



**Planning & Development
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Dublin 14

Lodged online via the appeals web portal

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

7 August 2026

Dear Sir/Madam,

First Party Planning Appeal in respect of a decision made by Dún Laoghaire-Rathdown County Council under planning file, reg. ref. D26A/0390/WEB, to issue Notification of Intention to Refuse Planning Permission at Clontra House, Quinn's Road, Shankill, Dublin 18 for development which will consist of: (i) provision of 6 no. enclosed padel courts with ancillary structures for male & female changing, toilets, & storage; (ii) 20 no. car parking spaces (incl. 2 no. accessible spaces) & 14 cycle parking spaces accessed via a new entrance onto the driveway to Cluain House; (iii) all associated works, including footpaths, boundary treatments, gates, seating area, landscaping, drainage, fencing, & lighting necessary to facilitate the development. Clontra House is a protected structure (RPS Reference 1811).

BPS Planning and Development Consultants Ltd, a firm of Irish Planning Institute accredited town planning consultants, has been instructed by Forgebell Limited, 76 Merrion Square, Dublin 2 [hereafter referred to as "applicant"] to prepare and to lodge a planning appeal to An Coimisiún Pleanála [hereafter "ACP" or "the Commission"] in respect of a decision made by Dún Laoghaire-Rathdown County Council [hereafter "DLRCC"] under planning file, reg. ref. D26A/0390/WEB, to issue Notification of Intention to Refuse Planning Permission for proposed development at Clontra House, Quinn's Road, Shankill, Dublin 18.

It is the intent of the applicant to bring areas of the estate into uses which benefit the wider community. In this case, the provision of 6 no. enclosed padel courts located within a short walking distance of Shankill Tennis Club.

The original BPS Planning Application Report set out the planning merits of the proposal in the context of the requirements of the Dún Laoghaire-Rathdown Development Plan 2022-2028 and other policy documents and relevant standards of the planning authority, while the project drawings prepared by SSA Architects set out the proposed location and appearance of the facility.

This planning appeal has been prepared by the following consultants on behalf of the applicant:

- BPS Planning and Development Consultants MIPI.
- SSA Architects MRIAI.

Section 9.0 of the attached Planning Appeal Report sets out our client's Grounds for Appeal; however, this entire Planning Appeal Report, Cover Letter, Form, Checklist, and accompanying independent engineer's report, should also be considered a formal and material part of this planning appeal.

Based on the original planning application and this appeal submission, we are of the opinion that the proposed development accords with the proper planning and sustainable development of the area, the DLRCC decision is not correct, and planning permission should be granted accordingly.

Validation

For validation of this appeal, please find attached:

- A completed Planning Appeal Form and accompanying Checklist.
- A Planning Appeal Report setting out detailed grounds for appeal.
- Online payment of €1500 which is the statutory fee payable for this First Party appeal.

The DLRCC decision was made on the 15 July 2026. **The final date for submission of this planning appeal is therefore 11 August 2026.** This appeal is submitted on or before this date.

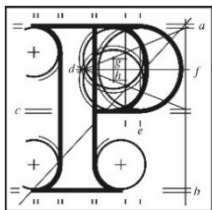
Finally

If you have any questions, please contact BPS at the address and phone numbers provided.

Best wishes,

Brendan Buck

**Brendan Buck MIPI
Managing Director
BPS Planning & Development Consultants Ltd.**



An
Bord
Pleanála

Planning Appeal Form

Your details

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

Your full details:

(a) Name

FORGEBELL LIMITED.

(b) Address

76 MERRION SQUARE, DUBLIN 2.

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 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)

D26A/0390/WEB.

(c) Location of proposed development

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

CLONTRA HOUSE, QUINN'S ROAD, SHANKILL, DUBLIN 18. CLONTRA HOUSE IS A PROTECTED STRUCTURE (RPS REFERENCE 1811).



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 an 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.





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Consultants

First Party Planning Appeal Check List

1. Name of the appellant: **FORGEBELL LIMITED.**
2. Address of the appellant: **76 MERRION SQUARE, DUBLIN 2.**
3. If an agent is involved, state the name of the agent: **BRENDAN BUCK MIPI.**
4. Address of the agent: **BPS PLANNING AND DEVELOPMENT CONSULTANTS LTD., PO BOX 13658, DUBLIN 14, D14 NY27.**
5. State the Subject Matter of the appeal: **PLANNING APPEAL REPORT IN RESPECT OF A DECISION MADE BY DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL UNDER PLANNING FILE, REG. REF. D26A/0390/WEB, TO ISSUE NOTIFICATION OF INTENTION TO REFUSE PLANNING PERMISSION.**
6. Brief description of the development as advertised in the public notices: **DEVELOPMENT WHICH WILL CONSIST OF: (I) PROVISION OF 6 NO. ENCLOSED PADEL COURTS WITH ANCILLARY STRUCTURES FOR MALE & FEMALE CHANGING, TOILETS, & STORAGE; (II) 20 NO. CAR PARKING SPACES (INCL. 2 NO. ACCESSIBLE SPACES) & 14 CYCLE PARKING SPACES ACCESSED VIA A NEW ENTRANCE ONTO THE DRIVEWAY TO CLUAIN HOUSE; (III) ALL ASSOCIATED WORKS, INCLUDING FOOTPATHS, BOUNDARY TREATMENTS, GATES, SEATING AREA, LANDSCAPING, DRAINAGE, FENCING, & LIGHTING NECESSARY TO FACILITATE THE DEVELOPMENT. CLONTRA HOUSE IS A PROTECTED STRUCTURE (RPS REFERENCE 1811).**
7. Location of development: **CLONTRA HOUSE, QUINN'S ROAD, SHANKILL, DUBLIN 18. CLONTRA HOUSE IS A PROTECTED STRUCTURE (RPS REFERENCE 1811).**
8. Name of planning authority: **DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL.**
9. Planning authority register reference number: **D26A/0390/WEB.**
10. Attach, in full, the grounds for appeal and the reasons, considerations and arguments on which it is based. **PLEASE FIND A PLANNING APPEAL REPORT ATTACHED.**
11. Enclose/Pay the correct fee for the First Party Appeal: **€1500.**
12. Ensure that the APPEAL is received by An Coimisiún Pleanála in the **correct manner** and in **time**. **THE DLRCC DECISION WAS MADE ON THE 15 JULY 2026. THE FINAL DATE FOR SUBMISSION OF THIS PLANNING APPEAL IS THEREFORE 11 AUGUST 2026. THIS APPEAL IS SUBMITTED ON OR BEFORE THIS DATE.**

Brendan Buck
BPS Planning Consultants LTD,
PO Box 13658
Dublin 14
D14NY27

15-Jul-2026

NOTIFICATION OF DECISION TO REFUSE PERMISSION
Planning & Development Act 2000, as amended

Order Number P/1433/26	Date of Order 15-Jul-2026
Register Reference D26A/0390/WEB	Date Received 27-May-2026
National Portal Reference: 120000100647	

Applicant:
Development

Forgebell Limited, Forgebell Limited
(i) Provision of 6 no. enclosed padel courts with ancillary structures for male & female changing, toilets, & storage; (ii) 20 no. car parking spaces (incl. 2 no. accessible spaces) & 14 cycle parking spaces accessed via a new entrance onto the driveway to Cluain House; (iii) All associated works, including footpaths, boundary treatments, gates, seating area, landscaping, drainage, fencing, & lighting necessary to facilitate the development. Clontra House is a protected structure (RPS Reference 1811).

Location:

Clontra House, Quinn's Road, Shankill, Dublin, D18Y9H3 (A Protected Structure)

Floor Area:

Time Extension up to and including:

Additional Information

Requested/Received:

Dear Sir / Madam

In pursuance of its functions under the above mentioned Act, Dún Laoghaire-Rathdown County Council, being the Planning Authority, did by Order dated as above make a decision to **REFUSE PERMISSION** in respect of the above proposal.

For the avoidance of doubt the reasons and recommendations set out in the planners report were generally adopted as set out in the Executive Order, this can be viewed at the Council Offices or the Council website.

For the 3 reason(s) on the attached numbered pages.

Please note that, in accordance with Section 251 of the Planning and Development Act 2000, as amended, "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**".

Signed on behalf of Dún Laoghaire-Rathdown County Council.

Sharon Peppard

for Senior Executive Officer

1. The subject site is located on lands zoned Objective GB which seeks "to protect and enhance the open nature of lands between urban areas". The proposed development, comprising 6no. enclosed padel courts, ancillary buildings, lighting infrastructure, fencing, access arrangements, hardstanding and 20no. car parking spaces, would introduce a substantial urbanising form of development on greenfield lands within the Green Belt. Furthermore, the site is located within a mature wooded landscape containing significant tree cover and hedgerow features, forms part of the Glendoo Mountain-Shanganagh Ecological Corridor and is adjacent to a Locally Important Site for Biodiversity. The proposed development would result in the encroachment and fragmentation of an area which contributes significantly to ecological connectivity, biodiversity, landscape character and green infrastructure within the area. The Planning Authority considers that the proposal would neither protect nor enhance the open nature of the lands, would adversely affect the established character and function of the Green Belt and would be detrimental to biodiversity, ecological connectivity, mature tree cover and green infrastructure. The proposal is therefore contrary to the Objective GB zoning for the lands as it is contrary to Policies GIB18, GIB20, GIB22, GIB23, GIB25 and GIB27 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.
2. Due to endangerment of public safety as a result of additional traffic and vulnerable road users associated with the proposed development and the precedent which the proposed development would set on Quinn's Road, which do not currently have adequate pedestrian / cyclist facilities - i.e. the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, as per Clause 4 of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.
3. The Planning Authority considers that the proposal detracts from the historic landscape character and setting of Clontra House a Protected Structure of National Importance and would result in an inappropriate subdivision and urbanisation of its historic grounds. The proposal would therefore adversely affect the character and setting of a Protected Structure and would be contrary to the heritage policies and objectives of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and contrary to the proper planning and sustainable development of the area.

SUBMISSIONS/OBSERVATIONS

NOTE (1): In deciding this planning application, the planning authority, in accordance with Section 34 (3) of the Planning & Development Act, 2000, as amended, has had regard to any submissions or observations received in accordance with the Planning and Development Regulations 2001 - 2010, pertaining to this application.

REMOVAL OF SITE NOTICE

NOTE (2): The applicant is reminded that in accordance with Article 20 of the Planning and Development Regulations 2001 – 2012, any site notice erected or fixed pertaining to this application shall be removed (if not already done so) following receipt of this notification.

FURTHER NOTES

APPEALS

This decision of the Planning Authority does not authorise works to commence and may be appealed to An Bord Pleanála by an Applicant or any person who made submissions or observations in writing in relation to this application to the Planning Authority.

A person who has an interest in adjoining lands in respect of which permission has been granted and who did not make a submission or observation under Section 37(6)(a) of the Planning and Development Act, 2000, as amended, may apply to the Board for leave to appeal the decision of the Planning Authority. Appeals should be sent to:

**The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.**

Tel: 01-8588100

Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start.

The Board must receive an appeal within four weeks, beginning on the date of the decision set out above. A Third Party appeal will be invalid unless accompanied by the prescribed fee and a copy of the receipt from the Planning Authority in respect of a submission/observation.

GRANT OF PERMISSION

In the case of a notification of a decision to Grant Permission, where no appeal is received by An Bord Pleanála against the decision, a PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the making of an appeal.

REFUND OF FEES – REPEAT PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of 8 weeks beginning on the date of Planning Authority's decision on the second application. Please consult the Planning & Development Regulations, 2001-2010, for full details of fees, refunds and exemptions.



Planning & Development
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First Party Planning Appeal Report

Planning Appeal Report in respect of a decision made by Dún Laoghaire-Rathdown County Council under planning file, reg. ref. D26A/0390/WEB, to issue Notification of Intention to Refuse Planning Permission at Clontra House, Quinn's Road, Shankill, Dublin 18 for development which will consist of: (i) provision of 6 no. enclosed padel courts with ancillary structures for male & female changing, toilets, & storage; (ii) 20 no. car parking spaces (incl. 2 no. accessible spaces) & 14 cycle parking spaces accessed via a new entrance onto the driveway to Cluain House; (iii) all associated works, including footpaths, boundary treatments, gates, seating area, landscaping, drainage, fencing, & lighting necessary to facilitate the development. Clontra House is a protected structure (RPS Reference 1811).

This Planning Appeal Report has been produced by BPS Planning & Development Consultants LTD for and on behalf of Forgebell Limited, 76 Merrion Square, Dublin 2.

Document Control Sheet

Client	Forgebell Limited.
Project	Provision of 6 no. enclosed padel courts with ancillary structures for male & female changing, toilets, & storage, etc.
Project No.	2025 – 463
Document title	Planning Appeal Report.

Contents	No. of pages
Cover page	1
Control sheet	1
Table of contents	2
Text	39
Total No. of Pages	43

Rev.	Distribution	Author	Checked	Approved	Day	Month	Year
1	Client	BB	FB	EB	3	8	2026
2	An Coimisiún Pleanála	BB	FB	EB	7	8	2026

BPS Planning & Development Consultants LTD

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Web: www.bpsplanning.ie

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Date: 7 August 2026

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1.0 Introduction

BPS Planning and Development Consultants Ltd, a firm of Irish Planning Institute accredited town planning consultants, has been instructed by Forgebell Limited, 76 Merrion Square, Dublin 2 [hereafter referred to as "applicant"] to prepare and to lodge a planning appeal to An Coimisiún Pleanála [hereafter "ACP" or "the Commission"] in respect of a decision made by Dún Laoghaire-Rathdown County Council [hereafter "DLRCC"] under planning file, reg. ref. D26A/0390/WEB, to issue Notification of Intention to Refuse Planning Permission for proposed development at Clontra House, Quinn's Road, Shankill, Dublin 18.

The site set out within the statutory red line boundary is approximately 3476sq.m / 0.3476 hectares and is an area of land set within the wider estate lands which form part of Clontra House, Protected Structure.

It is the intent of the applicant to bring areas of the estate into uses which benefit the wider community. In this case, the provision of 6 no. enclosed padel courts located within a short walking distance of Shankill Tennis Club.

The original BPS Planning Application Report set out the planning merits of the proposal in the context of the requirements of the Dún Laoghaire-Rathdown Development Plan 2022-2028 and other policy documents and relevant standards of the planning authority, while the project drawings prepared by SSA Architects set out the proposed location and appearance of the facility.

This planning appeal has been prepared by the following consultants on behalf of the applicant:

- BPS Planning and Development Consultants MIPI.
- SSA Architects MRIAI.

For the avoidance of doubt, this report, all accompanying material and the original planning application's documentation, details, and drawings, form part of the applicant's planning application.

Based on the foregoing, we are of the opinion that the proposed development accords with the proper planning and sustainable development of the area, the DLRCC decision should be overturned, and planning permission should be granted accordingly.

1.1 Planning application to DLRCC

The planning application lodged on 27 May 2026 to DLRCC sought permission for development described below:

(i) provision of 6 no. enclosed padel courts with ancillary structures for male & female changing, toilets, & storage; (ii) 20 no. car parking spaces (incl. 2 no. accessible spaces) & 14 cycle parking spaces accessed via a new entrance onto the driveway to Cluain House; (iii) all associated works, including footpaths, boundary treatments, gates, seating area, landscaping, drainage, fencing, & lighting necessary to facilitate the development at Clontra House, Quinn's Road, Shankill, Dublin 18. Clontra House is a protected structure (RPS Reference 1811).

1.2 DLRCC decision

DLRCC issued a Notification of Decision to Refuse Permission on 15 July 2026 for the following 3 no. reasons:

- 1. The subject site is located on lands zoned Objective GB which seeks "to protect and enhance the open nature of lands between urban areas". The proposed development, comprising 6no. enclosed padel courts, ancillary buildings, lighting infrastructure, fencing, access arrangements, hardstanding and 20no. car parking spaces, would introduce a substantial urbanising form of development on greenfield lands within the Green Belt. Furthermore, the site is located within a mature wooded landscape containing significant tree cover and hedgerow features, forms part of the Glendoo Mountain-Shanganagh Ecological Corridor and is adjacent to a Locally Important Site for Biodiversity. The proposed development would result in the encroachment and fragmentation of an area which contributes significantly to ecological connectivity, biodiversity, landscape character and green infrastructure within the area. The Planning Authority considers that the proposal would neither protect nor enhance the open nature of the lands, would adversely affect the established character and function of the Green Belt and would be detrimental to biodiversity, ecological connectivity, mature tree cover and green infrastructure. The proposal is therefore contrary to the Objective GB zoning for the lands as it is contrary to Policies GIB18, GIB20, GIB22, GIB23, GIB25 and GIB27 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.*
- 2. Due to endangerment of public safety as a result of additional traffic and vulnerable road users associated with the proposed development and the precedent which the proposed development would set on Quinn's Road, which do not currently have adequate pedestrian / cyclist facilities - i.e. the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or*

otherwise, as per Clause 4 of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.

3. *The Planning Authority considers that the proposal detracts from the historic landscape character and setting of Clontra House a Protected Structure of National Importance and would result in an inappropriate subdivision and urbanisation of its historic grounds. The proposal would therefore adversely affect the character and setting of a Protected Structure and would be contrary to the heritage policies and objectives of the Dun Laoghaire-Rathdown County Development Plan 2022–2028 and contrary to the proper planning and sustainable development of the area.*

The purpose of this appeal is to request that ACP overturns DL RCC's decision and issues a grant of planning permission for the proposed development.

2.0 Validation of this appeal

Please refer to the attached planning appeal cover letter.

3.0 Summary & rationale for this planning appeal

This appeal is made against the decision of Dún Laoghaire-Rathdown County Council to refuse permission for development at Clontra House, Quinn's Road, Shankill, Dublin 18 (a Protected Structure, RPS Ref. 1811). The development description, as set out in the original public notices and Planning Application Form, comprises:

(i) provision of 6 no. enclosed padel courts with ancillary structures for male & female changing, toilets, & storage; (ii) 20 no. car parking spaces (incl. 2 no. accessible spaces) & 14 cycle parking spaces accessed via a new entrance onto the driveway to Cluain House; (iii) all associated works, including footpaths, boundary treatments, gates, seating area, landscaping, drainage, fencing, & lighting necessary to facilitate the development.

The proposed development of "Sports Facilities" is expressly listed as *Open for Consideration* under Zoning Objective GB of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, the stated objective of which is "to protect and enhance the open nature of lands between urban areas".

There is an old overgrown tennis court in the front garden of Clontra House (outside the current red-line boundary). While not part of the application site, it confirms that part of the wider estate has previously been used for a playing court, demonstrating that recreational use is not alien to the historic demesne.

The proposal is supported by national, regional and local planning policy that seeks to improve sports and recreational facilities across Ireland. In particular:

- The National Planning Framework (First Revision, April 2025) emphasises the importance of access to sporting facilities and the continued provision and enhancement of sportsgrounds and related amenities (Sections 6.1 and 6.4 and National Policy Objective 63).
- The Regional Spatial and Economic Strategy for the Eastern and Midland Region contains Regional Policy Objectives 9.14–9.17 that promote easily accessible recreational facilities, increased participation in sport and physical activity, and the development of regional-scale open-space and recreational facilities close to growing population centres.
- The County Development Plan contains clear sports and recreation policies (including OSR3, OSR9, OSR10 and PHP7) that support the provision, improvement and management of high-quality sporting and recreational infrastructure throughout the County.
- The proposal provides an appropriate quantum of car and cycle parking in accordance with Table 12.5 of the Development Plan for a site in Parking Zone 2. The site benefits from good existing and planned public-transport accessibility (Dublin Bus, DART and mainline rail services within walking distance) and is located close to the centre of Shankill and a range of local services and amenities.
- The development will not cause adverse impacts on the residential amenity of nearby properties. Separation distances to the nearest dwellings (Saint Annes and Rosedale House) are substantial, and any residual issues of noise, lighting or visual impact are capable of being controlled by condition.
- The site is well suited to a sporting facility for the following reasons:
- It enjoys excellent public-transport connectivity.
- The wider estate contains significant areas of underutilised open space.
- The site is already served by an existing vehicular access.
- It forms part of a single, secure estate that is physically detached from surrounding residential areas.
- Neighbouring properties are set back from the application site.

Response to the Refusal

The Planning Authority refused permission for three principal reasons relating to (1) compatibility with the GB zoning objective and green-infrastructure/biodiversity policies, (2) public safety and traffic hazard on Quinn's Road, and (3) impact on the historic landscape character and setting of Clontra House.

As set out in detail in the grounds of appeal, each of these reasons is capable of being overcome:

- The proposal is a low-intensity sports use that is Open for Consideration on GB-zoned land and does not constitute a substantial urbanising form of development. Any impacts on trees, biodiversity and ecological connectivity can be fully assessed and mitigated through the submission of comprehensive ecological and arboricultural information and the attachment of appropriate conditions.
- The traffic and public-safety concerns are matters of detail that can be resolved by the provision of adequate visibility splays, quantified traffic data, and conditions controlling intensity and operating hours.
- Any potential impact on the historic landscape setting of the Protected Structure can be properly assessed by a Historic Garden and Landscape Appraisal and mitigated by conditions protecting retained trees, controlling lighting and materials, and preventing subdivision of the demesne.

Summary

Our client contends that the proposed development is wholly appropriate at this location and that the decision of the Planning Authority should be overturned. The proposal should be supported by An Coimisiún Pleanála on the grounds that:

- It is compliant with national, regional and local planning policy, including the National Planning Framework, the RSES for the Eastern and Midland Region, and the Dún Laoghaire-Rathdown County Development Plan 2022–2028.
- It will contribute positively to the provision of high-quality sports facilities in the Shankill area and will complement the existing concentration of recreational uses.
- It will not cause adverse impacts on adjoining properties.
- It will generate local employment and support the sustainable use of a historic estate.
- All technical and environmental issues raised by the Planning Authority are capable of being satisfactorily addressed by additional information and/or conditions.

It is therefore contended that the proposal is justified at this location and accords with the proper planning and sustainable development of the area. Our client respectfully requests that An Coimisiún Pleanála grant permission for the proposed development subject to appropriate conditions.

4.0 Site location & description

The subject site is located within the grounds of Clontra House which is sited at Quinn's Road, Shankill, Dublin 18. These lands currently comprise existing open space alongside an entrance and driveway presently serving Cluain House (see Figs. 2 and 3) which is one of a number of estate-owned dwellings located within the wider estate. There are no existing buildings within the submitted red line boundary. The site will adjoin Cluain House which forms part of the estate and would offer passive surveillance to the facility.

There is no visual connection between the site and Clontra House (see Figs. 1-3).

Figs. 4A to 4F show views toward and the location of the site entrance on Quinn's Road.

Under appeal, reg. ref. ABP-307738-20, An Coimisiún Pleanála noted how the appeal pertained to a self-contained estate. In recognition of the sensitive and institutional nature of the site, the DLRCC CDP 2022-2028 has zoned the estate as Objective GB with the associated 'Description': "To protect and enhance the open nature of lands between urban areas." Under Section 5, REF14424, the self-contained nature of the site was also accepted as being an appropriate description of the nature of the estate and the existing residential buildings therein.

There is an old overgrown tennis court in the front garden of Clontra House. We haven't included this in the drawings as it is not within the red line boundary, but it does confirm that at least one area of the wider estate has been used for a playing court previously.

Shankill Tennis Club is located to the northwest of the site and on the west side of Quinn's Road. This facility is served by a car park (see Fig. 5).

The site is located walking distance from the centre of Shankill which is served by a number of Dublin Bus routes and the Shankill Dart Station is 900m or 12 minutes' walk away. The East Coast Cycle Route (incorporating the

S2S) proposed from Sutton to Sandycove Walkway-Cycleway as a component part of the National East Coast Trail Cycle Route passes to the western boundary of the estate.

The site is located some distance from Clontra House itself which is a Protected Structure (see Fig. 1). The estate also contains Wayside House RPS No. 1816.

To the west of the site, on the other side of Quinn's Road, is Rosedale House RPS No. 1834.

There are two recorded monuments to the east of the site which comprise the Martello Tower Site (026-05501) and the Defensive Redoubt Site (026-05502). These are not located within the red line boundary of the site.



PROPOSED SITE LOCATION IMAGE
NOT TO SCALE

Fig. 1: The location of the site (1)



Fig. 2A: The location of the site (2)





Fig. 4A: The existing entrance to Clontra House off Quinn's Road



Fig. 4B: View toward the site from the existing entrance to Clontra House off Quinn's Road

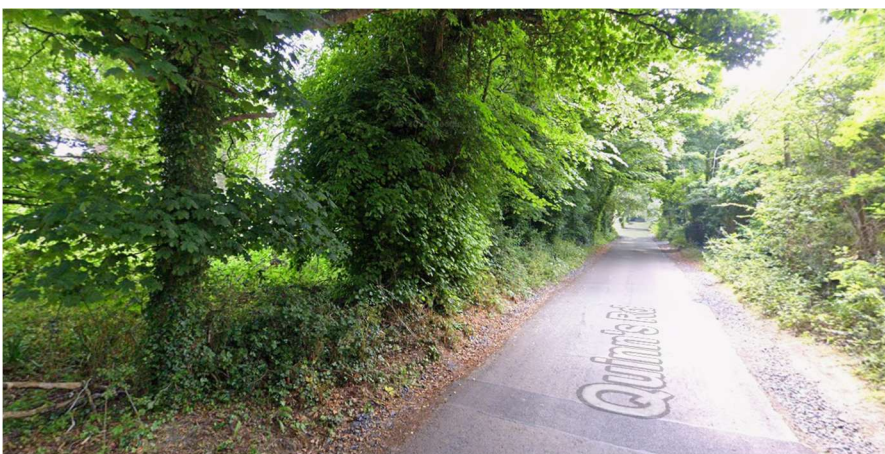


Fig. 4C: View toward the site from the centre of Quinn's Road (Between the Clontra House and the Cluain House entrances)



Fig. 4D: The existing entrance to Cluain House off Quinn's Road – this is the site entrance



Fig. 4E: The existing entrance to Cluain House off Quinn's Road – this is the site entrance



Fig. 4F: The existing entrance to Cluain House off Quinn's Road – view from the south



Fig. 5: Shankill Tennis Club and car park located on the west side of Quinn's Road to the northwest of the site

RPS Number	1811
Type	Building
Description	House, Glass House, Out Offices, Yard and Railings
Structure Name	Clontra House
Location	Quinn's Road, Shankill, Dublin 18.

Fig. 6: RPS 1811 of Appendix 4 'Record of Protected Structures' of the CDP 2022-2028

RPS Number	1816
Type	Building
Description	House (Note: Gates also Protected Structure)
Structure Name	Wayside (formerly Clontra Lodge)
Location	Quinn's Road, Shankill, Dublin 18.

Fig. 7: RPS 1816 of Appendix 4 'Record of Protected Structures' of the CDP 2022-2028

buildingsofireland.ie/buildings-search/building/60260138/clontra-quinn-road-shankill-dublin



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Clontra, Quinn's Road, Shankill, DUBLIN



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▶

View on map

Survey Data

Reg No

60260138

Rating

National

Categories of Special Interest

Architectural, Artistic, Historical, Social, Technical

Original Use

Country house

In Use As

Country house

Date

1855 - 1865

Coordinates

326189, 221935

Date Recorded

24/11/2012

Date Updated

--/--

Fig. 8: The inclusion of Clontra House within the NIAH

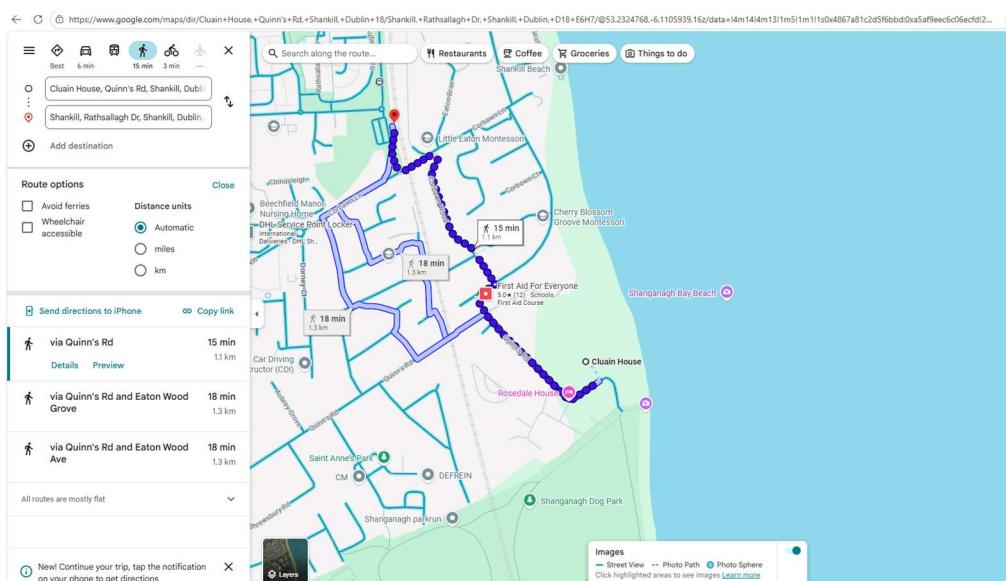


Fig. 9: The walking distance from the site to the Shankill Dart Station

5.0 Planning and enforcement history of the site

5.1 Planning history of Clontra House Estate

Clontra House has been the subject of two Section 5s:

- **REF: 110/18** - Section 5 Declaration issued (Split Decision) 19/10/18 with respect to works to a Protected Structure.
- **REF14424**: Whether the use of Clontra Estate's total accommodation comprising Clontra House, Wayside Gate Lodge, Barn House and Cluain, all sited at Quin's Road, Shankill, Dublin 18, as accommodation for people applying for International Protection - as managed by the International Protection Accommodation Service (IPAS) - is or is not development. **Decision date**: 3 December 2024. **Decision**: The proposal does not constitute development and is exempted development.

The estate has made a number of planning applications, including:

- **D26A/0036/WEB** - Permission for (1) Change of use of Clontra House into a combined family hub to facilitate a short-term emergency accommodation development for homeless families and individuals; (2) All associated ancillary development works & a playground. Clontra House is a Protected Structure (RPS Reference 1811). At Clontra House, Quin's Road, Shankill, Dublin 18, D18Y9H3 (A Protected Structure). Planning application lodged on 26th January 2026. Decision: Refuse permission. Appeal status: Under appeal.
- **D21A/0069** - Permission for a single-storey, 108sqm extension to include new kitchen, utility, dining, living, and bedroom accommodation to the southeast of existing Wayside Cottage (protected structure, RPS ref. 1816) at Clontra House (to give a total of four bedrooms) together with internal refurbishment of the existing house with new entrance, driveway and associated works. At Wayside Cottage, Clontra House, Quin's Road, Shankill, Dublin 18, (Clontra House is a protected Structure, RPS ref. 1811.). Decision: Grant planning permission subject to conditions. Date: 29 Apr 2021.
- **D21/0012** – Invalid.
- **D20A/0321 (ABP File no. ABP-307738-20)** - Permission granted (24/11/2020) on appeal at Clontra House (initially refused by the Planning Authority re: 'GB' zone/ policies), for a new two-storey, 267sq.m, four-bedroom detached house. This planning permission has recently been extended under a successful Extension of Duration application. The permission is not commenced, and it does not form part of the current planning application.
- **D18A/1034** - Retention Planning permission granted by the planning authority for retention of an 1800mm wide ope between the kitchen and adjoining living room at first floor level.

5.2 Enforcement history of Clontra House Estate

No enforcement matters arise. The estate is fully planning compliant.

5.3 Planning precedents

The following applications within the surrounding area of the subject site are considered relevant:

- **Fitzpatrick Castle Hotel, Killiney Hill Road, Killiney, Dublin, A96N125**

Reg. Ref. D23A/0245 - Planning permission was granted by Dún Laoghaire-Rathdown County Council on 6th June 2023 for the construction of 2 no. Padel courts as well as associated lighting and fencing in the existing car park to the front (southwest) of Fitzpatrick Castle, a protected structure, and all associated site works.

The Planner's Report pertaining to Reg. Ref. D23A/0245 states:

It is considered that the proposed development would not adversely impact on the residential amenity of adjacent properties by reason of overshadowing, overlooking or overbearing appearance. In addition, it is considered that the proposed development would not significantly detract from the character of the surrounding area and would be in accordance with relevant policy and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

It is considered that the above commentary would be applicable to the proposed development as it is not considered that it will detract from the character of the surrounding area nor impact the residential amenity of neighbouring residences.

- **Leopardstown Golf Club, Leopardstown Golf Centre, Brighton Road, Foxrock, Dublin, D18R8K1.**

Reg. Ref. D25A/0622/WEB - Planning permission was granted by Dún LaoghaireRathdown County Council on 1st October 2025 for the construction of 4 no. padel courts as well as associated lighting and fencing and works in the existing carpark and all associated demolition, alterations and siteworks.

With regard to parking, we note the Planner's Report states:

It is noted that the subject site is serviced by the existing car parking facilities provided adjacent to the Leopardstown Golf Centre. The revised parking layout is noted by the Planning Authority which would comprise reducing the number of parking spaces from 59 to 55 to facilitate the inclusion of 4 no. disabled parking spaces adjacent to the proposed padel courts. This is considered acceptable.

As stated above, the padel courts at Clontra House Estate will be served by carparking at site, which is accessed via Quinn's Road and the existing entrance and driveway to Cluain House. It is considered that the parking provision of 20 car parking spaces on the site to serve the proposed padel courts is acceptable (2 no. are accessible spaces). Cycle parking is also provided.

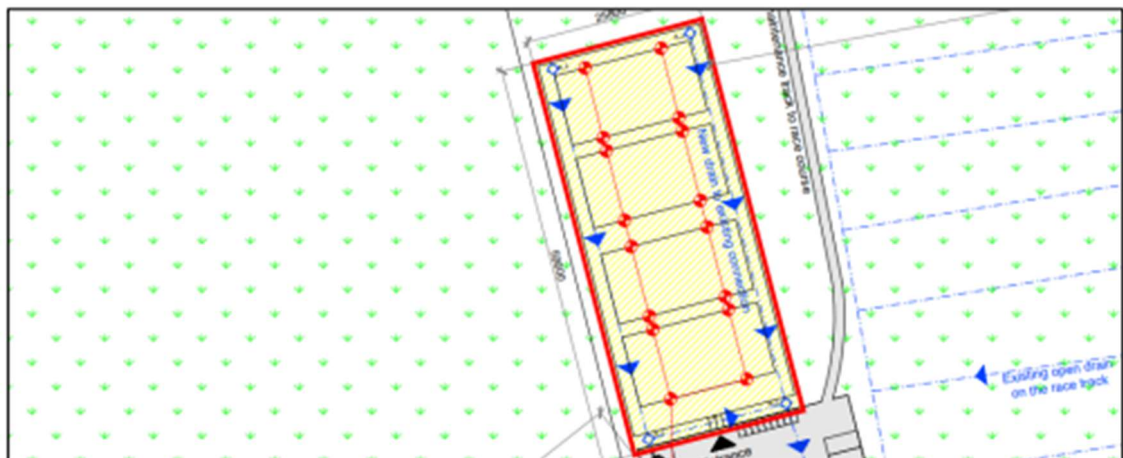


Fig. 10: Site layout plan granted by DLRCC under reg. ref. D25A/0622/WEB

- **Blackrock College RFC, Somerset, Stradbroke Road, Blackrock, Co Dublin, A94K2V8.**

Reg. Ref. D24A/0385/WEB - Planning permission was granted by Dún Laoghaire-Rathdown County Council on 12th March 2025 for the construction of 2 no. padel Courts, associated lighting and fencing and all associated site works.

The development granted at Blackrock College sets a precedent for the provision of padel courts within the campus grounds of an institution, enhancing the recreational amenities of the estate.

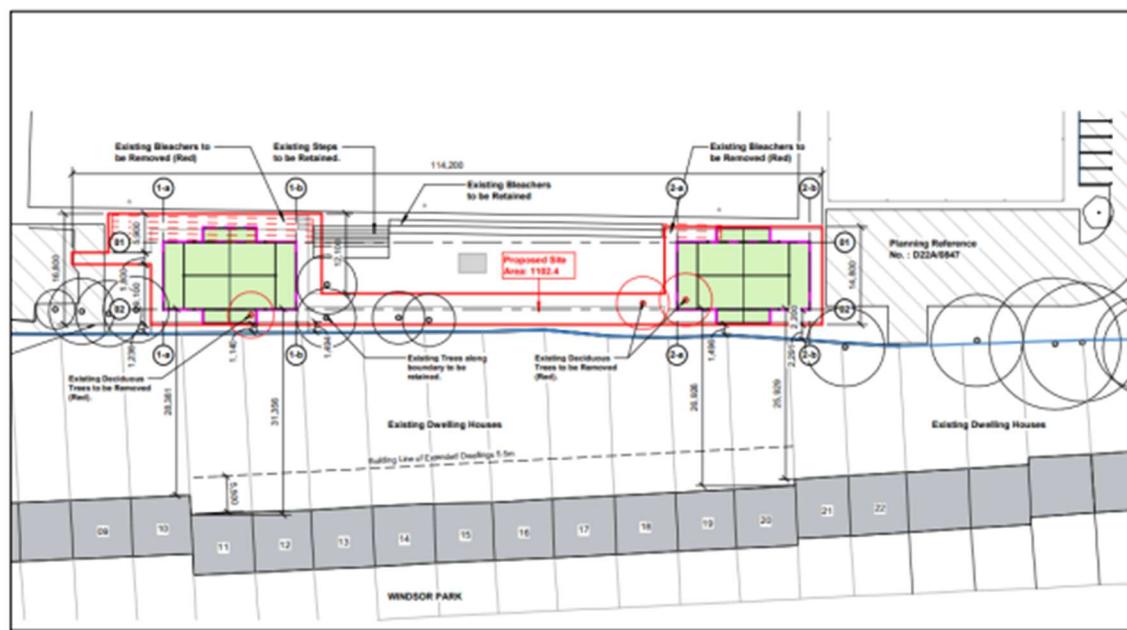


Fig. 11: Site layout plan as granted by DLRCC under reg. ref. D24A/0385/WEB.

We submit that the applications outlined above set precedents for the construction of padel courts within existing properties in Dún Laoghaire-Rathdown. Similar developments are being permitted across the local authority areas of Dublin City Council, South Dublin County Council, and Fingal County Council.

6.0 Proposed development

This planning application seeks planning permission for development at this site: Clontra House, Quinn's Road, Shankill, Dublin 18. The development will consist of:

- provision of 6 no. enclosed padel courts with ancillary structures for male & female changing, toilets, & storage;
- 20 no. car parking spaces (incl. 2 no. accessible spaces) & 14 cycle parking spaces accessed via a new entrance onto the driveway to Cluain House;
- all associated works, including footpaths, boundary treatments, gates, seating area, landscaping, drainage, fencing, & lighting necessary to facilitate the development.

Clontra House is a protected structure (RPS Reference 1811).

The proposed development seeks permission to enhance the site and the wider estate through the provision of high-quality recreational facilities in the form of 6 no. padel courts. The padel courts will be individually and collectively fenced in

The changing rooms, toilets, and storage area (28.02sq.m) are sited outside the courts and alongside the car parking area where there is to be seating.

The site is accessed via Quinn's Road and the existing entrance and driveway into Cluain House. As with the design of Shankill Tennis club, those accessing the site will walk, cycle or drive into the proposed car parking area before accessing the facility's courts, etc.

The following drawings prepared by SSA Architects outline the proposal.

The subject site has been carefully selected from the wider estate grounds as it is accessible, it is visually screened by existing trees, and it is close to Shankill Tennis Club.

The existing site area is already accessible via a private driveway. While area contains trees, the development has been sited so as to avoid tree loss. The development being surrounded by trees to the west and south will be heavily screened from nearby properties and from Quinn's Road. This screening will ensure that the development will not impact on any nearby property.

Playing courts are the type of development which one associates with an estate and this proposal aligns with this. Given the need to ensure the courts can be used throughout the year, the courts are enclosed. The proposed elevations and roof details are provided in Figs. 14 to 19. We have included the southeast and southwest elevations which are those which may be visible from Quinn's Road (through the existing trees).

The materials and finishes proposed are all standard for padel and/or other sporting facilities including mesh fencing, steel structure, stretched PVC, colour coated mesh cladding, tempered glass, netting, etc. There will be lighting inside each court.

Minimal lighting will arise externally and only to guide visitors to the courts, changing rooms, etc.

Figs. 14 and 20 show the proposed appearance of the changing rooms, toilets, and storage area (28.02sq.m).

It is submitted that the proposed padel courts will improve upon the recreational amenities at Clontra House Estate, providing a use to currently undeveloped open space. As the padel courts are positioned to the southwest of the estate in a well screened area (by existing trees) off Quinn's Road where there is already a tennis club operating to standard opening hours, it is considered that the development would not give rise to undue visual or noise impacts for the immediate area but will provide for an attractive recreation facility.

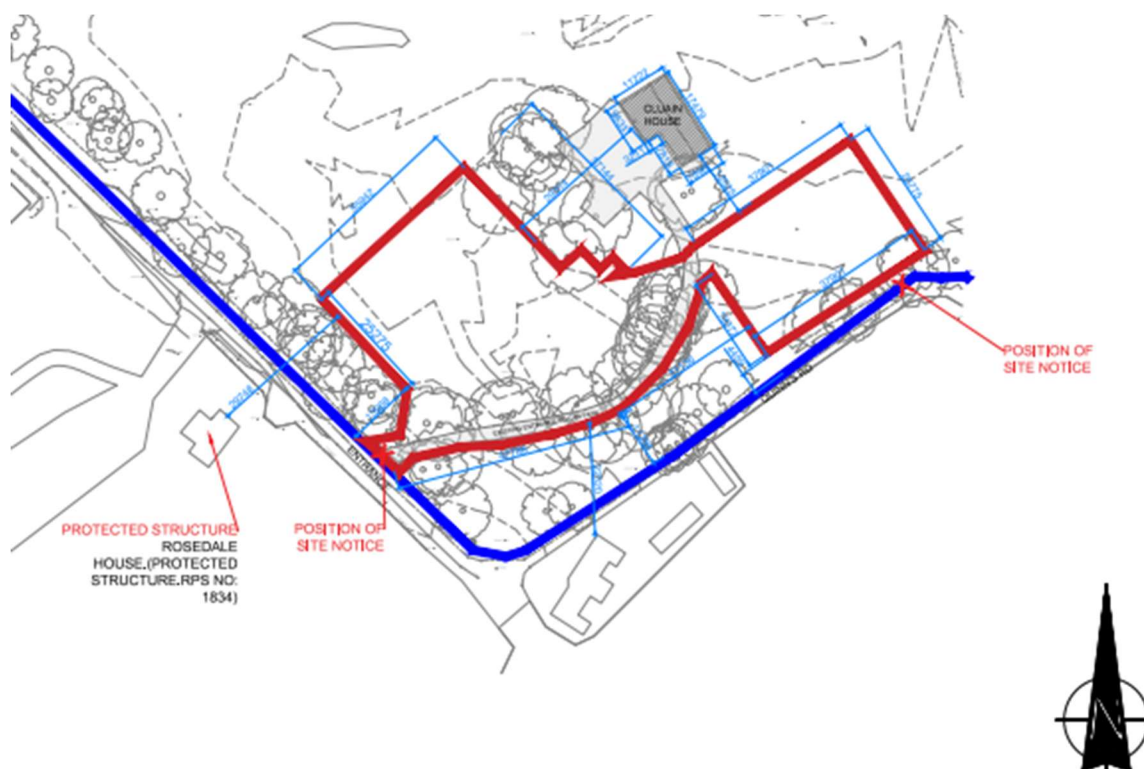


Fig. 12: Excerpt from the Existing Site Layout Plan



Fig. 13: Excerpt from the Proposed Site Layout Plan

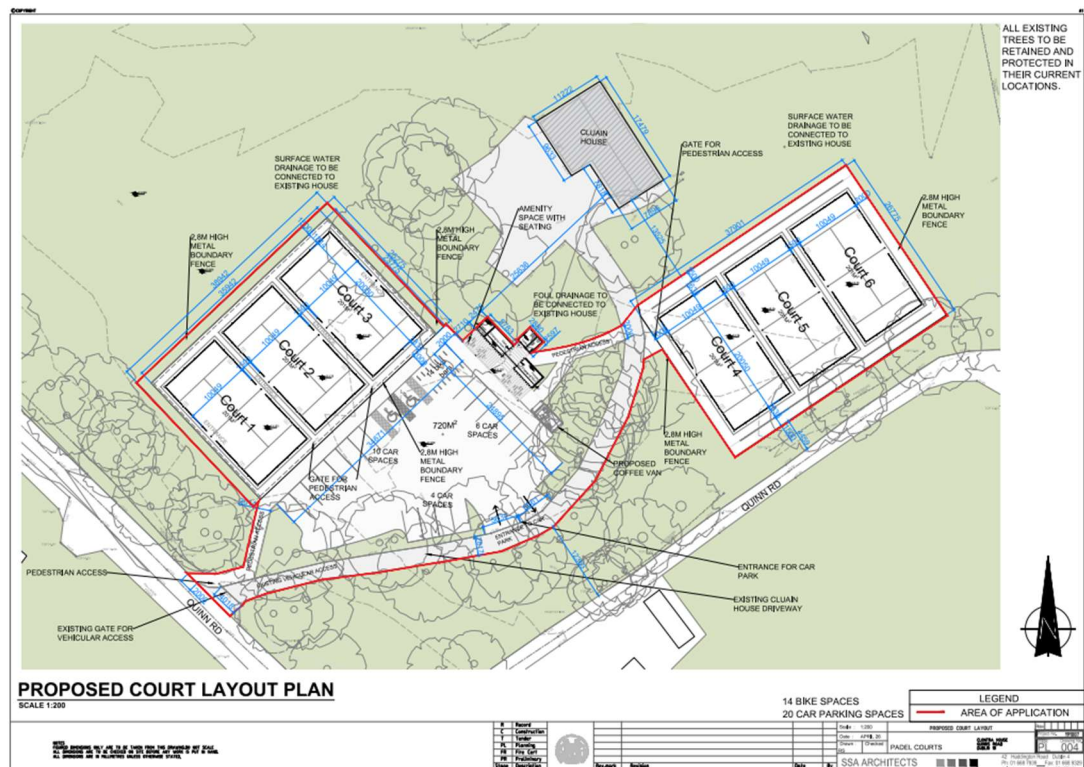


Fig. 14: Proposed court layout plan

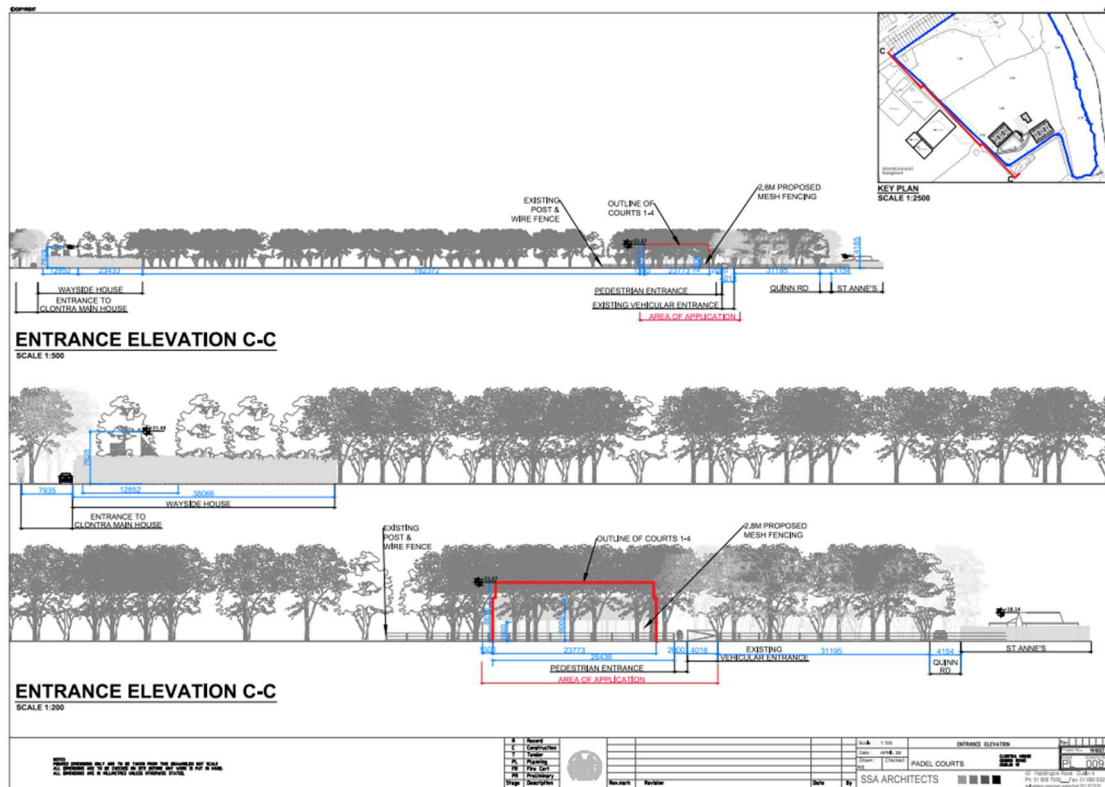


Fig. 15: Proposed entrance elevation

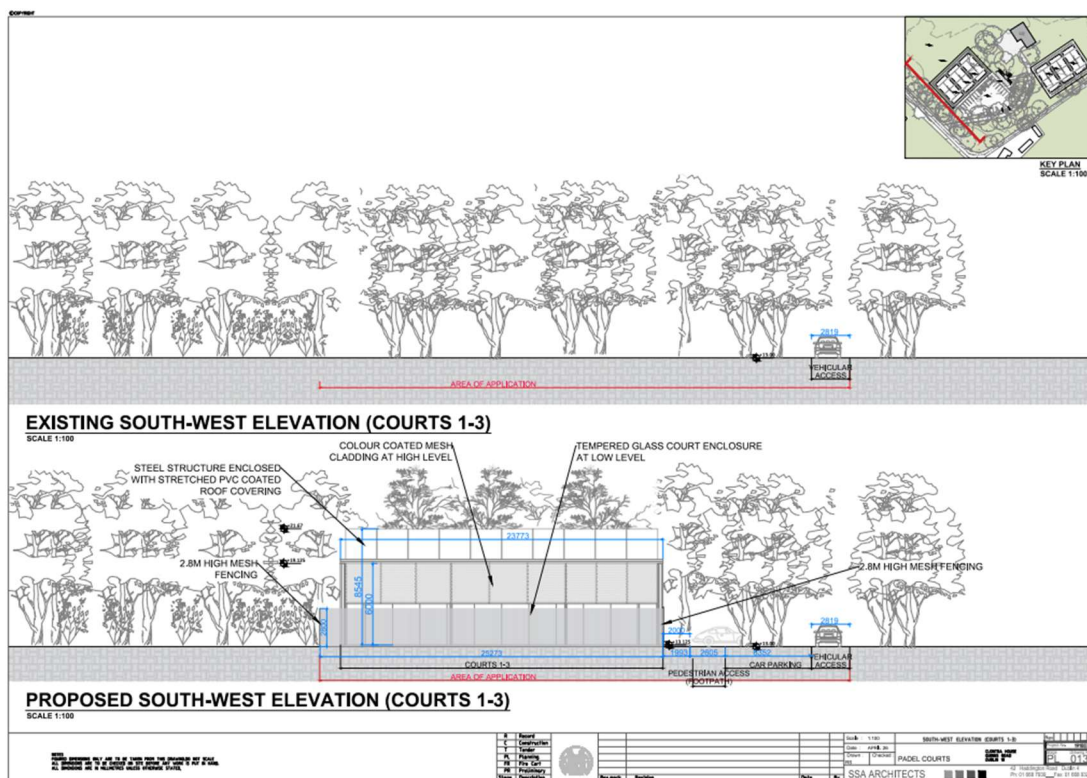


Fig. 16: Existing and proposed South-West Elevation for Courts 1-3

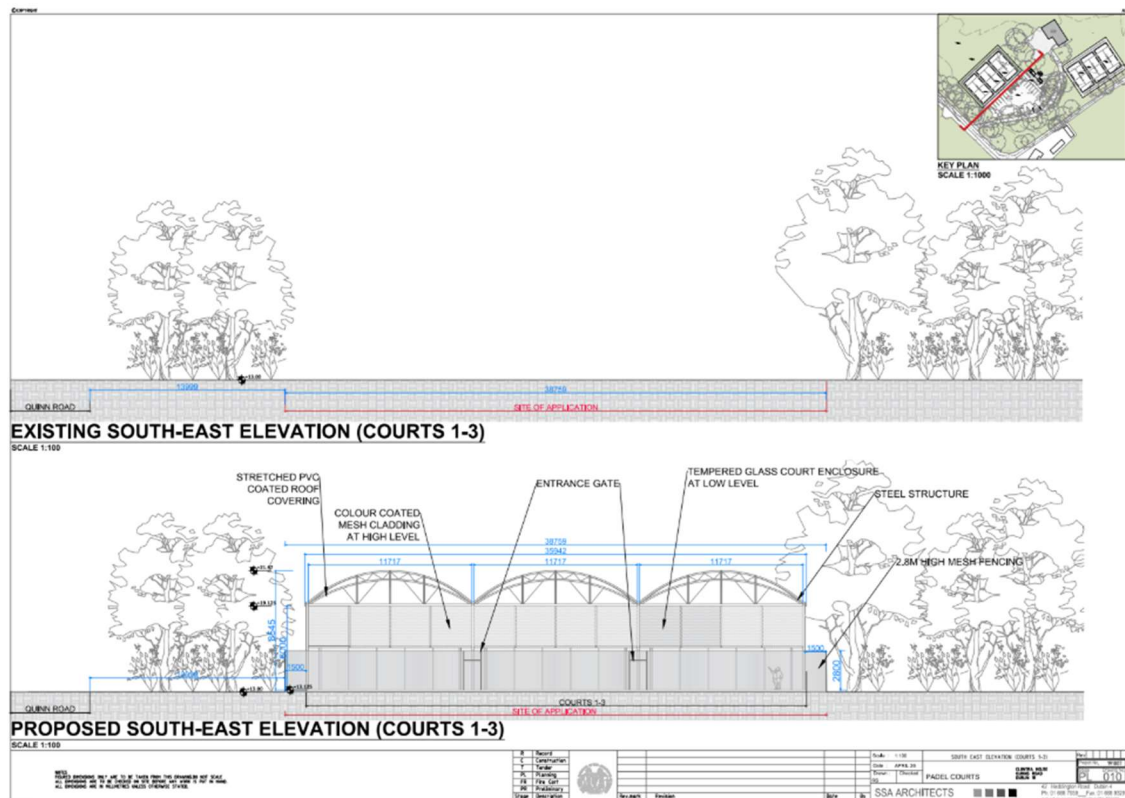


Fig. 17: Existing and proposed South-East Elevation for Courts 1-3



Fig. 18: Existing and Proposed South-West Elevation for Courts 4-6

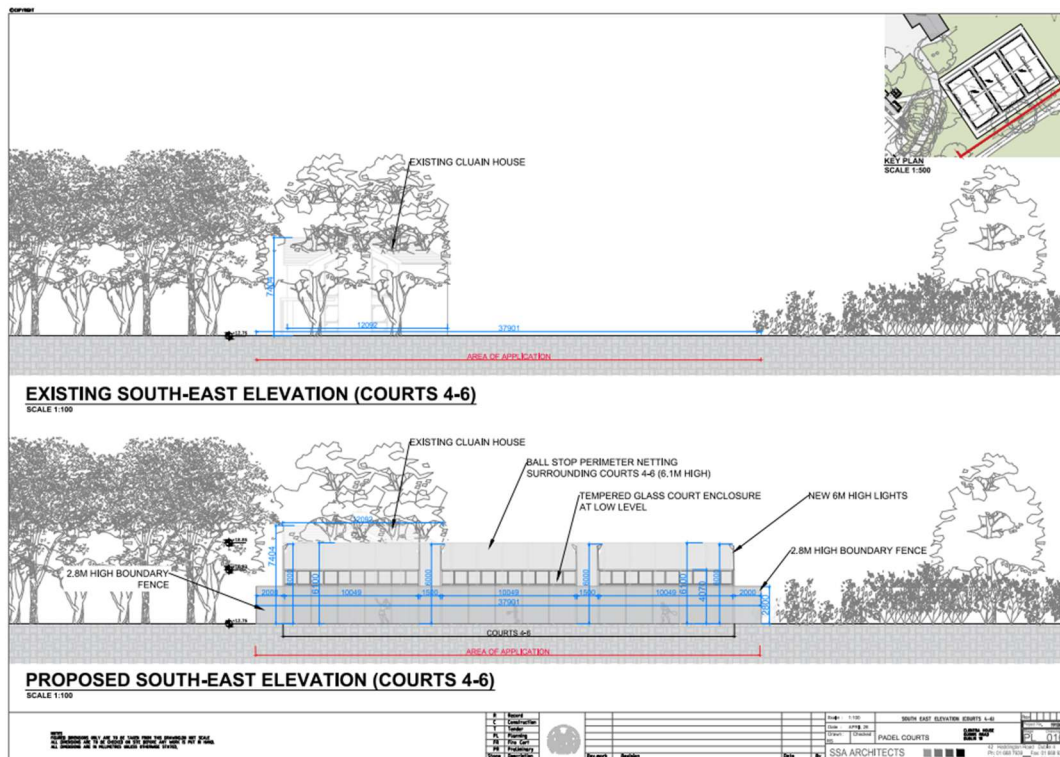


Fig. 19: Existing and Proposed South-East Elevation for Courts 4-6

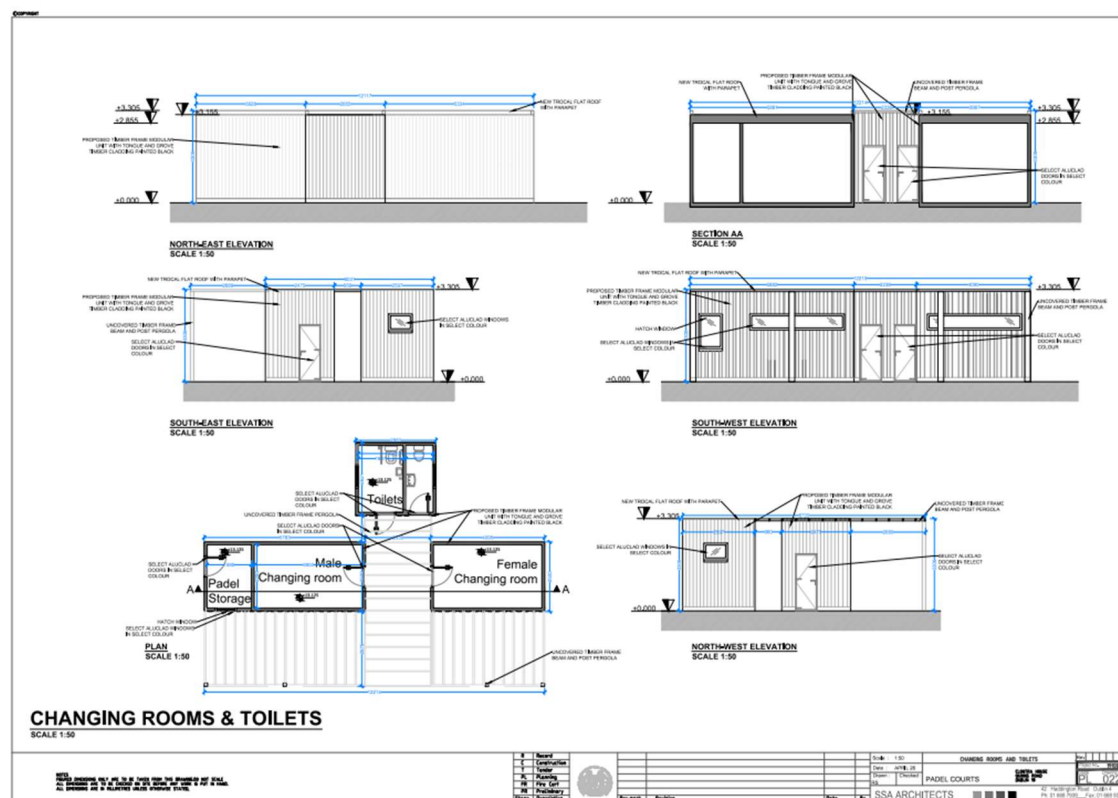


Fig. 20A: Proposed changing rooms and toilets



Fig. 20B: Proposed changing rooms and toilets – rendered (Note: Coffee trailer not included in the planning application).

6.1 Parking

The existing estate includes parking spaces. These will not be accessible to the current scheme. The proposed development will therefore be served by 20 no. car parking spaces (incl. 2 no. accessible spaces) and 14 cycle parking spaces. This is deemed the maximum necessary provision given the site is accessible from Shankill Village, from bus stops, and from the DART.

This is a modest scheme of 6 no. padel courts where the maximum number of players would be 24 (6 x 4 in doubles matches). The parking provision is more than sufficient to cater for this number of players.

7.0 Planning Policy Context

This section will outline the compliance of the proposed development in relation to relevant planning policy documents including Project 2040: The National Planning Framework, The Regional, Spatial, and Economic Strategy for the Eastern and Midland Regions, the Architectural Heritage Protection Guidelines for Planning Authorities (2011), and the Dún Laoghaire-Rathdown County Development Plan 2022-2028

7.1 National Planning Framework First Revision (April 2025)

The National Planning Framework First Revision (April 2025) is a development strategy to shape our national, regional and local spatial development in economic, environmental and social terms to 2040. The National Planning Framework emphasise the need for recreational facilities in Ireland. The following commentary is considered relevant:

Section 6.1 'Quality of Life and Place' states:

*This is why place is intrinsic to achieving good quality of life - the quality of our immediate environment, our ability to access services and amenities, such as education and healthcare, shops and parks, the leisure and social interactions available to us and the prospect of securing employment, all combine to make a real difference to people's lives. **An important consideration is also access to sporting and cultural facilities and the State's role in supporting and investing in these areas** [emphasis added].*

Section 6.4 'An Age Friendly Ireland' states:

*The number of people aged 15 or under will continue to increase until the mid-2020s and decline only slowly thereafter. **This means that the continued provision and enhancement of facilities and amenities for children and young people, such as early learning and childcare services, schools, playgrounds, parks and sportsgrounds, remains necessary and will need ongoing investment to ensure alignment with future needs** ... [emphasis added].*

National Policy Objective 63 aims to:

Support the coordination and promotion of all-island tourism initiatives through continued co-operation between the relevant tourism agencies and Tourism Ireland, pursue the further development of sport, and invest in the diverse heritage, arts and cultural and linguistic traditions of the island [emphasis added].

It is considered that the proposed development is consistent with the above, as it provides and improves upon the recreational and sporting amenities and facilities within an existing built-up area which will benefit persons of all ages.

7.2 Regional Spatial & Economic Strategy 2019-2031: Eastern & Midland Regional Assembly

The Regional Spatial and Economic Strategy (RSES) is a strategic plan and investment framework to shape future growth and to better manage regional planning and economic development throughout the Region. It identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. The following Regional Policy Objectives are considered relevant:

- **RPO 9.14** Local authorities shall seek to support the planned provision of easily accessible social, community, cultural and recreational facilities and ensure that all communities have access to a range of facilities that meet the needs of the communities they serve.
- **RPO 9.15** Local authorities shall support the vision and objectives of the National Sports Policy, including working with local sports partnerships, clubs, communities and partnerships within and beyond sport, to increase sport and physical activity participation levels locally.
- **RPO 9.16** Local authorities shall support the objectives of public health policy including Healthy Ireland and the National Physical Activity Plan, through integrating such policies, where appropriate and at the applicable scale, with planning policies contained in development plans.
- **RPO 9.17** To support local authorities in the development of regional scale Open Space and Recreational facilities particularly those close to large or growing population centres in the Region.

It is considered that the proposed development would be consistent with the policies above, through the provision of a high-quality recreational and sporting facility at the subject site which will benefit persons of all ages.

7.3 Architectural Heritage Protection Guidelines for Planning Authorities (2011)

Clontra House Estate contains large, underutilised, areas of land. Section 13.4.19 of 'The Architectural Heritage Protection Guidelines for Planning Authorities' (2011) note how:

*Some protected structures are set within their own enclosed gardens or pleasure grounds. Gardens can range from the smaller front or rear gardens of an urban dwelling **to larger, more complex gardens surrounding a country house or institutional building containing many ancillary structures and walled gardens**. Ancillary structures might be ornamental such as statuary, follies, grottoes, terraces, steps, sundials, fountains and many more. There may also be functional structures such as greenhouses, melon-pits or wells. Special attention should be paid to formally designed gardens, particularly where they lie within the curtilage of a protected structure. The existence and location of original or early elements of garden design such as built features, paths, and planting beds should be identified* [emphasis added].

The guidelines set out a definition of 'Curtilage' and 'Attendant Grounds':

- Section 13.1 'Determining the Curtilage of a Protected Structure' includes sub-section 13.1.1 which states:

By definition, a protected structure includes the land lying within the curtilage of the protected structure and other structures within that curtilage and their interiors. The notion of curtilage is not defined by legislation, but for the purposes of these guidelines it can be taken to be the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure. It should be noted that the meaning of 'curtilage' is influenced by other legal considerations besides protection of the architectural heritage and may be revised in accordance with emerging case law

Subsection 13.1.2 states, inter alia, "In many cases the curtilage of a protected structure will coincide with the land owned together with it ..."

- Section 13.2 'Determining the Attendant Grounds of a Protected Structure' and subsection 13.2.1 state:

The attendant grounds of a structure are lands outside the curtilage of the structure but which are associated with the structure and are intrinsic to its function, setting and/or appreciation. In many cases, the attendant grounds will incorporate a designed landscape deliberately laid out to complement the design of the building or to assist in its function. For example, the attendant grounds to a mill building will include, where these survive, the mill-race, millpond, the tail-race, flumes, sluice-gates, and any related weirs and dams. Flax-mills may have had drying greens. The attendant grounds of a country house could include the entire demesne, or pleasure grounds, and any structures or features within it such as follies, plantations, earthworks, lakes and the like.

In short, some protected structures are self-contained estates with both curtilages and attendant grounds. The current proposals are set in a portion of the estate which is not visually connected to Clontra House but is located within its wider lands. The proposal will not impact on Clontra House or on any other protected structure.

7.4 Dun Laoghaire-Rathdown Development Plan

7.4.1 Zoning

The Statutory County Development Plan is the Dun Laoghaire-Rathdown County Development Plan 2022-2028 (the "CDP"). Under the CDP, the Clontra self-contained estate is zoned Objective GB with the associated 'Description': "To protect and enhance the open nature of lands between urban areas" (see Fig. 21).

"Sports Facility" is 'Open for Consideration' under this zoning (see Fig. 22).

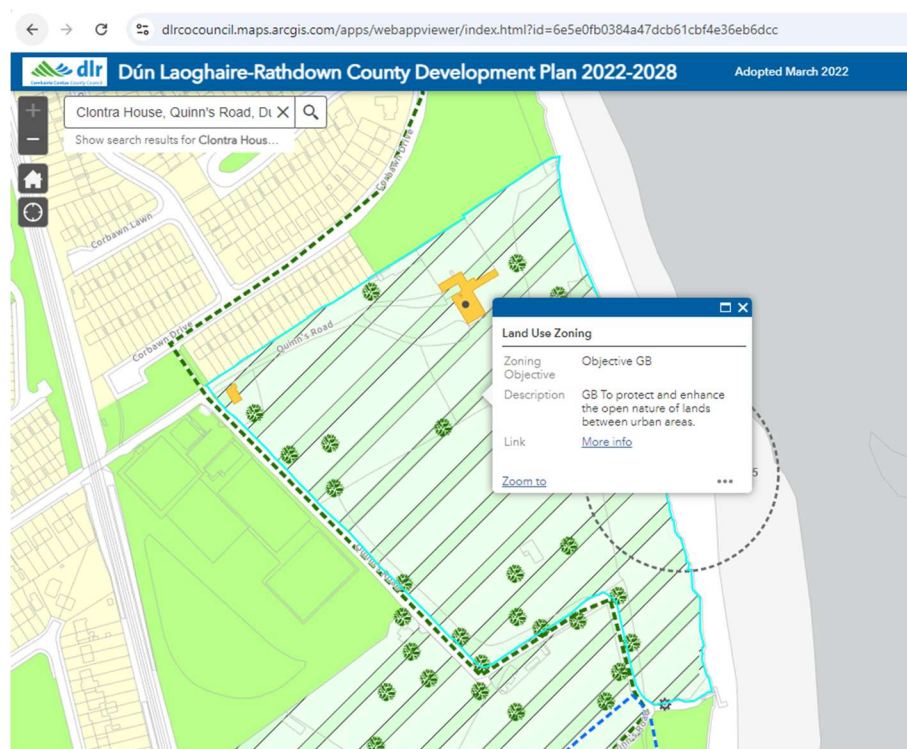


Fig. 21: The Objective GB zoning of the site under the DLRCC CDP 2022-2028

Table 13.1.6

ZONING OBJECTIVE 'GB'
'To protect and enhance the open nature of lands between urban areas'.
Permitted In Principle
Cemetery, Open Space, Place of Public Worship, Travellers Accommodation, Education.
Open For Consideration
Allotments, Agricultural Buildings, Boarding Kennels, Carpark ^a , Caravan/Camping Park-Holiday, Cultural Use ^b , Doctor/Dentist ^b , Garden Centre/Plant Nursery, Guest House ^b , Home Based Economic Activities ^b , Hospital, Hotel/Motel, Public Services, Residential, Restaurant ^b , Rural Industry-Cottage, Rural Industry-Food, Shop-Neighbourhood, Sports Facility , Tea Room ^b , Utility Scale Photovoltaic (Solar farm), Veterinary Surgery ^b .
a: Only as an ancillary component of and directly connected to the primary use and/or ancillary to public transport and/or active travel modes.
b: In existing premises.

Fig. 22: Table 13.1.6 of the DLRCC CDP 2022-2028

Clontra House and the wider estate maintains two entries in Appendix 4 'Record of Protected Structures'. These are RPS 1811 pertaining to Clontra House and specifically to the 'House, Glass House, Out Offices, Yard and Railings' and RPS 1816 pertaining to Wayside Gate Lodge and specifically to the 'House (Note: Gates also Protected Structure)'.

7.4.2 Architectural heritage

The CDP contains policies and objectives pertaining to institutional type residential buildings and estates and associated protected structures:

- A 'Residential Institution' is defined as: "A building or part thereof or land used as a residential institution and includes a monastery, convent, hostel, nursing home." The house has long been let out to various groups (e.g. large families, film crews, the staff of building contractors working in Clontra or on projects in the area, Ukrainian refugees, etc.) on a part or even a 'whole of estate' basis with all residential rooms accommodating guests.
- Regarding Clontra House's position as a local residential institution, Section 4.3 states:

It is recognised that many institutions in DLR are undergoing change for various reasons. Protecting and facilitating the open and landscaped 'parkland' settings and the activities of these institutions is encouraged. Where a well-established institution plans to close, rationalise or relocate, the Council will endeavour to reserve the use of the lands for other institutional uses, especially if the site has an open and landscaped setting and recreational amenities are provided. Where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the zoning objectives of the area being adhered to and the open character and recreational value of the lands being retained.

... In cases of rationalisation of an existing institutional use, as opposed to the complete cessation of that use, the future anticipated needs of the existing use, including extensions or additional facilities related to the residual institutional use retained on site should be taken into account and accounted for in the master plan for development on the lands in question.

- Section 4.3.1.4 Policy Objective PHP21: 'Development on Institutional Lands' states: "It is the Policy Objective to retain the open character and/or recreational amenity of land parcels that are in institutional use (such as religious residential or other such uses) and are proposed for redevelopment."
- Regarding the estate's 'Protected Structure designation, Section 11.4.1 'Record of Protected Structures' defines this as:

A Protected Structure, unless otherwise stated, includes the interior of the structure, the land lying within the curtilage of the structure, any other structures lying within that curtilage and their interior and all fixtures and features which form part of the interior or exterior of that structure. The protection also extends to any features specified as being in the attendant grounds including boundary treatments. It is a policy objective to review and update the RPS on foot of any Ministerial recommendations following the completion of the National Inventory of Architectural Heritage (NIAH).

- Section 11.4 refers to 'Architectural Heritage' and includes:

- Section 11.4.1.1 Policy Objective HER7: 'Record of Protected Structures' states: "It is a Policy Objective to include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures."
- Section 11.4.1.2 Policy Objective HER8: 'Work to Protected Structures' states, inter alia: "It is a Policy Objective to: vii. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure."
- Section 11.4.1.3 Policy Objective HER9: 'Protected Structures Applications and Documentation' states: "It is a Policy Objective to require all planning applications relating to Protected Structures to contain the appropriate level of documentation in accordance with Article 23 (2) of the Planning Regulations and Chapter 6 and Appendix B of the 'Architectural Heritage Protection Guidelines for Planning Authorities', or any variation thereof."
- Section 11.4.1.4 Policy Objective HER10: 'Protected Structures and Building Regulations' states: "It is a Policy Objective to protect the character and special interest of Protected Structures when considering or carrying out interventions to comply with the requirements of the Building Regulations - with particular reference to Part B and Part M."
- Section 11.4.1.6 Policy Objective HER12: 'National Inventory of Architectural Heritage (NIAH)' which states: "It is a Policy Objective to review and update the RPS on foot of any Ministerial recommendations. The 'Ministerial Recommendations', made under Section 53 of the Planning Acts, will be taken into account when the Planning Authority is considering proposals for development that would affect the historic or architectural interest of these structures."
- Section 12.3.7.10 'Institutional Lands' states:

Where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the area's zoning objectives and the open character of the lands being retained. There are still a number of large institutions in the established suburbs of the County which may be subject to redevelopment pressures in the coming years. The principal aims of any eventual redevelopment of these lands will be to achieve a sustainable amount of development while ensuring the essential setting of the lands and the integrity of the main buildings are retained. In order to promote a high standard of development a comprehensive Masterplan should accompany a planning application for institutional sites. Such a Masterplan must adequately take account of the built heritage and natural assets of a site and established recreational use patterns. Public access to all or some of the lands may be required. Every planning application lodged on institutional lands shall clearly demonstrate how they conform with the agreed Masterplan for the overall site. Should any proposed development deviate from the agreed Masterplan then a revised Masterplan shall be agreed with the Planning Authority. A minimum public open space provision of 25% of the total site area will be required on Institutional Lands. This provision must be sufficient to maintain the open character of the site - with development proposals built around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council.
- Section 12.11.2 'Architectural Heritage - Protected Structures' states: "The inclusion of a structure in the Record of Protected Structures does not prevent a change of use of the structure, and/or development of, and/ or extension to, provided that the impact of any proposed development does not negatively affect the character of the Protected Structure and its setting (Refer also to Section 11.4.1)" and "The refurbishment, re-use and, where appropriate, redevelopment of Protected Structures, and their setting, shall not adversely affect the character and special interest of the building."
- Section 12.11.2.1 'Works to a Protected Structure' states: "In assessing works (inclusive of extensions/ alterations/ change of use etc.) to a Protected Structure, the Planning Authority will seek to ensure that ... The special interest of the structure is not compromised ... [etc.]".
- Section 12.11.2.2 'Change of Use of a Protected Structure' states:

In most instances the original use for which a structure was built will be the most appropriate. However, in certain cases a change of use may be considered appropriate and may help to safeguard the Protected Structure status of a building. In assessing a proposed change of usage, or the reuse of a redundant building, regard should be had to the compatibility of such use, in terms of its impact on the character, and special interest of the structure. All proposed changes of use must comply with the zoning objectives for the site. Any interventions that are necessitated by such works, should seek to cause minimum interference with the floor plan, and fabric of the building when complying with relevant Building Regulations. Matters such as, fire protection, sound proofing, servicing and access will require detailed consideration at initial design stage.

- Section 12.11.2.3 'Development within the Grounds of a Protected Structure' states, inter alia:

Any proposed development within the curtilage, attendant grounds, or in close proximity to a Protected Structure, has the potential to adversely affect its setting and amenity. The overall guiding principle will be an insistence on high quality in both materials, and design, which both respects and complement the Protected Structure, and its setting. Any development must be consistent with conservation policies and the proper planning and sustainable development of the area.

7.4.3 Relevant policies and objectives pertaining to the proposed development

The following policies and objectives are considered relevant:

Sports and Recreation

- **OSR3** It is a Policy Objective to continue to improve, plan and develop more intensive recreational and leisure facilities within parks and public open spaces insofar, as resources will permit, while ensuring that the development of appropriate complementary facilities does not detract from the overall amenity of the spaces.
- **OSR9** It is a Policy Objective to promote the provision, and management of high quality sporting, and recreational infrastructure throughout the County, in accordance with the National Sports Policy 2018-2027, and dlr Space to Play: a new approach to Sports Facilities Strategy', 2017-2022, to ensure that the particular needs of different groups are incorporated into the planning and design of new facilities.
- **OSR10** It is a Policy Objective: To ensure that adequate playing fields for formal active recreation are provided for in new development areas. That existing sports facilities and grounds within the established urban area are protected, retained, and enhanced. To increase the number of playing pitches in the County. To maximise the use of playing pitches in the County and for playing pitches to be utilised seven days a week, subject to protecting adjoining residential amenity.
- **PHP7** It is a Policy Objective to protect existing schools and their amenities and ensure the reservation of primary and post-primary school sites in line with the requirements of the relevant education authorities and to support the provision of school facilities and the development / redevelopment of existing schools for educational and other sustainable community infrastructure uses throughout the County.

It is considered that the proposed development, providing 6 no. padel courts within the Clontra Estate where the development of "Sports Facilities" is 'Open for Consideration', is in accordance with the policy objectives above, as it will enhance the sports facilities at the subject site, providing a new recreational facility at currently vacant and underutilised open space.

7.4.4 Development Standards

The following development standards are considered relevant:

Car/Bicycle Parking

The subject site is located in Parking Zone 2. These are areas, which are generally characterised by:

- Access to a good level of existing or planned public transport services.
- A good level of service accessibility, existing and planned, by walking or cycling.
- A capacity to accommodate a higher density of development than surrounding areas.

Table 12.5 of the Dún Laoghaire-Rathdown County Development outlines the carparking standards for different land uses.

As per Table 12.5, parking provisions for sports grounds in Parking Zone 2 will be assessed on a case-by-case basis. Therefore, we submit that the proposed 20 no. car parking spaces and 14 no. cycle parking spaces are sufficient to serve the proposed padel courts development.

Land Use		Zone 1 MTC Areas and Blackrock	Zone 2 Near Public Transport	Zone 3 Remainder of County (non-rural)	Zone 4 Rural
Sport:	Criterion	Maximum	Maximum	Maximum	Maximum
Golf Course	Hole	n/a	n/a	n/a	6
Pitch and Putt	Hole	n/a	n/a	3	4
Gym / Sports Club	GFA	1 per 100	1 per 75	1 per 50	n/a
Sports Grounds / Sport related		case by case	case by case	case by case	case by case

Fig. 23: Table 12.5 of the Dún Laoghaire-Rathdown County Development (annotated by BPS)

8.0 DLRCC's positive assessment of the proposed development

For ease of reference and to support this First Party appeal, we have reviewed the DLRCC Planner's Report, extracting relevant points of assessment relating to the proposed development. They identify areas where the Planning Authority found the proposal acceptable in principle, raised no objection (or only conditional issues), or explicitly treated potential impacts as secondary / capable of resolution. The following sections demonstrate that several standard planning considerations have already been resolved or were not determinative of the refusal.

8.1 Principle of Development / Zoning Compatibility (Partial Acceptance)

Under Zoning Objective 'GB' ("to protect and enhance the open nature of lands between urban areas"), "Sports Facilities" are explicitly listed as Open for Consideration.

The proposed use (enclosed padel courts with ancillary changing/toilets/storage) falls within the Development Plan definition of Sports Facilities. The DLRCC Planner acknowledged that Sports Facilities are *Open for Consideration*.

The report confirms that the principle may be acceptable provided the development is compatible with the overall policies and objectives of the zone, does not have undesirable effects, and is otherwise consistent with proper planning and sustainable development.

This establishes that the use class itself is not prohibited. The original BPS Planning Application Report demonstrated, and Section 8.0 of this Planning Appeal Report demonstrates how the proposal is acceptable as ecological, landscape and traffic concerns have been addressed or mitigated and/or can be addressed or mitigated by way of condition.

The DLRCC assessment reflects an ongoing unwillingness to accept that there is a need for the estate to be used in some form to generate income to ensure its upkeep and maintenance. This is a private estate and not a public park.

A Padel development is wholly compatible with the zoning and that this proposal is set alongside an existing estate dwelling which already has a vehicular entrance.

With respect, the Commission is asked to consider what other project or projects could our client pursue which would generate income for the estate which would align better with the zoning. We have looked and there are none. The Shankill Tennis Club already uses this access road and is located on lands just metres from the subject site and the estate.

Concerns arise that DLRCC is gradually sterilizing the estate to the point where it can no longer function at all. ACP is asked to protect the estate by allowing it to install these Padel courts.

We note that planning appeal reg. ref. PL06D.501169 is presently live and pertains to the proposed use of Clontra House as a family hub for homeless persons. While we have a Section 5 which allows the estate to be used for asylum/refugee accommodation, DLRCC nevertheless found a way to refuse the use of Clontra House in this manner.

As ACP can see, our client is trying to find ways to sustain the estate. Each time a new planning application is lodged, it is refused without any request for Further Information. This is clearly deliberate as it offers no time for the project team to prepare reports and so on from experts. These were both 'submit and see' planning applications with every intention then to provide whatever was requested if Further Information was requested.

Why would our client invest further in any planning application when DLRCC simply refuses anything which is lodged?

These lands are suitable for Padel, and such a development is Open for Consideration. We ask that ACP support the proposal by allowing our client additional time to provide whatever technical reports you require (as set out below).

To support our position, we have included a sub-section below which shows how there are now many estates in Ireland and the UK which are generating income from Padel developments to ensure the future sustainability of historic houses and their grounds.

8.1.1 Estates in Ireland and the UK which now generate sustainable income from Padel

Yes. Padel courts have been introduced on multiple historic landed estates, country houses, and demesnes in both Ireland and the UK as a diversification or income-generating activity (often alongside other enterprises such as becoming a hotel, a wedding venue, a tourist attraction, etc. or as farm diversification).

Ireland

- **Adare Manor (Co. Limerick)** — A major 19th-century country estate and luxury hotel (840-hectare grounds). It has two indoor padel courts in a dedicated Padel Club building set within the woodlands. These form part of the resort's leisure/wellness offering for guests and help support the overall estate/hospitality business.
- **Castle Durrow Country House (Co. Laois)** — Historic pre-Palladian mansion and estate (now a country house hotel). The Pavilion Padel Club operates courts within the grounds, surrounded by mature woodland, parkland, and walled gardens. It is marketed as a social/leisure amenity linked to the estate and hotel (bookable via Playtomic, with clubhouse facilities).
- **Kingfisher Country Estate (Templepatrick, Northern Ireland)** — Large country estate with golf, spa, hotel, and parkland (c. 220 acres). Two state-of-the-art padel courts (plus pickleball) are being added as part of the Padel Society portfolio, explicitly positioned as "where padel meets the estate" to enhance the leisure offering.
- **Galgorm Castle (near Ballymena, Northern Ireland)** — Historic estate and golf club. Two covered padel courts have been built (c. £300k investment) as an addition to the estate's sporting facilities, operating on a pay-and-play model to attract visitors and diversify income.
- **Castle Oaks House Hotel & Estate (Castleconnell, Co. Limerick)** — Country house hotel/estate with a new padel court as part of its leisure facilities.

Other examples include padel at the Johnstown Estate Hotel and private historic houses (e.g., a Gandon-designed villa with a padel court among its amenities).

United Kingdom

- **Estelle Manor (Oxfordshire, England)** — Grade II-listed manor house (formerly Eynsham Hall) on a substantial estate (tens to hundreds of acres of parkland/woodland, operated as a luxury members' club/hotel). It has two padel courts as part of the extensive leisure offering (alongside spa, gym, etc.), available to members and guests and contributing to the exclusive country-club model.
- **Burghley Park Golf Club (near Stamford, Lincolnshire)** — Historic grounds linked to the Burghley estate. Outdoor padel courts (PadelX) have opened in the parkland setting as a diversification of the golf club's amenities.
- **Broader estate context set out in the UK media** — Farmers Weekly in the UK has reported padel as a profitable farm and rural-estate diversification in England. Examples include courts on farms and estates (e.g., two courts in a converted grain store on the 800 h.a Bromborough Estate in Bedfordshire; plans for indoor/outdoor courts on a large south-east England estate as part of community/placemaking and tax-planning strategies). Operators report installing dozens of courts on farms and rural estates annually.

Context and Pattern

These are typically positioned as complementary leisure uses that draw visitors, support membership or hotel income, or provide a modern activity within historic parkland/settings. They often sit alongside golf, spas, or other sports and are marketed for their scenic/estate ambience. In the UK, padel is explicitly discussed as a farm/estate diversification tool with relatively low capital costs compared with some alternatives and strong demand.

In short, padel is already being used in both jurisdictions as one tool to generate or support income on landed estates.

8.2 Climate Action / Materials & Energy Performance

The DLRCC Planner's Report states that, given the scope of the works, the proposed development does not create undue negative impacts in terms of energy use/performance.

The proposal was considered acceptable in terms of the materials proposed, having regard to the high standards set out in the Building Regulations.

No climate-action or embodied-carbon grounds were raised as reasons for refusal. Similar projects operate on more sensitive estates in Ireland and the UK.

The proposal wholly aligns with the type of use one might expect to find on an historical estate which is trying to manage ongoing maintenance and upkeep costs.

8.3 Residential Amenity – Overshadowing, Overbearing & Overlooking

Saint Annes is located approximately 22 m from the red-line boundary; Rosedale House (Protected Structure) is approximately 29 m away.

Having regard to these separation distances and the scale of the proposal, the Planning Authority concluded that the development would not have any overshadowing, overbearing or overlooking impacts on these dwellings.

Visual impact concerns relating to Cluain House (height of structures up to 8.5 m) were noted but described as secondary; the report explicitly states that, were it not for the substantive reasons for refusal (principle/ecology), this matter could have been addressed by Further Information.

Noise, lighting and activity impacts were raised by third parties but were not elevated by the Planning Authority into primary refusal reasons once departmental reports (EHO / Environmental Enforcement) were considered (see below).

We note that while any planning application made at Clontra receives considerable objection from nearby residents, who, one presumes, mistakenly consider the estate to be somehow self-financing and essentially a de facto public park, this planning application would cause no adverse impacts on any person or property in the surrounding area. Indeed, the Shankill Tennis Club currently causes more impacts and is located closer to more homes.

Some time ago and after this planning application was lodged, BPS received a call from a local man who noted how he was a major player in organising local objections. He asked if we could discuss how the estate could reach some accommodation with the local community. We have no idea what this meant. We made clear that he should note any concerns, if which we didn't anticipate any on Thord Parties in an observation to DLRCC. He said he would do this as he did with the "homeless application" noting over 900 objections to what would be the only homeless accommodation in Shankill.

28 third-party submissions were received and fully summarised; the DLRCC Planner's Report states that all planning issues raised were taken into consideration.

DLRCC notes how the proposal could impact on Cluain House. This house is an estate house operated as part of the Clontra Estate. It is not separately owned or leased out to any person. No occupant of this dwelling could or would be impacted by this scheme as the use or not of the dwelling by any person at any time is wholly at our client's prerogative.

8.3.1 Objector claims as to invalidity

Site notice was confirmed in place and legible on 10/06/2026. BPS replaced one site notice which was torn down by a Third Party.

No validity or statutory-notice defects were identified by the Planning Authority as grounds for refusal (despite third-party concerns).

8.4 Drainage / Surface Water & Wastewater

The DLRCC Drainage Department report (07/07/2026) states no objection subject to standard conditions. Surface-water runoff to be infiltrated locally via soakaway designed to BRE Digest 365 (no overflow); permeable surfacing for hardstanding areas; no discharge of wash-down/waste water from any coffee truck to the surface-water network.

The Planning Authority noted that residual wastewater-capacity clarification (connection via Cluain House) and the coffee-truck anomaly on one drawing could have been resolved by condition or Further Information had the substantive reasons for refusal not existed.

There are no draining concerns which could not be addressed by way of condition. No flood-risk or capacity grounds formed part of the recommended refusal.

8.5 Environmental Enforcement / Construction & Operational Emissions

The Environmental Enforcement (10/06/2026) stated no objection subject to conditions on cumulative noise, odours/air quality, and operational waste management (segregation, pest-proof storage, etc.).

The proposal was considered capable of being undertaken in accordance with normal construction practices.

These matters were therefore treated as controllable by condition rather than as grounds for refusal.

8.6 Environmental Health Officer (EHO)

EHO report (30/06/2026) states no objection subject to conditions controlling construction noise/vibration, operational noise (BS 4142), impulsive tones at night, and adequate waste-storage facilities.

Advisory note only to refer the application to the Biodiversity Officer. This was not raised as a significant concern.

Residential-amenity impacts related to noise and waste were therefore regarded as capable of being mitigated by condition.

8.7 Parking Provision, Cycle Facilities, and Road Access

20 no. car-parking spaces (including 2 accessible) and 14 cycle-parking spaces are proposed, accessed via a new entrance onto the existing driveway to Cluain House.

Quantum of parking was not criticised; the Transportation refusal focused solely on access visibility, intensification and public-safety hazard on Quinn's Road rather than on the number of spaces provided.

The Transportation Planning Section's Report (14 July 2026) recommends refusal solely on public-safety / traffic-hazard grounds under Clause 4 of the Fourth Schedule of the Planning and Development Act 2000.

We consider that these issues should have been addressed by way of a request for Further Information as each of the points raised can be addressed.

The core concerns are:

- Quinn's Road is rural in character and lacks adequate pedestrian and cyclist facilities.
- Dense mature boundary vegetation at the existing entrance prevents adequate intervisibility between emerging vehicles and other road users.
- The intensification of vehicular movements generated by six padel courts (plus 20 car spaces) would create a traffic hazard and obstruction of road users.
- The road is subject to Specific Local Objective (SLO) 18 (Sutton to Sandycove Walkway-Cycleway / National East Coast Trail).
- Granting permission would set an undesirable precedent on a constrained rural road.

An Coimisiún Pleanála can treat these issues as capable of resolution by a combination of additional information (s.132) and conditions attached to a grant. The report does not identify an absolute capacity problem on the wider network or any fundamental incompatibility with SLO 18; the objection is focused on visibility, intensification and vulnerable-road-user safety at this specific entrance.

The following responses would have been given by our client's road engineer were there more time (6 months to address an FI request and not four weeks to present an appeal):

1. Visibility / Sightlines at the Existing Entrance

ACP can address this issue by way of requesting additional information comprising:

- A detailed topographical survey of the entrance and the adjacent boundary vegetation.
- Measured existing visibility splays in both directions (to the nearest metre) and demonstration of the achievable splays after modest vegetation management / set-back.
- A plan showing the precise extent of any boundary thinning, lowering or selective tree works required to achieve the relevant Design Manual for Urban Roads and Streets (DMURS) or TII visibility standards for the posted / design speed of Quinn's Road.
- Confirmation that any such works can be carried out without significant adverse impact on the Protected Structure setting or on trees of high landscape/ecological value (cross-referencing with the arboricultural package requested under the Parks report).

Once acceptable splays are demonstrated, a grant can be conditioned to require:

- Implementation of the approved visibility improvements prior to first use of the development.
- Ongoing maintenance of the sightlines free of obstruction.
- Retention of a landscape buffer outside the required sight triangles so that the rural character of the road is not urbanised.

This directly answers the "lack of intervisibility" point that underpins the refusal recommendation.

2. Intensification of Vehicular Movements and Traffic Generation

ACP can address this issue by way of requesting additional information comprising a Transport Statement or Technical Note that quantifies:

- Expected trip generation for six enclosed padel courts (using comparable Irish or UK data for padel / racket-sport facilities).
- Peak-hour arrivals and departures.
- Distribution of trips (noting the existing driveway to Cluain House).
- Parking accumulation against the 20 spaces provided.

The Commission can then assess whether the absolute increase is material on a low-volume road (also used as the access to Shankill Tennis Club). If the numbers are modest, the intensification concern diminishes. Conditions that can further control intensity include:

- Limitation on operating hours (e.g., no late-evening floodlit sessions that would generate concentrated departures after dark).
- A requirement that all booking systems prioritise car-sharing or public-transport access where feasible.
- A temporary permission (5–7 years) with a requirement to submit a monitoring report on actual traffic volumes before any extension is considered.

3. Pedestrian and Cyclist Safety / Lack of Facilities on Quinn's Road

ACP can address this issue by way of requesting additional information.

Our client acknowledges that the road currently lacks formal footpaths or cycle facilities and that SLO 18 seeks to promote the Sutton to Sandycove route. However, Shankill Tennis Club has been accessed in the same way for decades raising no concerns. Estates are commonly accessed from estate roads. This is a Padel proposal which aligns with an estate use. Because SLO 18 is an objective "to promote" the route rather than a prohibition on development, the Commission can conclude that a carefully controlled scheme need not conflict with it.

ACP can request clarification from our client's roads engineer on how the development will interact with existing informal pedestrian use of the road and the pedestrian lane from Corbawn Estate or it can mitigate the matter by way of condition. Possible mitigation by condition:

- Provision of a short section of shared-surface or pedestrian refuge at the entrance (this is geometrically feasible without urbanising the road).
- Signage and road-marking improvements (warning of the entrance, advisory speed reduction).
- A financial contribution toward the future delivery of the SLO 18 scheme in the vicinity (if the Commission considers this necessary and proportionate).
- Requirement that the development does not prejudice the future alignment or delivery of the walkway-cycleway (as Shankill Tennis Club does not).

4. Precedent and Clause 4 (Fourth Schedule)

The Commission can distinguish the proposal from unrestricted commercial development by attaching conditions that:

- Limit the use strictly to the six padel courts and ancillary facilities described.
- Prevent any further intensification or subdivision without a new permission.
- Tie the permission to the overall estate (similar to the non-subdivision condition used on the earlier house permission at Clontra). This is what is currently proposed.

By resolving the site-specific visibility and intensity issues, the Commission can conclude that a grant would not set an undesirable general precedent for unconstrained development on Quinn's Road.

Recommended Procedural Route for the Commission

Issue a focused s.132 request seeking:

- Visibility splay drawings and any required boundary works.
- Quantified traffic generation and parking accumulation data.
- Details of how the entrance will interact with existing pedestrian movements and the future SLO 18 route.
- On receipt of satisfactory information, grant permission subject to conditions covering:
 - Implementation and permanent maintenance of approved visibility splays.
 - Construction and operational management measures that protect vulnerable road users.
 - Operating hours / intensity controls if considered necessary.
 - Landscape and boundary treatment that preserves the rural character of the road outside the sight triangles.
 - Possible temporary consent with monitoring.

In this way the single refusal ground advanced by Transportation Planning can be overcome without compromising public safety. The issues identified are classic "matters of detail" that An Coimisiún Pleanála routinely resolves by additional information and conditions rather than by upholding a refusal.

This approach would treat our client as fairly as Shankill Tennis Club has been treated over many decades as regards the same access road.

8.8 Secondary / Non-Determinative Issues Explicitly Flagged as Resolvable

8.8.1 Visual bulk/massing

DLRCC raised an issue over the visual bulk/massing of the covered steel structure and questioned the rationale for enclosure versus open courts. These points could have been addressed by Further Information. The project's design aims to make the scheme available all year around. Irish weather is not kind to open courts. Alao closed courts are more easily lit with this lighting not impacting surrounding areas.

8.8.2 Coffee truck illustration

The coffee-truck anomaly on Drawing PL004 (not described in public notices) arises as this was included as an illustration only. No coffee truck forms part of this planning application. It can be removed (if this is deemed required) by condition limiting the permission to what is described in the statutory notices.

8.8.3 Wastewater/water-supply clarification

The Drainage Planning Section raised no objection to the proposed development. The report simply sets out three standard requirements that can be (and routinely are) secured by condition on any grant of permission. None of the points constitute a reason for refusal or require further information that would delay a decision.

As regards the wastewater/water-supply clarification for Cluain House connection, this could have been addressed by Further Information or condition.

8.8.4 Conservation Division matters

The Conservation Division Report (Julie Craig, Senior Executive Conservation Officer, 30 June 2026) is addressable by condition / Additional Information.

The Conservation Division did not recommend refusal. It requested Further Information (Historic Garden & Landscape Consultant assessment). The Planning Authority treated this as reinforcing other concerns and added refusal reason no. 3. We consider this unjustified given that the Conservation Division requested Further Information requiring the applicant to engage a Historic Garden and Landscape Consultant to:

- Appraise the significance of the historic landscape and gardens at Clontra; and
- Assess the impact of the proposed development (enclosed courts, lighting, parking, access works, ancillary structures and fencing) and demonstrate that it will not adversely affect the special character of the site.

As such a report would require a significant expenditure, as noted above, our client decided to submit the planning application to determine if it was acceptable in principle to DLRCC. As ACP can see, DLRCC is opposed on many grounds, but the Conservation Division is not actually one of the main concerns.

Clearly such a report can be provided and there is no realistic way in which the proposals impact adversely on Clontra House and the estate. This is an estate now set within an urban area where there are surrounding developments located closer to Clontra House which DLRCC has deemed acceptable. This proposal aligns with the historic estate use. Many historic estates have ancillary recreational facilities.

This is a classic information deficit that An Coimisiún Pleanála can resolve on appeal either by requesting the appraisal under s.132 or by attaching a pre-commencement condition. Both routes are acceptable; the condition route is set out below as the more efficient means of addressing the point if the Commission is otherwise minded to grant.

Recommended approach and condition

1. Submission of Historic Landscape Appraisal (preferred as additional information or as a pre-commencement condition) Prior to the commencement of development, the developer shall engage a suitably qualified Historic Garden and Landscape Consultant (details of qualifications to be submitted for written agreement) to prepare a full appraisal of the historic landscape and gardens of Clontra House. The appraisal shall:

- Identify and describe the structures, features, planting, boundaries and overall landscape character that contribute to the special interest and setting of the Protected Structure (RPS 1811);
- Assess the impact of the proposed development (including the enclosed padel courts, lighting infrastructure, parking areas, access works, ancillary buildings, fencing and any associated boundary treatments) on that character and setting; and
- Demonstrate that the development, as refined if necessary, will not adversely affect the special character of the Protected Structure or its historic landscape setting.
- The appraisal and any recommended mitigation measures shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The development shall thereafter be carried out in accordance with the agreed appraisal and mitigation measures.

Reason: To protect the special architectural and landscape interest of Clontra House, a Protected Structure of National Importance, and its historic setting, in accordance with Policy Objective HER8 and Section 12.11.2.3 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028 and the Architectural Heritage Protection Guidelines for Planning Authorities.

2. Complementary conditions that can be attached in parallel

All external lighting shall be designed, positioned and cowled so as to minimise light spill onto the wider historic landscape and mature tree canopy. Final lighting details shall be submitted for written agreement prior to installation.

Boundary treatments, fencing and any new structures shall be finished in materials and colours that are visually recessive and compatible with the historic estate character; final details to be agreed in writing.

No subdivision of the development site from the wider demesne of Clontra House shall occur without a prior grant of planning permission (mirroring the non-subdivision condition previously attached by the Commission to the residential permission within the estate).

Conclusion

The Conservation Officer's sole concern is the absence of a proper historic-landscape appraisal to inform and justify the siting and design of the proposal within the grounds of a Nationally Important Protected Structure. This is readily addressed by the condition (or s.132 request) set out above. Once the appraisal is provided and any necessary refinements secured, the proposal can be shown to respect the special character and setting of Clontra House and to comply with the relevant heritage policies of the Development Plan. No residual conservation issue remains that would justify refusal.

8.8.5 There is no planning-enforcement history on the site.

The estate is fully planning compliant and is trying to identify a sustainable future.

8.8.6 Appropriate Assessment Screening

Dún Laoghaire-Rathdown County Council did not conclude that Appropriate Assessment was required.

In the Planner's Report the Planning Authority simply noted: "The proposed development has not been screened for AA, as such the Local authority is unable to determine whether the proposed development would significantly impact upon protected European sites (Natura 2000 network) due to a lack of suitable information."

The Council therefore recorded an information deficit; it did not make a positive determination that Stage 2 Appropriate Assessment (or a Natura Impact Statement) was necessary.

Any request for an Appropriate Assessment Screening Report on appeal is accordingly made solely to enable An Coimisiún Pleanála to carry out its own screening determination, not because the Planning Authority had already indicated that AA was required.

The BPS Planning Application Report notes how this proposal will not likely cause any significant impacts on any Natura 2000 site. Developments at Shankill Tennis Club and in the surrounding areas have all been assessed on this basis.

9.0 Grounds for Appeal

Having reviewed the DLRCC reasons for refusal, the DLRCC Planner's Report, and the DLRCC internal reports (from various Departments), we submit the following Grounds for Appeal against the two issued reasons for refusal.

9.1 Reason for Refusal No. 1

DLRCC did not request Further Information as regards roads matters and has proceeded to refuse for the following reason:

1. The subject site is located on lands zoned Objective GB which seeks "to protect and enhance the open nature of lands between urban areas". The proposed development, comprising 6no. enclosed padel courts, ancillary buildings, lighting infrastructure, fencing, access arrangements, hardstanding and 20no. car parking spaces, would introduce a substantial urbanising form of development on greenfield lands within the Green Belt. Furthermore, the site is located within a mature wooded landscape containing significant tree cover and hedgerow features, forms part of the Glendoo Mountain-Shanganagh Ecological Corridor and is adjacent to a Locally Important Site for Biodiversity. The proposed development would result in the encroachment and fragmentation of an area which contributes significantly to ecological connectivity, biodiversity, landscape character and green infrastructure within the area. The Planning Authority considers that the proposal would neither protect nor enhance the open nature of the lands, would adversely affect the established character and function of the Green Belt and would be detrimental to biodiversity, ecological connectivity, mature tree cover and green infrastructure. The proposal is therefore contrary to the Objective GB zoning for the lands as it is contrary to Policies GIB18, GIB20, GIB22, GIB23, GIB25 and GIB27 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

9.1.1 Grounds for Appeal against Reason for Refusal No. 1

Our client respectfully submits that this conclusion is not justified and that the proposal is compatible with the GB zoning objective and the cited green-infrastructure and biodiversity policies when properly assessed as follows:

1. Principle of Development – Sports Facilities are Open for Consideration on GB Lands

Under the County Development Plan, "Sports Facilities" are expressly listed as Open for Consideration on lands zoned Objective GB. The definition of Sports Facilities in the Plan includes land used for organised and competitive activity that promotes physical activity and well-being (explicitly encompassing tennis clubs and similar racket-sport facilities).

Six enclosed padel courts with modest ancillary changing/toilet/storage structures fall squarely within this definition. The principle of the use is therefore acceptable, provided the development is compatible with the overall policies and objectives of the zone and does not have undesirable effects. The Planning Authority's

characterisation of the proposal as an inherently "urbanising" form of development that is incapable of being compatible with GB zoning is inconsistent with the Plan's own land-use matrix.

Concerns arise that DLRCC's own plans for this area and its own preferences that, in essence, our client provide a public park for the enjoyment of the surrounding area, has coloured the assessment of this planning application to date. In what way is this scheme any different than sports facilities being allowed on Objective GB lands elsewhere in the county? The DLRCC position appears designed to sterilise the estate's lands.

2. Scale, Intensity and "Open Nature" of the Lands

The application site measures only 0.348 ha within a much larger historic demesne. The development is low-intensity recreational use comprising open courts (albeit enclosed by transparent netting/fencing), limited single-storey ancillary buildings, 20 car spaces and 14 cycle spaces. It does not introduce significant built form, residential density, or commercial floorspace.

The open character of the wider Green Belt between Shankill and Bray is not materially compromised by a discrete, low-rise recreational facility located in the southern portion of the estate, adjacent to existing development (Cluain House) and accessed via an existing driveway. The proposal retains the substantial majority of the wooded landscape and does not result in the urbanisation of the Green Belt in the manner contemplated by the zoning objective.

3. Ecological Connectivity, Biodiversity and Tree Cover

It is accepted that the wider Clontra lands contain mature trees (including eight "tree icons" on the Development Plan map), form part of the Glendoo Mountain-Shanganagh Ecological Corridor, and lie adjacent to a Locally Important Site for Biodiversity. These are important considerations. However:

The original application did not include a full Ecological Impact Assessment or BS 5837 arboricultural survey. This information deficit could, if ACP considers it necessary for what is a recreational scheme, be remedied on appeal by the submission of a comprehensive EclA (including surveys for habitats, bats, birds, mammals, hydrology and invasive species) and a full arboricultural package.

Once that information is available, the Commission will be able to assess the actual (as opposed to assumed) impact on ecological connectivity and tree cover. SSA Architects note that considerable effort has been made to site the scheme around Cluain House where it will not have any significant impact on trees and vegetation. This is an area where a house has previously been built and occupied with associated residential gardens.

Any residual impact can be mitigated by conditions requiring tree protection, no-dig construction techniques, compensatory native planting, sensitive lighting design ("dark zones"), and biodiversity enhancement measures.

The proposal does not involve the wholesale clearance of woodland or the severing of the ecological corridor. The courts occupy a limited footprint; the majority of the mature canopy and connecting vegetation can be retained.

Policies GIB18, GIB20, GIB22, GIB23, GIB25 and GIB27 require the protection and enhancement of biodiversity and green infrastructure. They do not impose an absolute prohibition on all development. A carefully designed, mitigated recreational scheme that retains the majority of high-value trees and ecological features, incorporates native planting and sensitive lighting, and strengthens rather than fragments connectivity is capable of complying with these policies.

4. Demonstrable Need and Alternative Locations

The Planning Authority and Parks Department noted the recent provision of padel courts at the adjacent Shankill Tennis Club. While this is relevant, it does not render the present proposal unnecessary or unacceptable in principle. Indeed, the Development Management Guidelines make clear that the planning system should not create an "uneven playing field for economic operators". That is, just because one landowner operates a given business nearby should not preclude another landowner for applying to operate the same type of business, etc. It is equally of concern that DLRCC would use the argument that the local community may have enough Padel facilities when few communities ever themselves argue they have enough of any facility. Here DLRCC refers to existing Padel facilities in a tennis club in which one must be a member to book a court (there are barriers to entry). The current proposal is for fully publicly available courts where users do not have to be members.

Demand for padel facilities continues to grow rapidly across Ireland. The proposal offers a different type of facility (enclosed courts within a historic estate setting) that can complement rather than duplicate existing provision.

The suggestion that alternative open areas exist within the wider estate is noted. Our client is prepared to demonstrate, through the additional landscape and arboricultural information, that the chosen location has been

optimised to minimise impact on the highest-value trees and ecological features while remaining functionally and visually appropriate.

5. Precedent of Recreational Use on Historic Estates

Padel and similar racket-sport facilities have been successfully accommodated on historic landed estates and country houses in both Ireland and the United Kingdom (including Adare Manor, Castle Durrow, Galgorm Castle, Kingfisher Country Estate, Estelle Manor and others). In each case the use has been accepted as a legitimate means of sustaining the economic viability of the estate while preserving its core architectural and landscape significance. The present proposal follows the same established pattern.

Conclusion on Reason No. 1

The proposal is a low-intensity sports facility that is *Open for Consideration* on GB-zoned land. It does not introduce a substantial urbanising form of development, does not destroy the open character of the Green Belt, and (once proper ecological and arboricultural information is provided and appropriate mitigation is secured by condition) will not cause unacceptable harm to biodiversity, ecological connectivity, mature tree cover or green infrastructure.

The proposal is therefore compatible with Objective GB and with Policies GIB18, GIB20, GIB22, GIB23, GIB25 and GIB27 of the County Development Plan. Refusal Reason No. 1 is not justified and should not be upheld.

Our client requests that the Commission grant permission subject to conditions addressing tree protection, ecological mitigation, landscape treatment, lighting, and the other technical matters already identified in the departmental reports.

9.2 Reason for Refusal No. 2

DLRCC did not request Further Information as regards roads matters and has proceeded to refuse for the following reason:

2. Due to endangerment of public safety as a result of additional traffic and vulnerable road users associated with the proposed development and the precedent which the proposed development would set on Quinn's Road, which do not currently have adequate pedestrian / cyclist facilities - i.e. the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, as per Clause 4 of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.

9.2.1 Grounds for Appeal against Reason for Refusal No. 2

Section 8.8 of this report responds to the DLRCC Transportation Planning Report. The following points respond to the issued reason for refusal.

The Planning Authority refused permission on the basis that the development would endanger public safety by reason of traffic hazard or obstruction of road users (Clause 4 of the Fourth Schedule), citing intensification of vehicular movements, lack of intervisibility at the existing entrance, absence of pedestrian/cyclist facilities on Quinn's Road, and the setting of an undesirable precedent. The road is also subject to Specific Local Objective (SLO) 18 relating to the Sutton to Sandycove Walkway-Cycleway.

These concerns are capable of being fully addressed and do not warrant refusal.

- **Visibility and intervisibility** - The existing entrance is constrained by mature boundary vegetation. This is a matter of detail that can be resolved by modest, carefully controlled works to achieve the necessary sightlines in both directions without urbanising the rural character of the road or causing significant harm to trees of high landscape or ecological value. On request by ACP, our client is prepared to submit on request (as there has not been time to appoint a consultant road engineer in four weeks) measured visibility drawings, a topographical survey, and a precise plan of any selective vegetation management required. Any such works can be secured by condition requiring implementation prior to first use and ongoing maintenance of the sightlines free of obstruction. Once adequate intervisibility is provided, the principal technical basis for the traffic-hazard finding is removed.
- **Traffic generation and intensification** - Six enclosed Padel courts served by 20 car-parking spaces will generate a modest and predictable level of traffic. Comparable racket-sport facilities in Ireland and the UK demonstrate that peak-hour movements are limited and spread across the day rather than concentrated in

short peaks. On request by ACP, our client is prepared to submit on request (as there has not been time to appoint a consultant road engineer in four weeks) a short Transport Statement quantifying expected trip generation, distribution and parking accumulation. The absolute increase on a low-volume rural road is not material. Operating hours can be controlled by condition if the Commission considers this necessary to avoid any late-evening concentration of departures.

- **Vulnerable road users and pedestrian/cyclist facilities** - It is accepted that Quinn's Road currently lacks formal footpaths or cycle facilities and functions in part as an informal continuation of the pedestrian route from Corbawn Estate. The development does not preclude the future delivery of SLO 18; on the contrary, a carefully designed entrance can be made compatible with that objective. Conditions can require appropriate signage, any minor local improvements at the entrance that assist pedestrian safety, and a financial contribution toward the future delivery of the walkway-cycleway in the vicinity if the Commission considers this proportionate. The proposal does not obstruct or prejudice the achievement of SLO 18.
- **Precedent** - A grant of permission subject to the controls outlined above would not set an undesirable general precedent. The permission can be limited strictly to the six courts and ancillary facilities described, tied to the overall estate (preventing subdivision or further intensification without a fresh application), and, if considered appropriate, granted on a temporary basis with a requirement to submit monitoring data on actual traffic volumes before any extension is sought. These measures ensure the decision is site-specific and does not open the road to unconstrained development.

Conclusion on Reason No. 2

The traffic and public-safety concerns identified by the Planning Authority are classic matters of detail that An Coimisiún Pleanála routinely resolves by additional information and conditions. Once visibility is secured, traffic generation is quantified and intensity is controlled, the proposal will not endanger public safety by reason of traffic hazard or obstruction of road users. Refusal under Clause 4 of the Fourth Schedule is therefore not justified. The existing road entrance already serves a dwelling and there is no record of any vehicular accident ever arising at this location where traffic speeds are very slow.

Note: While BPS understands that ACP maintains an expectation that sufficient information is provided with a planning application to allow a decision to be made, we submit, with respect, that given the nature of the proposed use, DLRCC should reasonably have requested Further Information on technical matters such as roads. The concerns raised by the DLRCC Transportation Planning Section would not normally be grounds for straight refusal. The issue is the context. DLRCC's preference is for the access road serving Clontra House, the wider estate, Shankill Tennis Club, and other dwellings along its length, to essentially become a pedestrian path and cycle lane. There is no way for this to be achieved without working with our client and with other property owners served by this road. We ask that ACP give detailed consideration to anticipating how this access road future can best be achieved including as regards the future delivery of SLO 18 while not stymieing the sustainability of Shankill Tennis Club and the Contra Estate. In Section 11.0 of this report, we have suggested how our client could be asked for additional information which would allow these matters to be fully addressed to the benefit of our client, of DLRCC, of local residents, and of others. Essentially arguing for the sterilisation of large areas of the Clontra Estate will not contribute to its sustainability and ongoing maintenance.

9.3 Reason for Refusal No. 3

DLRCC did not request Further Information as regards roads matters and has proceeded to refuse for the following reason:

3. The Planning Authority considers that the proposal detracts from the historic landscape character and setting of Clontra House a Protected Structure of National Importance and would result in an inappropriate subdivision and urbanisation of its historic grounds. The proposal would therefore adversely affect the character and setting of a Protected Structure and would be contrary to the heritage policies and objectives of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and contrary to the proper planning and sustainable development of the area.

9.3.1 Grounds for Appeal against Reason for Refusal No. 3

The Planning Authority refused permission on the basis that the proposal detracts from the historic landscape character and setting of Clontra House (a Protected Structure of National Importance), would result in an inappropriate subdivision and urbanisation of its historic grounds, and would be contrary to the heritage policies of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

This conclusion is not supported by a full and balanced assessment of the proposal in its context.

National significance and designed landscape

Clontra House is correctly identified as a structure of National Importance in the NIAH and is a Protected Structure (RPS 1811). Its significance derives not only from the house itself (designed by Deane & Woodward) but also from its associated glasshouse, outbuildings, walled garden and the wider designed landscape. Our client fully accepts the duty to protect that special interest. The application site, however, occupies a discrete southern portion of the wider estate, adjacent to Cluain House and the existing driveway, rather than the core formal setting immediately surrounding the principal house. The proposal does not involve works to the Protected Structure itself, nor does it remove or alter any of the key architectural features that contribute to its special interest.

A careful siting exercise was undertaken by SSA Architects prior to preparing the planning drawings. The subject site is the best location for this scheme. ACP is invited to visit Clontra House and to walk along the access road and to review all locations from which this scheme could be accessed by a vehicle other than the Clontra House entrance itself. There is only one possible choice, and this is the one selected. This is essentially the area designated within the estate for Cluain House.

Subdivision and urbanisation

The development does not constitute a harmful subdivision of the historic demesne. Access is taken from the existing driveway serving Cluain House; the courts and parking are contained within a limited red-line area; and the wider estate remains in single ownership. A condition can expressly prevent the sale or conveyance of the development site separately from the demesne without a prior grant of permission (mirroring the approach taken by the Commission on the earlier residential permission within the estate). The physical form of the proposal—six enclosed courts with modest ancillary structures, parking and landscaping—is a low-intensity recreational use that is already “*Open for Consideration*” on GB-zoned land. It does not introduce a significant quantum of buildings, hardstanding or residential density that would urbanise the estate in the manner of the refused family-hub proposal on the main house.

Landscape character and tree cover

The southern portion of the site contains mature trees that form part of the wider sylvan character of the demesne. The absence of a full BS 5837 arboricultural survey in the original application is acknowledged. As noted above, our client is prepared to submit a comprehensive survey, impact assessment, tree-protection plan and method statement covering all trees within 15 m of the red line and inside the blue-line boundary.

This will enable the Commission to satisfy itself that high-value trees can be retained, that any necessary removals are minimised, and that compensatory native planting can be provided. Landscape proposals can be refined to reinforce the estate character rather than erode it. Once this information is available, any residual impact on landscape character can be properly weighed and, if necessary, mitigated by condition.

Policy compliance

The proposal is consistent with the heritage policies of the County Development Plan once the detailed landscape and tree information is provided and appropriate conditions are attached. It does not conflict with the objective of protecting the special interest of the Protected Structure or its setting.

These examples demonstrate that such facilities can be compatible with Protected Structures and designed landscapes when properly mitigated.

Recreational use of parts of historic demesnes, including racket-sport facilities, is a recognised and accepted means of sustaining the economic viability of such estates in both Ireland and the United Kingdom, provided the core architectural and landscape significance is safeguarded. The present proposal can meet that test.

Conclusion on Reason No. 3

The concerns regarding historic landscape character and setting are capable of being resolved by the submission of a full arboricultural and landscape package and by the attachment of conditions that:

- protect retained trees and secure compensatory planting;
- prevent subdivision of the demesne;
- control the detailed design, materials and lighting of the courts and ancillary structures; and
- ensure the development remains visually subordinate within the wider estate landscape.

On this basis the proposal will not adversely affect the character or setting of Clontra House and will not be contrary to the heritage policies of the Development Plan or to the proper planning and sustainable development of the area.

10.0 Conclusion

The proposed development at Clontra House Estate provides for the provision of six purpose-built enclosed padel courts together with modest ancillary facilities, parking and associated works. The proposal represents a qualitative and appropriate recreational use of a discrete portion of the wider estate, replacing underutilised open space with a modern sports facility.

As a sports facility, the proposed use is expressly listed as *Open for Consideration* under the Objective GB zoning in the Dún Laoghaire-Rathdown County Development Plan 2022–2028. The development is therefore acceptable in principle, subject to appropriate design, mitigation and conditions. It constitutes a policy-aligned use of the site that is compatible with the proper planning and sustainable development of the area.

Our client respectfully submits that the three reasons for refusal advanced by the Planning Authority are not justified and can be overcome as follows:

- **Reason 1 (GB zoning, biodiversity, trees and green infrastructure)** – The proposal is a low-intensity sports use that is *Open for Consideration* on GB-zoned land. It does not introduce a substantial urbanising form of development, does not destroy the open character of the Green Belt, and (once comprehensive ecological and arboricultural information is provided and appropriate mitigation is secured by condition) will not cause unacceptable harm to biodiversity, ecological connectivity, mature tree cover or green infrastructure. It is therefore compatible with Objective GB and Policies GIB18, GIB20, GIB22, GIB23, GIB25 and GIB27.
- **Reason 2 (public safety / traffic hazard)** – The concerns regarding visibility, intensification and vulnerable road users on Quinn's Road are matters of detail that can be fully resolved by the submission of measured sightline drawings, quantified traffic generation data, and conditions requiring the implementation and maintenance of adequate visibility splays, together with appropriate controls on intensity and operating hours. The proposal will not endanger public safety by reason of traffic hazard or obstruction of road users.
- **Reason 3 (historic landscape character and setting of Clontra House)** – The proposal occupies a limited southern portion of the demesne and does not affect the core architectural features of the Protected Structure. Any potential impact on the historic landscape setting can be properly assessed and mitigated through the submission of a Historic Garden and Landscape Appraisal and by conditions protecting retained trees, controlling lighting, materials and boundary treatments, and preventing subdivision of the demesne.

In summary, the proposed development is wholly appropriate at this location and should be supported by An Coimisiún Pleanála on the grounds that:

- It is compliant with national and regional planning objectives, including the Revised National Planning Framework, the Regional Spatial and Economic Strategy for the Eastern and Midland Region, and the Dún Laoghaire-Rathdown County Development Plan 2022–2028.
- It contributes positively to the provision of high-quality sporting facilities in the Shankill area and complements the existing concentration of recreational uses (including the nearby Shankill Tennis Club).
- It will not cause adverse impacts on the residential amenity of nearby properties.
- It will generate local employment and support the sustainable use of a historic estate.
- All technical and environmental issues raised by the Planning Authority and its internal consultees are capable of being satisfactorily addressed by additional information and/or conditions.

Having regard to the foregoing, it is contended that the proposal is justified at this location and accords with the proper planning and sustainable development of the area. Our client therefore respectfully requests that An Coimisiún Pleanála grant permission for the proposed development, subject to appropriate conditions.

The appellant trusts this is in order and remains available to address any queries the Commission may have

11.0 Recommendation

Having regard to the foregoing assessment, it is respectfully submitted that the decision of Dún Laoghaire-Rathdown County Council to refuse permission should be overturned and that planning permission should be granted. The proposed development is a low-intensity sports facility that is *Open for Consideration* on lands zoned Objective GB. All of the substantive issues raised in the three reasons for refusal (compatibility with the Green Belt objective and green-infrastructure/biodiversity policies, public safety on Quinn's Road, and impact on the historic landscape setting of Clontra House) are capable of being satisfactorily addressed either by the submission of additional information under section 132 of the Planning and Development Act 2000 (as amended) or, in the alternative, by the attachment of appropriate conditions.

Our client therefore invites the Commission to adopt one of the following two approaches:

(A) Issue a section 132 notice requesting the additional information set out in section 11.1 below. Once that information has been submitted and found acceptable, the Commission can grant permission subject to the conditions set out in section 11.1.1; or

(B) Grant permission on the basis of the information already before the Commission, subject to the conditions set out in section 11.2.

In either case, our client is satisfied that the proposal accords with the proper planning and sustainable development of the area and that a grant of permission, subject to the safeguards outlined, would be appropriate.

11.1 Possible Section 132 additional information request items

Our client respectfully submits that four weeks is not sufficient time in mid-summer to prepare an appeal which is accompanied by additional Information which can address the various planning matters raised by DLRCC. We respectfully ask that the Commission issues a Section 132 request for the following items of additional information. This will address the deficiencies in the DLRCC assessment which failed to ask for Further Information despite the proposed use being *Open for Consideration*:

The Commission could find that it is of the opinion that, in the particular circumstances of this appeal, the following additional information is necessary for the purpose of enabling it to determine the appeal. Pursuant to section 132 of the Planning and Development Act 2000, as amended, our client could be required to submit the following:

1. A comprehensive Ecological Impact Assessment (EcIA) prepared in accordance with CIEEM guidelines (September 2024 or later), based on up-to-date surveys undertaken at optimal seasonal periods by appropriately qualified specialists. The EcIA shall include, *inter alia*:
 - Detailed habitat and vegetation survey (including tree and hedgerow assessment);
 - Dedicated surveys for bats, breeding birds, non-volant mammals and herpetofauna;
 - Assessment of potential impacts on the Shanganagh River & Cliffs (Locally Important Site for Biodiversity), the Glendoo Mountain-Shanganagh Ecological Corridor, the coastal zone, and any European Sites within the Zone of Influence;
 - Assessment of hydrology/hydrogeology (including potential impacts on tufa spring habitats);
 - Assessment of invasive species;
 - Assessment of the landscape and lighting proposals; and
 - Identification of biodiversity enhancement measures and a monitoring programme.
2. An Appropriate Assessment Screening Report (and Natura Impact Statement if required) prepared in accordance with current national and EU guidance (Note: DLRCC did not conclude that Appropriate Assessment was required; it merely recorded that no screening report had been submitted and therefore it was unable to determine the issue. The request is made solely to enable the Commission to carry out its own screening determination.)
3. A full BS 5837:2012-compliant Arboricultural Survey and Impact Assessment covering all trees within 15 metres of the red-line boundary and inside the blue-line estate boundary. This shall comprise:
 - Tree Constraints/Survey Plan (tagged trees, RPAs, crown spreads and categories);
 - Arboricultural Impacts Assessment Plan (development overlaid, trees coded for retention/removal, services shown);
 - Tree Protection Plan; and
 - Written survey schedule and Arboricultural Method Statement (including no-dig/cellular confinement techniques where relevant). The survey shall be prepared by a qualified arboriculturist whose name and qualifications are stated, and the date of survey shall be provided.
4. A Historic Garden and Landscape Appraisal prepared by a suitably qualified Historic Garden and Landscape Consultant. The appraisal shall identify and describe the structures, features, planting, boundaries and overall landscape character that contribute to the special interest and setting of Clontra House (Protected Structure RPS 1811 / NIAH National Importance) and shall assess the impact of the proposed development (including the enclosed courts, lighting, parking, access works, ancillary structures and fencing) on that character and setting.
5. Visibility splay drawings (to a recognised scale) demonstrating the achievable sightlines in both directions at the existing vehicular entrance onto Quinn's Road, together with details of any boundary vegetation management or set-back required to achieve adequate intervisibility. A short Transport Statement quantifying

expected trip generation, peak-hour movements and parking accumulation for the proposed six padel courts shall also be submitted.

6. Revised site layout plans (if necessary) and a Construction Management Plan clearly identifying the proposed site compound, construction access arrangements, haulage routes, and measures to protect retained trees and ecological features during construction.
7. A comprehensive Landscape Masterplan for the application site (and, where relevant, adjoining estate lands) showing soft and hard landscape proposals, SuDS features, lighting, seating and boundary treatments, with an emphasis on native and pollinator-friendly species.

11.1.1 Possible conditions to address DLRCC concerns – with Section 132 detail

The following conditions could address the issues raised in the refusal reasons and departmental reports issued by DLRCC if the Commission grants permission after seeking further information under Section 132:

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 27 May 2026, as amended by the further plans and particulars submitted to An Coimisiún Pleanála on **insert date of s.132 response**, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree those details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2. The development shall be carried out in accordance with the Arboricultural Method Statement, Tree Protection Plan and associated drawings submitted to the Commission on **insert date**. All trees shown for retention shall be protected for the duration of construction works by the protective fencing and other measures detailed in the agreed Tree Protection Plan. No works shall take place within the Root Protection Areas of retained trees except in accordance with the no-dig / cellular-confinement techniques specified in the Method Statement. Reason: To protect trees of significant landscape, ecological and heritage value in accordance with the County Development Plan 2022–2028 and the DLR TREES Strategy 2023–2030.
3. The comprehensive Landscape Masterplan and associated specifications submitted to the Commission on **insert date** shall be implemented in full within the first planting season following substantial completion of the development. Any trees or plants that die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. An 18-month defects liability and maintenance period shall apply. Reason: In the interest of visual amenity, biodiversity and the protection of the historic landscape setting of Clontra House.
4. The development shall be carried out in accordance with the mitigation measures set out in the Historic Garden and Landscape Appraisal submitted to the Commission on **insert date**. All external materials, finishes, fencing, gates and lighting shall be implemented in accordance with the details approved pursuant to that appraisal. Reason: To protect the special architectural and landscape interest of Clontra House, a Protected Structure of National Importance, and its historic setting, in accordance with Policy Objective HER8 and Section 12.11.2.3 of the County Development Plan 2022–2028.
5. All mitigation, enhancement and monitoring measures set out in the Ecological Impact Assessment (and any associated documents) submitted to the Commission on **insert date** shall be implemented in full. A monitoring report, if required by the EclA, shall be submitted to the planning authority within the timeframe specified in that assessment. Reason: To protect biodiversity, ecological connectivity and the Glendoo Mountain–Shanganagh Ecological Corridor in accordance with Policies GIB18, GIB20, GIB22, GIB23, GIB25 and GIB27 of the County Development Plan 2022–2028.
6. Prior to first use of the development, the visibility splays at the vehicular entrance onto Quinn's Road shall be provided in accordance with the drawings and details submitted to the Commission on **insert date**. The splays shall thereafter be permanently maintained free of any obstruction. Reason: In the interest of traffic safety and to ensure adequate intervisibility between emerging vehicles and other road users.
7. Restriction on Use and Hours of Operation (a) The development shall be used only for the purposes of padel courts and associated ancillary facilities as described in the public notices and further information. (b) The hours of operation shall be restricted to between 08:00 and 22:00 daily, unless otherwise agreed in writing with the planning authority. Reason: In the interest of traffic safety and the residential amenities of property in the vicinity.
8. Non-Subdivision of the Demesne The development shall not be subdivided or otherwise separated from the demesne of Clontra House and shall not be sold or conveyed save as part of the demesne without a prior

grant of planning permission. Reason: To protect the architectural integrity and heritage value of the Protected Structure and its historic grounds, and in the interest of the proper planning and sustainable development of the area.

9. Lighting External lighting shall be installed and operated strictly in accordance with the lighting design and "dark zone" measures submitted to the Commission on [insert date] and agreed as part of the Ecological Impact Assessment and Historic Landscape Appraisal. Reason: To protect biodiversity (particularly nocturnal species), residential amenity and the character of the historic landscape.
10. Surface Water Drainage (a) Surface-water runoff shall be disposed of within the site to a soakaway designed in accordance with BRE Digest 365 and the details submitted with the application / further information, and shall not be discharged to the public sewer. (b) All parking and hardstanding areas shall be constructed in permeable materials. (c) No wash-down or waste water from any catering facility shall be discharged to the surface-water drainage system. Reason: In the interest of sustainable drainage and environmental protection.
11. Construction Management The development shall be carried out in accordance with the Construction Management Plan submitted to the Commission on [insert date], including all measures for tree protection, ecological safeguarding, construction traffic routing and site compound location. Reason: In the interest of traffic safety, tree protection, residential amenity and environmental protection.
12. The 20 no. car parking spaces (including 2 no. accessible spaces) and 14 no. cycle parking spaces shown on the drawings shall be provided prior to first use of the development and shall be permanently retained for the parking of vehicles and bicycles associated with the development. Reason: In the interest of traffic safety and to ensure adequate parking provision.

11.2 Possible conditions to address DLRCC concerns – without Section 132 detail

The following conditions could address the issues raised in the refusal reasons and departmental reports issued by DLRCC if the Commission grants permission without seeking further information under Section 132:

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 27 May 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree those details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2. All trees shown to be retained on the drawings submitted with the application shall be protected during construction. Prior to the commencement of development, details of the tree protection measures (including the location and specification of protective fencing) shall be submitted to, and agreed in writing with, the planning authority. The agreed measures shall be implemented in full for the duration of construction works. Reason: To protect existing trees of landscape and amenity value.
3. The landscaping scheme shown on the drawings submitted with the application shall be implemented in full within the first planting season following completion of the development. Any trees or plants that die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. Reason: In the interest of visual amenity and the character of the area.
4. Prior to the commencement of development, details of the external materials, colours and finishes of the ancillary structures, fencing, gates and any other above-ground elements shall be submitted to, and agreed in writing with, the planning authority. The materials and finishes shall be recessive in character and compatible with the setting of the Protected Structure. Reason: In the interest of visual amenity and to protect the character and setting of Clontra House, a Protected Structure.
5. All external lighting shall be designed and installed so as to minimise light spill beyond the site boundaries and onto retained vegetation. Prior to the installation of any lighting, details of the proposed lighting scheme (including locations, heights, luminaires and lux levels) shall be submitted to, and agreed in writing with, the planning authority. Reason: In the interest of residential amenity, biodiversity and the character of the area.
6. Prior to first use of the development, the existing vehicular entrance onto Quinn's Road shall be modified as necessary to provide adequate visibility in both directions. Details of the required works (including any boundary treatment or vegetation management) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the works. The visibility splays shall thereafter be maintained free of obstruction. Reason: In the interest of traffic safety.

7. Restriction on Use and Hours of Operation (a) The development shall be used only for the purposes of padel courts and associated ancillary facilities as described in the public notices. (b) The hours of operation shall be restricted to between 08:00 and 22:00 daily, unless otherwise agreed in writing with the planning authority. Reason: In the interest of traffic safety and the residential amenities of property in the vicinity.
8. The development shall not be subdivided or otherwise separated from the demesne of Clontra House and shall not be sold or conveyed save as part of the demesne without a prior grant of planning permission. Reason: To protect the character and setting of the Protected Structure and in the interest of the proper planning and sustainable development of the area.
9. Surface Water Drainage (a) Surface water runoff from the development shall be disposed of within the site to a soakaway designed in accordance with BRE Digest 365 and shall not be discharged to the public sewer. (b) All parking and hardstanding areas shall be constructed in permeable materials. (c) No wash-down or waste water from any catering facility shall be discharged to the surface-water drainage system. Reason: In the interest of public health and to ensure a proper standard of development.
10. Prior to the commencement of development, a Construction Management Plan shall be submitted to, and agreed in writing with, the planning authority. The plan shall include details of construction access, site compound location, parking for construction workers, and measures to protect trees and the amenities of adjoining property. The development shall be carried out in accordance with the agreed plan. Reason: In the interest of traffic safety and the amenities of the area.
11. The 20 no. car parking spaces (including 2 no. accessible spaces) and 14 no. cycle parking spaces shown on the drawings shall be provided prior to first use of the development and shall be permanently retained for the parking of vehicles and bicycles associated with the development. Reason: In the interest of traffic safety and to ensure adequate parking provision.

Signed:

Brendan Buck

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Members of the Irish Planning Institute

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