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**LARGE RESIDENTIAL
DEVELOPMENT
CORRESPONDENCE FORM**

Appeal No: ACP-324275-26Please treat correspondence received on 05/06/26 as follows:

1. Update database with new agent for Applicant/Appellant _____ 2. Acknowledge with LRD <u>20</u> 3. Keep copy of Commission's Letter ☐	1. RETURN TO SENDER with LRD _____ 2. Keep Envelope: ☐ 3. Keep Copy of Commission's letter ☐
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Amendments/Comments
<u>Applicants response to appeals.</u>

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	Plans Date Stamped ☐ Date Stamped Filled in ☐
EO: <u>Laura Goady Lawlor</u>	AA: <u>Ian Keller</u>
Date: <u>08/06/26</u>	Date: <u>08/06/2026</u>

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Darrah Burke

From: Patricia Thornton <patricia@toctownplanning.ie>
Sent: Friday 5 June 2026 15:30
To: Appeals2
Subject: ACP Ref: 324275-26
Attachments: Milltown Park Response to Appeals V1.0.pdf

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear Sir/Madam

Please see attached a First Party Response to Third Party Appeals in respect of a LRD application at Milltown Park, Sandford Road, D06 V9K7 in the Dublin City Council south area.

Thank you.

Regards

Patricia

Patricia Thornton
Director



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THORNTON O'CONNOR
TOWN PLANNING

First-Party Response to Third Party Appeals

Prepared in Relation to Third-Party Appeals made Against Dublin County Council's Decision to Grant Planning Permission for a Development at Milltown Park, Sandford Road, Dublin 6.

On behalf of Sandford Living Limited

DCC Reg. Ref.: WEBLRD6093/26

ACP Reg. Ref.: ACP-324275-26

June 2026

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Appendix B:	Response from McCann Fitzgerald to the FP Logue Solicitors submission appended to the Cherryfield Avenue Appeal.

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An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Friday, 5th June 2026

Dear Sir/Madam,

RE: FIRST-PARTY RESPONSE TO 2 No. THIRD-PARTY APPEALS AGAINST DUBLIN CITY COUNCIL'S DECISION TO GRANT PLANNING PERMISSION FOR A PROPOSED DEVELOPMENT AT MILLTOWN PARK, SANDFORD ROAD, MILLTOWN, DUBLIN 6

D CC Reg Ref.: WEBLRD6093/26

ACP Reg. Ref.: ACP-324275-26

1.0 INTRODUCTION

Sandford Living Limited¹ has retained Thornton O'Connor Town Planning² and the Design Team to prepare this First-Party Response to Third-Party Appeals made against Dublin City Council's (DCC) decision to Grant Planning Permission for a proposed development comprising 562 No. residential units, including 6 No. courtyard houses and 556 No. apartment units, a café/restaurant, a creche and community and cultural spaces.

There were 2 No. Appeals opposing the development submitted by the parties below:

Third Party Appeal 1: Appeal prepared by Armstrong Planning on behalf of the Norwood Park Residents' Association.

Third Party Appeal 2: Appeal by BPS Planning and Development Consultants on behalf of the Cherryfield Avenue Residents' Association.

An Coimisiún Pleanála has invited a response to the Grounds of Appeal by 8th June 2026.

¹ Riverside One, Sir John Rogerson's Quay, Dublin 2

² 1 Kilmacud Rd Upper, Dundrum, Dublin 14, D14 EA89

1.1 Description of the Proposed Development

The subject lands were purchased by Sandford Living Limited with the intention of developing a high-quality residential development along with an extensive range of public open spaces that will be available to the wider community.

In summary, the development proposes the demolition of a number of former Institutional vacant structures; the reuse of Tabor House and the Chapel for community and cultural spaces and the construction of 562 No. residential units, a café and a creche. The development also comprises significant communal and public open spaces public including the provision of a public park along the eastern boundary of the site.

1.2 History of the Application Site

There are three relevant applications in respect of the subject site as will be detailed further in this appeal, hereafter referred to as the SHD, LRD 1 and the current LRD 2.

1.2.1 Previous Strategic Housing Development Currently Remitted to An Coimisiún Pleanála

A Strategic Housing Development (SHD) was previously permitted by An Bord Pleanála in December 2021 on the subject site for 667³ No. dwellings (principally Build-to-Rent), a creche, communal internal amenities and facilities and public and communal open spaces, with heights ranging from part 2 No. to 10 No. storeys (ABP Reg. Ref. ABP-311302-21). Permission was granted on 23rd December 2021.

This Grant of Permission was subsequently Judicially Reviewed and was remitted back to the Commission on 28th March 2025 under TA29S.322160. A decision is awaited on this application at the time of writing this response document.

1.2.2 Change of Zoning from SHD Application

The zoning of the site changed with the adoption of the new *Dublin City Development Plan 2022-2028* ("Development Plan"), changing from Objective Z15 'Institutional and Community' in the *Dublin City Development Plan 2016 – 2022* to Objective Z12 'Institutional Land (Future Development Potential)' under the then newly adopted *Development Plan* (came into effect in December 2022).

This zoning change was in our opinion, a recognition of the fact that the lands are no longer institutional and have not been since prior to 2019 when the lands were sold by the Jesuits to the Applicant as they were no longer required for future functioning. Please refer to Section 1.3.1 of the Planning Report, which details this extensively.

1.2.3 Previous Large-Scale Residential Development Currently Subject to Judicial Review

Dublin City Council previously decided to Grant Permission for a Large-Scale Residential Development (referred to hereafter as 'LRD 1') in August 2023 on the subject site for 636 No. dwellings, a creche, cultural/community space and public and communal open spaces, with heights ranging from part 2 No. to part 10 No. storeys (DCC Reg. Ref. LRD6026/23-S3).

This scheme was amended from the SHD to reflect the policies and objectives of the new *Dublin City Development Plan 2022-2028*, which was adopted in December 2022. One of the main

³ 671 No. applied for. Some 4 No. units reduced by Condition.

changes in the new *Development Plan* related to Objective CUO25 which requires LRDs and regeneration areas to dedicate 5% of the scheme's floor space to cultural/community use (although the requirement for this space has subsequently been removed in the 2025 *Apartment Guidelines* on the subject site although the Applicant is still providing the space.)

Subsequent to Third -Party Appeals against DCC's decision, permission was granted by An Coimisiún Pleanála on 19th December 2023 (ACP Reg. Ref. ABP-317921-23).

This Grant of Permission was subsequently Judicially Reviewed and a Decision from the High Court is awaited at the time of writing this Report. As detailed extensively in the Planning Report submitted by the Applicant at application stage, the main changes proposed in this new LRD scheme (referred to hereafter as 'LRD 2') relate to additional commercial floor space, a reduction in the number of units proposed, a reduction in building heights and greater separation distances along the western boundary.

1.3 Summary of Key Changes from LRD 1 to LRD 2

- The total number of residential units has reduced from 636 No. to 562 No. (74 No. fewer units).
- Blocks A1 has reduced from a maximum height of 10 No. storeys to 8 No. storeys.
- Block C changed from part 2 No. storeys to Part 8 No. storeys (including part double height at ground floor level) to part 4 No. storeys to part 7 No. storeys (including a mezzanine at ground floor level).
- Block D has been set back a further c. 10 metres from the western boundary, resulting in No. fewer units.
- Block E changed from 24 No. 3-storey duplexes and apartments to 6 No. 2-storey courtyard houses. The lower Block E has also been set-back a further c. 10 metres from the western boundary providing greater separation from the dwellings along Cherryfield Avenue Lower and Upper. This has also allowed the retention of a large portion of the treeline located towards the western boundary, which has been further supplemented with additional planting.
- The proposed LRD 2 will introduce a new commercial use which was not included in the previous LRD 1 scheme in the form of a café/restaurant (c. 179 sq m).
- LRD 2 omits any works relating to the separation works and provision of a new boundary wall between the subject site and the Jesuit lands including the demolition of the red-brick link building. This work has been completed as it was subject to a separate Section 34 'Separation Works' application.

1.4 Purpose and Structure of this First-Party Response

The purpose of the Submission is to directly respond to, and rebut, the pertinent grounds of appeal presented by the Appellants. The Submission does so within the following structure:

Section 2 – Merits of the Proposed Development and Assessment by the Planning Authority.

Section 3 - Merits of the LRD 1 Development by the An Bord Pleanála Inspector.

Section 4 – Responding to the Grounds of Appeal.

Section 5 – Conclusion

As this is a First-Party Response to Third-Party Appeals, no fee is payable.

1.5 Documents Enclosed

Along with this appeal document prepared by Thornton O'Connor Town Planning, the following are enclosed with this appeal:

Appendix A: Response from 3D Design Bureau on daylight/sunlight issues raised in the Norwood Park Appeal.

Appendix B: Response from McCann Fitzgerald to the FP Logue Solicitors submission appended to the Cherryfield Avenue Appeal.

20 MERITS OF THE PROPOSED DEVELOPMENT AND ASSESSMENT BY THE PLANNING AUTHORITY

The following Section sets out the core aspect of the Planning Authority's assessment of the proposed development for the construction of 562 No. residential units, a café/restaurant, a creche, cultural and community space and a series of new public open spaces.

Principle of the Proposed Development

"The site is zoned Z12 which is 'to ensure existing environmental amenities are protected in the predominantly residential future use of these lands.'

Where lands zoned Z12 are to be developed, a minimum of 25% of the site will be required to be retained as accessible public open space to safeguard the essential open character and landscape features of the site. Where such lands are redeveloped, the predominant land use will be residential...

*A Masterplan and Architectural Design Statement has been prepared by O'Mahony Pile Architects. **The masterplan has incorporated all the requirements of the Z12 zoning objective including public open space.***

*A total of 15,023 sqm (c. 35.3% of the developable site area) has been designated as public open space **which significantly exceeds the requirement to provide 25% public open space.***

*The majority of this space (25.57%) will be provided in the public park and the plaza area which are linked through the triple height undercroft of Block A1. This triple height linked archway through Block A1 **will create a strong connection between the public park and the public plaza and thus it is clear that the required 25% public open space has not been split up. The plaza area will not allow vehicular access to ensure a safe and attractive space is provided for pedestrians.***
[Our Emphasis]

In concluding its assessment, the Planning Officer stated:

"The proposed development to provide for a large residential scheme is considered to be acceptable and in line with the revised zoning of the site which is Z12 with the objective of 'to ensure existing environmental amenities are protected in the predominantly residential future use of these lands'."
[Our Emphasis]

Demolition

"The demolition justification and Life Cycle Assessment conclusions are considered robust and the demolition of the structures is considered acceptable."

Layout

"The applicant notes that distribution of the blocks and open spaces on the site responds to the existing context and, through the provision of a pedestrian and cycle route between Milltown Road and Sandford Road, takes the opportunity to improve connectivity in the area. The scheme is considered acceptable in this regard."

Massing and Height – Design Response Maximises the Development Potential of the Site

"The proposed layout has positioned the highest forms at the least sensitive locations throughout the site (fronting Milltown Road and Sandford Road, fronting the large public open space to the east of the site, and towards the centre and southern portions of the subject lands), at a distance from the sensitive residential receptors. It is considered that the scheme strikes a balance between respecting the surrounding environment of the scheme and ensuring the development potential of a significantly scaled, strategically positioned and underutilised plot is maximised in proximity to good public transport accessibility and is appropriate location for increased height in line with the Building Height Guidelines..."

It is the Planning Authorities opinion that the subject site is capable of achieving additional height and density having regard to the NPF and the Building Height Guidelines which encourages increased height and density on appropriate sites. It is considered that the design response ensures that the development potential of a strategically positioned underutilised plot is maximised without impacting adversely on the amenity of adjacent properties and the surrounding area having regard to the position of the highest forms at the least sensitive locations at the subject site."

No Impact on Adjoining Residential Amenity

"The nearest residential areas that could potentially be affected by the proposal include Cherryfield Avenue Lower which lie to the west of the application site and properties in Norwood Park to the north of the site, both areas comprising mostly two storey dwellings. It is noted that in response to previous concerns regarding the impact on adjoining properties the applicants have altered the design of Block E. Block E has changed from 24 no. 3 storey duplex units and apartments to 6 no. 2 storey courtyard houses. The lower Block E has been set back further from the western boundary which allows for the retention of a large portion of the treeline located towards the western boundary. This is considered a welcomed response to previous concerns."

Overlooking / Separation Distances

"Regarding overlooking, the separation distances between the proposed development and the Sandford Road properties to the North are 59.75m. The separation distances between the proposed Sandford Road Block F and the 6 storey Cedar Hall apartment block on Milltown Road is 45m at its closest point. The separation distances between the Sandford Road proposal and the Cherryfield Avenue properties maintains an upper distance of 30m separation...The issue of overlooking has been addressed by omitting any windows above ground floor directly facing the rear gardens of the properties on Cherryfield Avenue Lower."

The separation distances between the proposal and Sandford Road and Norwood Park properties range from 32m to 45m separation... The row of mature trees also act as a buffer between the proposal and Norwood Park... The proposal sets back the middle of block C that faces Norwood Park to increase the separation distances while also removing all north facing units by providing through unit dual aspect units in this location. Regarding the properties in Norwood Park to the north of the site, the planning authority considers the retention of the mature trees along this boundary as a critical feature to reducing the visual impact of the development. A

small number of balconies face directly to these properties from Block C but the screening will reduce the impact."

Plot Ratio, Site Coverage and Density

"The proposed development has a stated plot ratio of 1.18 which is within the plot ratio limitations prescribed by the Development Plan. The proposed site coverage of 20.65% is also acceptable in terms of the development plan standards..."

The density is considered to be suitable given its location which is within walking distance to Luas and a number of bus routes and also considering the extensive amount of public and communal open space provided."

Residential Quality

"Residential Mix – While the new standards current have no restrictions for mix of unit sizes or types at the subject site (under SPPR 1) the proposed development seeks to contribute to the existing housing mix in the area by providing 43% studio and 1 bed units, 47.5% 2 bed units and 8.7% 3 bed units.

Floor Areas – All units meet the minimum apartment floor areas set out in SPPR 2.

Dual Aspect – The scheme provides 51% dual aspect apartments and 100% dual aspect courtyard houses, which exceeds the requirement set out in SPPR 3.

Floor to Ceiling Height – The ground level apartments floor to ceiling heights meet the requirements of SPPR 4 of the Apartment Guidelines."

Community / Cultural Space

"The applicant is proposing to provide for high quality community and cultural spaces within the refurbished and converted Tabor House (1,070sq.m) and Chapel (662sq.m). The pavilion/secret garden to the rear of Tabor House will give and additional 248sqm of space.

The proposal also includes internal residential communal amenity space at the ground floor of Block B and ground and mezzanine level of Block C..., comprising a co-working space, a gym and a management suite.... Centrally located these amenity spaces will help to animate the ground floor.

The proposed reuse of the older structures on site for this much needed purpose is considered a great positive of the scheme."

Childcare Facility

"The applicant has complied with their requirement in relation to provision of childcare facilities."

Café/Restaurant

"It is proposed to provide a café restaurant (179sqm) within the ground floor of Block F...and will serve to further invite the public into the site and activate the public realm at ground floor level.

Public Open Space & Communal Open Space

"...a total of 15,023sqm of public open space has been designated which exceeds the requirement to provide 25% public open space.

...The applicant submits a Landscape Design Statement, which further details the specifics of the communal open spaces. It details the character areas for the varying communal open spaces and notes that they will be lined with a pathway that highlights and combines the communal spaces incorporated within each character area."

Trees

"While the removal of U and C low quality trees is acceptable, the loss or removal of A rated trees in particular is regrettable. Questions are particularly raised regarding Tree 22, Tree 128 and Tree 91's removal. The removal of these trees appears to be mainly for the provision of bicycle parking which could be relocated elsewhere. This could be included by way of condition. (...)

It is also noted that the proposed development involves the planting of 230 new trees.

It is considered that subject to the above-mentioned conditions, this would be considered acceptable."

Pedestrian & Cyclist Access

"The submitted drawings details that there are a number of proposed pedestrian access points to the site...The proposed arrangement is acceptable to this Division...The proposed cyclist access arrangements are acceptable to this Division."

Car & Cycle Parking

"The car parking proposed equates to a parking ratio of around c. 0.5 spaces per unit, based on the total residential spaces with the addition of the car share spaces. A comprehensive rationale for the level of car parking has been provided."

"A total of 1,355 no. cycle parking spaces are proposed to serve the proposed development...The cycle parking within the 6no. houses (Block E) is provided in the form of secure and covered facilities within the forecourts. This is acceptable to this Division.

Basement cycle parking is accessed from a two-way cycle ramp and an externally accessed cycle lift. The proposed dual access is considered adequate in this instance having regard to the quantity of long term cycle parking provided."

Conservation

"The CO [Conservation Officer] also notes that 'it is accepted in principle that this large sylvan site has the capacity to accommodate high-quality residential development and associated amenities..."i>

While it is noted that the Conservation Officer has raised concerns regarding elements of design of the blocks and layout of the development, it is considered that a precedent had been set in the previous approval from Dublin City Council and An Coimisiún Pleanála with regards to these elements, and in the interest of clarity, further design alterations will not be conditioned. The Conservation Officer has recommended a grant of permission with a number of conditions”.

Environment

“In carrying out the AA screening, specific targeted mitigation measures included for the primary reason of protecting a European site have not been taken into account. On the basis of the screening exercise carried out above, it can be concluded, on the basis of the best scientific knowledge available, that the likelihood of any significant effects on any European sites, whether arising from the project itself or in combination with other plans and projects, can be excluded.

Thus, there is no requirement to proceed to Stage 2 of the AA process; and the preparation of a NIS is not required.

The conclusion reached by the applicant is therefore considered acceptable.”

“It is considered that, on the basis of the information contained in the EIAR, the proposed development would not result in unacceptable negative impacts on the receiving environment with any potential impacts identified being relatively minor in nature and mitigation measures being proposed.”

Positive Planning Assessment

*“The site will provide for a large number of residential units i.e. 562 units in a highly sought after existing residential area which is located in an area within close proximity to employment, public transport and a range of services and facilities. The development is primarily apartments with a small proportion of houses, with 50% being studio and 1 bed units. The development will provide the required public open space to the east of the site fronting onto Sandford Road and Milltown Road which exceeds 25% of the site, in addition to a woodland area to the north of the site. It is considered **the development has been designed and landscaped** to cater for the residents within the development but **also for the community. Additional provision has been made in Tabor House and the Chapel building for community, arts and cultural spaces which is welcomed.***

The proposal has been assessed against the policies and objectives of the Dublin City Council Development Plan 2022 -2028 and accords with all relevant National and Regional policies.

Therefore the proposal is considered to be acceptable and in line with the Z12 zoning objective of the site and proper planning and sustainable development of the area.” [Our Emphasis]

3.0 MERITS OF THE LRD 1 DEVELOPMENT AND ASSESSMENT BY THE INSPECTOR

As detailed, there are limited changes between the previously granted LRD (subject to a judicial review) and the current LRD, with heights and unit numbers decreasing and greater separation distances proposed. Given the principles of development are very similar, it is worth reviewing the Board's previous assessment of the scheme.

3.1 Key Comments Made by An Bord Pleanála in the Inspector's Report

Please see below key comments made by An Bord Pleanála in the Inspector's Report. This positive commentary demonstrates the appropriateness of the development at the subject lands.

Principle of Development

"I am satisfied that the proposed development is consistent with the Z12 zoning objective of the City Development Plan and meets the criteria set out under this zoning in relation to public open space provision and masterplan. The principle of the proposed [development] would be acceptable at this location."
[Our Emphasis]

Density

"I would be of the view that the site is suitable site for increased densities based on both national local planning policy... The proposed development in this location would not contradict density standards contained in the Development Plan 2022-2028 which advocates an approach of consolidation and densification in the city and the proposed density complies with Government policy to increase densities on underutilised lands within core urban areas in order to promote consolidation and compact growth, prevent further sprawl and address the challenges of climate change." [Our Emphasis]

Unit Mix

"The overall units mix is compliant with the City Development Plan and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022) (the 'Apartment Guidelines')." [Our Emphasis]

Building Height

"Overall, I am satisfied that the proposed development would make a positive contribution to the area and would respond well to the natural and built environment in visual terms. At the scale of the neighbourhood there would be capacity to absorb buildings at the height proposed. I am also satisfied that the scale of the site and the layout of development, would readily allow for development at the heights proposed. The zoning and characteristics of the site have dictated that no development is provided along the road frontage of the site with proposal to provide for significant levels of public open space and retain existing trees. This approach means the development is setback significantly from the roadside boundaries and the height of structures is suitably modulated. The building heights proposed would be in accordance with national policy and guidance to support compact consolidated growth within the footprint of existing urban areas, and would satisfy the criteria set down under Section 3.2 of

the Urban Development and Building Heights guidelines and the criteria set out under Dublin City Development Plan (Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale are under Table 3 of Appendix 2).” [Our Emphasis]

Visual Amenity

“I am satisfied that the overall visual impact of the development although entailing significant change in scale from existing development on site and the surrounding area can adequately be absorbed at this location and **would be acceptable in the context of the visual amenities of the area.**” [Our Emphasis]

Urban Design

“In my view **the proposed development is of a reasonable standard in terms of overall urban design and stands up to scrutiny in the context of 12 no. criteria under the Urban Design Manual.** The proposal exhibits variation in terms of its design including height, setbacks and external finishes, provides good quality in terms of the public realm with the provision of high level of public open space, hard and soft landscaping, adequate connectivity through the site and adjoining areas with future connectivity to adjoining sites possible. **The level of public and communal open space is consistent with the required standard and is in excess (public open space) of the general standard...**

I would be of the view that the proposed provides an acceptable standard of urban design and fulfils the 12 criteria set down under the Urban Design Manual.” [Our Emphasis]

Residential Amenity – Daylight Impacts

“...The proposed development will result in **an acceptable level of residential amenity for future occupants of this development.**”

“Impact to Residential Properties on Cherryfield Avenue Upper and Lower:

I am satisfied that **there will be no significant loss of privacy to the residents of Cherryfield Avenue from Block E** and that the scale of development and level of separation as proposed is adequate in the case of a built up urban area such as this.”

I am satisfied that **the design and layout of Block E and D⁴ have adequate regard to the amenities of adjoining properties to the west along Cherryfield Avenue Upper and Lower and will not result in any significant overlooking or overbearing impacts.**”

“Impact to Residential Properties on Norwood Park:

I am satisfied that **there is an adequate degree of separation between Blocks C and A1 from adjoining residential development to the north and west to the degree that the proposal would not result in any significant overlooking and overbearing impacts to the residential properties to the west and north.**”

⁴ Both blocks D&E have been set further back from the western boundary by c. 10 metres in LRD 2 and Block E has reduced in height from 3 No. to 2 No. storeys and changed from 24 No. duplex units to 6 No. courtyard houses.

*"There are residential properties in the vicinity that do not immediately adjoin the boundaries of the site... **The level of separation between the proposed blocks and these existing properties is sufficient (50m upwards) to prevent any adverse impact on the residential amenities of these properties through overlooking.** The existing properties are buffered by the existing public roads defining the northern and eastern boundaries existing boundary treatment and planting on site and on adjoining sites to the north, east and south east."*

*"I am satisfied that **the overall design and scale would have adequate regard to the amenities of adjoining properties and would be acceptable in the context of daylight and sunlight/overshadowing, impact in terms of overlooking and its general physical relationship to existing residential development in the area.** The proposal **provides an appropriate balance** between providing a development that is an efficient use of zoned, serviced accessible lands and **protecting adjoining residential amenity.**" [Our Emphasis]*

Traffic – Car & Bicycle Parking

*"The proposed development is satisfactory in the context of its overall traffic impact at this location. **Sufficient car and bicycle parking is provided with the level of car parking satisfactory in the context of the location** of the site at an accessible location in terms of public transport and local employment and services with regard had to need to shift the emphasis to use of alternative modes of transportation and reduce dependency on vehicular traffic in accordance with national, regional and local planning policy. The proposed development would provide an improved level of connectivity with satisfactory connectivity to existing pedestrian footpaths and cycle paths in the area."* [Our Emphasis]

Childcare

*"I am satisfied that the proposed development is provided with a childcare facility of adequate size based on the type and nature of residential development proposed and the likely demand generated by the proposed development... I also consider that **the area is well served by existing educational facilities to serve the demand of the proposed development and established residential development in the area and such is within a reasonable (1km) distance of the proposed development.**" [Our Emphasis]*

Ecology / Biodiversity – Proposal Provides a Sufficient Balance

*"I am satisfied that [the] proposal provides a **sufficient balance in developing the site for residential development** in accordance with zoning policy and **retaining a sufficient degree of existing ecological features**, which will be enhanced by additional planting, eradication of invasive species currently on site and management measures to encourage biodiversity."* [Our Emphasis]

Demolition – Development Strikes Appropriate Balance – Site's Historical Context

*"I would consider that **the proposed development strikes an appropriate balance between the retention of existing structures on site and providing for the comprehensive and efficient development of the site** in accordance with*

Development Plan, National and Regional policy objectives. In this regard the level of demolition proposed on site is justified.” [Our Emphasis]

AnB ordP lea álaA sssessment – PositiveOutcomes

"Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.

A positive effect on the streetscape as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.”

Given that limited changes are proposed to the scheme with any changes proposed reducing scale, height and unit numbers, it is our opinion that a similar conclusions can be reached.

4.0 RESPONDING TO THE GROUNDS OF APPEAL

The following Section provides a thorough response to the key grounds of appeal as drawn from the 2 No. Third-Party Appeals submitted.

4.1 Block E

The provision of Block E within the scheme appears to be the main issue of contention for the Cherryfield Avenue residents, located towards the western boundary of the subject site.

Block E previously comprised 3 No. storey duplexes in the SHD and LRD 1 applications, with the closest separation distance to the residential dwellings in Cherryfield Avenue Upper and Lower being c. 20-metres in the SHD and c. 22-metres in the LRD 1 application.

In lieu of the 24 No. 3-storey duplexes proposed in LRD 1, Block E now comprises 6 No. 2-storey courtyard-style houses with flat roofs that are located at a generous separation distance of up to c. 30-metres from the neighbouring dwellings as demonstrated in the drawing extract below.

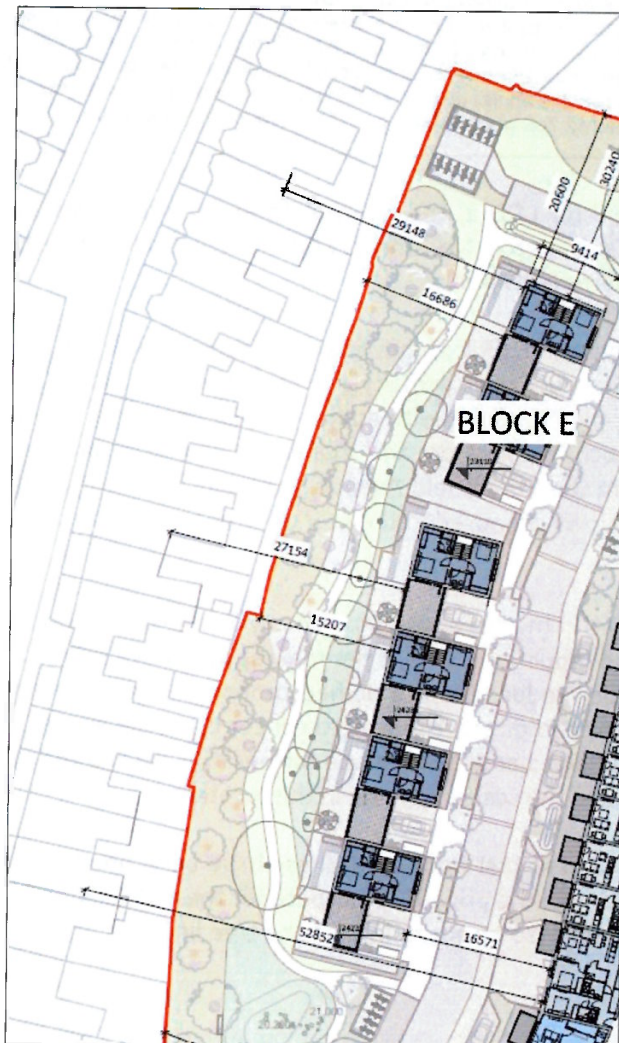


Figure 4.1:

Extract from Proposed Site Layout Plan Level 01 demonstrating the Separation Distances between the rear of Block E and the first floor windows on Cherryfield Avenue.

Source:

Drawing No. 19037C-OMP-01-01-DR-A-1102

The Cherryfield Avenue appeal states that Block E should be removed or reduced to single storey stating the following⁵:

Block E should be removed or at minimum reduced to single storey with no overlooking terraces:

The attached Planning Objection report has confirmed the adverse impacts Block E would have on the established residential and visual amenities of our client's residents' properties. The report has also shown how Block E's removal from the scheme would improve the scheme. The Commission has already removed part of Block E in the SHD decision as it was unacceptable – it is not clear how the rest of Block E is any more acceptable than the removed part (now retained by the applicant). Block E needs to be removed to allow trees and open space to be sited in its place which offer screening to Cherryfield Avenue Lower and Upper.

If ACP wishes to retain Block E then given concerns over the duplex units having poor amenity views to the rear and so on, why not remove the first floor entirely and all overlooking terraces. This would reduce the adverse impacts arising for our client's residents.

For reference, below is what was stated in respect of Block E in the Cherryfield Avenue Appeal in LRD 1 (August 2023):

- ***Block E should be removed or at minimum reduced to 2 storeys:*** This report has confirmed the adverse impacts Block E would have on the established residential and visual amenities of our client's residents' properties. The report has also shown how Block E's removal from the scheme would improve the scheme. An Bord Pleanála has already removed part of Block E in the SHD decision as it was unacceptable – it is not clear how the rest of Block E is any more acceptable than the removed part (now retained by the applicant). Block E needs to be removed to allow trees and open space to be sited in its place which offer screening to Cherryfield Avenue Lower and Upper. If DCC wishes to retain Block E then given concerns over the duplex units having poor amenity views to the rear and so on, why not remove the duplex units from the 3rd storey. This would reduce the adverse impacts arising for our client's residents.

Thus, in summary, in the appeal for LRD 1, the Cherryfield Avenue residents asked for the reduction of Block E from 3 No. storeys to 2 No. storeys and the retention of trees to screen the proposed development from Cherryfield Avenue.

The Applicant acceded to this request in LRD 2; they changed the scheme from 24 No. 3 storey duplex units to 6 No. 2-storey flat-roof courtyard style houses, they have largely retained the tree line behind the houses, supplementing it with additional planting, and they have set the reduced scaled houses back much further from the shared boundary, facilitating some c. 30 metres separation distance from the Cherryfield Avenue opposing first floor windows, noting that there are no first floor windows proposed in the rear opposing elevation of the proposed courtyard houses.

Despite doing what was requested in the last appeal, the Cherryfield Avenue residents have now sought further amendments and reductions, and as per their appeal, have stated that they are not happy with the current much reduced and modified proposal. The Applicant has made substantial revisions to the scheme in direct response to concerns previously raised, changing the scheme as they requested in LRD 1 and in fact going further by replacing the duplex blocks with 6 No. houses, further reducing the scale and mass in this location.

Whilst terraces have been provided at first floor level, these have been provided to retain the tree line to the rear as requested with the private open space for these dwellings provided via a combination of smaller rear gardens (so as not to impact the tree line) and the provision of an upper level terrace.

⁵ In the original SHD permission (now remitted to the Commission), Block E was reduced from 28 No. 3-storey duplex units to 24 No. 3-storey duplex units, with a stand-alone block of 4 No. units omitted. The 24 No. units was proposed and granted by DCC and ACP in LRD 1 (currently subject to a JR).

A separation distance of up to c. 30 metres between opposing 2 No. storey houses is extremely generous and with setbacks of c. 15-16 No. metres within the Applicant's boundary, they have (a) provided a setback of almost twice that required in the Compact Growth Guidelines of 8 No. metres within their own boundary and (b) not taken the opportunity to provide a height that has the potential to be at least 3 or 4 No. storeys due to the substantial separation distances proposed; rather they have provided only 2 No. storeys, with a flat roof and no first floor windows in the rear elevation.

It is clear from Figure 4.2 below, which is an extract from 'Aerial TopDown Baseline' prepared by 3D Design Bureau and submitted in the Visual Booklets at application stage that the set-backs are generous, the two storey courtyard houses are a discreet and minimal intervention in this location and the tree line to the rear very largely screens any view of the houses from Cherryfield Avenue. In this regard, it is considered that the much modified and reduced Block E is entirely appropriate in this location and ultimately fairly and reasonably protects the residential amenity of the Cherryfield Avenue residents .



Figure 4.2: Extract from 'Aerial TopDown Baseline' image submitted with the Application

Source: Visual Booklet prepared by 3D Design Bureau

4.2 Masterplan

The Cherryfield Avenue appeal queries the veracity of the Masterplan prepared.

The Applicant prepared a Masterplan for the site as per the site's Z12 zoning objective. In this regard, the text in respect of the required Masterplan specifically states the following:

'In considering any proposal for development on lands subject to zoning objective Z12, other than development directly related to the existing community and institutional uses, Dublin City Council will require the preparation and submission of a masterplan setting out a clear vision for the future development of the entire landholding.

In particular, the masterplan will need to identify the strategy for the provision of the 25% public open space requirement associated with any residential development, to ensure a coordinated approach to the creation of new high-quality public open space linked to the green network and/or other lands, where possible. In addition, development shall have regard to the standards in Chapter 15'.

Firstly the Cherryfield Avenue appeal completely incorrectly states that the Applicant 'seeks to push most of the scheme's denser parts into the western half of the site and onto our Client's residents'. This is clearly and objectively untrue, with the lowest density elements of the site

provided along the western boundary, with 6 No. two storey houses provided along the western boundary along with the 3 No. storey element of Block D, which has been set back a further 10 metres from the western boundary .

Contrary to the assertions in the Cherryfield Avenue appeal in respect of the quality of the public open spaces, the Applicant has clearly prepared a detailed Masterplan and produced a multitude of Architectural and Landscape drawings, documents and graphics outlining how the detailed rationale for the public open space provision on the site, with a minimum of 25% required under the Z12 zoning objective. The same 25% public open space was a requirement of the site's previous zoning and again, the Applicant has brought forward an almost identical public open space strategy under the subject application as further to an almost 7 No. year design process from 2019 to when the site was purchased by the Applicant to some three months ago when this LRD 2 application was lodged, this is considered the most acceptable strategy for the site, save for the improvements to the open space provided along the western boundary in LRD 2. This strategy was accepted by An Bord Pleanála twice previously and has now been accepted by Dublin City Council in the subject application and in LRD 1.

Amongst other spaces, the scheme proposes a new public park for the future residents and the wider community and will contribute significantly to the area in this regard. The site, as a piece of private property, is and has been closed off to the public. The subject application reverses this position and provides large elements of public open space and permeability through the site from Milltown Road to Sandford Road and vice-versa. We utterly reject the contention that the scheme does not provide high quality open spaces or that it contravenes any aspect of the Dublin City Development Plan for the reasons set out above.

The Masterplan also looks at the relationship between the subject site and the adjoining Z15 lands, which remain in Institutional use and provides indicative future links to these lands if they are to be redeveloped. The Masterplan also sets out how each elements of the site has been considered and designed including building height, massing, separation distances, the urban marker of the 8 No. storey elements in Block A, the rationale for retention of the buildings that are being kept on site and those that are being removed, the building form and architectural expression, the materials proposed, the multitude of character areas and the public, communal and private open spaces . Contrary to the assertion of the Appellants, this Masterplan is extremely comprehensive in its consideration of the development of the subject site and its relationship with adjoining sites on all boundaries.

In the context of the treatment of the western boundary of the Masterplan, the Cherrywood Avenue submission has failed to update their appeal to reflect the scheme as now proposed, referring for example to the removal of the tree belt along the western boundary and requesting an area of open space along the western boundary behind Block E. This tree line is now largely retained, with Block E specifically redesigned and relocated specifically to retain much of this tree belt.

Along with the retained tree line, new native trees are proposed to be planted to further bolster the tree line. The area to the rear of Block E will then provide a green corridor for wildlife, acting as a buffer to the neighbouring properties. A native wildflower meadow will be sewn, the density of which is intended to naturally restrict the accessibility to the area. A simple mown path will allow for occasional access. This is to reduce any impact to neighbouring properties behind Block E. This it is an open space but intended as an open space with limited physical use so as to not impact on the surrounding residential amenity.

Referring to Ground 4 of the Cherryfield Avenue appeal, the following is stated:

2.4 **Ground 4: The western tree belt should be retained or replaced with an area of open space**

ACP is asked to require the applicant to provide a better balance to this scheme and to offer our client's residents the same respect as that shown to other boundaries which are served by tree buffers and/or landscaped open space setbacks. The western tree belt should be retained or a tree-filled open space/public open space corridor sited and designed to the western site boundary.

Our client notes how the applicant and DCC have treated the proposed interface with the scheme differently for Norwood Park than for that with Cherryfield Avenue Upper. Critically, Condition g F (iv) of the DCC decision states: "A nature conservation area consisting of the woodland/parkland area at the Norwood Park boundary shall be enclosed and managed for biodiversity". Why is this not also proposed to adjoin Cherryfield Avenue Upper? The preference would, at all times, be for such a conservation area buffer to be sited to the rear of our client's residents' properties.

In the interests of fairness, balance, the protection of residential amenities and the mitigation of the adverse impacts of this scheme on our client's residents, there is a need to offer landscaped, and tree-filled screening of the scheme from adjoining properties to the west at Cherryfield Avenue Upper. The proposed 1.8m tall boundary treatment is not going to provide any screening.

This request, if acted on by ACP, would offer our client's residents some better distribution of open space to the west of the site. Ideally, the area would be a landscaped public open space corridor full of trees and vegetation which is designated as a nature conservation area consisting of the woodland/parkland area (as per that conditioned to be provided adjoining the Norwood Park boundary).

We are unclear as to why this is a ground of appeal as what has been requested is **exactly** what the Applicant has provided on the western boundary as part of the Masterplan:

1. Block E has changed from 24 No. 3-storey duplex units to 6 No. 2 storey courtyard style houses to facilitate more open space in this area.
2. Block E has been set-back some c. 10 metres further back from the boundary than that granted in the SHD and LRD 1, to facilitate more open space in this area.
3. The western tree belt has been very largely retained and has been supplemented by additional planting, with Block E provided behind this tree line to protect the residential amenity of the Cherryfield Avenue dwellings.
4. The area between the western boundary with Cherryfield Avenue and the rear of Block E is proposed as a wildflower meadow and is thus an open space (see image below) and a nature conservation areas as requested above in Ground 4. (We note in Section 2.2 of the Cherrywood Avenue appeal that they have requested a contrasting use for this space from that specified in Ground 4, specifically seeking public access to the space.)

This area was specially proposed as a wildflower meadow to limit use so as to not have people gathering behind the Cherryfield Avenue dwellings, given the extent of usable open spaces elsewhere on the site. As per the Landscape Design Statement, the western boundary edge of the scheme is a biodiversity enhancement area, which gives wildlife priority, whilst allowing maintenance and occasional access. The area serves as a vital biodiversity corridor, featuring ecological encasements that support a diverse range of flora and fauna. This area prioritises the retention of existing trees, ensuring the preservation of mature habitats. Additionally, new high-value wildlife trees are strategically placed to enhance the ecological value of the corridor, fostering a thriving environment for local wildlife and contributing to the overall sustainability of the development.

5. As the space along the western boundary is proposed as a biodiversity corridor (as requested in Ground 4), it has not been included in the calculation of usable public open space for this reason and provided is in addition to the 35% + public open space on this site.

Given the Applicant has provided **exactly** as requested above, we trust this addresses this particular matter in full.

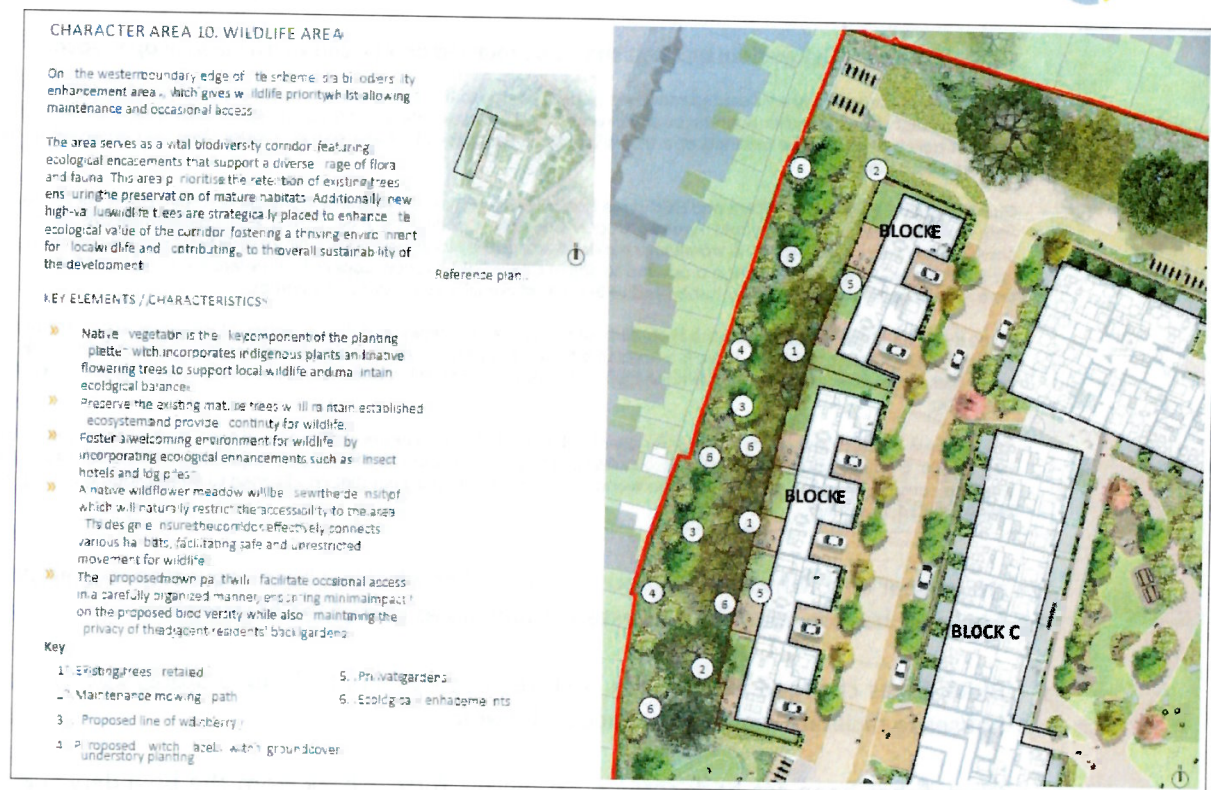


Figure 4.3: Details of Landscape Treatment of the Western Boundary

Source: Cameo Landscape Design Report

4.3 Proposed Density

The two Appeals state that excessive density has been provided on the site.

It is noted that the density on site has decreased in each of the 3 No. applications lodged. In the SHD application, the density granted was 156.6 No. units per hectare, reducing to 149.3 No. units per Hectare in the LRD 1 application.

Referring back to the Board's Order for the SHD, it was stated that the higher density in the SHD 'would constitute an acceptable quantum and density of development in this accessible urban location'.

In the LRD 1 application, the Inspector stated the following in respect of density:

I would be of the view that the site is suitable site for increased densities based on both national local planning policy and have no reason to consider that the density proposed is excessive unless other factors such as overall quality of development, visual impact, scale and physical impact on adjoining properties demonstrate to contrary (including the criteria under Table 3, Appendix 2).....

The proposed development in this location would not contradict density standards contained in the Development Plan 2022-2028 which advocates an approach of consolidation and densification in the city and the proposed density complies with Government policy to increase densities on underutilised

lands within core urban areas in order to promote consolidation and compact growth, prevent further sprawl and address the challenges of climate change.
[Our Emphasis]

In this LRD 2 application, the DCC Planner stated the following in respect of density, plot ratio and site coverage:

"The proposed development has a stated plot ratio of 1.18 which is within the plot ratio limitations prescribed by the Development Plan. The proposed site coverage of 20.65% is also acceptable in terms of the development plan standards..."

The density is considered to be suitable given its location which is within walking distance to Luas and a number of bus routes and also considering the extensive amount of public and communal open space provided."

A key point to note is that the higher provision of 1 and 2 No. bedroom units within the subject scheme as is required in this area to both counterbalance the larger houses in the vicinity and address the Census led requirements for smaller units, disproportionately inflates the density figure. The proposed plot ratio of 1.18, which is a more accurate representation of the proposal given the mixed-use element of the scheme, clearly represents efficient densification of core urban lands but cannot be considered excessive in this core urban location in good proximity to high quality public transport.

4.3.1 Density as Prescribed in the DCC Development Plan

With regard to the density table (Table 1 in Appendix 3) in the DCC Development Plan, the following is stated:

*'As a **general rule**, the following density ranges will be supported in the city'. [Our emphasis added.]*

Table 1: Density Ranges

Location	Net Density Range (units per ha)
City Centre and Canal Belt	100-250
SDRA	100-250
SDZ/LAP	As per SDZ Planning Scheme/LAP
Key Urban Village	60-150
Former Z6	100-150
Outer Suburbs	60-120

The Development Plan clearly sets out these figures as indicative with reference to '**a general rule**'. As we detailed in our Application Documents, we do not consider the subject site fits naturally into any of the above categories. It is our opinion that the site is classified as an Inner Suburb as defined in the Development Plan.

Although the subject site is not located within the Canal Ring, we note that the "City Centre and within the Canal Ring (inner suburbs)" location which is defined in Section 4.5.2 of the Development Plan as follows, includes reference to 'inner suburbs':

"The inner suburbs comprise the established suburban communities, largely, located outside of the canal belt e.g. such as Phibsborough and the outer city refers to the newly

***developing areas on the fringe of the city administrative area including Clongriffin-Belmayne, Ashtown/Pelletstown, Park West and Cherry Orchard."* [Our Emphasis]**

The next definition of 'inner suburbs' is provided after the definition of an 'inner city' location in the Glossary of the *Development Plan*, which states the following:

"Inner city (see also city centre): The inner city is bounded on the northside by the North Circular Road, Phibsborough Road, the Royal Canal, North Strand Road and East Wall Road, and on the southside by the South Circular Road, Suir Road, the Grand Canal from Dolphin Road to Grand Canal Street Upper, Bath Avenue, Londonbridge Road, Church Avenue and Beach Road.

***Inner suburbs (see also outer city): Those areas beyond the inner city (see definition above) which comprise the 19th century built-up areas, including Drumcondra, north Phibsborough, Rathmines and Ballsbridge."* [Our Emphasis]**

We have highlighted Rathmines above as the subject site abuts Ranelagh which a similar distance to the City Centre.

The subject site clearly does not in any of first 5 No. categories as listed in the Density Ranges in Table 1 above and thus one may argue it is outer suburban by default. However, we do not accept this categorisation of the site as accurate. It is our opinion that the Milltown/Ranelagh area in which the site is located is not comparable to Santry for example or Clongriffin/Belmayne, which are all clearly an 'Outer Suburb' in the Dublin City Council administrative area as defined in the Dublin City Development Plan above.

If we assess the plot ratio of the scheme, which we would argue is a much more accurate reflection of the extent of development on a site given the provision of a creche, cafe and the cultural and community facilities, the site is best categorised as a 'residential area' in Table 2 of Appendix 3 where a Plot Ratio of 1.0-2.5 is allowed. The Plot Ratio of the proposed development is 1.18, imperceptibly above the lowest range of 1.0 for Plot Ratio.

The site coverage of the scheme is 20.65%, again well below the indicative standard of 45-60% demonstrating the significant quantum of public open spaces provided and clearly demonstrating that the site is not overdeveloped and retains its open character.

The above points clearly demonstrate that the quantum of studio, 1 and 2 No. bedroom units in the scheme is providing a density figure that is disproportionately inflated and the proposed Plot Ratio is at the lower end of the guidance prescribed. In this context, we strongly contest that the site cannot be considered to be overdeveloped or have an excessive density of development.

Table 2: Indicative Plot Ratio and Site Coverage

Area	Indicative Plot Ratio	Indicative Site Coverage
Central Area	2.5-3.0	60-90%
Regeneration Area	1.5-3.0	50-60%
Conservation Area	1.5-2.0	45-50%
Outer Employment and Residential Area	1.0-2.5	45-60%

Further, the proposed density is entirely consistent with the guidance set out in national planning policy for accessible locations within established neighbourhoods, such as the subject site. We firmly contend that the density is appropriate for the subject site and is not precluded by the categories and their '**general**' density range listed in Table 1 of Appendix 3 of the *Development Plan*; rather, it is ultimately supported by broader local, regional and national planning policy. It will deliver a density uplift which is much needed to ensure compact growth and the efficient use of the brownfield and underutilised land within the built-up area.

As a key point, we refer to the Inspector's comments on density in LRD 1, which remains relevant:

"The proposed development has a net density of 149.3 units per hectare. Table 1 of the Development Plan outlines the density ranges that will be generally supported based on location. The appellants' point to the site as being an outer suburban location with the range 60-120 (Appendix 3, Table 1 of the CDP) whereas the applicant considers that the site does not fit readily into any of the classifications set out in the Table and that the density is appropriate having regard to the accessibility of the location. City Development Plan policy on density is set out under the planning policy section above. It is clearly stated in relation to Table 1 that 'as a general rule, the following density ranges will be supported in the city'. In this regard the density ranges indicated are not hard limits with all proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3, Appendix 2 of the CDP (Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale). ...

Conclusion: I would be of the view that the site is suitable site for increased densities based on both national local planning policy and have no reason to consider that the density proposed is excessive unless other factors such as overall quality of development, visual impact, scale and physical impact on adjoining properties demonstrate to contrary (including the criteria under Table 3, Appendix 2)."

[Our emphasis added.]

We point the Commission to our extensive response to Table 3 of Appendix 3 of the Development Plan which details 'Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale'. Our detailed responses to this table clearly demonstrate that the height, density and scale of the proposed development is entirely appropriate in this core urban location.

Finally, Section 15.5.5 of the *Development Plan* states that the Council "*will support higher density development in appropriate urban locations in accordance with the NPF, RSES and the **Section 28 guidelines which seeks to consolidate development within existing urban areas.***" [Our Emphasis]. As demonstrated in Section 6.8 of our Planning Report, the proposed density of 140 dph accords with the *Compact Settlement Guidelines*' (Section 28 Guidelines) density range applicable to the subject site which is 50 - 250 dph. The *Development Plan* has not been updated to reflect the greater emphasis placed by the *Compact Settlement Guidelines* on residential density, housing standards and placemaking to support the sustainable and compact growth of settlement. The *Compact Settlement Guidelines* clearly reflects the content of the *NPF* in that it recognises the benefit of securing greater densities in existing urban areas to achieve scale, critical mass, vibrancy and a positive shift in infrastructural use.

4.32 Classification of the Site for Density Purposes in the Compact Growth Guidelines

The Norwood Park Appeal states that the site should be categorised as 'City-Suburban/Urban Extension' as opposed to 'City-Urban Neighbourhoods'. We have set out in our Planning Report why we consider the site to fall with the 'City-Urban Neighbourhoods' category, but we will elaborate below in further detail to clarify this point.

As identified in Figure 5.1 of the *Regional Spatial & Economic Strategy* by the Eastern & Midland Regional Assembly, and in the Census 2022 Interactive Map for 'Towns', the subject site falls within the 'Dublin City & Suburbs' area and thus the density ranges listed in Table 3.1 of the Compact Settlement Guidelines apply to the proposed development.

4.3.2.1 Subject Site Falls Under 'City – Urban Neighbourhoods' Categorisation

We are of the opinion that the subject site falls within the 'City – Urban Neighbourhoods' location having regard to the part (i) of the area type which is described as a **"compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses"** as well as the overall description of this area type as **"highly accessible urban locations with good access to employment, education and institutional uses and public transport"**. As discussed throughout the application documents, the subject site benefits from its strategic location in proximity to high-quality public transport, employment and education locations, services and facilities within an established residential neighbourhood. The proposed development will also offer a creche, cultural/community floor space and a café/restaurant for future residents and the local community to use.

4.3.2.2 Assessment of the 'City – Suburban/Urban Extension' Categorisation

Notwithstanding that the subject site falls within the 'City – Urban Neighbourhoods' category as outlined above, we have assessed the site in the context of the 'City – Suburban/Urban Extension' category to comprehensively respond to the Third-Party Appeal's assertion that the subject site falls within this category.

Table 3.1 defines 'City – Suburban/Urban Extension' as follows:

"Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development⁸. It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8)." [Our Emphasis]

We note that the existing residential density surrounding the subject site varies and cannot reasonably be characterised as a low-density area. The prevailing pattern of development demonstrates a range of residential densities, resulting in a more diverse urban context.

Critically, we also note that the subject site is not located in an area that was **"constructed at the edge of cities in the latter half of the 20th and early 21st century"**. Milltown Park's existing entrance is located along Sandford Road, which is in Ranelagh, and Ranelagh is a clearly established urban community, comprising the 19th century built-up area. Furthermore, the existing building group

on site ranges in origin from the late 18th century through to the mid-20th century, as noted in Chapter 7 of the EIAR.

The subject site also clearly does not fall within an 'urban extension' location given it is not "*greenfield lands at the edge of the existing built up footprint*". It is a brownfield site in the middle of the existing built up footprint, an undeveloped anomaly in the surrounding built-up area.

The subject site thus clearly does not fall into this category. However, for the purpose of considering the Appellant's point, we will explore this further.

While a density range of 40–80 dph generally applies to lands within this category, densities of up to 150 dph shall be open for consideration at 'accessible' suburban / urban extension locations. Regardless of the locational characteristics associated with the 'City – Suburban/Urban Extension' category, we firmly contend that the subject site accords with the density allowed for 'accessible' locations if we were to apply this categorisation, which is a density of up to 150 uph. This is discussed in detail below.

4.3.2.3 Subject Site Considered to be Within an 'Accessible' Location

Table 3.8 of the Compact Settlement Guidelines defines an 'accessible' location as follows:

"Lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services."

The Compact Settlement Guidelines clearly does not state that an 'accessible' location is defined by its proximity to a high frequency urban bus **route**; rather, it is assessed against its proximity to a high frequency urban bus **service**. In our opinion, a bus 'service' refers to the aggregate provision of bus transport at a given stop, including all routes operating from that stop and their combined service frequency and destination coverage. This is considered to be more reflective of the level of accessibility experienced by a site rather than assessing each individual bus route in isolation.

For example, when considered on its own, a single bus route might operate only once every 40 minutes at a particular bus stop, which may not be considered as high frequency and/or may offer limited travel opportunities for passengers. However, where multiple bus routes serve the same bus stop and are considered collectively, a much higher frequency service and access to a broader range of destinations is experienced by that single bus stop. Given this approach offers a more accurate indication of the quality of bus services available for future development at a given site, a single bus stop served by multiple routes can reasonably be regarded as providing a 'high frequency urban bus service'.

The Appeal states that the subject site is "*more than 700 m from the nearest high frequency urban bus service on the N11 Stillorgan Road*". However, this is incorrect as the nearest high frequency (10-minute peak hour frequency) urban bus services of the subject site are bus stop Nos. 855 & 884 which are located approximately 20-metres and 70-metres respectively from the subject site (less than a minute's walk) along Sandford Road. The location of these bus stops is illustrated in Figure 4.4 and details of the bus routes serving each stop are presented in Table 4.1.

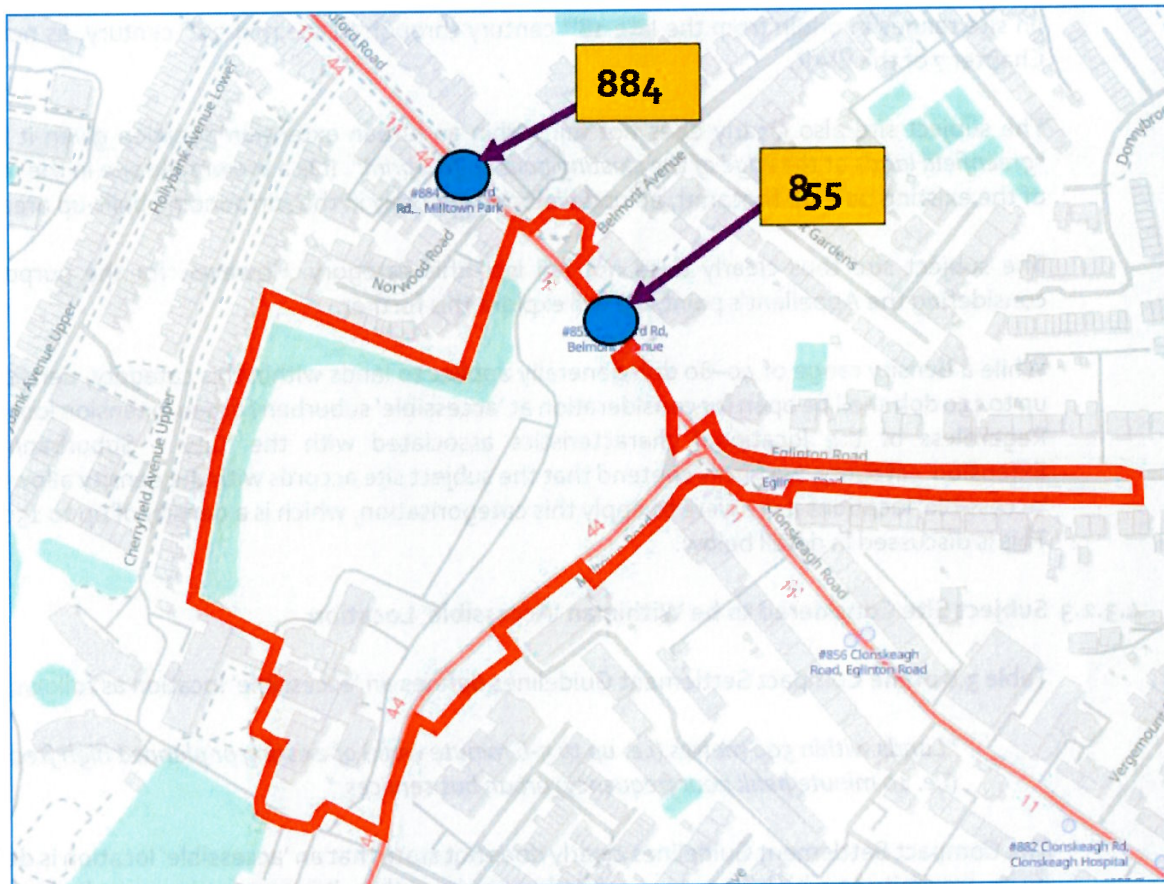


Figure 4.4: Location of Nearest High Frequency Urban Bus Services to the Subject Site (Indicatively Outlined in Red)

(Source: www.openstreetmap.org, Annotated by Thornton O'Connor Town Planning, 2026)

Bus Stop No.	Distance from Subject Site	Bus Nos.	Route	Destinations Offered by Bus Routes	Collective Bus Route Times Scheduled Around Peak Weekday Hours (Approx. 07:00-09:00 & 16:00-18:00)
855	c. 20-metres less than a minute's walk	11 (red), 44 (green) & 44D (blue)		Inniskerry, Kilternan, Sandyford Business District, Clonskeagh Road & Dundrum	07:23, 07:43, 07:58, 8:01, 08:19, 08:29, 08:39, 08:49, 09:04, 09:10, 16:09, 16:26, 16:56, 17:14, 17:28, 17:48, 18:01, 18:08
884	c. 70-metres less than a minute's walk	11 (red), 44 (green) & 44D (blue)		Ranelagh, O'Connell Street, Dawson Street, Drumcondra Rail Station, DCU & Phoenix Park	07:25, 07:33, 07:34, 08:05, 08:06, 08:26, 08:46, 09:05, 09:12, 15:58, 16:13, 16:23, 16:28, 16:48, 17:10, 17:26, 17:30, 17:50, 18:06

Table 4.1: Details of High Frequency Urban Bus Services in Proximity to the Subject Site

(Source: Information Gathered from Google Maps & Transport for Ireland, Table Generated by Thornton O'Connor Town Planning, 2026)

To establish these bus stops' peak hour frequency, we have noted in Table 4.1 the times that a bus route is scheduled at each stop during peak weekday hours (approximately 07:00-09:00 & 16:00-18:00), according to the timetable for each route provided on the Transport for Ireland website⁶. The intervals between a bus route scheduled at each stop include 10-minutes or better (1-minute, 3-minutes, 4-minutes, 5-minutes, 7-minutes & 9-minutes). This demonstrates that **the bus stop operates at an effective frequency of 10 minutes** or better for the purposes of assessing accessibility.

There are also several future bus routes that will be delivered in proximity to the subject site under the BusConnects programme. The No. 86, 87 & 88 'Radial' bus routes will operate along Sandford Road. The No. 86 will provide a half-hourly weekday service and half-hourly and hourly weekend service between Ticknock, Goatstown and Mountjoy Square. The No. 87 will provide an hourly weekday and Saturday service between Belarmine, Dundrum and Mountjoy Square. The No. 88 will provide an hourly weekday and weekend service between Enniskerry, Belarmine, Dundrum and Mountjoy Square. Although it is not yet known what stops will facilitate these bus routes, it is likely that they will operate at existing bus stops along the identified route, including stop Nos. 855 and 884, further increasing the frequency of bus services serving the subject site.

Even if the bus routes were considered in isolation (which we do not consider appropriate), we highlight that bus route No. 11 serving stop No. 855 still offers a peak weekday hour frequency of 10-minutes, as demonstrated in Table 4.1.

The Compact Settlement Guidelines provide further guidance relating to 'Refining Density' to take account of specific characteristics and constraints of individual sites. This additional requirement is intended to incorporate the nuances of individual sites, pushing their densities up and down within the ranges set by the Compact Settlement Guidelines. 'Refining Density' is principally (but not solely) comprised of 2 No. steps, which require consideration of: (1) accessibility; and (2) character, amenity and natural environment. The first step has been discussed above and it has clearly been demonstrated that the subject site can be described as an 'accessible' location within the definition provided by the Compact Settlement Guidelines as densities of up to 150 uph could apply, with the subject site providing a density of 140uph. Thus, the 'refining density' step is not required.

Whilst we have considered the Appellant's assertion in respect of density, we have clearly and unequivocally demonstrated that in the Compact Growth Guidelines, the site is categorised as 'City-Urban Neighbourhoods' and not as 'City-Suburban/Urban Extension', but even if it was, a density of up to 150 uph would apply based on its proximity to high quality public transport.

We trust that this addresses the density matter both in the context of the DCC Development Plan 2022-2028 and the Compact Growth Guidelines.

4.3.3 Impact of Public Open Space on the Density Figure

The Norwood Park appeal questions the density calculation stating that the public open space should not be counted in the density calculation.

The density has been calculated in accordance with the detailed guidance provided in the Compact Growth Guidelines, which is the policy document under which density is required to be calculated. As per Table 1 of the Guidelines (extracted below), they clearly require the inclusion of 'local parks' as is provided on the subject site along the eastern boundary and 'all areas of incidental open space and landscaping'. The Applicant has clearly calculated the density as

⁶ <https://www.transportforireland.ie/plan-a-journey/timetables/>

required and any suggestion otherwise is disingenuous. The Applicant has provided a moderate density on the site along with more than 35% public open space, with as referenced above, a plot ratio at the very lowest end of the indicative range specified in the Dublin City Development Plan.

Table 1

Net Site Area Includes	Net Site Area Excludes
- Local Streets as defined by Section 3.2.1 DMURS. - Private and semi-private open space. - Car parking, bicycle parking and other storage areas. - Local parks such as neighbourhood and pocket parks or squares and plaza's - All areas of incidental open space and landscaping.	- Major road/streets such as Arterial Streets and Link Streets as defined by Section 3.2.1 DMURS. - Lands used for commercial development (inc. retail, leisure and entertainment). - Lands for primary schools, churches and other community services and facilities. - Larger, Regional or District Parks, Wayleaves or rights of way. - Other areas of land that cannot be developed due to environmental sensitivities, topographical constraints (i.e. steepness) and/or are subject to flooding.

Stage	Metric	Calculation	Figure
A	Net Site Area (sqm)		
B	Total GFA (sqm)		42,547
C	Residential GFA (sqm)	C+D	50,196
D	Non-Residential GFA (sqm)		47,247
E	Residential GFA as Proportion of Total GFA (%)		2,949
F	Pro Rata Site Area (sqm)	C/B	941%
G	Number of Dwellings	AxE	40,047.38
H	Net Residential Density (dph)	G/F ÷ 10000	562
			140.3

Table 4.2: Net Residential Density of the Proposed Development

(Source: Table Generated by Thornton O'Connor Town Planning (2025), based on the Formula Provided in Appendix B of the *Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024*)

4.4 Building Heights

Both of the appeals raise issues with the Building Heights proposed which principally range from 2 to 8 No. storeys, reduced from that granted in the SHD and LRD 1, as detailed further below.

In granting permission for the original SHD development (now remitted back to the Commission), the Board considered 'that subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, **height** and quantum of development and would be acceptable in terms of pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the

area. In coming to this conclusion, specific regard was had to the Chief Executive's Report from the Planning Authority'. [Our emphasis added.]

The Inspector reached the following conclusion in respect of height in the SHD:

'Despite the proposed increase in height, the Landscape Visual Impact Assessment and Daylight/Sunlight Analysis demonstrates that the subject scheme will not have a significant material impact on the residential amenity of existing surrounding dwellings. The height proposed can be absorbed into the natural and built environment due to the generous setbacks provided from sensitive boundaries and the layout of the development has been thoroughly considered and greater heights are provided away from neighbouring dwellings. The heights provided in the scheme are appropriate having regard to the requirements in National level policy to achieve compact growth, in addition to the careful modulation of height throughout the site, which responds to the surrounding context of each individual block'.

In LRD 1, the Inspector stated the following:

'Overall, I am satisfied that the proposed development would make a positive contribution to the area and would respond well to the natural and built environment in visual terms. At the scale of the neighbourhood there would be capacity to absorb buildings at the height proposed. I am also satisfied that the scale of the site and the layout of development, would readily allow for development at the heights proposed. The zoning and characteristics of the site have dictated that no development is provided along the road frontage of the site with proposal to provide for significant levels of public open space and retain existing trees. This approach means the development is setback significantly from the roadside boundaries and the height of structures is suitably modulated. The building heights proposed would be in accordance with national policy and guidance to support compact consolidated growth within the footprint of existing urban areas, and would satisfy the criteria set down under Section 3.2 of the Urban Development and Building Heights guidelines and the criteria set out under Dublin City Development Plan (Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale are under Table 3 of Appendix 2).

Thus, in both the SHD and LRD 1, where the heights were greater, both Inspectors (and ultimately the Board) considered the heights across the scheme as entirely appropriate, as did DCC in LRD 1.

As the heights have reduced in numerous locations in the subject scheme, in our opinion, the same conclusions can be drawn in respect of the appropriateness of the height in the subject LRD 2 application.

We have detailed extensively in our application documents how the height complies with all prescribed local, regional and national planning policy and is entirely appropriate for this core urban site.

Ultimately, the layout of the proposed development has been determined by several factors. These include (a) the objective to retain the woodland/tree belts inside the north, west and east boundaries - to use these for screening of taller buildings and to lend biodiversity, landscape and visual amenity to the future neighbourhood; (b) the retention of Tabor House and the Chapel; and (c) the objective to provide a higher density use on this core urban site in line with national, regional and local policy, whilst avoiding excessively pronounced steps in scale between the site and neighbouring developments.



Figure 4.5: Proposed Layout and Height Strategy

Source: Visual Booklet prepared by 3D Design Bureau

The appeals raise particular issues with the heights of Blocks A1 at the junction of Milltown Road and Sandford Road and A2 which is sited behind along Milltown Road, Blocks B & C behind Norwood Park and Blocks D & E behind Cherryfield Avenue. We set out below the rationale for the heights proposed, all of which form part of a carefully considered Masterplan across the site as referenced above.

4.41 Block A

Block A1 is located in the northeastern part of the site at the corner of Sandford Road and Milltown Road, but set back from the streets (and the protected structures across the streets), behind the retained woodland belt. The building is "L" shaped in plan, so that it presents (set-back) frontage to both streets.

Block A1 extrudes to 8 No. storeys at its highest point (reduced from 10 No. storeys in the SHD and LRD 1), from lower plinths of 5, 6 and 7 No. storeys. The intention of this height is to (a) take advantage of its separation distance from neighbouring buildings (due to the set-back behind the woodland belt), (b) take advantage of the screening provided by the trees, and (c) to protrude above the tree line in more distant views - to have sufficient visual presence to have a place-making effect and improve legibility (which is lacking at this important junction in the urban structure).

Block A2 is a cranked linear block aligned roughly parallel with Milltown Road. It is also set back behind the woodland belt, with the retained trees incorporated into a new public park inside the eastern boundary wall. The building has a complex form, incorporating an eight-storey volume at its southern end, with the main linear element stepping up from four to six to seven storeys, forming a terraced frontage overlooking the park. Block A2 is attached to A1 at its northern end, forming a bridge over a wide pedestrian link between the buildings. Together they form a highly articulated built frontage to the proposed new park and Milltown Road (although the buildings would be heavily filtered by the trees in views from the road).

As demonstrated in Figure 4.6 below, Blocks A1 and A2 are set back between c. 57 metres and 65 metres to the nearest residential properties, some 3.5 – 4 times the minimum 16 metres required in the Compact Growth Guidelines, when there are opposing first floor windows.

At these substantial distances, and in the context of the new public park within which they will be absorbed (as well as providing passive overlooking), Block A cannot be considered overscaled at a maximum height of 8 No. storeys.

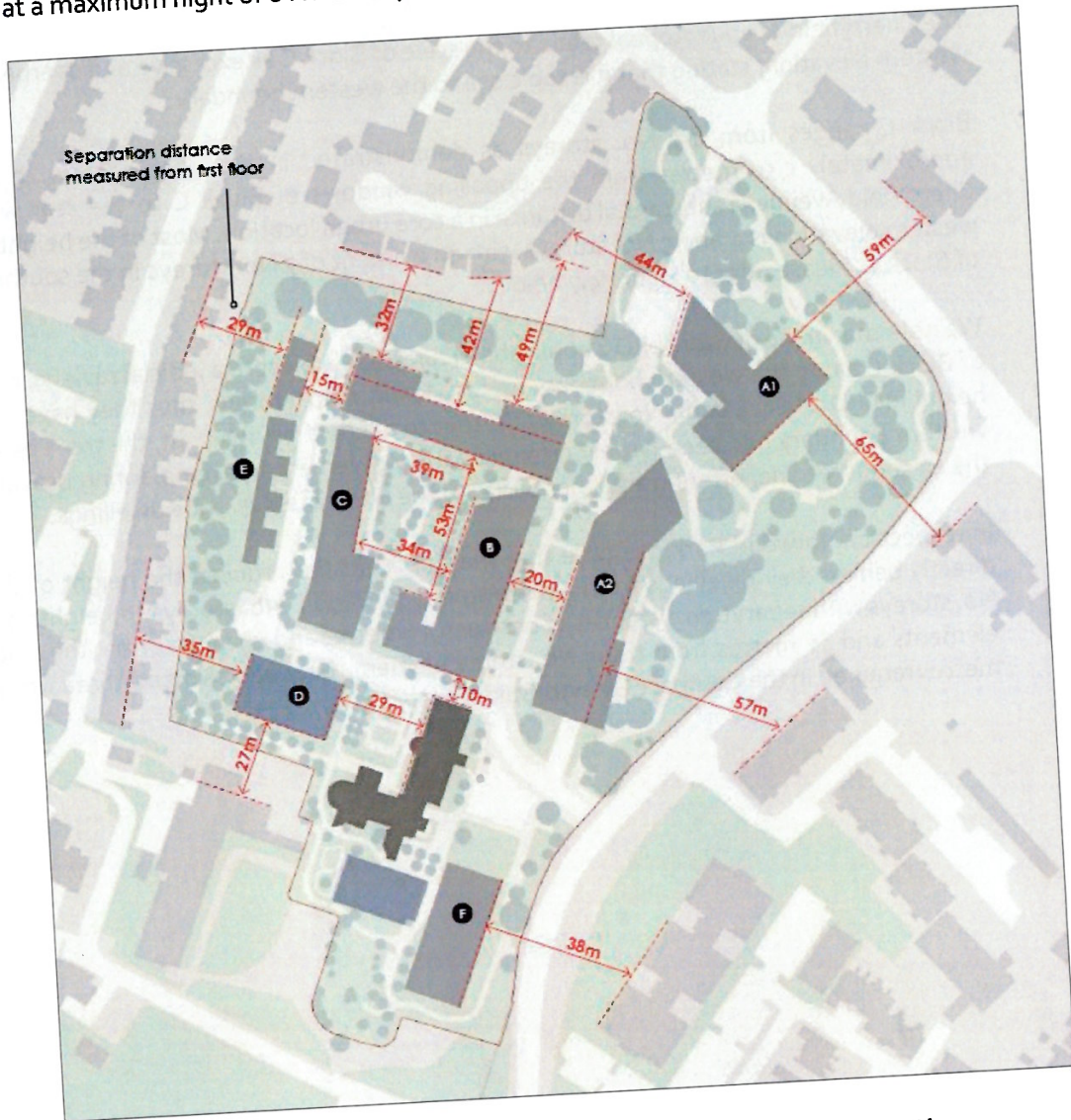


Figure 4.6: Image Demonstrating Separation Distances Across the Site

Source: OMP Architecture Design Report

4.4.2 Blocks B & C

Blocks B and C occupy a central position in the site. Together they form a perimeter block, which (a) encloses a large (53 metres x 34-39 metres) central courtyard, and (b) combines with the other buildings (A2 to the east, Tabor House and Block D to the south, and Block E to the west) to form the scheme's internal streets. Blocks B and C are thus an important arranging element, giving the scheme a grid arrangement and serving to define and enclose the streets, generating an

'urban' character in this central area (contrasting with the parkland character of the eastern area facing Milltown Road and the much lower density along the western boundary).

The linear buildings making up Blocks B and C are divided into distinct volumes using steps in the building line, steps in height, setbacks, and variations in materials. The height of the various volumes ranges from three to seven storeys. This is to avoid excessively linear 'slab blocks' and to add architectural and visual interest to the scheme.

The Cherryfield Avenue Appeal refers to the scale of Block C as excessive and overbearing on its western elevation, stating that it is too close to the western boundary.

Block C ranges from 4-7 No. storeys as demonstrated in the image below. It is located approximately c.50 metres from the opposing windows of Block C to the rear windows of Cherryfield Avenue, a substantial distance in a core urban location. Most of the height along the western elevation is 4 and 5 No. storeys with an element of 7 No. storeys in the southern corner of Block C. Please refer to Figure 4.7 below.

We note that in the granted LRD 1 application (currently subject to a judicial review), the heights of Block C along the western boundary were 5, 6 and 7 No. storeys, thus they have reduced in height in LRD 2 to 4, 5 and 7 No. storeys. Further to a reduction in height, the tree line along the western boundary has been largely retained with supplementary tree planting provided along the existing tree line, offering a further buffer to the Cherryfield Avenue dwellings.

In respect of Norwood Park, we note that the Applicant has reduced the height of the blocks directly behind their dwellings from a permitted 1, 2, 6 and 8 No. storeys to heights of 4 and 5 No. storeys with separation distances of between 32 metres and 49 metres from the 4 No. storey elements and 42 metres from the 5 No. storey element, between two and three times the 16 metres required in the Compact Growth Guidelines.



Figure 4-7: Image Demonstrating Location and Heights of Blocks B & C and the Separation Distances Across the Site to the western boundary

Source: OMP Architecture Design Report

In conclusion, given a greater height was granted by DCC and ACP in LRD 1, the fact that the height along the western and northern façades of Block C has reduced, the very significant separation distance to the first floor windows of the Cherryfield Avenue and Norwood Park, the retention of the majority of the treeline along the western boundary with supplementary planting proposed, and the retention of the treeline along the northern boundary, there is no planning rationale as to why this height is not acceptable in this location. It will clearly have no material impact on the residential amenity of the Cherryfield Avenue or Norwood Park dwellings.

4.43 Blocks D & E

Both Blocks D and E have both been amended in LRD 2. We have detailed above extensively the very significant changes to Block E.

With regard to Block D, this was a 3 to 5 No. storey building in LRD 1. Whilst remaining 3 to 5 No. storeys, by reducing its footprint Block D has been set back a further c. 10 metres from the western boundary so as to provide a greater separation distance to Cherryfield Avenue, resulting in a reduction of 9 No. units in Block D. This separation is clearly demonstrated in Figure 4.8 below, which shows an extract from the OMP Design Statement from LRD 1 and LRD 2

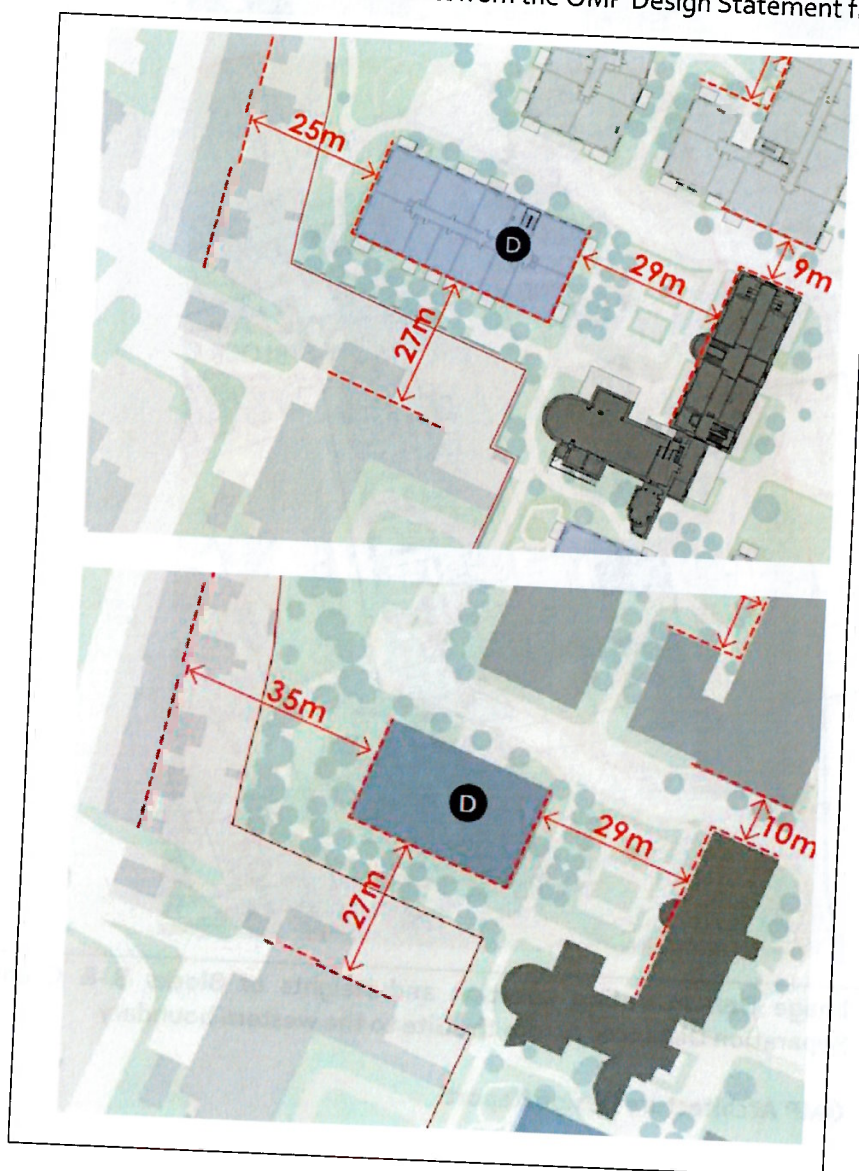


Figure 4.8:

Extract from OMP Design Statement from LRD 1 (top image) and LRD 2 (bottom image) demonstrating additional set-back of c. 10 metres from Block D to western boundary of the application site, with a c. 35 metre set-back from the first floor windows of Cherryfield Avenue to the 3 No. storey element of Block D.

To conclude, the height strategy for the site can be summarised as follows:

- By responding to specific elements, features and characteristics of the site and the context, the proposed design – in layout, arrangement of built form (height, massing, stepping) and open space, materials, landscaping and boundary treatments – is bespoke, distinctive and appropriate to the site and context.
- There is considerable variation in the height and massing of built form across the site in response to the character and conditions around the boundaries.
- The proposed Block A is intended to function as a marker, to improve legibility. The grid-like arrangement of built form and spaces/streets within the site is intended to promote permeability and integration of the development with the surrounding urban structure/grain.
- The taller elements in the development (Block A1 and the taller volumes of Blocks A2) are located adjacent to large open spaces, which provide an appropriate street width to building height ratio. This results in the perception of height to be in line with the surrounding development, with generous internal separation between buildings and a general strategy to gradually increase height from the two-storey houses to the west up to the tall tree belt around the north and east boundaries. All this combines to create a development that is within a human scale.
- The lower buildings (Block E and the lower volume of Block D) have been positioned inside the west (Cherryfield Avenue) boundary. The proposed Block E houses, set some 10 No. metres further into the site than in LRD 1 are two storeys and are positioned well within the west boundary in a back-to-back arrangement with the Cherryfield Avenue houses. This is a typical suburban arrangement. The Block D apartment building steps down from five to three storeys towards the boundary, albeit set-back a further 10 metres from LRD 1, with the same intention of minimising the intrusion of the building in views from Cherryfield Avenue.

Overall, further to detailed design and to the results of numerous tests and studies, it is considered that the height strategy across the site has been carefully considered at every point of the site, has been deconstructed and modulated responding to the specific site context at every boundary, has reduced in height, particularly along the western and northern boundaries from the SHD and LRD 1 to further reduced any impact, and ultimately represents an appropriate and moderate height strategy across this inner suburban core urban site.

4.5 Site Designation in Building Height Guidelines

In the Norwood Park appeal, it is stated that the site should be classified as Suburban/Edge Location (City and Town) and thus heights should be generally 2-4 No. storeys as prescribed in the Building Height Guidelines.

We note that this categorisation relates to '*Newer housing developments outside city and town centres and inner suburbs*'.

The subject site is clearly an inner suburb of Dublin City in the context of the Dublin City Development Plan as previously detailed in this appeal response and thus this categorisation cannot apply as suggested in the appeal. As detailed in the Planning Report submitted with the application, Santry for example is within the administrative area of DCC and can clearly be

classified as an outer suburb. Milltown/Ranelagh in which the site is situated is clearly an inner suburb. The subject site lies less than 1.7km from the Grand Canal.

The Norwood Park appeal sets out the following quote from Paragraph 3.6 of the Building Height Guidelines, stating it applies to suburban locations:

'Development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets'.

Even if we were to accept that this applies to the subject site, which we don't as it is not 'outside city and town centres and inner suburbs', the policy clearly allows heights greater than 4 No. storeys alongside 'existing larger buildings' and alongside 'trees and parkland'. In this regard, the pop-up 8 No. storey elements are both located towards the eastern boundary (a) closest to the existing 6 No. storey apartment blocks on Milltown Road and (b) recessed behind the existing treeline and proposed parkland along the eastern boundary of the site.

We also note that in the first paragraph of Section 2.2 of the Norwood Park appeal, the Appellants justify the height of the existing taller apartment blocks on Milltown Road stating 'it is significant that these buildings are located in such close proximity to the taller buildings of the Jesuit complex at Milltown Road'. Clearly, the subject site is closer to the Jesuit complex than the existing Milltown Road apartments, further justifying the appropriateness of the increased elements of height on the subject site.

The Norwood Park appeal proceeds to state that the site cannot be described being 'well served by public transport with high capacity, frequent service and good links to other modes of transport', with the Building Height Guidelines stating the following:

*'In relation to the assessment of individual planning applications and appeals, 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**.'* [Our Emphasis]

We strongly disagree with this point by the Appellant.

The site is well served by public transport such as the Green Line Luas (Beechwood Luas 1 km / c. 13 minutes walking distance) and bus routes such as No. 11, 14, 39A, 44, 44D, S2, E1, E2 and the 700 (Aircoach service). The Green Line Luas links with the Red Line Luas in the City Centre i.e. interchange at O'Connell Street / Abbey Street etc., which ultimately leads to various Train Stations e.g. Heuston Station and Connolly Station. There is also multiple bus stops with various different routes located in proximity to each Green Line Luas stop which provides passengers with a plethora of destination options within Dublin City Centre and beyond.

The subject site also benefits from its proximity to the future Bray to City Centre Core Bus Corridor along Donnybrook Road and Stillorgan Road. Sandymount Station and Sydney Parade Station are the closest DART stations to the subject site, located a c. 30-32 minute walk or a c. 9-10 minute cycle.

The Green Line Luas frequency is very c. 3-5 No. minutes during peak hours and every c. 12-15 No. minutes frequency during off-peak hours and the bus services located in proximity to

the subject site generally range in frequency from every c. 7-30 No. minutes frequency to hourly frequencies.

The proximity of the site to high frequency public transport provides opportunities for residents of the scheme to travel to employment locations and business districts such as the Canal, the Docklands, Harcourt Street, Ballsbridge, Sandyford Business District, Belfield Office Park and neighbourhood centres such as Ranelagh, Donnybrook and Rathmines. The majority of these areas are also located within cycling and walking distance of the site.

Furthermore, the following 4 No. hospitals are within close proximity to the subject site:

Hospitals		
No.	Name	Distance
1	Clonskeagh Hospital	→ c. 450 metres → c. 3 No. minutes cycling distance → c. 6 No. minutes walking distance
2	The Royal Hospital Donnybrook	→ c. 1.4 km → c. 5 No. minutes cycling distance → c. 17 No. minutes walking distance
3	St Vincent's Hospital	→ c. 2.3 km → c. 7 No. minutes cycling distance → c. 26 No. minutes walking distance
4	St Luke's Hospital	→ c. 2.9 km → c. 10 No. minutes cycling distance → c. 37 No. minutes walking distance

In addition, University College Dublin is located within c. 7 No. minutes cycling distance and c. 21 minutes walking distance from the subject site.

Therefore, it is clear that there are significant employment opportunities and services and facilities that are easily accessible from the subject site. The site is well located proximate to frequent public transport, some of which link to other forms of public transport e.g. Green Line Luas links with the Red Line Luas, which ultimately leads to various Train Stations.

The Norwood Park appeal proceeds to focus on the 8 No. storey element of the development stating that the scheme should be refused for proposing such height in the development. The scheme ranges in height from 2 to 8 No. Storeys with its predominant height being 5 to 7 No. storeys, with two 8 No. storey pop-up elements provided at key markers to bookend Block A (A1 and A2) (noting that Block A1 has been reduced from 10 No. storeys as originally granted in the SHD and LRD 1).

Critically, these two 8 No. storey elements are c. 59 metres from the opposing dwelling to the north, c. 65 metres from the dwelling to the northeast and some c. 57 metres from the 6 No. storey apartment block to the east (with a new parkland provided between the proposed apartment block and the site boundary). These are very significant separation distances to any neighbouring properties and in combination with the trees along the northern and eastern boundaries, there will be absolutely no material impact on any neighbouring properties. Thus, an arbitrary sentence about elements of 8 No. storeys being excessive and requiring a refusal of permission in this context is nonsensical.

Finally, in respect of trying to ascertain that the proposed height is not acceptable, the Norwood Park appeal refers to the LVIA and states that no assessment has been carried out in respect of the 'essential open character' of the Z12 lands.

We refer to the exact quote which references the essential open character on lands zoned Z12.

'Where lands zoned Z12 are to be developed, a minimum of 25% of the site will be required to be retained as accessible public open space to safeguard the essential open character and landscape features of the site. Where such lands are redeveloped, the predominant land-use will be residential'.

It is inherent in the quote that providing the 25% open space safeguards the essential open character of the site. On the subject site, the public open space provided is actually 35.3% of the site as detailed below.

The proposed development requires 25% of the site area to be designated as public open space in accordance with the Z12 zoning objective. The developable site area is 42,547 sq m which therefore requires the provision of 10,637 sq m public open space:

The public open space is provided as follows:

- **Public Park and Plaza Area Connected Through the Triple Height Undercroft of Block A1.**

c. 10,879 sq m (c. 25.57% of the c. 42,547 sq m developable site area)

- **Additional Public Open Space:**

- Woodland Glade (3,000 sq m)
- Boulevard (575 sq m)
- Garden Café Area (569 sq m)

c. 4,144 sq m (c. 9.74% of the c. 42,547 sq m developable site area)

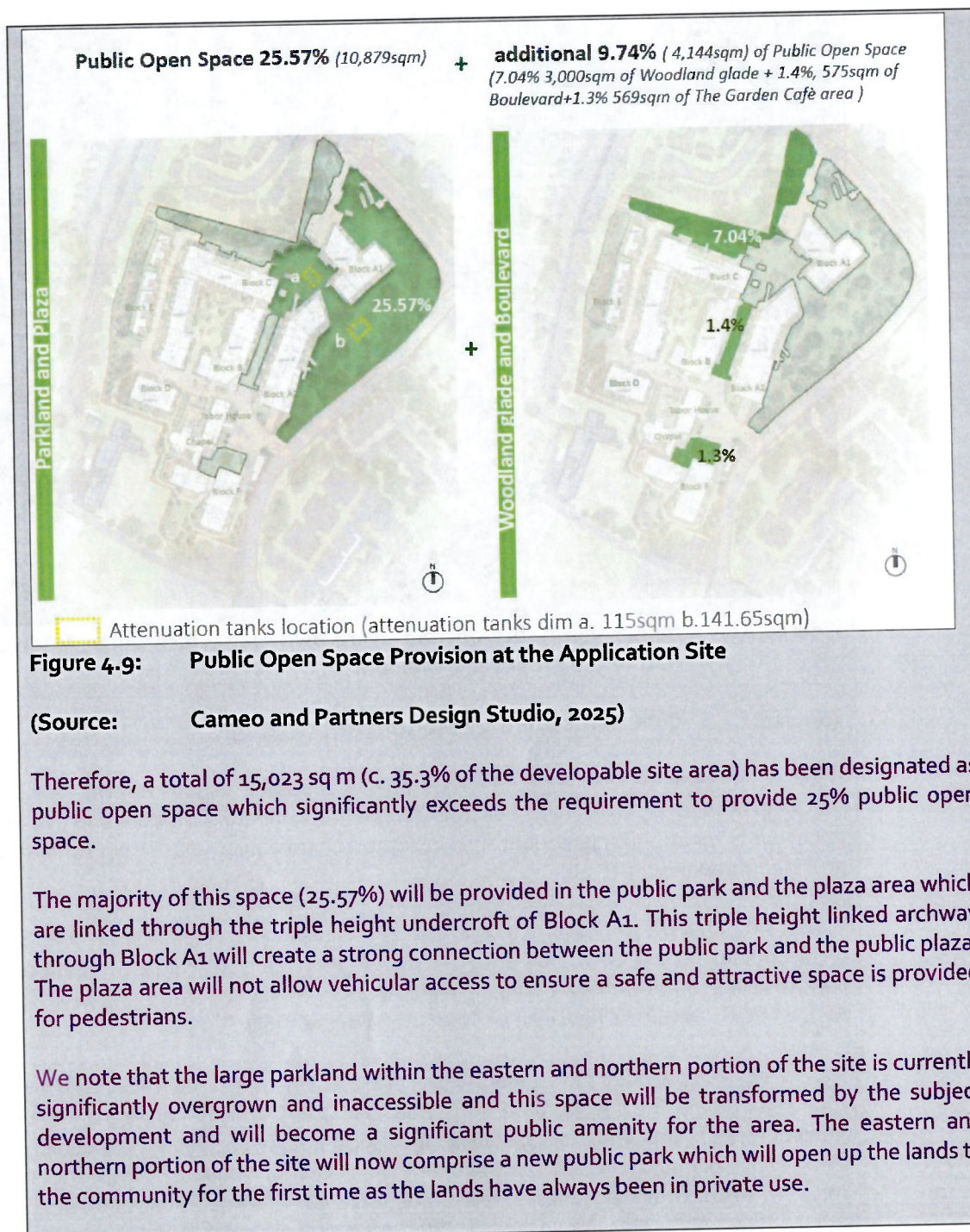




Figure 4.10: Image of Current Dark and Overgrown Area Which will be Made Useable as Part of the Proposed Development

(Source: CMK Horticulture & Arboriculture Ltd, 2025)

Natural play facilities for the scheme have been provided at various locations throughout the public open space, specifically aimed at children to reconnect with nature and there will also be opportunity for adult engagement through natural gym equipment. There will also be seating provided throughout the site.

We consider that the provision of a high-quality useable public park at the site with a connection to the public plaza area will be a significant planning gain for the area, allowing access to previously inaccessible private lands. The plaza area will provide a meeting point for the public to sit and talk, as will the new café and external space at Block F, inside the Milltown Park gates.

The open space provided on the site will be high-quality and functional and will provide a wide variety of activities for the residents and public to utilise. The public open space will be provided within soft and hard landscaping consisting of high-quality and functional public open space, which includes publicly accessible walkways, grassland, benches, jogging route, fitness areas and play-on-the-way for example. Therefore, it is clear that the public open space comprises soft landscaping that is suitable for relaxation and children's play.



Figure 4.11: CGI of Part of the Public Open Space Showing People Jogging, Walking and Childrens' Play Areas

(Source: 3D Design Bureau, 2025)



Figure 4.12: Illustration of Part of the Public Open Space Showing Seating Areas, Cyclists and Children Playing

(Source: Cameo and Partners, 2025)

In addition to public park and plaza area connected through the triple height undercroft of Block A1, public open space will also be provided to the north of Block C (known as the Woodland Glade) which is positioned adjacent to the plaza. This Woodland Glade represents c. 7.04% of the site area (or c. 3,000 sq m) and will provide further amenity on site in excess of the 25% requirement. The Woodland Glade will work together with the park and plaza as an entire connected public open space and mostly contains a native wildflower meadow which will

provide important habitat for insects. The educational element of this Woodland Glade will be a positive addition to the public open space provision in the development.

In addition to utilising the eastern public park/plaza, the public can also utilise the pedestrian connection from Milltown Road and Sandford Road through the pedestrian boulevard between Blocks A and B. Landscape planting and seating has been incorporated into the Boulevard to provide useable and enjoyable public open space.

A new area of public open space has been introduced to the scheme which wasn't provided as part of the previous LRD 1 or SHD application. This includes 'The Garden Café' Area located in the forecourt between Block F, Tabor House, the Chapel and the Milltown Road access. This forecourt area will provide social space for members of the public and will provide a hub of activity as people enter the site. The café/restaurant at the ground floor of Block F and the cultural/community space in Tabor House and the Chapel will provide passive surveillance on this space.

It is thus clear that an open character will be provided on the site where no public access has been previously provided. A closed off and private site previously used by the Jesuits will provide the highest quality public open spaces, providing over 1.5 Ha of public open space, more than on one-third of the site. As such, any assertion that the open character of the site is eroded is clearly completely inaccurate and without merit.

Critically, the proposed site coverage is 20.65%. This is particularly low and significantly below the 45-60% indicative range outlined in the Development Plan, but is a function of the extensive open space provided throughout the site. Between a combination of the site coverage and the 35% public open space on the site, as well as the communal open space, it is abundantly clear that the 'essential open character' referred to in the Norwood Park appeal has been provided.

4.6 Overbearing/Separation Distances

The third party appeals refer to concerns about the proposed scheme being overbearing and its potential to cause overlooking and a loss of privacy, particularly to Norwood Park and Cherryfield Avenue.

A key priority throughout the detailed design stage of the development was to provide sufficient setbacks and appropriate transitions from the residential properties along Cherryfield Avenue Upper and Lower along the western boundary and from the residential properties along Norwood Park to the north in particular as the site's most sensitive receptors.

In this regard, 2 No. storey flat roof courtyard houses have been provided along most of the western boundary of the site adjacent to the Cherryfield Avenue Upper and Lower residences, whilst Block D has been set back a further 10 metres from that proposed in LRD 1. Block D then only proposes heights of 3 to 5 No. storeys with the 3 No. storey element positioned closest to the neighbouring dwellings on Cherryfield Avenue Upper to provide an appropriate transition, albeit some 35 metres from the opposing first floor windows with no balconies provided on the western elevation of Block D facing Cherryfield Avenue.

Whilst there is a terrace on the lower roof of the courtyard houses (i.e. on the ground floor roof), there are no windows at first floor level at the rear of the dwellings.

A combination of these design features, the 2-3 No. storey height and the separation distances proposed all combine to ensure the adequate protection of existing residential amenity. This is

verified by the Daylight/Sunlight report which demonstrates in our opinion no material impacts on the Cherryfield Avenue properties.

With regard to Norwood Park, the building heights has been reduced along this façade to 4 and 5 No. storeys from those permitted (2, 4, 6 and 8 No. storeys) and granted by ACP in LRD 1 (currently subject to a judicial review). Further, substantial setbacks of between c. 32 metres and c. 49 metres have been provided between the Norwood Park dwellings and Block C which comprises three building volumes. As is evident in Figure 4.13 below, the existing tree belt on the northern boundary is being retained, fully protecting the amenity of the Norwood Park residents.

It is intended that the deconstructed massing and modulated height combine with the building's setback from the boundary behind a row of retained trees, to avoid excessive enclosure or visual intrusion in views from Norwood Park.



Figure 4.13: 'Before' and 'After' images demonstrating retained tree line along northern boundary protecting the shared boundary to Norwood Park

Source: Visual Booklet prepared by 3D Design Bureau

Thus the protection of existing residential amenity for the dwellings bordering the northern and western boundaries of the subject site was clearly a key consideration for the Applicant and Design Team from the outset and has been very carefully considered, with further reductions to the height and scale of the scheme provided in LRD 2, along with greater separation distances and the retention of much of the tree line along the western boundary.

The site is a core urban site that is eminently suitable for densification. Between a combination of appropriate set-backs, design details and modulations in height, it is considered that the proposed development adequately strikes a balance between importantly protecting residential amenity and densifying a key urban site beside high quality public transport to provide much needed high quality housing.

4.7 Removal of Trees on Site

The Appeals refer to the loss of some trees on site. We note that the tree removal strategy is largely the same as the LRD 1 application and principally requires the removal and thinning out of some trees along the eastern boundary of the site which are completely overgrown, unmanaged and leave the space as dark and unusable.

As demonstrated above, the tree belt along the northern belt is retained and as extensively detailed, and in a positive change from LRD 1, the tree belt along the western boundary is largely retained by changing the 24 No. duplex units to 6 No. houses.

The trees that are being removed and thinned out along the eastern boundary facilitate the provision of a new public park that will be available to the wider community. As noted in the Tree Impact Assessment, the sylvan quality of this section of the site would be greatly improved by the removal of the poorer specimen trees as it would allow more light to penetrate the canopy, thereby increasing the biodiversity value of this area. The structure of the tree group as a whole would also be more robust following the removal of the poorer specimens.

With regard to the remainder of the site, a balance has been struck between the required densification of the site and the removal of some trees with some 230 No. new trees proposed and 135 No. retained, providing a total of 365 No. high quality trees upon completion of the development.

In their assessment of the LRD 1 application, the Inspector states the following:

'I would consider that the development retains the areas of highest amenity/ecological value and taken in conjunction with the requirement for an enhanced level of public open space under the Z12 zoning, the level of tree removal and retention is acceptable. The retention of all trees on site including along the western boundary and central belt would render the site undevelopable and is not an appropriate response to deal with land clearly designated to be developed by its zoning and in an area where additional housing is appropriate'.

It is considered that this offers a reasoned assessment of the proposed tree strategy on site, which will ultimately result in the provision of much more usable open spaces on site interspersed with retained and new trees, all of which will be of a high quality.

Overall, the tree strategy was a key design input for the site from the earliest stage and it is considered that a reasonable balance has been struck between the removal of trees that do not contribute to a high quality user experience on the site, the removal of trees required to densify the site, the retention of key trees (135 No.) and the planting of some 230 No. new high quality trees. It is clear in our opinion that this overall well-considered strategy is the most appropriate in achieving the balanced development of the subject site.

4.8 Car Parking

The appeals state that they are concerned with regard to the quantum of parking proposed (319 No. spaces in total) stating that it falls below the Development Plan standard outlined in Table 2 of Appendix 5 of the *DCC Development Plan*. Table 2 sets out **maximum** standards and thus unless a quantum of car-parking spaces in excess of this maximum standard is proposed, no material contravention of Table 2 can occur as accused in the Appeals.

The subject site is located in Zone 2 where a maximum of 1 space per unit is permitted. The site is located at a c. 1km distance from the Luas and has excellent bus service as detailed earlier in this appeal response in Section 4.3 relating to density. Contrary to the Appeals assertion, the proposed development fully complies with national policy including the Apartment Guidelines, which seeks to eliminate, reduce or minimise car-parking on highly connected sites such as the subject site.

The Roads Department of Dublin City Council have raised no concerns with the quantum of parking proposed in this location stating:

'The car parking proposed equates to a parking ratio of around c. 0.5 spaces per unit, based on the total residential spaces with the addition of the car share spaces. A comprehensive rationale for the level of car parking has been provided'.

Overall, in line with national planning policy, the scheme has provided a reduced quantum of car-parking spaces due to the site's proximity to high quality public transport and its easy accessibility to the City Centre by bicycle or foot.

4.9 Sandford Road Entrance and Egress

With regard to the comment in the Norwood Park appeal that the Applicant agreed not to use the Sandford Road entrance for the limited use for which it is currently proposed (essentially servicing and taxi drop-offs), the Applicant did propose this at the Section 247 meeting stage to try and accede to the residents' preferences. However, the Roads Department of DCC were not supportive of the omission of the limited use of the Sandford Road entrance as summarised in the DCC Minutes of the Section 247 meeting, which is detailed in Appendix A of the LRD Opinion:

Traffic:

- Querying why the secondary access was removed from the proposals as there was no issue in principle with the secondary access.
- As a result of the removal of the secondary access, concern was expressed regarding the delivery strategy and the travel distances to serve the overall development from a singular entrance point
- Queries over if the red line boundary needs to be amended following changes

Having regard to the Road's Department's clear requirement to utilise the Sandford Road access, its use as granted in LRD 1 was included at LRD Opinion stage and ultimately in the lodged LRD application.

4.10 Community Uses

The Cherrywood Avenue appeal criticises the fact that end users have not been prescribed for the community and cultural uses, rather the spaces have been allocated and in this regard a proper assessment cannot be made of the space.

The reason for not assigning users is simple. The site has already faced significant challenge in securing permission due to the JR on the SHD scheme and a JR on the LRD 1 scheme (both by the now Appellants of LRD 2). Based on these precedents, by the time permission is granted it could be many years down the line. In this regard, we note the SHD application was granted in December 2021 and over 4.5 years later, has been remitted back to the Commission and awaits a further decision.

The Applicant could have sought end users for the scheme and have in fact spoken to a number of candidates but there are not many end users who will be in a position to wait around for multiple years whilst the planning process is gone through. Any end-user secured at application stage may have secured other space by the time the space is ready to be occupied. Thus it is logical and reasonable to agree an end user when the spaces are ready to be occupied. Hopefully this will be in 2026/2027 if permission is granted and there is no JR but we have to assume that a 3rd JR will follow in respect of the subject application and it will be some time before the spaces can be offered to an end-user. We hope that this is incorrect and along with much needed

housing, the Applicant can provide high-quality community and cultural spaces as soon as possible.

Ultimately the end user of both spaces will be a cultural use and a community use as detailed and designated in the application documents. It is our opinion that the ultimate end-user is not a material planning issue once they are the appropriate categorisation of use. In this regard, no material planning issue arises if the community element is used for a yoga class, a community meeting or for a baby and toddler's group.

There is no material planning issue and the rationale for not identifying an end user at this juncture is reasonable and rationale, given the Applicant has to date spent some 7 No. years trying to secure and implementable permission on the site.

4.11 Daylight/Sunlight Issues

The Norwood Park appeal criticises the methodology used by 3D Design Bureau in their detailed Daylight/Sunlight Report submitted with the application.

3D Design Bureau have prepared a detailed response to these assertions, with their response included in Appendix A.

In summary, 3D Design Bureau confirm that the appellant's argument relies on isolated lines taken out of context from the BRE Guidelines and that the submitted report strictly and consistently applies the comprehensive, two-part evaluation criteria in accordance with the Guidelines. The methodologies used are entirely standard, scientifically robust, and correct. Consequently, the claim that the assessment is inconsistent with relevant guidance is entirely without merit.

Similarly, 3D Design Bureau advise that the objection to the results of the scheme performance assessment is devoid of technical basis. By attempting to frame conservative default assessment metrics as restrictive caps, the appellant fundamentally misinterprets both IS EN 17037 and the BRE Guidelines. 3D Design Bureau did not "exaggerate" the results by detailing the proposed materials to be used; rather, the assessment was conducted using specified materials provided directly by the design team—a practice explicitly encouraged by both guiding documents. Because the material parameters used sit squarely within the officially recommended and permissible ranges, the assessment results remain entirely valid.

In conclusion, 3D Design Bureau strongly refutes the claim made by the appellant:

"...we submit that the Daylight and Sunlight Assessment (dated December 2025) submitted with the planning application does not provide sufficient information on the daylight performance of the proposed scheme, within the meaning of relevant local and statutory planning policy, and does not provide a sufficient basis for An Coimisiún Pleanála to make a decision."

On the contrary, the assessment presented in the submitted daylight and sunlight report is comprehensive in its findings, entirely transparent in the methodologies applied, and fully compliant with all relevant guiding documents. Ultimately, it provides a thoroughly robust and reliable basis for An Coimisiún Pleanála to make its decision.

4.12 FP Logue Submission

A submission by FP Logue is appended to the Cherryfield Avenue Residents' appeal, raising some legal point in respect of the 2025 Apartment Guidelines, the density proposed, material contravention and the interpretation of the Compact Settlement Guidelines.

A response to these issues as prepared by McCann Fitzgerald is included in Appendix B.

5.0 CONCLUSION

This First-Party Response has addressed the principal issues raised in the two Third-Party Appeals submitted in respect of Dublin City Council's decision to grant permission for the proposed development at Milltown Park.

As demonstrated throughout this response, the proposed development is fully consistent with the Z12 zoning objective for the site and accords with the relevant provisions of the Dublin City Development Plan 2022–2028, the National Planning Framework, the Regional Spatial and Economic Strategy and the applicable Section 28 Ministerial Guidelines. The principle of residential-led development on these lands has been established through previous planning permissions granted by both Dublin City Council and An Coimisiún Pleanála, and the current proposal represents a further refinement of those previously approved schemes.

Importantly, the proposed LRD 2 scheme has reduced the scale of development previously permitted on the site through a reduction in unit numbers, reductions in building heights, increased setbacks from sensitive residential boundaries and significant revisions to Block E in particular. These changes have been specifically introduced to further protect neighbouring residential amenity while maintaining the efficient and sustainable development of this strategically located core urban site.

The Planning Authority carried out a detailed assessment of the application and concluded that the proposal is acceptable in principle, complies with the Z12 zoning objective, protects residential amenity, provides an appropriate level of density and building height, delivers high-quality public and communal open spaces and accords with the proper planning and sustainable development of the area. Similar positive conclusions were reached by An Bord Pleanála in its assessment of the previously permitted LRD 1 scheme, noting that the current proposal is of a reduced scale, height and mass.

The grounds of appeal do not identify any material planning basis upon which the Planning Authority's decision should be set aside. The concerns raised regarding density, building height, residential amenity, the Masterplan, public open space provision and the treatment of the western boundary have been comprehensively addressed through the design evolution of the scheme, the extensive supporting technical documentation submitted with the application and the detailed responses set out in this submission.

The proposed development will deliver 562 No. new homes on a strategically located and underutilised site in close proximity to high-capacity public transport, employment opportunities and community infrastructure. It will also provide substantial public open space, community and cultural facilities, a childcare facility, a café/restaurant, enhanced biodiversity measures and improved pedestrian and cycle connectivity for the wider area. These represent significant and enduring public benefits that are fully aligned with national and regional objectives for compact growth and sustainable urban development.

For all of the reasons set out above, it is respectfully submitted that the Appeals should be dismissed and that Dublin City Council's decision to grant permission should be upheld in full.

Yours faithfully,

Patricie Thornton

Patricia Thornton
Director
Thornton O'Connor Town Planning

Appendix A: Response from 3D Design Bureau on daylight/sunlight issues raised in the Norwood Park Appeal.

LRD 2, Milltown Park, Sandford Road, Dublin 6.

DCC Reg. Ref. WEBLRD 6093/26
ACP Ref: 324275-26

Response to Third Party Appeal
Applicant: Sandford Living Limited

"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design." - BR 209

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The following report has been prepared by 3D Design Bureau (3DDB). 3DDB have over eight years experience in producing daylight and sunlight assessments for large scale planning applications and are recognised as experts in the field. This report has been reviewed and overseen by Nicholas Polley and Richard Dalton. Nicholas is CEO of 3D Design Bureau and is a qualified Building Services Engineer (B.Sc.(Eng) Dip Eng) with over 25 years experience in the industry. Richard is Associate Director of 3DDB and has a bachelor's degree in Building Information Modelling (BIM) with over 20 years experience in the industry.

1.0 Overview of the Third-Party Appeal

3D Design Bureau (3DDB) produced a comprehensive daylight and sunlight assessment as part of the application for the Large-Scale Residential Development (LRD), Milltown Park, Sandford Road, Dublin 6 (DCC Ref. WEBLRD6093/26-S3B). This report is referred to herein as 'the submitted daylight and sunlight report'.

A third party appeal has been submitted by Armstrong Planning on behalf of Norwood Park Residents Association objecting to a grant of permission for this development. This will be referred to herein as 'the appeal'.

The grounds of appeal in this third party objection related to:

- "2.1 Excessive Density Proposed in Contrary to the Compact Settlements Guidelines
- 2.2 Excessive Height Proposed is Contrary to the Building Height Guidelines
- 2.3 Methodologies Used in the Submitted Daylight and Sunlight Assessment are not Consistent with Relevant Guidance
- 2.4 Significant Negative Impact on Existing Residential Amenity"

This document is in direct response to point 2.3 of this appeal. 3DDB strongly refutes the claim that the methodology used in the submitted daylight and sunlight assessment is not consistent with the relevant guidance.

Section 2.3.1 of the appeal states:

"Assessment approach taken in the Daylight Impact Analysis is inconsistent with the BRE Guide

Site layout planning for daylight and sunlight: A guide to good practice (the BRE Guide) outlines methodologies for assessing impacts of development on daylight access within existing buildings and sets out standards for daylight performance which can be used in determining the likely extent of impact. Its use for daylight impact assessment under the Irish planning system is recommended by Appendix 16 of the Development Plan and the Compact Settlements Guidelines.

However, we submit that the approach taken in the Applicant's Daylight and Sunlight Assessment (December 2025) does not properly reflect the recommendations of the BRE Guide and could serve to dilute how the likely impact of the proposal on the neighbouring existing buildings is interpreted. For example:

The BRE Guide recommends that, for rooms with a conventional window design, a Vertical Sky Component (VSC) of at least 27% will usually achieve adequate daylighting. In relation to impacts of new development on existing buildings, Section 2.2.23 provides that "the diffuse daylighting of the existing building may be adversely affected ... if ... the VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value". This appears to have been misinterpreted in the submitted Daylight and Sunlight Assessment Report, whereby 3D Design Bureau have instead generated a "Recommended minimum VSC". Section A.1 (page 35) of the submitted Daylight and Sunlight Assessment Report provides as follows: "to determine the recommended minimum Value, 80% of the Baseline VSC value has been calculated. If this value is above the 27% threshold, a target value of 27% will be applied. If 80% of the baseline value is below 27%, then 80% of the baseline value is the appropriate target value." This is not a correct application of the BRE Guide. The correct methodology for generating alternative target values is set out in Appendix F: Setting alternative target values for skylight and sunlight access, together with the circumstances in which it is appropriate to set alternative target values. Quoting a "Recommended minimum VSC" gives the impression that daylight is adequate in the existing room when that may not be the case.

Tables A.11-A.14 describe the level of "Compliance with BRE Guidelines". Section A.1 states that "This column states the compliance of the Proposed VSC Value with the recommended minimum VSC as per the BRE Guidelines". However, in multiple instances, the tables indicate that, under a proposed scenario, windows in existing buildings will remain "BRE Compliant" when those windows will receive less than, and in some cases, considerably less than 27% VSC. It is not accurate to describe any conventional window in an existing building receiving less than 27% VSC as "BRE Compliant". This gives the impression that daylight will remain adequate in some existing rooms after the construction of the proposed development when that may not be the case.

Having regard to the above, we submit that the Daylight and Sunlight Assessment (December 2025) does not clearly outline the true impact of the proposal on daylight access to neighbouring residences. The Daylight and Sunlight Assessment is not consistent with the recommendations of the BRE Guide and has likely misled members of the public as to the likely impact of the proposal on loss of light to neighbouring dwellings."

3DDB Response:

This assertion is factually incorrect. The approach taken in the submitted daylight and sunlight report is in fact a textbook application of the VSC impact assessment in accordance with the criteria of the BRE Guidelines.

The first quotation the appellant has taken from the BRE Guidelines is correct:

"the diffuse daylighting of the existing building may be adversely affected ... if ... the VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value"

The word 'and', as emphasised above, is crucial when applying this criterion. Without this specific element of the impact assessment, it would be impossible to develop land next to certain windows without failing to meet the criteria of the BRE Guidelines.

As shown in the following page, the submitted daylight and sunlight report provides a perfect example of this.

As shown in Figure 2.1 below, there is a room to the rear of 6 Norwood Park, identified in the submitted daylight and sunlight report as 6b#.

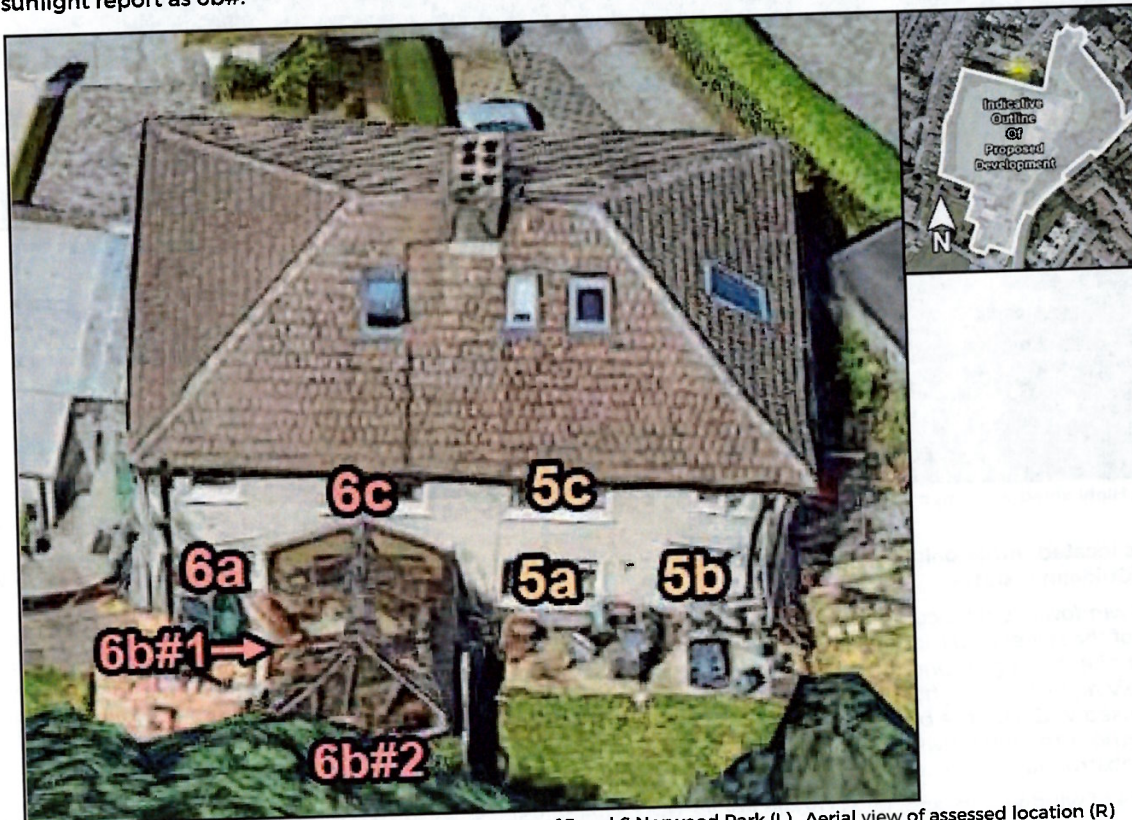


Figure 2.1: Highlighted positions of the assessed windows of 5 and 6 Norwood Park (L). Aerial view of assessed location (R)

This room has two windows, one facing west (window 6b#1), and the other facing south (6b#2).

As detailed on page 51 of the submitted daylight and sunlight report, the baseline VSC value for window 6b#1 is 27.11%. If we accept the appellant's logic—that any reduction below 27% automatically constitutes an adverse effect—the subject site would effectively be sterilised from a development perspective unless deviation from the guidelines was accepted.

The VSC value for this window in the proposed state is 24.64%. While this is below 27%, this represents a ratio of change of 0.91. Because this comfortably exceeds the 0.8 threshold, it strictly adheres to the second part of the BRE's two-part test. Consequently, this window has been correctly identified as 'BRE Compliant'.

The appellant then goes on to state:

"The correct methodology for generating alternative target values is set out in Appendix F: Setting alternative target values for skylight and sunlight access, together with the circumstances in which it is appropriate to set alternative target values."

While 3DDB acknowledges that Appendix F of the BRE Guidelines offers advice on "setting alternative target values", it is important to consider what this section serves as an alternative to—namely, the standard target values. All guidance within Appendix F relates to instances where it is appropriate to deviate from standard targets (which require a proposed VSC value above 27% or more than 0.8 times the baseline value). Appendix F was not referenced in the submitted report as only the standard target values were applied.

The appellant also claims:

"in multiple instances, the tables indicate that, under a proposed scenario, windows in existing buildings will remain 'BRE Compliant' when those windows will receive less than, and in some cases, considerably less than 27% VSC."

However, they do not offer their interpretation of what constitutes 'considerably less than 27% VSC'. By contrast, section E2 on page 340 of the submitted daylight and sunlight report clearly outlines numerical targets that inform the categorisation of effects applied by 3DDB, removing any ambiguity from the results presented.

This has been rigidly applied to the presentation of results throughout the submitted daylight and sunlight report. This is best demonstrated in the VSC results for the 1st floor windows of Rowan Hall / Cedar Hall. As shown in Figure 2.2 on the following page, this development contains multiple windows that are within recessed balconies.

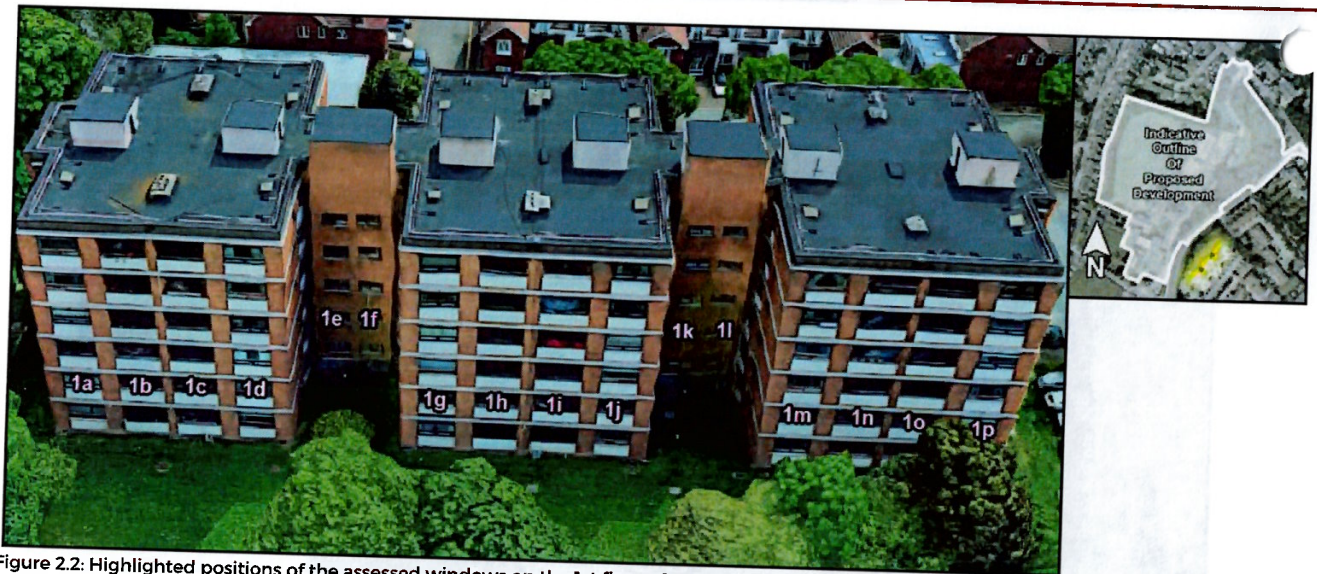


Figure 2.2: Highlighted positions of the assessed windows on the 1st floor of Rowan Hall / Cedar Hall (L). Aerial view of assessed location (R)

Windows located under balconies are generally constrained in terms of daylight access. Regarding this, section 2.2.13 of the BRE Guidelines states:

"Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and area receiving direct skylight, for both the existing and proposed situations, without the balcony in place. For example, if the proposed VSC with the balcony was under 0.80 times the existing value with the balcony, but the same ratio for the values without the balcony was well over 0.8, this would show that the presence of the balcony, rather than the size of the new obstruction, was the main factor in the relative loss of light"

In the case of windows '1b' and '1c' as shown above, the baseline VSC values are 9.16% and 9.45% respectively, which could indeed be considered 'considerably below 27%'.

In the proposed state this has been reduced to 7.20% for window '1b' and 7.47% for '1c'. Although the actual reduction is relatively low (c. 2% VSC reduction), these windows have been categorised as 'minor adverse' in the submitted daylight and sunlight report on the basis that the ratio of change is 0.79 from the baseline value.

This demonstrates that the logic outlined in Section E2 of the submitted report has been consistently followed, even where deviations from recommended VSC impact levels are marginal.

These impacts were rationalised through a no balcony assessment, in accordance with the advice given in section 2.2.13 of the BRE Guidelines, as quoted above.

Having regard to the above, it is clear that the original daylight and sunlight report represents a precise and accurate application of the BRE Guidelines. The appellant's criticisms stem from a fundamental misunderstanding of standard daylight metrics and alternative evaluation pathways. 3DDB stands fully behind the integrity of the submitted assessment and requests that this ground of appeal be dismissed.

Section 2.3.2 of the appeal states: (3DDB response on page 8)

"Assessment of Daylight Analysis within the Proposed Development Assumes Use of Brighter Materials and More Transparent Glass than is Recommended by Relevant Standards"

Appendix 16 of the Development Plan sets out detailed requirements for the assessment of daylight access within new residential developments, including requiring assessment of target illuminance in all proposed habitable rooms with reference to the National Annex of BS EN 17037: 2018 and to the BRE Guide.

Both the BS EN 17037: 2018 and the BRE Guide are explicit about the parameters that should be used in building the assessment model for assessment of daylight access in proposed rooms. The table below outlines the values used by 3D Design Bureau compared with the default parameters which the BS EN 17037: 2018 recommends should be used in carrying out verified calculations and the ranges of acceptable values.

The BRE Guide also includes, at Table C4, recommended surface reflectances and cites the following default reflectance values: interior walls: 0.5; ceilings: 0.7; floors: 0.2; exterior walls and obstructions: 0.2; and exterior ground: 0.2. Paragraph C24 states that: "Maximum reflectances for light pastel walls should not exceed 0.7 in the calculations".

As illustrated by Table 1 below, the submitted daylight analysis generally assumes the use of brighter materials than the default values recommended by EN 17037: Daylighting in Buildings for the carrying out of verified calculations and the default values set out in the BRE Guide.

Table 1: Comparative table comparing the material reflectance assumptions made in the submitted Daylight and Sunlight Assessment Report with the recommendations of the Daylighting in Buildings (EN 17037)

3D Design Bureau Report			EN 17037 Recommendations		
Object	Material	Reflectance	Object	Default Reflectance (recommended for verified calculations)	Reflectance Range
Exterior walls	Standard Brick	0.3	Exterior walls	-	0.2 - 0.4
	Light Brick	0.4			
	Dark Brick	0.15			
	Render	0.6			
	Concrete	0.4			
Ground cover	Paving	0.4	Ground	0.2	0.2
	Tarmac	0.2			
	Grass	0.2			
Interior Walls	White paint	0.8	Interior Walls	0.5	0.5 - 0.8
Interior Ceiling	White paint	0.8	Interior Ceiling	0.7	0.5 - 0.9
Interior Floor	Light timber	0.4	Interior Floor	0.2	0.2-0.4
Miscellaneous	Miscellaneous	0.5	Miscellaneous	-	-

Moreover, table 2.5.1 of the 3D Design Bureau Report also includes the following:

Fig. 2. Extract from Table 2.5.1 of the Applicant's Daylight and Sunlight Assessment prepared by 3D Design Bureau

Glass	Glass transmittance value	0.80
	Maintenance factor	0.91
	Glass adjusted for maintenance	0.73
	Frosted glass	0.5

The Report does not include any references that might identify the origin of these figures and does not explain how transmittance values and maintenance factors were applied to the windows in carrying out calculations. The above excerpt from Table 2.5.1 would seem to suggest that the assessment assumes a glass transmittance value of 0.80 and a maintenance factor of 0.91 and then combined those factors in order to then come up with an overall assumption that 73% of available light would be transmitted through the glass serving rooms to proposed units. This assumption is much higher than the recommendations of the BRE Guide, which assumes that something of the order of 52% to 63% of available light will be transmitted through the glass of windows in urban areas (i.e. having regard to the urban density of the proposal for which the Applicant is now seeking permission, it is assumed that the urban maintenance factors must be applied to the assessment. However, the assumptions made in the submitted report would even exceed recommendations for light transmittance of windows in a rural context). Table 2 below compares the glass transmittance values and glass maintenance factors applied in the submitted Daylight and Sunlight Assessment to those recommended by the BRE Guide.

Table 2: Comparative table comparing the assumptions made in the submitted Daylight and Sunlight Assessment

3D Design Bureau Report		BRE Guide Recommendations		
Glass Transmittance Value	0.8	Glass Transmittance Value	Clear double glazing with a low emissivity coating	All other windows
			0.68	Manufacturer's normal incidence light transmittance x 0.91
Type of Window	Maintenance Factor	Type of Window	Maintenance Factor	
			Rural / suburban	Urban
All	0.91	Vertical, no overhang	0.96	0.88
		Vertical, sheltered from rain, e.g. by balcony or overhang	0.88	0.76
		Sloping rooflight	0.92	0.84
		Horizontal rooflight	0.88	0.76

Report with the recommendations of the BRE Guide

The BRE Guide also requires the application of a framing factor where window framing is not included in the assessment model. There is no reference to this in the report so it is unclear what approach was taken in the submitted Daylight and Sunlight Assessment.

The use of brighter materials, higher glazing transmittance values and higher glass maintenance factors than those recommended in the EN 17037 and the BRE Guide carry the potential to exaggerate the results of daylight access analysis of proposed development and could suggest that a development would perform better than is likely to be the case.

This has implications for the Commission's understanding of the likely daylight performance of the scheme within the meaning of relevant statutory guidelines, such as the Compact Settlements Guidelines.

Given this, we submit that the Daylight and Sunlight Assessment (dated December 2025) submitted with the planning application does not provide sufficient information on the daylight performance of the proposed scheme, within the meaning of relevant local and statutory planning policy, and does not provide a sufficient basis for An Coimisiún Pleanála to make a decision."

3DDB Response:

This portion of the appellant's objection is a classic "copy-paste" critique. They have taken generic, conservative default values from the appendices of the guidelines and tried to frame them as rigid, legally binding maximum limits.

The 'default' values specified in IS EN 17037, as shown in Table 1 of the appeal document, identify the reflectance values to be used if the assessor is making blind assumptions. This is evident in section B.3.1 of EN 17037, which states:

"If details of the space being assessed are not available, then reasonable assumptions may be employed (e.g reflectance of indoor surfaces, indoor space configurations and furniture, if known). All assumptions made shall be stated." - Emphasis added.

However, section 2.5.1 of submitted daylight and sunlight report explicitly states, under the subheading 'Material Palette',

"Following instruction from the project's architect, material values used for SDA calculations are as per the table below:"

Section C24 of the BRE Guidelines also offers advice regarding reflective values:

"Where surface finishes have been specified or measured on site, they can be used in the calculations with appropriate factors for maintenance and furniture. To allow for these factors, maximum reflectances for white painted surfaces in the calculations should not exceed 0.8 indoors, and 0.6 outdoors. Maximum reflectances for light pastel walls should not exceed 0.7 in the calculations, and maximum reflectances for light wood floors should not exceed 0.4. Surface reflectances used should be presented in the assessment, along with a specification of the materials if non-default reflectances are used."

The material palette, as referenced in Table 1 of the appeal document lists out the reflectance values used in the submitted daylight and sunlight report, which as shown in the appellant's comparison table are within the recommended range as specified in IS EN 17037 and also aligned with the recommended range specified in the BRE Guidelines, which are slightly more restrictive.

Both guiding documents advise using conservative default parameters only when finishes are unknown. These values represent a generic, worst-case scenario. The appellant's critique relies entirely on treating these conservative applications as mandatory limits.

While the reflective and transmittance values used in the submitted daylight and sunlight report sit at the upper end of the permissible range, they represent real-world, high-specification materials designated in this core urban location.

Similarly, regarding the application of glass transmittance and maintenance factors, the appellant treats the BRE Guidelines' standard double-glazing default of 0.68 as a strict maximum cap. In reality, modern high-performance glass specifications routinely achieve light transmittance (LT) values of up to 0.81. Utilising a value of 0.80 directly reflects the high-specification glazing specified by the project design team.

To balance this high-performance glazing and account for real-world environmental exposure, a maintenance factor of 0.91 was applied across the model. This value is representative of urban context applications where routine building management and window maintenance are anticipated.

The application of the reflective values and glass transmittance values in the analytical model represent a reasonable approach to predictive modelling. Both the BRE Guidelines and EN 17037 state that deviation from default values is correct and acceptable, provided it is clearly stated in the report—which, in the case of the submitted daylight and sunlight report, it explicitly is. Furthermore, to ensure full transparency regarding these choices, the report explicitly prefaces the results below the input tables by stating:

"This study indicates the daylight potential of the proposed development. As-built daylight performance within the occupied development may vary from the results of this assessment due to changes to the exterior context, weather conditions and/or occupier's choice of interior finishes and furniture placement."

Finally, the appellant flags that a "framing factor" was not included in the assessment model. This demonstrates a fundamental gap in their understanding of modern daylight software. Older calculation methodologies relied on flat percentages to account for window frames in the absence of 3D modelling. However, contemporary computational analysis utilises detailed 3D geometric models. For this assessment, the window frames, mullions, and transoms were physically modelled in 3D geometry. The software inherently calculates the solid, physical shadow cast by the frame. Applying a framing factor on top of a fully detailed 3D model would result in double-counting the obstruction, making the data inaccurate.



2.0 Summary & Conclusion

Impact Assessment Summary

In summary, the appellant's argument relies on isolated lines taken out of context from the BRE Guidelines. This selective reading indicates either a misunderstanding of the guidance or an attempt to misrepresent the findings of the submitted daylight and sunlight report. By contrast, the submitted report strictly and consistently applies the comprehensive, two-part evaluation criteria in accordance with the guidelines.

The methodologies used are entirely standard, scientifically robust, and correct. Consequently, the claim that the assessment is inconsistent with relevant guidance is entirely without merit.

Scheme Performance Summary

The objection to the results of the scheme performance assessment is devoid of technical basis. By attempting to frame conservative default assessment metrics as restrictive caps, the appellant fundamentally misinterprets both IS EN 17037 and the BRE Guidelines.

3DDB did not "exaggerate" the results; rather, the assessment was conducted using specified materials provided directly by the design team—a practice explicitly encouraged by both guiding documents. Because the material parameters used sit squarely within the officially recommended and permissible ranges, the assessment results remain entirely valid.

Conclusion

3DDB strongly refutes the claim made by the appellant:

"...we submit that the Daylight and Sunlight Assessment (dated December 2025) submitted with the planning application does not provide sufficient information on the daylight performance of the proposed scheme, within the meaning of relevant local and statutory planning policy, and does not provide a sufficient basis for An Coimisiún Pleanála to make a decision."

On the contrary, the assessment presented in the submitted daylight and sunlight report is comprehensive in its findings, entirely transparent in the methodologies applied, and fully compliant with all relevant guiding documents. It provides a thoroughly robust and reliable basis for An Coimisiún Pleanála to make its decision.

AppendixB: Response from McCann Fitzgerald to the FP Logue Solicitors submission in response to the Cherryfield Avenue Appeal.

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MCCANN FITZGERALD

OUR REF

YOUR REF

DATE

MEMB\81925701.1

28 May 2026

An Coimisiún Pleanála
64 Marlborough Street
Rotunda
Dublin 1
D01 V902

BY EMAIL

An Coimisiún Pleanála - Case reference: ACP 324275-26
Planning Authority Case Reference: WEBLRD6093/26-S3B

A Chara

1. We act on behalf of Sandford Living Limited and write in response to the legal note submitted by FP Logue LLP (the "**Logue Note**") which accompanied the Third Party appeal lodged by BPS Planning Consultants Ltd on behalf of Cherryfield Avenue Residents' Association on 11 May 2026.
2. **Density**
3. Paragraphs 2 to 12 of the Logue Note contend that the proposed development of 140 units per hectare materially contravenes the Dublin City Development Plan 2022-2028 (the "**CDP**"), on the basis that the CDP assigns specific density for every site within the Council's functional area. The Logue Note further argues that the site should be classified as "Outer Suburbs" based on its location, distance from 19th-century urban villages, and historical mapping evidence.
 - 3.1 The Logue Note contends that "[i]t is the intention of the CDP to specify density for the entire functional area of the City Council" and that "the notional informed user would interpret it in this way". This assertion is incorrect. The Commission has previously considered and rejected this interpretation in respect of the subject site.
 - 3.2 In the Inspector's report for the grant of planning permission under ref. LH29S.317921 dated 19 December 2023, section 9.3 states:

S Holst (Managing Partner) • M White (Chair) • H Marren • E O'Hanrahan • H Kilroy • C Fanning • P Lavery • A Fuller • M Doyle • H Beattie • F Gillen
V Lawlor • R Byrne • E de Valera • J Fay • B Gaffikin • D O'Raghallaigh • B Chapman • M Brassil • A Byrne • S Fahy • G O'Riordan • A Farrell • M Murphy
D Murphy • B Quigley • S FitzSimons • P Murphy • F O'Beirne • G O'Brien • G McSharry • A Heuston • J Hogan • R Leonard • R O'Malley • L Smyth
B Slattery • T Dane • C Derrig • M Hooper • S Sweeney • A Finlay • I Ferguson • J Halpin • S McCarron • S Proctor • M Coonan • E Mac Nicholas • B Murphy
S O'Brien • E O'Cuiv • C O'Leary • E Cunningham • G Lohan • C Ryan • N Best • R Gill • D McMahon • L Treacy • L Deignan • S Fuller • N McDowell
J Neeson • O Sheehy • S Carr • M Dunne • D Hamilton • I Payne • B Bollard • A Brick • J McGee • R Stewart • D Barnicle • C Cunningham • P Fearon
C Gillett • A Gleeson • S Martyn • A Moran • C O'Herlihy • J Quirke • G Sadlier • S Walsh • M A Cleary • E Corry • L Egan • J Kelly • J Kennedy
P Longworth • R Murphy • M O'Connor • R O'Neill • P McLay • M Clancy • L Heylin • S Tallon • R Hughes • D McCauley • D Sexton.

Consultants: C Austin • S Barton • D Hurley • E MacDonagh (PCA) • P Osborne • T Spratt (SCA).
Company Secretarial and Compliance Services: R Hunt.

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"The proposed development has a net density of 149.3 units per hectare. Table 1 of the Development Plan outlines the density ranges that will be generally supported based on location. The appellants' point to the site as being an outer suburban location with the range 60-120 (Appendix 3, Table 1 of the CDP) whereas the applicant considers that the site does not fit readily into any of the classifications set out in the Table and that the density is appropriate having regard to the accessibility of the location. City Development Plan policy on density is set out under the planning policy section above. It is clearly stated in relation to Table 1 that 'as a general rule, the following density ranges will be supported in the city'. In this regard the density ranges indicated are not hard limits with all proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3, Appendix 2 of the CDP (Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale). ... Conclusion: I would be of the view that the site is suitable site for increased densities based on both national local planning policy and have no reason to consider that the density proposed is excessive unless other factors such as overall quality of development, visual impact, scale and physical impact on adjoining properties demonstrate to contrary (including the criteria under Table 3, Appendix 2)." (emphasis added).

3.3 Paragraph 13 of the Logue Note states:

My view is reinforced having regard to the Compact Settlements Guidelines. Section 3.4 concerns refining density and defines various locations with regard to accessibility. The site is at best an "accessible location" given that most if not all of the site is more than 1km walking distance from the nearest Luas stop.

Interpretation of the Compact Settlement Guidelines

3.4 The Logue Note fairly recognises the significance of the Compact Settlement Guidelines in considering a site's proposed height and density. However, it is important to contextualise assessment of the site within the Guidelines, rather than referring only to isolated sections. Pursuant to section 3.3 of those Guidelines, a planning authority is to assess a site by categorising it according to settlements, area types and density range. As set out at page 144 of our client's Statement of Consistency, the subject site falls within the 'City - Urban Neighbourhoods' category. This is on the basis that it comprises a "compact medium density residential neighbourhood around the city centre that has evolved over time to include a greater range of land uses" and is "a highly accessible urban location with good access to employment, education and institutional uses and public transport". A site designated as 'City - Urban Neighbourhoods' should, generally, achieve a density within the range of 50-250 dwellings per hectare (see Table 3.1 of the Compact Settlement Guidelines).

3.5 Once the general density is established, section 3.4 of the Compact Settlement Guidelines provides that the planning authority should refine the appropriate density by considering accessibility to services and public transport, character, amenity and natural environment. Our client's Statement of Consistency agrees with the Logue Note that the subject site should be classified as "accessible" under section 3.4. However, the Logue Note's suggestion that this classification renders the proposed density of 140 units per hectare inappropriate is misconceived. Section 3.4 provides that "planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations". The mid-density figure is 150. A proposed density of 140 units per hectare falls squarely within this range.

3.6 Paragraphs 14 and 15 of the Logue Note state:

Moreover these guidelines provide "The NTA's Public Transport Accessibility Level (PTAL) tool will provide detail of public transport accessibility at settlement level and should be used to support the preparation of statutory development plans at a settlement level and in the consideration of individual applications."

This tool shows that the site only has a medium level of service, indicating that it is not one which is suitable for increased heights and/or high density development.'

3.7 The basis for this reliance on PTAL to interpret the Compact Settlement Guidelines in their entirety or determine height and density on the site is unclear. For the avoidance of doubt, PTAL and the Compact Settlement Guidelines serve distinct functions and should not be conflated.

3.8 The Compact Settlement Guidelines set out a structured approach to determining appropriate density. PTAL, on the other hand, is a tool that may be used as part of the assessment to be undertaken under the Compact Settlement Guidelines in respect of public transport accessibility. PTAL combines the walk or cycle journey time to a public transport stop with the level of service at that stop, providing an indication of how well connected an area is to public transport. However, PTAL does not prescribe what height or density a proposed development should achieve. The assertion in the Logue Note that the site's medium level of service under PTAL renders it unsuitable for the proposed development is therefore unsupported.

4. Material Contravention

4.1 Paragraph 16 of the Logue Note states:

In so far as the Commission may be considering granting planning permission in material contravention of the CDP, this would be contrary to EU law since the CDP is a plan within the scope of Article 3(2)(a) of the SEA Directive and therefore it is a binding plan which sets the framework for development consents under the EIA Directive. The objective of the SEA Directive would be undermined if it were possible to derogate from the framework defined by a plan or programme which has been subjected to an environmental assessment, within the meaning of Directive 2001/42, and was prepared taking into account, in accordance with Article 8 of that directive, the conclusions drawn from that assessment, without such a derogation being subject, at the very least, to the obligation, arising from Article 3(3) of that directive, to establish whether that derogation is likely to have significant effects on the environment.

4.2 As set out at in the Planning Report and Statement of Consistency submitted on behalf of Sandford Living Limited, the question of material contravention does not arise in this application. However, for completeness, we note that the argument advanced in the Logue Note has been conclusively rejected by Holland J in *Ballyboden Tidy Town Group v An Bord Pleanála* [2023] IEHC 722. Holland J held that the possibility of material contravention is inherent in the legislative scheme of the Planning and Development Act 2000 (the "PDA 2000"), which makes explicit provision for it under section 34(6).¹ Accordingly, a material contravention is not a "derogation" from the framework in the sense envisaged by the SEA Directive.²

¹ *Ballyboden Tidy Town Group v An Bord Pleanála* [2023] IEHC 722 para 227.

² *Ballyboden Tidy Town Group v An Bord Pleanála* [2023] IEHC 722 para 226.

5. **Planning Design Standards for Apartments – Guidelines for Planning Authorities 2025**
- 5.1 Paragraphs 17 and 18 of the Logue Note contend that the 2025 Apartment Guidelines cannot be relied upon because they were not subject to SEA and references pending litigation in the High Court (*McDonald and others v Minister for Housing and others 2025/1464 JR*) and the Court of Justice (C-116/26) on this issue.
- 5.2 The assertion that the 2025 Apartment Guidelines cannot be relied upon is without foundation. The 2025 Apartment Guidelines, which include specific planning policy requirements ("SPPRs"), were issued under section 28 of the PDA 2000. Under section 28(1) of the PDA 2000, planning authorities are required to have regard to such guidelines in the performance of their functions.
- 5.3 Contrary to the Logue Note's suggestion, planning authorities are statutorily mandated to apply the requirements of SPPRs over the provisions of a development plan where there is any conflict. This is expressly provided for in section 34(2)(aa) of the PDA 2000, which requires a planning authority, when determining an application for planning permission, to apply any relevant SPPRs. Section 34(2)(ba) of the PDA 2000 further provides that, where the requirements of an SPPR differ from the provisions of a development plan, "*the requirements of the [SPPR] shall, to the extent that they so differ, apply instead of the provisions of the development plan.*"
- 5.4 Finally, the reference to pending litigation in *McDonald and others v Minister for Housing and others* (2025/1464 JR) and before the Court of Justice (C-116/26) is irrelevant to the Commission's determination. No stay has been granted against the operation of the 2025 Apartment Guidelines pending the outcome of that litigation. The mere existence of a legal challenge does not suspend the effect of validly enacted legislation or guidelines. Unless and until a court determines that the 2025 Apartment Guidelines are invalid, the Commission is obliged to apply the law as it currently stands. Accordingly, the 2025 Apartment Guidelines and the SPPRs contained therein remain fully applicable to the determination of this application.

Yours sincerely

M'Cann Fitzgerald LLP

McCann FitzGerald LLP

