



Inspector's Report

PL-500612-DR-26

Development

Protected Structure: Permission to complete development of 10 detached houses permitted under REG REF: D15A/0403, with minor alterations and associated works. Adjacent to RPS no.1829 Shankill House.

Location

Sites 1-10, Carpendale, Ferndale Road, Shankill, Dublin 18

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D25A/0787/WEB

Applicant(s)

Charton Homes Limited

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party Normal Planning Appeal

Appellant

Charton Homes Limited

Observer(s)

None

Date of Site Inspection

7th April 2026

Inspector

Suzanne White

Table of Contents

1.0	Site Location and Description	3
2.0	Proposed Development.....	3
3.0	Planning Authority Decision	4
4.0	Planning History.....	8
5.0	Policy Context.....	11
6.0	EIA Screening.....	18
7.0	The Appeal	18
8.0	Assessment	23
9.0	AA Screening.....	36
10.0	Water Framework Directive.....	38
11.0	Recommendation.....	39
12.0	Reasons and Considerations	39
	Appendix 1: Form 1 EIA Pre-Screening	41
	Appendix 2: Form 2 - EIA Preliminary Examination	44

1.0 Site Location and Description

- 1.1. The appeal site of 2.36ha is located on the western side of Ferndale Road in Shankill, South Dublin. Shankill House, which is a Protected Structure (RPS No. 1829), and its outbuildings are located to the north and west of the site. The site is bounded by Rathmichael Haven and Rathmichael Dales to the north and Hillfield to the south.
- 1.2. Some construction activity has taken place under PRR D15A/0403. A new entrance and front boundary walls have been installed along Ferndale Road. An internal access road extending west from the entrance is in place, with public lighting installed along its length. Both the entrance and access road are, however, located outside the application site boundary. Within the application boundary there are 10no. plots, within which construction works have taken place, generally consisting of the laying out and pouring of concrete foundations and to the construction of external and internal walls of two dwellings to low level. Service installations are visible within the access road, while swales and surface water infrastructure are also evident outside of the dwelling plots.
- 1.3. The site boundaries consist of a rendered wall to Ferndale Road, and a mix of timber fencing and hedging to the other boundaries. There are mature trees along the northern boundary with Rathmichael Dales/Rathmichael Haven, to the west of Plot 3 and to the east of Plot 4.
- 1.4. Levels rise from east to west across the site. The surrounding area is characterised by large detached residential properties set within generous plots.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - the completion of ten detached dwellings for which construction has commenced on site under PRR D15A/0403 (now expired);
 - amendments to the elevations and floor areas of the dwellings, relative to the scheme approved under PRR D15A/0403 (as amended); and
 - all ancillary works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority resolved to refuse permission, by order dated 10th December 2025, for two reasons as follows:

1. Under the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the site is subject to zoning objective A1, which seeks 'to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans'. The subject site is located on Tier 2 lands which are not currently sufficiently serviced to support new development and the future development of Rathmichael is contingent upon the timely delivery of supporting infrastructure as outlined under Section 2.3.7.2 and Appendix 1 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The site is located within the Rathmichael Local Area Plan boundary, for which a Local Area Plan is being prepared. Section 2.6.1.3 Local Area Plan Plan-Making Programme of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 notes that within the A1 zoned lands at Rathmichael there are a number of existing properties and 'minor modifications and extensions to these properties can be considered in advance of the relevant Local Area Plans.' The proposed development which comprises the construction/completion of 10 no. dwellings, would, having regard to the current status of the units, not constitute 'minor modification and extensions to existing property'. Accordingly, the proposed development would be contrary to the provisions of Section 2.6.1.3 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, would set an undesirable precedent for other similar developments and would be contrary to the A1 zoning objective of the area, which seeks "to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans". It is considered that the proposed development undermines the intended plan-led and co-ordinated approach to residential development in the Rathmichael area as provided for in the Dún Laoghaire-Rathdown County Development Plan 2022-2028. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The Sustainable Residential Development and Compact Settlement Guidelines (2024) indicate recommended density ranges as set out in Section 3.3 of the Guidelines, which promote seeking higher residential densities. Furthermore, Section 4.3.1.1 of the Dún Laoghaire Rathdown County Development Plan establishes a general minimum density of 5 units/hectare. Having regard to the number of units proposed in this application, it is considered that the proposed development constitutes an unacceptably low density of development within this location, as such, would contravene Policy Objective PHP18: Residential Density and Section 4.3.1.1 of the Dún Laoghaire Rathdown County Development Plan 2022-2028 and would also be contrary to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Therefore, the proposed development, would set an undesirable precedent for other similar developments and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the Planner's Report may be summarised as follows:

- The Planning Authority concurs with the conclusion of the Forward Planning and Active Land Management report which concludes that the proposed development would undermine the intended plan led and coordinated approach to residential development in Rathmichael area as provided for in the Development Plan.
- Site visits were carried out on the 14th and 25th November 2025. The inspections recorded the state of construction for each unit, ranging from initial foundation works to partial installation of insulated concrete formwork (ICF) walls.
- Completion of the project, considering the scale and extent of works required, is considered substantial and cannot reasonably be categorised as a 'minor modification or extension, in reference to Section 2.6.1.3 of the development plan. Notes that the dwellings are not 'existing' and none meet the definition of a 'house' set out in s.2 of the Planning and Development Act 2000 (as amended).

- The subject lands are identified as Tier 2 zoned lands and proposals other than minor modifications or extensions to existing properties cannot be considered in the absence of the relevant Local Area Plan.
- A draft consultation stage for the Rathmichael Local Area Plan was undertaken in April-May 2025 and the Forward Planning report outlines a timeline to completion.
- The proposed development does not constitute a minor modification or extension and is therefore considered premature given the commencement and timeline of the Rathmichael LAP.
- In reference to Section 7.16.1 of the Development Management Guidelines, given that the Rathmichael LAP is currently in preparation following public consultation, there is a realistic prospect of its completion within a defined timeframe. Having regard to the commencement of the preparation of the Rathmichael LAP it is considered that the proposed development would be contrary to both the 'A1' Zoning Objective on the site and to Section 2.6.1.3 of the Development Plan. The proposed development would set an undesirable precedent for other similar types of development in the area and is considered premature pending the Rathmichael LAP which will provide the appropriate framework for the proper planning and sustainable development of the area.
- Proposed development considered acceptable in terms of energy use performance.
- The site is considered to fall under 'Suburban-Urban Extension' category of the Sustainable Residential Development and Compact Settlement Guidelines 2024, with an anticipated density of 40-80 units per hectare. Section 4.3.1.1 of the Development Plan establishes as a general rule, a minimum default density for new residential developments in the County of 35uph. Objective PHP18 encourages higher densities, provided that proposals provide for high quality design. The density of the proposal is 4uph, would not make efficient use of the application site and is substantially below the minimum density envisioned for the application site.
- The floor areas of the units have increased and amendments are proposed to the elevations. It is considered that the scale and massing of the units remains

broadly similar to that of the permitted units and it is not considered that the changes are significant. The visual impact remains broadly similar to the permitted conditions.

- The proposed development has been screened out for AA and excluded at preliminary examination for EIA.

Other Technical Reports

- Forward Planning: notes the A1 zoning of the site and related objective. Notes that, to inform the LAP process, the PA commissioned an Infrastructural Capacity Assessment Study (ICAS) to analyse and address the significant infrastructural deficiencies of the Old Connaught and Rathmichael LAP areas in response to their Tier 2 zoning status. The study considered transport, drainage, water/wastewater services, utilities, parks and open spaces, green infrastructure, biodiversity and heritage and was finalised in Q1 2025. Public consultation took place on the pre-draft Rathmichael LAP took place in Q2 2025. 190 submissions were received. DLR are preparing a Draft LAP, anticipated to be published for public consultation in Q4 2026. DLR considers that a plan-led approach to the development of Rathmichael is of paramount importance to ensure the proper planning and sustainable development of these new residential communities. The ICAS also provides a high-level implementation plan to set out the strategic infrastructural and service requirements for phasing development in the Rathmichael area. It is considered that the proposed development may undermine the intended plan-led and co-ordinated approach to residential development in the Rathmichael area as provided for in the DLR County Development Plan 2022-2028.
- AA Screening and EIAR Pre-Screening Report: clear from the location and nature of the project that there will be no likely significant effects on a Natura 2000 site as there are no known direct pathways including hydrological/hydrogeological links to any Natura 2000 sites. The development is not within Part 1 or Part 2, Schedule 5. No EIA/Screening is required.
- Environmental Enforcement Report: no objection subject to conditions.

3.3. Prescribed Bodies

No reports on file.

3.4. Third Party Observations

None received by the Planning Authority.

4.0 Planning History

4.1. The site has an extensive planning history, starting with the parent permission:

Appeal site:

Parent permission

D15A/0403 Permission granted in October 2015 for a development comprising the construction of 10 no. 5 bed 2 storey detached houses ranging in size from c. 360 sq. metres to c. 480 sq. metres. New boundary treatments including the provision of a new boundary around the curtilage of Shankill House, all associated site development, landscaping and services provision.

D15A/0403/E: Permission was granted on 25th May 2020 to extend the parent permission until 15.01.2026 (including the periods disregarded for Christmas and the Covid-19 outbreak).

Other Relevant Site Planning History

D25A/0296/WEB: permission granted 09/07/2025 for (a) Change of House Type 2 on Site 3 to two storey dwelling and amended siting, (b) Change of detached domestic garage design and amended siting, (c) all ancillary site works.

D25A/0233/WEB: permission granted 18th June 2025 for development consisting of: (A) Change of House Type 2A on Site 7 to part two storey/part single storey dwelling with attached domestic garage, (B) Alterations to the previously approved plans & elevations of House Type 4A on Site 8 and amended siting, (C) Alterations to the previously approved plans & elevations of House Type 3 on Site 9 and amended siting, (D) All ancillary site works.

D25A/0112/WEB: permission granted 14th May 2025 for alterations to the previously approved plans & elevations of House Type 1 on Site 4 and House Type 1A on Site 6, and all ancillary site works.

D25A/0058/WEB: permission granted 16th April 2025 for (a) alterations to the previously approved plans & elevations of House Type 6 on Site 1 and amend the location of the previously approved garage, (b) alterations to the previously approved plans & elevations of House Type 4 on Site 2, (c) alterations to the previously approved plans & elevations of House Type 5 on Site 5, (d) all ancillary site works.

ABP-315564-22 (D22A/0800): permission refused on 20th March 2024 for development consisting of the change of house types and garage types along with changes of plot layouts from details as granted under permission D15A/0403 (as extended under extension of duration D15A/0403/E) along with provision of associated garages. New boundary treatments and landscaping works are also proposed. The reason for refusal cited the lack of a cohesive architectural expression, resulting in a discordant development and adverse impact on the visual amenity of area, and adverse impact on the residential amenity of a neighbouring occupier by reason of overbearance and sense of enclosure.

D20A/0194: Permission was granted in July 2020 for alterations to the site boundary to approved planning ref: D15A/0403, and all ancillary site development works.

ABP-301786-18 (D18A/0230): Permission was refused in October 2018 for the development of 17 no. four-five bedroom two storey detached and four garages, new boundary treatments, revisions to vehicular entrance to the east at Ferndale Road, all associated site development and landscaping and engineering works to create connections to main services, for two reasons.as follows:

1. Having regard to the location of the site and its identification for future residential capacity as set out in the Core Strategy of the Dun Laoghaire Rathdown County Development Plan under Section 1.2.4 (Residential Lands Supply), the development is considered premature pending the significant infrastructural constraints in the area being addressed in addition to the upgrading of the local road network to facilitate increased traffic and pedestrian levels and enhanced linkages to public transport infrastructure. The development is considered prejudicial to the delivery of a sufficient quantum and density of development on these lands in tandem with the necessary social and physical infrastructure. The development would set an undesirable precedent, represents a piecemeal and haphazard form of development and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed reduction in the size of the curtilage and site area relating to Shankill House would have a material adverse impact on the setting and character of the protected structure and would be contrary to the proper planning and sustainable development of the area.

PL06D.246294 (D15A/0809): permission refused (18/07/2016) for development at this site (c.3.05 ha) located within the attendant grounds of a Protected Structure (RPS No. 1829). The development will consist of the construction of 50 no. dwelling units comprising a mix of houses arranged across 1-3 storeys with garden sheds to the rear. New boundary treatments to the east (Ferndale Road) and north (Rathmichael Haven) including provision of new boundary treatments to the front of Shankill House, new vehicular entrance to the east at Ferndale Road. The reasons for refusal referred to the lack of community facilities in the area, its poor connectivity and remoteness from public transport, neighbourhood facilities, adequate footpaths, public lighting and wastewater treatment facilities as well as the potential for traffic hazard given the rural character of the local road network.

D05A/0168: permission granted for the construction of 10 no. 5 bed 2 storey over basement detached dwellings and one No. 5 bed 3 storey over basement detached dwelling (of which 1 no. dwelling with attached garage of 39.5 sq.m. 10 no. dwellings with 2 storey outbuilding containing garage at ground floor level (73.6 sq.m.) and habitable accommodation incidental to the main dwelling house at first floor level (approx. 54 sq.m.) refurbishment of Shankill House (a protected structure). Extended under PRR D05A/0168E to 08/09/2015.

Adjacent sites:

ABP-301684-18 (D17A/1015): Split decision (30/10/2018) - 1) grant planning permission for retention of revisions to the access road to Shankill House from Rathmichael Haven (originally permitted under planning register reference number D14A/0110) and for the proposed development of new entrance gates, new stone gate posts and stone entrance walls and 2) refuse permission for the proposed reduction in the size of the curtilage and site area. The reason for refusal was related to the impact on the setting and character of the RPS.

ABP-322451-25: Refuse planning permission at Greenacre, Ballybride Road, Rathmichael, Dublin 18 for an infill residential development comprising of 4 houses,

all on and off-site development works, open space, boundary treatments and landscaping with vehicular and pedestrian access. The refusal reasons stated that the proposed development was contrary to the A1 zoning of the lands, that the proposed residential density was unacceptably low and that the proposed development would endanger public safety by traffic hazard due to increased conflicts between pedestrians/cyclists/vehicles and the inadequate provision of pedestrian and cyclist facilities throughout the local road network.

5.0 Policy Context

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

The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life.

National Policy Objective 7 seeks to “deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.”

National Policy Objective 8 seeks to “deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.”

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

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

5.2. Section 28 Ministerial Guidelines

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

Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024).

Architectural Heritage Protection, Guidelines for Planning Authorities (October 2011)

‘Design Manual for Urban Roads and Streets’ (DMURS) (2019)

‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)

5.3. Climate Action Plan 2025

The Climate Action Plan 2025 (CAP25) is the third annual update to Ireland’s Climate Action Plan. It should be read in conjunction with Climate Action Plan 2024.

The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

5.4. National Biodiversity Action Plan 2023-2030

Ireland’s 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature.

The targets set out in the Plan are in the context of five objectives that lay out a clear framework for our national approach to biodiversity.

5.5. Eastern & Midland Regional Assembly - Regional Spatial and Economic Strategy 2019-2031

The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) covering Dublin City and suburbs (which the appeal site is located within). Accordingly, certain regional policy objectives are applicable to the proposed development, including RPOs 5.3, 5.4, and 5.5 which

require future residential development in the MASP to be plan led, facilitate sustainable travel patterns provide for higher densities and qualitative standards, focus on the consolidation of Dublin and suburbs.

5.6. Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 is the operative development plan for the area.

Proposed Variation No.1

Proposed Variation No.1 to the CDP was published on the 18th December 2025. The Proposed Variation responds to the publication of the National Planning Framework (NPF) First Revision and recent Section 28 Guidelines and proposes amendments to the Development Plan on matters including housing targets, density and residential standards. As part of the process, an updated Residential Development Capacity Audit (2025) has been completed for the County, the results of which are set out in Table 2.9 of the Proposed Variation. Rathmichael is generally classed as 'Serviceable', however the appeal site is classed as 'Serviced' in Figure 2.9A. Table 2: Core Strategy Table of the Proposed Variation indicates a proposed residential yield of 3,100 units across 83ha zoned lands for Rathmichael.

Public consultation on the proposed variation took place between 18th December 2025 and 26th January 2026. The Chief Executive's Report on submissions was published on the 6th March 2026. Proposed Variation No.1 of the DLR County Development Plan 2022-2028 is due to be considered at a Special Council meeting scheduled for 14th April 2026.

Dun Laoghaire-Rathdown County Development Plan 2022-2028 - Written Statement

The appeal site is located on lands zoned Objective 'A1' which has the objective: *“to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans.”*

Residential is a Permitted in Principle use under Zoning Objective A1. Permitted in Principle is defined as “Land uses designated under each zoning objective as ‘Permitted in Principle’ are, subject to compliance with the relevant policies, standards and requirements set out in this Plan, generally acceptable.”

The site is also located within the boundary of the Rathmichael/Ferndale Road Local Area Plan for which a Local Area Plan (LAP) will be prepared.

Shankill House, a Protected Structure (RPS Ref. 1829) lies adjacent to the site to the north and west. The site is located within Landscape Character Area No. 10-Rathmichael. Ferndale Road which bounds the site to the east and south is included in the 6 Year Road Objective/Traffic Management/Active Travel Upgrades.

Chapter 2: Core Strategy

Policy Objective CS2 – Core Strategy

It is a Policy Objective to support the delivery of the Core Strategy in accordance with the Core Strategy Map illustrated in Figure 2.9 and the Core Strategy Table detailed at Table 2.11.

Rathmichael is identified in Table 2.11 with a proposed residential yield within the Plan period of 2,431 units across 83.05ha zoned lands.

Section 2.4.6 - Phasing.

This section states that, notwithstanding the sequentially preferable location of residential zoned lands in the County, it is considered, having regard to the tiered approach to zoning and the Infrastructure Assessment included in Appendix 1, that the Core Strategy should incorporate a framework for the phased delivery of residential land to ensure a plan-led approach to sustainable growth.

In this context, it is noted that Old Connaught and Rathmichael are not currently serviced, and the future development of these areas is contingent upon the timely delivery of supporting infrastructure. It is considered that a plan-led approach to the development of both Rathmichael and Old Connaught is of paramount importance to ensure the proper planning and sustainable development of these new residential communities. The lands at Old Connaught and Rathmichael are both zoned Objective 'A1' – 'To provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans'. As provided under the LAP programme contained in Table 2.16, it is the intention of the Council to prepare Local Area Plans for both of these new communities during the lifetime of the Plan.

Section 2.6.1.3 of the Core Strategy relates to the Council's Local Area Plan making programme and states that on lands subject to zoning objective A1, a wide range of uses are both permitted in principle and open for consideration. This acknowledges the fact that the Local Area Plan process will allow for a more granular breakdown of land uses. It is noted that within the A1 zoned lands at both Old Connaught and Rathmichael there are a number of existing properties. The CDP states that minor modifications and extensions to these properties can be considered in advance of the relevant Local Area Plans. The future Local Area Plans for Rathmichael and Old Connaught may include new land use zonings for neighbourhood centres, open space and other land uses.

Chapter 4: Neighbourhood - People, Homes and Place

Overarching Policy Objective PHP1:

That increased delivery of housing throughout the County will be subject to the Strategic Policy Objective to:

- Align with the provisions of the National Planning Framework and the Eastern and Midlands Regional Spatial and Economic Strategy.
- Accord with the Core Strategy set out in Chapter 2, the Housing Strategy and Housing Needs Demand Assessment for the County in Appendix 2 and/or the provisions of the future Regional Housing Need Demand Assessment.
- Embed the concept of neighbourhood and community into the spatial planning of the County by supporting and creating neighbourhoods and ensuring that residential development is delivered in tandem with the appropriate commensurate enabling infrastructure, including access to sustainable neighbourhood infrastructure, sustainable modes of transport, quality open space and recreation, and employment opportunities.

Policy Objective PHP3: Planning for Sustainable Communities

It is a Policy Objective to:

Plan for communities in accordance with the aims, objectives and principles of 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual – A Best Practice Guide' and any amendment thereof.

Ensure that an appropriate level of supporting neighbourhood infrastructure is provided or that lands are reserved for Sustainable Neighbourhood Infrastructure (SNI), in conjunction with, and as an integral component of, residential development in new residential communities as identified in the Core Strategy (see Figure 2.9, Chapter 2).

Policy Objective PHP18: Residential Density: increase housing supply and promote compact urban growth, including through infill; encourage higher densities, ensuring a balance with protection of existing amenities and established character.

Chapter 5: Transport and Mobility

Policy Objective T1: Integration of Land Use and Transport Policies

It is a Policy Objective to actively support sustainable modes of transport and ensure that land use and zoning are aligned with the provision and development of high quality public transport systems. (Consistent with NSO 1, NPO 26 of the NPF, 64, RPO 4.40, 5.3, 8.1 and Guiding Principles on Integration of Land Use and Transport of the RSES)

Policy Objective T3: Delivery of Enabling Transport Infrastructure

It is a Policy Objective to support the delivery of enabling transport infrastructure so as to allow development take place in accordance with the Core Strategy of this Plan and the settlement strategy of the RSES. (Consistent with RPO 4.40, 10.2, 10.3, 10.11, 10.16 of the RSES).

Chapter 8: Green Infrastructure and Biodiversity

Policy Objective GIB2: Landscape Character Areas

Chapter 9 Open Space, Parks and Recreation

Policy Objective OSR4 - to promote public open space standards generally in accordance with overarching Government guidance documents.

Chapter 10 Environmental Infrastructure and Flood Risk

Policy Objective EI1: Sustainable Management of Water

Policy Objective EI3: Wastewater Treatment Systems

Chapter 11: Heritage and Conservation

Policy Objective HER7: Record of Protected Structures

Policy Objective HER8: Work to Protected Structures

Chapter 12: Development Management

Chapter 14 - Specific Local Objectives

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

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

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

Table 11: New Residential Communities Old Connaught and Rathmichael lists specific infrastructure projects, and their timeframes for delivery, which are relevant to the Tier 2 zoning of Rathmichael. The table indicates that Rathmichael is considered Tier 2 lands pending phased delivery of requisite water, wastewater and transport infrastructure.

5.7. **Natural Heritage Designations**

The site is not located within any Natura 2000 or nationally designated sites. The nearest such sites are:

- Rockabill to Dalkey Island SAC (Site Code 003000) is located circa 3.6km to the north-east of the appeal site.
- Dalkey Island SPA (Site Code 004172) is located circa 5.2km to the north-east of the appeal site.
- Ballyman Glen SAC (Site Code 000713) is located circa 3km to the south of the appeal site.

- Knocksink Wood SAC & pNHA (Site Code 000725) is located circa 4.3km to the south-west of the appeal site.
- Bray Head SAC & pNHA (000714) is located c. 5.1km to the southwest of the site.
- South Dublin Bay SAC (Site Code 000210) is located circa 7.28km to the north of the development site.
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is located circa 7.28km to the north of the development site.
- Dingle Glen pNHA (001207) is located c. 2.2km to the northwest of the site.
- Loughlinstown Woods pNHA is located c. 1.3km to the northeast of the site.
- Ballybetagh Bog pNHA is located c. 4km to the west of the site.

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

The 1st party appellant's grounds of appeal are set out in a Planning Appeal Statement, supported by the following documents:

- Architectural Statement
- Technical Note on Services and Works
- Drawings showing the extent of works carried out on site
- Copy of Irish Water Connection Offer, dated 11/03/2024, and Connection Agreement, signed by the applicant 03/04/2024.

- Copy of ESB Connection, dated 13/06/2024, signed by applicant.

The 1st party grounds of appeal may be summarised as follows:

Reason for Refusal 1

- The site is a Tier 1 Serviced site in terms of infrastructure within and serving the site. The zoning process and Infrastructure Assessment under preparation of the 2022 CDP defines the site as Tier 1 serviced. Considers that the site falls within the definition of Tier 1 lands in Appendix 3 of the NPF.
- The proposal is plan led and consistent with the zoning for the land. The proposal is not new residential, but completion of a previously approved scheme. The zoning objective states that a wide range of uses are permitted in principle or open to consideration. The zoning objective also refers to "approved local area plans", not potential or future local area plans. Section 34(2)(a) of the Act restricts the consideration to the existing development plan, the proper planning and sustainable development of the area, along with ancillary prescribed matters (I)-(V). This matter was considered under the previous appeal 315564-23.
- The proposal is not a new development, but rather the completion of a previously approved scheme which has established site access, roads, drainage and services along with foundations and substantial works already in-situ. The applicant considers that policy objectives relating to brownfield land, infill development and active land management are relevant to the consideration of the application.
- The Development Plan and its zoning/policy objectives does not constrain the proposed completion of the development.
- The site should not be regarded as greenfield lands. To do so would be inconsistent with Section 28 Development Plan Guidelines section 4.4.1. Any future development plan process cannot ignore the committed status of the site.
- Granting permission to complete the 10 houses would complete an established development, avoid the sterilisation of serviced land, prevent the waste of

completed infrastructure, and reflect proper planning and sustainable development.

- In relation to undesirable precedent, no material contravention of the CDP is cited in the refusal reason.
- The site is zoned residential and the application seeks permission for residential. It cannot be considered to undermine the zoning of the lands.
- The parent permission D15A/0403 predates the current CDP and any future LAP.
- At the time of approval of the parent permission, the CDP (2016) included an objective to prepare an LAP for the area. The Planner's Report at the time noted that the objective had been in place since the previous 2004 CDP and had not been realised. They concluded that the proposal was not inappropriate or premature pending the adoption of the LAP.
- Section 4.4.1 of the Section 28 Development Plan Guidelines state that zoned housing land in an existing development plan, that is serviced and can be developed for housing within the life of the new development plan under preparation, should not be subject to de-zoning.
- Sections 6.4 and 7.15 of the Development Management Guidelines are relevant. The Planning Authority did not apply the correct weighting of relevant planning matters.

Reason for refusal 2:

- The Planner's Report and Compact Settlement Guidelines are silent on what is an appropriate density for a committed development site. The Guidelines are to be read as a whole. They emphasise density being appropriate to context. Section 28 Guidelines are not mandatory.
- Section 4.3.1.1 of the CDP does not prescribe minimum density. Section 12.3.3.2 of the CDP states that 'in general' in relation to residential density. Page 83 of the CDP states that the minimum density may not be appropriate in all instances. Higher density development may be constrained by e.g. ACAs and Protected Structures. The same context applied to the parent permission, where it was determined that the proposed layout was the only appropriate design solution,

protecting the setting of the RPS. The 2016-2022 Development Plan at that time sought a general density of 35 units per hectare, however the Planning Authority accepted a density of 3 units per hectare at that time, having regard to the suburban character of the site, the absence of foul drainage, water and transport infrastructure, distance to the nearest centre (Shankill Village), the presence of a RPS and the location of the site within the Crinken Stream Catchment where there were noted to be concerns relating to groundwater and surface water.

- No undesirable precedent would occur as the proposal relates to completion of a residential development and complies with the land use zoning for the lands.

Other matters:

- The applicant sets out that progress on the construction was delayed, firstly by the planning process and, subsequently in respect of water services connections being installed. Significant capital investment has been made by the applicant in progressing works to the current stage.
- Substantial works have been completed, comprising:
 - services, entrance works, internal roads and drainage have been installed.
 - the public foul sewer, public surface water drainage and mains water have been brought to the site and in-situ across the site (ready for dwellings to be connected).
 - the dwellings are all commenced. 5no. are at foundation level, 3no. at damp proof course, 2no. at ground/first floor level walls.
- The extent of works (and infrastructure) carried out on the lands means the lands are not capable of being developed for any other layout or an increase in residential units above proposed.
- Any increase in units would necessitate revision of the site infrastructure, which may be challenging to achieve i.e. link roads on sloping topography, water services capacity, reduced permeable area for surface water drainage.
- Completion of the development is proper planning and sustainable development.

- The applicant maintains that the proposed development is compliant with the CDP objectives and standards with respect to public open space, design standards, private amenity space, lifetime housing, surface water & SUDS, mix, refuse storage, construction management, access, parking.

Architectural Statement

- An increase in the density on the site would be inappropriate and would have a detrimental impact on Shankill House and its setting.
- The house was historically designed to be appreciated as a detached structure within a low-density, landscaped context, allowing for clear views of its form, proportions and architectural detailing.
- The approved scheme is sympathetic to the historic development pattern of the area and reflects the established character of Shankill House.
- An increase in housing numbers would result in a higher density form of development, inevitably leading to increased building mass, reduced separation distances and a more intensive use of the site, necessitating additional roads, parking etc, eroding the sense of space that currently exists around the RPS. Any increase in housing numbers would constitute overdevelopment from a conservation perspective.

Engineering Technical Note

- The existing entrance road was designed and constructed to serve 10 dwellings. To serve more dwellings, link roads would be required, which may be difficult to develop due to the topography to the left of the entrance.
- The existing foul sewer laid on site is 150mm. If the number of units increase to 20+, the majority of this sewer would need to be upgraded to 225mm. Due to the topography to the left of the entrance, pumping of domestic waste to this sewer would be required.
- The stormwater system and SuDS elements have been installed to serve the approved scheme. An increase in units may restrict the use of soakaways.

- There is an existing 100mm watermain laid on site. This should be able to be reused for increased units, though would require significant alterations to suit a new layout.

7.2. **Planning Authority Response**

In their letter dated 9th February 2026, the Planning Authority referred the Coimisiún to the previous Planner's Report and stated that they consider that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.3. **Observations**

None received.

7.4. **Further Responses**

None.

8.0 **Assessment**

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

- Principle of development
- Adequacy of services to support the development
- Density
- Public Open Space - new issue

I note that consideration was given to other relevant matters as part of the Local Planning Authority's assessment of the application, including impacts on visual and neighbouring amenity. The Planner's Report considered that the proposed development was acceptable in reference to the objectives of the Development

Plan regarding these matters, subject to conditions, and I concur with that assessment.

8.1. Principle of development

- 8.1.1. The first reason for refusal in the Planning Authority's decision refers to the A1 zoning objective of the site which seeks "to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans". It also refers to the site being located on Tier 2 lands which are not currently sufficiently serviced to support new development and that the future development of Rathmichael is contingent upon the timely delivery of supporting infrastructure as outlined under Section 2.3.7.2 and Appendix 1 of the development plan. The refusal reason sets out that the site is located within the Rathmichael Local Area Plan boundary, for which a Local Area Plan is being prepared, and it also sets out that section 2.6.1.3 of the Development Plan refers to the Local Area Plan Plan-Making Programme. It is stated in the refusal reason that, according to section 2.6.1.3 of the Development Plan, for A1 zoned lands at Rathmichael, minor modifications and extensions to properties can be considered in advance of the provision of the LAP. It is stated in the refusal reason that the proposed development would not constitute 'minor modification and extensions to existing property' and would therefore be contrary to the provisions of Section 2.6.1.3 of the Development Plan, that it would set an undesirable precedent for other similar developments, that it would be contrary to the A1 zoning objective of the area, would undermine the intended plan-led and co-ordinated approach to residential development in the Rathmichael area as provided for in the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.
- 8.1.2. In their grounds of appeal, the appellant maintains that: the site is Tier 1 Serviced; the proposal is consistent with the zoning of the lands; the zoning objective refers to 'approved local area plans' rather than potential or future plans; the refusal does not state that a material contravention of the CDP has occurred in respect of land use; the proposal is not a new development but completion of a previously approved scheme which has established site access, roads, drainage , services and

foundations in-situ; the parent permission pre-dates the CDP and was granted notwithstanding an objective in the CDP (2016) to prepare an LAP for the area; and that a grant of permission would prevent the waste of completed infrastructure.

- 8.1.3. The appeal site is located on lands zoned Objective 'A1' in the DLR Development Plan 2022-2028, with the objective: *"to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans."* Residential is a 'Permitted in Principle' use under Zoning Objective A1, I therefore consider that residential development is acceptable in land use terms. However, Zoning Objective A1 refers to the provision of new residential communities and sustainable neighbourhood infrastructure in accordance with approved local area plans. In this way, Zoning Objective A1 is distinct from that of lands zoned 'A' under the Development Plan, "to provide residential development and improve residential amenity while protecting the existing residential amenities". The A1 zoning objective specifically refers to the provision of new residential communities and sustainable neighbourhood infrastructure in accordance with approved local area plans.
- 8.1.4. I also note that the Rathmichael area is intended, under the Table 2.11 of the Core Strategy of the Development Plan, to deliver significant housing growth to meet the needs of the County. Section 2.4.6 of the Core Strategy relates to phasing and states that a plan-led approach to the development of both Rathmichael and Old Connaught is of paramount importance to ensure the proper planning and sustainable development of these new residential communities. Section 2.6.1.3 of the Development Plan states that minor modifications and extensions to existing properties within the Rathmichael local area plan boundary can be considered in advance of the local area plan. I note the works undertaken on site under PRR D15A/0403 (as extended), however I consider that the proposed development, given the extent of works required to complete the ten new dwellings, does not fall within the scope of the minor modifications and extensions to existing properties permitted under Section 2.6.1.3 within the LAP area.
- 8.1.5. The applicant, in their grounds of appeal, observes that the zoning objective refers to "approved local area plans", that there is no approved local area plan for the area and that, in line with Section 34(2)(a) of the Planning and Development Act 2000 (as

amended), consideration of the application is restricted to the existing development plan, the proper planning and sustainable development of the area, along with ancillary prescribed matters (I)-(V). In this regard, I note that the A1 zoning objective of the lands is part of the existing Development Plan and, therefore, the reference to 'approved local area plans' cannot be set aside, in my view.

- 8.1.6. As set out in Section 5 of this report, the Planning Authority has commenced the preparation of the Rathmichael Framework Plan (formerly LAP). Section 7.16.1 of the Development Management Guidelines states that prematurity should not be used as a reason for refusal unless a specific time frame is stated within which there is a reasonable prospect of the plan being completed. According to the Forward Planning Report on this file, the draft LAP is expected to be published for public consultation in Q4 of 2026. Consequently, I am satisfied that, based on the zoning objective A1, which provides for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans, that proposals other than minor modifications or extensions to existing properties cannot be considered in the absence of a local area plan. Based on the details set out above, I consider that the development proposed is premature pending the Rathmichael Framework Plan and would set an undesirable precedent for similar, piecemeal development. A refusal is recommended on this basis.
- 8.1.7. I note that the applicant raises a point in their grounds of appeal that the parent permission for the site, D15A/0403, was granted notwithstanding an objective in the CDP (2016) to prepare an LAP for the area. Having reviewed the planning file for that case, I note that permission was granted by the Planning Authority in October 2015, prior to the adoption of the 2016 County Development Plan. The Planner's Report for PRR D15A/0403 noted that the site was located in an area which was subject to an objective for the preparation of a Local Area Plan, carried forward from the 2004 Plan, however they concluded that the proposal was not premature having regard to the precedent set by the previous planning permission for the site (D05A/0168) which was still extant at the time of the application. I note also that an LAP for the area was not being prepared at the time and that the zoning objective for the lands under the 2010-2016 Development Plan was 'A' to protect and or improve the residential amenity of the area, with no reference to an approved local plan.

8.1.8. The Tier 2 categorisation of the lands and the adequacy of service infrastructure to support the development also formed part of the Planning Authority's first reason for refusal. These matters are considered below.

8.2. **Adequacy of service infrastructure to support the development**

8.2.1. The Planning Authority's first reason for refusal states that the site is located on Tier 2 lands which are not currently sufficiently serviced to support new development as outlined in Section 2.3.7.2 - Tiered Approach to Land Zoning and in Appendix 1 of the Development Plan.

8.2.2. The applicant, in their grounds of appeal, maintain that the site falls within the definition of Tier 1 lands in Appendix 3 of the NPF, that it has established site access, roads, drainage and services along with foundations and substantial works already in-situ. Included with the grounds of appeal, the applicant has submitted detailed, up-to-date information describing progress with servicing the site, which I note did not form part of the application documentation submitted to, and considered by, the Planning Authority.

Background

8.2.3. Section 2.3.7.2 of the Development Plan explains that, in line with the Residential Development Capacity Audit undertaken in the context of NPO 72a of the NPF, zoned land within the county has been categorised as Tier 1 (serviced) and Tier 2 (serviceable within the life of the Plan). The associated Table 2.9 (accurate as of Q4 2019) places 83.05ha of zoned land in Rathmichael within Tier 2.

8.2.4. Appendix 1 of the Development Plan is 'Tiered Approach to Land Zoning - Infrastructure Assessment'. The introductory paragraph to the Appendix states that it sets out an assessment of strategic enabling infrastructure requirements for Tier 2 lands, that delivery of minor and/or local level infrastructure may be delivered through operational works of a service provider or developer-led and coordinated through the development management process, that the assessment is intended to inform but should not be relied upon for development management purposes, that it is a point in time and infrastructure requirements may change and that the full extent of requisite

enabling infrastructure will continue to be assessed through the development management process whereupon detailed assessment will be undertaken. Section 4.7 of the Assessment relates to Old Connaught and Rathmichael and states that these areas are currently not serviced and their future development is contingent upon the timely delivery of supporting infrastructure. Table 11 of Section 4.7 lists water, wastewater and transport infrastructure projects relevant to the development of Old Connaught and Rathmichael, and indicates that these lands are categorised as Tier 2 lands pending delivery of the requisite infrastructure.

8.2.5. I note that an Infrastructural Capacity Assessment Study has been commissioned by the Planning Authority to inform preparation of the Rathmichael LAP, however this has not been published and no details of its findings in relation to the subject site are stated in the Forward Planning Report or Planner's Report.

Water supply infrastructure

8.2.6. In respect of water supply infrastructure, the Old Connaught-Woodbrook Water Supply Scheme is the only project listed in Table 11 of Appendix 1 of the Development Plan in respect of Rathmichael. According to Section 10.3.1 of the Old Connaught LAP 2025, this project was completed by Uisce Eireann in 2024.

8.2.7. The applicant has submitted, as part of their grounds of appeal, a set of plans showing as-built services on site, together with a copy of the connection agreement with Uisce Eireann. Although the as-built plans do not show water supply infrastructure, the applicant's grounds of appeal state that water supply infrastructure has been extended to the site entrance by Uisce Eireann, while the Engineering technical note states that an existing 100mm watermain has been laid on site. On this basis, I am satisfied that the site benefits from adequate water supply servicing to support the proposed development.

Wastewater infrastructure

8.2.8. For wastewater infrastructure, the projects listed in Table 11 of Appendix 1 of the Development Plan are the Bray/Shanganagh Drainage Area Plan (DAP) and the Old Connaught Local Network Reinforcement Project. The Old Connaught LAP 2025 notes that these projects are not yet completed.

8.2.9. The applicant has submitted, as part of their grounds of appeal, a set of plans showing as-built services on site, together with a copy of the connection agreement with Uisce Eireann. The grounds of appeal state that Uisce Eireann has completed a 750m sewer extension to the site entrance. The as-built plans and Engineering Technical Note submitted with the appeal indicate that a 150mm diameter foul sewer has been installed on site, with connections to each of the 10 plots. On this basis, I am satisfied that the site benefits from adequate wastewater infrastructure to support the proposed development and is therefore in accordance with Policy Objective EI3 which requires that all new developments in areas served by a public foul sewerage system connect to that system.

Transport infrastructure

8.2.10. With regard to Transport Infrastructure, the main projects listed in Table 11 of Appendix 1 of the Development Plan, of relevance to the site, are:

- Upgrade of Ferndale Road including upgrades to local roads to facilitate bus, pedestrian and cycle movements.
- A new link road from Ferndale Road to Dublin Road at Shanganagh.
- Cherrywood to Rathmichael Link Road.
- The phased introduction of bus services in line with increased demand.

8.2.11. Table 5.3 of the Development Plan 2022-2028 lists the 6 year road objectives/traffic management/active travel upgrades for the County, which include the upgrade of Ferndale Road, provision of a link from Ferndale Road to Dublin Road and M50 Cherrywood interchange to Rathmichael - new link road.

8.2.12. There is no report on file from the Transport Planning section of the Local Authority in relation to this application and the Planner's Report does not raise any specific points in relation to existing deficiencies in transport infrastructure serving the site. I note that transport issues, specifically the lack of existing pedestrian/cycling infrastructure and the increased movements generated by the proposed development potentially endangering public safety by reason of a traffic hazard and the proposal being premature pending the design and completion of improvement works to Ferndale Road, were raised as concerns in the Local Authority Transport Planning report submitted in respect of ABP-315564-22 (PRR D22A/0800). There are no

details available of the planned upgrade of Ferndale Road, though the Local Authority Transport Planning report for ABP-315564-22 (PRR D22A/0800) states that an improved Ferndale Road would be likely to have an approximate cross-section of 6.5m carriageway, 2m verges, 2m cycle tracks, and 2m footpaths (12.5m total paved width). In consideration of ABP-315564-22, the Board agreed with the Inspector that, as transport related matters were unchanged from the extant permission for the site and that the proposed development would not impact on the Council's ability to deliver the 6 Year Road Objectives set out in the Development Plan, that the proposals would not endanger public safety and would not set a precedent. Development on the site was however considered premature pending the upgrading of the local road network to facilitate increased traffic and pedestrian levels and enhanced linkages to public transport infrastructure under ABP-301786-18.

- 8.2.13. With regard to the present application, there is no extant permission relating to the site and the proposed development falls to be determined in accordance with the current Development Plan. Policy Objective T3 of the Development Plan supports the delivery of enabling transport infrastructure so as to allow development take place in accordance with the Core Strategy of the Plan and the settlement strategy of the RSES. The supporting text to the Policy Objective lists the improvements set out in the 'Bray and Environs Transport Study 2019' and other projects included in the 6 Year Road Objectives, which includes the upgrade of Ferndale Road and other projects in Rathmichael.
- 8.2.14. The site is c. 2.1km walking distance from Shankill Dart Station and c. 1.4km from the nearest bus stop in Shankill Village. There is a footpath on the development side of Ferndale Road. There is no cycling infrastructure on Ferndale Road and no existing bus services. Consequently, the proposed development is likely to be primarily car dependent, contrary to Policy Objective T1 which seeks to actively support sustainable modes of transport and ensure that land use and zoning are aligned with the provision and development of high quality public transport systems.
- 8.2.15. Having regard to the foregoing, I consider that the proposed development is premature pending the delivery of essential planned road infrastructure and may be prejudicial to the delivery of the necessary upgrade works to Ferndale Road which

are required to facilitate the future development of lands at Rathmichael and are included in the 6 Year Road Objectives at Table 5.3 of the Development Plan.

8.2.16. Overall, in relation to supporting infrastructure, I conclude that the proposed development would be adequately serviced in terms of water and wastewater infrastructure. However, I consider that the existing walking, cycling and public transport infrastructure locally is not adequate to support the proposed residential development, that the proposed development would not support sustainable modes of transport, contrary to Objective T1 of the Development Plan and, in addition, that the proposed development would be prejudicial to the delivery of upgrade works to Ferndale Road, contrary to Objective T3 of the Development Plan. A refusal is recommended on this basis.

8.3. **Density**

8.3.1. The Planning Authority's second reason for refusal found that the proposed development constituted an unacceptably low density of residential development for this location, contrary to Policy Objective PHP18 and Section 4.3.1.1 of the Development Plan and to the provisions of the Sustainable Residential Development and Compact Settlement Guidelines (2024).

8.3.2. The applicant's grounds of appeal note that the Planner's Report and Compact Settlement Guidelines are silent on what is an appropriate density for a committed development site. They also maintain that the Compact Settlement Guidelines and Development Plan Objectives emphasise density being appropriate to context. The applicant also highlights that two previous applications (ABP-301786-18 and PL06D.246294) for the site, proposing higher density development, were refused. On this point, I note that the reason for refusal of PL06D.246294 related to the lack of infrastructure to support the scale of development proposed (50no. units) rather than the density itself. The first reason for refusal of ABP-301786-18 (17no. units) referred to the development being premature by reference to the significant infrastructural constraints in the area and stated that the development was considered prejudicial to the delivery of a sufficient quantum and density of development on these lands. The second reason for refusal for ABP-301786-18 found that the proposed reduction in the size of the curtilage and site area relating

to Shankill House (RPS) would result in a material adverse impact on its setting and character.

- 8.3.3. The application considered under ABP-301786-18 related to a different proposal for the site, comprising 17no. units, to that approved under D15A/0403 and was considered against the DLR CDP 2016-2022. As noted above, the first reason for refusal of that appeal decision found that the proposed density of development (5.3uph) was unacceptably low. The most recent appeal for the site, ABP-315564-23, related to an amendment to the approved scheme D15A/0403 within which there was no change in unit numbers and, therefore, density was not a consideration.
- 8.3.4. As noted in the Inspector's Report for ABP-301786-18, a fundamental policy shift pertaining to the appeal site occurred with the adoption of the Dun Laoghaire Rathdown County Development Plan 2016-2022. Under the core strategy of that plan, the subject site was included within an area defined as 'Rathmichael Lands', identified as having capacity for 3,600 units across 85 hectares. Table 2.11 - Core Strategy Table of the current Development Plan indicates a proposed residential yield for Rathmichael of 2,431 units over 83.05ha.
- 8.3.5. The density of the proposed development of 10no. houses on a site of 2.36ha would be 4.2 units per hectare (uph). However, the application site boundary for this application does not include the internal estate access road and open space areas approved under PRR 15/0403. With these lands included, the proposed density is c. 3.3uph.
- 8.3.6. The starting point in determining the appropriate density for the site is the Development Plan. Objective PHP18 seeks to increase housing supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites, having regard to proximity and accessibility considerations and to encourage higher densities subject to high quality design, including by protection of existing residential amenities and of the established character of the area. Therefore, the overarching aim of this objective is to ensure that there is sustainable development of zoned residential lands to provide for compact development through the provision of appropriate residential densities. The

supporting text to this objective (set out in Section 4.3.1.1), based on the 'Sustainable Residential Development in Urban Areas' Guidelines 2009 (since replaced by the Sustainable Residential Development and Compact Settlements Guidelines 2024) sets a general minimum default density for new residential developments of 35 units per hectare. Where heritage designations, such as protected structures, apply, new residential development will be required to minimise any adverse effect in terms of height, scale, massing and proximity.

- 8.3.7. The Commission is required to have regard also to the residential density ranges set out in the Compact Settlement Guidelines. Having regard to Table 3.1 of the Guidelines, I consider that the subject site falls within the 'City-Suburban/Urban Extension' category, for which it is a policy and objective of the Guidelines that residential densities in the range 40dph to 80dph (net) shall generally be applied. The site is c. 2.1km walking distance from Shankill Dart Station and c. 1.4km from the nearest bus stop in Shankill Village. The planned BusConnects Bray to City Centre route will pass through Shankill Village. The site is not therefore considered to be an 'Accessible Location' having regard to Table 3.8 of the Guidelines, where higher densities could be considered.
- 8.3.8. The applicant, in their grounds of appeal, argue that Section 4.3.1.1 of the Development Plan does not set a minimum density and states that the default density of 35uph may not be appropriate in all instances. I note that the supporting text to Objective PHP18 acknowledges that, for reasons of heritage or residential amenity, lower densities may be appropriate. Notwithstanding, I understand Objective PHP18 and the related text under Section 4.3.1.1 of the Development Plan to be seeking a minimum density of 35uph for new residential development, unless there are material planning reasons to justify a lower density on a particular site. Similarly, Section 3.4.2 of Guidelines states that new development should respond to the receiving environment in a positive way and not have a significant impact on character (including historic character), amenity or the natural environment.
- 8.3.9. The applicant's grounds of appeal refer to the presence of the adjacent Protected Structure, the distance of the site to public transport and services and the topography of the site as constraints on density.

- 8.3.10. In relation to the Protected Structure, the Architectural Statement submitted with the grounds of appeal states that an increase in density on site would have a detrimental impact on Shankill House and its setting. From review of the submitted plans and my observations on site, I note that Shankill House is elevated relative to a large proportion of the subject site, has been provided with a separate access installed under PRR D17A/1015 and benefits from mature trees within its grounds and boundary hedging which provide a significant degree of visual separation from the appeal site. Whilst I agree that the setting of the protected structure is a consideration for any development on the appeal site, I do not consider that it justifies as low a density as that proposed.
- 8.3.11. In terms of topography, levels details on the submitted plans show that levels rise from east to west across the site, from c. 57m at the site entrance to c. 80m in northwestern corner of Site 10, over a distance of c. 340m. Having regard to the submitted plans and to my observations on site, and to the lack of any detailed justification submitted by the applicant in relation to constraints arising from topography, I do not consider that this presents a significant constraint to the achievable density on site.
- 8.3.12. As noted above, the upgrade of Ferndale Road, including facilitating bus services, is listed as a 6 Year Road Objective in Table 5.3 of the Development Plan, whilst Section 2.6.1.3 of the Plan explains that the proposed Rathmichael LAP will provide a more granular breakdown of land uses zoned within the plan area, thereby providing the essential supporting infrastructure necessary to support new residential communities within the area.
- 8.3.13. I note also other characteristics of the site which are relevant to the consideration of an appropriate density on site. There are existing mature trees on site, though as they are clustered in three main groups, they would not cause a significant constraint in my view. Having regard to the site area, the separation distance to existing surrounding houses and presence of existing roads along significant extents of the site boundary, I consider that the site is not overly constrained in these respects.
- 8.3.14. I have considered the applicant's position, set out in the grounds of appeal, that a grant of permission in this case would prevent the waste of infrastructure already installed on site. In this regard, I note that there is no suggestion in the submitted

details that the water supply and wastewater infrastructure extended to the site entrance would not have capacity to serve an increased number of units on site. Having regard to my site observations and to the submitted plans and Engineering Technical Note, considerable resources have been expended on site to pour foundations and install services. I note from the Technical Note that some increase in the number of units on site could be facilitated by alteration or reuse of existing services. Whilst the prospect of abortive works is regrettable, I do not consider that the extent of works undertaken on site to date is sufficient to outweigh a determination in accordance with the Development Plan.

8.3.15. Overall, therefore, having regard to the site's location within the Dublin Metropolitan area, to the role of Rathmichael in the delivery of the Core Strategy targets set out in Table 2.11, to Policy Objective PHP18: Residential Density and Section 4.3.1.1 of the Development Plan 2022- 2028, to the recommended density range for the location of 40-80uph as set out in Section 3.3 of the Sustainable Residential Development and Compact Settlement Guidelines (2024), I consider that the proposed number of units constitutes an unacceptably low density of development for this location. The proposed development would therefore contravene Policy Objective CS2: Core Strategy and Policy Objective PHP18: Residential Density of the Dún Laoghaire Rathdown County Development Plan 2022-2028 and would also be contrary to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). A refusal is recommended on this basis.

8.4. **Public Open Space - new issue**

8.4.1. The application site boundary does not include the entrance from Ferndale Road, the areas of public open space which formed part of the scheme approved under PRR 15/0403, the swales and detention basins which form part of the drainage design and the internal access road serving the 10no. dwelling plots. The public open space areas approved under PRR 15/0403 are unfinished. The application site boundary is drawn around the 10no. dwelling plots and, consequently, there is no public open space included as part of the proposed development.

- 8.4.2. This matter is not raised in the Planner's Report. The planning covering letter submitted with the application states that the site boundary, SUDS design, general arrangement of the site including services and lighting are not proposed to change.
- 8.4.3. Policy Objective OSR4 of the DLR County Development Plan 2022-2028 is to promote public open space standards generally in accordance with overarching Government guidance documents, including the 'Sustainable Residential Development in Urban Areas -Guidelines for Planning Authorities' (2009). Section 12.8.3.1 of the Development Plan requires a minimum of 15% of site area in residential developments identified as new residential communities in the Core Strategy (figure 2.9) to be provided as public open space. The Rathmichael area is identified as a new residential community in Figure 2.9 of the Plan, therefore, based on the application site area of 2.36ha, public open space of at least 3,540sqm would be required. The Development Plan allows for a development contribution in lieu under Section 48 of the Planning and Development Act 2000 (as amended), however this generally applies to situations where it is not possible to meet the requisite standard, such as small infill schemes.
- 8.4.4. The proposed development does not include any public open space and would therefore be contrary to Policy Objective OSR4 and Section 12.8.3.1 of the Development Plan. A refusal is recommended on this basis.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 9.2. The closest European Sites, part of the Natura 2000 Network, are:
- Rockabill to Dalkey Island SAC (Site Code 003000) is located circa 3.6km to the north-east of the appeal site.
 - Dalkey Island SPA (Site Code 004172) is located circa 5.2km to the north-east of the appeal site.
 - Ballyman Glen SAC (Site Code 000713) is located circa 3km to the south of the appeal site.

- Knocksink Wood SAC (Site Code 000725) is located circa 4.3km to the south-west of the appeal site.
- Bray Head SAC (Site Code 000714) is located c. 5.1km to the southwest of the site.
- South Dublin Bay SAC (Site Code 000210) is located circa 7.28km to the north of the development site.
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is located circa 7.28km to the north of the development site.

9.3. The proposed development comprises an infill residential development of 10 no. houses within a suburban area.

9.4. No streams/watercourses are identified on site.

9.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

9.6. The reason for this conclusion is as follows:

- The nature and scale of the proposed development, its suburban location and the availability of public water and wastewater infrastructure to service the site.
- The absence of any ecological pathway from the development site to the nearest European Sites.
- The location-distance from the nearest European sites.

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

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

10.0 Water Framework Directive

- 10.1. The subject site is located within Rathmichael, South Dublin. It is a suburban area circa 1km to the west of the village of Shankill and 3km to the north of the town of Bray.
- 10.2. The Dargle Stream_040 (also referred to locally as Crinken Stream) is situated circa 390m to the south. The Shanganagh Stream_010 is located 770m to the north. The Southwestern Irish Sea-Killiney Bay (HA10) Coastal waterbody (is located 1.95km to the east of the site. The Wicklow (IE_EA_G_076) groundwater body (WFD Status: Good) underlies the site. The subsoil is a sandy granite till.
- 10.3. The proposed development comprises the completion of an infill development of 10no. detached houses and ancillary works. It is proposed to connect to Uisce Éireann mains wastewater and water supply infrastructure.
- 10.4. No water deterioration concerns were raised in the planning appeal.
- 10.5. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.6. The reason for this conclusion is as follows:
- the nature and scale of the development;
 - the project uses standard construction / pollution control methods, materials and equipment;
 - a surface water management system including SuDS features is also proposed; and
 - the distance from the nearest water bodies and lack of hydrological connections.

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

11.0 Recommendation

11.1. I recommend that permission is refused.

12.0 Reasons and Considerations

1. Having regard to the A1 zoning objective of the lands relating to the subject site as set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the objective of which is to provide 'for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans', to Section 2.6.1.3 of the Development Plan (Local Area Plan-Making Programme), which sets out that within the Rathmichael A1 zoned area 'minor modifications and extensions to existing properties' can be considered in advance of the relevant local area plan being in place, it is considered that the proposed development does not constitute a minor modification or an extension to an existing property and would not be in accordance with the A1 zoning objective for the area. Having regard also to the location of the site within the Rathmichael Local Area Plan boundary, for which a Local Area Plan is being prepared, and to the planned upgrading of the local road network to facilitate increased traffic and pedestrian levels and enhanced linkages to public transport infrastructure, as set out in Table 5.3 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, it is considered that the proposed development would be premature and would constitute piecemeal development. The proposed development would therefore set an undesirable precedent, contrary to the proper planning and sustainable development of the area.
2. Having regard to the number of units proposed in this application, it is considered that the proposed development constitutes an unacceptably low density of

residential development within this location and, as such, would be prejudicial to the delivery of a sufficient quantum and density of development on these lands, contrary to Policy Objective CS2 of the Dún Laoghaire Rathdown County Development Plan 2022- 2028, which seeks to support the delivery of the Core Strategy in accordance with Table 2.11, to Policy Objective PHP18: Residential Density of the Development Plan which seeks to increase housing supply, promote compact growth and encourage higher densities, and would also be contrary to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), which promotes higher residential densities. Therefore, the proposed development, would set an undesirable precedent for other similar developments and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development, by reason of the non-provision of public open space, would conflict with the provisions of Policy Objective OSR4 and Section 12.8.3.1 of the Dún Laoghaire-Rathdown Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Suzanne White

Planning Inspector

14th April 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500612-DR-26
Proposed Development Summary	Permission to complete development of 10 detached houses permitted under REG REF: D15A/0403, with minor alterations and associated works. Adjacent to RPS no.1829 Shankill House.
Development Address	Sites 1-10, Carpendale, Ferndale Road, Shankill, Dublin 18
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, no further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	

<p>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</p>	
<p><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.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>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?</p>	
<p><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.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p>	<p>State the Class and state the relevant threshold Class 10 (b) (i), threshold >500 dwellings.</p>

<p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	
<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: Suzanne White

Date: 14/04/2026

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500612-DR-26
Proposed Development Summary	Permission to complete development of 10 detached houses permitted under REG REF: D15A/0403, with minor alterations and associated works. Adjacent to RPS no.1829 Shankill House.
Development Address	Sites 1-10, Carpendale, Ferndale Road, Shankill, Dublin 18
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development proposed is the construction of 10no. dwellinghouses and associated works, where construction works have begun under a previous planning permission.</p> <p>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing environment.</p> <p>The standalone development has a modest footprint and does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.</p> <p>The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, or is</p>

	vulnerable to climate change. It presents no risks to human health.
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated in a populated suburban area, surrounded by existing low density residential development. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p>Conclusion</p>	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: Suzanne White

Date: 14/04/2026

