & Ors [2022] IEHC 318 (the Dalguise House case)), in which the court found that the gardens of that Protected Structure should have been included as part of the curtilage and that the potential impact on the historic gardens should have been addressed in the EIA Screening Report.
- Historic landscape – although the AHIA refers to the gardens as an ‘historic landscape’, the application fails to include an historic landscape assessment (by a suitably qualified professional) and fails to assess the heritage impact of the loss of the historic garden.
- Policy Objective HER8 – insufficient information has been submitted to allow an adequate assessment of the compliance of the proposed development with this policy objective which includes a requirement to ‘Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development’. In the absence of adequate information on these matters, it is not possible, therefore, to assess the likely heritage impact of the proposed development on the gardens at Chesterfield either as part of the curtilage of the Protected Structure or as a historic landscape.

9. Boundary Treatment of access to site

- Excessive height of proposed steel panel - The boundary of the site of the recently permitted dwelling to the west of ‘Renesca’, (ABP-320576-24), which is currently under construction, is with the access road to the appeal site. This dwelling includes windows facing west towards Chesterfield Avenue, and both its front and rear gardens are designed to receive evening sunlight from the west. The proposed development includes the erection of an ornate patterned steel panel, 3.7m in height, for a distance of 30 metres. This boundary treatment, by reason of its excessive height and proximity, would adversely affect the residential amenity of the dwelling under construction at ‘Renesca’.

It would obstruct evening sunlight and reduce access to daylight for west-facing windows.

- Inaccurate representation of boundary screen height – it is submitted that the CGI on Landscape Drawing Ref. No. 110 depicts a proposed steel panel of a significantly lower height than 3.7m, appearing to sit below the height of the Chesterfield entrance pillar. This is also inconsistent with technical drawings submitted with the application.
- Undue limitation of public participation – the appellant was excluded from access to public participation regarding a subsequent decision under Section 146A of the P&D Act 2000 as amended, whereby the Commission had granted permission for an amendment to the split decision under ABP-313252-22 (dated 12/09/24). She had objected to the proposed steel panel fence during the SHD process and had relied upon the refusal of this element in the split decision. The Commission’s decision in October 2025 to amend its order, under Section 146A(1)(b), to include this element, without inviting further submissions on the matter is considered to have resulted in undue limitation of public participation in the process, as it is not agreed that the change was ‘not material’.
- Material effects on the residential amenity of her property – given that the erection of the steel panel along the common boundary is likely to have a negative impact on the residential amenity of her property, by reason of the excessive height of the panel which would result in overshadowing of the dwelling and garden areas and loss of outlook, it is therefore submitted that this matter was not a ‘non-material change’ to the original split decision from the perspective of the adjoining landowner.

10. Other Matters

- Carbon footprint – overdevelopment of the site will increase the carbon footprint of the area. This will be significant during construction and later due to the loss of the last remaining green zone in the area.
- Pollution – significant pollution is already present due to the traffic congestion on Cross Avenue and on either side of the junction with Mount Merrion Avenue.

- Tree removal – a large number of existing trees are to be removed resulting in the loss of a significant number of trees.
- Public lighting impacts – public lighting should be designed to avoid impacts on wildlife and nuisance to adjoining neighbours. In this regard, lighting above the second level should be restricted.

7.2. Planning Authority Response

7.2.1. The planning authority has not submitted a response to the grounds of appeal.

7.3. First Party's Response

7.3.1. The first party has submitted a response to the appeals, (03/03/26) in respect of the following issues:

- Density
- Building height, scale and massing
- Tree removal
- Visual impacts
- Daylight and sunlight
- Traffic and Parking
- Built heritage
- Security, Safety and Permeability
- Construction phase disruption
- Carbon footprint
- Public Lighting
- Boundary treatment
- Overlooking and loss of privacy
- Other Matters – childcare facility,

7.3.2. Appendices were enclosed with the First Party Response. These included a technical consultant response in respect of access to daylight and sunlight and to transport and parking issues and a legal opinion document in relation to the SHD

application at Chesterfield. However, it is considered that no new material issues were raised.

7.3.3. The First Party Response has not been further circulated. Key points in the applicant's response to the appeal, as relevant to the issues raised in the appeal grounds, are considered in section 8.0 Planning Assessment of this report.

7.3.4. **Observations**

7.3.5. Two observations have been received by the Commission from Fergus O'Brien (Southwood Park) and Adele Greene (an address in Dalkey). The observations generally reflect the points made in the grounds of appeal. The main points made may be summarised as follows:

- Supports the principle of residential development but must protect residential amenity, environmental quality, public safety and the established character of the neighbourhood.
- Inadequate standard of residential amenity for future occupants particularly in respect of access to daylight as a result of overdevelopment and excessive height. This would be resolved by a reduction in height to 5 storeys.
- Impact on existing residential amenity due to excessive height, bulk and scale will result in an overbearing visual impact, significant overshadowing and overlooking of adjoining properties. This would be resolved by a reduction in height to 5 storeys.
- Traffic hazard and parking concerns including distance from public transport nodes, inadequate car parking and cycle parking and additional traffic which would contribute further to existing traffic congestion in the area.

7.4. **Further Responses**

7.4.1. No further responses have been received by the Commission on the appeal.

8.0 Planning Assessment

8.1. Introduction

8.1.1. Having reviewed the appeals, examined all other documentation on the case file, inspected the site, and had regard to the relevant national, regional, and local policies and guidance, I consider the main issues in the appeal to be as follows:

- Principle of development
- Residential Density
- Design, Layout and Building Height
- Landscape and Visual Impact
- Built Heritage
- Residential Amenity
- Access, Traffic and Parking
- Boundary treatment
- Drainage
- Biodiversity and Ecology
- Other Matters

I propose to address each of these items in turn below.

8.2. Principle of development

Compliance with Zoning and strategic planning policy

8.2.1. The site is zoned Objective A (Residential) in the current Dun Laoghaire County Development Plan 2022-2028. The zoning objective is to 'provide residential development and improve residential amenity while protecting the existing residential amenities. 'Residential' and 'Childcare Services' are 'permitted in principle' under 'Zoning Objective A'.

8.2.2. It is considered that the provision of residential development at an increased density on lands zoned Objective A would be consistent with policies in the Core Strategy

including 2.6.2 Active Land Management. It would also be consistent with Policy Objective CS11 – Compact Growth, which seeks to deliver 100% of all new homes that pertain to Dublin City and Suburbs, within or contiguous to its geographic boundary, and to encourage the development of underutilised and brownfield lands with a view to consolidating and adding vitality to existing centres and ensuring the efficient use of urban lands. The objective to protect existing residential amenities is considered further below.

- 8.2.3. It is considered that the proposal to provide an apartment scheme together with a number of individual houses, a childcare facility and publicly accessible landscaped open space, on this underutilised infill site located in this accessible urban area served by high quality public transport would be generally consistent with the objectives of the National Planning Framework First Revision, the RSES for the Eastern and Midlands Area and the Development Plan for the area to provide for sustainable and compact growth in accessible and serviced urban areas.

Demolition

- 8.2.4. The proposed development includes the demolition of two small sheds with a total floor area of 55.7sq.m. These are described as derelict sheds. I note that the Development Plan includes objectives which seek to encourage the retention and re-use of existing buildings rather than their demolition and reconstruction, in order to reduce the release of embodied carbon, (Policy Objectives CA6 – Retrofit and Reuse of Buildings and PHP19 – Existing Housing Stock - Adaptation). In this instance, the proposed demolition works are considered to be justified on the basis that they are not suitable for inclusion in the overall residential development of the site and given that the proposed development would help to achieve the wider objectives of greater sustainability, compact growth and the delivery of much needed housing.

Increased residential density

- 8.2.5. The appellants believe that the site and area are not suited to increased residential density in principle. This is based on their contention that the planning history of the site and area is characterised by planning decisions which have consistently rejected planning applications which had sought increased residential density. It is submitted that this supports their position that the site and area are not suited to developments of a higher density. In this regard, reference is made by the appellants to the recent

SHD split decision relating to the site (and additional lands to the north including Chesterfield House), ABP.313252-22, which refused the BTR element comprising 355 units in the southern part of that site, as well as the previous SHD decision to grant permission for 221 residential units on the site (ABP.302921-18), which was subsequently quashed by the High Court.

8.2.6. At the outset, I would refer the Commission to section 5.0 of my report, where a brief outline of the history of the site and neighbouring sites is provided. I would accept that the site of the current appeal is effectively the same as the site of the previously refused BTR development. Furthermore, the current proposal shares many of the characteristics of that development such as the increased density in the southern part of that site, the inclusion of a childcare facility, the proposed means of access, the proposed infrastructure upgrades (water and surface water) and the landscaping approach including the incorporation of the ornamental pond. The density of that development was greater, however, at 115 dph and the apartment complex comprised 6 no. blocks ranging in height from 5-8 storeys, all of which were BTRs.

8.2.7. Notwithstanding these similarities, however, the Commission should note the following matters: -

- The Reason for Refusal (313252) was based solely on the fact that the units were Build-to-Rent and the resulting cumulative impacts, having regard to the proximity of the site to a recently permitted large-scale BTR on the opposite side of Cross Avenue (Blackrock college site), which would result in a ‘proliferation of BTR development’ and that this would be contrary to policy objective PHP28 and 4.3.2.3 of the CDP. In this regard, it is noted that the Spilt Decision granted permission for the Build-to-Sell elements of the scheme (within and to the north of Chesterfield House).

- The Board Direction (313252 dated 03/09/24) included a note stating the following: -

‘The Board considered, however, that a residential development of this size, on this serviced residential development site would in principle be consistent with the relevant objectives of the Dun Laoghaire Rathdown Development Plan 2022-2028 and national planning policy regarding new apartments development subject to a tenure mix reflective of the current

Development Plan and building height, which seek to provide increased density and height in accordance with the Compact Settlement Guidelines and the National Planning Framework.'

- The site, incorporating the lands in and around Chesterfield House, has a long history of planning permissions for increased residential density, including PL06D.218536 and PL06D.238361, (as set out at 5.1 above).
- Planning permission has been granted for several schemes in the vicinity of the site involving significantly increased density (as set out at 5.2 above), including the BTR at the Blackrock College site (ABP.311190 and LRD24A/0342/WEB) which included a building height of up to 9 storeys and at 'Renesca' (ABP.304913) which involved a 5-storey apartment block to the north of Chesterfield House.

8.2.8. **In conclusion**, I am satisfied that having regard to the planning history of the site and of sites in the vicinity, increased residential density has been accepted in principle to date and that the most recent SHD refusal on the site related to the tenure mix of that development, rather than the proposed density or building height. It is further considered that the proposed development would generally be consistent with the national, regional and Development Plan policies to provide for sustainable and compact growth in accessible and serviced urban areas.

8.3. Residential Density

8.3.1. Several appellants raised concerns regarding the density of the proposed development, which was considered to be excessive, contrary to national and local policy objectives and would result in overdevelopment of the site with consequent adverse impacts on the established residential area. The density of the proposed development is stated as 100dph, or 102dph if the internal access road is excluded, as recommended in the Compact Settlement Guidelines (CSG).

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8.3.2. The Core Strategy states that development will be concentrated in the built-up footprint of the County in order to achieve compact growth and that this will be in the form of higher residential densities. Policy Objective PHP 18 seeks to increase

residential housing supply and promote compact growth through consolidation of infill/brownfield sites having regard to proximity and accessibility considerations, and is worded as follows:

Policy Objective PHP 18 - Residential Density – 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. 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.

- 8.3.3. The CDP provides for *minimum densities* based on the Sustainable Residential Development Guidelines 2009 of 50dph in central and accessible areas and 35dph elsewhere. Although these Guidelines have since been replaced by the Compact Settlement Guidelines (CSG), the Development Plan has not yet been varied to take account of these provisions. Notwithstanding this, *maximum densities* are not prescribed in the Development Plan. Section 12.3.3.2 – Residential Density seeks to optimise the density of development in response to the type of site, location and accessibility to public transport. Policy Objective PHP19 and Section 12.3.7.7 encourages the development of infill sites, which must respect the height and massing of existing development.
- 8.3.4. Section 4.3.1 requires that higher densities be provided (min. of 50 dph) at suitable locations within existing built-up areas. These locations include sites within 1km/10-minute walking time of a rail station, Luas line or Core QBC, and/or within 500m (5 min. walking time) of a Bus Priority Route, and/or 1km/10-minute walking time of a Town or District Centre.
- 8.3.5. I note that the site of the proposed development is located close to two rail stations, two QBCs, a further Priority Bus Route and a District Centre as follows:
- Booterstown Dart Station – c.1km (10 mins walk) to NW.
 - Blackrock Dart Station – c.1.4km (15 mins walk) to NE

- QBC N11 Stillorgan Road (8 Bus routes – E1, E2, 7B, S6, 47, 116 and 118) – c.1km to West (10 mins walk)
- QBC Rock Road (Bus routes 4, 7, 7A) – 1km to NW
- Bus route S6 – (Blackrock station to Tallaght via UCD) – 500m to SE
- Blackrock District Centre – c.1–1.2km (10-13 mins walk) includes two shopping centres with M&S and Supervalu anchors

8.3.6. During my site inspection, I walked these distances and consider them to be reasonably accurate distances from the site entrance. In addition to the above, there are a wide range of facilities within 5-10 minutes' walk of the site including pharmacies, GPs, dental services, schools, pubs, restaurants, parks etc. The area is also very well served in terms of access (within 3km) to educational facilities (UCD and Smurfit Business School, 4 no. secondary schools and 6 no. primary schools) and employment facilities including hospitals, commercial offices, retail and restaurant uses. I would refer the Commission to the series of annotated aerial photographs of the area in Part 1 of the Architectural Report (14/08/25) which show the location of such facilities.

8.3.7. I consider that the proposed density of 100dph (or 102dph based on the CSG criteria) would be consistent with the Development Plan policy objectives to increase housing density through consolidation of an infill site, given the high levels of accessibility of the site, provided that the design respects the residential amenity and character of surrounding lands. However, as noted previously, the Compact Settlement Guidelines 2024, which encourage higher densities in accessible and central locations, were published following the adoption of the current Development Plan for the area, and have replaced the Sustainable Residential Development Guidelines 2009. The P.A. has proposed Variation No. 1 to the Dun Laoghaire Rathdown CDP (2022-2028), which is intended to address the increased densities and other matters recommended in the guidelines. Following a public consultation process, the Elected Members were due to consider the Chief Executive's report at a Special Council meeting in April 2026. However, at the time of writing this report, it had not yet been adopted.

Sustainable Residential Development and Compact Settlement Guidelines (2024)

- 8.3.8. The grounds of appeal strongly dispute the location of the site within the ‘*City-Urban Neighbourhood*’ area as set out in the ‘Compact Settlement Guidelines’ (with a density range of 50-250dph) on the grounds that it is not located convenient to a high-frequency public transport ‘node or interchange’ and is not a ‘key urban centre’. It is further pointed out that it does not meet the other locational criteria for this type of neighbourhood (Table 3.2 of CSG), i.e. a town centre, close to the city centre or a strategic regeneration area. Instead, it is argued that it falls within the ‘*City-Suburban/Urban Extension*’, with a density range of 40-80dph, as it is described as a ‘low-density suburb’. The appellants place considerable emphasis on precise distances, walking times (and speeds) between the site and several high-frequency public transport services (as set out in Table 3.8 of the CSG) and on this basis, rule out the possibility of the site being located in a ‘City/Urban Neighbourhood’.
- 8.3.9. The intention of the CSG is that planning authorities would vary their Development Plans so that the policies would accord with the guidance in the NPF and the CSG which prioritise compact growth. As such, the CSG policies and objectives are intended as ‘a tool to guide the appropriate scale of development at different locations, rather than a prescriptive methodology’ (3.2). The approach involves in the first instance, the identification of the type of area involved (density band) with the associated density range, (Section 3.3 and Table 3.1). Once this has been determined, the approach requires that the density be refined within this density range according to considerations of firstly, ‘proximity and accessibility to services and public transport’ and secondly, considerations of ‘local character, amenity and natural environment’.
- 8.3.10. **Establishing the density range** - In the case of the current appeal, the planning authority has determined that the site falls within the City-Urban Neighbourhood density band (recommended density of 50-250dph). Table 3.1 of the CSG describes such areas as being ‘*highly accessible urban locations with good access to employment, education, institutional uses and public transport.*’ One of the categories is (iv) *lands around existing or planned high-capacity public transport nodes or interchanges* (defined in Table 3.8). Thus, to qualify as a City-Urban Neighbourhood, the area needs to be one with a diverse range of uses/services and have a high level of accessibility to both services and to high-quality public transport.

This contrasts with the 'City-Suburban' areas which are described as lower density, car-oriented residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st centuries, and the 'Urban Extension' areas which are largely greenfield sites at the edge of the built-up areas.

- 8.3.11. The Blackrock/Boosterstown/Merrion area within which the site is located is a long-established suburban area which dates back to the early 19th Century. Initially, Cross Avenue and the surrounding streets comprised mainly large grand villas or detached houses set within substantial landscaped grounds and gradually became characterised by development with a more diverse range of architecture and increased density. It has evolved over the years into a neighbourhood with a considerable range of uses including a well-developed District Centre at Blackrock.
- 8.3.12. I have outlined the wide range of facilities and high-quality public transport available in the area at 8.3.5-8.3.6 above. It is noted that the site is within a 10–12-minute walk along a pleasant, tree-lined and architecturally pleasing route to Blackrock Village, Frascati Centre and Blackrock Park incorporating a diverse range of uses. In addition, according to Google Maps, UCD is accessible from Chesterfield in c.24 minutes by public transport, c.34 minutes on foot and c.11 minutes by bicycle. St. Vincent's Hospital, St. Michael's Hospital and Blackrock Clinic are all within easy reach by public or private transport. The area is also served by high-quality and high-frequency public transport in the form of the DART line (Boosterstown and Blackrock) and Quality Bus Corridors along the Rock Road and the N11, all within c.1km radius. On this basis, it is clear that the site falls within a **City – Urban Neighbourhood** area and not a City - Suburban area/ Urban Extension area. Thus, the appropriate density range, as set out in the Compact Settlement Guidelines is 50-250dph.
- 8.3.13. When **refining the density** within this range, I note that the CSG recommends a tiered approach (3.4.1), in terms of considerations of '**accessibility and proximity to services and public transport**'. Thus, for sites at the most 'central and accessible locations' within the neighbourhood, densities at or above the mid-range (125dph) are encouraged, for sites at 'Intermediate locations', densities closer to the mid-range are encouraged and at the more 'peripheral locations', densities below the mid-range are encouraged. Definitions are provided in Table 3.8, which include –

High-Capacity Transport Node or Interchange – Lands within 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 or locations within 500m walking distance of an existing/planned BusConnects Core Bus Corridor stop.

Density at nodes/interchanges – highest densities should be applied at the node or interchange and decrease with distance.

Accessible location – Lands within 500 metres (5-6 mins walk) of existing or planned high frequency (10 min, peak hour frequency) urban bus service.

Intermediate Location – Lands within 500-1000 metres (10–12-minute walk) of existing or planned high frequency (10-minute peak hour frequency) urban bus services and Lands within 500 metres of a reasonably frequent (minimum 15-minute peak hour frequency) urban bus service.

Peripheral – Lands that do not meet the proximity or accessibility criteria detailed above.

- 8.3.14. On this basis, I consider that the site is one that is located within 1km of a high-capacity public transport node or interchange as it is located c.1km from Booterstown Dart Station, with adjacent high-frequency bus stops. Furthermore, I consider it to be within an 'Intermediate Location' as firstly, it is located within 1km of both the Rock Road and the N11, where there are existing and planned high frequency bus services, and secondly, it is within 500 metres of the S6 bus route which has a stop near the junction of Cross Avenue and Mount Merrion Avenue. This route services Blackrock to Tallaght, via the N11 and UCD, and has a frequency of 15 minutes. As such, a density of in-and-around the mid-range (125dph) would be acceptable in terms of the proximity and accessibility criteria.
- 8.3.15. The appellants have argued that Booterstown Dart Station does not qualify as a 'node' or 'interchange' as it does not intersect with other transport nodes and accepts that Blackrock Station would qualify, but is c.1.4km from the site. The First Party response points out that Booterstown Dart Station (c.1km from site) is immediately adjacent to a bus stop (in either direction) along the Rock Road, and as such, can be described as a node or interchange. I would agree with the First Party's interpretation of the definitions in Table 3.8, which states that 'a node or interchange'

is one 'that includes DART...' and there are several bus routes along Rock Rd. The criteria require proximity of 1km walking distance of such a node/interchange.

- 8.3.16. The **second consideration in refining density** relates to the **local character, amenity and the natural environment** to ensure that the quantum and scale of the proposed development can successfully integrate into the receiving environment. The appellants believe that the proposed development does not respond positively to the surrounding development and that it would result in a negative impact on the character of the area, the historic character of the site and area, the amenities of the properties in the vicinity and the natural environment. Many of these issues will be addressed in detail in the following sections. However, at this juncture, it is necessary to consider these issues in respect of the appropriateness of the overall density of the proposed scheme. The characteristics of the local area include the prevailing density and architectural styles, the historical character of the site and area and the vegetative cover.
- 8.3.17. The appellants believe that the prevailing density is low with predominantly two-storey detached and semi-detached houses, many of which are of historic importance with several Protected Structures. Although this is a true reflection of many of the larger and older properties in the area, there has been a considerable level of infill development over the years with increasing density, particularly in more recent times. The grounds of many of the large historic houses (e.g. Clonfadda House) have been developed as new housing estates with a mix of 2-3 storey houses and several 3-4 storey apartment blocks. There are also several non-residential or institutional buildings of a greater scale with more substantial footprints, heights, mass and bulk, such as Dominican Sion Hill School, Willow Park School and the St. Philip and St. James' Church, all on Cross Avenue. The BTR development at the former Blackrock College lands on Cross Avenue is a high-density development with blocks of up to 9 storeys. Although there are several Protected Structures in the general vicinity, the area is not a designated Architectural Conservation Area.
- 8.3.18. Cross Avenue is quite a wide, straight street with generous grass verges, which are tree-lined, on either side of the carriageway and several local access roads serving residential developments or estates leading off the main road. A considerable level of tree cover from the original large gardens has been retained throughout the area which helps to create a leafy and green environment within which the built elements

are nestled. There are several modern housing estates adjoining the western, southern and eastern boundaries, but these are well screened by the mature trees along the boundaries. The northern boundary is with the gardens of Chesterfield House, which is a Protected Structure, although the only part of the house that is statutorily protected is the 'Original Drawing Room'.

8.3.19. Chesterfield House (and gardens) is set back over 70m from Cross Avenue and is accessed by means of a private driveway which also leads to the site of the proposed development. The lands to the north of Chesterfield House have been redeveloped with a large modern house, 'Renesca' and a further large dwelling which is currently under construction in the side garden of Renesca, which hide the appeal site from Cross Avenue. The recently permitted SHD development (313252) approved the construction of 8no. 3-storey houses on the lands between Chesterfield House and Renesca, together with refurbishment of Chesterfield House. The appeal site is, therefore, hidden from Cross Avenue and is well screened from the surrounding properties.

8.3.20. The site itself comprises a large grassland area with a dense perimeter of mature tree lines and some remnants of the original gardens associated with Chesterfield House. The levels fall by c.6.4m from the southern boundary towards the ornamental pond. This pond, which separates the site of the proposed development from the remnants of the original gardens, is intended to form a central part of the landscaping strategy for the site. The proposed development would introduce two apartment blocks ranging from 5 to 8 storeys with a row of 16no. 3-storey houses close to the southern boundary. The tallest elements would be in the centre of the site, and the height and massing of the blocks would be reduced on the western and eastern sides. It is proposed to retain much of the existing tree cover and to enhance the tree lines with additional planting. The site layout is designed to maintain the sightlines from the protected 'Original Drawing Room' through the proposed open space between the blocks with further landscaped open spaces to the north, east and south of the blocks.

8.3.21. **In conclusion**, having regard to the policies and objectives of the current CDP and of the CSG as set out above, I consider that the site is capable of accommodating a higher density than that prevailing in the surrounding area. The site is located in a highly accessible area with excellent access to a wide range of services and to high-

quality public transport and is, therefore, suited to increased densities. As an 'intermediate location', a density of 125dph would be acceptable in principle. However, there are several constraints on the site including the need for sensitive management of the historical relationship with Chesterfield House and original gardens and the significantly sylvan character of the site, which it would be desirable to retain for nature conservation reasons and as a visual buffer. Notwithstanding this, it is considered that the relatively secluded nature of the site together with the extensive vegetative screening around the perimeter would enable a development with a higher density to be accommodated, provided that the design, scale, height and massing of the buildings would adequately respect the character and residential amenities of the surrounding lands. These matters will be considered further in the following sections. It is, therefore, considered that the proposed density of c.100dph (or 102dph) is appropriate.

8.4. Design, Layout and Building Height

- 8.4.1. The grounds of appeal include opposition to the design, height and layout of the proposed development. Concerns relate to the proposed building heights, with the apartment blocks at 5-8 storeys which it is claimed fail to successfully integrate with the architectural and historic character of the area. The excessive height and scale would also result in long-term negative impacts on the visual amenities of the area. Concerns are also raised regarding the level of screening provided by the treeline which is considered to be inadequate. It is submitted that the proposal represents overdevelopment of the site which would significantly exceed the prevailing height and is not in a highly accessible area. It is submitted, therefore, that the proposal would be contrary to the requirements of the Building Height Guidelines, as it does not meet the Development Management Criteria (3.2) for the Scale of the District/Neighbourhood.

Design and layout

- 8.4.2. The Architectural Report and Landscape Report submitted with the application (14/08/25 and as revised 1/12/25) set out the design concepts for the site. The design strategy is based on a combination of key objectives including the maintenance of the sightlines to/from the protected drawing room of Chesterfield

House, creating a permeable and publicly accessible network of attractive landscaped open spaces, with a series of meandering pedestrian pathways throughout the site, as well as the maintenance of the green and sylvan character of the site including the dense and mature tree belts along the southern, western and eastern boundaries.

- 8.4.3. It is stated that the maintenance of the sightlines to/from the 'Original Drawing Room' establishes the central axis of the development and maintains the formal relationship between Chesterfield House and the proposed development while ensuring that the lush greenery remains in permanent view from the Protected Structure. Vehicular access is very limited as access to the basement carpark is close to the entrance, which facilitates the creation of pedestrian friendly and convenient routes through the site. The landscape strategy is stated to provide for a series of attractive and useable open spaces which offer the opportunity for meeting, walking, sitting out and formal/informal play spaces, which benefit from good levels of surveillance and are evenly distributed throughout the site.
- 8.4.4. The design, layout and massing of the buildings also seek to maximise access to daylight and sunlight and to minimise overshadowing of adjoining sensitive properties. Most apartments are dual aspect (59%) and predominantly face south, east or west. The separation distance between the blocks exceeds the 22m CDP standard which facilitates the creation of the open visual axis from the southern side of Chesterfield House through the landscaped open space.
- 8.4.5. The proposed apartments are contained within two C-shaped blocks arranged as mirror images with the central/core areas laid out as communal courtyard spaces, orientated to the west and the east, respectively. The two blocks are separated by the primary central area of communal open space which frames the view from the Drawing Room. There is a grade change of c.6.5m between the southern boundary and the pond. The stated intention of the design strategy is to create a smooth transition in height, gradually increasing towards the centre of the site. To this end, Blocks 1 and 2 are located at the lowest ground level of the site (just south of the pond), are well set back from the eastern (16-36.6m) and western (14m) boundaries, the height tapers from 8 storeys at the centre to 5 storeys closer to these boundaries and the three-storey townhouses provide for a further transition in height towards the southern boundary. The southern and eastern boundaries retain the existing mature

treelines and the western boundary will be enhanced with a similar treeline, which provide for a substantial degree of screening and a visual buffer.

- 8.4.6. The ornamental pond, which is to be realigned and enlarged, forms a central feature of the site layout. It is proposed to provide a pedestrian bridge across the pond which would link the entrance area to the central communal open space and the apartment development with the areas of public open space to the north/north-east. The design takes advantage of both the site level change and the location of the pond by incorporating a partially underground basement at the centre of the site to help balance the height differences. This facilitates direct and expansive views over the pond from the internal residential amenity area, (Blocks 1 and 2, including a café, informal sitting areas, a gym and a yoga room), as well as providing a variety of open space areas with different characteristics. There is a terrace immediately adjacent to the pond and steps/a lift to the podium level (central) open space.
- 8.4.7. The public open space is primarily located to the north of the pond and forms a green and open transition between the development and the gardens around Chesterfield House which are to be refurbished. It also allows for the uninterrupted views between the Drawing Room and the landscaped spaces at the centre of the development. This public open space incorporates a 'Natural Play Area' and continues southwards to the east of Block 2 along the eastern boundary to provide for a woodland area and an orchard as well as further passive and active recreational spaces. The quantity of public open space at 4,210sq.m (16.6% site area) exceeds the minimum Development Plan (and CSG) requirement of 15% and the quantity of communal open space arranged in four 'detail areas' is 2,050sq.m (8.1%), which also exceed the minimum requirements. In addition, the apartments and houses are provided with private amenity space in the form of balconies, terraces and gardens, which also comply with the required standards.
- 8.4.8. The design and layout of the proposed development was assessed by the P.A. against the Design Criteria (12.3.1.1) of the Development Plan, (pages 58-62 of the Planner's report). These criteria include matters such as density, quality of layout, levels of privacy, daylight and sunlight, access and safety and response to context. It was concluded that while the development is of increased scale relative to the local context, the overall layout of the proposal was considered to be positive in that it utilised the existing topography to absorb some of the additional building height and

as the building form is modulated to reduce height towards the shared boundaries to the east, west and south. The proposed design and layout were therefore considered to be generally acceptable in response to this site and surrounding built form.

- 8.4.9. I would generally agree with these conclusions regarding the design and layout. It is considered that the proposed design strategy embraces and maximises the positive attributes of the site, such as the sylvan character, the mature treelines around the perimeter, the location of the ornamental pond and sloping topography towards the water feature and the presence of Chesterfield House as a historical and visual focal point. It is further considered that the design and layout of the development which locates the tallest elements in the centre and at the lowest point of the site, with the gradual height reduction to the west and east and the generous setbacks from these boundaries, the placement of the lower scale townhouses to the south and the incorporation of landscaped open space and enhanced tree belts adjacent to the sensitive boundaries, combine to demonstrate a sensitive approach to the difference in scale on the surrounding lands and would help to integrate the development into the neighbouring context. The design response to the surrounding context is, therefore, considered appropriate.

Building Height

- 8.4.10. The **Urban Development and Building Heights Guidelines (2018)** promotes development plan policy which supports increased building height and density in locations with good transport accessibility. The Building Height Guidelines state that there is a presumption in favour of increased building height in city cores and in locations with good public transport accessibility. It sets out broad principles and criteria for the assessment of proposals for buildings that are taller than the prevailing heights (Section 3.2). As discussed in previous sections of my report, it is considered that the site is located in an area with good accessibility to services, facilities and high-quality public transport.
- 8.4.11. The **Dun Laoghaire Rathdown County Development Plan 2022-2028** addresses building height in **Policy Objectives PHP42, BHS1** and in the **Building Height Strategy (BHS) in Appendix 5** of the Plan. Policy PHP42 encourages high quality design and requires new development to comply with the BHS (App.5). The Building

Height Strategy was prepared having regard to the Building Height Guidelines (2018).

Policy Objective BHS1 - Increased Height supports consideration of increased building heights at appropriate locations including, *inter alia*, suitable areas which are well served by public transport links (within 1km/10 min. walk of DART station, LUAS stop or QBC stop or 500m of Bus Priority route), provided that proposals ensure a balance between the reasonable protection of amenities and environmental sensitivities, protection of residential amenity and established character of the area.

8.4.12. The CDP Building Height Strategy (Table 5.1) incorporates the Development Management Criteria (3.2) of the Government's Building Height Guidelines. The applicant has addressed the performance criteria (Table 5.1) in the Statement of Consistency submitted with the application. The assessment against these performance-based criteria (and County-specific criteria) is also set out at pages 63-73 of the Planner's Report. It was concluded that the site is located in an area that is well served by public transport as set out in BHS1 and that it has the potential to accommodate 'taller buildings' (i.e. 2 storeys above prevailing height). The P.A. was generally satisfied (following the receipt of RFI) that the proposed development responds well to its surrounding context due to the separation distances to existing dwellings, retention of the sylvan character and the use of topography and building modulation. It was concluded that the visual impact of the development would be largely contained within the immediate surroundings of the site and that the proposed buildings would not result in undue impacts on the residential amenity of adjoining properties.

8.4.13. I am satisfied that the policies and objectives set out in the national planning guidance on building height and the CDP Building Height Strategy generally support development proposals of increased height and 'taller buildings' at this location, subject to compliance with the performance criteria in Table 5.1 of CDP. Furthermore, I consider that neither the policy guidance at national or local level establishes a maximum limit of building height or density for this site.

8.4.14. **Table 5.1 (Appendix 5) of the CDP** sets out a set of **Performance Criteria** against which the proposed development is now assessed.

At County Level	
NPF Objectives	Given the location in a serviced, built-up urban area, with good accessibility to high-quality public transport and local facilities and services, the proposal would assist in securing objectives regarding the delivery of housing in key urban centres, on infill sites and on residentially zoned land. It would also result in increased use of an underutilised site and in achieving compact growth. I am satisfied that the proposal is consistent with NPO 4, 7, 8 and 45.
Accessibility to public transport	As outlined in sections 8.3 and 8.4 of this report, I am satisfied that the site is well served by public transport being located within 1km of high capacity, high-frequency service and good links to other modes of public transport. The Public Transport Capacity Analysis Report submitted with the application indicates that there is sufficient capacity in both the DART and QBC services.
Successful integration into character and enhancement of public realm of area	As discussed in section 8.4 above, I consider that the design and layout responds positively to the surrounding context by siting the tallest elements in the centre and at the lowest point of the site, by tapering the height of the blocks towards the eastern and western boundaries, by siting the lower height townhouses closer to the southern boundary, by setting the apartment blocks back from the site boundaries and by retaining/replacing the substantial and robust vegetative screening along the perimeters of the site. The public realm would be enhanced by the opening up of the underutilised site to the public with access to high-

	<p>quality landscaped open spaces which retain the sylvan character of the site and views to and from Chesterfield House, which is retained as a focal point within an enhanced landscaped setting. I am satisfied that this would result in successful integration into the character of the area and enhancement of the public realm.</p>
Views and Prospects	<p>There are no protected views or prospects within the surrounding area. The views from the protected Drawing Room of Chesterfield House would be maintained.</p>
Infrastructural capacity	<p>The site is identified as Tier 1 lands in the Core Strategy of the CDP. Infrastructural capacity has been confirmed by Uisce Eireann in respect of wastewater infrastructure (connection is feasible) and water supply (connection is feasible subject to upgrade, which is proposed as part of this development). The Public Transport Capacity Analysis Report has also confirmed that there is capacity within the DART and QBC services in the area.</p>
At District/Neighbourhood/Street Level	
<p>Response to natural and built environment and positive contribution to neighbourhood/streetscape and Demonstrate compliance with 12 criteria in Urban Design Manual (SRDG 2009)</p>	<p>Urban Design criteria</p> <p><u>Context</u> – it will contribute to the neighbourhood and streetscape by opening up a private and underutilised site to the public, delivering public open spaces, playground and childcare facilities.</p> <p><u>Connectivity</u> – The proposal will open up a backland site to the public. It would provide for pedestrian/cycle connectivity with the site, permeability within the site and potential future</p>

	<p>connectivity to adjoining development. The site is also well connected to local services and employment facilities.</p> <p><u>Inclusivity</u> – the proposal would add diversity to the existing housing stock and provide childcare facilities. Includes Part V units and all units are designed for universal access.</p> <p><u>Variety</u> – Provides for a suitable mix of uses and housing typologies including apartments, duplexes and houses.</p> <p><u>Efficiency</u> – The proposal would result in an intensification of an underutilised site with a higher density which would represent a more efficient use of serviced and accessible land. The buildings are designed with a high energy rating of A2/A3 BER. It also includes SUDs drainage principles and suitable waste recycling proposals. The design includes micro-climate mitigation to avoid nuisance from wind.</p> <p><u>Distinctiveness</u> – the design, layout and built form would represent a new and innovative architectural approach in the area. It would harness the positive attributes of the site to create a distinctive development with an increased density and scale, set within a landscaped parkland setting, which maintains important views to/from Chesterfield House and its associated gardens. The incorporation of the ornamental pond into the landscaping scheme together with the creation of a network of attractive interlinked open spaces and pathways would provide a high-quality public open space for both residents and the local community.</p>
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	<p><u>Layout</u> – the layout utilises the site’s natural assets such as the mature tree belts on the perimeter, the sloping topography and the ornamental pond and Chesterfield House to help integrate a density of increased height and scale into a lower density neighbourhood. The layout positively responds to the surrounding development by means of the massing of the C-shaped buildings, the tapering of building height towards the site boundaries and the generous setbacks with the retained and enhanced mature vegetative screening.</p> <p><u>Public realm</u> – the proposal would contribute to the public realm by providing access to this underutilised site which would include public amenities in the form of high-quality landscaped open spaces, meandering pathways and childcare facilities. The vehicular access to the site is very limited due to the siting of the entrance to the basement parking close to the site entrance, which will facilitate the creation of attractive and secure pedestrian open spaces designed for meeting, sitting, walking and active and passive recreation.</p> <p><u>Adaptability</u> – the proposed apartments would be universally accessible and exceed the minimum size standards in the Apartment Guidelines, making the layouts flexible and adaptable to future uses and occupants.</p> <p><u>Privacy and amenity</u> – the proposed apartments would be provided with suitable standards of private amenity space, with a high level of dual aspect and outlook over landscaped spaces. The separation distances between blocks and adjoining</p>
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	<p>development exceed the minimum requirements. The P.A. had raised some concerns regarding overlooking between some apartment types, but this was satisfactorily addressed in the RFI (1/12/25).</p> <p><u>Parking</u> – the proposed parking is mainly contained within the basement level with spaces in front of the townhouses. The P.A. has attached a condition requiring the number of spaces for the townhouses to be reduced from 2 to 1 per unit in accordance with the guidance in the CSG. This is considered further below.</p> <p><u>Detailed Design</u> – the contemporary design of the buildings is considered to be appropriate to this site, and the use of light tone materials will help to integrate the buildings into the surrounding context as it would emulate the palette of materials associated with historic stone and rendered buildings prevalent in the area.</p>
<p>Built form – avoid long uninterrupted walls and monolithic forms</p>	<p>The apartment blocks are not monolithic as the elevations are sufficiently articulated and the buildings are separated by a reasonably sized landscaped open space. The design of the blocks provides for variety through modulation of the height, the use of projecting balconies and terraces along the facades and staggered building lines. In addition, the facades are designed with a visual gradation of the brick and render to break down the verticality of the elevations.</p>
<p>Materials</p>	<p>The palette of materials, based on a relatively light tone of brick with rendered bands, is considered to be appropriate to the site context. The use of a</p>

	<p>lighter tone helps to reduce the visual impact from adjoining residential properties and represents a high-quality finish which is considered suited to the architectural quality of the surrounding area. The high quality of the materials and long-term maintenance benefits are highlighted in the Building Lifecycle Report which accompanied the planning application.</p>
<p>Enhance urban design context for public spaces, thoroughfares and water frontage</p>	<p>The proposed network of interconnected open space areas, which retain the established sylvan character of the site, as well as the strong visual links through the site with Chesterfield House and associated gardens, creates a new public realm which is both distinctive and functional. The design and layout of the outdoor space areas help to create a pleasant series of landscaped thoroughfares together with a variety of sitting out areas for both passive and active recreation. The incorporation of the ornamental pond with pedestrian bridge provides a waterside seating area and a physical and visual link between the new areas of open space and the remnants of the gardens associated with the house, which are to be refurbished and enhanced. The provision of a variety of play areas for different age groups, as well as the circuitous pedestrian route with woodland walkway to the south and the proposed orchard to the east add further dimensions to the character of the open space.</p>
<p>Legibility</p>	<p>The site is currently isolated and well screened from the neighbourhood, with just the entrance gate piers and driveway visible from Cross</p>

	<p>Avenue. It is proposed to upgrade the entrance and access driveway and to provide a new ornamental steel panel fence delineating the driveway, which was permitted under ACP.313252-22 (as amended under S146(A)). This is discussed further below. This would improve the legibility of the site with the wider area. The legibility of the internal site layout would also be improved by the enhanced landscaping and open space areas including the visual links between the protected structure and the linear open space area, via the pond and re-landscaped gardens.</p>
<p>Mix of uses and building typologies</p>	<p>The mix of uses would be enhanced by the provision of a childcare facility which would add to the range of services in the area. The mix of residential units, comprising 1, 2, 3 and 5-bed units and a mix of apartments, duplexes and houses would add to the building/dwelling typologies in the area. The provision of a varied range of high-quality open spaces would also add to the amenity value of the neighbourhood.</p>
<p>Enclosure of streets and spaces</p>	<p>Although the site is an infill site with no road frontage and little opportunity to provide for enclosure of streets, it is considered that the internal streets that would be created would be appropriately enclosed. The proposed areas of open space, which also act as pedestrian thoroughfares, would also be adequately overlooked and benefit from passive surveillance.</p>

<p>Urban grain with meaningful levels of human contact</p>	<p>Landscaping is designed to encourage active engagement with the different character areas, and the circuitous pathways encourage movement through the site. The design and layout of the buildings provide for excellent levels of overlooking of external courtyards and open space areas. The proposed apartment blocks also include an internal residential amenity space which would overlook the ornamental pond and would facilitate informal gatherings. In addition, the varied nature and character of the open space areas with a mix of formally arranged courtyard gardens, landscaped thoroughfares and a meandering woodland walkway, provision for active recreation in the form of yoga, exercise and relaxation and a series of sub-spaces for sitting out and gathering would allow for meaningful human contact and an attractive and secure public realm.</p>
<p>Positively contribute to character and identity of neighbourhood</p>	<p>The character of the area comprises mainly low-density development of varying architectural styles with a high number of large dwellings on substantial plots with mature landscaped gardens and high walls on Cross Avenue. There has been much infill development over the years with increased density, particularly in the lands to the south of Cross Avenue which border the western, eastern and southern site boundaries. However, the prevalence of mature landscaping and high level of tree cover has been retained. The proposal would introduce a development of a much greater scale, density and height than prevalent in the immediate surroundings. As outlined above, however, the proposal is considered to respond</p>

	<p>positively to the surrounding established development by reason of the design, layout and retention of the screening effect of the mature tree lines. The LVIA concluded that although some adjoining properties would experience a noticeable change, only a limited element of the development would be visible from outside the site and from a small number of locations. The proposed development would introduce a new and distinctive development of high architectural and landscape quality which would make a positive contribution to the character and identity of the area.</p>
<p>Respect the built and landscaped form and amenity of neighbouring sites</p>	<p>The minimum separation distances of 22m (CPD) and 16m (SPPR1 – CSG) have been achieved and exceeded. The positioning of the apartment blocks in the centre of the site allows for the retention of a significant amount of the existing mature treelines along the boundaries, which will be further enhanced by additional infill planting, which will assist with screening the development. The siting of the taller buildings at the lowest point, away from the boundaries, and tapering of building heights will help to assimilate the development and help with the transition in scale between the site and development at Clonfadda Wood and Cherbury Court. The design and layout have had due regard to minimising the effects of overlooking, overshadowing and visual amenity of adjoining properties. A small number of adjoining properties will experience overshadowing in the evenings (See section 8.7 below). I am satisfied</p>

	that the proposed development would respect the built form and amenity of neighbouring properties.
At Site/Building Scale	
Maximise access to daylight, ventilation, views and minimise overshadowing	As outlined in section 8.7 below, the Daylight and Sunlight Effects and Internal Daylight Reports submitted with the application indicate that there would be no significant impact on future occupants or adjoining residential properties. The proposed residential units exceed the minimum size and aspect requirements. The majority of units are designed to be dual aspect (59%) and/or where single aspect, are south-facing and most apartments overlook high quality open space. The apartments will comply with Part F of Building Regs (ventilation), and the layout maximises access to natural daylight and sunlight.
Comply with BRE guidance and where non-compliance, provide rationale and proposed compensatory measures	As outlined above, the P.A. had no outstanding concerns regarding compliance with this guidance. The RFI provided details of proposed compensatory measures which were considered satisfactory. See also sections 8.7 below.
Ensure no adverse impact on residential amenity of adjoining properties	See section 8.7 below which addresses residential amenity of adjoining properties.
No negative impact on ACA or setting of Protected Structure	Site is not located within or adjacent to an ACA. The 'Original Drawing Room' of Chesterfield House is a PS. As outlined above, the design and layout of the proposal maintains sightlines and a strong visual connection between the protected room and the setting of the building. The original building was substantially rebuilt in the 20 th century

	and the permitted part of the SHD development (313252) included proposals to refurbish the house and associated gardens to the south which would enhance the setting of the protected drawing room. The proposed high-quality landscaped open spaces and uninterrupted views towards the central axis of open space, which would be framed by two mature cedar trees, would also enhance the views from the drawing room and the setting of the protected structure, which currently lies within an underutilised and vacant site.
Carbon emissions	The application was accompanied by a Sustainability and Energy Statement and a Lifecycle Report which provide details of the manner in which the proposed development would minimise embodied carbon and operational GHG emissions during the construction phase and over the lifetime of the development. The proposal will also achieve a high energy rating of BER A2/A3.
County Specific Criteria	
Coastal character	Given the distance from the coast and nature of the intervening lands, I have no concerns.
Mountain landscape	No likely impacts on mountain landscapes due to distance and intervening landscapes.
Specific requirements	Pre-application requirements have been addressed.
Microclimatic impacts	A Microclimate Report was submitted with the application. It demonstrates that the wind environment would be suitable for the intended uses of each area and building and that the proposed development would not give rise to any

	adverse micro-climatic impacts on adjoining properties.
Flight lines	As outlined in the Ecological Assessment, the proposed development is not located within a sensitive area in terms of bird flight paths. The building heights are relatively limited in respect of migratory flight paths. No impacts anticipated.
Telecommunication channels	No impacts anticipated.
Safe air navigation	No impacts anticipated.
Environmental impact assessments	The application was accompanied by an AA Screening Report, an EIA Screening Report and Ecological Impact Assessment. Please see Sections 9.0 and 10.0 below and associated Appendices to this report.
Additional Criteria	
Place making	The proposal provides a high-quality development with a distinctive sense of place as the design and layout maximises the positive attributes of the site, contributes to an enhanced public realm and retains the sylvan character and enhanced garden setting of Chesterfield House.

Conclusion

8.4.15. In conclusion, I consider that the proposed development is acceptable in terms of its overall design, layout and building height. It is generally consistent with the Building Height Strategy in the CDP and performs well in terms of the criteria in Table 5.1, as outlined above. I would concur with the planning authority's view that the site is one which could accommodate taller buildings and that the design and layout responds well to the surrounding context, primarily as a result of the beneficial use of the site

topography and proposed building height modulation towards the boundaries, combined with the generous set back distances and retention and enhancement of the mature vegetative screening along the perimeter of the site.

8.5. Landscape and Visual Impact

- 8.5.1. The grounds of appeal raise concerns regarding the density, scale and height of the development which were considered excessive relative to the prevailing scale and character of the area and would, therefore, have an adverse impact on the historic architectural character and the visual amenity of the area. The appellants believe that the proposed development would result in a monolithic structure which would be an incongruous and obtrusive feature in the landscape. It is submitted that the visual receptors have a high susceptibility to change and that the area has a lower capacity to absorb such change. The grounds of appeal point out that the LVIA identified long-term moderate negative impacts, particularly on views from Cross Avenue, Southwood Park, Clonfadda Wood and Cherbury Court, which were considered oppressive and overbearing. Furthermore, the vegetative screening was considered inadequate to mitigate these impacts.
- 8.5.2. The LVIA submitted with the application includes a series of photomontages and CGIs which aid the understanding of the likely impacts on the landscape and visual amenities of the area. Notwithstanding objections from local residents about the representativeness of the views, it is considered that the viewpoints reflect a range of different locations at varying distances from the site and include a reasonable representation of receptors. I note that the P.A. was also satisfied with the range of viewpoints and considered that they accurately represented the views presented.
- 8.5.3. I would accept the appellants' views that the character of the area is generally of a lower scale and density than that of the proposed development, which would introduce a new significantly higher density development comprising taller buildings. This would inevitably result in a degree of change to the townscape. However, the character of the area is somewhat varied in terms of architectural styles and building typologies as it has evolved over many decades. Furthermore, I would not accept that it is uniformly 2-storeys in terms of height and scale, as some have suggested. The original and older buildings mainly comprise substantial single detached 2-

storey dwellings set within generous landscaped gardens with high stone walls, many of which have been subdivided and developed with infill housing over the years. I note that the more recent developments include buildings of 3 and 4-storeys in height, (see page 18 of Architectural Report submitted with application).

- 8.5.4. From my observations on site, I also note that the character of the area is mixed in terms of uses with institutional, community and commercial uses scattered throughout the area. In addition, the overall area has maintained a significant degree of greenery and tree cover, which helps the varying styles of architecture and building typologies to be readily assimilated into the character of the area. I consider, therefore, that the landscape (or townscape) character of the area can be described as a built-up area with a diverse architectural character and varied nature of streetscapes, with a limited range of intervisibility due to the topography, the built form and the extensive tree cover both within private gardens and on the public streets. These factors provide for a significant degree of enclosure which would limit visibility of the proposed development from the surrounding townscape. Thus, I am not convinced that the landscape/townscape of the area is so homogenous or open in character that it is incapable of absorbing some degree of change.
- 8.5.5. The LVIA concluded that although there would be a noticeable change to the existing urban environment, only a limited element of the proposed development would be visible outside the site and from a small number of locations. This was stated to be largely due to the nature and location of the surrounding existing development including the high level of tree cover in the area together with the prevalence of mature gardens with established vegetation, generally enclosed by high walls. The lack of a road frontage to the site and the extensive boundary screening by mature treelines, was found to generally result in glimpsed rather than direct views.
- 8.5.6. From my observations on site, I would agree that the visibility of the site from the surrounding lands is quite restricted due to the lack of street frontage, the enclosed nature of the site and its sylvan character, providing for a strong visual buffer. These factors, together with the design and layout as discussed above, combine to minimise the degree to which views of the proposed development would be available from the surrounding area. It is not, therefore all that surprising, that the number of adjoining properties with moderate negative long-term visual impacts is very limited

and that most views from adjacent properties would be likely to be glimpsed rather than direct views.

- 8.5.7. The LVIA noted that there would be no visibility from six of the more distant views (A1-A6) and that a further seven views (B1-B7) would have a limited or minor visual impact. The LVIA identified five views (C1-C5) where the proposed development would be a noticeable element from neighbouring lands. These were from the Cross Avenue entrance (C1), Cherbury Court (C2), Clonfadda Wood (C3, C4) and Southwood Park (C5). The proposed development would result in a moderate, negative impact from these locations. The LVIA considered that this would result in a localised impact only and would be limited to the sites closest to the development. I would accept, however, that in terms of impact on visual amenity, residential receptors in their own homes would represent a more sensitive receptor than users of the public realm and there is likely to be a greater resistance to change.
- 8.5.8. As outlined above in Section 8.4 and in the assessment of the performance criteria (Table 5.1), I consider that the design and layout of the proposed development has responded positively to the surrounding adjoining development, mainly due to the siting of the taller buildings at the lowest site level, in the centre of the site and away from the site boundaries. The proposed 3-storey townhouses are located between the proposed apartment blocks and the southern boundary with Clonfadda Wood. Furthermore, it is considered that the modulation of the taller buildings with the height tapering down to 5-storeys towards the western and eastern boundaries, combined with the generous set back distances from these boundaries and the proposals to retain and enhance the existing mature tree line screening along the perimeter of the site, would allow the buildings to be more readily absorbed into the local townscape and would significantly reduce the visual impact on adjoining properties.
- 8.5.9. With regard to being monolithic, it is considered that the proposed C-shaped footprints of the apartment blocks, with the internal courtyards facing the eastern and western boundaries, together with the generous separation distance between the two blocks, enables the volume and mass of the buildings to be substantially reduced which would help to reduce the potential impacts of the increased scale on adjoining lands. I further consider that the articulation of the elevations, the use of a light tone of brick and of projecting glazed balconies, combine with the siting and

design to reduce the building mass. I do not accept, therefore, that the proposed development would be unduly oppressive or overbearing when viewed from the adjoining properties and consider that the design and layout, as outlined above, would help to successfully integrate the taller buildings into the local area.

8.5.10. **Conclusion** - The P.A. concluded that notwithstanding the visual impact on some of the closest neighbours, the lands are zoned for residential purposes and there is an objective to secure higher residential densities in proximity to public transport nodes, and as such, the proposed development is consistent with emerging trends and policy objectives. I would generally agree with this conclusion, but also consider that the proposed development, which would introduce new high density residential accommodation of an much greater scale, would also provide a development of high-quality architecture on an underutilised infill site in a built-up area, whilst retaining much of the existing parkland setting and would also make a positive contribution to the character and identity of the neighbourhood, with a significantly enhanced landscaped public realm for the community to enjoy. The proposed development would not, therefore, result in an adverse impact on the architectural character or visual amenity of the area and would make a positive contribution to the townscape character and would create a distinctive sense of place.

8.6. Built Heritage

8.6.1. The third-party appellants consider that the proposed development would adversely affect the historic character of the area and of the site, and particularly the setting of Chesterfield House. It is pointed out that the applicant referred to the Protected Structure as merely the 'Original Drawing Room', which it is submitted is based on a referenced report, without providing a copy of the said report. Reference is also made by the appellants to a recent High Court Judgement whereby it was decided that the gardens associated with a Protected Structure should be considered as part of the Protected Structure. Objection is further made to the alleged failure of the applicant to provide either an assessment of the impact of the proposed development on the curtilage of the Protected Structure or a 'Historic Landscape Assessment'. Given the inadequacy of the information provided, the appellants consider that the proposed development fails to comply with Policy Objective HER8,

which requires that the historic landscaped gardens associated with a Protected Structure must be protected.

- 8.6.2. The application was accompanied by an **Architectural Heritage Impact Assessment** (AHIA) for the proposed development (prepared by a Grade 1 Accredited Conservation Architect) and a **Landscape Report** and associated landscape drawings. The AHIA report identifies the character of the surrounding streetscapes as attractive and established residential streets featuring high-quality housing built in the 19th and 20th centuries, including several Protected Structures. It provides an assessment of the impact of the proposed development on their architectural interest. The AHIA concluded that the proposed development would have a negligible impact on the Protected Structures in the vicinity of the site and on the principal historic streetscapes of Cross Avenue, Mount Merrion Avenue and Booterstown Avenue, due to the built-up character of the surrounding streetscapes, the retained mature hedgerows, the infill nature of the proposed development and the massing strategy.
- 8.6.3. As discussed in section 8.5 above, the architectural character of the area includes many historic buildings and several protected structures but also contains a diversity of architectural styles. The Commission should note that the site is not, however, located within or adjacent to an Architectural Conservation Area. As stated previously, it is considered that notwithstanding the introduction of taller buildings within the site, the proposed development would have limited visibility in the overall area, due to the design and layout with the reduced scale and separation from the boundaries (as discussed above). In addition, the palette of materials would help the buildings to integrate into the surrounding area together with the lighter tone of brick which emulates the general colour and tone of the stone and render materials, which are characteristic of the historic buildings in the area. I would, therefore, generally agree with the conclusions of the AHIA that the impact of the proposed development on the historic architecture of the surrounding area is likely to be negligible.
- 8.6.4. Chesterfield House is designated as a Protected Structure in the Dun Laoghaire Rathdown CDP, **RPS No. 171**. However, the description refers only to the '**Original Drawing Room**' as being protected. The AHIA explains that this is because Chesterfield House, which was originally constructed in c.1805 and substantially altered in c.1880, was rebuilt to an inferior design in c.1970. The AHIA states that -

'The surviving Drawing Room was protected due to the quality of its internal scale, proportion, aspect, decoration and detailing... [as well as the fact that it] overlooked an expansive garden to the south, which fell gradually away from the house and features an ornamental pond, open lawn and decorative copses of trees'.

The AHIA outlines the history and significance of the 'Original Drawing Room' and provides an assessment of the likely impact of the proposed development on its setting, character and special interest. The Architectural Report includes a series of CGIs (prepared by the project architect), which illustrate the relationship between Chesterfield House and gardens and the proposed buildings. It is pointed out that the SHD scheme permitted under ABP.313252 had included alterations to Chesterfield House, which are yet to be implemented, and that the SHD application had included documentation which outlined the history of the site and included descriptions and analysis of the house and the Protected Structure contained within it. The AHIA notes that the permitted scheme was intended to improve the presentation and setting of Chesterfield House which was to be retained at the entrance to a large residential development. The Landscape Report (and associated drawings, including revisions) includes proposals to incorporate the restoration of the surviving features of the formal garden to the south of Chesterfield and illustrates how views to/from the Drawing Room will be addressed.

- 8.6.5. The grounds of appeal raise concerns about the potential impact on the setting of Chesterfield House, question whether the impact on the curtilage of the Protected Structure has been adequately addressed and refer to a 'report' relied upon by the applicant in respect of this matter. The first party's response to the grounds of appeal (3/3/26) includes a copy of a Legal Opinion, which had been originally submitted by the developer in support of the SHD scheme (ABP.313252). This legal opinion by Eamon Galligan S.C. (Appendix 3 to Response to Grounds of Appeal) relates to the scope of the statutory protection applying to Chesterfield. It also addresses the concept of 'curtilage' of a Protected Structure.
- 8.6.6. In order to address the issues arising from the grounds of appeal, it is necessary to firstly establish what is the extent of the Protected Structure, secondly, what lies within the curtilage of the PS and thirdly, whether the proposed development would have an adverse impact on the setting of the Protected Structure, having regard to

the guidance in the Architectural Heritage Protection Guidelines for Planning Authorities 2004 and to CDP policy objective HER8.

The Protected Structure

- 8.6.7. Chesterfield House is a 3-bay 2-storey house with a projecting single-storey front porch and bowed bays to the front and sides. The house was originally built in 1805 and had formal gardens laid out close to the house (including a summer house) and intersecting pathways which gave way to a small water feature and onwards to an open meadow beyond, which is bordered by a mature line of trees along the perimeter. The house includes an L-shaped room on the upper ground floor (referred to as the 'Original Drawing Room') which overlooks the expansive gardens, with long views over the open lawns and ornamental pond and towards the meadow. This view is primarily focused on a linear pathway through the gardens, forming an axial view towards the meadow, and the view is framed by two very substantial tall cedars on either side of the pathway. At present, the formal gardens, as well as the area between these gardens and the pond, are significantly overgrown and are in a state of wilderness.
- 8.6.8. It is noted from the history of the site that the original house was remodelled in 1880 and was rebuilt in c.1970 to an inferior design. However, the drawing room survived and although it was altered internally, it has been retained and 'suspended within' the remodelled house. Chesterfield House was added to the Record of Protected Structures in 1991 where it was described as a 'house'. However, in 2004, this description was changed to the 'Original Drawing Room'. I note that the Architectural Heritage Protection Guidelines (AHPG) provide for the inclusion of an element or part of a structure to be listed as the Protected Structure (2.5.2).
- 8.6.9. The appellants have objected to the lack of a 'Historic Gardens Assessment' and the first party has responded by stating that the site does not form part of a historic garden, requiring a specific formal assessment. I note that the listing in the RPS does not refer to the gardens as being worthy of being included in the Protected Status of the house and that when the listing was changed to the drawing room only, no mention was made of the gardens. Although the gardens immediately adjacent to the house seem to have had some level of planned design with a series of formal pathways and planting, (with a summer house added at some point), the features in

the remainder of the site do not indicate that it was a planned or designed garden. However, the lands associated with the house do form an attractive and pleasant setting for the house. I note that the remnants of the formal gardens are outside the redline boundary for the current project but their refurbishment forms part of the permitted scheme under ABP.313252.

- 8.6.10. Thus, it is considered that the extent of the Protected Structure is the 'Original Drawing Room'. Although the gardens may be part of the historical evolution of Chesterfield, they are not designated as historic gardens and are not included in the RPS listing. I consider, therefore, that the gardens do not require a formal Historic Gardens Assessment.

Curtilage of Protected Structure

- 8.6.11. The Guidelines (AHPG) state that the notion of curtilage is not defined by legislation but can be taken 'as the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure' (13.1.1). The AHPG also state that 'where a protected structure is an element of a structure, it may, or may not, have a curtilage depending on the degree to which it could in its own right be considered to be a structure' (13.1.3). The Guidelines go on to state that the extent of the curtilage of a Protected Structure must be determined on a case-by-case basis and should ideally be identified by the P.A. in the RPS listing.
- 8.6.12. The appellants have referred to a recent High Court judgement in respect of an SHD development at Dalguise House Monkstown Road (Monkstown, Dublin) [Monkstown Road Residents Association, 2022, IEHC 318], which was quashed. It is claimed that the judgement supports their contention that the gardens of a protected structure should be considered to form part of the curtilage and therefore part of the protected status. The Commission should note, however, that Dalguise House is a Protected Structure with a large surviving 19th century garden complete with a walled garden, a vinery, glass houses, gate lodges and stables which was described by the DAU (in its objection to the scheme) as being one of the few surviving planned landscapes in the area. The proposed development (ABP.306949) related to the demolition of several structures within the gardens and the construction of 8 no. 8-9 storey apartment blocks which would have fundamentally altered the grounds of the PS. Furthermore, it was noted by Holland J. that according to the Irish Georgian Society,

the development would have covered most of the formal gardens and would have fragmented and removed key components and elements of the former design. I note from the Inspector's report that the DAU had also believed that the scale and positioning of the 9-storey block on the axis with the main façade, would have severed the connection with the gardens and made it the focal point, rather than the protected house.

8.6.13. I consider, therefore, that the nature of the Dalguise House SHD (that was the subject of the quashed decision), is very different to the current case both in terms of the extent of protection and status of the gardens and of the scale and form of the proposed development. It is further noted that the judgement stated that 'curtilage is not a precisely defined concept in law' (para 90) and that its extent must depend 'on the character and circumstances of the items under consideration' (para 90). Thus, the judgement appears to confirm that the curtilage of a protected structure must be decided on a case-by-case basis.

8.6.14. The issue of the extent of the curtilage of the Protected Structure in the case of Chesterfield has been the subject of much debate to date. In support of the ABP.313252 case, the applicant had submitted an AHIA which included the opinion of a Grade 1 Conservation Architect stating that 'the statutory protection in the present case is confined to the original drawing room and does not extend to the curtilage of the main house or any part thereof'. Thus, it was concluded that the PS in question does not have a curtilage but does have a setting, which was supported by the Eamon Galligan legal opinion (attached to the First Party Response to the grounds of appeal).

8.6.15. This view appears to have been accepted by the Board in the determination of the SHD application (ABP.313252) as permission was granted for the demolition of the 1970s structure within which the Drawing Room is 'suspended' and the construction of a new building within which the protected Drawing Room would be retained. The permission that was granted included retention and refurbishment of the remnants of the formal gardens to the south of the house as part of the public open space and had also included the provision of communal open space serving the proposed apartment complex in the form of a central garden which would have been overlooked by the protected Drawing Room, (although this part of the proposal was refused on the grounds of proliferation of BTRs). The Inspector's Report indicates

that the design concept and landscaping strategy for the SHD development were intended to provide for an appropriate setting for the Protected Structure by retaining and refurbishing the gardens and open lawns south of the house and by maintaining a strong axial view from the Drawing Room to the south. In addition, Chesterfield House would have remained the focal point of the development.

- 8.6.16. The P.A.'s Conservation Officer's internal report regarding the current proposal (dated 30/09/25) acknowledges the recent planning history under ABP.313252. Reference was made to Policy Objective HER8 (and all its constituent parts) and to section 12.11.2.3 of the CDP and to the AHPG (section 13.5.1) in respect of development within the grounds of a Protected Structure. It was noted that the principles of high-density development, of the separation distances from Chesterfield House and of the preservation of views from the drawing room had already been established as part of that development proposal and are repeated in the current application. The Conservation Officer (CO) was satisfied that the current proposal would retain the historic sightline from the drawing room which would maintain the relationship between the room and the wider landscape, and that the views from the drawing room would not be significantly impacted. The landscape design, which would restore the ornamental pond and make it the focal point of the development, was welcomed as were the proposals to preserve the historic trees and the restoration of the gardens associated with the house. No objections were raised and the findings of the AHIA were accepted.
- 8.6.17. On the basis of the foregoing, I would accept that there was probably a historical relationship between Chesterfield House, and the Drawing Room in particular, and the site of the currently proposed development. However, as previously stated, it has been generally accepted that the site does not form part of the curtilage of the Protected Structure in this case.
- 8.6.18. It is considered that by reason of the landscape views over the gardens to the south which are available directly from the Drawing Room, the site of the proposed development would, however, form part of the setting of the Protected Structure. It is important, therefore, to ensure that the proposed development would comply with Policy Objective HER8 and Section 12.11.2.3 of the CDP and with the guidance in Chapter 13 of the Architectural Heritage Protection Guidelines in that the setting and

special interest of the Protected Structure, i.e. the Original Drawing Room, must be protected and respected.

Impact on Setting and Special Interest of Original Drawing Room

8.6.19. The requirements of Policy Objective HER8 include, inter alia,

- Protect... a PS ...from any works that would negatively impact its special character and appearance (HER8 i).
- Ensure that any development... affecting a PS and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials (HER8 iv).
- Ensure that ...the relationship between the PS and... any designed landscape features or views or vistas from within the grounds of the structure are respected (HER8 v).
- Protect the curtilage of Protected Structures ...[from]... inappropriate development (HER8 vi).
- Protect and retain important elements of built heritage including historic gardens (HER8 (vii)).

Section 12.11.2.3 requires that any development that has the potential to affect the setting of a PS must be sensitive to the landscape features of the site and to the relationship between the principal residence and its adjoining lands and that this relationship should not be severed.

8.6.20. I consider that the special interest of the protected Drawing Room includes the relationship between the room and the wider landscape including the views from the room to the south. I would accept that the introduction of a new development of a considerable scale and height would permanently and significantly alter the setting and relationship with the lands that have been historically associated with Chesterfield House. However, it is considered that the design and layout of the proposed development, together with the sensitive landscape strategy employed for the overall site, would facilitate the integration of the new development with the existing landscape and would therefore protect and enhance this special relationship and would retain the historical landscape features.

- 8.6.21. A principal element of the layout is the preservation of the historic sightline from Chesterfield House overlooking the gardens, the pond and the meadow beyond. The proposed apartment blocks, separated by the proposed central communal open space, facilitates the establishment of the primary axis of the development along this landscaped open space, which is in the direct line of vision of the Drawing Room window. This would be achieved by retaining and restoring the remnants of the more formal elements of the gardens immediately outside the Drawing Room window and the siting of the main public open space immediately beyond these gardens which comprise expansive lawns with an open character, copses of trees and seating areas. The landscape strategy also includes the retention of the historical boundary planting which forms an integral part of the setting of the house and grounds.
- 8.6.22. The retention of this parkland setting and central axis through the network of open spaces would allow the historic landscape vistas from the Drawing Room to largely remain in place, with the immediate focus on the existing pathway leading to the public open space, and beyond that, the enlarged and enhanced ornamental pond which will become a central focal point in the landscape. It also ensures that Chesterfield House will maintain its position as the principal focal point of the new development. The proposal includes the retention of the two strategically placed mature cedar trees, which are exceptionally tall, at either side of the pathway leading from the Drawing Room. The position and height of these two trees helps to screen much of the bulk and height of the apartment buildings and to retain the green and leafy outlook from the Drawing Room window.
- 8.6.23. At present, the protected Drawing Room is located within a building which is in poor condition and has been remodelled in the past in an inappropriate manner. The gardens are in a very neglected and overgrown state, which detracts significantly from the setting of the Protected Structure and the house and grounds. The permitted re-development works under 313252, which are currently underway, will significantly improve the setting of the protected Drawing Room. Together with the careful restoration of the gardens and the enhanced landscaping and public amenity spaces to be provided, it is considered that on balance, the proposed development would have a positive impact on the protected Drawing Room. As such, it is considered that the proposed development would generally be in accordance with

Policy Objective HER8 and section 12.11.2.3 of the CDP and with the guidance in the Architectural Heritage Protection Guidelines.

8.7. Residential Amenity

- 8.7.1. The grounds of appeal raise concerns about both the potential impact on the amenities of existing adjoining residential properties and on the amenity of future occupants of the residential scheme.

Existing Residential Amenity

- 8.7.2. The grounds of appeal include negative impacts on the existing amenity of neighbouring properties due to overbearance/adverse visual impacts, overshadowing and loss of light and overlooking and loss of privacy and for all residents surrounding the site, nuisance from construction phase activities. The appellants consider that the proposed development, due to its excessive density, height and scale on an infill, backland site, would not sufficiently protect the residential amenity of neighbouring properties and would, therefore, fail to comply with the zoning objective for 'Objective A', Policy Objectives PHP18 (Residential density) and PHP 20 (Residential amenity), or Section 12.3.7.7 (Infill Development).
- 8.7.3. The zoning objective for Objective A is to provide residential development and improve residential amenity while protecting the existing residential amenities. Policy PHP18 seeks to increase housing supply and promote compact growth by consolidating infill sites in accessible locations and encouraging higher densities, provided that a balance is achieved between protecting existing residential amenities and the established character of the area and the need to provide for high quality sustainable residential development. Policy PHP20 seeks to protect the residential amenities of the existing homes in the built-up area where they are adjacent to higher density and greater height infill development. Section 12.3.7.7 requires that new infill development shall respect the height and massing of existing residential units and retain the physical character of the area.
- 8.7.4. The main thrust of these policies is that, in line with national policy objective, the CDP encourages the provision of new housing at increased residential densities, particularly in areas with high levels of accessibility, including the use of underutilised

infill sites, but provided that the existing residential amenities of neighbouring sites are respected and protected.

8.7.5. I have addressed the issues of increased density, building height and massing in the preceding sections (8.3 and 8.4), where it was concluded that the proposed development responds positively and sensitively to the surrounding established development by reason of the design and layout of the development and the utilisation of the positive attributes of the site. It was concluded that the site is located in a highly accessible location and could accommodate taller buildings and that the design and layout, with retention of screening vegetation, generous setbacks and building height modulation towards the boundaries. To avoid repetition, I would refer the Commission to these sections of my report.

8.7.6. The main issues arising from potential impacts of the proposed development on residential amenity of properties in the vicinity of the site are overbearance/visual impact, overlooking and loss of privacy, overshadowing/loss of light and disturbance during the construction period.

Overbearance and visual amenity

8.7.7. In respect of overbearance and visual amenity, the issue has been addressed at section 8.5 of my report, where it was concluded that the proposed development would not result in an adverse impact on the architectural character or visual amenities of the area and would make a positive contribution to the townscape character. It was further considered that due to the limited visibility of the site in the overall area, together with the design and layout with generous separation distances, height modulation towards the boundaries, the materiality and articulation of the elevations and the retention of vegetative screening, the proposed development would not be monolithic or unduly overbearing.

8.7.8. The following proposed separation distances from adjoining buildings and relative heights are shown in the Architectural Report Part 1 (Massing) and on the Proposed Site Layout Plan (Drawing No. CA-01-02-SW-RL-DR-HJL-AR-0005): -

7 Southwood Park –	25.0 metres	5 storeys
6 Southwood Park –	47.5 metres	5 storeys
Clonfadda Apt Block 1 -	31.7 metres	5 storeys

Clonfadda Apt. Block 2 -	24.0 metres	3 storeys
12 Clonfadda -	36.7 metres	3 storeys
14 Clonfadda -	47.5 metres	3 storeys
15 Clonfadda -	35.9 metres	3 storeys
25 Clonfadda -	29.5 metres	3 storeys
69-84 Cherbury Court -	30.3 metres	5 storeys
51-52 Cherbury Court -	24.9 metres	5 storeys

It can be seen that all of these separation distances exceed, and most are considerably greater than, 22 metres (the CDP requirement). All of the distances exceed the 16m separation distance required by SPPR 1 of the CSG. It is also noted that the heights of the closest elements of the proposed structures would be between 3 and 5 storeys with the taller elements (7-8 storeys) further set back. I estimate that the 7-storey elements would be an additional c.23m from the closest Cherbury Court apartments, an additional c.23m from the Clonfadda apartments, an additional c.30m from the Clonfadda houses and an additional c.7m from the closest Southwood Park house.

- 8.7.9. It is therefore considered that, having regard to the nature of the site and character of the surrounding built-up area, combined with the proposed design approach, the proposed development would not be overbearing or have an adverse impact on the visual amenities of adjoining properties or of properties in the surrounding area.

Overlooking and loss of privacy

- 8.7.10. The appellants believe that the application has failed to demonstrate that the privacy of adjoining properties will be protected having regard to SPPR1 of the Compact Settlement Guidelines, due to the proximity of the buildings and the position of windows and balconies.

- 8.7.11. As noted above, SPPR1 of the Compact Settlement Guidelines (CSG) requires a separation distance of 16m between opposing windows serving habitable rooms at the rear of side of houses, duplex units or apartments above ground level. This is a lower standard than the CDP which requires 22m. The Proposed Site Layout Plan (Drawing No. CA-01-02-SW-RL-DR-HJL-AR-0005) submitted with the application

shows the separation distances with the adjoining lands. Separation distances from adjoining buildings are outlined above at 8.7.8. In general, I note that the following separation distances are achieved :-

Cherbury Court (west) 23-30m

Clonfadda Wood (south) 29-41m

Southwood Park (west) 25-46m

Chesterfield House (north) >63m

8.7.12. These separation distances comply with and exceed the required standards. In addition, the proposed buildings will be further screened by the existing mature screen planting along the perimeter of the site, which it is proposed to retain and enhance with infill planting, to provide for a robust visual buffer. However, the P.A. has attached a condition requiring the Juliette balconies at the rear of the townhouses to be omitted and replaced by a window that matches the design of the other windows. Given that the rear gardens have been further reduced in size in the RFI (1/12/25), this is considered reasonable. I note that the planning authority was satisfied that the proposed development, subject to the amendment omitting the Juliette balconies, would not give rise to issues of overlooking of adjoining development. I would agree with this assessment.

Overshadowing and loss of light

8.7.13. The grounds of appeal raise concerns over what is described as severe overshadowing of private amenity spaces of existing residences at Redwood Grove and Southwood Park during the afternoons of spring and autumn and of Southwood Park in the summer months. In terms of daylight impacts, it was claimed that there would be a noticeable reduction in daylight access on properties at Southwood Park and Clonfadda Wood.

8.7.14. The application was accompanied by a Daylight and Sunlight Effects Report (as amended 1/12/25) which provided a comprehensive assessment of the likely effects of the proposed development on access to sunlight and daylight at adjoining/nearby properties, using the BRE 209 (2022) Guidelines. It was noted that the BRE 209 2022 edition was referenced in the Compact Settlement Guidelines (2024), the apartment Guidelines (2025) and the current Dun Laoghaire Rathdown CDP (2022-

2028). The revised report was undertaken to take account of some design refinements (e.g. revised apartment layouts, balcony screens, rear gardens for townhouses), but it is stated that these design amendments did not result in any material changes to the results of the daylight and sunlight effects analysis, but the revised modelling was carried out for the sake of completeness.

8.7.15. The assessment considered firstly, (as a matter of calculation), whether there would be a material deterioration in conditions by reference to the BRE Guidance and secondly, (as a matter of judgement), whether that deterioration would be acceptable in the particular circumstances. The circumstance included matters such as proximity of a neighbouring building to the site boundary, factors which could interfere with views of sky on a neighbouring property such as a projecting balcony and the degree of acceptability of a higher degree of obstruction having regard to planning policy.

8.7.16. The results show that the proposed development would achieve a very high level of adherence to BRE guidelines as follows:

Daylight

Vertical Sky Component (VSC) 97% of windows in adjoining properties tested would meet min. standard

No Sky Line (NSL) 99.6% of rooms would meet this standard

Sunlight

Annual Probable Sunlight Hours 99% of rooms tested would meet this standard

APSH (Winter) 99% of rooms tested would meet this standard

Sun on Ground (SOG) 100% of neighbouring amenity areas meet std.

8.7.17. A small number of rooms within a limited number of adjoining properties (5 no.) fell outside the BRE guidance in terms of daylight access (11.7-11.33 of D&S Effects Report) and sunlight access (11.38-11.45). The properties in question are –

Daylight to neighbouring buildings

43-52 Cherbury Court	3 windows do not meet VSC	Negligible-low impact
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Woodford (to NW)	1 window does not meet VSC	Negligible-low impact
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1 Redwood Grove	1 window does not meet VSC	Negligible-low impact
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14 Clonfadda Wood	2 windows do not meet VSC	Negligible-low impact
7 Southwood Park	3 windows do not meet VSC	Low impact

Sunlight to neighbouring buildings

43-52 Cherbury Court	1 room won't meet winter APSH	Negligible to low impact
7 Southwood Park	1 room won't meet annual APSH	Negligible to low impact

8.7.18. In the case of daylight access for each of the above properties, apart from No. 7 Southwood Park, all of the rooms tested would meet the NSL (daylight distribution standard). However, at No. 7 Southwood Park, in addition to the VSC results, one room would not meet the NSL standard either. One of the windows not meeting VSC would experience a high impact, but this room meets the standard for NSL and will retain daylight distribution to 98% of its area, which exceeds the BRE standard. Overall, the analysis suggests that the impacts on daylight access to these properties would not be significant.

8.7.19. In terms of sunlight access, there would be a high impact on the single room in No. 43-52 Cherbury Court with regard to winter APSH, but this room would comfortably meet the annual APSH. There would be a medium impact on the single room in No. 7 Southwood Park, but the retained level of APSH is only just outside the BRE target and the room would comfortably meet the winter APSH target.

Sunlight to neighbouring amenity spaces

8.7.20. The analysis of the sunlight on the ground showed that all properties would comfortably meet the BRE standard of achieving at least 2 hours of direct sunlight to over 50% of their areas on the 21st of March, suggesting a negligible impact. In addition to the above analysis, a Transient Overshadowing analysis was carried out, which is not a specific requirement of the BRE guidelines, but was undertaken for the sake of completeness. This study showed that there would be no excessive overshadowing on the 21st of March, 21st June or 21st December. The P.A., however, noted that some additional overshadowing would occur around 3-4pm on the 21st March at properties in Redwood Grove, Southwood Park and Clonfadda Wood. I note, however, that the D&S Effects Report (para 12.5, 01/12/25) pointed out that the assessment shows that the situation in June would be much improved, with only a

partial/late shadowing occurring to these properties between 4pm and 6pm. This is not considered to be a significant impact.

- 8.7.21. It is important to note that the BRE guidelines state (Introduction and 2.2.3) that the advice given is not intended to be mandatory, but advisory, and that the numerical guidelines should be interpreted flexibly, since natural lighting is just one of the many factors in site layout design. Having regard to the findings of the D&S Effects report, to the design and layout of the proposed development and in particular, the siting of the taller elements of the proposed blocks away from the sensitive site boundaries and the lower height townhouses closer to the southern boundary, combined with the proposals to retain and enhance the existing mature planting along the boundaries, it is considered that the impact of the proposed development on the daylight and sunlight access to adjoining properties would not be significant.

Construction phase

- 8.7.22. In respect of construction and operation phase impacts, while I acknowledge a level of disruption will arise to adjacent residents, I consider that anticipated impacts are within acceptable parameters for a high-density development such as the proposal at a location in a built-up serviced area such as the appeal site. The likely impacts will be mitigated by measures included in the final Construction Environmental Management Plan (CEMP), Noise and Vibration Impact Assessment (NVIA), and Travel Plan.
- 8.7.23. It is noted, however, that notwithstanding the fact that no first party appeal was submitted by the developer, the first party has commented on Condition 2 of the P.A. decision, which required the development to be completed in its entirety prior to the occupation of any units or subject to a phasing arrangement as otherwise agreed with the planning authority. The observation relates to the potential for this requirement to result in a more intensive construction period with a greater number of trucks, noise, dust and vibration if the development is to be carried out simultaneously, compared with a phased approach which could spread the disruption to surrounding residents over a longer time period. It was further observed that the condition could result in delay to the delivery of the residential units and potential financing difficulties. Although the developer is committed to delivering all elements of the scheme, it was suggested that should the Commission be minded to

grant permission, a condition requiring the developer to agree a phasing arrangement with the planning authority prior to commencement of construction.

Future Residential Amenity

- 8.7.24. The appellants consider that the standards used in the assessment of daylight and sunlight are inadequate and set a low bar as the BRE standards provide for a reduced standard relative to the European Union's EN17037, and no 'National Annexe' has been added in Ireland. The level of compliance with daylight and sunlight access is considered to be exceptionally low and given the reduced standards of the BRE together with the lack of any site constraints or wider planning objectives, this is unacceptable. Reference is made to the finding that 19% of the rooms would not be capable of achieving adequate daylight and to a decision to refuse permission in Tallaght (313606-22) on similar grounds. Objection was also raised to the nature of the compensatory measures which were considered to be inadequate.
- 8.7.25. The application was accompanied by an Internal Daylight and Sunlight Report, (as revised RFI 01/12/25). In addition, the first party has responded to the criticisms of the standards and methodology used as set out in Appendix 1 of the First Party Response to Grounds of Appeal (03/03/26). It was pointed out that several of the national policy/guidelines referenced by the appellant, such as the Building Height Guidelines and the DLR CDP, refer to earlier versions of the BRE Guidance (BRE 2011), which has been superseded by BRE 209 (2022). It is stated that the new European Standard (EN17037) was published in late 2018 and BS EN 17037:2018 also replaced BS8206 in 2018. It is submitted the targets in the European guidance are not as refined as those in the BRE 209 2022/ BS EN 17037, as the former does not distinguish between living rooms and bedrooms and this uniform target applies equally to southern Europe and Northern Europe, despite significant differences in daylight potential. Many countries have therefore adopted their own national target criteria appropriate to their environment. It is submitted that the BRE209 / BS EN17037 UK National Annex are the reasonable and appropriate criteria against which to assess daylight and sunlight performance in Ireland. I tend to agree.
- 8.7.26. The first party response also points out that the High Court in *Fernleigh Residents Association v. ACP* held that the EN, BS and IS standards are voluntary and that the

obligation was to have regard to these standards, not strictly comply with them. The Court also held that BRE 209 was supported as an appropriate standard and that the competent authority retains the right to exercise discretion in respect of planning and policy context. The appellant's contention that BR209 allows a 'sub-minimal daylight standard for residential rooms' is strongly disputed. It is reiterated that the standards contained in EN17037 are not suited to the conditions in northern European countries.

8.7.27. The appellant's assertions that the proposed development represents an unacceptable level of non-compliance is strongly refuted by the first party. The applicant has submitted that a strict BR209 assessment was undertaken as well as the use of the higher standard of illuminance of a 200-lux target for Living/Kitchen/Dining Rooms (LKDs). This found that 81% of units would comply and 19% would not meet the target criteria. The identified shortfalls are explained as arising in mainly a defined subset of repeated apartment types, which tend to be lower level, single aspect units facing enclosed internal courtyards, where reduced sky visibility and deeper room geometries affect performance in LKD spaces. The applicant has reiterated that full compliance with the BRE guidance is not a planning requirement and the assessment requires a reasoned planning judgement, taking account of other matters such as the overall residential amenity, the nature and distribution of the shortfall and compensatory design solutions.

8.7.28. The results of the analysis can be summarised as follows:

Daylight at 200Lux – 81% of rooms meet the recommended median illuminance

Daylight at 150 Lux – 89% of rooms meet the recommended median illuminance

Sunlight – 78% of units include at least one room that could receive a minimum of 1.5 hours of sunlight on 21st March

Sunlight – 62% of units include at least one main living room that could receive a minimum of 1.5 hours of sunlight on the 21st of March.

8.7.29. I consider that the appellants' assertion that 81% compliance is unacceptable is not reasonable given that the BRE Guidance is not mandatory, is generally intended for greenfield site locations and 100% compliance is not required. I note that the CSG requires a balanced approach to be taken in terms of the overall quality of the design

and layout of a scheme and any compensatory measures proposed against the need to achieve wider planning objectives and the general presumption in favour of increased urban density. The DLR CDP (12.3.4.2) requires that development is guided by the principles of BRE 2011 and/or any updated or subsequent guidance in this regard. The P.A. Planner's report noted that the 'illuminance method' was used to test each habitable room with the higher standard of 200-Lux used for LKDs, and for completeness, a comparative and alternative analysis was carried out using the 150 Lux value. The P.A. was satisfied that the appropriate higher standard was used for the LKDs and that the appropriate guidance of BS EN 17037 was used in the assessment of internal daylight and sunlight.

8.7.30. I consider that although the proposed development would not fully comply with the internal standards for internal daylight and sunlight, it would provide for an adequate level of daylight and sunlight. It is further noted that 59% of the units in the proposed development are dual aspect and that all of the single-aspect, north-facing units overlook an attractive area of open space. Furthermore, the proposed development would provide a good level of public, communal and private open space which are designed as a network of interconnected landscaped open spaces which are of a very high quality, are attractive and inviting with high levels of sunlight amenity. I note that the P.A. had requested FI in terms of the compensatory measures, which were provided to its satisfaction on 1/12/25. These include design measures such as optimised window dimensions, apartment floor areas which exceed the minimum requirements, a majority of units overlooking the network of open spaces with good levels of outlook and visual amenity, which meet the BRE criteria. It is therefore considered that the proposed development provides for adequate levels of sunlight and daylight and for high levels of amenity for future occupants of the scheme.

Conclusion

8.7.31. In conclusion, I have considered the residential amenity for existing and future residents. For existing residents, I consider that the proposed development will not significantly injure the residential amenity of adjacent properties or amenities in the wider area. I find that future residents will be provided with residential accommodation of an acceptable standard enjoy a high level of residential amenity, in a well-designed high-quality managed scheme, and would therefore comply with CDP Policy Objectives PHP18 and PHP20 as section 12.3.7.7. Overall, I conclude

the amended proposal complies with Zoning Objective 'A', by providing for, and improving and protecting residential amenity.

8.8. Access, Transportation, and Traffic

- 8.8.1. The grounds of appeal include concerns regarding increased traffic congestion, particularly at the junction of Cross Avenue and Mount Merrion Avenue, which the Traffic and Transportation Assessment had identified as operating above capacity from 2023 onwards. In addition, the quantum of car parking was considered to be too low, with too few residential spaces and no visitor parking which would result in overspill parking on the local roads, where there is little provision of on-street parking. The design of the cycle parking with an over-reliance on stacked parking was unacceptable. Overall, the proposed development would contribute to traffic hazards and risk to public safety due to the inadequate car and cycle parking provision combined with the distance and lack of pedestrian connectivity with public transport in the area. It was also pointed out that there was local opposition to the proposed access arrangements through Clonfadda and Cherbury.

Traffic and Transportation

- 8.8.2. The application was accompanied by several traffic related documents, which I consider to be extensive, detailed, and robust. These include a Traffic and Transport Assessment (TTA), Road Safety and Quality Audit (RSQA), Residential Travel Plan, DMURS Statement of Consistency and a Public Transport Capacity Assessment. Two adjacent traffic junctions were assessed in the TTA, Cross Ave/Boooterstown Ave (c.250m to west) and Cross Ave./Mount Merrion Ave. (c.500m to east) and the traffic impact was assessed for the Day of Opening (2028), Design Year 1 (2033) and Design Year 2 (2043).
- 8.8.3. The NTA Traffic and Assessment Guidelines require the impact of additional traffic volumes on the critical nearby junctions to be assessed if the development flow exceeds either 10% of existing turning movements or 5% of turning movement if the location has the potential to become congested. The Mount Merrion/Cross Avenue junction has been identified as operating above capacity from 2023 onwards. However, the TTA found that the generated flows for the proposed development would be below the 5% threshold of turning movements in both the morning and

evening peaks. Notwithstanding this, the TTA analysed both junctions in detail to provide a more robust assessment of the proposed development. It is also noted that the traffic generation of the approved SHD developments at Chesterfield (313252) and at former Blackrock College grounds were included in the analysis and were assumed not to have commenced when the traffic surveys were undertaken, in order to provide a more robust analysis.

- 8.8.4. The results of the detailed analysis are set out at Table 3-1 of the TTA. It is noted that the impact of the proposed development would be low with all of the scenarios showing relatively small increases in RFC and queue lengths. The Booterstown Avenue junction would continue to operate within capacity with the development in place at all scenarios. The Mount Merrion Ave. Junction is currently just above capacity and would continue to operate just above capacity in the morning scenarios but within capacity for the evening peaks. The resultant increase in the RFCs for the morning peaks was quite low 0.97 to 1.02 (AM 2028), 1.02 to 1.08 (AM 2033) and 1.10 to 1.15 (AM 2043). Thus, the TTA concluded that the added congestion from the proposed development would be quite marginal.
- 8.8.5. The Planning Authority's Transportation Dept. were satisfied with the results of the analysis and considered that the required reduction in carparking, which it was intended to impose by condition, would further reduce vehicular movements associated with the proposed development and in addition, the measures in the Residential Travel Plan would further mitigate the impact.
- 8.8.6. At the time of my site inspection (mid-week, 3-5pm during school term time), I found Cross Avenue to be a low-trafficked environment with a high degree of pedestrian traffic. As discussed in previous sections, I consider the site to be one with a high degree of accessibility in terms of both public transport and local services, facilities and amenities. Cross Avenue is a tree-lined street with generous grass verges on either side of the road, which provides for a pleasant walking environment. There is a dedicated cycle lane in one direction. On balance, I consider that the range of information provided by the applicant for the proposed development demonstrates that the traffic generated by the scheme is within acceptable parameters and will not result in a traffic hazard or endanger public safety.

Car Parking

- 8.8.7. The site is located within Car Parking Zone 2 (near public transport) where the maximum standards will apply apart from residential use, where the standard is required, but reduced provision may be acceptable in certain circumstances as set out in 12.4.5.2. The car parking standard for the proposed residential development (Table 12.5) is 324 spaces based on 1 space for each of the 1-bed (43 no.) and 2-bed apartments (137 no.) and 2 spaces for each of the 3-bed apartments (56 no.) and townhouses (16 no.). The standard for childcare facility is one space per 60sqm (8 spaces). Visitor parking is required to be managed by means of a management company. The criteria for deviation from the parking standards (12.4.5.2) include factors such as proximity to high-quality public transport, permeability, availability of car-sharing/ bike sharing, the range of services available in the area and the robustness of the Mobility Management Plan to support the development.
- 8.8.8. The proposed development (as originally submitted) provided for 261 car parking spaces of which 225 would be in the basement and 36 at surface, and which included 2 spaces for the creche. In addition, there would be set-down and pick-up spaces for the creche and 2 no. car-club spaces. This parking provision provides slightly less than one space per apartment unit and 2 parking spaces for each of the 16 townhouses at the front of the individual houses. Overall, it represented a provision of 0.99 spaces per unit, once the universal access/car sharing spaces were excluded from the calculation. The justification for the proposed parking provision is set out in the Travel Plan.
- 8.8.9. The P.A. Transportation Dept. was not satisfied with the parking provision as it was not in accordance with SPPR3 of the CSG which seeks to minimise the quantum of car parking in order to manage travel demand and to ensure a safe and pleasant environment to encourage active travel modes. A reduction in car parking, (in accordance with 12.4.5.2 of the CDP), was therefore requested as FI, together with other matters such as adequate provision for EV charging, car sharing and visitor parking. The depth of the parking spaces in front of the town houses was also required to be increased from 4.8m to 5.5m and measures to prevent errant parking within the scheme. The FI response did not fully meet the P.A.'s requirements in terms of car parking and the outstanding matters were addressed as conditions.

Condition 14(a) requires a maximum of 1 space per residential unit, including for the townhouses, i.e. 252 residential parking spaces.

- 8.8.10. The first party response admits that the developer would ideally prefer to provide additional car parking on site but acknowledges that this would not be in accordance with SPPR3 of the CSG. It is submitted that the proposal, by focusing on enhanced pedestrian connectivity and the promotion of walking and cycling, is in alignment with the broader policy objectives aimed at creating more accessible and sustainable communities. It is further submitted that visitor parking will be provided and that the allocation of such spaces will be controlled by the Owner's Management Company.
- 8.8.11. From my observations on site, I would agree with the third-party appellants that on-street parking in the area is very limited and is largely pay-and-display parking, apart from a number of residential cul-de-sacs. However, I did not observe any incidences of illegal parking on the local street network. As stated previously, the site is in a highly accessible location with good permeability and easy access to services, facilities and public transport. The proposed development also includes a robust Travel Plan and makes provision for safe and secure cycle parking and car sharing. The planning policy objective is to minimise parking provision at such locations in order to encourage modal shift to more sustainable travel modes.
- 8.8.12. In light of the foregoing, I would generally concur with the P.A.'s Transportation Dept. assessment of the car parking provision and consider that should the Commission be minded to grant permission for the proposed development, a similar set of conditions be attached to any such permission.

Cycle Parking

- 8.8.13. It is proposed to provide 544 cycle parking spaces, which is 2 more than the total required, (see Table 2.2 of Travel Plan). This includes 488 long-stay and 56 visitor spaces and 2 spaces for the creche. A Sheffield stand will be provided for each of the 236 apartments (i.e. 118 stands providing 236 spaces), 4 of which will be for cargo bikes (i.e. 8 spaces). The remaining 252 spaces will be stacked, with 2 bikes per stacker (126 stackers).
- 8.8.14. There is no dispute regarding the quantum of cycle parking, but opposition was made to the over-reliance on stacked spaces. The first party states that 1no. Sheffield stand bike parking space is provided for each apartment unit and the

remaining long-term parking spaces are provided in a stacked format. It is submitted that this complies with the P.A.'s requirements and it is pointed out that the P.A. had raised no objections in this regard. (Appendix 2 to First Party Response).

- 8.8.15. I note that the P.A.'s Transportation Dept.'s initial report (30/09/25) did not raise any concerns regarding the quantum or design of the proposed cycle parking spaces and the second report (23/12/25) raised no objection following the amendments regarding improvements to matters such as cycle access to the basement and to the townhouses. The CDP (12.4.6.1) states that new residential developments must set out how they meet the Council's 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (2018). Section 3 of this document states that the preferred type of cycle parking stand is the Sheffield Stand and that stacked parking is not recommended as many cyclists find these facilities difficult to use.
- 8.8.16. It is noted, however, that the principal design requirements of both the CDP and this document are that the cycle parking facilities are conveniently located, easily accessible and secure, which are also the main requirements of SPPR4 of the CSG. It is considered that the proposed cycle parking meets these requirements and exceeds the number of cycle parking spaces required by the CDP. While Sheffield stands are provided for 236 residential long-term spaces bicycles and for the visitor cycle spaces, the remainder represents less than half of the overall provision. The RFI also amended the layout so that access to and from the basement for cyclists is improved in terms of safety and accessibility. It is considered, therefore, that the cycle parking provision is generally in accordance with the requirements of the P.A.'s standards for cycle parking and of SPPR4 of the CSG.

Access

- 8.8.17. Appellants have raised concerns that the proposal would contribute to a traffic hazard due to the inadequacy of car and cycle parking provision given the lack of accessibility to public transport in the area. The issue of accessibility has been addressed under several of the previous headings, wherein it has been concluded that on the contrary, this is a highly accessible area. As set out above, it is further considered that the car parking and cycle parking provisions are adequate and consistent with the wider policy objectives of providing for development which is served by more sustainable modes of travel.

- 8.8.18. The initial application, notwithstanding the submission of a Road Safety Quality Audit, included a few issues of concern to the P.A.'s Transportation Dept. These included matters such as the provision of safe and convenient pedestrian access to the creche, pedestrian access through the proposed roundabout junction, set-down spaces for the creche, parking spaces in front of the townhouses to meet the minimum depth requirements and proposed measures to deter errant parking, particularly in front of the houses. Most of these issues were satisfactorily resolved in the amended plans submitted as RFI (1/12/25), and where they were not adequate, the P.A. decision included conditions. In terms of pedestrian connectivity, the P.A. decision also included a condition requiring a continuous footpath to be provided at the entrance from Cross Avenue, with tightened radii, which would improve pedestrian safety. These conditions are considered reasonable.
- 8.8.19. In terms of the connectivity of the site with adjoining established residential areas, it is noted that the scheme included proposed pedestrian connections to the south-west with Cherbury Court and to the south-east with Clonfadda Wood. It is acknowledged that these connections are dependent on the agreement of third-party landowners. However, the P.A. took the view that they connections should still be provided as far as the red-line boundaries subject to future agreement. This seems to be a reasonable approach.
- 8.8.20. Should the Commission be minded to grant permission, these matters should be addressed in similarly worded conditions attached to any such permission. It is considered that the proposed development would then provide for a high degree of pedestrian permeability and for a network of safe and attractive pedestrian spaces throughout the development, which would support the overall policy objective of providing for more sustainable travel modes.
- 8.8.21. **In conclusion**, I consider that subject to appropriate conditions as discussed above, the proposed development would be acceptable in terms of pedestrian, cyclist and vehicular access and would be of a scale and intensity of use that is not likely to create a traffic hazard, cause undue congestion or have an adverse impact on the traffic conditions of the surrounding road network.

8.9. Boundary Treatment

- 8.9.1. The grounds of appeal include an objection to the proposed boundary treatment along the eastern side of the access road, from the junction with Cross Avenue. It is proposed to erect an ornamental steel panel fence which would be 3.7 metres in height for 30m distance back from Cross Avenue and would include signage for the new development 'Chesterfield'. The appellants consider that the height is excessive and that it would reduce daylight to west-facing windows and sunlight to the front/rear gardens of the new house that is currently under construction to the side of 'Renesca', (permitted under ABP.320576-22). A discrepancy has also been identified between the architectural drawings (Landscape Drg. KFLA 0539_110) and the Verified Photomontages which depict the panel fence as being below the height of the existing entrance pillar, which is not the case.
- 8.9.2. Furthermore, it is submitted that the appellant has been excluded from public participation in the decision of the Commission, which had permitted this boundary treatment under a Section 146(1)(b) as an amendment to the split decision/permission granted by An Bord Pleanála for the construction of 8 houses and the conversion of Chesterfield House into 3 residential units (SHD, ABP.313252).
- 8.9.3. At the outset, it should be noted that the site of the proposed development is to be accessed by means of a previously permitted access from Cross Avenue. However, the red-line boundary for the application currently before the Commission includes infrastructure works on Cross Avenue, the existing access point, the internal road leading south adjacent to Chesterfield House and the southern portion of the landholding, but excludes Chesterfield House itself, its landscaped garden (including Summer house) and the site of the permitted 8 semidetached houses currently under construction to the north of Chesterfield House (permitted under SHD 313252). The development under 313252 was permitted as part of a split decision (12/09/24), but it did not specify that the proposed access and associated boundary treatment had been included in the permission.
- 8.9.4. In October 2025, the Commission amended the decision order under S146(1)(b), to clarify that the proposed access to the site was included in the grant of permission. The SHD application (313252) had included access and a boundary treatment which

are very similar to that currently proposed, complete with the proposed ornate patterned steel panel (30m x 3.7m). The Commission decided on 29th October 2025, that it was appropriate to amend its Order dated 12th September 2024, without inviting further submissions. The Direction states that it was decided on the following basis: -

‘In order to facilitate the decision where the amendment may reasonably be regarded as having been contemplated by either a particular provision of the decision or the terms of the decision which were not expressly provided’.

- 8.9.5. The appellant states that she had objected to the proposed boundary treatment (steel panel) as part of the SHD application and had relied on the refusal of the BTR element in this regard. However, I note that the Commission’s decision (29/10/25) indicates that the access to the development was regarded as having been contemplated in terms of the grant of permission for the remainder of the development. I further note that the decision on the S146 amendment was not challenged.
- 8.9.6. Notwithstanding these factors, I note that the Landscape Drawing KFLA 0539_110 (for the currently proposed development - 324043) indicates that it is proposed to erect an ornate patterned steel panel (3.7m x 30m) as part of the proposed entrance details for the proposed development. This shows that the existing driveway would be reduced in width and that a footpath would be provided along the eastern side of the driveway. Thus, the alignment of the steel panel fence would be positioned such that there would be a gap between the existing western boundary of the new development to the side of ‘Renesca’ and the panel fence. This boundary is defined by a masonry wall with railings and a beech hedge, which continues all the way to the entrance to Chesterfield but is currently screened by a temporary construction hoarding. The alignment of the mature hedge boundary tapers eastwards at the southern end, leaving a much wider gap between it and the proposed new delineated boundary for Chesterfield.
- 8.9.7. The Inspector’s Report relating to the new house under construction (ABP.320576) indicates (at para 7.4.6) that the existing boundary treatment and mature hedging is intended to be retained. I also note that the permitted layout for that development showed that the steel panel fence would be separated from the retained boundary by

c.1.8m. The two sets of drawings (for the two adjoining developments) however, include some discrepancies in that the permitted 320576 layout shows the curved pier wall outside of the redline boundary for that development, while the layout for the current proposal (324043) also shows it to be outside of its redline, i.e. within the 'Renesca' site boundary. Notwithstanding this, it is clear that the proposed steel panel fence would run parallel, but separate from, the retained boundary for 320576 for a distance of 30m and thereafter, would give way to a 2m high mature beech hedge (Landscape Drg. 110). Thus, any impact on residential amenity in terms of overshadowing and outlook is not likely to be significant due to the presence of the existing boundary wall, railing and mature hedging which rises to c.4m in overall height.

8.9.8. It is not clear what the rationale is for the erection of such a tall panel fence at this location, which would be taller than the existing entrance piers. I would tend to agree with the third party that the CGI gives the impression that it would be much lower than 3.7m, as it appears to continue at the height of the pier wall, which I estimate to be c.2m high. It is considered that a better solution might be for the proposed panel fence to be reduced in height to c.2m, as the mature hedge would be retained behind it and this would be more visually appealing.

8.9.9. It is acknowledged that the access and associated boundary treatment were permitted previously as part of the SHD scheme (313252). However, I am on the view that the scheme currently before the Commission specifically includes a proposal (Drawing 0539_110) to erect an ornate patterned steel panel fence (30m x 3.7m) at this location as part of the overall landscaping and boundary treatment details for the proposed entrance area. It is considered, therefore that should the Commission be minded to grant permission, and agree with the suggested amendment set out above, a condition should be attached to any such permission requiring the height of the panel fence to be restricted to 2.0 metres in the interests of visual amenity.

8.10. Drainage

8.10.1. A Civil Engineering Infrastructure Report and a Site-Specific Flood Risk Assessment were submitted to the P.A. with the application and a Water Framework Directive

Assessment (WFD) including Hydrogeological and Hydrological Assessments were submitted as Further Information (01/12/25).

Foul Water Drainage

- 8.10.2. Wastewater will be discharged from the proposed development by gravity to the existing 525mm combined sewer which runs along Cross Avenue. The proposed development will provide a new separate gravity system within the site which will connect to an existing manhole at the site entrance. The new system will consist of 100mm, 150mm and 225mm pipes and foul drainage from the basement car park will be pumped to the foul network via petrol interceptors. This in turn discharges to the existing combined sewer on Cross Avenue and ultimately discharges to the Ringsend Wastewater Treatment Plant.
- 8.10.3. The Ringsend plant is licensed to discharge treated effluent by the EPA (licence number D0034-01) and is managed by Uisce Eireann. A letter from Uisce Eireann is enclosed with the application confirming that capacity is available to serve the proposed development subject to the applicant entering into a connection agreement.
- 8.10.4. The 2023 AER for the WWTP states that the plant is operating under-capacity in terms of its hydrological capacity (capacity – 959,040m³, Annual Max. 804,220m³) but is operating over-capacity in terms of organic capacity (capacity of 2,100,000PE and collected load – 2,362,572PE). However, upgrades to the Ringsend WWTP have recently been completed which has increased the organic capacity to 2,400,000 PE. It is noted that the proposed development will have a PE of 705, which is very small in this context.
- 8.10.5. I note that the P.A. Drainage section was generally satisfied with the proposed foul drainage arrangements. I am satisfied that the foul drainage proposals are adequate.

Storm And Surface Water Drainage

- 8.10.6. Surface water drainage in the area comprises of a 525mm diameter combined sewer on Cross Avenue. The nearest surface water sewer is on Mount Merrion Avenue, and it is proposed to provide a new 225m diameter surface water sewer underneath Cross Avenue to connect to the stormwater manhole at Mt. Merrion Ave., c.600m to the east. Surface water will ultimately discharge to the Priory Stream at Blackrock

Park, before flowing into Dublin Bay. There are two sub-catchments within the overall lands in the ownership of the developer, Sub-catchment 1 referring to the proposed development (southern part of lands) and Sub-catchment 2, referring to the permitted development within and around Chesterfield. It has been designed in accordance with the GSDSDS and the CIRIA Design Manuals C753, C697 and C609.

- 8.10.7. Surface water from the proposed residential development will be directed to and attenuated within the open attenuation pond which has been sized for the 1 in 100-year storm event with an allowance of 20% for climate change. The pond will be located at the natural low point of the site, where the existing seasonal pond is located. Surface water from sub-catchment 2 will be attenuated within a new cellular concrete tank underneath the access drive. All surface water will pass through the tank and be released via a hydrobrake flow control. The total combined discharge will not exceed the greenfield rate of 8.7l/s.
- 8.10.8. Sustainable Urban Drainage Systems (SUDS) will be incorporated to reduce runoff volumes and improve runoff water quality and include green roofs, permeable paving, tree pits and filter drains leading to the attenuation storage system. Green/blue roof technology would be incorporated into the development which will reduce the surface runoff from the roofs while also improving the quality of water. Surface water will be discharged from the site following attenuation at greenfield rates via the new connection to the public surface water sewer which discharges to the Priory Stream and ultimately to Dublin Bay.
- 8.10.9. I note that the P.A. Drainage section and Biodiversity Officer were satisfied with the stormwater arrangements subject to conditions. These included a requirement for additional details relating to attenuation including the emergency overflow manhole for the pond, updated calculations for attenuation and flow based on the final design and restrictions on the pedestrian bridge to be above 1%AEP design level. These conditions seem reasonable. The Biodiversity Officer was satisfied with the details provided regarding the surface water hydrological pathway which would not result in any significant effects on the European sites in Dublin Bay. I am satisfied that the proposed surface water and stormwater arrangements are acceptable.

Flood Risk Assessment

- 8.10.10. A Site-Specific Flood Risk Assessment (FRA) was carried out for the proposed development. The site was assessed in accordance with the OPW Flood Risk Management Guidelines. The site is in Flood Zone C and there is no indication of any part of the site being within an area where the probability of flooding from rivers or the sea is greater than 1 in 1000. The site is stated to be at a low risk of tidal, fluvial, groundwater and pluvial flooding. The SSFRA states that there is no evidence of inflows from outside the site and that the proposed development will not block off drainage from surrounding areas or result in any increased risk of flooding downstream. There is no increased risk to any nearby properties or developable land as the runoff rate will be attenuated to greenfield runoff levels.
- 8.10.11. The gradient within the site means that any overland flow will drain along paved or green areas between buildings towards the attenuation pond and adjacent green area (at the low point of the site), or else out to Cross Avenue. A new surface water drainage system will be constructed to accommodate surface water runoff which will be in accordance with the GDSDS and will include SUDS.
- 8.10.12. The surface water network, attenuation storage and site levels are designed to accommodate a 100-year storm event and to include climate change provisions, (allowance for 20% increase in rainfall intensities). The apartments will be built over a half-basement car park which cuts back into the rising ground and building levels have been adjusted to ensure gravity drainage to the site discharge points. All surface water will follow the natural contours of the site to the lowest point at the attenuation pond and green area to the north of the pond. The level of the pond is below the level of the apartment building. The pond has an emergency overflow with a freeboard above the maximum pond water level. To prevent groundwater ingress into the basement, the reinforced concrete basement walls and slab will be tanked.
- 8.10.13. Floor levels of all buildings are set above the 100-year flood levels by a minimum of 150mm above surrounding ground levels and 500mm above the 1000-year flood level. For storms in excess of 100 years, the development has been designed to provide overland flood routes towards the pond and open space areas in extreme storm events. The proposed drainage system will also be maintained on a regular basis to prevent blockages. These measures were considered appropriate to

mitigate any risk from pluvial flooding. The FRA concludes that the flood risk mitigation measures, once fully implemented, are sufficient and that the proposed development is deemed appropriate and that a justification test is not required.

- 8.10.14. The P.A. Drainage section was satisfied with the SSFRA and the conclusions of that report. I am satisfied that the Flood Risk Assessment has adequately demonstrated that the site is not at risk of flooding and that the proposed development would not increase the risk of flood elsewhere.

Conclusion on drainage issues

- 8.10.15. As stated previously, the P.A. Drainage Section was satisfied with the drainage proposals subject to conditions and should the Commission be minded to grant permission, conditions to this effect should be attached to any such permission.
- 8.10.16. I note that the P.A. Biodiversity Officer was satisfied, following receipt of FI, that there would be no likely significant effects on South Dublin Bay SAC or South Dublin Bay and River Tolka Estuary SPA arising from wastewater discharges or surface water run-off/discharges from the proposed development. The Revised AA Screening Report provided details of the hydrological pathway between the site and the European sites. This established that there is no hydrological pathway between the site and the European sites in Dublin Bay. However, a potential risk from construction contaminated surface water run-off during exceptional or intense rainfall periods was identified which could be discharged accidentally via the stormwater overflow at Blackrock Park before reaching the WWTP for treatment. However, it was concluded that due to a combination of the insubstantial quantity of potential contaminants, the considerable length of the surface water network (over 1km) and the substantial dilution factor of both the SW network and the coastal waters in Dublin Bay, the risk of any significant impacts in such scenarios were considered to be negligible.
- 8.10.17. In conclusion, I am satisfied that the foul drainage and stormwater proposals are acceptable and that there would be no significant impacts on the environment arising from the proposed development.

8.11. Biodiversity and Ecology

- 8.11.1. A suite of documents was submitted with the application, some of which were amended or supplemented with further documents at FI stage. These included an Ecological Impact Assessment - EclA (updated 01/12/25), Appropriate Assessment Screening Report - AASR (updated 01/12/25), A Bat Assessment, A Badger Conservation Report (updated 01/12/25), Arboricultural Reports and Tree Surveys (updated 01/12/25), Landscape Report and Drawings (updated 01/12/25), an Environmental Impact Assessment Screening Report (updated 01/12/25) and a Water Framework Directive Assessment Report (submitted 01/12/25). In addition, the Outline CEMP (OCEMP) was updated (01/12/25) and a Site-specific Flood Risk Assessment Report were submitted.
- 8.11.2. I note from the P.A. Planner's report that a comprehensive technical review was undertaken by the Biodiversity Officer of these documents. The Biodiversity Officer was generally satisfied with the adequacy and content of the reports apart from a few matters which gave rise to a request for FI (Items 1 and 2). These items required a revised AASR and a revised EclA to be submitted to address the following matters -
- Revised AASR – address hydrological pathway between the SW run-off routed into the new SW sewer and the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA
 - Additional details regarding Badger Conservation Plan
 - A temporary artificial pond for the translocation of amphibians during construction
 - Site evaluation regarding the suitability of the site for breeding bird habitats.

The Dept. of Housing, Local Government and Heritage (NPWS) had also raised concerns regarding each of the above matters and regarding the extent of tree removal in the context of such activities occurring during the bird breeding season. Item 11 of the FI request addressed the issue of tree removal.

- 8.11.3. Following the receipt of FI (01/12/25), the Biodiversity Officer was generally satisfied apart from the Badger Conservation Plan and the absence of an Invasive Species Management Plan. The NPWS raised similar concerns regarding the Badger Conservation Plan, which will be discussed below. However, these matters were

considered to be ones which could be addressed by means of conditions. The P.A.'s Parks and Landscape Services section was satisfied with the submission of the Tree Replacement Strategy (01/12/25), apart from the inclusion of some trees which were considered to have invasive qualities, but this matter was addressed by means of conditions.

Habitats and species

- 8.11.4. Field surveys included habitats surveys, bats surveys, birds' surveys, badgers' surveys, amphibians' surveys and surveys of other flora and fauna.
- 8.11.5. The habitats on site (based on most recent survey 07/05/25, see Fig. 19 pg. 51 of Revised EclA) consist primarily of Dry meadows and grassy verges (GS2) which occupies most of the greenfield part of the site and some of the driveway and in part of the gardens close to the house. The large expanse of this habitat is surrounded by Treelines (WL2) on the western, southern and eastern boundaries. The northern part of the site incorporating the pond and former gardens associated with Chesterfield House comprise mainly of mixed broadleaved woodland (WD1) to the north-east, Mixed Broadleaved/conifer (WD2), with a small amount of Wet willow-alder-ash woodland (WN6) and Scrub (WS1). The wet-willow-alder ash habitat is stated to be dominated by crack willow but is being invaded by butterfly bush. The pond itself comprises Drainage ditches (FW4) and the driveway includes a central treeline (Treelines - WL2) and Hedgerows (WL1).
- 8.11.6. Six of the habitats were evaluated as Key Ecological Receptors. These included the Treelines (WL2) and the Drainage Ditch (FW4) the Wet-willow-alder-ash (WN6), Mixed broadleaved woodlands (WD1 and WD2) and Scrub (WS1). The Treelines and woodlands have the potential to provide suitable habitats for breeding birds and hedgehogs and potential bat roosting sites. The drainage ditch has aquatic floral species and was found to be used by common frog. The treelines are to be retained and parts of the woodlands and scrub, and the proposed landscaping scheme includes proposals to carry out supplemental planting of the woodlands with native species. However, the removal of some of the vegetation, particularly parts of the woodlands, could have an impact on breeding birds, roosting bats and on other species such as hedgehogs. Mitigation measures include pre-works checks for presence of species and implementation of specific mitigation measures and the

avoidance of breeding seasons. In addition, the creation of new habitats and the supplementation of existing ones will provide for beneficial impacts for hedgehogs and other mammals by providing additional breeding, commuting and foraging habitats.

- 8.11.7. No protected flora species were recorded. However, 4 species of flora considered to be invasive were recorded within the site - Cherry Laurel, Sycamore, cotoneaster, and Butterfly bush, all located at the northern end of the site (Fig 20).

Badger Conservation

- 8.11.8. I refer the Commission to the Badger Conservation Management Plan submitted as RFI (01/12/25) and to the revised EclA (4.4.4.2). A dedicated mammal survey (24/03/25) identified two potential badger setts on the site. One of these potential setts (northern part of site) looked to be in an active state, while the other (south-eastern had a disused appearance. A mammal trail was also noted on site. These are depicted in Figures 22, 23 and 24 of the revised EclA. A further mammal survey was carried out (Nov. 2025) and Camera Trail surveys (April-May 2025 and Nov. 025) were subsequently conducted near potential sett sites.
- 8.11.9. The south-eastern potential sett was ruled out due to the disused state and small entrance size and the absence of any trail evidence. The northern sett was carried forward as a Key Ecological Receptor, however, as the surveys had identified the potential sett with a number of entrances and trails. However, badgers were not confirmed or ruled out from inhabiting the sett, although adequate commuting and foraging habitats were confirmed on site. In accordance with the Precautionary Principle, it was decided that the exclusion and subsequent destruction of the potential sett would be required, as it was deemed that retention would not be possible due to proposed works located within 50m of the potential sett and that a replacement sett would not be feasible due to lack of suitable space.
- 8.11.10. The Badger Conservation Management Plan outlined the proposed methodology for badger exclusion and sett destruction (5.1.1) and the proposed mammal protection measures and monitoring by the ECoW (5.1.2/3). It was stated that the landscape plan was highly favourable to badgers with the retention of green corridors around the perimeter and the provision of large green open spaces in the central, northern

and eastern parts of the site. It was also recommended that access points be built into the proposed boundary treatment.

8.11.11. The NPWS initial report (23/09/25) had pointed out that a badger had been identified as exploring the burrow and expressed concern that no mitigation measures had been proposed and particularly noted the need for pre-works surveys. In their subsequent report following FI (22/12/25), it was emphasised that there was a need to establish whether the sett was in continuous use and whether it formed part of a network, prior to the commencement of works. It was therefore recommended that an artificial badger sett be established within the site. The P.A. planner noted that it would not be possible to establish the pattern of usage during the timeframe available for the current application and recommended the attachment of appropriate conditions to address this matter.

8.11.12. The recommended condition required the submission of an updated Badger Conservation Management Plan which shall accord with all details contained in the Badger Conservation Management Plan submitted on 01/12/25 and shall also provide details of all works to be carried out in the vicinity of the badger setts and provide the following specific details -

- Distances of proposed construction works from badger setts
- The depth of works and the scale of earth removals in the vicinity of any setts
- The methodologies and timelines of the works
- The measures to mitigate the effects of the works
- Details of the role of the Ecological Clerk of Works (who should be suitably qualified) in the supervising of the implementation of the works and in the monitoring of the effects of the works on the badgers present.

8.11.13. Badgers are protected species under the Wildlife Acts 1976-2023. The surveys have indicated that there is much evidence of badger activity (commuting and foraging) within the site, but the presence of routinely used setts and/or a network of setts has not been confirmed. Given that badgers may be present on the site and that the landscape plan is favourable to badgers, I would agree that a similarly worded condition to Condition 8 of the P.A. decision should be attached to any planning permission, should the Commission be minded to grant permission, in order to

facilitate the continued use of the site by Badger during the construction and operational phases of the development.

Amphibians

- 8.11.14. Common frog has been recorded in the 2km grid square, and the drainage ditch was identified as a potential supporting habitat for frog. However, the suitability for smooth newts was ruled out on the basis of vegetation and siltation levels at the pond. A dedicated amphibian survey confirmed the presence of frogspawn, but no smooth newts were recorded. It was considered that the pond provides suitable breeding, commuting and foraging habitat for common frog.
- 8.11.15. The proposed works of enlargement and restoration of the pond are likely to have a negative impact on the common frog, particularly if works were carried out during the hibernation or breeding seasons. A potential risk to amphibians from becoming trapped in construction machinery was also identified. It is proposed to create a temporary artificial pond for the purposes of translocation of amphibians during the construction period and their subsequent translocation back to the enlarged pond with enhanced habitats. The final design will have a beneficial impact on amphibians.

Bat Assessment

- 8.11.16. I would refer the Commission to the Bat Impact Assessment (14/08/25) and to the relevant sections relating to bats in the revised EclA (01/12/25). Bat activity was recorded during several surveys over the past few years (between 2017 and 2025) which mainly recorded Common Pipistrelle and Leisler's Bat with some recordings of Soprano Pipistrelle and Brown Long-eared bats. The bat assessment concluded that the surveys did not support high levels of foraging and commuting activity by bats as low levels of activity were recorded, particularly in terms of foraging activity. The majority of bat activity was recorded along the western and southern boundaries of the site.
- 8.11.17. No bat roosts were recorded on site. Buildings on site were ruled out from being used for roosting by bats as no evidence of bat roosts were found and they were assessed as being of low suitability for roosting bats. The Bat Emergence and Bat Static Survey results, (Table 9 and Table 10 respectively of the revised EclA), did not record any bats emerging from any of the 5 buildings or within the buildings. The updated bat roosting assessment (2025) identified 11 trees with potential roosting

sites (Table 8 of Revised EclA), which are proposed to be felled. It is considered that the unmanaged removal of these trees would have the potential to negatively impact bats, which are a protected species, and therefore, such works would also require a derogation licence.

8.11.18. The P.A, decision requires pre-construction surveys to check for the presence of any roosts, and should any such evidence be found, the works would be required to be halted and a derogation licence applied for, with no works to such trees proceeding without the grant of such a licence. Should the Commission be minded to grant permission, a similar condition should be attached to any such permission.

8.11.19. Overall, the operational phase of the development is likely to result in the creation of new or supplemented habitats for bats with additional roosting, foraging and commuting potential which would provide a favourable environment for bats. The design of the scheme also includes substantial dark corridors across much of the southern boundary and high value commuting and foraging habitats. I also note that the public lighting scheme has been designed to minimise the potential adverse impacts of such lighting on bat species.

Evaluation of Birds habitats

8.11.20. Bird surveys were carried out in June 2023 and December 2024. Eight species of bird were recorded (Table 13 of Revised EclA), all of which were green listed. The site was deemed to have negligible suitability for species of wintering birds due to the site's limited scale and its location encircled within a busy built-up area. Three breeding bird surveys were carried out in 2023 and a further three in 2024. A total of 27-28 species were identified within the site during these surveys (Table 14 Revised EclA), with four species confirmed as breeding during each survey period. One amber species was recorded, goldcrest, and one red listed species, stock dove as probable breeders. Thus, it was established that the site contained suitable habitats for breeding birds which were carried forward as a KER.

8.11.21. The removal of vegetation and felling of trees, particularly if undertaken during the breeding season for birds, would have a negative impact on breeding birds due to potential damage and/or removal of nesting and foraging habitats and disturbance during construction works. However, the creation and supplementation of habitats may benefit breeding birds by providing nesting habitats and increased foraging

habitats. In addition, pre-works checks will be undertaken for birds' nests, and the removal of vegetation and trees will be carried out outside of the breeding season. I note that the P.A. decision included a condition to this effect and should the Commission be minded to grant permission, a similar condition should be attached to any such permission.

Invasive species

8.11.22. Butterfly bush, cherry laurel and cotoneaster are present on the site and will require removal to prevent the spread of invasive species. Sycamore was not considered to constitute an invasive species in the context of this site, given the nature and diversity of trees on the site. I note that the P.A. Biodiversity Officer has requested that an Invasive Species Management Plan for the site be submitted and agreed with the P.A. prior to the commencement of works. Should the Commission be minded to grant permission, a similar condition should be attached to any such permission.

8.11.23. **In conclusion** regarding the **Ecological Impact Assessment**, I consider that the plans and documentation submitted in support of the proposed development have adequately addressed the ecological impact of the proposed development on the site and surrounding area. I am satisfied that the mitigation measures set out at Section 6 of the EclA (revised), subject to additional measures set out in the conditions below, if implemented, would ensure that the proposed development would not have a detrimental effect on the ecology and biodiversity of the site. It is further considered that the retention and enhancement of many of the existing habitats, combined with the creation of new large areas of landscaped open space with an enhanced open water feature and areas of woodland, would provide for additional and enhanced habitats within the site which may benefit the species that inhabit the site and area.

Tree Removal

8.11.24. Objection was raised to the removal of a large number of trees. The application was accompanied by an Arboricultural Impact Assessment and a tree survey. The report outlines that 133 individual trees, three tree groups and the partial removal of 5 tree groups are proposed to be removed. I would accept that a large number of trees are to be removed, but most of these are of low or poor quality. It is noted that 63 trees and 8 groups are lower value (C category) and 58 are of poor quality (U category), with only 12 trees to be removed being of moderate quality. However, the site has

the benefit of a significantly high level of tree cover, the majority of which will be retained. It is stated that many of the trees are to be removed for health and safety reasons due to the site's change of use. The Arboricultural Assessment states that although the loss of trees will have an initial impact on the canopy cover, the visual impact on the character and appearance of the surrounding area is not expected to be significant due to the retention of the extensive boundary tree cover.

8.11.25. **DLR CDP Policy Objective OSR7 – Trees, Woodlands and Forestry** generally seeks to ensure that the tree cover of the County is managed and developed to optimise the environmental, climatic and educational benefits, which derive from an 'urban forest' and include a holistic urban forestry approach. The site is **Zoned 'Objective A Residential'** and is also subject to an objective to **'protect and preserve trees'** with two areas identified on Zoning Map 2, one to the northwest of Chesterfield House and the other to the northeast of the pond. **Section 12.8.11** of the CDP requires new developments to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows and to have regard to objectives to protect and preserve trees and woodlands. Such developments must be accompanied by an Arboricultural Assessment including a tree survey, implications assessment and a method statement. The CDP encourages the retention of existing planted site boundaries, particularly where such boundaries contribute positively to the character and visual amenity of the area. Details of adequate measures to protect these trees must be provided. Where it proves necessary to remove trees to facilitate development, commensurate planting or replacement trees will be required.

8.11.26. The application has been accompanied by a range of documents and drawings which set out the existing landscape character and tree cover as well as the proposed landscape and planting strategy. In addition, an Arboricultural Report prepared by a qualified Arborist has been submitted, which includes a tree survey, and assessment of the value of the existing trees on the site and the proposed works including identifying the trees to be felled, to be pruned and the methods of protection of the retained trees. The overall design concept for the proposed development seeks to retain as many trees as possible, with the removal of trees being limited to those that are required to be removed in order to facilitate the development. It is proposed to replace groups of trees and to infill the tree lines with additional tree planting.

- 8.11.27. The Landscape Report (as amended by RFI 01/12/25) states that the existing trees are of mixed quality in terms of their amenity value, health and vigour, with the trees of the highest value along the southern boundary, where the trees are in a double line on raised ditches. This belt of trees is said to include several Category B trees including Ash, Horse Chestnut and Sycamore with an understorey of Holly, Elder and bramble. The trees of the poorest value are noted as being located around the pond and along the western boundary.
- 8.11.28. Landscape Drawing No. 240329-P-11 - Tree Removal Plan shows the location of the trees to be removed. It is noted that a significant number of the trees to be removed are from the centre of the site around the pond, with very few to be removed from the perimeter, where the significant vegetative screening will be retained and enhanced by new infill planting. At present the area around the pond and between the pond and Chesterfield House is significantly overgrown and unkempt with a mix of shrubs and trees. The pond is obscured by the extent of vegetation at this location. I note from the Arboricultural Report that the trees around the pond comprise mainly common Alder, Willow, Leland Cypress, Sycamore, Holly, Beech and Ash. In addition, the group of Leyland Cypress trees along the western boundary are to be removed, which are of a low quality. These trees will be replaced by more appropriate species along this boundary. The Tree Replacement Strategy indicates that a total of 226 new trees will be planted on site. This will be in the form of a mix of large (80), medium (40), multi-stem (13) and small tree shrubs (93). Importantly, the mature and varied mix of native trees along the southern and eastern boundaries will be retained and a small native woodland is proposed close to the eastern boundary.
- 8.11.29. I note that the Parks and Landscape Services section (PLS) was generally satisfied with the proposed tree removal and replacement strategy and with the proposed landscaping scheme. The initial report had identified some issues with the proposed open space to the south, which it had been considered might endanger the tree roots along the southern boundary, but the applicant amended the proposal to the satisfaction of the PLS. Conditions were also recommended which included requirements inter alia to avoid the potential for invasive species being introduced onto the site, the retention of an Arborist and a Landscape Architect on site during construction and the implementation of tree protection measures and the payment of a tree bond.

8.11.30. **In conclusion** regarding **Arboricultural issues**, I consider that the proposed development has adequately addressed the Development Plan requirements in terms of the detail and level of information provided and in terms of the policies regarding the protection of trees. The overall strategy to retain as many trees as possible with a replacement strategy which would compensate for the loss of trees and add significantly to the tree cover on the site. I am satisfied that trees to be removed are predominately those that need to be removed to facilitate the development or are of poor quality and/or poor health. On balance, I consider the extent of tree removal together with the tree replacement and the landscaping strategy to be acceptable with mitigation measures incorporated. Should the Commission be minded to grant permission, it is considered that a similar suite of conditions to those recommended by the PLS be attached to any such permission.

8.12. Other Matters

8.12.1. Finally, in the interests of clarity for the Commission, in this subsection I respond to relevant 'other matters' as raised in the grounds of appeal, which have not been specifically addressed in above subsections.

Public lighting

8.12.2. It is submitted that public lighting should be designed to avoid impacts on wildlife and residential amenity. The proposed public lighting strategy includes low-level external lighting, apart from standard street lighting, to facilitate safe passage throughout the site. There will be some lighting provided for occupants when using balconies on the upper levels, but this will not be erected externally to the building above the second floor. The lighting strategy has also taken account of the recommendations of the bat report, and the lighting has been designed to avoid impacts on bats and other wildlife. In particular, a dark corridor will be maintained along the southern boundary within the canopy of the treeline boundary habitats to allow bats to commute along the boundary and to ensure that bats can avail of foraging elsewhere within the site.

8.12.3. It is considered that the proposed development has had regard to the protection of wildlife and residential amenity in the design of the public lighting strategy. However, I note that the P.A. had attached conditions (10 and 11) to its decision requiring a final lighting plan with input from a mammal and bat specialist to be submitted for

agreement and that upon completion, a report from the ecologist be submitted confirming that the external lighting is satisfactory. Should the Commission be minded to grant permission, it is considered that similarly worded conditions should be attached to any such permission.

Carbon footprint and pollution

- 8.12.4. It is asserted that overdevelopment of the site will increase the carbon footprint and increased traffic congestion will increase pollution.
- 8.12.5. The application was accompanied by a Climate Action and Energy Statement Report which sets out how low-carbon strategies have been incorporated into the design, procurement, construction and operation of the proposed development. The buildings have been designed to comply with Part L of the Building Regulations – Conservation and Fuel Energy with a Building Energy Rating (BER) of A2/A3 throughout. This is achieved through a combination of measures which reduce energy demand, such as the creation of an energy efficient envelope and maximising sunlight and daylight access, and optimising energy efficiency such as through the installation of efficient heating systems, cooling systems, lighting etc.
- 8.12.6. The Climate Action and Energy Statement sets out how the proposed development would comply with the following DLR CDP policies

CA5 - Energy Performance in New Buildings – high-efficiency façade elements and systems will be incorporated into the proposed development which will reduce energy demand and operational carbon emissions achieving a minimum of A3 BER.

CA7 – Construction Materials – it is intended to use structural materials with low to zero embodied energy and CO2 emissions by using local materials where possible as well as the use of recycled materials when technically viable.

CA8 – Sustainability in Adaptable Design – the design of residential units will incorporate flexibility, accessibility and adaptability in their spatial layouts and the proposed development will manage the urban heat island through design or green spaces and permeable surfaces.

CA10 – Renewable Energy and CA13 – Solar Energy Infrastructure – the design will incorporate renewable energy sources by utilising heat pumps and solar

arrays which will enable on-site renewable energy generation and reduction in reliance on fossil fuels in line with national objectives to achieve climate neutrality by 2050, as required by Climate Action Plan 2025.

CA17 – Electric Vehicles – the proposed development will include at least one EV charging point for every 5 car spaces and will provide for future expansion in EV charging infrastructure as demand increases.

CA18 – Urban Greening – urban greening has been integrated as a fundamental component of the site and building design with a network of high-quality, biodiverse landscaped spaces including a large, naturalised pond and a series of green spaces that enhance the ecological value and residential amenity of the site and the area. The development would also include SUDs to manage surface water runoff and attractive pedestrian and cycling facilities which would encourage more sustainable modes of travel.

8.12.7. It is considered that the proposed development would provide a new high-density development within an established built-up area, in proximity to existing services, facilities and high-quality public transport, which would result in compact growth and the efficient use of land in order to create a more sustainable community. This is aligned with the actions identified under the Climate Action Plan. The proposed design incorporates several strategies to achieve low-carbon emissions both in terms of the construction and the operation of the proposed development, which would help to achieve the national climate objectives of moving towards carbon neutrality. The proposed development would not, therefore, be likely to result in any significant increase in the carbon footprint.

8.12.8. In terms of the increase in pollution arising from increased traffic congestion, the increase in traffic generation associated with the proposed development has already been assessed as being low. In addition, the design and layout of the proposed development would make significant provision for electric vehicle charging, car sharing and include measures to manage demand for parking and would also facilitate and encourage walking and cycling. Thus, it is considered that any increase in pollution is not likely to be significant.

Phasing of Construction and Delivery of Childcare

- 8.12.9. I note that although the first party has not submitted an appeal against any of the conditions of the planning authority decision, as discussed at 8.7.20-21 above, the First Party Response to the grounds of appeal (03/03/26) has raised objection to matters relating to the phasing of the development. As discussed at 8.7.20-21 and 8.7.20-21, objection was raised to condition 2 which required the development to be completed in its entirety prior to the occupation of any units or subject to a phasing arrangement, principally on the grounds of viability. In addition, objection is raised to Condition 5(a) which requires that the creche be completed and available for use in tandem with the occupation of the first residential unit. It is pointed out that should both conditions be applied by the Commission, neither the creche nor any residential units would be made available for sale or occupation until the entire development has been fully completed, which would significantly affect the viability of the scheme.
- 8.12.10. Notwithstanding the absence of a first party appeal on these matters, it is considered that should the Commission be minded to grant permission for the proposed development, the wording of any condition(s) regarding phasing and completion should take into account the potential impacts on the practical delivery of the development as a whole. I note that in terms of phasing, the applicant has indicated that it is proposed to construct the development in one phase. However, realistically, there will be elements of the scheme which will be completed before others and I would accept that in order to ensure the practical delivery of the scheme, there may need to be some level of flexibility applied in this regard. I note that the majority of the residential units are two-bed and that approx. 76% of the apartments are either 2 or 3 bed units. It is considered reasonable, therefore, that a condition be attached requiring that no more than 75% of residential units should be permitted to be occupied before the completion of the childcare facility, unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed at this time.
- 8.12.11. As such, it is considered that any such conditions should provide for the submission of a phasing programme for construction and the making available for use of the childcare facility to be agreed in writing with the planning authority, prior to the commencement of the development.

Conditions of Planning Authority Decision

- 8.12.12. In relation to other planning conditions, I have reviewed the internal reports of the different sections of the planning authority and the prescribed bodies and have noted the conditions recommended to be attached in the event of a grant of permission. I am satisfied that equivalent An Coimisiún Pleanála conditions are sufficient in covering/ addressing several matters (construction, operational, procedural, and financial). Some of the recommended conditions are necessarily specific in nature, being bespoke to the proposal (e.g., mitigation and monitoring from several project-specific reports, landscaping, arboricultural, boundary treatments, pathways, connection points etc.).
- 8.12.13. Finally, I direct the Commission to sections 9.0 Appropriate Assessment, 10.0 Environmental Impact Assessment and 11.0 Water Status Impact Assessment of this report below, and in particular to the corresponding Appendices 1-4.
- 8.12.14. These screening determinations provide detailed assessments of the impact of the proposed development on several components of the environment.

9.0 Appropriate Assessment

9.1. Stage 1 – Screening Determination for Appropriate Assessment

- 9.1.1. In accordance with section 177U(4) of the Planning and Development Act 2000, as amended (2000 Act), and on the basis of objective information, I conclude that the proposed development (project) would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under section 177V of the 2000 Act is not required (see Appendix 1 of this report below).
- 9.1.2. This conclusion is based on:
- Objective information presented in the case documentation (e.g., AASR, EclA).
 - Qualifying interests and conservation objectives of the European sites.
 - Absence of any meaningful pathways to any European site.
 - Distances from European sites.

- Standard pollution controls and project design features that would be employed regardless of proximity to a European site and the effectiveness of same.

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

10.0 Environmental Impact Assessment

10.1. Pre Screening for Environmental Impact Assessment

10.1.1. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended (2001 Regulations), and section 172(1)(a) of the Planning and Development Act 2000, as amended (2000 Act), identify classes of development with specified thresholds for which EIA is required.

10.1.2. I identify the following classes of development in the 2001 Regulations as being of relevance to the proposal:

- Class 10(b) relates to infrastructure projects that involve:
 - (i) Construction of more than 500 dwelling units,
 - (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

10.1.3. The proposed development is sub-threshold in terms of mandatory EIA requirements arising from Class 10(b)(i) and/ or (iv) of the 2001 Regulations. As such, the criteria in Schedule 7 of the 2001 Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment and should be the subject of EIA (see Appendix 2 of this report below).

10.2. Screening Determination for Environmental Impact Assessment

10.2.1. The applicant has submitted an Environmental Impact Assessment Screening Report (EIASR) with the application addressing issues which are included for in Schedule 7A of the 2001 Regulations.

10.2.2. Based on the criteria in Schedule 7 of the 2001 Regulations, I have carried out an EIA screening determination of the project (included in Appendix 3 below of this report). In so doing, I have had regard to the following:

1. The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, in particular:
 - (a) the nature and scale of the proposed residential development (which is below the mandatory thresholds for Class 10(b)(i) and Class 10(b)(iv) of the 2001 Regulations) and the under-utilised nature of the site and its location in a built-up area which is served by public services and infrastructure.
 - (b) the absence of any significant environmental sensitivity in the vicinity.
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the 2001 Regulations.
2. The results of other relevant assessments of the effects on the environment submitted by the applicant, and the results of the Strategic Environmental Assessments of Dún Laoghaire Rathdown County Development Plan 2022-2028 undertaken in accordance with the SEA Directive (2001/42/EC).
3. The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

10.2.3. In conclusion, I am satisfied that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report is not, therefore, required.

11.0 Water Status Impact Assessment

11.1. Stage 1 – Screening Determination for Water Status Impact Assessment

11.1.1. I have assessed the proposed development (project) with regard to, and have considered the objectives as set out in, Article 4 of the Water Framework Directive (WFD). Article 4 seeks to protect and, where necessary, restore surface and ground

water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

11.1.2. I conclude that the proposed development will not result in a risk of deterioration to any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its WFD objectives. Consequently, I conclude that the proposed development can be excluded from further assessment (see Appendix 4 of this report below).

11.1.3. This conclusion is based on:

- Nature of the project, site and receiving environment.
- Objective information presented in the case documentation (e.g., HHRA, FRA, Engineering Assessment Report).
- Hydrological and hydrogeological characteristics of proximate waterbodies.
- Absence of any meaningful pathways to any waterbody.
- Standard pollution controls and project design features.

12.0 Recommendation

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

13.0 Recommended Draft Commission Order

Planning and Development Act 2000, as amended

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Authority Register Reference: LRD 25A/0637/WEB

Appeal by Catherine Greene, James Sheehan, Karin Crofton and Ronan O'Dwyer against the decision made on the 9th day of January 2026, by Dun Laoghaire Rathdown County Council to grant permission subject to conditions to Cairn Homes Properties Ltd. c/o of McCutcheon Halley Chartered Planning Consultants, Kreston

House, Arran Court, Arran Quay, Dublin 7, in accordance with plans and particulars lodged with the said Council.

Proposed Development

Largescale residential development on lands at Chesterfield, Cross Avenue, Blackrock, Co. Dublin, in the townland of Merrion. Particulars of the development are as follows:

- (i) The demolition of two existing outbuildings on site with a total combined area of 55.7sq.m.
- (ii) The construction of 252 residential units with a cumulative gross floor area of c.26,250 sq.m comprising
 - a) 236 apartments across two blocks ranging in height from 5-8 storeys over basement incorporating 43 no. 1-bed, 137 no. 2-bed and 56 no. 3-bed units, all with private amenity space; and
 - b) 16 no. 5-bed terrace townhouses.
- (iii) A childcare facility (480sq.m GFA) with outdoor secure play area.
- (iv) Residential amenities including a gym, yoga room, meeting room and a resident's lounge and kitchen and bathroom facilities.
- (v) Realignment and enlargement of the existing on-site ornamental pond to facilitate surface water attenuation.
- (vi) Installation of infrastructure along Cross Avenue to facilitate connections to the municipal potable water supply at the junction of Cross Avenue and Booterstown Avenue and the surface water sewer at the junction of Cross Avenue and Mount Merrion Avenue and
- (vii) The provision of pedestrian and vehicular access, landscaping, amenity and open space areas, boundary treatments, associated bicycle and car parking, associated plant, bike, bin and bulky storage, public lighting and all ancillary development works.

The proposed development adjoins Protected Structure – Chesterfield House (RPS 171), to the north.

The 236 no. apartments are provided within 2 no. apartment buildings (B1 and B2) of 5-8 no. storeys in height, with undercroft and surface car parking. The childcare facility is located at the ground floor of Building B1. The 16no. townhouse units are provided in 3-storey terraced buildings parallel to the southern boundary.

The proposal contains a total of 261 no. car parking spaces, including 36no. in-curtilage/surface level spaces for the houses, with the remainder in the basement, and 5 no. motorbike parking spaces for the apartments. The proposal contains 544 no. bicycle parking spaces for the duplex / apartment units, and childcare facility. Cycle parking for all the town houses is provided in-curtilage.

The vehicular access to the development is to be provided from the existing access point from Cross Avenue, as previously permitted under ABP.313252-22. Pedestrian and cycle links are proposed to Cherbury Court and Clonfadda Wood to the west and south, respectively. The proposal includes for the provision of potable water and surface water infrastructure by means of infrastructural works to provide same up to the application site boundary to facilitate the proposed development.

Bike stores, apartment stores, childcare facility store, bin stores, plant rooms, ESB Substation and block cores are located at the basement and ground floor levels of the apartment buildings.

The proposed development includes private amenity space, consisting of balconies / terraces for all apartments and duplex / apartments and private gardens for the houses, public and communal open space, including children's play areas and an ancillary play area for the childcare facility, PV panels at roof level of the apartment buildings and the houses, public lighting, and utilities infrastructure. The proposal includes all associated site and infrastructural works, including foul and surface water drainage and attenuation, hard and soft landscaping, boundary treatments, internal roads, cycle paths and footpaths.

Decision

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

Reasons and Considerations

The Commission has made its decision in consistency with:

- a) Relevant provisions of the Climate Action and Low Carbon Development Act 2015, as amended.
- b) Climate Action Plans 2024 and 2025.

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

- a) Policies and objectives set out in the National Planning Framework 2040 (First Revision, 2025) and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.
- b) Policies and objectives set out in the Dún Laoghaire Rathdown County Development Plan 2022-2028 including the location of the site on lands subject to Zoning Objective 'A' and the permitted uses therein.
- c) Housing for All, A New Housing Plan for Ireland, 2021.
- d) National Biodiversity Plan 2023-2030.
- e) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- f) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2025.
- g) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- h) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- i) Childcare Facilities, Guidelines for Planning Authorities, 2001.
- j) Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023.
- k) Development Management, Guidelines for Planning Authorities, 2007.
- l) The nature, scale, and design of the proposed development.
- m) The highly accessible location of the site in proximity to Blackrock Village and associated availability of a range of commercial, social and community facilities and which is served by high-quality public transport infrastructure.

- n) The townscape character and established pattern of existing and permitted development in the area.
- o) The underutilised nature of the site and its previous planning history.
- p) The reports of the planning authority.
- q) The submissions received by the planning authority from observers and prescribed bodies.
- r) The grounds of appeal.
- s) The response to the grounds of appeal by the applicant.
- t) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment, environmental impact assessment, and water status impact assessment.

Appropriate Assessment Screening

The Commission completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European sites and the absence of any direct hydrological connections, submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report.

In completing the screening exercise, the Commission adopted the report of the Planning Inspector and concluded 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 European site in view of the conservation objectives of such sites, and that an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would not, therefore, be required.

Environmental Impact Assessment Screening

The Commission completed an Environmental Impact Assessment screening determination of the proposed development, with regard being had to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended,

in particular to the nature and scale of the proposed residential development (which is below the mandatory thresholds for Class 10(b)(i) and Class 10(b)(iv) of the 2001 Regulations), the under-utilised nature of the site and its location in a built-up urban area which is served by public services and infrastructure, the absence of any significant environmental sensitivity in the vicinity, the location of the development outside of any sensitive location specified in article 109(4)(a) of the 2001 Regulations, the results of other relevant assessments of the effects on the environment submitted by the applicant, the results of the Strategic Environmental Assessment of Dún Laoghaire Rathdown County Development Plan 2022-2028 undertaken in accordance with the SEA Directive (2001/42/EC), and the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

In completing the screening determination, the Commission adopted the report of the Planning Inspector and concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Water Status Impact Assessment Screening

The Commission completed a Water Status Impact Assessment screening exercise with regard being had to the objectives of Article 4 of the Water Framework Directive, taking into account the nature of the proposed development, site and receiving environment, the hydrological and hydrogeological characteristics of proximate waterbodies, the absence of any meaningful pathways to any waterbody, the standard pollution controls and project design features, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report.

In completing the screening exercise, the Commission adopted the report of the Planning Inspector, and concluded that the proposed development will not result in a risk of deterioration to any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its Water Framework Directive

objectives, and that a Water Status Impact Assessment would not, therefore, be required.

Conclusion on Proper Planning and Sustainable Development

The Commission considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable policies and objectives of the Dún Laoghaire Rathdown County Development Plan 2022-2028, including those pertain to Zoning Objective A, would result in an appropriate scale and density of residential development, would constitute an acceptable mix and quantum of residential development, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or result in serious pollution to biodiversity, lands, water, or air, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority, as amended by the further information plans and particulars submitted to the planning authority on the 1st day of December 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development hereby permitted is for 252 residential units only, comprising 43 no. 1-bedroom apartments, 137 no. 2-bedroom apartments, 56 no. 3-bedroom apartments and 16 no. 5-bed terraced townhouses.

Reason: In the interest of clarity.

3. (a) Prior to the commencement of development, a phasing programme for construction and making available for use of the childcare facility shall be submitted to, and agreed in writing with, the planning authority.

(b) Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed (at this time).

Reason: To ensure that childcare facilities are provided in association with residential units and the timely provision of amenities and infrastructure for future residents.

4. The proposed development shall be amended as follows:

(a) The Juliette balconies on the rear elevations of the townhouses shall be omitted and replaced by windows of a similar design to the other windows on the rear elevation.

(b) A maximum of one car parking space per residential unit, including the townhouses.

(c) Measures to prevent ad-hoc on-street parking in front of the townhouses.

(d) Provision for a continuous footpath across the vehicular entrance off Cross Avenue which shall also demonstrate that cyclists maintain road priority across the vehicular entrance.

(e) The proposed ornate patterned steel panel fence (30m x 3.7m) along the eastern side of the entrance roadway shall be a maximum of 2.0 metres in height, which shall supercede the boundary treatment details permitted on 03/09/24 under ABP.313252-22, as amended by the S146(A) Order of 29/10/25).

Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity and road safety.

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

b) Details of security shuttering, external lighting, and signage for the childcare facility shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

c) Details of a maintenance strategy for all external finishes to the proposed buildings shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

d) Details of the location, types, textures and finishes of all proposed boundary treatments within the scheme shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

In default of agreement of any (a)-(d) above, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity and orderly development.

6. a) Mitigation and monitoring measures outlined in the plans and particulars, including the Outline Construction and Environmental Management Plan, the Ecological Impact Assessment, the Arboricultural Assessment, WFD and Hydrological and Hydrogeological Risk Assessment, and Flood Risk Assessment, submitted with the application shall be carried out in full, except where otherwise required by conditions attached to this permission.

b) Prior to the commencement of development, the developer shall submit a comprehensive list of mitigation and monitoring measures from the named reports and a corresponding timeline/ schedule for implementation of same to the planning authority for its written agreement.

Reason: In the interest of clarity and to protect the environment and public health.

7. All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where they consider that the continuation of the works is likely to result in a significant pollution or siltation

incident or impact on protected habitats or species, and on-site works will cease until authorised to continue by the planning authority. A compliance monitoring report shall be prepared by the Ecological Clerk of Works and shall be submitted to the planning authority at the end of the main construction period.

Reason: To ensure compliance with mitigation measures and to protect biodiversity.

8. Pre-construction surveys (including site clearance) shall be carried out for the presence of bats, mammals, ornithology and amphibians by a suitably qualified specialist in advance of any demolition, clearance or construction works to determine the presence of these species on site. Where any of the species protected under the Wildlife Acts 1976-2023 are found to be present, on-site works will cease until authorised to continue by the planning authority.

Reason: To ensure protection of species under the Wildlife Acts 1976-2023.

9. Prior to the commencement of development, a Habitat and Species Management Plan (HSMP) shall be submitted and agreed in writing with the planning authority which shall include details of all enhancement and mitigation measures for all species and habitats outlined in the Ecological Impact Assessment submitted to the planning authority on 1st December 2025. The HSMP shall address the following specific matters:

- Details of the proposed alteration and widening of the drainage ditch for the development of an attenuation pond, including the creation of the temporary pond and permanent artificial lakes and ponds habitats, shall be agreed with the Ecological Clerk of Works with input from an amphibian specialist on the design and proposed planting in this area
- Details of proposed biodiversity planting and final design of the woodland /open space areas. Where native plant species are specified, they shall be sourced from proven indigenous local seed sources. Commercial seed shall not be used in green or open spaces or to create meadows, but instead the site soils shall be re-used with areas allowed to generate naturally where possible. Native seed stock suitable for supporting native pollinators shall only be used for gardens.

Reason: To ensure compliance with mitigation measures and to protect biodiversity.

10. Prior to the commencement of any works on site an Updated Badger Conservation Management Plan shall be submitted and agreed in writing with the planning authority which shall include a pre-construction check (within 12 months of any constructions works) of inaccessible areas and of the activity status of all known setts commencing within the zone of influence of the setts. This survey shall be carried out by an Ecologist who is appropriately qualified and experienced in undertaking badger surveys and in line with best practice at the appropriate time of year. The applicant shall ensure that the development is in compliance with the relevant legislation on the protection of badgers. The applicant shall ensure that the following specific mitigation measures are implemented in order to prevent any disturbance to badger setts not directly affected by the proposed development:

- No heavy machinery shall be used within 30m of badger setts at any time.
- No works shall be undertaken within 50m of active setts during the breeding season (December to June inclusive).
- Lighter machinery (generally wheeled vehicles) shall not be used within 20m of a sett entrance.
- Neither blasting nor pile driving shall be undertaken within 150m of active setts during the breeding season (December to June inclusive).

The results of the pre-construction survey and any proposed mitigation measures shall be submitted prior to the commencement of works for the written approval of the Planning Authority.

Reason: To ensure the protection of Badger.

11. Where existing known Badger setts require exclusion and removal, or temporary exclusion for the duration of the construction period, this will be undertaken by an Ecologist who is appropriately qualified and experienced in undertaking sett exclusions/removals and in accordance with best practice and at the appropriate time of year. Where an existing known badger sett will

be excluded/removed and an artificial sett is proposed, the artificial sett shall be constructed before the existing badger sett is excluded/removed and the badgers relocated to the artificial sett under the supervision of the experienced ecologist(s) in accordance with best practice and at the appropriate time of year. Details of the proposed exclusion/removal process (including the provision of artificial setts), shall be submitted to and agreed with the planning authority for approval, prior to commencement of development.

Reason: To ensure the protection of Badger

12. Prior the commencement of felling/works, trees and buildings with bat roosting potential shall be surveyed by a suitably qualified Ecologist who is appropriately qualified and experienced in undertaking bat surveys and in line with best practice at the appropriate time of year to confirm the absence of roosting bats. In the event that a previously undetected bat roost is identified and is likely to be disturbed, the applicant shall acquire a derogation under Regulation 54 of the European Communities (Bird and Natural Habitats) Regulations 2011 prior to the commencement of the relevant works. Prior to the removal of trees and/or works to building, the bat survey results, methodologies for felling/works and any derogations shall be submitted for the written agreement of the planning authority.

Reason: For the protection of Bats, a protected species.

13. (a) Public lighting shall be provided in accordance with the Outdoor Lighting Report and Drawing No. SES 10325 submitted to the planning authority and as updated by conditions of planning herein. The agreed lighting scheme shall be fully implemented and operational prior to making available for occupation of any residential unit prior to the commencement of development.

(b) Artificial lighting shall be designed in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting At Night). The final design of the lighting scheme shall be approved of by suitably qualified mammal and bat specialists and written evidence indicating approval by the mammal and bat specialists, shall be submitted to and agreed in

writing with the planning authority prior to commencement of development/ installation of lighting.

- (c) Construction operations during the hours of darkness shall be kept to a minimum. If construction lighting is required during the bat activity period (April to September), lighting shall be directed away from all woodland/trees/hedgerow habitat that is to be retained. Artificial lighting shall be designed in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting At Night).

Reason: In the interests of amenity and public safety.

14. Prior to the commencement of construction, a suitably qualified Ecologist who is appropriately qualified and experienced in undertaking invasive alien species (IAS) surveys and in line with best practice at the appropriate time of year shall carry out a survey of the site for invasive alien species (IAS) designated under the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations (2011). A verification report shall be submitted to the planning authority prior to commencement of construction. Should any IAS be found, an IAS Management Plan is also to be provided to the planning authority. Implementation of any IAS Management Plan shall be monitored and signed off by the project ecologist in agreement with the planning authority. No works are to take place until actions of an IAS Management Plan are completed. Depending on the IAS in question, post-construction monitoring may be required to ensure controls have been successfully carried out. Any records of IAS found on the site are to be submitted to the planning authority and the National Biodiversity Data Centre (NBDC) using the NBDC standard reporting form to inform future planning and ensure monitoring.

Reason: to prevent the spread of alien invasive species.

15. There shall be no clearing, cutting, grubbing, burning or destruction by other means of vegetation growing on uncultivated land or in hedges or ditches during period beginning on 1st March to 31st August.

Reason: To protect nesting birds and other wildlife.

16. (a) Prior to the commencement of development, the developer shall engage a suitably qualified and registered or chartered Landscape Architect as a Landscape Consultant for the full duration of the development, who shall supervise all landscaping works and will report on compliance with the relevant mitigation measures to the planning authority on completion of the works.

(b) Landscaping and Biodiversity planting measures for this site shall be carried out in accordance with the Landscape Report and Landscape Management Plan submitted with the planning documentation (as amended 01/12/25) and as updated by conditions of planning herein. All tree and shrub planting shall be native species only (unless native species have been deemed unsuitable in exceptional circumstances). All landscape/biodiversity planting shall be completed within 18 months of the completion of this development under the supervision of an appropriately qualified and experienced specialist. Any trees/planting that die or are removed within three years of planting shall be replaced in the first planting season thereafter. A compliance report shall be submitted and agreed with the Planning Authority within a period of two months after the first planting season post completion of construction works.

Reason: To protect biodiversity and visual amenity

17. All trees and hedgerows within and on the boundaries of the site, except those specified trees/hedgerows whose removal is authorised by the Planning Authority to facilitate the development, shall be protected during construction and retained thereafter.

Reason: To protect biodiversity and visual amenity.

18. Prior to the commencement of development activity, protective fencing in accordance with best practice, shall be installed to protect all trees identified to be retained. The fencing shall be installed in such a manner as to provide protection to the critical root zone of trees to be protected, and it shall be retained on site until all construction works are completed. No soil, spoil, construction material or waste will be stored or tipped within the fenced off area and no construction plant or vehicles will be parked within the spread of

trees/hedgerows identified to be retained. The fencing shall be retained until such time as works are completed.

Reason: To protect biodiversity and visual amenity.

19. Prior to the commencement of development, the developer shall engage a suitably qualified Arborist as an Arboricultural Consultant for the full duration of the development, who shall supervise all tree felling, tree planting and tree pruning works and will report on compliance with the relevant mitigation measures to the planning authority on completion of the work. The Arborist shall be responsible for the following matters:

- Implementation of the Tree Retention, Tree Protection and Tree works as set out in the Arboricultural Method Statement, Tree Protection Plan and Tree Replacement Strategy.
- Certification to the planning authority of his/her satisfaction with the tree protection measures once in place.
- All tree works (felling, removal, surgery) to be carried out by a suitably qualified Tree Surgeon and supervised by the Arborist, in accordance with best practice standards and recommendations (to be reviewed and updated where necessary).
- Carry out inspections at intervals to be agreed with the planning authority and complete a monitoring report of all tree works detailing any significant issues or breaches of the Arboricultural Method Statement.
- Monitor and agree all works within the RPA of any trees to be retained and no tree stumps within the RPA shall be removed by excavator.

Reason: To protect biodiversity and visual amenity

20. (a) Felling of trees which have been identified for removal shall be carried out under the supervision of an appropriately qualified ecologist and left intact on the ground for a period of at least 24 hours to allow for any bats (if present) to escape.

(b) Of the trees to be felled, a minimum of one tree trunk of a felled native mature/early mature tree shall be retained (in one piece or cut into large sections) and left within the retained woodland habitat.

(c) Trees shall not be planted in the area over the attenuation pond and shall be placed a minimum of 2 metres from the edge of the attenuation tanks.

Reason: To protect biodiversity and visual amenity

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

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

22. The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/ drop off area(s), parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination

Reason: In the interests of traffic, pedestrian and cyclist safety.

23.(a) Car parking and motorcycle parking for the development shall be provided in accordance with the submitted parking layout, subject to the revisions required by Condition 4(b), providing for a maximum of one space per residential unit.

(b) The car parking spaces for visitor use shall be assigned permanently for the residential development and shall be reserved solely for that purpose.

(c) Prior to the occupation of the development a Car Park Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these spaces, visitor parking spaces and other spaces within the development shall be assigned and how the car park shall be continually managed.

(d) A minimum of 20% of all car parking spaces shall be provided with functional electric vehicle charging points, and ducting shall be provided for all remaining car parking spaces to facilitate future cabling to serve charging points for electric vehicles. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(e) Safe and secure bicycle parking spaces shall be provided within the site in accordance with the submitted layout. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers, with electric charging points at accessible locations. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

24. The development shall be carried out and operated in accordance with the provisions of the Residential Travel Plan, including a car sharing scheme, submitted to the planning authority. A Travel Plan Co-ordinator shall be appointed, and the name and contact details of the appointee shall be provided to the planning authority prior to occupation of the proposed development. The developer shall undertake an annual monitoring exercise to

the satisfaction of the planning authority for the first 5 years following first occupation and shall submit the results to the planning authority for consideration and placement on the public file shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

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

25. a) All pedestrian and cyclist links and connections to adjoining lands at Cherbury Court and Clonfadda Wood shall be provided up to the site boundaries to facilitate future connections subject to the appropriate consents.
- b) All pedestrian pathways (within the development) and connectivity links (to and/ or from the development) shall be un gated, free of any physical or operational impediment, and fully accessible to the general public (7 days of the week and 24 hours of the day).

Reason: In the interests of permeability and safety.

26. The measures identified in the Stage 1 Quality Audit shall be implemented. Prior to commencement of development and/ or occupation of the residential units, as applicable, final Road Safety Audit(s) and/ or Quality Audit(s) of the development, including the main entrance, internal road, pedestrian/ cycle path layouts, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of traffic, pedestrian and cyclist safety, and sustainable transport.

27. a) The management and maintenance of the development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being so taken in charge.
- b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/ bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by the legally constituted management company.

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

Reason: In the interests of orderly development and to provide for the satisfactory future maintenance of this development.

28. a) The areas of communal and public open space in the development shall be reserved for such use, levelled, contoured, soiled, seeded, and landscaped (hard and soft) in accordance with the landscaping plans and particulars as submitted with the application unless otherwise agreed with the planning authority. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed in writing with the planning authority.

b) Final design, finishes, methods of construction and/ or installation of footpaths, cycle paths, seating, crossing points over ditches/ drains/ SuDS features, and equipment in play areas shall be submitted to the planning authority for its written agreement.

d) The landscaping and planting schedule shall be managed and maintained in accordance with the Landscape Design and landscaping plan(s) submitted with the application, unless otherwise agreed in writing with the planning authority. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

d) The areas of communal and public open space shall be reserved and maintained as such by the developer until taken in charge by the management company or by the local authority.

Reason: In the interest of nature conservation, residential amenity, and to ensure the satisfactory development of the open space areas and their continued use for this purpose.

29. a) No additional development shall take place above roof parapet level of the apartment and/ or duplex blocks including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication

aerials, antennas, or equipment, unless authorised by a further grant of planning permission.

b) Roof areas of the apartment blocks shall be accessed for maintenance purposes only and shall not be used for any amenity or recreational purpose.

Reason: To protect the visual amenities of the area and residential amenities of property in the vicinity.

30. Prior to commencement of development, proposals for a development name and numbering scheme, and associated signage shall be submitted to and agreed in writing with the planning authority. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. No advertisements/ marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

31. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

32. a) An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, shall be submitted to and agreed in writing with the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.

b) The OWMP shall provide for screened bin stores for the apartment and duplex blocks, and the childcare facility, the locations, and designs of which shall be as indicated in the plans and particulars lodged within the application unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage for the proposed development.

33. a) The developer shall enter into a Connection Agreement(s) with Uisce Éireann, prior to commencement of development, to provide for a service connection(s) to the public water supply and/ or wastewater collection network and adhere to the standards and conditions set out in that agreement.
- b) All development shall be carried out in compliance with Uisce Eireann codes and practices.

Reason: To provide adequate water and wastewater facilities in the interest of public health.

34. Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services including the following –
- (a) Details of the proposed surface water sewer on Cross Avenue
- (b) Details of the proposed emergency overflow manhole for the pond
- (c) The final positioning of the pedestrian bridge to ensure that it is above the maximum design water level associated with a 1% AEP storm event with sufficient freeboard provided to prevent ingress of water into the bridge structure under such conditions.

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

35. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including, but not limited to:
- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- b) Location of areas for construction site offices and staff facilities.
- c) Details of site security fencing and hoardings.

- d) Details of on-site car parking facilities for site workers during the course of construction.
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- f) Measures to obviate queuing of construction traffic on the adjoining road network.
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- k) Off-site disposal of construction/ demolition waste and details of how it is proposed to manage excavated soil.
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

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

36. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the

compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety

37. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

38. Prior to the commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

39. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and sections 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

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

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

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

41. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance

until taken in charge by the local authority and/ or management company of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

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

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

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 me, directly or indirectly, following my professional

assessment and recommendation set out in my report in an improper or inappropriate way.

Mary Kennelly

Senior Planning Inspector

8th May 2026

Appendix 1 Appropriate Assessment Screening

Screening for Appropriate Assessment

Screening Determination – Test for likely significant effects

Case File: ACP.324043-26

Step 1 Description of the project and local site characteristics

Brief Description of project

The proposed development involves the demolition of two small outbuildings and the construction of 252 residential units comprising 236 apartments in two blocks, ranging in height from 5-8 storeys and 16 3-storey townhouses, the provision of a creche for 60 children with associated basement and surface parking and landscaped open space on an infill site at 'Chesterfield', Cross Avenue, Blackrock, Co. Dublin.

I refer to Section 1.0 and 2.0 of this report above where the site location and proposed development are described.

1. The appeal site

The appeal site with a site area of 2.77 hectares is an infill site which is located in an established and well serviced suburban area in Blackrock, Co. Dublin. The site does not have road frontage and is accessed by means of a private driveway from Cross Avenue. Cross Avenue is a mainly residential street with a mix of large houses set within enclosed, mature gardens and more recent infill developments.

The site is bounded on all sides by existing low-density residential development. Cherbury Court to the west comprises a mix of apartments and houses, with a 1960s cul-de-sac at Booterstown Park to the northwest. Clonfadda Wood is a gated development of houses and apartments to the south. Southwood Park and Redwood Grove, 2-storey semi-detached houses in short cul-de-sacs, are located to the southeast and east. The height of the surrounding development varies between 2 and 4 storeys, but there is an emerging trend of larger scale, higher density and taller buildings in the vicinity, with a recent BTR development of up to 9-storeys to the north-east.

The subject is fully located outside of any European sites and there are no European sites within the immediate surrounding area. The closest European sites to the proposed development are 0.67km and 0.64kms distant, respectively - South

Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA. All other European sites are greater than 5.6 km distance from the site.

The site comprises a large green field which is effectively grassland. It is currently not in use but was formerly used for grazing animals. It forms part of the lands associated with Chesterfield House, a Protected Structure to the north. This site to the north is outside the red line boundary but is owned by the developer and a recently permitted scheme for 11 residential units (3 within Chesterfield House and 8 to the north of the house) is currently under construction (313252).

The site is lined with mature tree lines on the western, southern and eastern boundaries. There is an ornamental pond (formerly a drainage ditch) located at the northern edge of the site, beyond which lies a dense vegetated area and the gardens associated with the house. The pond is obscured by the dense overgrown vegetation which includes further copses of trees between the pond and the gardens. The gradient of the site slopes from the southern boundary towards the pond/ditch.

The site is made up of a variety of habitats including dry meadows, woodlands, treelines and hedgerows. The closest watercourse to the site is the Priory Stream, which is situated approx. 225m to the southeast and is separated from the site by a built-up environment and ultimately discharges to Dublin Bay.

2. The Proposed Development

The proposed development comprises: -

- (i) Demolition of 2 outbuildings (combined area 55.7sq.m)
- (ii) Construction of 252 residential units with a cumulative GFA of 26,250sq.m comprising 236 apartments across 2 blocks of between 5 and 8 storeys in height with an underground car park and a row of 3-storey terraced town houses (16 no.) parallel with the southern boundary.
- (iii) A childcare facility for 60 children (480sq.m) with outdoor secure play area.
- (iv) Residential amenities (gym, yoga room, meeting room, residents' lounge.
- (v) Realignment and enlargement of the ornamental pond to facilitate surface water attenuation.
- (vi) Installation of infrastructure along Cross Avenue to facilitate connections to the municipal potable water supply at the junction of Cross Avenue and Booterstown Avenue to the northwest and the surface water sewer at the junction of Cross Avenue and Mount Merrion Avenue to the south-east.
- (vii) Access, landscaping, amenity and open space areas, boundary treatments, associated bicycle and car parking, plant, bicycle, bin and bulky storage, public lighting and all ancillary development works.

Further details are provided in Section 2.0 above.

Surface / Storm Water – the existing surface water infrastructure on the site is connected to the public combined sewer which runs along Cross Avenue to the northeast. The proposed surface water drainage system will connect to the new stormwater sewer on Cross Avenue, where it will connect to a junction to a stormwater sewer beneath Mount Merrion Avenue. Surface water will ultimately be discharged to the Priory Stream at Blackrock Park, before flowing into Dublin Bay. There are two sub-catchments within the overall lands in the ownership of the developer, Sub-catchment 1 referring to the proposed development (southern part of lands) and Sub-catchment 2, referring to the permitted development within and around Chesterfield. It has been designed in accordance with the GSDSDS.

The proposed development incorporates several Sustainable Urban Drainage Systems (SUDS) features. Firstly, the attenuation pond (capacity of 1000 cu.m) will provide storage capacity, amenity benefits and biodiversity benefits. Downstream of the pond, a new concrete attenuation tank cellular storage system will replace the existing attenuation tank under the private driveway to the west of Chesterfield House. Other SUDs measure will be incorporated to reduce runoff volumes and improve runoff water quality which include green roofs, permeable paving, tree pits and filter drains leading to an attenuation storage system. Green blue roof technology would be incorporated into the development which will reduce the surface runoff from the roof while also improving the quality of water.

Foul Water Management – the existing discharge is to the combined sewer. The proposed development will be discharged to the existing combined sewer which runs under Cross Avenue, connects to a junction at Mount Merrion Avenue and ultimately discharges to the WWTP at Ringsend. The Ringsend plant is licensed to discharge treated effluent by the EPA (licence number D0034-01) and is managed by Uisce Eireann. A letter from Uisce Eireann is enclosed with the application confirming that capacity is available to serve the proposed development subject to the applicant entering into a connection agreement. The 2023 AER for the WWTP states that the plant is operating under-capacity in terms of its hydrological capacity (capacity – 959,040m³, Annual Max. 804,220m³) but is operating over-capacity in terms of organic capacity (capacity of 2,100,000PE and collected load – 2,362,572PE). However, upgrades to the Ringsend WWTP have recently been completed which have increased the capacity to 2,400,000PE. It is noted that the proposed development will have a PE of 705, which is very small in this context.

Water Supply - Water supply for the development will be via a mains supply. It is proposed to connect to the existing municipal water main to the northwest of the site. Uisce Eireann has confirmed the feasibility of this connection subject to the infrastructure upgrade which is proposed as part of the LRD application and to a connection agreement.

Flood Risk – A Site-Specific Flood Risk Assessment (FRA) was carried out for the proposed development. The site was assessed in accordance with the OPW Flood

Risk Management Guidelines. The site is in Flood Zone C and there is no indication of any part of the site being within an area where the probability of flooding from rivers or the sea is greater than 1 in 1000. The site is stated to be at a low risk of tidal, fluvial, groundwater and pluvial flooding. The SSFRA states that there is no evidence of inflows from outside the site and that the proposed development will not block off drainage from surrounding areas or result in any increased risk of flooding downstream. The outfall from the existing pond is to the combined sewer.

There is no increased risk to any nearby properties or developable land as the runoff rate will be attenuated to greenfield runoff levels. A new surface water drainage system will be constructed to accommodate surface water runoff which will be in accordance with the GSDS and will include SUDS. The surface water network, attenuation storage and site levels are designed to accommodate a 100-year storm event and to include climate change provisions, (allowance for 20% increase in rainfall intensities). The apartments will be built over a half-basement car park which cuts back into the rising ground and building levels have been adjusted to ensure gravity drainage to the site discharge points. All surface water will follow the natural contours of the site to the lowest point at the attenuation pond and green area to the north of the pond. The level of the pond is below the level of the apartment building. To prevent groundwater ingress into the basement, the reinforced concrete basement walls and slab will be tanked.

Floor levels of all buildings are set above the 100-year flood levels by a minimum of 150mm above surrounding ground levels and 500mm above the 1000-year flood level. For storms in excess of 100 years, the development has been designed to provide overland flood routes towards the pond and open space areas in extreme storm events. The proposed drainage system will also be maintained on a regular basis to prevent blockages. These measures were considered appropriate to mitigate any risk from pluvial flooding.

The FRA concludes that the flood risk mitigation measures, once fully implemented, are sufficient and that the proposed development is deemed appropriate and that a justification test is not required.

Preliminary Construction Management Plan – Details of the construction phase as well as environmental pollution control measures are presented in the Preliminary Plan submitted with the application and updated by RFI (Dec. 2025). It is submitted that this document will be reviewed and updated / revised as necessary throughout the construction phases. The Preliminary CEMP describes the proposed stages of work in detail, starting with pre-commencement activities, followed by enabling works, development of site compound, phased based construction, traffic management, civil activities and landscaping.

Environmental control measures are provided with regards to noise, dust, light, litter (waste) and pollution control measures to prevent impacts upon soils, ground water and surface water.

3. AA Screening Report

The submitted AA Screening report does not identify specific consultations with prescribed bodies but does refer to a desktop review of published documents and information. Field surveys were carried out on various dates during the Summers of 2023, 2024 and 2025, Winter of 2024 and Spring, Autumn and Winter of 2025 (Table 1). These surveys included walkover and habitats surveys as well as specialist surveys of breeding birds, badgers and bats.

The AASR considered potential pathways to European sites in order to identify the Zone of Influence based on the Source-Pathway-Receptor model. It was established that there are no hydrological pathways between the site and any EU site due to the distance (0.64km closest), the built-up nature of the intervening lands and the nature of the site topography. However, a potential indirect pathway was identified via the Priory Stream as the surface water outfall would be at Blackrock Park and during an intense rainfall event, there is the possibility of construction-contaminated waters to be discharged at the outfall or the lower reaches of the Priory Stream, before it reaches the WWTP.

The AASR ruled out any hydrogeological or air and land pathways due to a combination of factors such as the soil and groundwater characteristics and the distance from the EU sites. Indirect pathways involving Ex-situ habitats, bird collision risks and indirect hydrological pathways were also assessed as negligible.

Two European sites were identified as being within the Zol, namely South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA. An Assessment of Likely Significant Effects was undertaken having regard to the Site-Specific Conservation Objectives (SSCOs) for these sites.

The potential for habitat loss or alteration was examined with regard to the hydrological pathway via the surface water network overflow at Blackrock Park during an intense rainfall event (as outlined above). However, it was considered that any pollutants arising from the proposed development would be diluted to indiscernible levels during rainfall periods, firstly by surface water flow within the c.1km network and secondly, by the c.350m buffer provided by the lower reaches of the Priory Stream before reaching Dublin Bay. On the basis of this dilution factor and the hydrological distance from the EU sites, the potential for habitat loss/alteration was ruled out.

The potential effects of habitat/species fragmentation and of changes in water quality and resource were also ruled out on the basis of the hydrological distance and the dilution effects of the surface water network. The potential for disturbance

or displacement of species and for changes in population density were ruled out on the basis of distance from the European sites.

In-Combination effects were considered in respect of existing planning permission at 45 Woodlands Park, the BTR development at former Blackrock College Lands and the grant of permission via a split decision at Chesterfield as well as with other plans and policies. No in-combination effects were anticipated. The AASR also considered the in-combination effects of the proposed development with the Ringsend WWTP during the operational phase. However, it was concluded that likely significant effects on marine biodiversity and the European sites within Dublin Bay from the current operation of Ringsend WWTP would be unlikely and that this conclusion is not dependent on any future works to be undertaken at Ringsend. Thus, in the absence of any upgrading works, it was considered that significant in-combination effects to European sites are not likely to arise and hence likely significant effects involving foul waters from the proposed development would not have the potential to occur. No in-combination effects were therefore anticipated.

4. Submissions and observations

No submissions were received from third parties relating to Appropriate Assessment. Submissions were made by the DHLGH to the planning authority, but no other submissions were recorded on the planning file from any other prescribed bodies that refer to matters in relation to AA. The Planning Authority Biodiversity Officer also made observations and sought Further Information on AA and other ecology related matters.

Dept. of Housing, Local Government and Heritage (NPWS)

Concern was expressed regarding the initial AASR in terms of the level of detail provided regarding the hydrological pathway between the site and the European sites. Further Information was requested in respect of the 'actual pathway' by which surface water runoff would be routed through the upgraded stormwater sewer, existing stormwater sewer and the discharge point into Dublin Bay. In addition, details were requested regarding the length of the hydrological pathway and whether the stormwater would enter Dublin Bay directly or via the Priors Stream. These matters were addressed in the RFI as outlined above and no further objections were raised

Uisce Eireann

A statement of Design Acceptance was issued. Water connections were deemed feasible subject to upgrades (as proposed in the application) and foul water was deemed feasible without upgrades.

No objections raised subject to standard conditions requiring connection agreements.

In view of Uisce Eireann's confirmed feasibility for connection the WWTP at Ringsend, a revised AASR was requested that clearly demonstrates that there will be no likely significant effects due to wastewater discharges from the proposed development on south Dublin Bay SAC or South Dublin Bay and River Tolka Estuary SPA. This matter was addressed in the RFI as outlined above and no further objections were raised.

5. Potential Impact Mechanisms

The site is not within or adjoining any European sites and there is no hydrological connection with any European sites. The following elements of the proposed development have the potential to cause likely significant effects on European sites

Construction Phase

- Uncontrolled release of dust, silt, sediments and/or other pollutants to air due to earthworks.
- Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies or surface-water network.
- Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.
- Waste generation during the Construction Phase comprising soils, construction and demolition wastes.
- Increased noise, dust and/or vibrations as a result of construction activity.
- Increased dust and air emissions from construction traffic.
- Increased lighting in the vicinity as a result of construction activity.
- Increased human presence and activity as a result of construction activity.

Operational Phase

- Surface water drainage from the Site of the Proposed Development.
- Foul water from the Proposed Development leading to increased loading on wastewater treatment plant.
- Increased lighting in the vicinity emitted from the Proposed Development.
- Increased human presence in the vicinity due to the Project.
- Collision risk as a result of the proposed development.

Step 2. Identification of European sites using the source-pathway-receptor model

The site is not within or adjoining any European sites. The closest European sites are South Dublin Bay SAC (000210) at 0.67km and South Dublin Bay and River Tolka Estuary SPA (004024) at 0.64km. The next closest European site is North Bull Island SPA at 5.6km all other European sites in the vicinity are at a greater remove than this.

The following European sites will be examined in terms of potential pathways using the S-P-R model as set out below.

European site	Qualifying Interests	Distance from site	Ecological connections	Consider further in Screening Y/N
Special Areas of Conservation				
South Dublin Bay SAC (000210)	Tidal mudflats and sandflats [1140] Annual vegetation of drift lines [1210] Salicornia Mud [1310] Embryonic sifting dunes [2110]	0.67km	<p><u>No Hydrological pathways</u> - The topography of the site means that the gradient from south to north is towards the pond and surface water will be directed into the surface water sewer. The distance between the site and the Priory Stream is over 1km and the intervening lands comprise built-up areas and an urban landscape.</p> <p><u>No Hydrogeological pathways</u> - groundwater flows are likely to be very low due to the composition of the made ground and characteristics of the GWBs and the location of the site within the Dublin boulder clay layer.</p> <p><u>No Air and land pathways</u> – disturbance to</p>	Y

			<p>mammals is unlikely to occur beyond 150m and to bird species beyond 300m.</p> <p>Thus, no direct pathways due to distance and absence of any ecological pathway between the project site and this European site.</p> <p>However, there is potential for an indirect pathway for effects during construction via stormwater overflow and the Priory Stream before discharge of surface water during intense rainfall periods.</p>	
Wicklow Mountains SAC (002122)	<p>Oligotrophic waters containing very few minerals [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels [8110]</p>	>10km	<p>No potential pathways for effects due to distance and absence of ecological pathway as outlined above.</p> <p>Therefore, no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects</p>	N

	<p>Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Lutra lutra (Otter) [1355]</p>			
<p>Glenasmole Valley SAC (001209)</p>	<p>Orchid rich calcareous grassland [6210] Molina meadows [6410] Petrifying springs [7220]</p>	>10km	<p>No potential pathways for effects due to distance and absence of ecological pathways as outlined above.</p> <p>Therefore, no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects.</p>	N
<p>North Dublin Bay SAC (000206)</p>	<p>Tidal mudflats and sandflats [1140] Annual vegetation of drift lines [1220] Salicornia Mud [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Embryonic sifting dunes [2110] Marram dunes (white dunes) [2120] Fixed dunes [2130] Humid dune slacks [2190] Petalworth [1395]</p>	c.5.6km	<p>No potential pathways for effects due to distance and absence of ecological pathways as outlined above.</p> <p>Therefore, no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects.</p>	N

Knocksink Wood SAC (000725)	Petrifying springs [7220] Old sessile oak woods with Ilex and Blechnum in British Isles [91A0] Alluvial forests [91E0]	>10km	No potential pathways for effects due to distance and absence of ecological pathways as outlined above. Therefore, no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects.	N
Rockabill to Dalkey Island SAC (003000)	Reefs [1170] Phocoena phocoena (Harbour porpoise) [1351]	c.7km	No potential pathways for effects due to distance and absence of ecological pathways as outlined above. Therefore, no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects.	N
Ballyman Glen SAC (000713)	Petrifying springs [7220] Alkaline fens [7230]	>10km	No potential pathways for effects due to distance and absence of ecological pathways as outlined above. Therefore, no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects.	N
Howth Head SAC [000202]	Vegetated sea cliffs [1230] European dry heath [4030]	>10km	No potential pathways for effects due to distance and absence of ecological pathways as outlined above. Therefore, no likelihood of significant effects occurring from the proposed development	N

			alone or in combination with other plans or projects.	
Baldoyle Bay SAC (000199)	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	>10km	No potential pathways for effects due to distance and absence of ecological pathways as outlined above. Therefore, no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects.	N
Bray Head SAC (000714)	Vegetated Sea cliffs of the Atlantic and Baltic coasts [1230] European Dry Heaths [4030]	>10km	No potential pathways for effects due to distance and absence of ecological pathways as outlined above. Therefore, no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects.	N
Ireland's Eye SAC (002193)	Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	>12km	No potential pathways for effects due to distance and absence of ecological pathways as outlined above. Therefore, no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects.	N

Special Protection Areas

South Dublin Bay and River Tolka Estuary SPA (004024)	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]	0.64km	<p>No direct pathways as no hydrological pathway, no hydrogeological pathway and no air and land pathways between the project site and this European site.</p> <p>No indirect pathways as the project site is not located directly adjacent to the coast or SPA and is therefore unlikely to be located on bird flight paths.</p> <p>Collision risk is not likely to be significant as the buildings are c.55m in height which is well below the flight path of migrating birds (c750m) and as the residential blocks are located in a residential area and the architectural design of the buildings contain important visual cues to discourage commuting birds.</p> <p>Site is unlikely to provide suitable ex-situ habitat due to the location of this infill site in the midst of a built-up area and the availability of more suitable sites nearby.</p> <p>However, there is potential for an indirect pathway for effects via stormwater overflow and the Priory Stream before discharge of surface water from construction during intense rainfall periods.</p>	Y
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<p>North Bull Island SPA (004006)</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Shoveler (<i>Spatula clypeata</i>) [A857] Wetland and Waterbirds [A999]</p>	<p>c.5.6km</p>	<p>No potential pathways for effects due to distance and absence of ecological pathways as outlined above.</p> <p>Therefore, no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects.</p>	<p>N</p>
<p>Northwest Irish Sea SPA (004236)</p>	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p>	<p>>10km</p>	<p>No potential pathways for effects due to distance and absence of</p>	<p>N</p>

	<p>Great Northern Diver (<i>Gavia immer</i>) [A003] Fulmar (<i>Fulmarus glacialis</i>) [A009] Manx Shearwater (<i>Puffinus puffinus</i>) [A013] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Common Scoter (<i>Melanitta nigra</i>) [A065] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Herring Gull (<i>Larus argentatus</i>) [A184] Great Black-backed Gull (<i>Larus marinus</i>) [A187] Kittiwake (<i>Rissa tridactyla</i>) [A188] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204] Little Gull (<i>Hydrocoloeus minutus</i>) [A862]</p>		<p>ecological pathways as outlined above.</p> <p>Therefore, no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects.</p>	
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	Little Tern (<i>Sternula albifrons</i>) [A885]			
Dalkey Islands SPA (004172)	Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194]	c.7km	No potential pathways for effects due to distance and absence of ecological pathways as outlined above. Therefore, no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects.	N
Baldoyle Bay SPA (004016)	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Wetland and Waterbirds [A999]	>10km	No potential pathways for effects due to distance and absence of ecological pathways as outlined above. Therefore, no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects.	N
Wicklow Mountains SPA (004040)	Merlin (<i>Falco columbarius</i>) [A098] Peregrine (<i>Falco peregrinus</i>) [A103]	>10km	No potential pathways for effects due to distance and absence of ecological pathways as outlined above. Therefore, no likelihood of significant effects occurring from the proposed development alone or in combination	N

			with other plans or projects.	
Howth Head Coast SPA (004113)	Kittiwake (<i>Rissa tridactyla</i>) [A188]	>10km	No potential pathways for effects due to distance and absence of ecological pathways as outlined above. Therefore, no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects.	N
Ireland's Eye SPA (004117)	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Herring Gull (<i>Larus argentatus</i>) [A184] Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200]	>12km	No potential pathways for effects due to distance and absence of ecological pathways as outlined above. Therefore, no likelihood of significant effects occurring from the proposed development alone or in combination with other plans or projects.	N

Step 3 Conclude if the proposed development could result in likely significant effects on a European site

South Dublin Bay SAC (000210)

Qualifying Interest	SSCO	Impacts	Effects
Tidal mudflats and sandflats [1140] Annual vegetation of drift lines [1210] Salicornia Mud and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	To maintain the favourable conservation condition of – Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines	During construction - Potential hydrological pathway for contaminants or pollutants to be released during intense rainfall events via the stormwater outfall into the Priors Stream resulting in water quality impacts on this QI	<u>Habitat Loss/alteration</u> Water quality impacts could lead to habitat loss or alteration. However, the dilution effects and distance of the hydrological pathway (length of the surface water

	<p>Salicornia mud and other annuals colonising mud and sand</p> <p>Embryonic shifting dunes</p> <p>In South Dublin Bay SAC</p>	<p>Mudflat and sandflat habitats located c.10m from discharge point of Priory Stream stormwater outflow could be impacted.</p> <p>Foraging habitats used by SCI species could be impacted.</p>	<p>network) between the site and the outfall discharge point (over 1km) combined with the additional buffer provided by the c.350m distance over which the Priory Stream would flow before reaching Dublin Bay SAC would reduce the risk to negligible levels before reaching Dublin Bay and the European site.</p> <p><u>Habitat/ species Fragmentation Potential</u> contaminants and pollutants in surface water would be diluted to negligible levels due to the distance of the hydrological pathway between the site and the outfall and the dilution effects of the Priory Scheme. Habitat or species fragmentation is therefore unlikely to occur.</p> <p><u>Changes in water quality/resource</u> As outlined above, water quality deterioration is unlikely to occur due to the length of the hydrological pathway and the dilution factor.</p>
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			<p><u>Likelihood of Significant effects</u></p> <p>No likelihood of significant effects occurring from the proposed development on this European site.</p>
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South Dublin Bay and River Tolka Estuary SPA (004024)

Qualifying Interest	SSCO	Impacts	Effects
A046 Light bellied Brent Goose <i>Branta bernicla hrota</i>	To maintain the favourable conservation condition of	<p>During construction - Potential hydrological pathway for contaminants or pollutants to be released during intense rainfall events via the stormwater outfall into the Priory Stream resulting in water quality impacts on this QI</p> <p>Mudflat and sandflat habitats located c.10m from discharge point of Priory Stream stormwater outflow could be impacted.</p> <p>Foraging habitats used by SCI species could be impacted.</p>	<p><u>Habitat Loss/alteration</u></p> <p>Water quality impacts could lead to habitat loss or alteration.</p> <p>However, the dilution effects and distance of the hydrological pathway (length of the surface water network) between the site and the outfall discharge point (over 1km) combined with the additional buffer provided by the c.350m distance over which the Priory Stream would flow before reaching Dublin Bay SAC would reduce the risk to negligible levels before reach Dublin Bay and the European site.</p> <p><u>Changes in Water Quality/Resource</u></p> <p>Potential contaminants and pollutants in surface</p>
A130 Oystercatcher <i>Haematopus ostralegus</i>	Light bellied Brent Goose		
A137 Ringed Plover <i>Charadrius hiaticula</i>	Oystercatcher Ringed Plover		
A141 Grey Plover <i>Pluvialis squatarola</i>	Knot		
A143 Knot <i>Calidris canutus</i>	Sanderling Dunlin		
A144 Sanderling <i>Calidris alba</i>	Bar-tailed Godwith		
A149 Dunlin <i>Calidris alpina alpina</i>	Redshank Black-headed gull		
A157 Bar-tailed Godwit <i>Limosa lapponica</i>	Roseate Tern Common Tern		
A162 Redshank <i>Tringa totanus</i>	Arctic Tern Wetlands		
A179 Black-headed Gull <i>Chroicocephalus ridibundus</i>	In South Dublin Bay and River Tolka Estuary SPA		

<p>A192 Roseate Tern Sterna dougallii</p> <p>A193 Common Tern Sterna hirundo</p> <p>A194 Arctic Tern Sterna paradisaea</p> <p>A999 Wetlands</p>			<p>water would be diluted to negligible levels due to the distance of the hydrological pathway between the site and the outfall and the dilution effects of the Priory Scheme. Water quality deterioration is unlikely to occur therefore due to the length of the hydrological pathway and the dilution factor.</p> <p><u>Disturbance and/or displacement of species</u> Disturbance of SCI species is unlikely to occur beyond 300m as noise levels associated with construction activities would attenuate close to background levels beyond this distance. As the site is c.0.64km from the development site disturbance or displacement is unlikely to occur.</p> <p><u>Changes in population density</u> No direct mortality is likely to occur due to the distance of the project site from the European site and the design and scale/height of the proposed development. The</p>
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			<p>height of the buildings would not interfere with the flight paths, and the buildings are designed to be visible. The project site is located in a built-up urban area, and the intervening landscape is also comprised of a built environment.</p> <p><u>Likelihood of Significant effects</u></p> <p>No likelihood of significant effects occurring from the proposed development on this European site.</p>
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I have had regard to the information included in the AASR on plans and projects. The AASR does not identify any significant in-combination effects with the proposed project on any European sites.

I have reviewed the planning authority's website for applicable appropriate assessment information on relevant plans (County Development Plan) and the planning authority and An Coimisiún Pleanála's planning registers for relevant planning cases. The CDP has been prepared subject to an Appropriate Assessment and seeks to ensure that all development is carried out having regard to environmental protection and pollution protection policies. The projects in the vicinity are to be constructed and operated in accordance with best industry standards and have also been subject to appropriate assessment screening. I have not identified any significant in-combination effects with the proposed project on any European sites.

Based on the information provided in the AA Screening Report, my site inspections and the information on the file, and having reviewed the conservation objectives for South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA, I conclude that the proposed development, either alone or in combination with other plans and projects, would not result in likely significant effects on these European sites or on any other European sites in the vicinity. No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no significant effects

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 or the South Dublin Bay and River Tolka Estuary SPA, or any other European site, in view of the Conservation Objectives of those sites and Appropriate Assessment (and submission of an NIS) is not therefore required.

This determination is based on:

- Scientific information provided in the Screening Report
- The scale of the development on fully serviced lands
- The distance from and lack of any connections to the European sites
- No ex-situ impacts on wintering birds

No direct or indirect impacts arising from the proposed development alone or in combination with other plans/projects are likely to arise due to the considerable distance from any European site and the lack of an ecological link between the site of the proposed development and any European site.

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

Inspector: _____

Date: _____

Appendix 2 EIA Screening

Form 1 - EIA Pre-Screening - No EIAR Submitted

Case Reference	ABP.324043.26
Proposed Development Summary	<p>Demolition of outbuildings and construction of 252 no. residential units (c.26,250m²) comprising 236 no. Apartments in two blocks ranging in height from 5-8 storeys and 16 no. townhouses, provision of a childcare facility with play area (480m²), provision of residential amenities and realignment and extension of an ornamental pond.</p> <p>It is proposed to provide pedestrian and vehicular access, landscaping, amenity and open space areas, boundary treatments, associated bicycle and car parking, associated plant, bicycle, bin and bulky storage, public lighting and all ancillary development works.</p> <p>It is proposed to install infrastructure along Cross Avenue to facilitate connections to the municipal potable water supply and the surface water sewer.</p> <p>The proposed development adjoins a Protected Structure – Chesterfield House (RPS no. 171) to the north.</p>
Development Address	Chesterfield, Cross Avenue, Blackrock, Co. Dublin
	In all cases check box /or leave blank
<p>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</p> <p>(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</p>	<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.

involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<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 development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted	State the Class and state the relevant threshold Schedule 5, Part 2 - Class 10(b)(i) Residential development where the mandatory threshold is 500 dwelling units and Class 10(b)(iv) Urban Development where the mandatory thresholds are 2ha, 10ha or 20ha depending on location

<p>proceed to Q4. (Form 3 Required)</p>	<p>Class (dd) All private roads which would exceed 2000 metres in length.</p> <p>The proposed development is for 252 dwelling units, and the site area is 2.77ha. Thus, the proposed development is sub-threshold in respect of both the number of units and the site size.</p> <p>The proposed internal road serving the development is significantly below the threshold length of 2km and is therefore subthreshold in respect of this class also.</p>
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<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input checked="" type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

Appendix 3: Environmental Impact Assessment – Screening Determination Form

A. CASE DETAILS		
An Coimisiún Pleanála Case Reference: 324043-26		
Development Summary	<p>Demolition of outbuildings and construction of 252 no. residential units (c.26,250m²) comprising 236 no. Apartments in two blocks ranging in height from 5-8 storeys and 16 no. townhouses, provision of a childcare facility with play area (480m²), provision of residential amenities and realignment and extension of an ornamental pond.</p> <p>It is proposed to provide pedestrian and vehicular access, landscaping, amenity and open space areas, boundary treatments, associated bicycle and car parking, associated plant, bicycle, bin and bulky storage, public lighting and all ancillary development works.</p> <p>It is proposed to install infrastructure along Cross Avenue to facilitate connections to the municipal potable water supply and the surface water sewer.</p> <p>The proposed development adjoins a Protected Structure – Chesterfield House (RPS no. 171) to the north.</p>	
	Yes/ No/ N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the planning authority?	Yes	The planning authority screened out the need for an Environmental Impact Assessment.

2. Has Schedule 7A information been submitted?	Yes	An Environmental Impact Assessment Screening Report (EIASR) has been submitted with the application (as amended by the EIASR submitted in the FI response) and considers the content of the EIA Directive (2011/92/EU, as amended by 2014/52/EU).
3. Has an AA screening report or NIS been submitted?	Yes	An Appropriate Assessment Screening Report (AASR) has been submitted with the application and considers the content of Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
4. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA?	No	N/A
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA.	Yes	<ul style="list-style-type: none"> - An Ecological Impact Assessment (EclA), which was amended and submitted as FI on 01/12/25 and supported by a Badger Impact Assessment and a Bat Impact Assessment, Landscape Report and Arboricultural Report considers the Habitats Directive (92/43/EEC), Birds Directive (2009/147/EC), and Water Framework Directive (2000/60/EC). - A Flood Risk Assessment (FRA) considers the EU Floods Directive (2007/60/EC). - A Hydrological and Hydrogeological Risk Assessment (HHRA) considers the Water Framework Directive (2000/60/EC). - A Resource & Waste Management Plan (RWMP) considers the Waste Framework Directive (2008/98/EC). - SEA was undertaken by the planning authority in respect of the Dún Laoghaire Rathdown County Development Plan 2022-2028.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the characteristics of impacts (nature and extent) and any mitigation measures (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) (where relevant, specify features or measures proposed by the applicant to avoid or prevent a significant effect)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's report attached herewith			
1. Characteristics of proposed development* (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	<p>The project comprises the construction of a high-density residential scheme on zoned lands where the height of the two apartment blocks will be greater than the prevailing height on adjoining lands. However, the nature and scale of development in the surrounding area is in transition with emerging trends of higher density and more diverse housing typologies. A new BTR scheme has recently been constructed on Cross Avenue (ABP.311190-21) which is of a higher density with increased building height.</p> <p>The proposed development would provide a new housing development with a childcare facility and an enhanced public realm which would not differ significantly from the surrounding area in terms of character or of scale and would contribute to the availability of residential accommodation in the area.</p>	No
1.2 Will construction, operation, decommissioning, or demolition works cause	Yes	<p>The project will cause physical changes to the site through demolition and clearance works and construction activities.</p>	No

<p>physical changes to the locality (topography, land use, waterbodies)?</p>		<p>The site is an under-utilised infill site which is largely greenfield in nature with a sloping topography and extensive vegetative screening. The proposed residential land use will result in physical changes to the built environment at the site. However, the proposed development has been designed to take advantage of the natural topography and screening which will minimise the impact on the local area. As the site is located in the midst of a built-up urban area, these changes are not considered to be significant.</p> <p>The project will cause physical changes to the site through the removal of some trees and vegetation, but the majority of trees will be retained on site, along with high-value habitats (retained in-situ/ translocated). The ornamental pond which is currently overgrown and obscured by vegetation will be realigned, expanded and renewed as a central feature. A network of new landscaped open spaces will be introduced which will facilitate preservation of views to and from the Protected Structure to the north and maintain its prominence as a key focal point within the overall development.</p> <p>The project involves ground alteration and reprofiling to facilitate buildings, roads/ paths, open spaces, and site services. Proposed excavation works will cause a change in site topography/ ground levels, which will be managed through implementation of the preliminary Construction Environmental Management Plan (CEMP) and Resource Waste Management Plan (RWMP) (note: final agreed versions to be required by condition). Topsoils and subsoils</p>	
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		<p>will be stripped, reused on site where possible, or removed off-site.</p> <p>I direct the Commission to the response to Q: 2.1 below in respect of protected water bodies/ ecological designations, and to that of Q: 2.5 in respect of water resources including watercourses, waterbodies and flood risk.</p> <p>Accordingly, I do not consider that the physical changes arising from the project are likely to result in significant effects on the environment in terms of topography, land use, and hydrology/ hydrogeology.</p>	
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/ minerals, or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>The project uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the CEMP.</p> <p>Waste arising from the construction phase will be managed through the implementation of the RWMP. There is no significant use of natural resources anticipated.</p> <p>While the project uses land (a finite resource), the lands are zoned for development and serviced. In this regard, the project will use land more efficiently and sustainably than at present as it will result in an intensification of use of an underutilised site in built-up and serviced area through provision of a high-density residential scheme. Otherwise, the operational phase of the project will not use natural resources in short supply.</p> <p>The project will connect to the public water and wastewater services systems which have sufficient capacity to cater for</p>	<p>No</p>

		<p>demands arising from the project (no issues raised by Uisce Eireann). The project incorporates several SuDS features, which will attenuate surface water run-off on-site prior to discharge at greenfield rates to the public surface water system. There are no issues raised by the planning authority in respect of capacity in the network.</p> <p>The project includes an energy efficient design and is located in close proximity to a wide range of amenities and services in the Blackrock area as well as to high quality public transport.</p>	
<p>1.4 Will the project involve the use, storage, transport, handling, or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction phase activities require the use of potentially harmful materials, such as fuels and create waste for disposal. The use of such substances is typical of construction sites. Any impacts would be localised and temporary in nature and would be managed through implementation of the standard construction practice methods outlined in the CEMP.</p> <p>Dust emissions during the demolition and construction phase of the project will be likely. These works will be managed through implementation of the CEMP.</p> <p>The operational phase of the project will not involve the use, storage, or production of any harmful substance. Conventional waste produced from residential and childcare activity will be managed through the implementation of the OWMP.</p>	<p>No</p>

		Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of human health or biodiversity.	
1.5 Will the project produce solid waste, release pollutants or any hazardous/ toxic/ noxious substances?	No	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are also likely to occur. Such construction impacts would be localised and temporary in nature and would be managed by means of the implementation of the standard measures outlined in the CEMP. The project would therefore satisfactorily mitigate the potential environmental impacts.</p> <p>Conventional waste will be produced from site clearance, demolition, and construction activities, which will be managed through the implementation of the CEMP and/ or RWMP, as outlined above.</p> <p>Operational phase of the project (i.e., the occupation of the residential units and the childcare facility) will not produce or release any pollutant or hazardous material. Conventional operational waste will be managed through the implementation of the OWMP to obviate potential environmental impacts.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of the production of pollutants or hazardous/toxic/noxious substances.</p>	No

<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>The release of pollutants or contaminants could arise during the construction and operational phases due to accidental spillages of hydrocarbons, fuels and the release of other contaminants to water bodies.</p> <p>Standard construction methods, materials and equipment are to be used to ensure that no contaminated or polluted substances will be discharged to ground or surface waters and the process will be managed through the implementation of the CEMP and the RWMP.</p> <p>The operational phase will result in wastewater and surface water from the development being discharged to municipal services after passing through fuel interceptors and SUDS measures. Surface water drainage will be separate from foul water drainage within the site.</p> <p>I direct the Commission to the response to Q: 2.1 below in respect of protected water bodies/ ecological designations, and to that of Q: 2.5 in respect of water resources including watercourses, waterbodies and flood risk.</p> <p>Accordingly, as risks of contamination to water bodies are mitigated and managed, I do not consider this aspect of the project is likely to result in a significant effect on the environment.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy, or electromagnetic radiation?</p>	<p>Yes</p>	<p>Noise and vibration impacts during the site development works are likely. These works are short term in duration, and impacts arising will be temporary, localised, and be managed through implementation of the CEMP.</p>	<p>No</p>

		<p>The operational phase of the project will likely result in noise and light impacts associated with the residential use and childcare service (increased traffic generation, use of open spaces, operation of the childcare facility) which are considered to be typical of such residential schemes as proposed.</p> <p>Traffic impacts will be mitigated by the implementation of the Residential Travel Plan, and lighting impacts will be mitigated by the provision of a public lighting plan (designed to comply with industry guidance and provided to the satisfaction of the planning authority).</p> <p>I direct the Commission to the response to Q: 2.8 below in respect of the project's effect on sensitive land uses.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of air quality (noise, vibration, light pollution).</p>	
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Yes</p>	<p>The potential for water contamination, noise and dust emissions during the construction phase is likely.</p> <p>Construction phase works will be managed through implementation of the CEMP. Site development works are short term in duration, and impacts arising will be temporary, localised and addressed by the mitigation measures.</p> <p>Operational phase of the project will not be likely to cause risks to human health through water contamination due to the nature (residential, childcare uses) and design (SuDS</p>	<p>No</p>

		<p>features) of the scheme, connection to public water services systems, and residential use/ activities arising.</p> <p>Operational phase risks to human health through noise and air quality will be addressed by mitigation measures to ameliorate potential impacts.</p> <p>Accordingly, in terms of risks to human health, I do not consider this aspect of the project likely to result in a significant effect on the environment.</p>	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	There is no risk of major accidents given the nature and scale of the project, and surrounding land uses. Any risk arising from demolition and construction will be localised and temporary in nature. The site is not at risk of flooding.	No
1.10 Will the project affect the social environment (population, employment)	Yes	<p>The project will increase localised temporary employment activity at the site during site development works (i.e. site enabling and construction phases). The site development works are short term in duration and impacts arising will be temporary, localised, addressed by the mitigation measures in the CEMP.</p> <p>The operational phase of the project (i.e. the occupation of the residential units) will result in an increase in the population of the area. The proposed development would provide housing that would contribute to meeting an anticipated demand in the area. The childcare facility has capacity for c.60 places which will contribute to such services in the area. The project would provide new high-quality landscaped open spaces which would enhance the public realm and amenities of the area.</p>	No

		<p>The receiving area is a built-up urban location, in close proximity to wider education, amenities, services, public transport, and has the capacity to accommodate the impacts associated with the population increase.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the social environment of the area.</p>	
<p>1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?</p>	<p>Yes</p>	<p>The site is zoned for residential development in the CDP. The future development of the area is managed by zonings at the site and policy objectives which encourage higher density development in locations served by high-quality transport and by local services and facilities, such as that proposed. These policies are in line with national policy to deliver compact growth and more sustainable communities. The development of the site therefore is plan-led.</p> <p>The area is one which is in transition with emerging trends of higher density and more diverse housing typologies. As such, the site is part of a wider large-scale change and intensification of land use in the area as envisaged by the planning authority. Notwithstanding this, the site is serviced and the other projects with permission are also serviced and include separate surface water management systems.</p> <p>Uisce Eireann has issued Confirmation of Feasibility for the project, which means that in principle, the existing water and wastewater networks can accommodate the permitted and proposed development. Thus, significant</p>	<p>No</p>

		<p>environmental effects relating to water supply or wastewater infrastructure are unlikely to arise.</p> <p>The TTA and Outline CEMP indicate that works to upgrade the connections to the water supply and stormwater networks will be staggered and that access for construction vehicles and deliveries will be managed to avoid any significant impacts on the local road network. Traffic impacts during the construction phase will be temporary, short-term and managed under a detailed Construction Traffic Management Plan to be agreed with the P.A.</p> <p>The TTA also indicates that the additional congestion resulting from the operational phase of the proposed development is likely to be marginal. In addition, the Travel Plan seeks to encourage sustainable travel practices in order to reduce overall volume of traffic flows. The Public Transport Capacity Analysis demonstrates that there is adequate capacity in the bus and DART services to cater for the proposed development.</p> <p>A new BTR scheme (241 units) has recently been constructed on Cross Avenue (ABP.311190-21) which is of a higher density with increased building heights of up to 9-storeys. This scheme has been completed and will not give rise to cumulative construction impacts. Cumulative operational impacts in terms of additional traffic generation are anticipated to be low.</p> <p>Permission was also granted recently (ABP.313252) for a total of 11 residential units on the northern portion of the project site, including the creation of 3 units within</p>	
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		<p>Chesterfield House and a further 8 houses to the north. This development has commenced on site. These lands are under control of the project developer, are accessed by means of the same access and improvement works to the entrance are planned. However, given the limited quantum of development permitted (11 units) and that construction works will be phased and staggered, no significant cumulative effects are likely to arise.</p> <p>Other permitted developments in the area include a site at 45 Woodlands Park (25 units – ABP.302926 amended by D24A/0041/WEB) and at Frascati Centre – mixed use retail and residential scheme (ABP.PL06D.300745 as amended by 308046, 313240 and 314429). No significant cumulative impacts are anticipated from these developments.</p> <p>Within this planned context, I do not consider that cumulative significant adverse effects on the area can be reasonably anticipated.</p>	
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/ conservation/	Yes	<p>The project is not located in, on, or adjoining any European site, any designated or proposed NHA, or any other listed area of ecological interest or protection.</p> <p>There are 19 no. European sites within a 15km radius, i.e. 11 Special Areas of Conservation (SAC) and 8 Special Protection Areas (SPA) designated under the Habitats Directive. The closest European sites are South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA at c.0.64km. The AA Screening Assessment above</p>	No

<p>protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to give rise to significant effects on the South Dublin Bay SAC or the South Dublin Bay and River Tolka Estuary SPA, or any other European site, in view of the Conservation Objectives of those sites and Appropriate Assessment (and submission of an NIS) is not therefore required.</p> <p>There are 6 pNHAs with a potential hydraulic connection to the site. The closes pNHAs are South Dublin Bay pNHA (c.067km), North Dublin Bay pNHA (c. 5.6km) and Dalkey Coastal Zone and Killiney Hill pNHA (c.7km).</p> <p>The most proximate ecological designations to the project are South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024), both located c640m to the east of the site. The AASR and EclA confirm that there is no hydrological connection between the project and the SAC, SPA pr pNHAs. However, a potential indirect hydrological pathway was identified which could occur during exceptional intense rainfall periods which would coincide with the construction period. This would be where construction-contaminated surface water run-off could accidentally be discharged through the storm overflow before the SW reaches the WWTP for treatment. The stormwater overflow is located near Blackrock Park, and any such discharge could enter the Priory Stream before reaching Dublin Bay. However, due to a combination of dilution factors and the distance between the site and Dublin Bay, this was found to be not significant in effect.</p>	
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		<p>The AASR, supplemented by information in the EclA, HHRA, FRA, and CEMP, presents information on potential impacts of the project on the European sites. I have undertaken an Appropriate Assessment screening determination (see section 9.0 and Appendix 1 of this report) and concluded that the project will not have a likely significant effect on either of the European sites, alone or in combination with other plans or projects.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of ecological designations or biodiversity.</p>	
<p>2.2 Could any protected, important, or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>Yes</p>	<p>A suite of documents was submitted with the application/RFI including EclA, AASR, Bat Assessment, Badger conservation Report, an Arboricultural Report, Tree survey and Landscape Reports. Field surveys were undertaken in different months over several years between 2017 and 2025 to identify habitat types, flora species, trees, bat, mammal and bird species, and aquatic species at the site.</p> <p>The habitats identified on site (see Fig. 19, Revised EclA, pg. 51) consist primarily of the larger, centrally located Dry meadow and grassy verges (GS2) with mature dense Treelines (WL2) around the perimeter. Wetland habitats include Wet willow-alder-ash woodland (WN6) and the drainage ditch (FW4) at the northern end of the site. There are several woodland habitats including Mixed</p>	<p>No</p>

		<p>Broadleaved woodland/conifer woodland (WD1/WD2) and hedgerow (WL1)</p> <p>Six of the habitats on-site, Treelines (WL2), the Drainage Ditch (FW4), the Wet Willow-Alder-Ash and the Mixed Broadleaved/conifer woodlands (WN6, WD1, WD2) and Scrub (WS1) were classified as Key Ecological Receptors (KER).</p> <p>In the bird surveys (2023 and 2024 breeding and wintering surveys), no Annex I bird species are recorded at/ using the site (small numbers of red (1-2 species) and amber listed species (1-2 species) are recorded). The site does not support a wintering bird population, with little to no use by waterbirds recorded during the surveys.</p> <p>The bat survey work recorded the presence of four bat species (Leisler's bat, soprano pipistrelle, common pipistrelle and Brown long-eared bat) foraging and commuting in the treelines/ hedgerows, particularly along the east boundary of the site (no evidence of roosting).</p> <p>The Mammal survey work identified several Badger entrances and trails indicating foraging and commuting activity. Two potential Badger setts, one of which was later ruled out, were identified and a Badger Conservation Plan with mitigation measures was submitted as FI. The Landscape Design is considered to be favourable to Badger and additional mitigation measures were proposed by the P.A. and NPWS, which will be addressed as conditions.</p>	
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		<p>Amphibian surveys confirmed the use of the drainage ditch as breeding and foraging habitat by the common frog, but it was established that it was unsuitable habitat for smooth newts. A temporary artificial pond is to be constructed to enable translocation of amphibians during the construction phase and further translocation to the enlarged and enhanced wetland habitat post construction.</p> <p>Overall, while the site is found to feature several KERs (habitats and species), these are predominantly evaluated as being of local importance (low to high value) (see Table 17, Revised EclA, pgs. 90-94). The site is confirmed as not being under any protected wildlife or conservation designation. There are no habitats or species recorded at the site, which are listed as qualifying interests (QIs) of European sites. There are no protected habitats or plant species of conservation importance. Protected terrestrial mammal species such as Badger may be present and mitigation measures have been included in the proposed conservation management plan with additional measures to be conditioned. Mitigation measures are also proposed for Protected amphibian species.</p> <p>The EclA and CEMP include several mitigation measures to ameliorate potential impacts.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of protected flora and/ or fauna species.</p>	
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<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>The site is not within an area of archaeological potential. Archaeological monitoring was previously carried out at the site. No significant findings were recorded. The DAU has not raised any concerns in this regard.</p> <p>There are no landscape designations or protected scenic views at the site. The site is not located within or adjacent to an Architectural Conservation Area.</p> <p>There is a Protected Structure within the lands to the north of the site which forms part of the overall development of these lands, although outside the red line boundary for the project. The Protected Structure relates to the 'Original Drawing Room' only which forms part of Chesterfield House. The main house has been remodelled and rebuilt in the past and does not form part of the protected element. The permitted development on the site to the north (313252) includes the remodelling of the main house and the retention, restoration and continued use of the 'Drawing room', which will sit within an enhanced landscaped setting.</p> <p>The design and layout of the project will ensure that Chesterfield House will remain the principal focus of the overall development and that the associated gardens will be restored in a sensitive manner. In addition, historic views to/from the protected 'drawing room' along a central axis will be retained and will form an integral part of the landscape design concept of the development. The impact of the proposed development on the setting of the Protected Structure is not likely to be significant.</p>	<p>No</p>
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		Accordingly, I consider that this aspect of the project is not likely to result in a significant effect on the environment in terms of cultural heritage.	
2.4 Are there any areas on/ around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/ coastal, fisheries, minerals?	Yes	There are no such resources on or close to the site which is located in a built-up urban location. The lands are separated from areas that are in agricultural and forestry use and from coastal areas by intervening urban lands and roads. Accordingly, I do not consider that the project is likely to result in any significant effects on the environment in terms of impact on natural resources.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	Based on information in the HHRA, FRA, EclA, AASR, and Assessment Report, I have undertaken a detailed Water Status Impact Assessment screening determination (I direct the Commission to section 11.0 and Appendix 4 of this report). The project will implement SUDs measures to control surface water run-off, the proposed development would not increase risk of flooding to downstream areas as surface waters will be discharged at greenfield rates. I have concluded that the project will not result in a risk of deterioration to any waterbody (rivers, lakes, groundwaters, transitional and coastal) or otherwise jeopardise any waterbody in reaching its WFD objectives. Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of watercourses and waterbodies.	No

<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>There is no evidence identified of these risks.</p>	<p>No</p>
<p>2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion, or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by a local road network and by high-quality public transport networks nearby.</p> <p>During the site development works, the project will result in an increase in traffic activity (HGVs, workers) as construction equipment, materials, and waste are delivered to/ removed from the site. Site development works will be short term in duration and impacts arising would be temporary, localised, and managed under in the CEMP and construction Traffic Management Plan.</p> <p>The TTA considers operation phase impacts will not make a significant contribution to traffic congestion on the local road network during the operational phase. The project provides for active travel in the form of walking and cycling facilities and the Travel Plan will further reduce reliance on the private car.</p> <p>Accordingly, I consider the applicant has demonstrated that the key transport routes in the vicinity of the site will not be congested due to or otherwise affected by the project.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	<p>No</p>	<p>The site is in close proximity to a number of schools and there are hospitals in the general vicinity, including Blackrock Clinic (c. 1.8km distant). However, there are no sensitive community facilities in proximity in immediate proximity to the site and/ or that will be significantly affected by the project.</p>	<p>No</p>

		<p>There are existing and permitted residential dwellings located to the north, east, south, and west of the site. However, the separation distances are such that there is no realistic prospect of undue overlooking, overshadowing, or overbearance being caused.</p> <p>Site development works will be implemented in accordance with the CEMP which includes mitigation measures to protect the amenity of adjacent properties and residents.</p> <p>The operational phase of the project will cause an increase in activity at the site (traffic generation, use of public and communal open spaces, operation of the childcare facility) which will likely be typical of a residential development of the scale and density proposed, in a built-up urban location, such as the receiving area. As such, activity levels are anticipated as being well within acceptable parameters for same.</p> <p>If permission is under consideration, it is recommended that the project be conditioned to be under the control of an established management company and/ or elements taken in charge by the local authority, and accordingly no undue impacts would be anticipated.</p>	
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3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/ or approved development result in cumulative effects during the construction/ operation phase?	No	Existing and/ or approved planning consents in the vicinity of the site and the wider Blackrock area have been noted in the application documentation and associated assessments, e.g. in respect of the EIASR, AASR, FRA, and TTA. However, these developments are of a nature and scale that have been determined to not have likely significant effects on the environment. Accordingly, there are no cumulative significant effects on the area that are reasonably anticipated.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	There are no transboundary effects are arising.	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	
Real likelihood of significant effects on the environment.		EIAR Required	

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

1. The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, in particular:
 - (a) the nature and scale of the proposed residential development (which is below the mandatory thresholds for Class 10(b)(i) and Class 10(b)(iv) of the 2001 Regulations) and the greenfield nature of the site and its location in a built-up urban area which is served by public services and infrastructure.
 - (b) the absence of any significant environmental sensitivity in the vicinity.
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the 2001 Regulations.
2. The results of other relevant assessments of the effects on the environment submitted by the applicant and the results of the strategic environmental assessment of Dún Laoghaire Rathdown County Development Plan 2022-2028 undertaken in accordance with the SEA Directive (2001/42/EC).
3. The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Inspector: _____ **Date:** _____

Assistant Director Planning: _____ **Date:** _____

Appendix 4 Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	324043-26	Townland, address	Chesterfield, Cross Avenue, Blackrock, Dublin in the townland of Merrion
Description of project		<p>The proposed development comprises: -</p> <ul style="list-style-type: none"> (i) Demolition of 2 outbuildings (combined area 55.7sq.m) (ii) Construction of 252 residential units with a cumulative GFA of 26,250sq.m comprising 236 apartments across 2 blocks of between 5 and 8 storeys in height with an underground car park and a row of 3-storey terraced town houses (16 no.) parallel with the southern boundary. (iii) A childcare facility for 60 children (480sq.m) with outdoor secure play area. (iv) Residential amenities (gym, yoga room, meeting room, residents' lounge. (v) Realignment and enlargement of the ornamental pond to facilitate surface water attenuation. (vi) Installation of infrastructure along Cross Avenue to facilitate connections to the municipal potable water supply at the junction of Cross Avenue and Booterstown Avenue to the northwest and the surface water sewer at the junction of Cross Avenue and Mount Merrion Avenue to the south-east. 	

(vii) Access, landscaping, amenity and open space areas, boundary treatments, associated bicycle and car parking, plant, bicycle, bin and bulky storage, public lighting and all ancillary development works.

Further details are provided in Section 2.0 above.

The proposed development will discharge wastewater to the public combined sewer which runs along Cross Avenue adjoining the site to the north. It will discharge surface water following a multi-stage attenuation and to a new connection between the site and the existing 525mm public surface water sewer at the junction of Cross Avenue and Mount Merrion Avenue. Water supply to the proposed development will require a new connection along Cross Avenue to the existing watermain along Booterstown Avenue.

The application was accompanied by an Outline CEMP. The construction phase will include bulk earthworks associated with site stripping, basement excavations and foundations as well as additional excavations for drainage. The CEMP states that the excavation of topsoil will involve c.5,900m³ with an additional c.2,500m³ for buried drainage. It is stated that the majority of the bulk excavations will be of brown and black boulder clays with an approx. excavation depth of 4-5m for the basements (c. 18,400m³) and that no rock breaking will be required. The total volume of excavated material is estimated to be 26,800m³. Excavated subsoil will be reused as fill where possible and c. 1,950m³ of stripped topsoil will be stockpiled on site.

Site investigations identified a typical soil profile of topsoil overlying firm boulder clay. Although groundwater was generally not encountered, (apart from some water-bearing gravel lenses), some GW ingress is anticipated which may require some dewatering, particularly during basement excavations.

Brief site description, relevant to WFD Screening

The site (2.77ha) is an infill site located on Cross Avenue c.1km from Blackrock village and is situated in an established and well serviced suburban area. It is surrounded by existing residential development to the north, east, west and south. Cherbury Court, to the west, comprises a mix of apartments and houses, with a 1960s cul-de-sac at Booterstown Park to the northwest. Clonfadda Wood is a gated development of houses and apartments to the south. Southwood Park and Redwood Grove, 2-storey semi-detached houses in short cul-de-sacs, are located to the southeast and east. The height of the surrounding development varies between 2 and 4 storeys, but there is an emerging trend of larger scale, higher density and taller buildings in the vicinity, with a recent BTR development of up to 9-storeys to the north-east.

The subject site is fully located outside of any European sites and there are no European sites within the immediate surrounding area. The closest European sites to the proposed development are 0.67km and 0.64kms distant, respectively - South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA. All other European sites are greater than 5.6 km distance from the site.

The site does not have road frontage and is accessed by means of a private driveway from Cross Avenue, which is a mainly residential street with a mix of large houses set within enclosed, mature gardens and more recent infill developments. The site comprises a large green field which is effectively grassland. It is currently not in use but was formerly used for grazing animals. It forms part of the lands associated with Chesterfield House, a Protected Structure to the north. This site to the north is outside the red line boundary but is owned by the developer and a recently permitted scheme for 11 residential units (3 within Chesterfield House and 8 to the north of the house) is currently under construction (313252).

	<p>The site is made up of a variety of habitats including dry meadows, woodlands, treelines and hedgerows. It is lined with mature tree lines on the western, southern and eastern boundaries. There is an ornamental pond (formerly a drainage ditch) located at the northern edge of the site, beyond which lies a dense vegetated area and the gardens associated with the house. The gradient of the site slopes from the southern boundary towards the pond/ditch. The closest watercourse to the site is the Priory Stream, which is situated approx. 225m to the southeast and is separated from the site by a built-up environment and ultimately discharges to Dublin Bay.</p>
<p>Proposed surface water details</p>	<p>Surface water drainage in the area comprises of a 525mm diameter combined sewer on Cross Avenue. The nearest surface water sewer is on Mount Merrion Avenue, and it is proposed to provide a new 225m diameter surface water sewer underneath Cross Avenue to connect to the stormwater manhole at Mt. Merrion Ave., c.600m to the east. Surface water will ultimately be discharged to the Priory Stream at Blackrock Park, before flowing into Dublin Bay. There are two sub-catchments within the overall lands in the ownership of the developer, Sub-catchment 1 referring to the proposed development (southern part of lands) and Sub-catchment 2, referring to the permitted development within and around Chesterfield. It has been designed in accordance with the GDSDS and the CIRIA Design Manuals C753, C697 and C609.</p> <p>Surface water from the proposed residential development will be directed to and attenuated within the open attenuation pond which has been sized for the 1 in 100-year storm event with an allowance of 20% for climate change. The pond will be located at the natural low point of the site, where the existing seasonal pond is located. Surface water from sub-catchment 2 will be attenuated within a new cellular concrete tank underneath the access drive. All surface water will pass through the</p>

	<p>tank and be released via a hydrobrake flow control. The total combined discharge will not exceed the greenfield rate of 8.7l/s.</p> <p>Sustainable Urban Drainage Systems (SUDS) will be incorporated to reduce runoff volumes and improve runoff water quality and include green roofs, permeable paving, tree pits and filter drains leading to the attenuation storage system. Green/blue roof technology would be incorporated into the development which will reduce the surface runoff from the roofs while also improving the quality of water. Surface water will be discharged from the site following attenuation at greenfield rates via the new connection to the public surface water sewer which discharges to the Priors Stream and ultimately to Dublin Bay.</p>
<p>Proposed water supply source & available capacity</p>	<p>Water supply for the proposed development will be via a public mains supply. There is an existing public watermain on Cross Avenue. It is proposed to install a new 150mm watermain as part of the development from the site entrance to the junction of Booterstown Avenue and Cross Avenue in order to provide an upgraded connection to the existing municipal water main to the northwest of the site. This upgrade was required by Uisce Eireann. Letter from Uisce Eireann confirming available capacity.</p>
<p>Proposed wastewater treatment system & available capacity</p>	<p>Wastewater will be discharged from the proposed development by gravity to the existing 525mm combined sewer which runs along Cross Avenue. The proposed development will provide a new separate gravity system within the site which will connect to an existing manhole at the site entrance. The new system will consist of 100mm, 150mm and 225mm pipes and foul drainage from the basement car park will be pumped to the foul network via petrol interceptors. This in turn discharges to the existing combined sewer on Cross Avenue ultimately discharges to the Ringsend Wastewater Treatment Plant.</p>

	<p>The Ringsend plant is licensed to discharge treated effluent by the EPA (licence number D0034-01) and is managed by Uisce Eireann. A letter from Uisce Eireann is enclosed with the application confirming that capacity is available to serve the proposed development subject to the applicant entering into a connection agreement.</p> <p>The 2023 AER for the WWTP states that the plant is operating under-capacity in terms of its hydrological capacity (capacity – 959,040m³, Annual Max. 804,220m³) but is operating over-capacity in terms of organic capacity (capacity of 2,100,000PE and collected load – 2,362,572PE). However, upgrades to the Ringsend WWTP have recently been completed which have increased the organic capacity to 2,400,000 PE. It is noted that the proposed development will have a PE of 705, which is very small in this context.</p>
<p>Other matters</p>	<p>Flood Risk – A Site-Specific Flood Risk Assessment (FRA) was carried out for the proposed development. The site was assessed in accordance with the OPW Flood Risk Management Guidelines. The site is in Flood Zone C and there is no indication of any part of the site being within an area where the probability of flooding from rivers or the sea is greater than 1 in 1000. The site is stated to be at a low risk of tidal, fluvial, groundwater and pluvial flooding.</p> <p>The SSFRA states that there is no evidence of inflows from outside the site and that the proposed development will not block off drainage from surrounding areas or result in any increased risk of flooding downstream. The gradient within the site means that any overland flow will drain along paved or green areas between buildings towards the attenuation pond and adjacent green area (at the low point of the site),</p>

or else out to Cross Avenue. The pond has an emergency overflow with a freeboard above the maximum pond water level. The design of the scheme includes a freeboard of 150mm for ground floor levels, waterproofing of all basement levels and 100mm freeboard at the top of the basement ramp.

Groundwater – the site is underlain by the Dublin Groundwater Body in the northern section of the site and by the Kilcullen Groundwater Body in the southern section of the site. The bedrock aquifer within the Dublin GWB is classified as a Locally Important aquifer which is moderately productive in local zones and the bedrock aquifer within the Kilcullen GWB is classified as Poor and generally unproductive except for local zones. There is a fault traversing the middle of the site which separates the two aquifer types and the GWBs and a second fault is located at the northern boundary of the site.

The submitted WFD Assessment Report states that although the groundwater vulnerability for the project site is stated as ‘Moderate’ and there are no plans to abstract groundwater, the vulnerability will increase due to the excavation of soils and subsoils during construction.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	0.225km	Brewery Stream_010 (Priory Stream) IE_EA_09B130 400	Poor	Under Review	Not identified	Yes - Hydrological connection via 525mm public combined sewer which discharges to the Priory Stream before discharging to Dublin Bay Coastal Waterbody Screened in
River Waterbody	0.96km	Brewery Stream_010	Poor	Under Review		No – this waterbody is located to the south of the site and to the

		(Brewery Stream) IE_EA_09B130 400				south of the Priory Stream. There is no hydrological connection. Screened out
River Waterbody	1.14km	Brewery Stream_010 (Boosterstown Stream) IE_EA_09B130 400	Poor	Under Review	Not identified	No – this waterbody is located upgradient of the proposed development and of the surface water drainage systems (existing and proposed). Screened out
River Waterbody	1.5km	Brewery Stream_010 (Elm Park Stream) IE_EA_09B130 400	Poor	Under Review	Not identified	No – this waterbody is located upgradient of the proposed development and of the surface water drainage systems

						(existing and proposed). Screened out
Coastal Waters	1.2km	Dublin Bay Coastal WB IE_EA_100_00 00	Good	Not At risk	Not identified	Yes – Hydrological connection via combined surface and wastewater sewers which discharge to Priory Stream before discharging to Ringsend WWTP Screened in
Transitional	4.4km	Lower Liffey Estuary IE_EA__090_0 300	Moderate	At risk	Urban Wastewater Nutrients	Yes – Hydrological connection via combined surface and wastewater sewers which discharge to Priory Stream before discharging to Ringsend WWTP Screened in

Groundwater body	Underlying site	Dublin GW Body IE_EA_G-008	Good	Under Review	Not identified	Yes – direct hydrogeological pathway at northern end of site during construction activities which will temporarily increase GW vulnerability and exposure during the excavation of soils and subsoils and presence of gravel lenses within the boulder clay. May require some dewatering. Screened in
Groundwater body	Underlying site	Kilcullen GWB IE_EA_G_003	Good	At risk	Agriculture DWTS Unknown	Yes – direct hydrogeological pathway at southern end of site during construction activities

						<p>which will temporarily increase GW vulnerability and exposure during the excavation of soils and subsoils and presence of gravel lenses within the boulder clay. May require some dewatering.</p> <p>Screened in</p>
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Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance, Demolition Excavation Construction	Brewery Stream_010 (Priory Stream) IE_EA_09B13 0400	No direct discharge to groundwater or surface water. Indirect pathway - Surface water discharged to watercourse via public surface water sewer	Sedimentation, siltation due to earthworks and excavations, surface water entering excavations, stockpiling of materials, dewatering of shallow	Standard construction practice CEMP Pumped GW will be discharged following appropriate treatment in accordance with necessary discharge licences.	No – Mitigation measures will protect water quality and reduce run-off volumes. There will be no unauthorised discharges of GW or SW run-off to	Screened out

				groundwater, pumping of surface water run-off, suspended solids from haul routes, vegetation clearance, demolition. Hydrocarbon spillages/leaks from machinery, plant	SUDS which will reduce run-off volumes and improve run-off water quality	ground, drains or watercourses.	
2.	Site clearance, demolition, excavation, construction	Dublin Bay Coastal WB IE_EA_100_00 00	No direct discharge to groundwater or surface water. Indirect pathways via Priory Stream and Ringsend WWTP	Sedimentation, siltation from excavations and stockpiling of soils and subsoils, surface water entering excavations, Deterioration in	No mitigation required	No residual risk	Screened out

				<p>water quality from use of fuels, oils, cementitious materials resulting in contamination or pollution of waterbody and the indirect connection between site and WWTP via Priory stream.</p> <p>However, due to significant separation distances and substantial water volumes associated with the coastal waterbody and</p>			
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				the capacity of Ringsend WWTP (as stated by Uisce Eireann and which has been upgraded), the proposed development is unlikely to adversely affect water quality.			
3.	Site clearance, demolition, excavation, construction	Lower Liffey Estuary IE_EA__090_0300	No direct discharge to groundwater or surface water. Indirect pathways via Priory Stream and Ringsend WWTP	Sedimentation, siltation from excavations and stockpiling of soils and subsoils, surface water entering excavations, Deterioration in water quality from use of	No mitigation required	No residual risk	Screened out

				<p>fuels, oils, cementitious materials resulting in contamination or pollution of waterbody and the indirect connection between site and WWTP via Priory stream.</p> <p>However, due to significant separation distances and substantial water volumes associated with the transitional waterbody and the capacity of Ringsend</p>			
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				WWTP (as stated by Uisce Eireann and which has been upgraded), the proposed development is unlikely to adversely affect water quality.			
4.	Site clearance, excavation, demolition, construction	Dublin Groundwater Body IE_EA_G_008	No direct discharge to groundwater or surface water. GW vulnerability will temporarily increase during excavations which creates an increased risk to underlying bedrock aquifer	Sedimentation, siltation due to earthworks and excavations, surface water entering excavations, stockpiling of materials, dewatering of shallow groundwater, pumping of	Standard construction practice CEMP Pumped GW will be discharged following appropriate treatment in accordance with necessary discharge licences. SUDS which will reduce run-off	No – Mitigation measures will protect water quality and reduce run-off volumes. There will be no unauthorised discharges of GW or SW run-off to ground, drains or watercourses.	Screened out

				<p>surface water run-off, suspended solids from haul routes, vegetation clearance, demolition. Hydrocarbon spillages/leaks from machinery, plant</p>	<p>volumes and improve run-off water quality</p>		
5.	<p>Site clearance, excavation, demolition, construction</p>	<p>Kilcullen GWB IE_EA_G_003</p>	<p>Drainage to ground water as it underlies the site</p>	<p>Sedimentation, siltation due to earthworks and excavations, surface water entering excavations, stockpiling of materials, dewatering of shallow</p>	<p>Standard construction practice CEMP Pumped GW will be discharged following appropriate treatment in accordance with necessary discharge licences.</p>	<p>No – Mitigation measures will protect water quality and reduce run-off volumes. There will be no unauthorised discharges of GW or SW run-off to</p>	<p>Screened out</p>

				groundwater, pumping of surface water run-off, suspended solids from haul routes, vegetation clearance, demolition. Hydrocarbon spillages/leaks from machinery, plant	SUDS which will reduce run-off volumes and improve run-off water quality	ground, drains or watercourses.	
OPERATIONAL PHASE							
1.	Surface water run-off	Brewery Stream_010 (Priory Stream) IE_EA_09B13 0400	Surface water discharged to watercourse via public surface water sewer	Deterioration in water quality from pollution of surface water run-off	Discharges to surface water sewer and ultimately to the watercourse will be controlled by SUDS and green-blue roofs and other standard	No – Drainage design and standard mitigation measures will protect water quality.	Screened out

					mitigation measures set out in the Infrastructure Report which will ensure that water quality is protected.		
2.	Surface water run-off and wastewater discharge	Dublin Bay Coastal WB IE_EA_100_00	Surface water and wastewater from proposed development will be discharged to the combined public sewer, which in turn discharges to the Ringsend WWTP at Dublin Bay	Uisce Eireann has confirmed that there is available capacity within the Ringsend WWTP and a planned upgrade has just been completed. The proposed foul water connection is deemed acceptable without upgrades and the proposed	The incorporation of SUDs into the drainage design together with the dilution fraction of the coastal waterbody will avoid adverse effects on this waterbody. The Annual Environmental Report for Ringsend WWTP 2023 stated that the WWTP, was non-compliant with emission limit values for BOD, COD, TSS,	No- no mitigation required	Screened out

				surface water connection	Total P and Total N due to overloading. A planned upgrade to 2,400,000PE has since been completed. No mitigation required.		
3.	Surface water run-off and Wastewater discharge	Lower Liffey Estuary IE_EA_090_03 00	Wastewater from proposed development will be discharged to the 225mm public sewer to the west of the site, which in turn discharges to the 3660mm trunk sewer which travels alongside the Grand Canal and discharges to the Ringsend WWTP at Dublin	Uisce Eireann has confirmed that there is available capacity within the Ringsend WWTP and there is a planned upgrade underway. The proposed connection is deemed acceptable	The Annual Environmental Report for Ringsend WWTP 2023 stated that the WWTP, which discharges to the River Liffey, was non-compliant with emission limit values for BOD, COD, TSS, Total P and Total N due to overloading. A planned upgrade has since been	No - No mitigation required	Screened out

			Bay via the Lower Liffey Estuary	without upgrades.	completed with 2,400,000PE. No mitigation required.		
4.	Groundwater discharge	Dublin Groundwater Body IE_EA_G_008	Seepage to groundwater which underlies site	Reduction in groundwater quality	Standard mitigation measures including attenuation on site and SUDs measures will protect water quality and minimise recharge volumes	No – quality and volume of groundwater will be protected by standard mitigation measures and drainage design.	Screened out
5.	Groundwater discharge	Kilcullen Groundwater Body IE_EA_G_003	Seepage to groundwater which underlies site	Reduction in groundwater quality	Standard mitigation measures including attenuation on site and SUDs measures will protect water quality and minimise recharge volumes	No - quality and volume of groundwater will be protected by proposed mitigation measures and drainage design.	Screened out