

Lodged online via the Commission's Appeal Web Portal

The Secretary,
An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1.

21 August 2026

Dear Sir/Madam,

Third Party Planning Appeal in respect of the decision of Dun Laoghaire Rathdown County Council, made under planning application, reg. ref. LRD26A/0051/WEB, to issue Notification of Intention to Grant Planning Permission for proposed comprising of: "1. Amendments to previously permitted Blocks C1, C2, C3, D1, E1, E2, E3, E4 and E5 as follows: A revised building design for previously permitted Block C1 (3 storeys overall) previously consisting of 7 no. apartment units (6 no. 2 bed units and 1 no. 3 bed unit) to now comprise 10 no. apartment units (4 no. 1 bed units and 6 no. 2 bed units) - an uplift of 3 no. residential units in total. Amendments will include ... revisions to the ... height of the building (3 storeys overall) and revisions to elevations and building footprint. A revised building design for previously permitted Block C2 (3 storeys overall) ... to now comprise a crèche facility of approx. 401 sq m at level 00, associated outdoor play area space of 302 sq m and 6 no. apartment units ... at levels 01 and 02 - an uplift of 2 no. residential units in total and increased crèche floor area size by approx. 115 sq m. etc..." at a c. 4.56 hectare site at 'St. Teresa's House' (A Protected Structure) and 'St. Teresa's Lodge' (A Protected Structure) at Temple Hill and Temple Road, Monkstown, Blackrock, Co. Dublin.

BPS Planning & Development Consultants Ltd, a firm of Irish Planning Institute chartered town planning consultants, has been retained by Positive Planning Blackrock c/o Chair, Denise Kavanagh, 19 St. Vincent's Park, Blackrock, Co. Dublin, to submit a Third Party Planning Appeal to An Coimisiún Pleanála ["ACP" or "the Commission"] in respect of the decision of Dun Laoghaire-Rathdown County Council [hereafter "DLRCC"], made under planning application, reg. ref. LRD26A/0051/WEB, to issue Notification of Intention to Grant Planning Permission for a Large-scale Residential Development [hereafter "LRD"], reg. ref. LRD26A/0051/WEB¹. The proposed development² comprises of:

Amendments to previously permitted Blocks C1, C2, C3, D1, E1, E2, E3, E4 and E5 as follows: •A revised building design for previously permitted Block C1 (3 storeys overall) previously consisting of 7 no. apartment units (6 no. 2 bed units and 1 no. 3 bed unit) to now comprise 10 no. apartment units (4 no. 1 bed units and 6 no. 2 bed units) - an uplift of 3 no. residential units in total. Amendments will include minor revisions to the overall height of the building (3 storeys overall) and revisions to elevations and building footprint. •A revised building design for previously permitted Block C2 (3 storeys overall) previously consisting of a crèche facility (approx. 286 sq m) at level 00 and 4 no. apartment units at level 01 and 02 (3 no. 2 bed units and 1 no. 3 bed unit) to now comprise a crèche facility of approx. 401 sq m at level 00, associated outdoor play area space of 302 sq m and 6 no. apartment units (2 no. 1 bed units and 4 no. 2 bed units) at levels 01 and 02 - an uplift of 2 no. residential units in total and increased crèche floor area size by approx. 115 sq m. Amendments will include minor revisions to the overall height of the building (3 storeys overall) and revisions to elevations and building footprint. • A New Block C3 (1 storey over basement level) comprising residential amenity space of approx. 451 sq m. •The omission of previously permitted Block D1 (5 storeys overall) and basement level previously consisting of 50 no. apartment units (15 no. 1 bed units, 23 no. 2 bed units and 12 no. 3 bed units) to now deliver new Block D1 (4 - 7 storeys over new basement level) comprising 125 no. apartment units (19 no. 1 bed units, 68 no. 2 bed units and 38 no. 3 bed units) - an uplift of 75 no. residential units in total. •The omission of previously permitted Block E1 (5 storeys overall) previously consisting of 14 no. apartment units (9 no. 2 bed units, 4 no. 3 bed units and 1 no. 3 bed duplex unit) to now deliver new Block E1 (4 - 7 storeys) comprising 61 no. apartment units (7 no. studio units, 6 no. 1 bed units, 26 no. 2 bed units and 22 no. 3 bed units) - an uplift of 47 no. residential units in total. •The omission of previously permitted Block E2 (5 storeys overall) previously consisting of 15 no. apartment units (9 no. 2 bed units, 4 no. 3 bed units and 2 no. 3 bed duplex units) to now deliver new Block E2 (6 storeys) comprising 50 no. apartment units (1 no. studio unit, 25 no. 1 bed units, 20 no. 2 bed units and 4 no. 3 bed units) - an uplift of 35 no. apartment units in total. •The omission of permitted Blocks E3 (5 storeys), E4 (4 storeys) and E5 (5 storeys) previously providing for 38 no. units in total (27 no. 2 beds, 8 no. 3 beds and 3 no. 3 bed duplex units). •Each residential unit has associated private open space in the form of a terrace / balcony.

¹ <https://planning.agileapplications.ie/dunlaoghaire/application-details/104741>

² As advertised on the planning notices (description shortened to include the main parts of the scheme).

The above new proposals extend to a total of 252 residential units. Blocks A1, B1, B2, B3, B4 and Block H (St. Teresa's House - A Protected Structure) remain as originally permitted with no further amendments proposed (162 no. units and permitted heights of 3-8 storeys).

2. The structures for demolition across the site remain as permitted with no further amendments proposed. This includes any structures previously permitted for demolition that still remain on site and the removal of associated remnants of low / retaining walls and in-ground concrete steps.

3. An amended proposal for Block G (St. Teresa's Lodge - A Protected Structure) (1 storey) including a change of use from previously permitted 1 no. 1 bed unit to a new café of approx. 67.4 sq m and associated signage. This proposal will again seek permission for the dismantling/deconstruction of the existing St. Teresa's Lodge (Gate Lodge) (approx. 38.56 sq m) and the demolition of a lean to extension (approx. 28.5 sq m) as previously permitted under Strategic Housing Development ABP-303804-19. The current amendment proposal seeks permission to relocate and reconstruct St. Teresa's Lodge in a new location (180 m southwest of its original position and located adjacent to Rockfield Park) using original roof timbers, decorative elements and rubble stonework, with original brickwork cleaned and re-used where appropriate. The non - original extension (approx. 28.5 sq m) will be again removed as previously permitted. The current proposal seeks further extension of this building (approx. 28.88 sq m) and a change of use from residential (1 no. unit) to café use to deliver a Part M compliant single storey building of approx. 67.4 sq m and associated signage.

4. A revised landscape plan now provides for: •Public open space in the form of a central parkland, garden link, woodland park (incorporating an existing folly) and a tree belt (approx. 11,238 sqm overall). •Communal open space is now proposed in the form of entrance gardens, plazas, terraced gardens and roof terraces (approx. 3,620 sqm overall). •Provision is also now made for 2 no. new pedestrian connections to Rockfield Park on the southern site boundary (1 no. adjacent to the proposed relocated Gate Lodge and 1 no. at the hammerhead adjacent to Block E2) and all other pedestrian connections remain as permitted under Strategic Housing Development ABP-303804-19.

5. A revised total of 244 no. car parking spaces (a decrease of 28 no. spaces) and 962 no. bicycle spaces (an uplift of 296 no. spaces) are proposed. The no. of motorcycle spaces remains as permitted at 20 no. spaces.

6. The development also provides for revised proposals for Bin Storage areas, Bike Storage areas, life safety generator room, ESB substations and switch rooms with a combined floor area of approx. 609 sq m all at surface level.

7. Access to the development generally remains as permitted under Strategic Housing Development ABP-303804-19, which provides for works to the existing entrance to the overall site via Temple Hill and Temple Road to deliver the realignment and upgrade of the existing signalised junction and associated footpaths, with minor modifications to the junction layout to provide for improved and safer vehicular access/egress to the site and to/from St. Vincent's Park. Emergency vehicular access and pedestrian/cycle access also remains as permitted via a secondary and long-established existing access point along Temple Hill. There are no works proposed to the existing gates (Protected Structure) at this location. There are minor modifications proposed to the northeastern boundary walls and access gateway to 'Carmond' to facilitate alignment improvements for safe access/egress serving St. Vincent's Park.

8. The associated site and infrastructural works include provision for water services; foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works; green roofs; PV panels; boundary treatment; internal roads and footpaths.

The proposal is sited in the local authority area of DLRCC, and the planning application's drawings and details have been reviewed at a website created by the applicant.³ The planning application's assessment by DLRCC has also been reviewed in full by way of the planning authority's website.

The DLRCC decision was made on 28 July 2026. **The deadline for the lodgement of Third Party appeals is therefore 24 August 2026.** This appeal is lodged on or prior to this date.

The Commission is asked to overturn the decision of DLRCC and to refuse planning permission for this proposed development.

For the purposes of validation of this planning appeal please find attached:

- (1) The €220 fee payable for a Third Party appeal;
- (2) A Planning Appeal Form and a Planning Appeal Checklist Form;
- (3) A Planning Appeal Report setting out our clients' Grounds for Appeal; and
- (4) A copy of the DLRCC acknowledgement letter for the original planning objection and subsequent Further Information submission lodged to DLRCC.

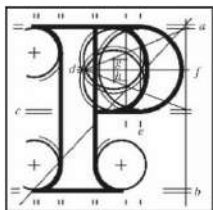
If you require any further details, please contact BPS at the address provided.

With best wishes,

Brendan Byrne Buck

Brendan Byrne Buck MIPI
Managing Director
BPS Planning & Development Consultants LTD

³ <https://templeroadplanning1amended.com/>



An
Bord
Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

POSITIVE PLANNING BLACKROCK.

(b) Address

C/O CHAIR, DENISE KAVANAGH, 19 ST.
VINCENT'S PARK, BLACKROCK, CO. DUBLIN.

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Brendan Byrne Buck MIPI

(b) Agent's address

BPS Planning & Development Consultants Ltd,
PO Box 13658, Dublin 14, D14NY27.

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

☐

The agent at the address in Part 2

☒

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL.

(b) Planning authority register reference number

(for example: 18/0123)

LRD26A/0051/WEB.

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

ST. TERESA'S HOUSE (PROTECTED STRUCTURE) AND ST. TERESA'S LODGE (PROTECTED STRUCTURE) TEMPLE HILL, MONKSTOWN, BLACKROCK, CO. DUBLIN. THE DRAWINGS AND DETAILS ARE AT:

WWW. TEMPLEROADPLANNING1AMENDED.COM. THE LRD IS SITED
IN THE LOCAL AUTHORITY AREA OF DUN LAOGHAIRE-RATHDOWN
COUNTY COUNCIL.

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please find a Planning Appeal Report attached which sets out 'Grounds for Appeal'.

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

☐

No, I do not wish to request an oral hearing

☒

NALA has awarded this document its Plain English Mark
Last updated: April 2019.



Third Party LRD Planning Appeal Check List

1. Name of the Appellant: **POSITIVE PLANNING BLACKROCK.**
2. Address of the Appellant: **C/O CHAIR, DENISE KAVANAGH, 19 ST. VINCENT'S PARK, BLACKROCK, CO. DUBLIN.**
3. If an agent is involved, state the name of the agent: **BRENDAN BYRNE BUCK MIPI.**
4. Address of the agent: **BPS PLANNING AND DEVELOPMENT CONSULTANTS LTD., BALLINATONE LOWER, GREENAN, COUNTY WICKLOW, A67W662.**
5. State the Subject Matter of the Appeal: **THIRD PARTY PLANNING APPEAL IN RESPECT OF THE DECISION OF DUN LAOGHAIRE RATHDOWN COUNTY COUNCIL, MADE UNDER PLANNING APPLICATION, REG. REF. LRD26A/0051/WEB, TO ISSUE NOTIFICATION OF INTENTION TO GRANT PLANNING PERMISSION FOR PROPOSED COMPRISING OF: "1. AMENDMENTS TO PREVIOUSLY PERMITTED BLOCKS C1, C2, C3, D1, E1, E2, E3, E4 AND E5 AS FOLLOWS: A REVISED BUILDING DESIGN FOR PREVIOUSLY PERMITTED BLOCK C1 (3 STOREYS OVERALL) PREVIOUSLY CONSISTING OF 7 NO. APARTMENT UNITS (6 NO. 2 BED UNITS AND 1 NO. 3 BED UNIT) TO NOW COMPRISE 10 NO. APARTMENT UNITS (4 NO. 1 BED UNITS AND 6 NO. 2 BED UNITS) - AN UPLIFT OF 3 NO. RESIDENTIAL UNITS IN TOTAL. AMENDMENTS WILL INCLUDE ... REVISIONS TO THE ... HEIGHT OF THE BUILDING (3 STOREYS OVERALL) AND REVISIONS TO ELEVATIONS AND BUILDING FOOTPRINT. A REVISED BUILDING DESIGN FOR PREVIOUSLY PERMITTED BLOCK C2 (3 STOREYS OVERALL) ... TO NOW COMPRISE A CRÈCHE FACILITY OF APPROX. 401 SQ M AT LEVEL 00, ASSOCIATED OUTDOOR PLAY AREA SPACE OF 302 SQ M AND 6 NO. APARTMENT UNITS ... AT LEVELS 01 AND 02 - AN UPLIFT OF 2 NO. RESIDENTIAL UNITS IN TOTAL AND INCREASED CRÈCHE FLOOR AREA SIZE BY APPROX. 115 SQ M. [ETC...]"**
6. Location of development: **ST. TERESA'S HOUSE (PROTECTED STRUCTURE) AND ST. TERESA'S LODGE (PROTECTED STRUCTURE) TEMPLE HILL, MONKSTOWN, BLACKROCK, CO. DUBLIN. THE DRAWINGS AND DETAILS ARE AT: WWW.TEMPLEROADPLANNING1AMENDED.COM. THE LRD IS SITED IN THE LOCAL AUTHORITY AREA OF DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL.**
7. Name of planning authority: **DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL.**
8. Planning authority register reference number: **LRD26A/0051/WEB.**
9. Attach, in full, the grounds for APPEAL and the reasons, considerations and arguments on which they are based. **PLEASE FIND A PLANNING APPEAL REPORT ATTACHED.**
10. Enclose/Pay the correct fee for the **third** party APPEAL: **€220.**
11. Ensure that the APPEAL is received by An Coimisiún Pleanála in the **correct manner** and in **time**. **THE DLRCC DECISION WAS MADE ON 28 JULY 2026. THE DEADLINE FOR THE LODGEMENT OF THIRD PARTY APPEALS IS THEREFORE 24 AUGUST 2026. THIS APPEAL IS LODGED ON OR PRIOR TO THIS DATE.**

Mr. Brendan Buck,
obo Denise Kavanagh Positive Planning Blackrock
BPS Planning and Development Consultants LTD
Ballinatone Lower
Greenan
Wicklow
A67W662

Receipt for Submission

Date: 06-Mar-2026

Register Ref: LRD26A/0051/WEB **Date Recd:** 30-Jan-2026

Development: 1. Amendments to previously permitted Blocks C1, C2, C3, D1, E1, E2, E3, E4 and E5 as follows: •A revised building design for previously permitted Block C1 (3 storeys overall) previously consisting of 7 no. apartment units (6 no. 2 bed units and 1 no. 3 bed unit) to now comprise 10 no. apartment units (4 no. 1 bed units and 6 no. 2 bed units) - an uplift of 3 no. residential units in total. Amendments will include minor revisions to the overall height of the building (3 storeys overall) and revisions to elevations and building footprint. •A revised building design for previously permitted Block C2 (3 storeys overall) previously consisting of a crèche facility (approx. 286 sq m) at level 00 and 4 no. apartment units at level 01 and 02 (3 no. 2 bed units and 1 no. 3 bed unit) to now comprise a crèche facility of approx. 401 sq m at level 00, associated outdoor play area space of 302 sq m and 6 no. apartment units (2 no. 1 bed units and 4 no. 2 bed units) at levels 01 and 02 - an uplift of 2 no. residential units in total and increased crèche floor area size by approx. 115 sq m. Amendments will include minor revisions to the overall height of the building (3 storeys overall) and revisions to elevations and building footprint. • A New Block C3 (1 storey over basement level) comprising residential amenity space of approx. 451 sq m. •The omission of previously permitted Block D1 (5 storeys overall) and basement level previously consisting of 50 no. apartment units (15 no. 1 bed units, 23 no. 2 bed units and 12 no. 3 bed units) to now deliver new Block D1 (4 - 7 storeys over new basement level) comprising 125 no. apartment units (19 no. 1 bed units, 68 no. 2 bed units and 38 no. 3 bed units) - an uplift of 75 no. residential units in total. •The omission of previously permitted Block E1 (5 storeys overall) previously consisting of 14 no. apartment units (9 no. 2 bed units, 4 no. 3 bed units and 1 no. 3 bed duplex unit) to now deliver new Block E1 (4 - 7 storeys) comprising 61 no. apartment units (7 no. studio units, 6 no. 1 bed units, 26 no. 2 bed units and 22 no. 3 bed units) - an uplift of 47 no. residential units in total. •The omission of previously permitted Block E2 (5 storeys overall) previously consisting of 15 no. apartment units (9 no. 2 bed units, 4 no. 3 bed units and 2 no. 3 bed duplex units) to now deliver new Block E2 (6 storeys) comprising 50 no. apartment units (1 no. studio unit, 25 no. 1 bed units, 20 no. 2 bed units and 4 no. 3 bed units) - an uplift of 35 no. apartment units in total. •The omission of permitted Blocks E3 (5 storeys), E4 (4 storeys) and E5 (5 storeys) previously providing for 38 no. units in total (27 no. 2 beds, 8 no. 3

beds and 3 no. 3 bed duplex units). •Each residential unit has associated private open space in the form of a terrace / balcony. The above new proposals extend to a total of 252 residential units. Blocks A1, B1, B2, B3, B4 and Block H (St. Teresa's House - A Protected Structure) remain as originally permitted with no further amendments proposed (162 no. units and permitted heights of 3-8 storeys).

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vehicular access/egress to the site and to/from St. Vincent's Park. Emergency vehicular access and pedestrian/cycle access also remains as permitted via a secondary and long-established existing access point along Temple Hill. There are no works proposed to the existing gates (Protected Structure) at this location. There are minor modifications proposed to the northeastern boundary walls and access gateway to 'Carmond' to facilitate alignment improvements for safe access/egress serving St. Vincent's Park.

8. The associated site and infrastructural works include provision for water services; foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works; green roofs; PV panels; boundary treatment; internal roads and footpaths.

A Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR) will be submitted to the planning authority with the application.

All application documentation and information is available for public viewing at the following website set up by the applicant: www.templeroadplanning1amended.com

Location:	Site of approx. 4.56 ha at 'St. Teresa's House' (A Protected Structure) and 'St. Teresa's Lodge' (A Protected Structure) at Temple Hill and Temple Road, Monkstown, Blackrock, Co. Dublin
Applicant:	Oval Target Limited, Oval Target Limited
App. Type:	Permission (LRD)

Dear Sir/Madam

I wish to acknowledge receipt of your submission/observation in relation to the above planning application.

This file is available for inspection/purchase at the office of the Planning Authority, Monday – Friday, 10:00am to 4:00pm.

You will be notified of the Council's decision in due course.

Please note that, in accordance with Section 251 of the Planning and Development Act, 2000, "where calculating any appropriate period or other time limit referred to in this Act or in any regulations made under this Act, **the period between the 24th Day of December and the first day of January, both days inclusive, shall be disregarded**".

Please note, in accordance with Article 35 of the Planning and Development Regulations 2001 – 2012, persons who made a submission or observation on a planning application will only be notified of the receipt of Further Information(FI) or Clarification of Further Information (CFI), where that FI or CFI is considered significant and requires new public notices.

PLEASE RETAIN THE ATTACHED ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION. A PERSON MAKING AN APPEAL TO AN BORD PLEANALA MUST INCLUDE IN THEIR APPEAL THIS ACKNOWLEDGEMENT BY THE PLANNING AUTHORITY OF RECEIPT OF THE SUBMISSION/OBSERVATION.

Yours faithfully

Bernie Gilsenan

for SENIOR EXECUTIVE OFFICER

(email: planning@dlrcoco.ie telephone: 01-2054863)

**ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION
ON A PLANNING APPLICATION**

THIS IS AN IMPORTANT DOCUMENT

Keep this document safely. You will be required to produce this acknowledgement to An Bord Pleanála if you wish to appeal the decision of the Planning Authority. It is the only form of evidence which will be accepted by An Bord Pleanála that a Submission or Observation has been made to the Planning Authority on the Planning Application.

DÚN LAOGHAIRE RATHDOWN COUNTY COUNCIL

Planning Application Reference Number: LRD26A/0051/WEB

A Submission/Observation in writing has been received from:

Mr. Brendan Buck,
obo Denise Kavanagh Positive Planning Blackrock
BPS Planning and Development Consultants LTD
Ballinatone Lower
Greenan
Wicklow
A67W662

On: 05/03/2026 in relation to the above planning application.

The appropriate fee of €20 has been paid. (fee not applicable to prescribed bodies / Local Authority Elected Members).

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001, (as amended) and will be taken into account by the Planning Authority in its determination of the planning application.

Bernie Gilsenan

Bernie Gilsenan
For Senior Executive Officer

Date 05/03/2026

Planning Authority Stamp

05/03/2026



RECEIPT

Date

6/7/2026

0020221

Received from

The Sum of: (in words)

Amount in figures:

☐ For Rent

☐ For

☐ Cash

☐ Cheque

☐ Credit Card

☐ Money Order

Received by

Signature

0020221
D. O'Hall, 19 St Vincent's
Rue, Blackrock
DUN 15-068.00 LRD26A
0051WEB
2000

OUR FUTURE TOGETHER

Planning Department

Dún Laoghaire-Rathdown County Council

Re: Supplemental Observation on Reg. Ref. LRD26A/0051/WEB, St. Teresa's House and St. Teresa's Lodge, Temple Hill, Monkstown, Blackrock

Dún Laoghaire Rathdown County Council
COUNTER

06 JUL 2026

RECEIVED PLANNING DEPARTMENT

Dear Sir/Madam,

We write on behalf of Positive Planning Blackrock to make a short supplemental observation in relation to this application.

This supplemental observation is made because new information has only recently come to our attention which, in our view, materially strengthens the wastewater and flood-related concerns already raised in the objection on file.

The matter appears to arise from the presentation given by Liam O'Dwyer of the Council's Water Services Section to the Full Council on 09 February 2026 concerning the recent storm events.

Following query, Mr. O'Dwyer is understood to have explained that the intense rainfall in the recent event fell primarily in the Dublin Hills from Glencullen to Three Rock and beyond, and that if the same level of rainfall intensity had instead fallen from Sandyford to Stillorgan, or from Stillorgan to Blackrock, the flooding event would have been very different because the local pluvial piped systems, especially the combined systems, would have been overwhelmed.

He is further understood to have said that, in those circumstances, the networks would have struggled to cope, and the wastewater systems would have caused residents a much more serious and more impactful problem, and that this assessment is based on the Council's experience from previous flooding events.

We also understand that Uisce Éireann is currently undertaking a study of the West Pier catchments from a wastewater point of view, and that the Carysfort Maretimo Stream and catchment is in Tranche Two of the CFRAMS programme and is scheduled to be modelled in the coming years, although no date has yet been fixed.

In our view, this is important new information in the context of this application. The current proposal represents a substantial intensification of the previously permitted scheme, increasing the development from 291 residential units to 414 units. The objection already on file raises concerns that foul water from the development would enter the combined sewer network and ultimately discharge through the West Pier route to Ringsend. The information now brought to our attention raises a further and sharper concern as to whether this intensified development would overburden already inadequate wastewater and drainage infrastructure serving this area, particularly during an extreme pluvial rainfall event.

086-817 6356

Email: positiveplanningblackrock@gmail.com

Phone: 085 847 9947



Planning & Development
Consultants

Third Party Planning Appeal

Third Party Planning Appeal Report in respect of the decision of Dun Laoghaire Rathdown County Council, made under planning application, reg. ref. LRD26A/0051/WEB, to issue Notification of Intention to Grant Planning Permission for proposed comprising of: "1. Amendments to previously permitted Blocks C1, C2, C3, D1, E1, E2, E3, E4 and E5 as follows: A revised building design for previously permitted Block C1 (3 storeys overall) previously consisting of 7 no. apartment units (6 no. 2 bed units and 1 no. 3 bed unit) to now comprise 10 no. apartment units (4 no. 1 bed units and 6 no. 2 bed units) - an uplift of 3 no. residential units in total. Amendments will include ... revisions to the ... height of the building (3 storeys overall) and revisions to elevations and building footprint. A revised building design for previously permitted Block C2 (3 storeys overall) ... at levels 01 and 02 - an uplift of 2 no. residential units in total and increased crèche floor area size by approx. 115 sq m. [etc...]" at a c. 4.56 hectare site at 'St. Teresa's House' (A Protected Structure) and 'St. Teresa's Lodge' (A Protected Structure) at Temple Hill and Temple Road, Monkstown, Blackrock, Co. Dublin.

This Planning Objection Report has been produced by BPS Planning Consultants LTD for and on behalf of Positive Planning Blackrock, c/o Chair, Denise Kavanagh, 19 St. Vincent's Park, Blackrock, Co. Dublin.

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BPS Planning & Development Consultants LTD

PO Box 13658, Dublin 14, D14NY27

Tel: 01 539 4960 / 087-2615871

Email: info@bpsplanning.ie

Web: www.bpsplanning.ie

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Date: 21 August 2026

Contents

1.0	Introduction
2.0	Rationale for and summary of this appeal
3.0	Site location and description
3.1	Existing relationship between the adjoining properties & the applicant site
4.0	Zoning and designations
4.1	Residential amenity of the client properties is not being protected
5.0	Relevant planning history of the site
5.1	Permission – ACP Ref. ABP-303804-19 (Parent SHD)
5.2	Permission – ACP Ref. ABP-312325-21 – remitted case ACP-320285-24 (SHD 2)
5.3	Other planning applications
5.4	Pre-planning
5.4.1	Pre-planning for the Parent SHD planning application
5.4.2	Pre-planning consultation for SHD 2 planning application
5.4.3	Pre-planning consultation with DLRCC for this LRD planning application
6.0	Proposed development
6.1	Validation and planning law concern
7.0	Grounds of Appeal
7.0	<u>Grounds for Appeal</u>
7.1	<u>Ground 1: The deficiencies identified in the Section 32D LRD Opinion remain unresolved and DLRCC failed to address them in its decision</u>
7.1.1	Introduction to Ground 1
7.1.2	Planning Department – Height, Layout, Overlooking and Residential Amenity
7.1.3	DLRCC Conservation Department
7.1.4	DLRCC Parks, Landscaping and Play Provision
7.1.5	DLRCC Transportation Planning
7.1.6	DLRCC Drainage and Flood Risk
7.1.7	Conclusion on Ground 1
7.2	<u>Ground 2: The proposed amendments contravene Objective A zoning – DLRCC failed to protect existing residential amenity</u>
7.2.1	Zoning designation and the core test
7.2.2	Overshadowing / daylight / sunlight impact on residential receptors
7.2.3	Overbearing impact and overlooking of neighbouring properties
7.2.4	Residential amenity / character – historic housing in St Vincent's Park
7.2.5	Conclusion on Ground 2
7.3	<u>Ground 3: The proposal is contrary to national climate policy and the Development Plan's climate objectives – DLRCC failed to discharge its statutory climate obligations</u>
7.3.1	Legal and policy context
7.3.2	Tree Loss and Loss of Carbon Sink / Green Lung
7.3.3	Demolition, embodied carbon and construction waste
7.3.4	Conclusion on Ground 3
7.4	<u>Ground 4: The scheme is contrary to national, regional and local planning policy – the DLRCC failed to secure compliance</u>
7.4.1	Density, scale, height, length and massing contrary to the NPF (First Revision, 2025)
7.4.2	Regional Spatial & Economic Strategy for the Eastern & Midland Region
7.4.3	Non-compliance with Section 28 Guidelines
7.4.4	Contrary to the Dún Laoghaire–Rathdown County Development Plan 2022–2028
7.4.5	Conclusion on Ground 4

7.5 Ground 5: The Landscape and Visual Impact Assessment is incomplete, methodologically flawed and understates impacts on the most sensitive residential receptors – DLRCC failed to require a robust assessment

- 7.5.1 The original LVIA was incomplete, caused objections, and was not accepted by DLRCC
- 7.5.2 Specific deficiencies in the original key viewpoints (V12 and V16)
- 7.5.3 Independent verification and consistency with other grounds
- 7.5.4 Review of the RFI stage Landscape & Visual Impact Assessment & photomontages
- 7.5.5 Conclusion on the LVIA and the Council's failure including at RFI or conditioning stage

7.6 Ground 6: Excessive tree removal conflicts with Development Plan woodland protection objectives – DLRCC failed to require a tree-led design response

- 7.6.1 Conflict with Development Plan woodland protection objectives
- 7.6.2 Excessive quantum of tree loss (86 trees / approximately 48 %)
- 7.6.3 Removal of good-quality (Category B) trees
- 7.6.4 Uncertainty of retention due to construction pressures
- 7.6.5 Failure to demonstrate layout alternatives to avoid tree loss
- 7.6.6 Further Information stage landscape and woodland material
- 7.6.7 Reduction in public open space despite population increase
- 7.6.8 Conclusion on Ground 6

7.7 Ground 7: Reintroduction of Block C3 reverses an established planning position without sufficient justification

- 7.7.1 The Parent SHD omission condition
- 7.7.2 DLRCC's justification for reintroduction
- 7.7.3 Why that justification is insufficient
- 7.7.4 Planning benefits of omission
- 7.7.5 Conclusion

7.8 Ground 8: Traffic and transport impacts of the intensified scheme have not been adequately resolved – DLRCC failed to require capacity certainty before granting permission

- 7.8.1 Material intensification requires robust reassessment
- 7.8.2 Junction capacity remains constrained – DLRCC's Transportation Planning response confirms this
- 7.8.3 Reduced car parking despite major unit increase
- 7.8.4 Café use and additional trip types
- 7.8.5 Construction traffic
- 7.8.6 Over-reliance on modal shift and single-lane exit
- 7.8.7 Conclusion on Ground 8

7.9 Ground 9: Deficiencies in the Environmental Impact Assessment Report and Appropriate Assessment – DLRCC failed to require a complete and robust assessment

- 7.9.1 Tree and woodland loss is not adequately characterised as significant
- 7.9.2 Bat and noise impacts are inadequately assessed
- 7.9.3 Water supply capacity is not properly contextualised
- 7.9.4 Abstraction legislation and cumulative wastewater loading
- 7.9.5 Wastewater / pluvial risk - Supplemental information on local network vulnerability
- 7.9.6 Public participation and consultation deficiencies
- 7.9.7 DLRCC's approach and residual deficiencies
- 7.9.8 Conclusion on Ground 9

7.10 Ground 10: The proposed amendments are a material intensification that departs from the only lawful baseline (the Parent SHD) and aligns more closely with the remitted SHD 2 scheme

- 7.10.1 The only lawful baseline is the Parent SHD
- 7.10.2 The LRD is a material departure from the Parent SHD and aligns closely with SHD 2
- 7.10.3 Visual and spatial comparison
- 7.10.4 DLRCC assessment and the failure to treat the unit uplift as material
- 7.10.5 Conclusion regarding Ground 10

7.11 Ground 11: The proposed development would set damaging precedents

8.0 Conclusion

- 8.1 Performance-based planning risk assessment conclusions

9.0 Recommendation

- 9.1 Recommended reasons for refusal
- 9.2 Revisions required to the scheme to address the concerns raised
- 9.2.1 Bottom line minimums the group would consider accepting

1.0 Introduction

BPS Planning & Development Consultants Ltd, a firm of Irish Planning Institute chartered town planning consultants, has been retained by Positive Planning Blackrock c/o Chair, Denise Kavanagh, 19 St. Vincent's Park, Blackrock, Co. Dublin to submit a Third Party Planning Appeal to An Coimisiún Pleanála ["ACP" or "the Commission"] in respect of the decision of Dun Laoghaire-Rathdown County Council [hereafter "DLRCC"], made under planning application, reg. ref. LRD26A/0051/WEB, to issue Notification of Intention to Grant Planning Permission for a Large-scale Residential Development [hereafter "LRD"], reg. ref. LRD26A/0051/WEB¹. The proposed development² comprises of:

Amendments to previously permitted Blocks C1, C2, C3, D1, E1, E2, E3, E4 and E5 as follows: •A revised building design for previously permitted Block C1 (3 storeys overall) previously consisting of 7 no. apartment units (6 no. 2 bed units and 1 no. 3 bed unit) to now comprise 10 no. apartment units (4 no. 1 bed units and 6 no. 2 bed units) - an uplift of 3 no. residential units in total. Amendments will include minor revisions to the overall height of the building (3 storeys overall) and revisions to elevations and building footprint. •A revised building design for previously permitted Block C2 (3 storeys overall) previously consisting of a crèche facility (approx. 286 sq m) at level 00 and 4 no. apartment units at level 01 and 02 (3 no. 2 bed units and 1 no. 3 bed unit) to now comprise a creche facility of approx. 401 sq m at level 00, associated outdoor play area space of 302 sq m and 6 no. apartment units (2 no. 1 bed units and 4 no. 2 bed units) at levels 01 and 02 - an uplift of 2 no. residential units in total and increased crèche floor area size by approx. 115 sq m. Amendments will include minor revisions to the overall height of the building (3 storeys overall) and revisions to elevations and building footprint. • A New Block C3 (1 storey over basement level) comprising residential amenity space of approx. 451 sq m. •The omission of previously permitted Block D1 (5 storeys overall) and basement level previously consisting of 50 no. apartment units (15 no.1 bed units, 23 no. 2 bed units and 12 no. 3 bed units) to now deliver new Block D1 (4 - 7 storeys over new basement level) comprising 125 no. apartment units (19 no. 1 bed units, 68 no. 2 bed units and 38 no. 3 bed units) - an uplift of 75 no. residential units in total. •The omission of previously permitted Block E1 (5 storeys overall) previously consisting of 14 no. apartment units (9 no. 2 bed units, 4 no. 3 bed units and 1 no. 3 bed duplex unit) to now deliver new Block E1 (4 - 7 storeys) comprising 61 no. apartment units (7 no. studio units, 6 no. 1 bed units, 26 no. 2 bed units and 22 no. 3 bed units) - an uplift of 47 no. residential units in total. •The omission of previously permitted Block E2 (5 storeys overall) previously consisting of 15 no. apartment units (9 no. 2 bed units, 4 no. 3 bed units and 2 no. 3 bed duplex units) to now deliver new Block E2 (6 storeys) comprising 50 no. apartment units (1 no. studio unit, 25 no. 1 bed units, 20 no. 2 bed units and 4 no. 3 bed units) - an uplift of 35 no. apartment units in total. •The omission of permitted Blocks E3 (5 storeys), E4 (4 storeys) and E5 (5 storeys) previously providing for 38 no. units in total (27 no. 2 beds, 8 no. 3 beds and 3 no. 3 bed duplex units). •Each residential unit has associated private open space in the form of a terrace / balcony.

The above new proposals extend to a total of 252 residential units. Blocks A1, B1, B2, B3, B4 and Block H (St. Teresa's House - A Protected Structure) remain as originally permitted with no further amendments proposed (162 no. units and permitted heights of 3-8 storeys).

2. The structures for demolition across the site remain as permitted with no further amendments proposed. This includes any structures previously permitted for demolition that still remain on site and the removal of associated remnants of low / retaining walls and in-ground concrete steps.

3. An amended proposal for Block G (St. Teresa's Lodge - A Protected Structure) (1 storey) including a change of use from previously permitted 1 no. 1 bed unit to a new café of approx. 67.4 sq m and associated signage. This proposal will again seek permission for the dismantling/deconstruction of the existing St. Teresa's Lodge (Gate Lodge) (approx. 38.56 sq m) and the demolition of a lean to extension (approx. 28.5 sq m) as previously permitted under Strategic Housing Development ABP-303804-19. The current amendment proposal seeks permission to relocate and reconstruct St. Teresa's Lodge in a new location (180 m southwest of its original position and located adjacent to Rockfield Park) using original roof timbers, decorative elements and rubble stonework, with original brickwork cleaned and re-used where appropriate. The non - original extension (approx. 28.5 sq m) will be again removed as previously permitted. The current proposal seeks further extension of this building (approx. 28.88 sq m) and a change of use from residential (1 no. unit) to café use to deliver a Part M compliant single storey building of approx. 67.4 sq m and associated signage.

4. A revised landscape plan now provides for: •Public open space in the form of a central parkland, garden link, woodland park (incorporating an existing folly) and a tree belt (approx. 11,238 sqm overall). •Communal open space is now proposed in the form of entrance gardens, plazas, terraced gardens and roof terraces (approx. 3,620 sqm overall). •Provision is also now made for 2 no. new pedestrian connections to Rockfield Park on the southern site boundary (1 no. adjacent to the proposed relocated Gate Lodge and 1 no. at the hammerhead adjacent to Block E2) and all other

¹ <https://planning.agileapplications.ie/dunlaoghaire/application-details/104741>

² As advertised on the planning notices (description shortened to include the main parts of the scheme).

pedestrian connections remain as permitted under Strategic Housing Development ABP-303804-19.

5. A revised total of 244 no. car parking spaces (a decrease of 28 no. spaces) and 962 no. bicycle spaces (an uplift of 296 no. spaces) are proposed. The no. of motorcycle spaces remains as permitted at 20 no. spaces.

6. The development also provides for revised proposals for Bin Storage areas, Bike Storage areas, life safety generator room, ESB substations and switch rooms with a combined floor area of approx. 609 sq m all at surface level.

7. Access to the development generally remains as permitted under Strategic Housing Development ABP-303804-19, which provides for works to the existing entrance to the overall site via Temple Hill and Temple Road to deliver the realignment and upgrade of the existing signalised junction and associated footpaths, with minor modifications to the junction layout to provide for improved and safer vehicular access/egress to the site and to/from St. Vincent's Park. Emergency vehicular access and pedestrian/cycle access also remains as permitted via a secondary and long-established existing access point along Temple Hill. There are no works proposed to the existing gates (Protected Structure) at this location. There are minor modifications proposed to the northeastern boundary walls and access gateway to 'Carmond' to facilitate alignment improvements for safe access/egress serving St. Vincent's Park.

8. The associated site and infrastructural works include provision for water services; foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works; green roofs; PV panels; boundary treatment; internal roads and footpaths.

The proposal is sited in the local authority area of DLRC, and the planning application's drawings and details have been reviewed at a website created by the applicant.³

The planning application's assessment by DLRC has been reviewed in full by way of the planning authority's website.

The DLRC decision was made on 28 July 2026. **The deadline for the lodgement of Third Party appeals is therefore 24 August 2026.** This appeal is lodged on or prior to this date.

Our client wishes to confirm that they have not been consulted by the applicant and have not agreed in advance of the lodgement of this planning application to any part of this development. Our client remains seriously concerned, *inter alia*, about the proposal's failure to comply with *Objective A – To protect and/or improve residential amenity* under the Development Plan; the excessive intensification of the site arising from the 42% uplift in residential units; the scale, height and massing of the amended Blocks D1, E1 and E2; the proximity of these enlarged blocks to established residential properties; the reduction in meaningful public open space relative to the increased population; the substantial loss of mature trees; the inadequacy of parking provision in the context of the increased unit numbers; and the reliance on traffic modelling assumptions that do not robustly demonstrate network resilience.

Taken together, these factors give rise to significant concerns regarding overdevelopment, visual dominance, loss of residential amenity, environmental impact and conflict with the statutory Development Plan framework.

For the convenience of the Commission, BPS has set out conclusions and recommendations in Sections 8.0 and 9.0 of this report.

2.0 Rationale for and summary of this appeal

Positive Planning Blackrock is a residents' group representing the interests of the established residential communities surrounding the St Teresa's lands at Temple Hill / Temple Road, Monkstown, Blackrock — including the residents of St Vincent's Park, Avondale, Barclay Court and adjoining streets. This appeal is made on behalf of the group against the decision of Dún Laoghaire–Rathdown County Council (Reg. Ref. LRD26A/0051/WEB) to grant permission for a Large-Scale Residential Development comprising 414 residential units, a creche, café and associated works on the subject lands.

The group's concerns are consistent with those previously raised by local residents in response to the Parent Strategic Housing Development permitted under ABP-303804-19 (the "Parent SHD") and in respect of the subsequent, more intensive scheme (originally ABP-312325-21, later remitted as ABP-320285-24, collectively "SHD 2").

Background

The Parent SHD (ABP-303804-19) permitted, *inter alia*:

³ <https://templeroadplanning1amended.com/>

- demolition of existing structures (approximately 2,787 sq.m);
- construction of 291–294 residential units;
- conversion of St Teresa's House (Protected Structure) into residential units;
- relocation and reuse of St Teresa's Lodge;
- a crèche and residential amenity facilities; and
- building heights ranging from part 2 to 8 storeys.

The permission was subject to a clear and reasoned condition requiring the omission of Block C3 and the appropriate landscaping of that area in the interests of safeguarding architectural heritage, enhancing permeability and securing the integrity of the public park.

A subsequent SHD application (ABP-312325-21) proposed a significant intensification to 493 units. That permission was granted by An Coimisiún Pleanála but was later quashed by Order of the High Court (perfected 14 May 2024) and remitted for reconsideration (ABP-320285-24). At the time of the current LRD decision, no fresh determination had issued on the remitted case.

The current LRD application is advanced as an amendment of the 2019 permission. In substance, however, it seeks to reintroduce a substantially intensified form of development whose scale, density profile, amenity provision and development logic align more closely with the remitted (and non-operative) SHD 2 scheme than with the only lawful baseline — the Parent SHD.

The current proposal

The LRD proposes 414 residential units (an uplift of approximately 123 units / 42% over the Parent SHD), together with an enlarged childcare facility, a café within the relocated Gate Lodge, a new residential amenity hub (Block C3), and revised open space. While certain perimeter blocks remain closer to the previously permitted scheme, the intensification is concentrated in the rear and western portions of the site closest to established two-storey residential areas:

- Block D1 increases substantially in unit numbers and rises to 6–7 storeys at the sensitive interface with St Vincent's Park;
- Blocks E1 and E2 increase markedly in scale and height (to 6–7 storeys);
- Block C3 is reintroduced contrary to the Parent SHD omission condition;
- public open space is reduced despite the population increase;
- dual-aspect provision declines; and
- car parking is reduced relative to the Parent SHD.

The dwellings at St Vincent's Park form part of a late-1930s housing scheme designed by Manning Robertson, first President of the Town Planning Institute in Ireland. Their architectural and historical interest heightens the sensitivity of the receiving environment and the weight that should be given to the protection of residential amenity under Objective A.

Summary of Grounds for Appeal

Positive Planning Blackrock submits that the decision of DLRCC should be overturned for the following principal reasons:

- **Material intensification and departure from the lawful baseline:** The proposal is not a minor or modest amendment of the Parent SHD. It represents a significant increase in density, height, footprint and intensity, concentrated at the most sensitive residential interfaces, and aligns more closely with the remitted SHD 2 scheme than with the only operative permission.
- **Impact on residential amenity (Objective A):** The increased height (up to 7 storeys), expanded massing and higher occupancy levels will result in greater visual dominance, overlooking, overshadowing and activity impacts on adjoining established residential properties, including the historically significant dwellings at St Vincent's Park, contrary to the Development Plan objective to protect and improve residential amenity. Client residents have consistently identified overbearance at this interface as a primary unresolved concern.
- **Heritage impacts:** The reintroduction of Block C3 reverses a reasoned Parent SHD condition imposed to safeguard architectural heritage, enhance permeability and secure the integrity of the public park. The proposed dismantling and relocation of the Gate Lodge (Protected Structure) continues to engage unresolved conservation concerns.
- **Traffic, parking, access and junction capacity:** The substantial reduction in car parking relative to the increase in units, the constrained access arrangements affecting the established St Vincent's Park community, and the findings of the Transportation Planning Section that the critical N31 / Temple Hill / Site Access junction continues to operate at or above capacity with negative Practical

Reserve Capacity values, give rise to legitimate concerns regarding overspill parking, congestion and network resilience. Capacity certainty was deferred rather than secured.

- **Tree loss, open space and environmental assessment:** The quantum of tree loss (approximately 48% of the recorded stock, including Category B trees), the reduction in public open space despite population increase, and residual deficiencies in the EIAR and NIS (including bat impacts, cumulative water and wastewater loading, and the vulnerability of local combined systems in extreme pluvial events highlighted in the supplemental observation of 6 July 2026) remain inadequately resolved.
- **Climate policy and plan-led integrity:** The scale of demolition, excavation, tree loss and new construction, without a robust whole-life carbon assessment, conflicts with national climate obligations. Advancing a scheme derived from a quashed and still-undetermined SHD through an LRD amendment process raises questions as to whether the current proposal properly reflects the planning history and the need for a fresh, balanced assessment.

Conclusion and recommendation

The amendments cannot reasonably be characterised as a modest refinement of the 2019 permission. The uplift in density, scale, height and intensity conflicts with the proper planning and sustainable development of the area and with the Development Plan objective to protect existing residential amenity. The detailed grounds of appeal are set out in the sections that follow.

Positive Planning Blackrock respectfully requests An Coimisiún Pleanála to allow this appeal and to refuse permission for the proposed development. In the alternative, any grant should be contingent on the fundamental revisions set out in Section 10 of this report, including material reduction in unit numbers and massing at the sensitive interfaces, omission of Block C3, enhanced tree retention and open space, resolution of junction and wastewater capacity, and full protection of the residential amenity of the established communities (including St Vincent's Park).

3.0 Site location and description

The application site comprises lands at St. Teresa's, Temple Hill / Temple Road, Monkstown, Blackrock, Co. Dublin, with a gross site area of approximately 4.56 hectares as identified within the red line boundary. The site corresponds to the lands previously permitted under SHD Ref. ABP-303804-19 and the subsequent SHD 2 application (ABP-312325-21, remitted under ABP-320285-24). The red line boundary includes areas associated with access arrangements, internal roads, surface water infrastructure and public realm works.

The site is irregular in shape and occupies a prominent position between Temple Hill to the north-east and Rockfield Park to the south and west. It is bounded to the north and north-east by established. It is bounded to the north and north-east by established single- and two-storey residential estates including St. Vincent's Park, St. Louise's Park / Barclay Court and dwellings along Temple Hill and Temple Road. To the south and south-west, the site adjoins Rockfield Park, a significant public open space and recreational amenity. To the east, the lands interface with further established residential development and the wider suburban fabric of Monkstown / Blackrock.

The site contains several Protected Structures, namely St. Teresa's House (RPS No. 398), St. Teresa's Lodge (RPS No. 1960), and the associated entrance gates and boundary structures. St. Teresa's House is a substantial three-storey Victorian residence located centrally within the site and set within mature grounds. The Gate Lodge is located near the principal entrance and is associated with the historic curtilage of the main house. The presence of these Protected Structures is a defining constraint of the site and has materially influenced previous planning decisions.

The lands are characterised by a strong sylvan quality, with mature trees and established woodland belts particularly along the southern and western boundaries adjoining Rockfield Park. The site also contains areas of open grassland, internal access roads and hardstanding associated with previous institutional use. The existing topography slopes generally from Temple Hill southwards towards Rockfield Park, with level differences between the application site and adjoining residential estates.

Vehicular access to the site is taken from Temple Hill via the existing signalised junction, which was upgraded under the Parent SHD permission. A secondary long-established access point also exists along Temple Hill and is identified for emergency vehicular access and pedestrian/cycle use. No new primary vehicular access points are proposed under the current LRD application.

The subject lands therefore comprise a sensitive infill site within an established suburban residential context, bounded on multiple sides by single- and two-storey housing and public open space, and containing Protected Structures of architectural and historical significance set within mature landscaped grounds. These contextual characteristics are central to the proper planning assessment of the intensified development now proposed under the current LRD application.

3.1 Existing relationship between the adjoining properties & the applicant site⁴

The application lands directly adjoin established single- and two-storey residential estates to the north, north-west and east, including properties at St. Vincent's Park, St. Louise's Park and Barclay Court. These adjoining dwellings are suburban in character, comprising traditional single- and two-storey houses with private rear gardens backing onto the boundary of the subject site. The relationship is therefore not one of distant urban context, but of immediate and intimate residential interface.

Along significant stretches of the shared boundary, the rear garden boundaries of these homes abut mature tree belts and landscaped areas within the applicant's lands. The existing separation between the open, undeveloped portions of the site and the rear gardens of adjoining dwellings contributes materially to residential amenity, privacy and outlook. The current character of this interface is defined by low-density built form on the residential side and predominantly open or sylvan landscape on the applicant's side.

As illustrated in Figures 1 to 8 below, the closest residential properties experience a direct boundary relationship with the site, with rear garden depths and boundary treatments forming the principal buffer between the established homes and the lands now proposed for intensified apartment development. This existing spatial relationship is a critical component of the planning assessment, as any increase in height, massing, overlooking potential or activity at the site boundary will be experienced most acutely by these adjoining properties.

The photographs and aerial imagery that follow demonstrate the proximity of the applicant's lands to the Positive Planning Blackrock members' properties and highlight the sensitive nature of the existing boundary condition, which must be carefully considered in assessing the appropriateness of the proposed uplift in scale and density under the current LRD application.

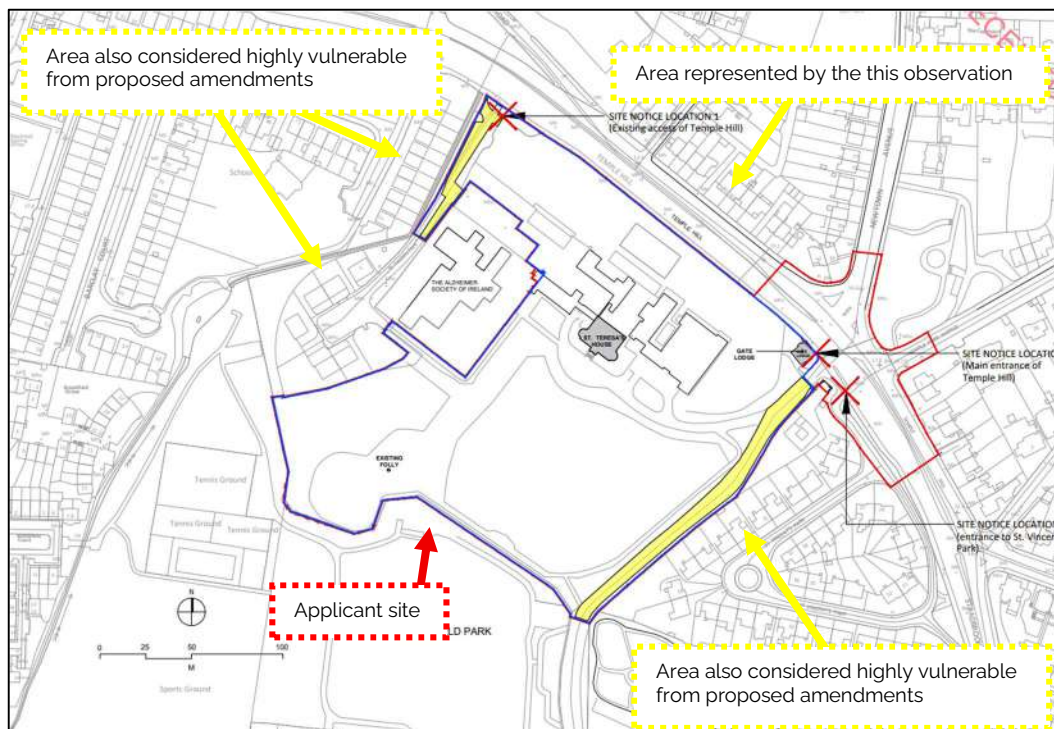


Fig. 1: Client's residents' properties relative to applicant site (1)

⁴ Google images are used to ensure objectivity in the presentation of this objection. These images can be checked online or in person by the ABP Planning Inspector.

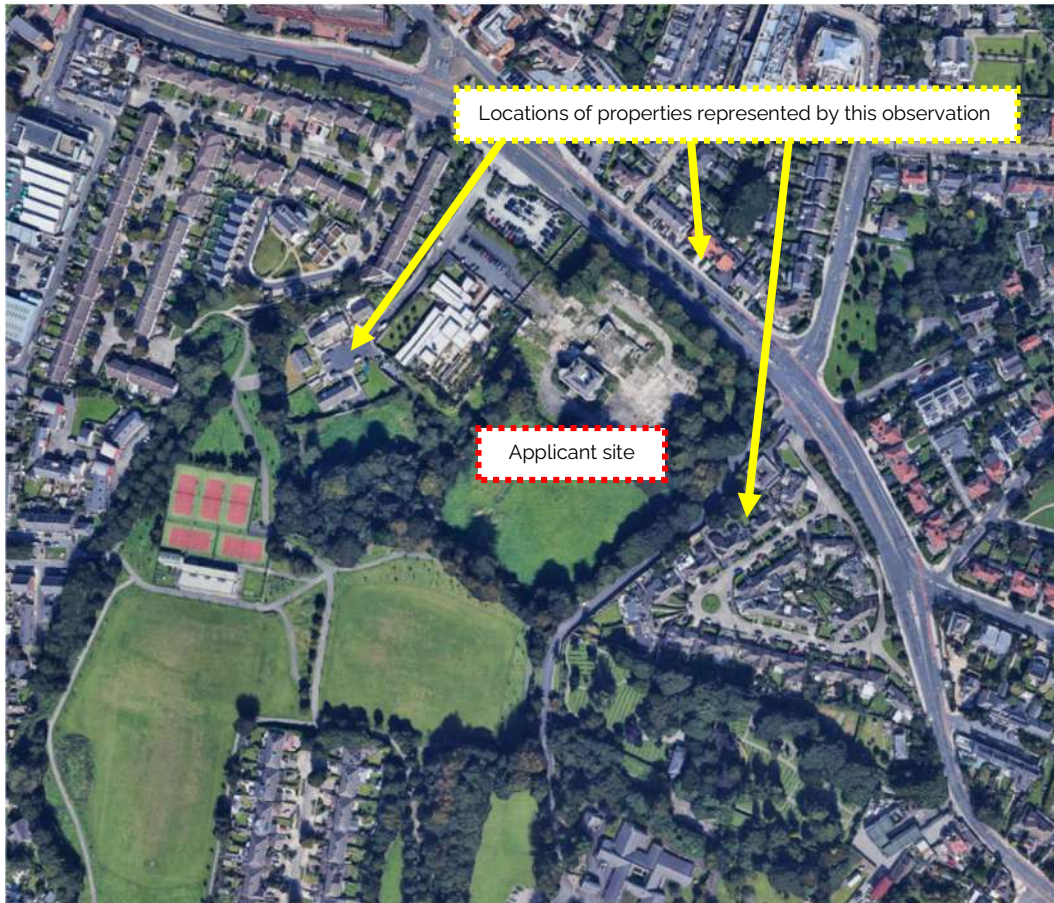


Fig. 2: Client's residents' properties relative to the applicant site (2)



Fig. 3: Client's residents' properties relative to the applicant site (3)



Fig. 4: Client's residents' properties relative to the applicant site (4)



Fig. 5: Client's residents' properties' rear garden depths adjoining the applicant site (1)



Fig. 6: Client's residents' properties' rear garden depths adjoining the applicant site (2)

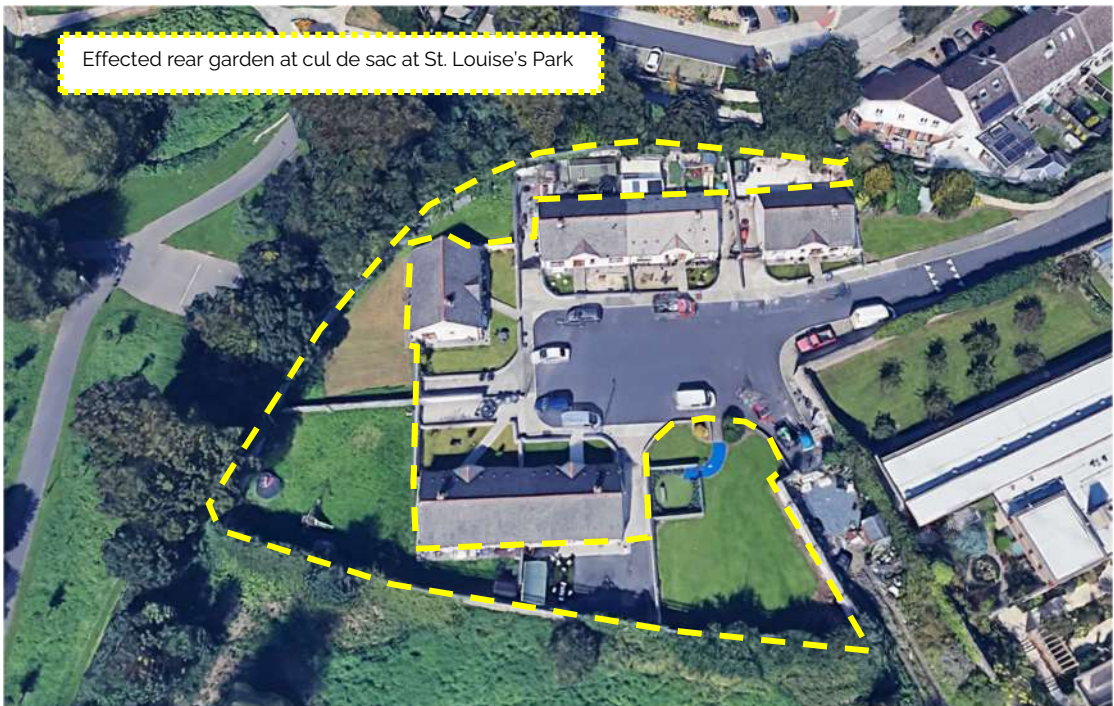


Fig. 7: Client's residents' properties' rear garden depths adjoining the applicant site (3)



Fig. 8: Client's residents' properties' rear garden depths adjoining the applicant site (4)

4.0 Zoning and designations

The zoning of the site under the Dun Laoghaire Rathdown County Development Plan 2022-2028 ("Development Plan"), is primarily zoned 'Objective A' which has the following stated objective:

To provide residential development and improve residential amenity while protecting the existing residential amenities.

In addition, a portion of the site is zoned 'Objective F':

To preserve and provide for open space within ancillary recreational amenities.

The subject site includes 3 no. protected structures:

- 'St. Teresa's House' or Centre which is a 3 storey Victorian House, RPS No. 398;
- 'St. Teresa's Lodge' known as 'The Gate Lodge', which is a single storey property located at the main entrance to the site off Temple Hill, RPS No. 1960; and
- Entrance Gates along the north of the site, RPS No. 398.

In addition, the site contains an 'INST' objective, which states it is an objective to:

To protect and/or provide for Institutional Use in open lands.

The subject site includes an objective to protect and preserve Trees and Woodlands, with 4 no. tree locations noted as of significance.

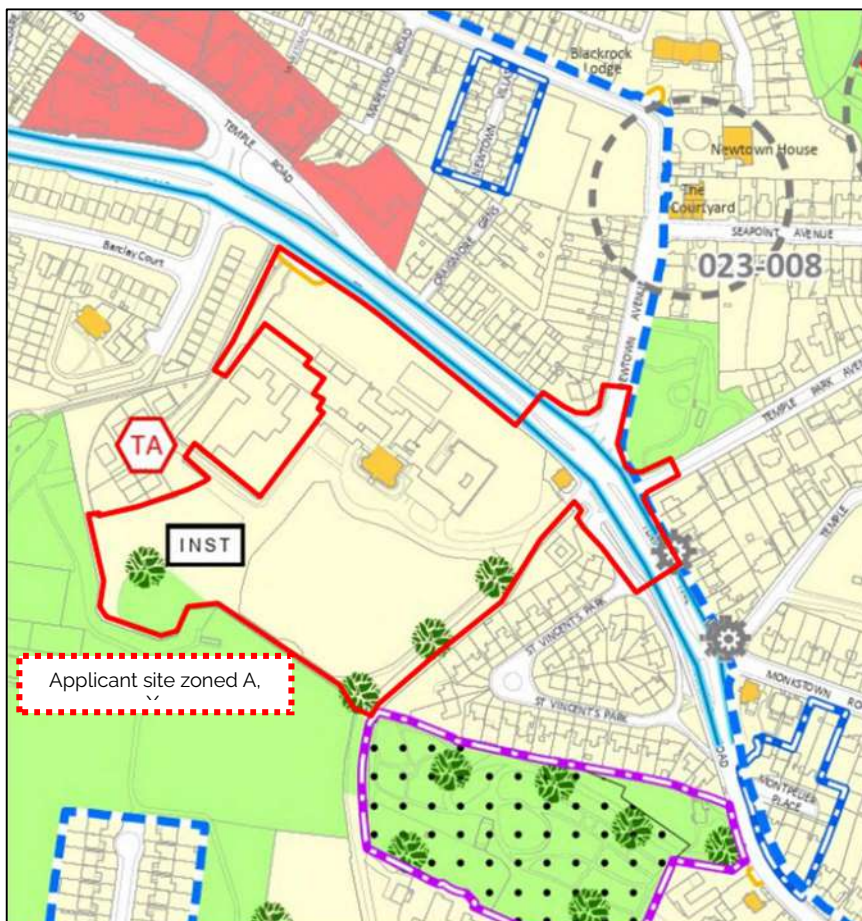


Fig. 9: Zoning of applicant and client's residents' properties

4.1 Residential amenity of the client properties is not being protected

Notwithstanding the stated objective of 'Objective A' zoning to improve residential amenity while protecting existing residential amenities, it is Positive Planning Blackrock's position that the current proposal fails to adequately safeguard the established residential character and amenity of adjoining properties, including those along Cherryfield Avenue and St. Vincent's Park. The scale, height and

massing now proposed at the western and southern interfaces materially intensify development beyond that envisaged under the Parent SHD and introduce a level of visual dominance, overlooking potential and activity that is not compatible with the protection of existing residential amenities as required under the 'Objective A' zoning designation.

Section 7.0 of this Planning Appeal Report sets out our client's Grounds for Appeal against the proposed development of these lands in the manner proposed.

5.0 Relevant planning history of the site

The planning history of the site shows how it has long been used as an institutional facility. The current planning application would cause the loss of the existing institutional use of these lands.

5.1 Planning permission - ACP Ref. ABP-303804-19 (Parent SHD)

Planning permission was granted by An Bord Pleanála on 10 June 2019 under Strategic Housing Development Ref. ABP-303804-19 for the comprehensive redevelopment of the subject lands at St. Teresa's, Temple Hill. The permitted development comprised the demolition of 2,787 sq.m of existing structures and the construction of 294 residential units, together with the conversion of St. Teresa's House (a Protected Structure) into 6 residential units, the dismantling and relocation of St. Teresa's Lodge (Protected Structure) to provide 1 residential unit, a childcare facility and a residential clubhouse, and all associated infrastructure and site works.

As amended by condition of the Board, the permission ultimately authorised **291 residential units**, following the omission of Block C3. The Board required that Block C3 be omitted from the proposal.

The number of units permitted under the Parent SHD was therefore explicitly reduced by condition in order to address identified concerns regarding architectural heritage and visual impact.

The Inspector's Report is particularly instructive in understanding the development parameters which were considered acceptable on this site. The key characteristics of the permitted scheme were as follows:

- Net density of approximately 74 units per hectare
- Building heights ranging from 2 to 8 storeys
- Public open space provision of approximately 14,887 sq.m (c. 37.5% of the site)
- Childcare facility of 286 sq.m

In assessing the proposal, the Inspector accepted the principle of residential development on lands zoned 'Objective A' but emphasised the necessity of protecting residential amenity and the architectural setting of the Protected Structures. In particular, the Inspector found that Block C3, as proposed, would give rise to an adverse impact on the character and setting of St. Teresa's House and would obscure its visibility from the public realm. The omission of that block was therefore required to safeguard architectural heritage and ensure compliance with proper planning principles

The Planning Inspector specifically noted the following regarding Block C3 and development of this particular area of the site:

Block C3 would give rise to an adverse impact on the character of St Teresa's, a proposed clubhouse and apartment block which is sited close to the rear of the Protected Structure.

Importantly, the Inspector concluded that, **subject to compliance with the imposed conditions**, including the removal of Block C3, the development: "would not seriously injure the residential or visual amenity of the area".

That conclusion was reached in the context of a materially lower unit quantum (291 units), a defined height strategy, and a specific heritage-led modification imposed by the Board.

Accordingly, the Parent SHD establishes a clear planning baseline for the site. It confirms that intensification beyond the assessed parameters, particularly where it increases height, massing, or visual dominance in proximity to existing residential properties or Protected Structures, must be carefully scrutinised. The Board's decision under ABP-303804-19 demonstrates that the site was considered capable of accommodating development only where residential amenity, heritage setting and visual impact were demonstrably safeguarded through reduction in scale where necessary.

In this context, it is materially significant that the Board did not merely seek design refinements to Block C3 but required its complete omission as a condition precedent to the acceptability of the scheme. **The Parent SHD therefore established, as a matter of planning principle, that built**

development in that location was unacceptable unless removed in order to safeguard the setting of the Protected Structure and the visual and residential amenity of the area. Any proposal which now seeks to reintroduce Block C3, notwithstanding modifications to height, footprint or materials, represents a substantive alteration to the parameters upon which the 2019 permission was granted. It is not a minor amendment but a reversal of a specific heritage-led condition imposed by the Board. The current application must therefore be assessed on the basis that it departs from the established planning baseline set by the Parent SHD and materially reopens an issue which the Board previously determined in the interests of proper planning and sustainable development.

5.2 Permission – ACP Ref. ABP-312325-21 – remitted case ACP-320285-24 (SHD 2)

In December 2021, the applicant lodged a further Strategic Housing Development application under ABP Ref. 312325-21 for a substantially intensified redevelopment of the St. Teresa's lands. The proposal comprised the demolition of an existing extension and the construction of 493 no. apartment units, together with a crèche (392 sq.m), café (67.4 sq.m), residential amenity space and associated site works. This represented a significant increase over the 291 units permitted under the parent SHD (ABP-303804-19), equating to a density of approximately 123 units per hectare (gross) / 165 units per hectare (net), compared to 74 units per hectare previously permitted.

The height strategy also materially exceeded that approved under the Parent SHD. Blocks B1–B3 increased to 8–10 storeys, Block D1 increased to 6 storeys, Blocks E1 and E2 increased to 6 storeys, and Block C3—previously omitted by condition under the Parent SHD—was reintroduced as a single-storey structure over basement. Each block exceeded the maximum building heights identified under Map 12 of the Blackrock Local Area Plan, a matter expressly acknowledged in the Inspector's assessment.

While An Coimisiún Pleanála ultimately issued a decision to grant permission subject to 30 conditions, that decision was subsequently quashed by Order of the High Court (perfected 14 May 2024) and remitted to the Board under new reference ABP-320285-24. The application remains under reconsideration and no fresh decision has issued. Accordingly, the SHD 2 proposal has not been lawfully re-determined and does not constitute an operative permission.

The Inspector's Report for ABP-312325-21 is highly instructive and directly relevant to the present objection. Notwithstanding the recommendation to grant subject to conditions, both the Planning Department and other internal departmental reports identified significant and substantive concerns in relation to height, scale, massing, residential amenity, heritage impact and compliance with the Development Plan and Blackrock LAP.

In particular:

- DLRCC concluded that each block exceeded the maximum heights prescribed in the LAP and that the proposal failed to provide an appropriate response to the established urban neighbourhood and streetscape.
- It was stated that the proposal would be "visually overbearing from Temple Hill" and when viewed from St. Vincent's Park would negatively impact the architectural character of the site
- Blocks E1 and E2 were identified as giving rise to significant concerns regarding overshadowing, loss of daylight and visual overbearing impacts on properties to the north.
- Block D1, reconfigured as a monolithic six-storey form, was found to have an "overpowering impact" on the setting and amenity of the relocated Gate Lodge (a Protected Structure) and to erode the architectural significance of the existing heritage assets on site.
- DLRCC expressly stated that the development would be contrary to objectives PS1, PS3, DS10 and D11 of the Blackrock LAP and contrary to Section 8.2.11.2(iii) of the Development Plan relating to development in proximity to a Protected Structure, as well as the zoning objective 'A' which seeks to protect and/or improve residential amenity.

Open space provision was also found to be deficient when assessed against institutional land requirements, with DLRCC noting that the extant permission satisfied Development Plan standards whereas the 493-unit proposal did not. Concerns were raised regarding impacts on retained trees, root protection areas and compliance with green infrastructure policies.

Transportation Planning recommended refusal due to substandard cycle access arrangements and associated safety concerns, stating that these issues were unlikely to be overcome by condition. Additional concerns were raised regarding parking provision, internal circulation and potential traffic hazards.

The Inspector's summary of observer submissions further records extensive third-party concerns regarding excessive height (up to 10 storeys), overbearing scale, canyon effects along Temple Road, insufficient transition to adjoining single- and two-storey housing, visual dominance, overshadowing,

loss of openness, and impacts on the setting of Protected Structures. These issues mirror the concerns now raised by Positive Planning Blackrock in respect of the current LRD proposal.

Of particular relevance to the present application is the reintroduction of Block C3 within SHD 2. Under the Parent SHD, Block C3 was expressly omitted by condition to safeguard the setting and visibility of St. Teresa's House. While the Conservation Officer under SHD 2 did not object in principle to a revised Block C3, that acceptance formed part of a materially different scheme context involving substantial increases in height and density elsewhere, which themselves attracted serious criticism and required significant height reductions by condition. The planning balance underpinning SHD 2 is therefore not transferable to the current LRD amendments.

In summary, SHD 2 represented a significant intensification of development on the site, increasing unit numbers from 291 to 493, raising building heights beyond LAP limits, altering residential mix, and materially changing the spatial and visual character of the scheme. DLRCC identified multiple areas where the proposal was contrary to Development Plan and LAP objectives and would adversely affect residential amenity and protected heritage.

Given that the Board's decision was quashed and the matter remains under reconsideration, SHD 2 cannot properly be relied upon as an established planning benchmark. Nonetheless, the detailed concerns identified in the Inspector's Report and DLRCC submission provide a clear evidential basis demonstrating that substantial intensification on this site gives rise to serious and recurring planning issues. Those same issues arise again in the current LRD proposal, which the applicant expressly acknowledges is "broadly based" on ABP-312325-21.

5.3 Other planning applications

BPS has carried out a planning history search, and we note the following three planning applications also lodged previously on this site:

- *Reg. Ref. D05/1596*: Planning permission granted (March 2006) for revisions and amendments to previously approved application D03A/1047 relating to development within the walled garden at St. Teresa's. The development comprised the construction of a single-storey day care and respite facility for persons with Alzheimer's disease together with new headquarters accommodation for the Alzheimer Society of Ireland. The works included the formation of a new opening in the existing walled garden for access from Temple Hill Road, retention of the protected garden walls, provision of parking and drop-off facilities to the front of the wall, and demolition of ancillary structures including a greenhouse, shed and outbuildings within the walled garden.
- *Reg. Ref. D18A/0954*: Planning permission refused (30 November 2018) for the construction of a new entrance gateway at the existing entrance, comprising granite-clad piers with engraved signage, vehicular and pedestrian gates, painted steel railings over a granite plinth wall and associated ancillary works. The proposed gateway was to be located within the boundary of St. Teresa's House (a Protected Structure) along the existing entrance drive.
- *Reg. Ref. D21A/0525 / ABP Ref. 311224*: Planning permission initially refused by the Planning Authority (5 January 2022) for a revised entrance gateway incorporating granite-clad piers bearing engraved signage, automated vehicular gates, pedestrian access gates, steel railings and associated boundary treatments within the curtilage of St. Teresa's House (Protected Structure). The decision was subsequently appealed and permission was granted by An Bord Pleanála.

5.4 Pre-planning

5.4.1 Pre-planning for the Parent SHD planning application

A Section 5 pre-application consultation meeting took place with [then] An Bord Pleanála on 5 November 2018 in respect of the Parent SHD (ABP-303804-19). The Inspector's Report records that, following consultation and having regard to the Planning Authority's opinion, the Board concluded that the documentation submitted at that stage **required further consideration and amendment** before it could constitute a reasonable basis for a Strategic Housing Development application.

The issues identified by the Board at pre-application stage are significant, as they demonstrate that concerns regarding heritage impact, height, residential amenity, access arrangements and surface water management were present from the earliest stage of the SHD process.

The principal matters requiring further consideration were:

Architectural, Cultural Heritage and Conservation

The Board required further justification in relation to the architectural and cultural value of existing structures on site, including a comprehensive historical assessment, photographic record and consideration of former and contemporary land uses. Particular scrutiny was directed toward the proposed deconstruction and relocation of the Gate Lodge (a Protected Structure), including the need to address precedent, alternatives and the appropriateness of its new location having regard to its original functional and spatial relationship with St. Teresa's House and the historic entrance arrangement.

This is material in the context of the current LRD, where heritage interface issues remain central. The pre-application opinion confirms that the Board considered the heritage dimension of the site to be highly sensitive and requiring robust justification. The relocation of the Gate Lodge and development in proximity to Protected Structures were not treated as minor design matters but as core planning issues.

Access, Movement and Connectivity

The Board required further justification regarding improved access and junction arrangements at Temple Hill, including works on third-party lands, public rights of way, and integration with the existing road, pedestrian and cycle network. It also required enhanced consideration of permeability and connectivity to Rockfield Park, the N31 and adjoining lands.

This is notable given that traffic generation, junction design and pedestrian/cycle permeability have remained recurring areas of concern in subsequent applications (including SHD 2 and the current LRD). The pre-application record demonstrates that movement and connectivity were not resolved matters at the outset and required substantive revision.

Urban Design Response and Height

The Board required further consideration and justification of the height and design strategy for the site, including assessment of impacts on residential amenity (overlooking and overshadowing), and regard to level changes across the site.

This is particularly important. The height strategy was flagged as requiring further justification prior to lodgement of the Parent SHD. The obligation to demonstrate that the proposed height provided the "optimal architectural solution" in light of national policy, local policy and the site context was explicitly articulated. The reference to impacts on existing residential amenities, including overlooking and overshadowing, underscores the sensitivity of adjoining single- and two-storey residential areas.

Given that later iterations of development on the site (notably SHD 2) significantly increased heights to up to 10 storeys, and that the current LRD reintroduces elements of intensified massing particularly at the western and northern interfaces, it is clear that height and transition remain critical planning issues which have been repeatedly identified.

Surface Water Management and Flood Risk

The Board required further detailed consideration of surface water and stormwater management, including compliance with SUDS principles and the Planning System and Flood Risk Management Guidelines. This was to be considered alongside any Flood Risk Assessment.

This indicates that drainage and downstream impacts were live concerns at pre-application stage and were not accepted without robust technical substantiation.

Specific Information Required with the Application

In addition to the thematic issues above, the Board required that any subsequent application include specific documentation, including:

- A layout plan overlaying zoning objectives on residential blocks;
- A comprehensive landscaping masterplan and detailed tree retention/removal strategy;
- An Archaeological Impact Assessment;
- Verified photomontages and cross-sections illustrating interface with adjoining residential properties and Protected Structures;
- Full details of existing and proposed site levels relative to adjoining lands;
- Identification of all watercourses and utilities;
- A Building Life Cycle Report;
- A report on likely demand for school places and local school capacity;

- A Construction and Demolition Waste Management Plan;
- A detailed phasing plan including delivery of open space and surface water infrastructure;
- A plan indicating areas to be taken in charge;
- Consents for works outside the red-line boundary.

Of particular relevance to the current objection is the express requirement for a report assessing school place demand and local capacity. This demonstrates that education infrastructure impacts were considered a material planning issue at SHD stage. Where later schemes significantly increase unit numbers (as occurred under SHD 2 and is partially reflected in the current LRD intensification relative to the Parent SHD), the adequacy and currency of such assessments becomes a central planning question.

Similarly, the requirement for photomontages and cross-sections at appropriate intervals to illustrate the interface with contiguous residential development reinforces that visual and residential amenity impacts were identified as key determinants of acceptability.

The Section 5 Opinion for the Parent SHD establishes that:

1. The site was recognised from the outset as **highly sensitive in heritage terms**, particularly in relation to the Gate Lodge and the setting of St. Teresa's House.
2. **Building height, design strategy and impacts on adjoining residential amenity** were expressly identified as matters requiring revision and justification.
3. **Access, permeability** and third-party land issues were not resolved and required further substantiation.
4. **Drainage, flood risk and surface water management** were material technical issues requiring compliance with national guidance.
5. Social infrastructure (including **school capacity**) was considered a necessary evidential component of the planning balance.

Accordingly, the pre-application record demonstrates that the Board did not approach the Parent SHD as a straightforward residential infill proposal. Rather, it treated the lands as a complex institutional site requiring careful reconciliation of heritage, amenity, infrastructure and design considerations.

In the context of the current LRD application, particularly where it is acknowledged to be "broadly based" on the more intensive SHD 2 scheme, it is clear that many of the same core issues identified at pre-application stage remain live and unresolved in principle. The historical record shows a consistent pattern: intensification proposals on this site repeatedly trigger concerns regarding height, heritage setting, residential amenity, infrastructure capacity and design response. That pattern is directly relevant to the assessment of the present proposal.

5.4.2 Pre-planning consultation for SHD 2 planning application

A Section 5 pre-application consultation in respect of what became SHD 2 (ABP-312325-21) took place on 30 April 2021 by way of video conference between the applicant, the Planning Authority and [the then] An Bord Pleanála. The consultation related to a proposed development of approximately 500 residential units.

In its Notice of Pre-Application Consultation Opinion (ABP Ref. ABP-309696-21, June 2021), the Board concluded that the documentation submitted at that stage **required further consideration and amendment** before it could constitute a reasonable basis for a Strategic Housing Development application.

The Board identified three principal thematic areas requiring further consideration or amendment:

1. **Design Strategy** – including the interface with the Alzheimer Society building, Temple Hill Road, Rockfield Park and St. Teresa's House (Protected Structure); compliance with the Building Height Guidelines; landscaping strategy; and overall layout configuration.
2. **Residential Amenities** – including impacts on adjoining residential properties and the Alzheimer Society premises, together with details of mitigation measures to address overlooking, overshadowing and visual impact.
3. **Architectural, Cultural Heritage and Conservation Considerations** – reflecting the sensitivity of development in proximity to Protected Structures and within the historic curtilage of St. Teresa's House and associated features.

The Board also required the submission of detailed supporting information, including:

- A Housing Quality Assessment;
- A car parking strategy and response to Transportation Planning concerns;
- A wind micro-climatic study;
- An Ecological Impact Assessment;
- An Archaeological Impact Assessment;
- A Tree Survey and Arboricultural Assessment;
- A Landscape and Visual Impact Assessment;
- A taken-in-charge plan;
- A formal response to the Planning Authority's opinion;
- Draft Construction and Environmental Management documentation; and
- A Material Contravention Statement, if relevant.

The Section 5 Opinion for SHD 2 is highly material to the planning history of the site. It confirms that when the applicant sought to intensify the development from 291 units (Parent SHD) to approximately 500 units, the Board immediately identified concerns regarding:

- The **height strategy and its interface with established single- and two-storey residential areas**;
- The relationship with **Rockfield Park and Temple Hill Road**, including visual impact and streetscape character;
- The protection of the **architectural setting of St. Teresa's House and the Gate Lodge**;
- The impact on the adjoining **Alzheimer Society facility**;
- The adequacy of landscaping, tree retention and visual mitigation; and
- The potential for material contravention of local planning policy.

Notably, the pre-application opinion specifically required justification in light of the Building Height Guidelines and careful assessment of residential amenity impacts. This is directly reflective of the findings later recorded in the Inspector's Report, where significant concerns were raised by the Planning Authority in relation to height, scale, massing and impacts on adjoining properties and Protected Structures.

The requirement for a Material Contravention Statement at pre-application stage further underscores that the proposed scale and height were anticipated to potentially conflict with the Blackrock LAP and Development Plan provisions. This aligns with the subsequent Inspector's analysis, which recorded that each block exceeded the height limits identified in the LAP and that aspects of the scheme were contrary to Development Plan and LAP objectives.

It is also significant that detailed technical assessments (wind, ecology, arboriculture, visual impact, car parking strategy) were required prior to lodgement. This reflects the complexity and sensitivity of intensifying development on these lands and demonstrates that the proposal was not regarded as a straightforward increase in density, but rather one requiring extensive technical justification across multiple disciplines.

In summary, the pre-application consultation record for SHD 2 establishes that:

- **The proposed intensification (to c.500 units) immediately triggered concerns regarding height, design interface and amenity.**
- **The heritage setting of St. Teresa's House and associated Protected Structures remained a central planning issue.**
- **The relationship with Rockfield Park and adjoining low-rise residential properties was recognised as particularly sensitive.**
- **A material contravention of local planning policy was anticipated and required formal justification.**

Given that the current LRD application is expressly described as being "broadly based" on ABP-312325-21, the issues identified at Section 5 stage for SHD 2 are directly relevant to the assessment of the present proposal. The planning history demonstrates a consistent pattern: when density and height increase materially on this site, significant concerns arise in respect of residential amenity, heritage protection, design response and compliance with local planning policy.

5.4.3 Pre-planning consultation with DLRCC for this LRD planning application

The evolution of the current LRD proposal was preceded by both Section 247 engagement (PAC/LRD1/006/25) and a formal Stage 2 Section 32B consultation process (PAC/LRD2/007/25), culminating in a Section 32D Opinion issued by DLRCC on 16 October 2025 following the meeting of 18 September 2025. While the Planning Authority ultimately concluded that the documentation constituted a "reasonable basis" on which to lodge an application, the record of the meetings and the detailed departmental responses demonstrate that the scheme raised extensive and substantive planning, environmental and heritage concerns at pre-application stage.

It is important to note that the proposal presented at pre-planning stage already reflected a significant uplift over the Parent SHD baseline of 291 units. The initial S247 concept advanced 407 units; this increased to 423 units at S32B stage before being marginally reduced to 414 units in the current application. Throughout this process, the fundamental strategy remained consistent: intensification concentrated within Blocks D1, E1 and E2 through increased height, enlarged footprints and substantially higher unit numbers, while retaining the broader spatial logic of the SHD 2 scheme. The pre-application engagement therefore did not represent a re-conceived masterplan response, but rather a refinement of an already intensified approach.

From a strategic planning perspective, DLRCC required the applicant to provide a robust justification for density and unit mix. While acknowledging that the proposed net density (circa 121.5 units per hectare at S32B stage; now 119 units per hectare) falls within the wide parameters of the Compact Settlement Guidelines for "City – Urban Neighbourhoods", the Planning Authority expressly required a "strong rationale" for this density on a site constrained by Protected Structures, established residential interfaces and landscape sensitivities. Significantly, DLRCC directed the applicant to respond directly to the reasoning contained in the Inspector's Report for the Parent SHD (ABP-303804-19), thereby confirming that the development parameters accepted in 2019 remain the relevant planning baseline and that intensification cannot be justified solely by reference to national density ranges.

In relation to height and layout, DLRCC acknowledged the proposed additional storeys and set-backs in principle but identified specific sensitivity at the southern and western interfaces with St. Vincent's Park and St. Louise's Park / Barclay Court. Potential overlooking from balconies and rooftop terraces, overbearing impacts arising from increased height, and the management of communal roof areas were all expressly flagged as requiring further analysis and mitigation. The Planning Authority requested updated daylight and sunlight assessments and additional visual material capturing the cumulative effect of both the permitted and amended blocks. These matters go directly to the heart of residential amenity protection and reflect the Planning Authority's recognition that the uplift in scale materially alters the amenity context previously assessed.

Heritage considerations formed a central component of the pre-application discussions. DLRCC reminded the applicant that Block C3 had been omitted under the Parent SHD in order to safeguard the setting and visibility of St. Teresa's House, a Protected Structure, and that this precedent must inform any reintroduction of built form in that location. Although the revised Block C3 was described as reduced in scale and generally acceptable in massing terms, Conservation officers raised residual concerns regarding its proximity to the Protected Structure and requested additional internal views from St. Teresa's House to assess whether views would be obscured or overshadowed. CGI imagery was noted as suggesting potential obstruction. The proposed dismantling, relocation and extension of the Gate Lodge likewise required strong professional justification and detailed evidence of retention of original fabric. The Planning Authority's commentary therefore confirms that heritage impacts remain live and sensitive issues.

Landscape and ecological matters were also highlighted. DLRCC acknowledged the site's strong sylvan character and its integration with Rockfield Park and adjoining lands, noting the anticipated loss of 86 trees (offset by proposed replanting) and indicating that a tree bond would likely be required. The Parks section recommended the provision of an estate railing or equivalent demarcation along the Rockfield Park boundary to prevent uncontrolled desire lines and protect woodland groundcover habitat. These observations are material, as the proposed additional pedestrian connections and increased residential population will intensify activity along this boundary. The Planning Authority also sought further clarification regarding the management and servicing of the relocated Gate Lodge café and the potential implications for parking and park usage.

Transportation Planning required substantial clarification at application stage, including confirmation of EV charging infrastructure, accessible parking ratios, visitor parking allocation, car club provision

and swept-path analysis for servicing arrangements. Particular attention was drawn to the functioning of the crèche set-down spaces and the interaction between the hammerhead at the southwestern boundary and Rockfield Park. Clarification was sought as to whether the emergency access would remain available for pedestrian and cyclist permeability. Formal confirmation of compatibility with BusConnects proposals and letters of consent for public realm works were also required. The scale of information requested underscores that the intensification of the scheme gives rise to operational and traffic management issues beyond those previously assessed.

Drainage and flood risk were similarly identified as requiring comprehensive updates. DLRCC directed that any reliance on historic justification testing under the previous Development Plan be reviewed in light of the current policy framework. The applicant was required to clearly identify changes from the approved scheme, demonstrate compliance with updated climate change factors, and provide detailed evidence of green roof coverage in accordance with the County Development Plan. Extensive requirements were set out in relation to SuDS design, discharge rate calculations, attenuation strategy, Stage 1 Stormwater Audit, and safe overland flow routing. The need for a revised Site-Specific Flood Risk Assessment focusing on the amendments confirms that the proposed uplift cannot be treated as neutral in hydrological terms.

Taken together, the Section 247 and Section 32B records demonstrate that, notwithstanding the positive "reasonable basis" conclusion, the Planning Authority identified a wide range of substantive issues spanning density justification, residential amenity, heritage protection, landscape management, transport functionality and drainage compliance. The consultation process did not endorse the intensified masterplan in principle; rather, it required the applicant to produce additional evidence and mitigation to attempt to reconcile that intensification with Development Plan policy and site constraints.

In summary, the pre-planning record confirms that the subject LRD is not a minor adjustment to an established and fully resolved scheme. It represents a significant intensification over the Parent SHD baseline, concentrated at the most sensitive residential and heritage interfaces, and one which has required repeated clarification, justification and technical reassessment at pre-application stage. The existence of a "reasonable basis" opinion does not equate to a conclusion that the proposal is acceptable in planning terms; rather, it highlights the scale and complexity of the outstanding matters which now fall to be critically assessed in the context of this objection.

Our client submits that the current LRD proposals do not represent a genuinely revised masterplan response to the issues raised repeatedly through the Parent SHD and SHD 2 processes. Rather than a re-planning of the lands based on the site's heritage sensitivities, residential interfaces and environmental constraints, the scheme appears to retain the core massing logic and intensified development approach associated with SHD 2, with many of the same unresolved planning difficulties now resurfacing in amended form.

While the retention of parts of the established tree belt and buffer planting is welcomed in principle, it is not of itself a substitute for appropriate setbacks, meaningful separation, and a demonstrable transition in scale to adjoining single- and two-storey homes. In particular, the use of elevated terraces and outward-facing balconies along sensitive boundaries gives rise to ongoing concerns regarding overlooking, perceived enclosure and loss of privacy.

More generally, the height and bulk of the principal apartment blocks continue to read as over-scaled relative to the established suburban context and, in the Residents' Association's view, the proposal remains an exercise in intensification of the existing masterplan rather than a properly re-conceived, plan-led redevelopment that protects residential amenity and respects the receiving environment.

6.0 Proposed development

Proposed development as submitted to DLRCC

The Commission will be aware that the only extant permission on the subject lands remains the Parent SHD granted under ABP-303804-19 in June 2019, which authorised 291 residential units together with a crèche facility and associated works, and which remains valid until June 2029. A subsequent Strategic Housing Development application (ABP-312325-21), later remitted under ABP-320285-24, proposed a substantially intensified scheme of 493 units. That application has been within the planning system for in excess of four years and remains without a final determination.

The applicant now advances the subject LRD amendment on the basis that it seeks to "unlock" commencement of the 2019 permission while revising the rear portion of the site to deliver an uplift in residential yield. In substance, the proposal increases the permitted quantum from 291 units to 414 units, representing an uplift of 123 dwellings and a materially higher overall density than that assessed and approved in 2019.

The revised strategy retains the perimeter development along Temple Hill as previously permitted, including Blocks A1, B1, B2, B3, B4 and Block H (St. Teresa's House), which together account for 162 units and are unaffected by the current application. However, the core of the amendment lies in the southern and western portions of the site. As illustrated in Fig. 10 below (buildings outlined in green), the application proposes the omission and replacement of previously permitted Blocks D1, E1 and E2 with significantly enlarged and heightened structures, together with revisions to Blocks C1 and C2, the reintroduction of Block C3 as a standalone residential amenity building, and the relocation and extension of the Gate Lodge (Block G) to facilitate café use.

In summary, the proposed development comprises amendments to the Parent SHD to deliver 414 residential units in total, a 401 sq.m crèche facility, a 67.4 sq.m café within the relocated Gate Lodge, and a 451 sq.m residential amenity hub, together with associated landscaping, parking and infrastructural works. While framed as a revision to the rear of the site, the proposal fundamentally alters the density, scale and intensity of development in the areas most proximate to established single- and two-storey residential estates and to the principal Protected Structures.

For the purposes of this objection, it is therefore clear that the application does not merely refine the permitted scheme but seeks to introduce a substantial intensification concentrated within the blocks identified in Fig. 10, with corresponding implications for residential amenity, visual impact, heritage setting and overall site character.



Fig. 10: Site Plan Showing Buildings Affected by the Amendment Application in Green (Source: BMC, Planning Report)

The below table summarises the key parameters of the proposed development compared against the previously permitted SHD scheme which it seeks to amend:

	Permitted Parent SHD	Proposed LRD (prior to RFI)	Differential
Unit No.	291	414	+ 123 units
Unit Mix	124 no. 1-beds (42.6%) 112 no. 2-beds (45%) 55 no. 3-beds (19%)	8 no. studios (1.9%) 164 no. 1-beds (39.6%) 159 no. 2-beds (38.5%) 83 no. 3-beds (20%)	+ 8 studios + 40 no. 1-beds + 47 no. 2-beds + 28 no. 3-beds
Max. Height	8 no. storeys	8 no. storeys	No change
Creche Size	286 sq m	401 sq m	+ 115 sq m
Café	None	67.4 sq m	+ 67.4 sq m

Residential Amenity Hub	None	451 sq m	+ 451 sqm
Resi car parking	272 no. spaces	236 no. spaces	- 36 spaces
Cycle parking	666 no. spaces	962 no. spaces	+ 296 spaces
Public Open Space	14,887 sq m	11, 238 sq m	- 3,648 sq m
Density (net uph)	74 uph	119 uph	+ 45 uph
Dual Aspect	68%	58%	- 10%

Table 1: The key parameters of the proposed development compared against the previously permitted SHD scheme which it seeks to amend

The above comparative analysis clearly demonstrates that the current LRD proposal represents a significant intensification of the Parent SHD permission.

Most notably, the scheme increases the number of residential units from 291 to 414, representing an uplift of 123 units. This is not a marginal adjustment but a material escalation in quantum. The density correspondingly increases from 74 units per hectare to 119 units per hectare – a 45 uph uplift – fundamentally altering the development intensity originally assessed and permitted by An Bord Pleanála in 2019.

While the applicant asserts that maximum building height remains unchanged at 8 storeys overall, this masks the fact that the intensification is concentrated within Blocks D1, E1 and E2 at the southern and western interfaces of the site, where building heights increase to 6–7 storeys adjacent to established single- and two-storey residential estates. The spatial redistribution of bulk and scale is therefore highly material, regardless of whether a headline maximum height figure remains nominally similar.

The proposed unit mix also evidences a shift toward smaller apartment typologies, with a substantial increase in 1- and 2-bedroom units (+40 and +47 respectively), alongside an additional 28 three-bedroom units and the introduction of studio units. At the same time, dual-aspect provision reduces from 68% under the Parent SHD to 58%, representing a 10% decline in residential quality when assessed against the previously permitted scheme.

The intensification is further reflected in the reduction of public open space from 14,887 sq.m to 11,238 sq.m (a loss of 3,648 sq.m), notwithstanding the substantial increase in population. Although communal open space and ancillary amenities are introduced (including a 451 sq.m residential amenity hub and a 67.4 sq.m café), these do not offset the quantitative loss of public open space relative to the significantly higher resident population now proposed.

Car parking provision is reduced from 272 spaces to 236 spaces despite the 123-unit uplift, increasing the likelihood of overspill parking pressures on surrounding residential streets. While cycle parking provision increases significantly, this does not negate the practical parking impacts arising in a suburban context.

When compared directly with the remitted SHD 2 scheme, it is evident that the current LRD is materially closer in scale and intensity to that proposal than to the Parent SHD baseline. The LRD retains the residential amenity hub (451 sq.m), café provision (67.4 sq.m), enlarged crèche (401 sq.m), similar maximum height (8 storeys overall), and a density profile substantially above the Parent SHD. Although the total unit number (414) is lower than SHD 2 (493), the development logic, massing strategy and density approach align more closely with SHD 2 than with the 2019 permission.

	SHD 2 (remitted case)	Proposed LRD (prior to RFI)
Unit No.	493	414
Unit Mix	18 no. studios (3%) 220 no. 1-beds (45%) 208 no. 2-beds (43%) 47 no. 3-beds (9%)	8 no. studios (1.9%) 164 no. 1-beds (39.6%) 159 no. 2-beds (38.5%) 83 no. 3-beds (20%)
Max. Height	10 no. storeys	8 no. storeys
Creche Size	392 sq m	401 sq m
Café	67.4 sq m	67.4 sq m
Residential Amenity Hub	451 sq m	451 sq m
Resi car parking	252 no. spaces	236 no. spaces
Cycle parking	1056 no. spaces	962 no. spaces
Public Open Space	15,100 sq m	11, 238 sq m
Density (net uph)	165 uph	119 uph
Dual Aspect	52%	58%

Table 2: The key parameters of SHD2 compared to the proposed LRD (prior to RFI)

In effect, the LRD represents a reconfiguration and partial consolidation of the SHD 2 intensification strategy within the framework of the Parent SHD permission, rather than a modest amendment to the previously permitted scheme. The cumulative effect is a materially denser, more intense and more visually dominant development than that which was assessed and approved under ABP-303804-19.

The most comprehensive and objective visual comparison between the permitted scheme and the proposed amended layout is contained within the Daylight and Sunlight Assessment, which clearly illustrates the relative extent, massing and spatial distribution of development under both scenarios. The relevant comparative imagery is reproduced below for ease of reference.



Fig. 11A: Indicative Permitted Parent SHD Layout (Source: Fig 2.7 Daylight Sunlight Analysis)



Fig. 11B: Indicative Proposed LRD Layout (Source: Fig 2.8 Daylight Sunlight Analysis)

It is important to emphasise that the only lawful planning baseline for this site is the Parent SHD permission for 291 units. The remitted SHD 2 scheme has no operative status and cannot form a fallback or benchmark for intensification. The appropriate assessment framework is therefore whether the proposed uplift from 291 to 414 units is acceptable having regard to Development Plan policy and the protection of residential amenity. When assessed against that baseline, the current proposal represents a clear and material intensification.

Proposed development as amended at RFI stage

Positive Planning Blackrock's core concerns, as previously articulated in respect of both the Parent SHD and the intensified schemes, centred on:

- The significant uplift in unit numbers, height and massing relative to the 2019 permission, particularly at the interfaces with established single- and two-storey residential areas;
- Visual and residential amenity impacts arising from the increased scale of Blocks D1, E1 and E2;
- Heritage impacts on St. Teresa's House (Protected Structure) and the Gate Lodge; and
- Traffic generation, junction capacity, and the risk of overspill parking on surrounding residential streets;
- The principle of advancing a scheme derived from a quashed and still-undetermined SHD through an LRD amendment process.

Traffic and junction capacity

The Further Information response and the subsequent Transportation Planning conditions go some way toward managing (rather than eliminating) the traffic concerns. The requirement for a monitoring and mitigation strategy is a recognition that residual capacity issues remain. However, the conditions do not reduce the quantum of development or alter the intensity of the scheme that generates the additional traffic. The fundamental concern regarding the acceptability of placing additional pressure on an already constrained strategic junction therefore remains live on appeal.

Scale, height, massing and residential amenity

No material amendments to the height, footprint or unit numbers of the critical blocks appear to have been made at Further Information stage. The Planning Authority's decision to grant permission, subject primarily to transportation and technical conditions, did not address the Association's central objections regarding overdevelopment and impact on adjoining residential amenity.

Heritage

There is no indication that the Further Information process resulted in meaningful changes to the relationship between the new blocks and St. Teresa's House or to the proposed treatment of the Gate Lodge that would resolve the heritage concerns previously raised.

Conclusion on Further Information stage

The Further Information process resulted in limited, primarily technical adjustments focused on traffic modelling and the framing of conditions. It did not result in any significant reduction in the scale, density or intensity of the proposed development. Consequently, the core planning concerns of Positive Planning Blackrock, particularly those relating to the material intensification of the scheme relative to the Parent SHD, the impact on residential amenity, and the unresolved heritage issues, were not addressed in any substantive way either by the applicant's Further Information response or by the nature of the conditions attached to the grant of permission.

These matters therefore remain central to this appeal.

6.1 Validation and planning law concern

The Commission is asked to consider the following validation and planning law concern. These matters were raised at application stage and have not been substantively addressed by the applicant or by the Planning Authority. They go to the validity of the application itself.

Concerns raised at objection stage

In the original observation the following matters were highlighted:

- **Majority shareholder dissolved** – On the face of publicly available information, Kelland Limited (Isle of Man), identified as the largest and majority shareholder of Oval Target Limited, has been dissolved for a number of years.

- **Failure to file accounts** – Oval Target Limited has not filed statutory accounts in Ireland since 2020. It is therefore unclear whether the company remains in good standing or, indeed, whether it currently exists as a functioning corporate entity capable of making a planning application.
- **Discrepancy regarding Mr Paddy McKillen Snr** – Mr Paddy McKillen Snr's name appears on the planning application form. However, company records do not list him as a director, shareholder or employee of Oval Target Limited. Mr Paddy McKillen Jnr is recorded as a director.
- **Locus standi** – Having regard to the above, a serious question arises as to whether the applicant has sufficient locus standi, as required by the Planning and Development Regulations 2001 (as amended), to make this planning application in the name of Oval Target Limited and in the names of the listed directors.

What DLRCC did address

The only ownership-related matter pursued by DLRCC was a technical defect in the Letter of Consent from Dualton Limited. The Planner's Report noted an inconsistency between the text of the Dualton consent (referring to an area "hatched in blue") and the accompanying drawing (showing the area "highlighted pink"). Further Information Item 7 required a revised Dualton Letter of Consent with the subject area correctly hatched and annotated. That discrete technical point does not address, and cannot cure, the wider corporate-status and locus standi concerns set out above. Absence of response on the substantive points

No substantive response to the dissolution of the majority shareholder, the prolonged non-filing of accounts, or the discrepancy regarding Mr Paddy McKillen Snr was provided by the applicant during the planning process or at Further Information stage. The Planning Authority does not appear to have sought clarification on the current status of Oval Target Limited, the authority of the signatories, or the basis on which Mr Paddy McKillen Snr's name appears on the application form. The decision to grant permission is silent on these issues.

Supporting context

Press reporting (including in The Times and the Business Post) has publicly documented the involvement of Mr Paddy McKillen Snr in the St Teresa's / Temple Hill project and the earlier Pinnacle-related developments, which had previously been associated with Mr Paddy McKillen Jnr and Mr Matt Ryan. The same reporting has noted the corporate structure of Oval Target Limited and the position of its shareholders. These publicly available accounts reinforce, rather than resolve, the questions regarding the current standing of the applicant company and the identity of those with authority to bind it.

Legal significance

Article 22 of the Planning and Development Regulations 2001 (as amended) requires that a planning application be made by a person who has sufficient interest in the land or structure. Where the applicant is a company, DLRCC (and, now on appeal, An Coimisiún Pleanála) is entitled to be satisfied that the company exists, is in good standing, and that the persons making the application have authority to do so on its behalf.

In the present case:

- the apparent dissolution of the majority shareholder;
- the prolonged absence of filed accounts;
- the discrepancy between the name appearing on the application form and the recorded officers/shareholders of the company;
- collectively give rise to a legitimate and unresolved doubt as to whether the application was validly made.

Conclusion

The concerns regarding the status of Oval Target Limited and the locus standi of the applicant were clearly raised and have never been answered. The Dualton Letter of Consent FI item addresses only a discrete hatching inconsistency and does not resolve the fundamental corporate-status questions. In the absence of clarification or evidence that the company remains a valid legal person with authority to make the application, An Coimisiún Pleanála is invited to conclude that the application is invalid, or, at minimum, that the matter requires to be resolved before any permission can lawfully be confirmed. This technical Ground of Appeal is maintained in full.

5. Applicant ²

Name(s)	Oval Target Limited
	Contact details of Applicant to be supplied at Question ²³

6. Where Applicant is a Company (registered under the Companies Acts):

Name(s) of company director(s)	Patrick McKillen Snr, Liam Cunningham, Ronnie Delaney
Registered Address (of company)	10 Ely Place Dublin 2 D02 HR98
Company Registration No.	608251

Fig. 12A: Excerpt from the Planning Application Form

Company Vitals		13:17	
Company Name	OVAL TARGET LIMITED	reg	Form B1C - Annual Return General Presented By: McKillen Accounts Dublin 4 30/09/2021 31/12/2020
Company Number	608251		
Company Type	LTD - Private Company Limited By Shares	reg	FINANCIAL STATEMENT Audited By: Grant Thornton 30/09/2021 31/12/2020
Incorporated	19/07/2017 (8 years ago)	reg	FINANCIAL STATEMENT Audited By: Grant Thornton 30/09/2021 31/12/2020
Company Status	NORMAL	reg	OTHER DIRECTORSHIP LIST 30/09/2021 31/12/2020
Date of Designation	19/07/2017 (8 years ago)	reg	Form B10A - Change in Director Associated with Multiple Companies 01/08/2023 -
Principal Activity	[6420] Activities of Holding Companies [NACE V2.1 mapping: 6421; 6422] View the Top 20 companies in this industry	reg	Form B1C - Annual Return General Presented By: Deloitte Unlimited Company Deloitte House, 29 Earlsfort Terrace, Dublin 2, D02ay28, Ireland 30/09/2020 31/12/2019
Registered Address	10 Ely Place, Dublin, Ireland View Other Companies At This Address? View Previous Company Addresses?	reg	FINANCIAL STATEMENT Audited By: Deloitte Ireland LLP 30/09/2020 31/12/2019
VAT Number	IE3491955NH	reg	Financial Statement Certificate 30/09/2020 31/12/2019
Financial Vitals		reg	CI 06/12/2021 -
Next Annual Return Date	30/09/2022 Watch this A.R.D.?		
Last AR Filed	30/09/2021		
Company Size	Small Company		
Last Accounts To Date	31/12/2020		
Latest Auditor	Grant Thornton		
Latest Presenter	McKillen Accounts		

Fig. 12B: Details of the company available online

Liam Cunningham Full Background Check (CCI)

Date of Birth: 18/04/1958	An Charraig The Ramparts, Kinsale, Cork, Ireland	Status: Current	Directorships: Current: 55, Previous: 175
Title: Director from 10/10/2024 - present (1 year)			
Full Background Check (CCI)	Directorship Report	View Shareholding?	

Patrick McKillen Jnr

Date of Birth: 12/08/2019	10 Ely Place, Dublin 2, Dublin	Status: Current	Directorships: Current: 20, Previous: 15
Title: Director, Director dates unknown			
Directorship Report		View Shareholding?	

Ronnie Delany Full Background Check (CCI)

Date of Birth: 29/04/1964	4 Brookfield Mews, Brookfield Terrace, Blackrock, Dublin	Status: Current	Directorships: Current: 28, Previous: 118
Title: Director from 10/10/2024 - present (1 year)			
Full Background Check (CCI)	Directorship Report	View Shareholding?	

Daniel McGinley Full Background Check (CCI)

Date of Birth: 30/09/1979	118 Mount Prospect Avenue, Clontarf, Dublin 3	Status: Current	Directorships: Current: 6, Previous: 0
Title: Director from 07/12/2017 - present (8 years)			
Nationality: Ireland, Resident: Yes		Occupation: Director	
Full Background Check (CCI)	Directorship Report	View Shareholding?	

Company Secretary (1)

Ronnie Delany Full Background Check (CCI)

Date of Birth: 29/04/1964	4 Brookfield Mews, Brookfield Terrace, Blackrock, Dublin	Status: Current	Directorships: Current: 28, Previous: 118
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Fig. 12C: Details of the company's Directors available online

7.0 Grounds for Appeal

7.1 Ground 1: The deficiencies identified in the Section 32D LRD Opinion remain unresolved and DLRCC failed to address them in its decision

7.1.1 Introduction to Ground 1

On 16 October 2025, following the statutory LRD meeting, Dún Laoghaire-Rathdown County Council issued its formal Section 32D Opinion. While the Opinion concluded that the documentation constituted a "reasonable basis" for lodging an application, it identified a series of substantive matters requiring clarification, technical assessment and/or design refinement before any application should be determined.

Positive Planning Blackrock submits that a significant number of those matters were not adequately addressed in the application as lodged. More importantly for this appeal, DLRCC, in deciding to grant permission, failed to require the outstanding information, failed to insist on the design amendments that its own departments had flagged, and instead relied primarily on conditions (particularly in the transportation sphere). The result is that the very deficiencies identified at pre-application stage remain live and material.

The subsections below examine the principal departmental requests in the LRD Opinion and demonstrate that they were not resolved either by the applicant or by the Council's subsequent decision.

7.1.2 Planning Department – Height, Layout, Overlooking and Residential Amenity

The Planning Department expressly required the applicant to demonstrate that the increased height complied with the Building Height Strategy (Appendix 5) and did not give rise to overlooking, overshadowing or overbearing impacts on surrounding properties. It also highlighted potential overlooking of properties to the east and west and reminded the applicant that Block C3 had been omitted under the Parent SHD because of its impact on St. Teresa's House.

What has not been addressed:

- Blocks E1 and E2 (western interface with St. Louise's Park) have been significantly increased in height (to effectively 6–7 storeys) at a separation of only approximately 15–16 m from the rear gardens of single- and two-storey houses.
- Block D1 (eastern interface with St. Vincent's Park) has likewise been increased to effectively 7 storeys.
- Block C3 has been reintroduced within approximately 5 m of the rear elevation of the Protected Structure.
- No comprehensive cumulative visual (masterplan-scale CGI) showing the full intensified scheme together with the Protected Structures and adjoining single- and two-storey housing was provided, despite the Opinion's explicit request.

DLRCC failure(s) at RFI and condition stages

The decision to grant permission did not require any reduction in the height or massing of Blocks D1, E1 or E2, nor the omission or significant setback of Block C3. The residential amenity and overbearing concerns flagged by the Planning Department at Opinion stage were not cured by condition or by redesign. They therefore remain central grounds of this appeal.

7.1.3 DLRCC Conservation Department

The DLRCC Conservation Department raised specific concerns about:

- the proximity of Block C3 to St. Teresa's House and the absence of internal CGI views from the Protected Structure looking toward the new block; and
- the need for a robust, alternatives-based justification for the relocation of the Gate Lodge under the Architectural Heritage Protection Guidelines (2011).

What has not been addressed

- No internal CGI views from within St. Teresa's House were submitted.
- No fresh comparative alternatives analysis for the Gate Lodge relocation (under the amended LRD layout) was provided. The application continued to rely heavily on earlier SHD acceptances.
- Council's failure
- The grant of permission did not require the missing internal views or a new alternatives assessment for the Gate Lodge. The heritage concerns identified at Opinion stage were left substantially unaddressed.

7.1.4 DLRCC Parks, Landscaping and Play Provision

The DLRCC Parks Section requested:

- a clear demonstration of compliance with Section 4.4 (Children's Play) of the 2025 Apartment Guidelines (including child-yield calculations and age-cohort provision); and
- details of an estate railing to replace the proposed lowering of the boundary wall with Rockfield Park;
- further details of proposals for the existing Folly.

What has not been addressed

- No quantified child-yield / play-space compliance table was provided.
- Detailed railing specification and Folly proposals remained incomplete or only partially addressed.

These items were not secured by robust conditions requiring the missing quantitative analysis or detailed design prior to commencement in a manner that would have resolved the Opinion concerns.

7.1.5 DLRCC Transportation Planning

While Transportation Planning ultimately recommended no objection subject to conditions, several specific Opinion requests remained only partially or unclearly addressed in the application itself (St. Louise's Park access status, Rockfield Park hammerhead interface, swept-path confirmation for café servicing, etc.).

The DLRCC's response was to attach a suite of conditions (Junction Capacity Monitoring and Mitigation Strategy, Quality Audit requirements, etc.). These conditions manage residual risk; they do not eliminate

the underlying capacity and permeability issues that were flagged, nor do they reduce the quantum of development generating the additional traffic.

7.1.6 DLRCC Drainage and Flood Risk

The Drainage Department's Opinion contained 16 detailed technical requests covering green-roof calculations, SuDS compliance, climate-change updated attenuation, overland flow routing, blockage scenarios, and a Stage 1 Stormwater Audit.

What has not been addressed / what has been inadequately demonstrated

A detailed review of the submitted drainage drawings and SSFRA shows that many of these items were only partially addressed or addressed by cross-reference rather than clear, auditable calculations and drawings. In particular:

- no clear comparative statement of changes from the Parent SHD drainage scheme;
- incomplete green-roof coverage calculations and maintenance access details;
- absence of a robust, drawing-led overland flow routing plan showing protection of adjoining properties under blockage/exceedance scenarios; and
- no confirmed Stage 1 Stormwater Audit submitted prior to lodgement.

DLRCC failure(s) at RFI and condition stages

The decision to grant did not require the outstanding comparative calculations, the missing overland-flow drawings, or confirmation of the Stormwater Audit as pre-commencement conditions in a form that would have cured the Opinion deficiencies. The drainage and flood-risk concerns therefore remain live.

7.1.7 Conclusion on Ground 1

The Section 32D Opinion identified a series of material information gaps and design concerns. The application as lodged left a significant proportion of those matters only partially addressed or unaddressed. In deciding to grant permission, DLRCC:

- did not require the missing cumulative visuals;
- did not require reduction or redesign of the heightened blocks at the sensitive eastern and western interfaces;
- did not require the internal conservation views or a fresh Gate Lodge alternatives analysis;
- did not secure full quantitative play-space compliance or complete drainage/flood exceedance information; and
- relied instead on a package of largely technical and monitoring conditions.

The result is that the very issues flagged by DLRCC's own departments at pre-application stage remain unresolved in the permitted scheme. These deficiencies are material to the proper planning and sustainable development of the area and form a core ground of this appeal.

An Coimisiún Pleanála is requested to conclude that the application documentation remained inadequate and that DLRCC erred in granting permission without first securing the information and design amendments that its own Opinion had identified as necessary.

7.2 **Ground 2: The proposed amendments contravene Objective A zoning – DLRCC failed to protect existing residential amenity**

7.2.1 Zoning designation and the core test

The subject lands are primarily zoned Objective A under the Dún Laoghaire–Rathdown County Development Plan 2022–2028. The objective is: "to provide residential development and improve residential amenity while protecting the existing residential amenities."

This is not a purely permissive zoning. The protection of established residential amenity is a qualifying and fundamental test of acceptability. In a plan-led system, any proposal that seeks a significant uplift in unit numbers and intensified built form must demonstrate, by clear evidence and by design, that the amenity of adjoining households will be protected from material harm.

The Parent SHD (ABP-303804-19) established the principle of residential development on these lands. The current LRD, however, seeks a material intensification (from 291 to 414 units) that is concentrated at the southern and western parts of the site - precisely the interfaces closest to established single- and

single- and two-storey housing. At those locations the increased height, bulk and outward-facing balconies heighten the risk of overlooking, overbearing impact and loss of privacy.

These concerns were expressly recognised by DLRCC itself in the Section 32D LRD Opinion. The Opinion acknowledged the increase in height and density but required the applicant to ensure that the scheme did not give rise to overlooking, overshadowing or overbearing impacts on surrounding properties, and recorded specific concerns regarding potential overlooking to the east and west of the site.

Despite those clear warnings, DLRCC proceeded to grant permission without requiring any material reduction in the height or massing of the critical perimeter blocks, and without securing the comprehensive cumulative visuals or design amendments that would have been necessary to protect existing amenity. The decision therefore fails the fundamental test of Objective A.

7.2.2 Overshadowing / daylight / sunlight impact on residential receptors

The LRD Opinion required that increased height must not give rise to overshadowing impacts on surrounding properties and must remain compliant with daylight standards.

The applicant's Daylight and Sunlight Assessment concludes that impacts on the rear gardens of Nos. 5 & 6 St Louise's Park and on 19 St Vincent's Park are "negligible". However, the same assessment acknowledges that meaningful mitigation "would require a substantial reduction in building massing" or a displacement of approximately 10 metres. That is a significant admission: the current massing sits at the upper threshold of acceptability.

Independent seasonal shadow modelling (equinox and winter solstice) demonstrates:

- Winter solstice shadow lengths in excess of 110–113 m from Block E2, traversing the rear gardens of Nos. 5 & 6 St Louise's Park;
- Equinox morning shadows of approximately 108 m from Blocks A1 and E2 fully crossing adjoining residential plots;
- Evening equinox shadows of approximately 55 m from Block D1 affecting St Vincent's Park.

When typical rear garden depths of 15–16 m are taken into account, these shadow envelopes represent meaningful penetration into private amenity space. The uplift from the previously permitted 5-storey edge condition to an effective 6–7 storeys materially alters solar geometry.

DLRCC failure(s) at RFI and condition stages

DLRCC granted permission without requiring any reduction in the height or massing that generates these shadow envelopes. The Opinion's requirement that increased height must not cause overshadowing impacts on surrounding properties was not enforced. The decision therefore leaves the Objective A amenity test unmet.

There is refusal precedent in these circumstances. ABP-314281-22 (Carrickmines) is directly relevant. The Commission refused a scheme of five-storey blocks on the grounds of undue overshadowing and loss of light to neighbouring dwellings, finding the development contrary to the proper planning and sustainable development of the area. The present proposal introduces greater height (up to 7 storeys) at comparable or closer proximity to single- and two-storey housing. The reasoning in ABP-314281-22 therefore applies with greater force.

7.2.3 Overbearing impact and overlooking of neighbouring properties

The proposed amendments replace a generally 2–5 storey edge condition under the Parent SHD with Blocks E1, E2 and D1 rising to an effective 6–7 storeys at the most sensitive residential interfaces.

Western boundary (St Louise's Park) Blocks E1 and E2 sit approximately 15–16 m from the rear boundary wall of Nos. 5 and 6 St Louise's Park. The relationship is between elevated balconies and living-room windows at upper levels and the low-lying rear gardens and bedroom windows of single- and two-storey houses. The introduction of outward-facing balconies materially increases opportunities for direct overlooking. The cumulative façade height creates a clear sense of enclosure and visual dominance.

Eastern boundary (St Vincent's Park / Barclay Court) Block D1, previously permitted at 5 storeys, is now proposed at an effective 7 storeys. The increase in vertical mass produces increased overlooking from upper floors, a heightened sense of enclosure, and a visually dominant skyline element above established single- and two-storey housing.

St Vincent's Park and the Alzheimer Society site The amended Block D1 introduces multiple upper-floor balconies and windows overlooking St Vincent's Park, altering the sense of openness and passive enjoyment of that public space. The same intensified relationship affects the adjoining Alzheimer Society building.

DLRCC failure(s) at RFI and condition stages

Despite the Opinion's explicit concerns about overlooking and overbearing impact at the eastern and western boundaries, DLRCC granted permission without requiring any reduction in the height or massing of Blocks D1, E1 or E2, and without securing the comprehensive cumulative visuals that would have allowed a proper assessment of the intensified edge condition. The decision therefore fails to protect existing residential amenity as required by Objective A.

There is refusal precedent in these circumstances. The recent Clay Farm House decisions (LRD24A/0451 and ABP-320827-24) are highly relevant. Both DLRCC and An Coimisiún Pleanála refused a two-storey (over lower ground) apartment building on grounds of overbearing impact and harm to the setting of a Protected Structure and adjoining residential amenity. The Board expressly found that increased separation distances and reductions in footprint were not sufficient to overcome a fundamentally harmful spatial relationship.

If a two-storey building was refused on overbearing grounds in that context, a 6–7 storey building located 15–16 m from single- and two-storey dwellings, with multiple outward-facing balconies, presents a significantly greater risk. The Clay Farm reasoning applies with greater force to the present proposal.

7.2.4 Residential amenity / character – historic housing in St Vincent's Park

The dwellings at St. Vincent's Park form part of a late-1930s housing scheme designed by Manning Robertson, first President of the Town Planning Institute in Ireland and a significant figure in the introduction of modern town-planning practice in the State. The architectural and historical interest of this established residential group heightens the sensitivity of the receiving environment and the weight that should be given to the protection of its residential amenity under Objective A.

7.2.5 Conclusion on Ground 2

Taken together, the evidence demonstrates that the amended LRD does not "improve residential amenity while protecting the existing residential amenities" as required under Objective A. Instead, it concentrates materially increased height, bulk and balcony-bearing elevations at the site's most sensitive interfaces, producing overlooking, overbearing impact, loss of privacy and extended seasonal shadow envelopes for established single- and two-storey dwellings, together with adverse effects on the setting of Protected Structures and public open space.

These harms were expressly flagged by DLRCC in its own Section 32D Opinion. Nevertheless, DLRCC granted permission without requiring the design amendments or reductions in massing necessary to protect existing amenity. The decision therefore fails the fundamental test of the zoning objective.

Positive Planning Blackrock submits that the proposal is contrary to Objective A of the Dún Laoghaire–Rathdown County Development Plan 2022–2028, conflicts with the proper planning and sustainable development of the area, and that An Coimisiún Pleanála should allow this appeal and refuse permission on this ground.

7.3 Ground 3: The proposal is contrary to national climate policy and the Development Plan's climate objectives – DLRCC failed to discharge its statutory climate obligations

7.3.1 Legal and policy context

Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended by the Climate Action and Low Carbon Development (Amendment) Act 2021) requires every relevant body, in so far as practicable, to perform its functions in a manner consistent with:

- the most recent approved Climate Action Plan,
- the national climate objective, and
- the objective of climate neutrality by 2050.

The Supreme Court has confirmed that this obligation is real, effective and enforceable. In *Coolglass Wind Farm Limited v An Coimisiún Pleanála* [2026] IESC 5 the Court held that s.15(1) creates a binding legal standard that must be complied with by planning authorities and by An Coimisiún Pleanála. The duty is not merely procedural; it goes to the substance of the decision and is judicially reviewable.

The earlier Galway City Ring Road litigation (Friends of the Irish Environment CLG v An Bord Pleanála & Ors, High Court, 2022 No. 93 JR; order of certiorari 30/31 January 2023) remains instructive. An Bord Pleanála conceded that it had not considered the Climate Action Plan 2021 (adopted only four days before its decision) and that this failure was sufficient to vitiate the lawfulness of the permission. The decision was quashed.

These authorities establish that DLRCC (and, on appeal, An Coimisiún Pleanála) must actively and substantively engage with the climate objectives in s.15(1) when determining an application of this scale. A failure to do so is an error of law.

The Dún Laoghaire–Rathdown County Development Plan 2022–2028 incorporates the national climate framework. Two particular strands are engaged here:

- Retention of existing trees and green infrastructure as carbon sinks and urban green lungs; and
- Avoidance of unnecessary demolition and the associated loss of embodied ("sunk") carbon, together with the generation of construction and demolition waste (see Climate Action Plan 2023, Section 14.1 and Action CE/23/3).

7.3.2 Tree Loss and Loss of Carbon Sink / Green Lung

The site currently functions as a mature landscaped green lung. The proposal involves the removal of a very high proportion of the existing tree stock (approximately 48 %, including a significant number of Category A and B trees).

The submitted Energy, Sustainability & Climate Action Report does not quantify:

- the existing sequestered carbon in the trees to be removed;
- the annual sequestration currently provided by the canopy;
- the climate impact of the permanent loss of this urban green lung; or
- how replacement planting will compensate, in carbon terms, for the loss of mature specimens in the critical near-term decades.

DLRCC failure(s) at RFI and condition stages

Despite the clear national and Development Plan emphasis on retaining trees as part of climate adaptation and mitigation, and despite the binding duty under s.15(1) as clarified in Coolglass, DLRCC granted permission without requiring a robust, quantified assessment of the carbon and climate impacts of the proposed tree removals. The decision therefore fails to discharge the statutory climate obligation.

7.3.3 Demolition, embodied carbon and construction waste

Section 14.1 of the Climate Action Plan 2023 emphasises that traditional buildings represent a significant resource of sunk/embodied carbon and that their retention and reuse is critical to avoiding unnecessary emissions. Action CE/23/3 requires measures to reduce demand for virgin materials and keep material out of waste streams.

The scheme proposes the dismantling and relocation of St. Teresa's Lodge (a Protected Structure). No fresh, climate-focused alternatives analysis has been provided demonstrating that retention in situ (or a less carbon-intensive solution) is not feasible. More broadly, a development of this intensity depends on large quantities of high-embodied-carbon materials. No whole-life carbon assessment comparing the proposed scheme with a lower-intensity alternative that maximises retention of existing structures and mature trees has been submitted.

DLRCC failure(s) at RFI and condition stages

The DLRCC did not require a whole-life carbon assessment or a climate-justified alternatives analysis for the Gate Lodge works. In granting permission without that analysis, it failed to perform its functions in a manner consistent with the climate objectives, contrary to s.15(1) as interpreted in Coolglass and as previously underscored by the quashing of the Galway Ring Road permission.

7.3.4 Conclusion on Ground 3

The proposal involves the loss of a substantial proportion of the site's mature tree canopy (a local carbon sink and green lung) and the dismantling of a Protected Structure with consequent loss of embodied carbon. These impacts have not been robustly assessed against the Climate Action Plan, the national climate objective, or the statutory duty in s.15(1).

Following Coolglass Wind Farm Limited v An Coimisiún Pleanála [2026] IESC 5, that duty is binding and enforceable. The earlier concession and quashing in the Galway Ring Road case (Friends of the Irish

Environment CLG v An Bord Pleanála, 2022 No. 93 JR) demonstrates that a failure to engage properly with the Climate Action Plan is fatal.

DLRCC granted permission without the necessary climate and carbon analysis. Positive Planning Blackrock therefore submits that the decision is contrary to s.15(1) of the 2015 Act (as amended), contrary to the climate objectives of the Development Plan, and contrary to the proper planning and sustainable development of the area. An Coimisiún Pleanála is requested to allow this appeal and refuse permission on this ground.

7.4 Ground 4: The scheme is contrary to national, regional and local planning policy – the DLRCC failed to secure compliance

7.4.1 Density, scale, height, length and massing contrary to the NPF (First Revision, 2025)

The applicant relies heavily on the National Planning Framework (NPF) to justify the intensification from 291 to 414 units (a 42% uplift) and the increase in net density from 74 uph to 119 uph. The First Revision of the NPF (April 2025) continues to support compact growth, but it equally emphasises that such growth must protect environmental quality, residential amenity, green infrastructure and local character. It requires "appropriate scale relative to location" and development that strengthens place-making.

The abrupt transition from single- and two-storey dwellings at St Teresa's Park / St Vincent's Park to 6–8 storey blocks (particularly D1, E1 and E2) at separations of approximately 15–16 m does not constitute contextual intensification. It is a sharp vertical and visual escalation. The simultaneous reduction in public open space, substantial tree removal, and redistribution of bulk toward the most sensitive residential interfaces sit uneasily with the NPF's reinforced climate, biodiversity and quality-of-life objectives.

DLRCC failure(s) at RFI and condition stages

DLRCC granted permission without requiring any material reduction in the height or massing of the critical perimeter blocks, and without securing a comprehensive cumulative visual assessment that would have allowed proper evaluation of the intensified edge condition against the NPF's place-based tests. The decision therefore fails to ensure that the proposal delivers the high-quality, context-responsive compact growth required by the First Revision of the NPF.

7.4.2 Regional Spatial & Economic Strategy for the Eastern & Midland Region

The RSES promotes compact growth within the Dublin Metropolitan Area, but it does so in a structured, infrastructure-led and context-responsive manner. It identifies Metropolitan Strategic Development Areas and high-capacity public transport corridors as priority locations for higher-density growth. The St Teresa's site is not so designated. It is an established suburban site adjoining predominantly low-rise residential neighbourhoods.

The RSES emphasises quality of place, healthy placemaking and protection of established communities. Higher density is envisaged where it enhances urban vitality and integrates successfully into its surroundings. The amended scheme's redistribution of 6–8 storey massing into close proximity with single- and two-storey properties, combined with reduced public open space and substantial tree loss, undermines those objectives.

DLRCC failure(s) at RFI and condition stages

DLRCC did not require the applicant to demonstrate that the additional quantum arises from a coordinated, infrastructure-led regional strategy, nor did it require redesign to achieve a proportionate relationship with the established suburban context. Permission was granted for a developer-led intensification that sits outside the structured growth logic of the RSES.

7.4.3 Non-compliance with Section 28 Guidelines

The proposal fails to comply with multiple Ministerial Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended). The principal deficiencies are summarised below.

Non-compliance with the Development Management Guidelines (2007)

These Guidelines require development management to implement the adopted vision of the Development Plan in a consistent, transparent and plan-led manner, and to ensure that development is sensitive to its local environment. The amended scheme (119 uph, buildings up to 8 storeys, intensified massing at sensitive boundaries) moves away from, rather than implements, the Development Plan's

carefully balanced suburban framework. It is not sensitive to the established low-rise residential context.

Non-compliance with the Sustainable Residential Development and Compact Settlements Guidelines (2025) and Design Standards for New Apartments (2025)

While numerical compliance with certain minimum standards is asserted, the qualitative intent of both sets of Guidelines is not met. Dual-aspect provision has fallen (to approximately 53–58%), a significant proportion of units only marginally exceed minimum floor areas, and open space functions largely as residual space around intensified blocks rather than as a connected hierarchy of meaningful public realm. The Guidelines require a proportionate response to the receiving environment; the abrupt scale transition at the western and eastern boundaries fails that test.

Non-compliance with the Urban Design Manual

Assessment against the Manual's indicators (Context, Connections, Inclusivity, Variety, Efficiency, Distinctiveness, Privacy/Amenity, Parking, Detailed Design) demonstrates non-compliance on multiple counts. The scheme does not respond appropriately to specific boundary conditions, does not make appropriate use of resources (including mature trees and the existing green lung), and produces negative impacts on adjoining residential amenity and privacy.

Non-compliance with the Urban Development and Building Height Guidelines (2018)

SPPR 1 and the assessment criteria in Section 3.0 require that increased height be located in appropriate urban locations identified through the statutory plan, successfully integrate into/enhance the character of the area, use massing and height with sufficient variety to respond to adjoining scale, and minimise overshadowing and loss of light. This site is not identified in the Development Plan as a strategic height node. The proposal presents consolidated mid- to high-rise massing in close proximity to two-storey dwellings without adequate transition or modulation. It fails the Guidelines' balance test between density/height and amenity protection.

DLRCC failure(s) at RFI and condition stages across the Section 28 Guidelines

In each case, DLRCC granted permission without requiring the design amendments, reductions in height/massing, or improved qualitative standards that would have been necessary to achieve compliance. Conditions attached to the grant (primarily transportation and technical) do not cure the fundamental policy non-compliance on density, height, scale, dual-aspect quality, open-space hierarchy or contextual integration.

7.4.4 Contrary to the Dún Laoghaire–Rathdown County Development Plan 2022–2028

The proposal conflicts with multiple core provisions of the Development Plan:

- **Objective A zoning** – the requirement to protect existing residential amenities is not met (see Ground 2).
- **Policy Objective PHP20** – densities above 50 uph and heights above 4 storeys trigger specific evidential and design requirements (assessment of overdevelopment risk, "obvious buffer" from rear garden boundaries of low-density housing, step-back design). These requirements are not satisfied at the sensitive eastern and western interfaces.
- **Policy Objective PHP21 (Institutional Lands)** – the obligation to retain the open character of institutional lands and to structure development around existing landscape features (including trees) is undermined by the intensification of built form and substantial tree loss.
- **Open Space / Zoning Objective F** – increased development pressure at the edges of open space and public parks conflicts with the protective intent of these designations.
- **Car parking** – the reduction to approximately 0.57 spaces per unit, in the context of a major unit uplift, raises unresolved amenity and displacement risks for surrounding residential streets that the Plan requires to be evaluated and avoided where unacceptable.

DLRCC failure(s) at RFI and condition stages across the Section 28 Guidelines

DLRCC's own Section 32D Opinion had flagged many of these issues (overlooking, overbearing, height, residential amenity, heritage setting). Nevertheless, permission was granted without requiring the reductions in height and massing, the "obvious buffer", the improved dual-aspect and open-space quality, or the robust transition design that the Development Plan itself demands for schemes of this

intensity. The decision therefore fails to implement the Plan's core residential-amenity, institutional-lands and height policies.

7.4.5 Conclusion on Ground 4

The proposed development is inconsistent with:

- the balanced, place-based compact growth strategy of the National Planning Framework (First Revision, 2025);
- the structured, infrastructure-led and context-responsive approach of the RSES;
- multiple Section 28 Guidelines (Development Management Guidelines, Apartment Guidelines 2025, Compact Settlements Guidelines 2025, Urban Design Manual, Building Height Guidelines 2018); and
- core policies of the Dún Laoghaire–Rathdown County Development Plan 2022–2028 (Objective A, PHP20, PHP21 and related provisions).

These inconsistencies were foreseeable and were, in significant part, identified in DLRCC's own pre-application Opinion. In granting permission without securing the necessary design amendments or qualitative improvements, DLRCC failed to ensure compliance with the applicable national, regional and local policy framework.

Positive Planning Blackrock submits that the proposal is contrary to the proper planning and sustainable development of the area and that An Coimisiún Pleanála should allow this appeal and refuse permission on this ground.

7.5 **Ground 5: The Landscape and Visual Impact Assessment is incomplete, methodologically flawed and understates impacts on the most sensitive residential receptors – DLRCC failed to require a robust assessment**

7.5.1 **The original LVIA was incomplete, caused objections, and was not accepted by DLRCC**

The applicant submitted a Landscape and Visual Impact Assessment (Chapter 13 of the EIAR) that treats the permitted Parent SHD as the baseline and relies on 33 verified photomontage viewpoints (the same set used for the earlier scheme). Positive Planning Blackrock submits that the selection, framing and interpretation of these viewpoints materially understate the degree of visual change and the significance of effects for the most sensitive receptors – the single – and two-storey dwellings immediately adjoining the eastern and western boundaries, and users of Rockfield Park, St Louise's Park and St Vincent's Park.

The principal deficiencies are as follows.

1. **Understatement of visibility and cumulative massing:** The LVIA accepts increased height and visibility of Blocks D1, E1 and E2 from Rockfield Park but concludes there is "no sense of excessive enclosure" and that the park's value would be "heightened". This is disputed. The introduction of more prominent 6–8 storey massing at the park edge is a material urbanising change in the character of views enjoyed by park users and neighbouring households. The cumulative effect of the rebalanced bulk nearer the southern and western interfaces is experienced across a single field of view; individual viewpoint narratives do not capture this combined presence.
2. **Downgrading of receptor sensitivity:** Rockfield Park and the Quaker Cemetery are classified as "Medium-High" sensitivity, with repeated reliance on the proposition that their "urban context demands tolerance for change". Permanent residential receptors are properly regarded as High sensitivity under the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment (GLVIA). The LVIA's approach moderates overall significance ratings by treating highly amenity-rich and static residential receptors as having greater tolerance for change than is warranted.
3. **Over-reliance on contingent tree screening:** The LVIA repeatedly asserts that increased height will remain "well filtered by retained trees, even in winter". This conclusion is not robust where extensive tree removal is integral to the proposal and retained trees are subject to construction pressure and survivability risk. The LVIA itself acknowledges that "any unplanned loss of trees beyond that considered... could result in negative landscape and visual impacts." Screening is therefore contingent, yet the conclusions are presented as if certain. No enforceable mitigation (tree-protection certainty, replacement specification, establishment periods or contingency planting) is proposed.
4. **Advocacy rather than neutral assessment:** The LVIA states that reducing the height of Blocks D1, E1 and E2 "may reduce" visual effects on St Vincent's Park and St Louise's Park, but that doing so "would reduce the housing yield from the valuable urban site." This is a planning-balance argument

rather than a neutral presentation of likely effects. It reinforces the concern that harm is downplayed in order to defend yield-driven intensification.

5. **Complete absence of private residential viewpoints:** Not a single verified view or CGI is provided from the rear gardens or window level of the most directly affected dwellings (including Nos. 5 & 6 St. Teresa's Park and the single-storey houses adjoining St Vincent's Park). GLVIA classifies occupiers of residential properties with views affected by development as High sensitivity and expressly contemplates private viewpoints where appropriate (paras. 6.13–6.15, 6.24, 6.31–6.33 and 6.36). This is precisely such a case. The omission is material and fatal to any claim that the visual impact on the most sensitive receptors has been properly assessed.
6. **Non-standard sensitivity/significance framework:** The author acknowledges that the classifications used "are not standard" and "may differ from those used by other practitioners." Where significance conclusions depend on these ratings, non-standard definitions require transparent justification. That justification is not provided.
7. **Failure to meet DLRCC's own pre-application requirement for comprehensive visuals:** In the Section 32D LRD Opinion, DLRCC expressly requested that any visuals submitted with the application capture the entirety of the development, including both permitted and proposed blocks and the Protected Structures, so as to provide an accurate visual reflection of the cumulative scheme. No masterplan-scale CGI or long-section perspective meeting that requirement was provided. The most expansive CGI still omits substantial elements of the scheme. This deficiency, already flagged by DLRCC itself, remains uncured.

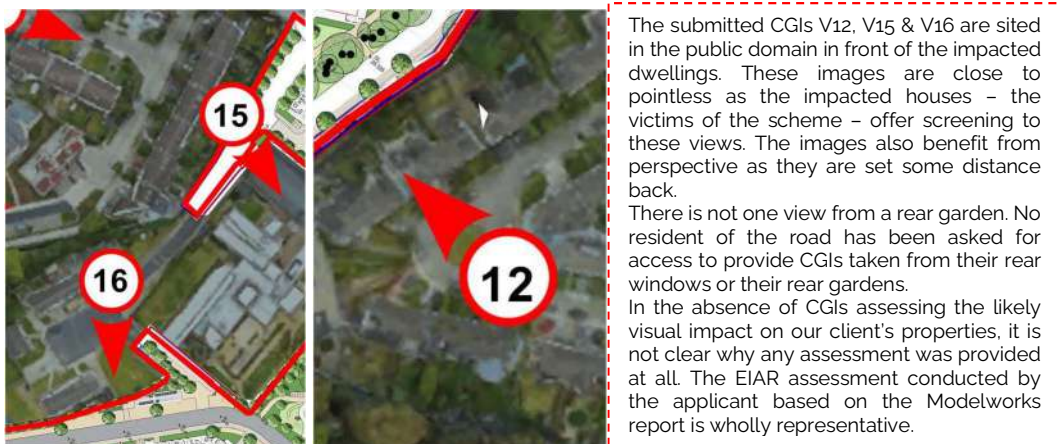


Fig. 13: Applicant's original viewpoints are from the public domain and not from the impacted properties

7.5.2 Specific deficiencies in the original key viewpoints (V12 and V16)

Viewpoint 12 (St Vincent's Park)

The photomontage is taken from within the open expanse of the park rather than from the boundary line, rear-garden level or internal eye-level of the single-storey dwellings whose rear elevations directly face the proposed massing. It therefore understates the experience of enclosure and dominance that will arise for those High-sensitivity residential receptors. The LVIA's Medium magnitude / Moderate–neutral/negative conclusion does not reflect the lived reality of a 5–8 storey elevation rising directly beyond the rear boundaries of one-storey homes.



Fig. 14: Excerpt from applicant's Verified View 12 images



Fig. 15: The impacted areas of the properties shown in CGI View 12 are to the rear of each – applicant base photos are cynically taken from the front

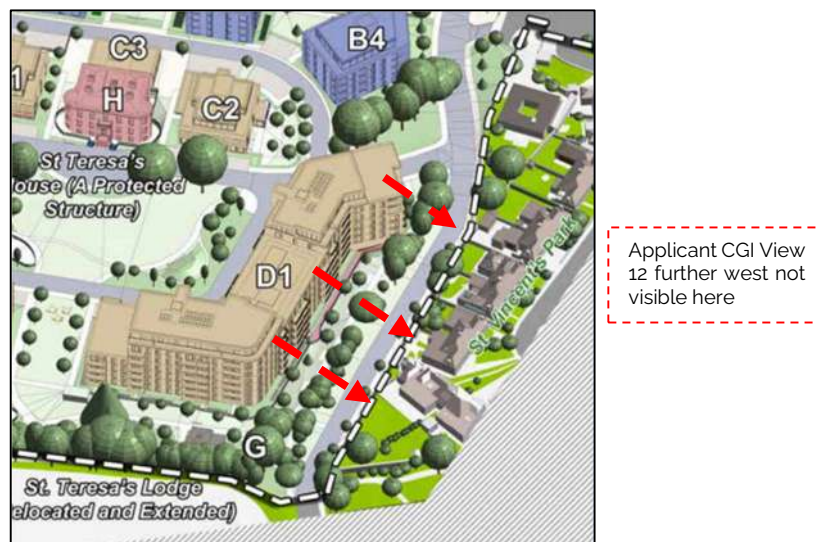


Fig. 16: Indicative Proposed LRD Layout (Source: Fig 2.8 Daylight Sunlight Analysis)

Viewpoint 16 (St Teresa's Park)

Even on the applicant's own classification this is one of the more serious effects identified. The "Proposed" image shows Block D1 presenting a broad, continuous 6–7 storey elevation rising directly above the roofline of the single-storey cottages at a separation of approximately 15–16 m. From the rear gardens and windows of Nos. 5 and 6 St Teresa's Park the magnitude of change is properly High. Combined with High receptor sensitivity, the effect is Significant adverse. The use of the term "neutral" is not credible from the perspective of the affected residents.



Fig. 17: VP 16



Fig 18: Aerial view of the rears of 5&6 Teresa Park

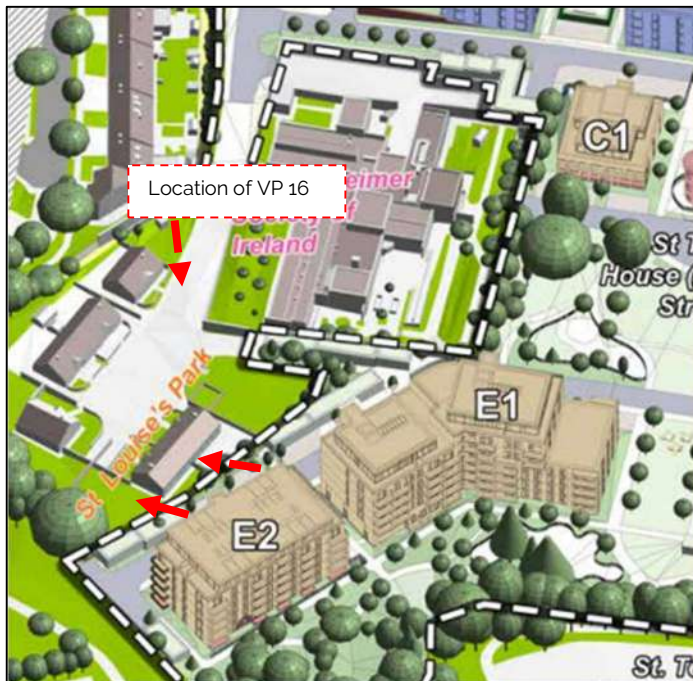


Fig 19: Overlooking from block E2 onto rear gardens of St Teresa Park (Source: Fig 2.8 Daylight Sunlight Analysis)

7.5.3 Independent verification and consistency with other grounds

Independent massing models and verified views prepared on behalf of local residents (ImpactViz) demonstrate the same overbearing relationship: a 6–7 storey elevation hard against the shared boundary with single- and two-storey dwellings. These images corroborate the critique of Viewpoints 12 and 16 and align with the overbearing and overlooking analysis set out in Ground 2. The visual harm is not theoretical; it is the spatial and experiential counterpart of the amenity injury already identified under Objective A zoning and PHP20.

7.5.4 Review of the RFI stage Landscape & Visual Impact Assessment & photomontages

Our client has reviewed the eight FI-stage Modelworks verified-view booklets (Appendices 13.1, parts 1–8) together with the LVIA chapter and the Summary of Mitigation Measures.

The following concerns arise:

1. **No new private residential viewpoints were provided:** The FI package contains the same public-realm viewpoint set previously assessed (including View 04, View 09, View 14, View 19, View 22, View 26, View 30, etc.). There are still no verified views or CGIs taken from:

- the rear gardens or rear windows of Nos. 5 & 6 St Teresa's Park,
- the rear elevations of the single-storey dwellings facing St Vincent's Park, or
- any other private residential receptor at the critical 15–16 m interfaces.

The fundamental methodological defect identified in Ground 5 therefore remains completely uncured.

2. **The same non-standard sensitivity / magnitude framework is retained:** The LVIA chapter continues to use the author's bespoke (explicitly "not standard") definitions of sensitivity and magnitude. Permanent residential receptors are still not classified as High sensitivity in the manner required by GLVIA. The FI material does not revise these classifications.
3. **Continued reliance on contingent tree screening:** The conclusions still depend heavily on retained and proposed vegetation to "filter" and soften views, including assertions of effectiveness in winter. No new enforceable mitigation (detailed tree-protection method statements, contingency planting, or monitoring) is introduced in the FI response or in Chapter 20 (Summary of Mitigation Measures) to convert that contingent screening into a reliable residual-impact control.
4. **No comprehensive cumulative / masterplan-scale visual:** DLRCC's Section 32D Opinion had expressly requested visuals that captured the entirety of the development (permitted + proposed blocks + Protected Structures). The FI photomontage package does not supply such a masterplan-scale or long-section cumulative image. The individual viewpoints remain selective and fragmented.
5. **Views 12 and 16 (the most critical interfaces) are unchanged in approach:** The FI material does not include revised versions of the key viewpoints that would show the scheme from the actual rear-garden / window level of the most affected single-storey dwellings. The understatement of magnitude and enclosure at those interfaces therefore persists.

The verified photomontages submitted at Further Information stage (Modelworks Appendices 13.1, parts 1–8, received 29 May 2026) have therefore been reviewed by our client. They comprise the same public-realm viewpoint set previously assessed. No private rear-garden or window-level views from the most affected dwellings at St Teresa's Park or St Vincent's Park were provided. The non-standard sensitivity/magnitude framework is retained, reliance on contingent tree screening continues without new enforceable mitigation, and no comprehensive masterplan-scale cumulative visual (showing the full intensified scheme together with the Protected Structures) was supplied in response to DLRCC's own Section 32D Opinion request.

The Further Information visual material therefore does not cure the methodological and evidential defects identified above. DLRCC granted permission on the basis of a visual impact assessment that remained incomplete with respect to the highest-sensitivity residential receptors.

7.5.5 Conclusion on the LVIA and the Council's failure including at RFI or conditioning stage

The LVIA evaluates the proposal largely as a question of visibility from the public realm rather than as a question of residential visual amenity, enclosure and skyline change experienced from private, static and repeated viewpoints. It fails to:

- assess the degree of visual enclosure from adjoining residential properties;
- give proper weight to High-sensitivity permanent residential receptors;
- classify the magnitude of change at the critical 15–16 m interfaces as High;
- treat vegetation screening as contingent rather than certain;
- propose any meaningful mitigation; and
- meet DLRCC's own pre-application requirement for comprehensive cumulative visuals of the full intensified scheme together with the Protected Structures.

DLRCC failure(s) at RFI and condition stages across the Section 28 Guidelines

These methodological and evidential weaknesses were foreseeable and were, in substance, raised in the original observation and flagged in the Council's own Section 32D Opinion. Nevertheless, permission was granted without requiring:

- verified private viewpoints from the most affected rear gardens and windows;
- a revised sensitivity and magnitude assessment that treats permanent residential receptors as High sensitivity;
- enforceable mitigation linked to the vegetation on which the LVIA relies;

- the comprehensive masterplan-scale visuals expressly requested at Opinion stage; or
- any reduction in the height or massing of Blocks D1, E1 and E2 that generate the most severe visual effects.

The decision therefore rests on an incomplete and methodologically flawed visual impact assessment. Positive Planning Blackrock submits that the LVIA does not provide a sound or sufficiently precautionary basis for decision-making. The proposal, particularly the proximity and scale of Blocks D1, E1 and E2 to St Teresa's Park and St Vincent's Park, would give rise to significant adverse visual effects on adjoining residential amenity.

Conclusion for Ground 5

The Further Information stage verified photomontages do not support the applicant's case that visual impacts on the most sensitive residential receptors are acceptable, nor do they cure the deficiencies that the Council's own Opinion had flagged. They remain:

- exclusively public-realm viewpoints,
- reliant on a non-standard and moderated sensitivity framework,
- dependent on contingent vegetation screening without enforceable mitigation, and
- lacking the comprehensive cumulative visual expressly requested at pre-application stage.

This provides a clear basis on which An Coimisiún Pleanála can conclude that the visual effects on adjoining residential amenity have not been robustly assessed.

An Coimisiún Pleanála is requested to conclude that the visual impact assessment is inadequate, that DLRCC erred in granting permission on the basis of it, and that permission should be refused on this ground (or that the scheme requires material revision to reduce and/or set back the most proximate massing elements).

7.6 Ground 6: Excessive tree removal conflicts with Development Plan woodland protection objectives – DLRCC failed to require a tree-led design response

7.6.1 Conflict with Development Plan woodland protection objectives

The subject lands are specifically designated with the objective "to protect and preserve Trees and Woodlands" and carry four mapped tree/woodland protection symbols. These include the "tree lines avenue: mainly Holm Oak in green corridor to parkland," a defined landscape feature forming part of the site's established green infrastructure.

The scale of tree removal proposed is fundamentally at odds with these stated protection objectives and would materially undermine the landscape character and ecological value the Development Plan seeks to safeguard.

7.6.2 Excessive quantum of tree loss (86 trees / approximately 48 %)

The Arboricultural Report records 179 trees/groups on the site. The proposed development will result in the removal of 86 trees/groups — approximately 48 % of the recorded population. This is not incidental or minor; it is the removal of nearly half the established tree structure.

The applicant's own arborist expressly acknowledges: "there appears to be a contradiction and conflict between the tree and woodland-related objectives and the planning expectations for the site."

This is a significant admission. The report characterises the proposal as a "reasonable compromise," but whether such a compromise is acceptable is a matter of planning judgement against Development Plan policy, not development yield.

The current proposal also results in a greater level of tree loss than the previously permitted Parent SHD (86 versus 78 trees/groups). The increase coincides with the uplift in residential quantum and the reconfiguration of built form.

7.6.3 Removal of good-quality (Category B) trees

Of the trees to be removed, 13 are Category B (good to fair quality specimens worthy of retention under BS 5837:2012). The loss therefore extends beyond dead, dying or unsustainable Category U trees and includes viable, structurally sound specimens capable of contributing to the long-term landscape structure of the site.

Section 12.8.11 of the Development Plan requires that development be designed, insofar as practicable, to retain trees, particularly where identified by objective tree symbols. The removal of good-quality trees within a site carrying specific protection mapping runs contrary to this policy direction.

7.6.4 Uncertainty of retention due to construction pressures

The Arboricultural Report makes clear that projected retention is conditional: "Tree retention expectations are based on the implementation of the proposed tree protection plan... If these cannot be achieved, then sustainable tree retention expectations may need to be amended."

Retainable trees generate a composite Root Protection Area covering approximately 35 % of the site. These RPAs are dispersed rather than consolidated. In a high-density scheme involving roads, basements, services and multiple phases of works, the practical difficulty of achieving full RPA protection is considerable. The retention figure is therefore a best-case scenario, not a guaranteed outcome.

7.6.5 Failure to demonstrate layout alternatives to avoid tree loss

Despite the acknowledged constraints (35 % RPA coverage and the explicit conflict with woodland objectives), no evidence has been submitted of a meaningful layout iteration process aimed at reducing tree loss. The documentation assesses the impacts of a predefined development concept rather than demonstrating that the scheme evolved through a tree-led design process. Alternative layouts, reduced density scenarios, or reconfigured road/infrastructure alignments that would have protected significant trees are not presented.

On lands subject to mapped objectives to protect and preserve trees and woodlands, the threshold for removal must be high. It is not sufficient to show that trees conflict with a preferred layout; it must be shown that alternative layouts were exhausted and that loss is genuinely unavoidable. That demonstration is absent.

7.6.6 Further Information stage landscape and woodland material

The Further Information stage Landscape Masterplan (Mitchell + Associates, STT-MAS-XX-XX-DR-L-0100) and Woodland Management Plan (DNV, Rev. 002, May 2026) were reviewed. While they provide a framework for managing the retained woodland and propose replacement planting, they do not:

- reduce the quantum of tree loss below the 86 trees/groups previously identified;
- reverse the removal of the 13 Category B trees;
- resolve the acknowledged conflict between the development strategy and the mapped woodland protection objectives; or
- demonstrate that a lower-impact layout was tested and rejected.

The FI material therefore manages the residual woodland; it does not cure the fundamental policy conflict arising from the scale of removal.

7.6.7 Reduction in public open space despite population increase

The amended scheme increases residential unit numbers while reducing the extent of publicly accessible open space relative to the Parent SHD (from approximately 11,238 sq.m of public open space). An increase in communal (semi-private) open space does not compensate for the loss of publicly accessible land. Public and communal open space serve different functions and different beneficiaries. The net effect is a more inward-looking, privatised scheme despite greater impact on the surrounding area.

The layout also fails to locate public open space as a meaningful buffer along the most sensitive residential interfaces, where it could have mitigated overbearing and overlooking impacts.

7.6.8 Conclusion on Ground 6

The proposal involves the removal of approximately 48 % of the site's trees (including 13 good-quality Category B specimens) on lands expressly subject to objectives to protect and preserve trees and woodlands. The applicant's own arborist acknowledges a contradiction and conflict with those objectives. Retention of the remaining trees is conditional on ideal construction-stage compliance. No tree-led alternative layouts have been demonstrated. The Further Information landscape and woodland material does not reduce the scale of loss or resolve the policy conflict.

DLRCC failure(s) at RFI and condition stages

Despite the mapped woodland protection objectives, the explicit admission of conflict in the Arboricultural Report, the increase in tree loss relative to the Parent SHD, and the absence of any demonstrated layout alternatives, DLRCC granted permission without requiring a material reduction in

tree removal or a redesigned, tree-led layout. The decision therefore fails to give effect to the Development Plan's tree and woodland protection policies.

Positive Planning Blackrock submits that the proposed tree removal is contrary to the Development Plan objective to protect and preserve trees and woodlands, conflicts with the proper planning and sustainable development of the area, and that An Coimisiún Pleanála should allow this appeal and refuse permission on this ground (or require a substantially revised scheme that maximises retention of the existing tree structure).

7.7 Ground 7: Reintroduction of Block C3 reverses an established planning position without sufficient justification

7.7.1 The Parent SHD omission condition

Condition 2 of ABP-303804-19 required: "Omission of Block C3 (residential amenity building) from the proposal and this area appropriately landscaped... The number of residential units hereby permitted is 291. REASON: In the interests of proper planning and sustainable development, to safeguard the architectural heritage of the area, to enhance permeability and to secure the integrity of the proposed development including the public park."

This was a substantive condition forming part of the planning balance that rendered the scheme acceptable.

7.7.2 DLRCC's justification for reintroduction

The Planner's Report / Conservation Officer commentary accepts the reintroduction of a single-storey Block C3 on the basis that:

- separation from the rear elevation of St Teresa's House has increased from 2.27 m to 5.1 m;
- height has been reduced to one storey;
- opaque glazing is proposed on the elevation facing the Protected Structure; and
- additional CGIs have been provided.

It concludes that these revisions have "alleviated some of the concerns previously raised."

7.7.3 Why that justification is insufficient

The original condition cited four inter-linked reasons: proper planning, architectural heritage, permeability, and the integrity of the public park. An increase in separation of less than 3 m and a reduction to single-storey height address only a narrow aspect of proximity. They do not address the wider heritage, permeability or public-realm concerns that underpinned the omission.

Heritage impact is not measured solely by separation distance. It concerns spatial dominance, erosion of historic openness, and cumulative encroachment within the setting of the Protected Structure. The area was previously judged more suitable for landscaping than for built form. Reinstatement replaces that intended open space with massing at a time when the overall scheme already reduces public open space while increasing unit numbers.

The Gate Lodge is a Protected Structure. Its proposed dismantling and relocation continues to engage the conservation principles that underpin both national policy and Ireland's international obligations in respect of architectural heritage.

The Conservation Officer's own language - that only "some" concerns have been alleviated - is an admission that residual concerns remain. No material change in site context, heritage designation or policy has been demonstrated that would justify reversing the earlier conclusion. The only evident driver is the accommodation of additional amenity space associated with higher yield.

7.7.4 Planning benefits of omission

Omission of Block C3 would restore spatial relief around St Teresa's House, increase publicly accessible open space, enhance permeability, and rebalance the scheme. The block is not required for policy compliance or viability; the Parent SHD already authorised 291 units without it.

7.7.5 Conclusion

The decision to permit Block C3 reverses a clear, reasoned Parent SHD condition without overcoming the original heritage, permeability and public-realm reasons for its omission. DLRCC's justification is

narrow and incomplete. An Coimisiún Pleanála is requested to refuse permission for Block C3 (or require its omission and the appropriate landscaping of the area in accordance with the original condition).

7.8 Ground 8: Traffic and transport impacts of the intensified scheme have not been adequately resolved – DLRCC failed to require capacity certainty before granting permission

7.8.1 Material intensification requires robust reassessment

The proposal increases residential units from 291 to 414 (a 42% uplift). The original access strategy and modelling were calibrated to the 291-unit scheme. While a revised Traffic Impact Assessment (TIA) has been submitted, the conclusions continue to rely heavily on modal-shift assumptions, public-transport uptake and cycling rates. A 42% increase in units adjacent to the strategic N31 arterial route cannot reasonably be treated as a minor variation; it requires a proportionate and precautionary reassessment of network capacity and junction resilience.

7.8.2 Junction capacity remains constrained – DLRCC's Transportation Planning response confirms this

The Transportation Planning Section's report on the Further Information response is explicit:

... the modelling continues to indicate junction operation at or above capacity, with negative Practical Reserve Capacity values in both opening year and design year scenarios. While the applicant concludes that the development does not materially worsen overall operation, further justification is required regarding the acceptability of increased delay and capacity constraints at this strategic junction and any implications for future corridor performance.

Rather than requiring the capacity issue to be resolved before a decision was made, DLRCC granted permission subject to a condition requiring a Junction Capacity Monitoring and Mitigation Strategy to be submitted prior to commencement of development. That strategy is to include post-occupation monitoring and possible future mitigation measures (signal optimisation, demand management, etc.).

This approach defers the resolution of a known capacity constraint at a strategic junction until after permission has been granted. It does not demonstrate that the intensified development can be accommodated without adverse impact on junction performance or network stability. The existence of negative PRC values in both opening and design years remains unaddressed at decision stage.

7.8.3 Reduced car parking despite major unit increase

The amended scheme provides 236 residential car spaces for 414 units (approximately 0.57 spaces per unit) — a reduction of 28 spaces relative to the Parent SHD despite the 42% uplift in units. No detailed parking stress survey of the surrounding residential streets has been provided, nor is there any guaranteed residents' parking exclusion scheme to prevent overspill. The surrounding streets (Temple Hill, Temple Road, St Vincent's Park, St Louise's Park) already experience on-street demand. The combination of increased population and reduced on-site supply creates a foreseeable risk of displacement parking that would adversely affect residential amenity and local road safety.

Transportation Planning recommended conditions relating to car-share provision and Mobility Management Plan implementation. These are welcome but do not eliminate the structural shortfall or the risk of externalisation of parking demand.

7.8.4 Café use and additional trip types

The introduction of a café in the relocated Gate Lodge (not part of the Parent SHD) adds short-stay customer trips, drop-offs and servicing movements that were not previously assessed. No dedicated café parking is provided. These additional trip types, combined with creche drop-off/pick-up activity and the intensified residential quantum, increase the potential for conflict at the constrained site access.

7.8.5 Construction traffic

The intensified scheme includes expanded basement areas and greater floor area. No clear comparative analysis has been provided demonstrating how construction traffic (particularly HGV movements associated with excavation and material delivery) compares with the previously permitted 291-unit scheme. Temple Hill and adjoining residential streets are constrained; increased and prolonged HGV activity raises legitimate safety and amenity concerns.

7.8.6 Over-reliance on modal shift and single-lane exit

The TIA relies significantly on optimistic modal-shift assumptions. Provision of cycle parking and proximity to public transport create potential for reduced car use but do not guarantee it. The exit arm has been reduced to a single lane at the same time as unit numbers have increased by 42%. No detailed queue-length analysis demonstrating internal stacking resilience under peak conditions has been presented.

7.8.7 Conclusion on Ground 8

The Transportation Planning Section itself recorded that the critical N31 / Temple Hill / Site Access junction continues to operate at or above capacity with negative PRC values. Rather than requiring this constraint to be resolved or the quantum of development reduced, DLRCC granted permission subject to a post-decision monitoring and mitigation strategy. Capacity certainty has therefore been deferred rather than secured.

Combined with the reduced parking ratio, the absence of external parking controls, the introduction of café traffic, construction-traffic uncertainties and reliance on modal-shift assumptions, the transport assessment does not provide a robust basis for concluding that the intensified scheme can be accommodated without adverse impact on the surrounding network or residential amenity.

Positive Planning Blackrock submits that the traffic and transport impacts of the amended scheme have not been adequately resolved and that An Coimisiún Pleanála should allow this appeal and refuse permission on this ground (or require a material reduction in unit numbers and/or the resolution of junction capacity before any grant).

7.9 Ground 9: Deficiencies in the Environmental Impact Assessment Report and Appropriate Assessment – DLRCC failed to require a complete and robust assessment

7.9.1 Tree and woodland loss is not adequately characterised as significant

The proposal involves the removal of approximately 86 trees (c. 48 % of the recorded stock) on lands subject to specific Development Plan objectives to "protect and preserve Trees and Woodlands." The EIAR (Chapter 6) and associated Woodland Management Plan set out mitigation and replacement planting but do not squarely acknowledge that the loss of established canopy, landscape structure and ecological function constitutes a significant adverse effect in its own right. Replacement planting cannot replicate the amenity, ecological or visual function of mature trees for decades.

The layout prioritises intensified massing and expanded basements; tree retention was not treated as a primary design constraint. Chapter 13 (LVIA) itself acknowledges that any unplanned additional tree loss could result in negative landscape and visual impacts, underscoring the contingency of the residual assessment.

Recent LRD/SHD practice in the Greater Dublin Area has repeatedly emphasised that significant vegetation removal must be robustly justified against green-infrastructure and biodiversity policies (see, for example, inspector commentary in ABP-322702-25 regarding green infrastructure and vegetation loss). The present assessment falls short of that standard.



Fig. 20: Zoning map showing location of 4 no. trees and woodlands protection objectives



Fig. 21: Excessive tree removal and location of DLRCC woodlands objectives

7.9.2 Bat and noise impacts are inadequately assessed

The EIAR assessment of bats focuses primarily on lighting. There is no meaningful analysis of the effects of prolonged construction noise (multi-year programme) followed by operational noise from over 400 residential units and associated amenity/open-space use on the protected bat population. Anthropogenic noise is a recognised form of environmental pollution capable of affecting bats (Kunc & Schmidt, 2019). This gap remains unaddressed.

7.9.3 Water supply capacity is not properly contextualised

The intensification from 291 to 414 units increases demand on the Greater Dublin Area Water Resource Zone. Uisce Éireann's Regional Water Resources Plan identifies the relevant area as "Potential Capacity Available – LoS improvement required." The EIAR does not quantify the incremental potable water demand of the additional 123 units, nor does it place that demand in the cumulative context of other permitted and proposed growth within the same WRZ. Reliance on a connection confirmation in principle does not address the strategic supply-resilience issues identified by Uisce Éireann itself.

7.9.4 Abstraction legislation and cumulative wastewater loading

The Water Environment (Abstractions and Associated Impoundments) Act 2022 is not referenced. More critically, the wastewater assessment relies on a general statement of "adequate operational capacity" at Ringsend WWTP without quantitative cumulative modelling of the additional foul loading under peak wet-weather conditions, or of the interaction with the combined sewer network. Recent inspector reports and EPA material continue to record that Ringsend has operated above interim capacity and that nutrient compliance has been challenging. While upgrade works have progressed, the absence of a rigorous, system-wide cumulative capacity analysis for an intensified scheme discharging ultimately to Dublin Bay leaves a residual scientific doubt that should be resolved before permission is granted.

7.9.5 Wastewater / pluvial risk - Supplemental information on local network vulnerability

On 6 July 2026 Positive Planning Blackrock submitted a supplemental observation drawing attention to statements made by the Council's Water Services Section (Liam O'Dwyer) to the Full Council on 9 February 2026. Those statements indicated that, had the intensity of recent extreme rainfall fallen on the Sandymount-Stillorgan-Blackrock corridor rather than the Dublin Hills, the local pluvial piped systems - especially the combined systems - would have been overwhelmed, with serious consequences for the wastewater network. Uisce Éireann is understood to be studying the West Pier catchments, and the Carysfort-Maretime Stream remains in Tranche Two of the CFRAMS programme with no fixed modelling date. In the context of an intensification from 291 to 414 units discharging via the combined network and the West Pier route to Ringsend, this information sharpens the concern that the additional loading has not been robustly assessed against extreme pluvial events.

DLRCC did not require a specific engineering response to this point before granting permission.

7.9.6 Public participation and consultation deficiencies

The EIAR contains no evidence of consultation with the residential receptors most directly affected by visual, daylight/sunlight, tree-loss or amenity impacts. Daylight/sunlight and landscape/visual assessments were conducted without site visits to the rear gardens and windows of the most sensitive dwellings. This is inconsistent with the EPA Guidelines' emphasis on facilitating better consultation and providing relevant information to decision-makers.

7.9.7 DLRCC's approach and residual deficiencies

DLRCC requested Further Information on biodiversity (including bats, badgers, habitat quantification and mitigation continuity), the NIS, and related environmental matters. While responses were received, the fundamental issues identified above - the characterisation of tree loss as significant, the absence of noise impact assessment on bats, the lack of quantified cumulative water and wastewater analysis, and the absence of receptor-level consultation - remain inadequately resolved. Permission was nevertheless granted.

7.9.8 Conclusion on Ground 9

The EIAR and AA documentation contain material gaps in the assessment of significant tree loss, bat disturbance (noise), water-supply and wastewater cumulative effects, and public participation. These deficiencies were not cured by the Further Information process.

Positive Planning Blackrock submits that the environmental assessment is incomplete and that An Coimisiún Pleanála should refuse permission on this ground (or require a revised, complete assessment that properly characterises and mitigates the identified significant effects).

7.10 **Ground 10: The proposed amendments are a material intensification that departs from the only lawful baseline (the Parent SHD) and aligns more closely with the remitted SHD 2 scheme**

7.10.1 **The only lawful baseline is the Parent SHD**

The Parent SHD permission (ABP-303804-19) authorised 291 residential units at a net density of 74 uph. That permission, including the reasoned omission of Block C3 and the associated conditions, is the only operative and lawful planning baseline.

The subsequent SHD 2 application (ABP-312325-21 / remitted as ABP-320285-24) for 493 units was quashed and remains undecided. It has no operative status and cannot lawfully serve as a benchmark or fallback position for intensification.

The Planner's Report correctly records this position: "For the avoidance of doubt, the scheme permitted under An Coimisiún Pleanála ABP-303804-19 forms the baseline for the assessment of the LRD planning application. As the subsequent amendment under An Coimisiún Pleanála ABP-312325-21 / ABP-320285-24 remains undecided they have not been considered further."

7.10.2 **The LRD is a material departure from the Parent SHD and aligns closely with SHD 2**

A direct comparison of key parameters demonstrates that the current LRD is a significant intensification of the Parent SHD and, in substantive development logic, is materially closer to the remitted SHD 2 scheme.

The LRD delivers a +123 unit / +45 uph uplift over the Parent SHD, reduces public open space by 3,648 sq.m despite the population increase, reduces dual-aspect provision by 10 percentage points, and introduces the café and large amenity hub that were features of SHD 2. While maximum stated height remains 8 storeys, the redistribution of bulk (particularly the concentration of 6–7 storey elements at the sensitive southern and western boundaries) materially alters the spatial character of the scheme.

	Parent SHD	Proposed LRD	SHD 2 (remitted)
Units	291	414	493
Net density (uph)	74	119	165
Public open space	14,887 sq.m	11,238 sq.m	15,100 sq.m
Dual aspect	68%	58%	52%
Residential car parking	272	236	252
Cafe	None	67.4 sq.m	67.4 sq.m
Residential amenity hub	None	451 sq.m	451 sq.m
Creche	286 sq.m	401 sq.m	392 sq.m

Table 3: Comparison between the parent SHD, the proposed LRD, and SHD 2 (remitted)

7.10.3 **Visual and spatial comparison**

The Daylight and Sunlight Assessment drawings (Figs. 22 and 23) illustrate the relative extent and distribution of built form. The LRD layout is visibly more intensive at the residential interfaces than the Parent SHD and shares the same structural approach to intensification (higher concentration of massing, internalised amenity, reduced perimeter openness) that characterised SHD 2.



Fig. 22: Indicative Permitted Parent SHD Layout (Source: Fig 2.7 Daylight Sunlight Analysis)



Fig. 23: Indicative Proposed LRD Layout (Source: Fig 2.8 Daylight Sunlight Analysis)



Fig. 24: Indicative SHD 2 Layout

7.10.4 DLRCC assessment and the failure to treat the unit uplift as material

Although the DLRCC Planner's Report correctly identifies the Parent SHD as the sole baseline, the decision nevertheless grants permission for a scheme that is, in scale, density, open-space reduction, dual-aspect decline and introduction of commercial/amenity floorspace, a clear and material departure from that baseline. DLRCC did not require the applicant to demonstrate that the 42 % uplift (and the associated redistribution of bulk toward sensitive boundaries) remains within the envelope of what was previously determined to constitute proper planning and sustainable development. Instead, the intensification has been treated as an incremental amendment rather than the fundamental escalation that the comparative parameters demonstrate it to be.

7.10.5 Conclusion regarding Ground 10

The only lawful baseline is the Parent SHD permission for 291 units. The current LRD represents a material intensification of that baseline and aligns more closely, in development logic and key parameters, with the remitted (and non-operative) SHD 2 scheme. DLRCC failed to assess the proposal rigorously against the sole lawful baseline and instead permitted a scale of development that substantially departs from the envelope previously found to be acceptable.

Positive Planning Blackrock submits that the proposed amendments are contrary to the proper planning and sustainable development of the area and that An Coimisiún Pleanála should allow this appeal and refuse permission on this ground.

7.11 Ground 11: The proposed development would set damaging precedents

For the reasons set out in Grounds 2 to 10 of this Appeal Observation Report, the grant of permission for the proposed LRD would set a series of damaging precedents. An Coimisiún Pleanála is asked to have regard to the following:

1. Granting permission where DLRCC's own Section 32D Opinion and departmental concerns have not been fully resolved. The Opinion and subsequent departmental reports identified deficiencies in relation to residential amenity, cumulative visuals, junction capacity, biodiversity and heritage. Permission was nevertheless granted without those matters being cured.
2. Weakening the protective purpose of Objective A zoning. Allowing significant intensification at the most sensitive residential interfaces, with attendant overlooking, overbearing impact and loss of

privacy, would undermine the core requirement that development must protect existing residential amenities.

3. Accepting a 42 % uplift in unit numbers and a substantial increase in density in an outer suburban location Without a rigorous demonstration that the uplift remains within the envelope of proper planning and sustainable development previously established by the Parent SHD.
4. Permitting excessive height, scale and massing that fails to achieve an appropriate transition to adjoining two-storey residential development and relies on contingent vegetation screening.
5. Allowing substantial tree loss (approximately 48 % of the recorded stock, including Category B trees) on lands expressly subject to woodland protection objectives, together with a reduction in public open space despite a significant population increase.
6. Eroding the setting of a Protected Structure by reintroducing Block C3 in an area previously required to be landscaped for heritage, permeability and public-realm reasons.
7. Accepting a material reduction in car parking (to approximately 0.57 spaces per unit) alongside a major increase in residential units, without adequate safeguards against displacement parking onto surrounding residential streets.
8. Deferring resolution of known junction capacity constraints (negative Practical Reserve Capacity values at the N31 / Temple Hill / Site Access junction) to a post-grant monitoring condition rather than requiring capacity certainty before a decision is made.
9. Permitting additional traffic-generating uses (café) and intensified construction impacts that were not fully assessed in cumulative terms against the Parent SHD baseline.
10. Accepting an incomplete environmental assessment in respect of significant tree loss, bat disturbance, cumulative water-supply and wastewater loading, and the absence of receptor-level consultation.
11. Undermining the plan-led system by permitting a scheme that, in scale, density profile, amenity provision and development logic, aligns more closely with a previously remitted (and non-operative) SHD 2 proposal than with the only lawful baseline — the Parent SHD for 291 units.
12. Taken individually, each of the above would be a cause for concern. Taken cumulatively, they would establish a pattern of decision-making that weakens residential amenity protections, climate and woodland policy, heritage safeguards, transport capacity requirements and the integrity of the Development Plan itself.

Positive Planning Blackrock therefore submits that An Coimisiún Pleanála should refuse permission in order to avoid setting these damaging precedents for future development in this sensitive suburban and heritage context.

8.0 Conclusion

BPS has undertaken a comprehensive review of the Large-Scale Residential Development (LRD26A/0051/WEB), having regard to the Dún Laoghaire–Rathdown County Development Plan 2022–2028, national and regional planning policy (including the National Planning Framework First Revision and the RSES), Section 28 Guidelines, the planning history of the site (including the Parent SHD ABP-303804-19), the Section 32D DLRCC Opinion, the applicant's Environmental Impact Assessment Report, Natura Impact Statement, Traffic & Transport Assessment and associated documentation, the Planner's Reports and departmental assessments, and the concerns raised by Positive Planning Blackrock and its member residents.

While amendments have been made to the previously permitted scheme, the revised proposal represents a substantial intensification — including a 42% uplift in residential units (from 291 to 414) and significant changes to building height, scale, massing and layout — and fails to resolve the fundamental planning, environmental, transport and amenity concerns that arise.

The application has not adequately addressed the matters raised by DLRCC at Opinion stage, nor the detailed observations of the Planning, Conservation, Parks, Transportation and Drainage Departments. That failure alone raises serious concern as to whether the statutory LRD process has been properly respected. The amendments do not demonstrate a genuinely revised, policy-aligned masterplan; rather, they intensify elements of the previously permitted scheme without fully responding to the Council's own requirements.

The scheme materially conflicts with the Objective A zoning and the Development Plan framework governing these lands. The scale of residential intensification proposed — particularly through the

enlarged and reconfigured Blocks D1, E1 and E2 — results in excessive height, massing and proximity to established residential properties. The proposal gives rise to unacceptable overshadowing, overbearing and overlooking impacts, particularly for the adjoining two-storey dwellings at St Vincent's Park and related streets. These dwellings form part of a late-1930s housing scheme designed by Manning Robertson, first President of the Town Planning Institute in Ireland, and possess both architectural and historical interest that heightens the sensitivity of the receiving environment. The protection of residential amenity is a core objective of the Development Plan, and the amended layout does not demonstrate a satisfactory or proportionate response to that requirement. Client residents have consistently identified overbearance at St Vincent's Park as a primary concern; that concern remains unresolved.

The proposal is also contrary to multiple strands of national, regional and local planning policy. The density, scale and height of the development exceed what can reasonably be considered appropriate for this outer suburban location. While compact growth is a national objective, it must be delivered in a manner that respects context, character, amenity and environmental constraints. The amended scheme fails to strike that balance. Its bulk and cumulative massing would introduce a visually dominant built form that is inconsistent with the established suburban grain.

Significant environmental concerns remain unresolved. The quantum of tree loss — approximately 48% of the recorded stock, including Category B trees — together with uncertainty around retention and insufficient demonstration of layout alternatives, conflicts with Development Plan woodland protection objectives. The scheme reduces meaningful public open space despite a substantial increase in population. Issues raised in relation to bat habitats, abstraction legislation, water supply capacity, wastewater capacity and the adequacy of SuDS measures remain inadequately addressed in the EIAR documentation. Of particular note is the supplemental observation submitted by Positive Planning Blackrock on 6 July 2026, drawing attention to statements by the Council's own Water Services Section regarding the vulnerability of local combined systems in an extreme pluvial event centred on the Blackrock corridor, and the ongoing (but incomplete) study of the West Pier catchments and Carysfort-Maretime Stream. These are not peripheral matters; they go to the core environmental sustainability of the intensified development.

Traffic and transport impacts give rise to further concern. The 42% increase in residential units is accompanied by a reduction in car parking provision and reliance on centralised growth assumptions and modal shift projections. The receiving road network is constrained. The Transportation Planning Section itself recorded that the critical N31 / Temple Hill / Site Access junction continues to operate at or above capacity with negative Practical Reserve Capacity values; capacity certainty was deferred to a post-grant monitoring condition rather than secured before the decision. Client residents have also highlighted access and egress difficulties for the established St Vincent's Park community; those operational concerns remain live.

The reintroduction of Block C3 reverses a reasoned Parent SHD condition imposed to safeguard architectural heritage, enhance permeability and secure the integrity of the public park, without sufficient justification. The proposed dismantling and relocation of the Gate Lodge (a Protected Structure) continues to engage conservation principles that underpinned both the original omission condition and the wider heritage assessment of the site.

The amended scheme also closely resembles previously remitted proposals, raising concerns that earlier issues of scale and overdevelopment have not been substantively resolved but rather reintroduced in revised form. The proximity of demolition and basement excavation works to established dwellings presents further construction-phase risks that have not been robustly mitigated. When viewed cumulatively, the proposal is too dense, too tall in key locations, too heavily massed, too intrusive to adjoining residential properties and insufficiently responsive to the statutory Development Plan. The amendments intensify impacts rather than reduce them. The scheme fails to demonstrate an appropriate balance between the applicant's development objectives and the legitimate expectation of adjoining residents that their established residential and visual amenities will be protected.

This is not a modest refinement of an approved scheme; it is a substantial intensification that materially increases environmental, transport and amenity impacts while failing to resolve underlying policy conflicts. The Development Plan remains the primary statutory framework governing development of these lands. In its current form, the amended proposal does not comply with that framework.

For all of the reasons set out in Grounds 2 to 11 of this Appeal Observation Report, Positive Planning Blackrock respectfully submits that An Coimisiún Pleanála should allow this third-party appeal and refuse planning permission for LRD26A/0051/WEB.

In the alternative, should the Commission be minded to grant permission, the scheme must be substantially reduced in density, scale, height and massing (particularly at Blocks D1, E1 and E2), redesigned to properly protect adjoining residential amenity (including the historically significant dwellings at St Vincent's Park), omit Block C3 in accordance with the original Parent SHD condition, and

be brought into clear and demonstrable compliance with the Dún Laoghaire–Rathdown County Development Plan 2022–2028 and all applicable national and regional planning policies, including resolution of the identified wastewater, drainage and junction capacity concerns.

8.1 Performance-based planning risk assessment conclusions

In this era of performance-based standards in respect of the assessment of a proposed scheme's density, scale, height, massing, bulk and parking, it is necessary to carry out a planning risk assessment in light of the likely performance of this scheme. BPS has carried out this assessment by reference to the scheme's locational and planning context, the Parent SHD baseline, the Section 32D Opinion, the Planner's Reports, departmental assessments, and the concerns raised by Positive Planning Blackrock and its member residents (including the supplemental observation of 6 July 2026 and the specific priority issues identified by residents of St Vincent's Park and surrounding streets).

The conclusions of this exercise are:

1. There is a substantial planning risk that granting permission where Section 32D Opinion issues and departmental requests (Planning, Conservation, Parks, Transportation and Drainage) remain insufficiently addressed would undermine the integrity of the LRD process.
2. There is a substantial planning risk that the amended scheme materially contravenes the Objective A zoning objective and weakens established protections for adjoining residential amenity through overbearing, overlooking and overshadowing impacts — particularly for the late-1930s Manning Robertson houses at St Vincent's Park, whose architectural and historical interest heightens the sensitivity of the receiving environment. Client residents have consistently identified overbearance at this interface as a primary and unresolved concern.
3. There is a substantial planning risk that the 42% increase in residential units (291 to 414) represents excessive intensification in an outer suburban location contrary to the Development Plan density framework and the only lawful baseline (the Parent SHD).
4. There is a substantial planning risk that the height, scale, length and massing of Blocks D1, E1 and E2 fail to integrate with the established two-storey residential context to the west and south, producing an overbearing relationship that the Parent SHD had sought to avoid.
5. There is a substantial planning risk that the quantum of tree loss (approximately 48% of the recorded stock, including Category B trees) and the reduction in effective public open space despite increased population conflicts with Development Plan woodland and biodiversity objectives.
6. There is a substantial planning risk that the reintroduction of Block C3 reverses a reasoned Parent SHD condition imposed to safeguard architectural heritage, enhance permeability and secure the integrity of the public park, thereby eroding meaningful open space and adversely affecting the setting of Protected Structures (including the Gate Lodge).
7. There is a significant planning risk arising from the reduction in car parking provision (to approximately 0.57 spaces per unit) despite a substantial increase in residential units, with consequent overflow parking and traffic displacement impacts on surrounding residential streets, including those serving the established St Vincent's Park community whose access and egress arrangements are already constrained.
8. There is a substantial planning risk associated with reliance on centralised traffic growth factors and modal shift assumptions in a constrained suburban road network without robust local sensitivity testing. The Transportation Planning Section itself recorded that the critical N31 / Temple Hill / Site Access junction continues to operate at or above capacity with negative Practical Reserve Capacity values; capacity certainty was deferred rather than secured.
9. There is a significant planning risk that the introduction of a café use and increased trip generation has not been fully assessed in cumulative traffic terms alongside the intensified residential quantum and creche activity.
10. There is a substantial planning risk that unresolved environmental assessment issues remain, including bat habitat and noise impacts, abstraction legislation compliance, water supply capacity, and wastewater treatment / drainage capacity. The supplemental observation of 6 July 2026, drawing on statements by the Council's Water Services Section regarding the vulnerability of local combined systems in an extreme pluvial event centred on the Blackrock corridor, and the incomplete status of West Pier / Carysfort-Maretimo studies, sharpens this risk.

11. There is a substantial planning risk that intensive basement excavation and construction works in close proximity to established dwellings will give rise to unacceptable noise, vibration and amenity impacts over a prolonged construction period.
12. There is a significant planning risk that permitting a materially intensified scheme that aligns more closely with previously remitted (and non-operative) proposals than with the Parent SHD baseline would undermine confidence in the plan-led system and the integrity of earlier reasoned decisions.

Positive Planning Blackrock submits that, following this assessment, the proposed development represents too high a risk of failing to comply with the Dún Laoghaire–Rathdown County Development Plan 2022–2028, of causing significant and negative impacts on adjoining and surrounding properties (particularly the historically significant dwellings at St Vincent's Park), of overburdening constrained local infrastructure, and of providing insufficient protection for existing residential amenity, for An Coimisiún Pleanála to consider granting planning permission. A substantially revised scheme is required.

9.0 Recommendation

Arising from the above, BPS recommends that An Coimisiún Pleanála either:

1. Overturn the decision of DL RCC and refuse planning permission for the reasons given in Section 9.1 of this Planning Appeal Report; or
2. Require significant revisions to the scheme by way of condition in line with the list set out in Section 9.2 of this Planning Appeal Report.

Both options would provide for the scheme to be altered. However, the extent of changes required by condition may make this option untenable.

Our client's residents maintain a range of concerns with respect to this project, its construction and operation. These are set out above.

9.1 Recommended reasons for refusal

Positive Planning Blackrock submits that An Coimisiún Pleanála should refuse permission for the following reasons:

- Having regard to the zoning objective applicable to the subject lands under the Dún Laoghaire–Rathdown County Development Plan 2022–2028 (“Objective A – To protect and/or improve residential amenity”), it is considered that the proposed development, by reason of its excessive density, scale, height, massing and proximity to adjoining residential properties, would fail to protect the existing residential and visual amenities of neighbouring dwellings. The proposed amendments would result in overbearing impacts, overshadowing, overlooking and increased activity levels inconsistent with the established suburban character of the area, including the late-1930s Manning Robertson houses at St Vincent's Park whose architectural and historical interest heightens the sensitivity of the receiving environment. The development would therefore represent a material contravention of the stated zoning objective and would be contrary to the proper planning and sustainable development of the area.
- Having regard to the established suburban context of the site, the density parameters set out in the County Development Plan, and the guidance contained in the National Planning Framework (First Revision), the Regional Spatial and Economic Strategy and the Sustainable Residential Development & Compact Settlements Guidelines, the proposed 42% uplift in residential units (from 291 to 414), together with intensified building envelopes in Blocks D1, E1 and E2, would constitute excessive and inappropriate overdevelopment of the site. The proposal would be out of scale with its receiving environment and would be contrary to the proper planning and sustainable development of the area.
- By reason of the height, scale, bulk, massing, siting and proximity of the proposed amended blocks to adjoining residential properties, particularly those located to the west and south of the site (including St Vincent's Park), the development would result in undue overlooking, overshadowing, visual overbearing and loss of privacy. The proposal would seriously injure the residential and visual amenities of adjoining occupiers and would therefore be contrary to the Development Plan objective to protect existing residential amenity and to the proper planning and sustainable development of the area.
- Having regard to the prevailing two- and three-storey built form in the vicinity and the provisions of the Urban Development and Building Height Guidelines (2018), the Urban Design Manual and the County Development Plan Building Height Strategy, the proposed amended blocks, rising up to 6–7 storeys in parts, would represent an abrupt and visually dominant intervention in the suburban

streetscape. The development would fail to integrate successfully into the existing urban structure, would detract from the character of the area and would therefore be contrary to the proper planning and sustainable development of the area.

- The proposed layout, distribution of built form and relationship between blocks, open space and adjoining properties would result in a monolithic and visually congested form of development. The scheme fails to demonstrate sufficient modulation of height and massing or a sensitive transition to neighbouring lower-scale dwellings. The proposal would therefore conflict with the Urban Design Manual, the Sustainable Residential Development & Compact Settlements Guidelines and Development Plan design objectives, and would be contrary to the proper planning and sustainable development of the area.
- Having regard to the significant quantum of tree removal proposed (approximately 48% of the recorded stock, including Category B trees) and the Development Plan objectives relating to tree protection, biodiversity and green infrastructure, the proposal would result in an unacceptable loss of mature trees and landscape features without sufficient demonstration that alternatives have been properly explored. The development would therefore materially contravene Development Plan objectives relating to woodland protection and biodiversity and would be contrary to the proper planning and sustainable development of the area.
- By reason of the layout and distribution of public and communal open space, and having regard to the significant uplift in residential population proposed, the development would provide an unsatisfactory and poorly configured open space strategy. The relationship of open space to the intensified blocks and the reduction in meaningful open area relative to population increase would result in substandard amenity provision for future residents and the wider community. The development would therefore be contrary to the Development Plan public open space standards and to the proper planning and sustainable development of the area.
- Having regard to the substantial increase in residential units, the reduction in car parking provision, the introduction of additional café use, the constrained access arrangements affecting the established St Vincent's Park community, and the findings of the Transportation Planning Section that the critical N31 / Temple Hill / Site Access junction continues to operate at or above capacity with negative Practical Reserve Capacity values, it is considered that the proposal would give rise to adverse traffic impacts on the surrounding road network. Capacity certainty was deferred to a post-grant monitoring condition rather than secured before the decision. The development would be likely to result in overspill parking, congestion and diminished junction resilience, and would therefore be contrary to Development Plan transport objectives and to the proper planning and sustainable development of the area.
- Having regard to national and local climate action objectives (including s.15 of the Climate Action and Low Carbon Development Act 2015 as amended, the Climate Action Plan, and the principles affirmed in Coolglass Wind Farm Limited v An Coimisiún Pleanála [2026] IESC 5), and to the scale of demolition, excavation, tree loss and new construction proposed, it is considered that the applicant has failed to satisfactorily demonstrate compliance with climate mitigation, embodied carbon reduction and resource efficiency principles. The development would therefore be contrary to climate action policies and to the proper planning and sustainable development of the area.
- Failure to address Section 32D Opinion and departmental concerns. Having regard to the matters raised by DLRCC at Opinion stage, including concerns of the Planning, Conservation, Parks, Transportation and Drainage Sections, it is considered that the proposed amendments fail to satisfactorily address those issues. The absence of a fully revised and policy-compliant masterplan for the entirety of the lands undermines the integrity of the plan-led system and would therefore be contrary to the proper planning and sustainable development of the area.
- Having regard to the Environmental Impact Assessment Report and Natura Impact Statement submitted, and in particular the concerns raised in respect of biodiversity, significant tree loss, bat habitats and noise, water services capacity, abstraction legislation, wastewater capacity at Ringsend, and cumulative environmental effects, it is considered that the likely significant effects of the intensified scheme have not been adequately assessed or mitigated. The supplemental observation of 6 July 2026, drawing on statements by the Council's Water Services Section regarding the vulnerability of local combined systems in an extreme pluvial event centred on the Blackrock corridor, and the incomplete status of West Pier / Carysfort-Maretime studies, further underscores this deficiency. An Coimisiún Pleanála cannot be satisfied, on the basis of the information submitted, that the development would not result in significant adverse environmental effects. The development would therefore be contrary to the proper planning and sustainable development of the area.
- Having regard to the increased population generated by the amended scheme and the lack of satisfactory evidence demonstrating that existing educational, wastewater, drainage and transport

infrastructure can accommodate this intensification without adverse impact (including the unresolved junction capacity and pluvial/wastewater network vulnerability issues), the proposed development would be premature pending the provision and confirmation of adequate supporting infrastructure. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

- Having regard to Condition 2 of the Parent SHD permission (ABP-303804-19), which required the omission of Block C3 and the appropriate landscaping of that area in the interests of safeguarding architectural heritage, enhancing permeability and securing the integrity of the public park, and having regard to the status of the Gate Lodge as a Protected Structure, it is considered that the reintroduction of Block C3 and the proposed dismantling/relocation of the Gate Lodge reverse a reasoned planning conclusion without sufficient justification. The development would therefore be contrary to the proper planning and sustainable development of the area and would undermine the integrity of earlier reasoned decisions.
- Departure from the lawful baseline. Having regard to the fact that the only lawful planning baseline is the Parent SHD permission for 291 units, and that the current proposal aligns more closely in scale, density profile, amenity provision and development logic with the previously remitted (and non-operative) SHD 2 scheme, it is considered that the amendments constitute a material intensification that substantially departs from the development envelope previously determined to constitute proper planning and sustainable development. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

9.2 Revisions required to the scheme to address the concerns raised

In light of the foregoing grounds, Positive Planning Blackrock submits that the following revisions would be required to address the concerns of its member residents and to bring any scheme into compliance with the Development Plan and proper planning and sustainable development:

Note: Notwithstanding the below, Positive Planning Blackrock's primary request remains that An Coimisiún Pleanála refuse permission. The revisions listed above are set out solely on a without-prejudice basis should the Commission be minded to consider a grant subject to fundamental redesign.

1. A revised masterplan is required which:

- Demonstrably complies with Objective A – To protect and/or improve residential amenity, ensuring that adjoining residential properties (in particular the late-1930s Manning Robertson houses at St Vincent's Park) are not subjected to overbearing, overlooking or overshadowing impacts.
- Reduces the overall quantum of development, particularly within amended Blocks D1, E1 and E2, to remove excessive height, bulk and massing close to existing dwellings.
- Reconfigures the layout to provide a meaningful landscaped buffer to the western and southern site boundaries, incorporating substantial tree retention and genuine public open space rather than narrow peripheral strips.
- Retains a significantly greater proportion of mature trees, especially higher-value specimens, and demonstrates that layout alternatives have been fully explored to avoid unnecessary tree loss.
- Provides a coherent and properly distributed public open space strategy proportionate to the intensified population, with usable and accessible areas that are not visually or functionally subordinate to apartment blocks.
- Omits Block C3 entirely and reassesses the necessity of any built form in that location in light of open space, Protected Structure setting and tree retention considerations.
- Provides a clear and enforceable strategy for any proposed community, cultural or café uses, with defined operators and long-term viability demonstrated.
- Demonstrates full compliance with the Section 32D Opinion requirements and the departmental concerns raised by the Planning, Conservation, Parks, Transportation and Drainage Sections.
- Addresses the access and egress constraints affecting the established St Vincent's Park community, whose roadway and green space were previously compromised for public infrastructure.

2. Reduce the overall density and quantum of development

The overall scale of the scheme must be materially reduced. The 42% uplift in residential units represents excessive intensification and results in overdevelopment of the site relative to the only lawful baseline (the Parent SHD). A significant reduction in the total number of units is required in order

to facilitate meaningful setbacks from site boundaries, improved and proportionate public open space provision, reduced building heights and a more appropriate integration with the surrounding established suburban context.

Correspondingly, the height, bulk, length and cumulative massing of the proposed blocks must be reduced. The following specific revisions are required:

- *Amendments to Block D1* - Block D1 requires substantial redesign. Its height should be reduced to create a clear and respectful transition to adjoining residential properties, particularly along the sensitive St Vincent's Park interface. Upper storey elements closest to established dwellings should be removed in order to prevent overbearing and overshadowing impacts. West- and south-facing balconies and windows that directly overlook neighbouring properties must be eliminated or reconfigured to protect privacy. Increased landscaped separation distances should be provided, incorporating a substantial planted buffer capable of mitigating visual and amenity impacts. Any roof terrace / amenity space dominating the St Vincent's Park interface should be relocated or omitted.
- *Amendments to Blocks E1 and E2* - The height and bulk of Blocks E1 and E2 should be reduced, particularly where these blocks are closest to established residential boundaries. Projecting balconies and terraces facing existing homes should be removed to prevent direct overlooking. Setbacks should be increased and elevations softened through genuine massing modulation and architectural refinement so that the blocks do not present as dominant slab forms. Internal layouts should be reassessed to reduce the number of single-aspect and poorly oriented units.
- *Omission of Block C3* - Block C3 should be omitted entirely, consistent with the reasoned Parent SHD condition. Its removal would materially improve public open space provision, reduce cumulative massing in the site core, enhance the setting and appreciation of St Teresa's House (Protected Structure), and facilitate improved tree retention and landscape continuity. The proposed dismantling and relocation of the Gate Lodge should also be reassessed in light of its Protected Structure status and the original heritage rationale for the omission of built form in this area.

3. Public open space strategy

A revised public open space strategy is required that provides additional meaningful and usable public open space proportionate to the increased residential population. Communal open space serving apartment blocks must not be conflated with publicly accessible open space; the distinction between the two must be clearly defined. The revised layout should improve pedestrian connectivity and permeability through the site while maintaining adequate landscaped buffers to adjoining dwellings so that open space does not come at the expense of residential amenity protection.

4. Tree Protection and Landscape Strategy

The quantum of tree loss must be significantly reduced. A revised arboricultural assessment should be prepared demonstrating that all feasible layout alternatives have been explored to maximise tree retention. Robust and enforceable protection measures for retained trees must be guaranteed during construction. The landscape strategy should reinforce green infrastructure links and biodiversity corridors in a manner consistent with Development Plan woodland, biodiversity and climate resilience objectives.

5. Traffic, Access and Parking Revisions

Car parking provision should be reassessed in light of the substantial increase in residential units. Additional on-site parking (or enforceable external controls) is required to prevent overspill parking into adjoining residential estates. The Traffic & Transport Assessment should be revised to include robust sensitivity testing of junction modelling assumptions and to account for worst-case scenarios. The traffic implications of the proposed café use, the cumulative impacts of construction traffic, and the specific access and egress constraints affecting the established St Vincent's Park community should also be fully reassessed. Junction capacity at the N31 / Temple Hill / Site Access junction must be resolved with certainty rather than deferred to post-grant monitoring.

6. Environmental and Infrastructure Safeguards

Updated and robust confirmation of wastewater and water supply capacity must be provided, taking account of the intensified scheme and the vulnerability of local combined systems in extreme pluvial events (as highlighted in the supplemental observation of 6 July 2026 and statements by the Council's Water Services Section). SuDS, surface water management and climate mitigation measures should be strengthened to reflect the increased built footprint and tree loss. The deficiencies identified in the EIAR and Appropriate Assessment documentation (including bat noise impacts, cumulative loading, and public participation gaps) must be addressed comprehensively. Enforceable construction management measures, including vibration monitoring, structural safeguards and indemnity provisions, must be put

in place to protect adjoining residential properties from potential damage during demolition and excavation works.

9.2.1 Bottom line minimums the group would consider accepting:

Positive Planning Blackrock has been asked to record the bottom-line minimum revisions that its member residents would consider accepting on a without-prejudice compromise basis, should An Coimisiún Pleanála be minded to grant permission subject to fundamental redesign. These are:

- A substantial reduction in residential unit numbers (materially below the proposed 414) and a corresponding reduction in the height, bulk and massing of Blocks D1, E1 and E2, with particular attention to the interface with St Vincent's Park.
- Complete omission of Block C3, consistent with the reasoned Parent SHD condition, together with appropriate landscaping of that area and reconsideration of any dismantling/relocation of the Gate Lodge (Protected Structure).
- Clear, permanent and substantial landscaped buffer zones along the western and southern site boundaries (including the St Vincent's Park interface), with enhanced tree retention and enforceable long-term protection.
- Elimination of overlooking balconies, terraces and windows facing established residential properties, particularly those at St Vincent's Park and related streets.
- Increased separation distances between new buildings and adjoining homes sufficient to prevent overbearing, overshadowing and loss of privacy.
- Reinstatement of additional on-site parking provision (or enforceable external controls) sufficient to prevent overspill parking into surrounding residential estates, together with resolution of the access and egress constraints affecting the established St Vincent's Park community.
- Binding tree protection, construction management, vibration monitoring and structural safeguard measures to protect neighbouring dwellings during demolition, basement excavation and construction.
- Resolution of junction capacity at the N31 / Temple Hill / Site Access junction with certainty (rather than deferred monitoring), and robust confirmation that the intensified scheme will not overburden local combined wastewater and drainage systems in extreme pluvial events.
- A fully revised masterplan that is demonstrably compliant with the Dún Laoghaire–Rathdown County Development Plan 2022–2028 and Objective A zoning, with density, height and scale materially reduced to reflect the suburban context and the only lawful baseline (the Parent SHD).

Absent such fundamental revisions, the scheme as proposed remains excessive in scale, inconsistent with the statutory development framework, injurious to established residential amenity (including the historically significant dwellings at St Vincent's Park), and unresolved in respect of transport capacity and environmental infrastructure. Positive Planning Blackrock's primary position remains that permission should be refused.

Signed:

Brendan Byrne Buck

BPS Planning & Development Consultants LTD

Chartered Members of the Irish Planning Institute

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