THORNTON O'CONNOR
TOWN PLANNING

First Party Appeal

Prepared in Respect of Dún Laoghaire – Rathdown County Council's Decision to Refuse Permission for the Development of a Nursing Home and 2 No. Senior Living Houses at a c. 0.87 Ha Site Comprising Rose Cottage, No. 26 Cherrywood Road, Shankill, Dublin 18 and Undeveloped Lands to the East

On Behalf of Midsal Homes Limited

DLRCC Reg. Ref. D26A/0638/WEB

13th November 2026

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1.0 INTRODUCTION

Thornton O'Connor Town Planning[1] have been retained by Midsal Homes Limited[2] (Applicant) to prepare this First Party Appeal against Dún Laoghaire – Rathdown County Council's (DLRCC) Decision to Refuse Permission for the development of a 78 No. bedroom nursing home and 2 No. senior living houses at an approximately 0.87 Ha site comprising Rose Cottage, No. 26 Cherrywood Road, Shankill, Dublin 18, D18P4A7 and undeveloped lands to the east of Rose Cottage which are generally bound: to the north-east by residential properties along Bray Road, to the south-east by the grounds of St. Columcille's Hospital and woodland, to the south-west by No. 25 Cherrywood Road, and to the north-west by residential properties along Cherrywood Road.

1.1 Summary of Development

The proposed development, as described in the Statutory Notices submitted with the planning application, is as follows:

> *"Midsal Homes Limited intend to apply for permission for development at this c. 0.84 Ha site comprising Rose Cottage, No. 26 Cherrywood Road, Shankill, Dublin 18, D18P4A7 and undeveloped lands to the east which are separated from Rose Cottage by Loughlinstown River and are generally bound: to the north-east by residential properties along Bray Road, to the south-east and south by the grounds of St. Columcille's Hospital and woodland, to the south-west by No. 25 Cherrywood Road, and to the north-west by residential properties along Cherrywood Road.*
>
> *Works are also proposed along Cherrywood Road comprising a new wastewater and watermain connection into the existing network; the removal of the existing vehicular entrance to Rose Cottage; the provision of a new entrance onto Cherrywood Road; the provision of a new controlled pedestrian crossing; the setting back of the boundary to widen the existing 1.8-metre-wide footpath up to 2.9-metres; and the localised narrowing of a portion of the carriageway along the site frontage from approximately 6-metres to 5.5-metres. The total site area of the development site and infrastructure works measures c. 0.87 Ha.*
>
> *The development will principally consist of the construction of a split-level part 2 No. to part 3 No. storey Nursing Home (including partial undercroft) comprising 78 No. bedrooms and ancillary facilities (c. 3,898 sq m); and 2 No. single storey, 2 No. bed 'Senior Living' houses (c. 83 sq m each).*
>
> *The development also comprises: a road bridge over Loughlinstown River from the proposed new entrance along Cherrywood Road; 26 No. car parking spaces comprising 18 No. spaces at surface level and 8 No. spaces within the partial undercroft; cycle parking spaces; motorcycle spaces; a bin store, cycle store and plant room (c. 109 sq m); ESB sub-station and switch room; communal winter gardens facing west and south-east; pumping station; lighting; lift overrun; PV panels; green roof; signage; boundary treatments; hard and soft landscaping; and all other associated site and development works above and below ground. The total gross floor area of the proposed development is c. 4,173 sq m."*

[1] No. 1 Kilmacud Road Upper, Dundrum, Dublin 14.
[2] Suite 112, Q House, No. 76 Furze Road, Sandyford, Dublin 18

1.2 Dún Laoghaire – Rathdown County Council Decision

DLRCC issued a Notification of Decision to Refuse Permission on 20th October 2026 for the development due to the following 2 No. reasons:

> *"1. Having regard to the location of the site within the Rathmichael Framework Plan area, the active progression of the Rathmichael Framework Plan intended towards a Draft Plan publication in 2027, the requirement under the Dún Laoghaire-Rathdown County Development Plan 2022-2028 (as varied) for the coordinated and plan-led development of the Rathmichael area, and the need to determine the appropriate scale, phasing and supporting infrastructure necessary to facilitate future growth, it is considered that the proposed development would be premature and would prejudice the comprehensive and coordinated development of the wider Rathmichael area. The proposed development would therefore be contrary to Sections 2.4.6: Phasing and 2.6.1.3: Local Area Plan Making Programme of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 (as varied) and would be contrary to the proper planning and sustainable development of the area.*
>
> *2. Having regard to the site location and the poor quality of pedestrian connections as a result of deficient footpath and active travel infrastructure linking to the site, it is considered that the development would fail to provide safe and accessible means of pedestrian access to and from the development suitable to serve the proposed nursing home and assisted living accommodation. The proposed development would therefore be prejudicial to pedestrian safety and contrary to Section 12.3.8.2 : Nursing Homes/Assisted Living Accommodation of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 (as varied), which requires nursing homes and assisted living accommodation to be served by the provision of good footpath links, and contrary to the proper planning and sustainable development of the area."*

The purpose of this First Party Appeal is to seek that An Coimisiún Pleanála overturns the Planning Authority's Decision and Grant Permission for the proposed development.

Refusal Reason No. 1 is addressed in this document, whilst Refusal Reason No. 2 is addressed separately in OCSC's Report.

In summary, the grounds of the Appeal for Refusal Reason No. 1 are as follows:

1) The proposed development is not premature as no specific stated timeframe has been given for the completion of the Rathmichael Framework Plan. It is noted that DLR utilised this reason for refusal in the 2023 application on the subject site and there is still no publication of a draft Rathmichael LAP or Issues Paper for same.

2) Sections 2.4.6 and 2.6.1.3 of the *Dún Laoghaire-Rathdown County Development Plan 2022-2028* (as varied) ('Development Plan') govern the phasing of new residential communities on A1 zoned lands, but the proposed development is health and social care infrastructure on lands zoned Sustainable Neighbourhood Infrastructure.

3) The site is a self-contained infill site, physically separated from all other developable lands and does not require, and could not form part of, co-ordinated development with adjoining lands. Thus, there is nothing that the Rathmichael Framework Plan could determine for the site that would be prejudiced by the proposed development and therefore, there is no reason the subject development cannot proceed in advance of a LAP.

2.0 REFUSAL REASON NO. 1

As noted above, Refusal Reason No. 1 states:

> "*Having regard to the location of the site within the Rathmichael Framework Plan area, the active progression of the Rathmichael Framework Plan intended towards a Draft Plan publication in 2027, the requirement under the Dún Laoghaire-Rathdown County Development Plan 2022-2028 (as varied) for the coordinated and plan-led development of the Rathmichael area, and the need to determine the appropriate scale, phasing and supporting infrastructure necessary to facilitate future growth, it is considered that the proposed development would be premature and would prejudice the comprehensive and coordinated development of the wider Rathmichael area. The proposed development would therefore be contrary to Sections 2.4.6: Phasing and 2.6.1.3: Local Area Plan Making Programme of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 (as varied) and would be contrary to the proper planning and sustainable development of the area*."

The Planning Officer's Report accepts that the nursing home and senior living houses are "*suitable complementary uses within these SNI zoned lands*" which are welcomed by the Planning Authority, that the uses are "*not considered inappropriate in principle having regard to the SNI zoning objective and Policy Objective PHP3*", and that the height, design, materials, residential amenity, open space and car parking of the development are each acceptable. The Planning Officer accepts that Dún Laoghaire-Rathdown has a greater proportion of older and retired people than other counties in the Dublin Region and that the *Community Infrastructure Statement* submitted with the application demonstrates that the proposal responds to a demographic need.

The sole question raised by Refusal Reason No. 1 is therefore whether an otherwise acceptable development on appropriately zoned land should be refused pending a plan that does not yet exist.

2.1 Previous Application at the Subject Site

Permission was previously sought under DLRCC Reg. Ref. D23A/0054 for the construction of a 120 No. bedroom nursing home and 29 No. independent living units at the subject site. DLRCC decided to Refuse Permission on 27th March 2023 for 2 No. reasons, the first of which was a prematurity reason in substantially the same terms as Refusal Reason No. 1 of the subject Appeal:

> "*Under the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the site is subject to zoning objective A1, which seeks 'To provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans' and zoning objective SNI which seeks 'To protect, improve and encourage the provision of sustainable neighbourhood infrastructure'. In addition, the site is located within Rathmichael area which is designated as a 'New Residential Community' as shown on Figure 2.9 'Core Strategy Map' and the subject site is located within the Rathmichael Local Area Plan boundary. Under Section 2.6.1.3 Local Area Plan Plan-Making Programme of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, it is stated that the County Development Plan proposes a programme of LAP plan-making, and that there is a 'New Plan to be Prepared' for the Rathmichael area. Under Section 4.2.1.2 Policy Objective PHP3 it is a Policy Objective to ensure that an appropriate level of supporting neighbourhood infrastructure is provided in*

conjunction with and as an integral component of residential development in new residential communities as identified in the Core Strategy. The Rathmichael Local Area Plan will guide future development in this area and having regard to the location of the subject site, it is considered that the current proposed development would be premature pending the Rathmichael Local Area Plan, would be contrary to Section 2.6.1.3 Local Area Plan Plan-Making Programme and Section 4.2.1.2 Policy Objective PHP3 Planning for Sustainable Communities of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would, therefore, be contrary to zoning objective A1, which seeks 'To provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans' and contrary to the zoning objective SNI which seeks 'To protect, improve and encourage the provision of sustainable neighbourhood infrastructure', would set an undesirable precedent for other similar developments and would therefore be contrary to the proper planning and sustainable development of the area."

The DLRCC decision was appealed to An Coimisiún Pleanála under ACP Ref. ABP-316429-23.

We note that the Inspector stated the following in relation to the reason for refusal:

> *"Given that there is* ***no current draft LAP or Issues Paper available****, and the Council have not indicated any potential timeline in terms of plan preparation, I consider that* ***such a restriction would be disproportionate and contrary to section 7.16.1 of the Development Management Guidelines*** *which state that prematurity should not be used as a reason for refusal unless a specific time frame is stated within which there is a reasonable prospect of the plan being completed. No such timeframe for completion is given by the Planning Authority.*
>
> ***In the absence of an approved LAP****, it is my opinion that the proposed development should be assessed against the zoning objective for the area and the development management criteria relevant to the proposed development. In zoning terms, I am satisfied that the proposed development would be acceptable and in accordance with the designations. On that basis, I am of the opinion that* ***the prematurity reasons given in the first reason for refusal should be set aside****."* **[Our Emphasis]**

The Inspector also found that the nursing home itself satisfied the supporting infrastructure requirement of Policy Objective PHP3, noting that the nursing home "*has a much wider ranging function and a very different character to traditional residential use due to the significant care element that is fundamental to its operation*" and that there are "*clear and significant benefits to locating a nursing home and independent living units in such close proximity to St Columcille's Hospital*". However, the Commission upheld the refusal on two other grounds (relating to 1) height, scale and massing and 2) and pedestrian connectivity), **neither of which related to prematurity.**

In the subject application, the Planning Officer acknowledges the planning history of the subject site but considers that "*the planning circumstances have evolved*" and that the Forward Planning Section now intends to publish a *Draft Rathmichael Framework Plan* for consultation in 2027. Sections 2.2 to 2.4 below demonstrate that this does not alter the position reached by the Commission in 2023.

2.2 Sections 2.4.6 and 2.6.1.3 – Housing Phasing Provisions Not Engaged by the Proposed Development

Refusal Reason No. 1 states that the development is contrary to Sections 2.4.6 and 2.6.1.3 of the Development Plan. We note that neither is a policy objective or a development management standard, and neither is directed at the type of development proposed.

Section 2.4.6 'Phasing', as amended by Variation No. 1, opens by stating that the *Development Plans - Guidelines for Planning Authorities* (2022) and the *NPF Implementation: Housing Growth Requirements – Guidelines for Planning Authorities* (2025) "*stress the importance of phasing so as to ensure that required new infrastructure is delivered in tandem with new residential development*", and that "*the Core Strategy should incorporate a framework for the phased delivery of residential land*".

It continues:

> "*In this context, it is noted that Old Connaught and Rathmichael are not currently serviced, and the future development of these areas is contingent upon the timely delivery of supporting infrastructure. It is considered that a plan-led approach to the development of both Rathmichael and Old Connaught is of paramount importance to ensure the proper planning and sustainable development of these* ***new residential communities***." **[Our Emphasis]**

Section 2.6.1.3 'Local Area Plan Plan-Making Programme' was not amended by Variation No. 1 and records the programme of LAPs the Council intends to prepare:

> "*On lands subject to zoning objective A1 … a wide range of uses are both permitted in principle and open for consideration. This acknowledges the fact that the Local Area Plan process will allow for a more granular breakdown of land uses. It is noted that* ***within the A1 zoned lands*** *at both Old Connaught and Rathmichael there are a number of existing properties. Minor modifications and extensions to these properties can be considered in advance of the relevant Local Area Plans*." **[Our Emphasis]**

We note that the majority of the subject site is zoned 'Objective SNI', whereas the smaller, western portion of the site **only** is zoned 'Objective A1' as demonstrated in Figure 2.1 below. Both Sections noted above are concerned with the phasing of housing on A1 zoned lands at Rathmichael and Old Connaught. The proposed nursing home and senior living houses are located entirely on the SNI zoning and the only aspects of the development which is located on the A1 zoning is the existing dwelling 'Rose Cottage', which is being retained as current policy does not support the demolition of existing dwellings, the new entrance, a portion of the internal street and the bridge. Thus, there is no potential to provide new residential development on the A1 zoned lands. It comprises an existing dwelling and facilitates entry to the otherwise inaccessible lands to the rear upon which the Nursing Home is provided.

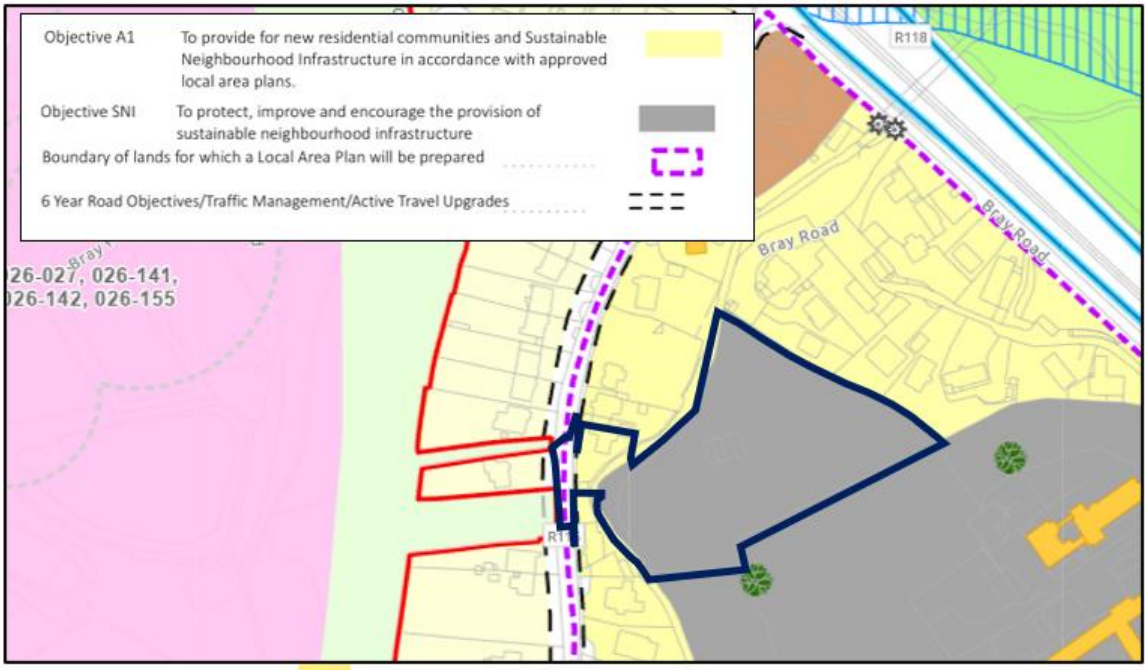


Figure 2.1: **DLRCC Zoning Map (Subject Site Outlined in Navy)**

(Source: ***Dun Laoghaire-Rathdown County Council Development Plan 2022–2028*****, annotated by Thornton O'Connor Town Planning, 2026)**

The purple line below in Figure 2.2 outlines the boundary of the proposed Rathmichael LAP. It is clear that the vast majority of the lands are zoned A1 residential where one can argue a coordinated approach to development is required for the future development of residential units. The isolated SNI zoning to the north, which essentially contains St. Columcille's Hospital and the subject site, does not need a framework for development as it is not zoned A1 for residential development, and as outlined above and will be very evident when the Inspector visits the site, it is a stand-alone development site that does not rely or require coordination with adjoining sites beyond potentially the existing St. Columcille's Hospital with an access point provided for in the subject application to the hospital lands.

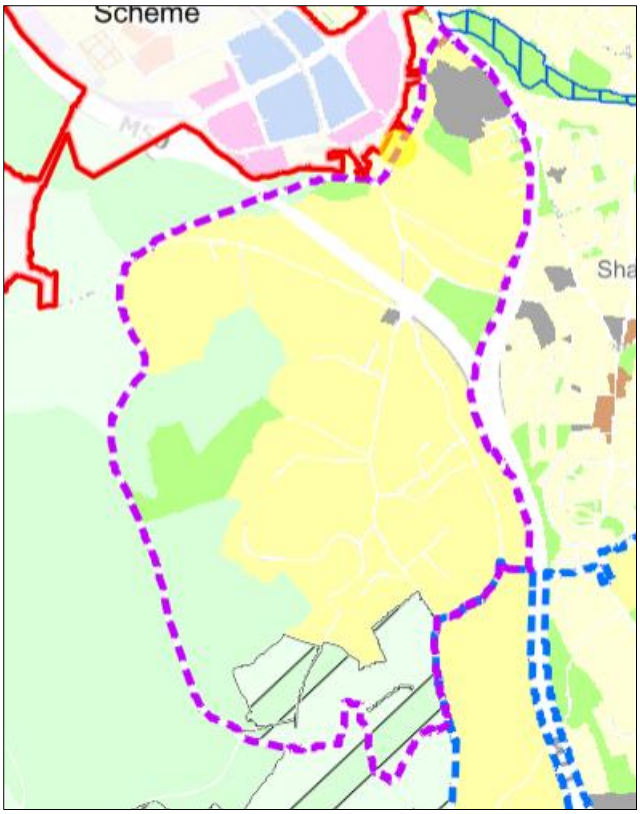


Figure 2.2:

Boundary of Rathmichael LAP Lands outlined in purple with subject SNI Lands colour gray located to the north of the image.

Source:

DLR Zoning Maps, 2026

The proposed development is not the "*new residential community*" that Section 2.4.6 phases. A nursing home is a 'Residential Institution', and the senior living houses are 'Assisted Living Accommodation', under Section 13.2 of the Development Plan. Sustainable Neighbourhood Infrastructure is defined as "*land or buildings that serve the needs of the local and wider community for social, educational, **health** … and civic needs*", expressly including "*hospitals, health centres/GPs*". Assisted Living Accommodation is permitted in principle on both SNI and A1 lands, and Residential Institution is permitted in principle on A1 lands and open for consideration on SNI lands. No bedspace in the nursing home counts towards the 3,100 No. units attributed to Rathmichael in the Core Strategy Table. The 2 No. senior living houses are tied to the services of the nursing home and the Applicant has confirmed its agreement to a condition requiring a Section 47 agreement restricting their occupancy to persons aged 55 years and over.

Most fundamentally, the development is the supporting infrastructure that Sections 2.4.6 and 2.4.3 require to be delivered "*in tandem with*" residential development. The stated purpose of the plan-led approach is to ensure that housing at Rathmichael does not come forward without the social, health and community infrastructure needed to serve it. The delivery of a 78 No. bedroom nursing home adjoining St. Columcille's Hospital, in advance of that housing, is consistent with that purpose.

Sections 2.4.6 and 2.6.1.3 regulate the phasing of new residential communities on A1 zoned lands and do not apply to health and social care infrastructure on SNI zoned lands. In our opinion, the proposed development is not contrary to either Section as it is the supporting infrastructure those Sections require, delivered in advance of the housing it will serve.

Accordingly, while Sections 2.4.6 and 2.6.1.3 may provide contextual support for a plan-led approach to the wider Rathmichael area, they do not provide a policy basis for withholding

this particular SNI development pending delivery of the residential framework. The proposal is not merely compatible with the supporting-infrastructure objective; it would itself provide health and social-care infrastructure of the type required to support both the existing population and the future residential community. Deferring that infrastructure until the residential framework is complete risks reversing the sequencing rationale relied upon by the Planning Authority.

2.3 Self-Contained Infill Site – No Requirement for Co-ordinated Development

Refusal Reason No. 1 asserts that the development "*would prejudice the comprehensive and coordinated development of the wider Rathmichael area*". No explanation as to how this would arise is identified in the Refusal Reason, the Planning Officer's Report or the Forward Planning Report.

The site is a bounded on every side by established development or land that is highly unlikely to be redeveloped: it is bounded to the north-west and west by existing houses on Cherrywood Road and Loughlinstown River, which separates the main body of the site from the public road; to the north-east by existing houses on Bray Road; to the south-east and south by St. Columcille's Hospital and its woodland grounds; and to the south-west by No. 25 Cherrywood Road.

The development can only be served by the proposed vehicular access from Cherrywood Road via a bridge over the river. It has its own connections to the public water and drainage networks in Cherrywood Road and its own public and communal open space within the site. It does not depend on access, services, open space or any other infrastructure to be delivered through adjoining lands, and no adjoining land depends on it.

The site is a singular development site, 'landlocked' by its adjoining properties and cannot be developed in conjunction with any other site, and no decision of the Framework Plan as to the scale, phasing or infrastructure of the new residential community could be affected by the subject site's development in our opinion.

In the context of the statement that the development '*would prejudice the comprehensive and coordinated development of the wider Rathmichael area*", the Planning Authority have identified: (i) the element of the emerging Framework Plan said to be affected; (ii) the mechanism by which this proposal would obstruct it; and (iii) why that issue could not be addressed through design, phasing or an appropriate planning condition.

Without this analysis, the refusal treats the existence of an uncommenced plan-making process as sufficient in itself, which is unnecessary in our opinion having regard to the nature of the proposal, the disposition of the site and its immediate context.

The site is not capable of any realistic designation other than for sustainable neighbourhood infrastructure and the Planning Authority and the Commission have both already determined that a nursing home and assisted living accommodation are appropriate uses on these lands.

Overall, the site is a self-contained infill site, physically separated from all other developable land and served entirely by its own access, services and open space. There is no co-ordinated development of which it could form part and no decision of the Rathmichael Framework Plan that it could prejudice.

2.4 Development Management Guidelines – No Realistic Prospect of Completion within a Specific Stated Timeframe

Section 7.16.1 of the *Development Management Guidelines for Planning Authorities* (2007) ('Development Management Guidelines') states:

> "*development which is premature because of a commitment in a development plan to prepare a strategy, Local Area Plan or framework plan not yet completed should only be used as a reason for refusal if there is a* ***realistic prospect*** *of the strategy or plan being* ***completed within a specific stated time frame***." **[Our Emphasis]**

The only timeframe offered by the Council is the publication of a Draft Framework Plan for consultation "*in 2027*". In our opinion, this is not a "*specific stated time frame*". In their assessment of another application in the Rathmichael area (DLRCC Reg. Ref. D25A/0787/WEB), the Planning Officer stated in their assessment that a Draft Plan was "*anticipated to be published for public consultation in Q4 2026*". We also note that Variation No. 1 of the Development Plan, which was only adopted on 23rd September 2026, amended Section 2.4.6, deleting the commitment to prepare Local Area Plans "*during the lifetime of the Plan*" and replacing it with the open-ended statement "*It is intended to prepare a plan for Rathmichael*".

Evidently, there has not been any clear indication or "*specific stated time frame*" as to when the Draft Framework Plan is to be published, or ultimately adopted, which is precisely the circumstance where the Guidelines hold that prematurity should not be relied upon.

Overall, the Council has not stated a specific timeframe for the completion of the Rathmichael Framework Plan and has only stated a very general timeframe of "*in 2027*" for commencement of the process. Thus Refusal Reason No. 1 does not accord with Section 7.16.1 of the Development Management Guidelines.

3.0 CONCLUSION

Refusal Reason No. 1 seeks to defer an otherwise acceptable health and social care development on appropriately zoned land pending a Framework Plan for which no draft exists and no completion date has been given. For the reasons set out above, we respectfully submit that:

- The development is not premature, having regard to the specifics of Section 7.16.1 of the Development Management Guidelines and the Commission's consideration of the same reason on this site in 2023.

- Sections 2.4.6 and 2.6.1.3 of the Development Plan govern the phasing of new residential communities on A1 lands, however, the proposed development is Sustainable Neighbourhood Infrastructure on mainly SNI zoned lands and is the supporting infrastructure those Sections seek to secure.

- The site is a self-contained infill site which cannot form part of any co-ordinated development and whose development would not prejudice any outcome of the Framework Plan.

The Planning Officer has accepted the principle, need, scale, design and amenity impacts of the development. We therefore request that An Coimisiún Pleanála overturns the decision of Dún Laoghaire-Rathdown County Council and grants permission for the proposed development.

We trust you will find this Appeal in order in association with the separate report submitted by OCSC.

Please do not hesitate to contact the undersigned should you require any further information or clarification on the proposal.

Signed:

Patricia Thornton

Patricia Thornton
Director
Thornton O'Connor Town Planning



OCSC

O'CONNOR · SUTTON · CRONIN

MULTIDISCIPLINARY CONSULTING ENGINEERS

S1104: LOUGHLINSTOWN NURSING HOME

AN COIMISIÚN PLEANÁLA FIRST PARTY APPEAL SUBMISSION

For
Midsal Homes Limited

12 November 2026

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1 INTRODUCTION

O'Connor Sutton Cronin (OCSC) have been appointed by Midsal Homes Limited to prepare this First Party Appeal Submission to An Coimisiún Pleanála with respect to the proposed nursing home and 2 no. senior living development in Loughlinstown, Co. Dublin as per the location indicatively shown following.

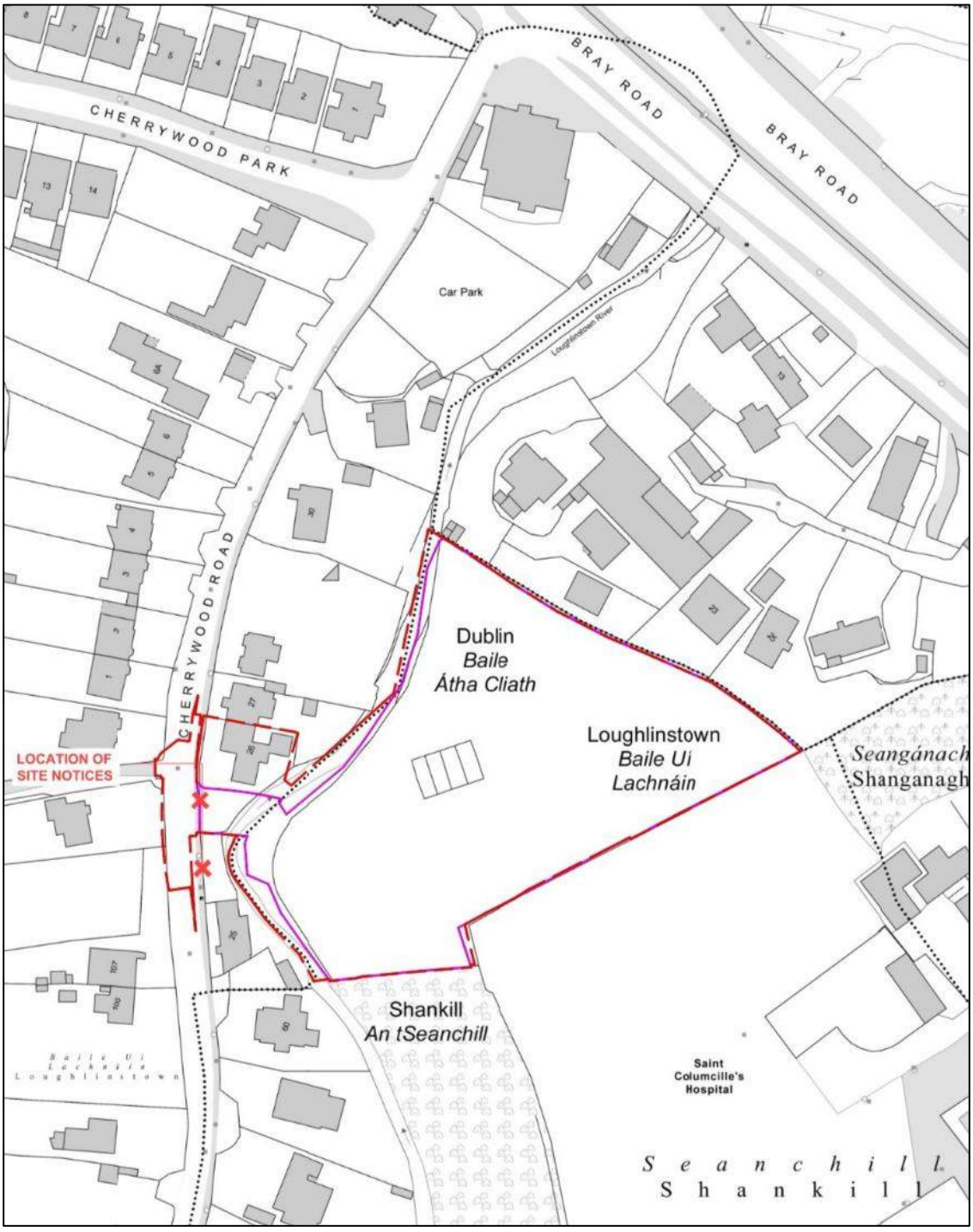


Figure 1: Indicative Site Location & Outline

A planning application was submitted to Dún Laoghaire-Rathdown County Council (Reference: D26A/0638/WEB) which was ultimately refused permission for 2 no. reasons, the second of which related to transportation as follows:

"*2. Having regard to the site location and the poor quality of pedestrian connections as a result of deficient footpath and active travel infrastructure linking to the site, it is considered that the development would fail to provide safe and accessible means of pedestrian access to and from the development suitable to serve the proposed nursing home and assisted living accommodation. The proposed development would therefore be prejudicial to pedestrian safety and contrary to Section 12.3.8.2: Nursing Homes/Assisted Living Accommodation of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 (as varied), which requires nursing homes and assisted living accommodation to be served by the provision of good footpath links, and contrary to the proper planning and sustainable development of the area*"

The purpose of this report is to address this reason for refusal in detail and provide a suitable justification for a grant of permission on foot of this appeal. The first reason for refusal is dealt with in the separate submission prepared by Thornton O'Connor Town Planning.

2 DEVELOPMENT & SITE OVERVIEW

The full details of the proposed development can be found in the reports and drawings submitted to DLRCC as part of the planning application. However, a summary overview of the development and key issues as they relate to the Reason No. 2 of the refusal are set out following.

The proposed development comprises a 78 no. bed nursing home with 2 no. senior living housing units. The existing site and its setting are set out in further detail in the figure below.



Figure 2: Development Site Context and Overview (Indicative Red Line Boundary Shown)

By their nature, nursing homes are not significant trip generators with the majority of trips limited primarily to staff, with approximately just 40 no. estimated at the proposed development, and also visitors.

The following figure provides further context with respect to transportation by highlighting the location of the site relative to key public transport infrastructure, namely local bus and Luas services. This is the key aspect of Reason No. 2 of the refusal as it describes the pedestrian connections between these services and the development site as being "*deficient*".

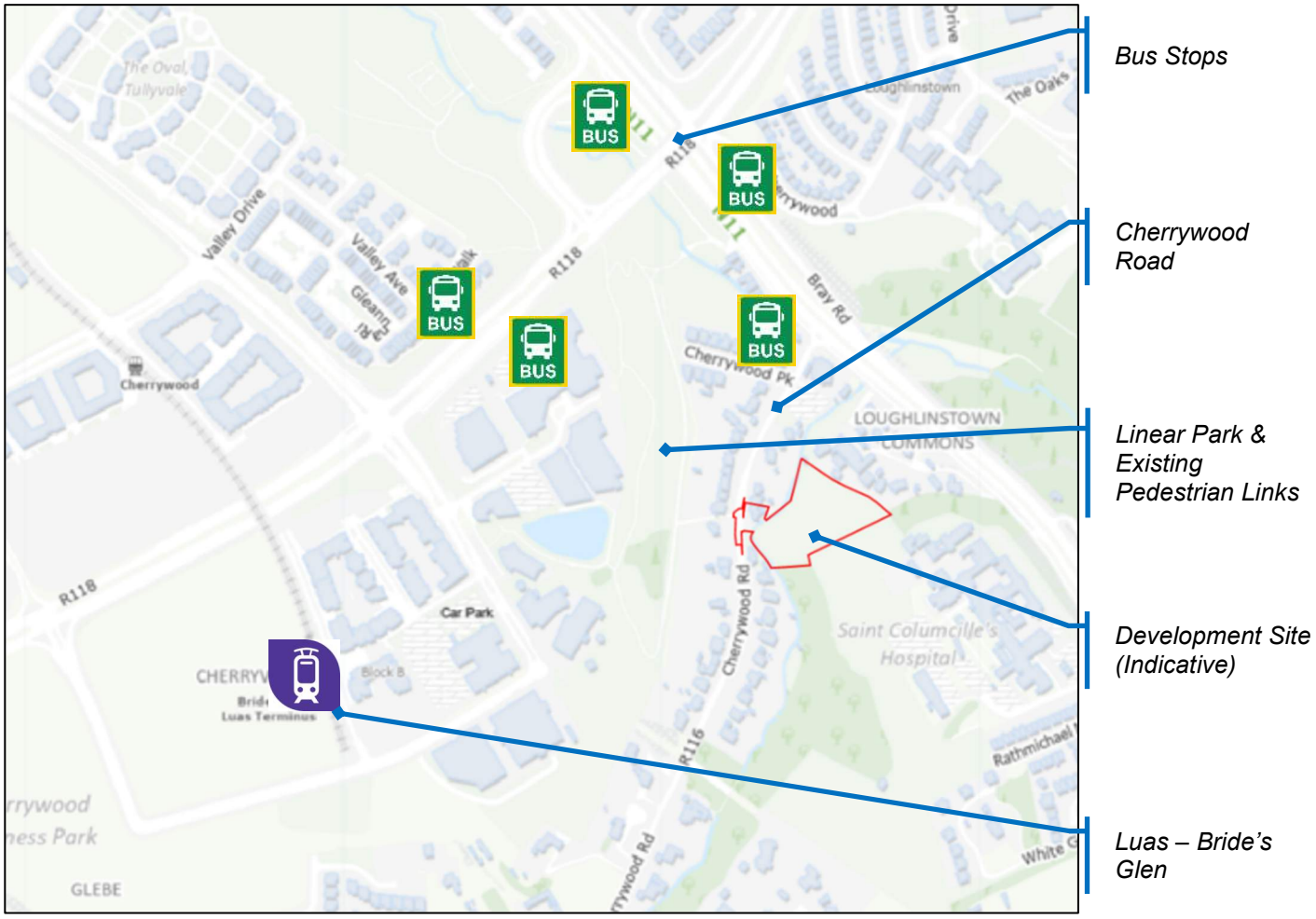


Figure 3: Public Transport Accessibility

As can be seen above, the linkages through the linear park to the west of the development site are key with respect to accessibility to the various public transport services. This is in the context of Cherrywood Road being substandard in some locations at present with respect to pedestrian infrastructure due to its narrow width.

An overview of the development layout is also shown in the figure following for context and ease of reference. As can be seen, the layout is relatively simple from a transportation perspective with a single access proposed from Cherrywood Road as the only viable connection to public transport infrastructure given the enclosed boundaries on all other sides.

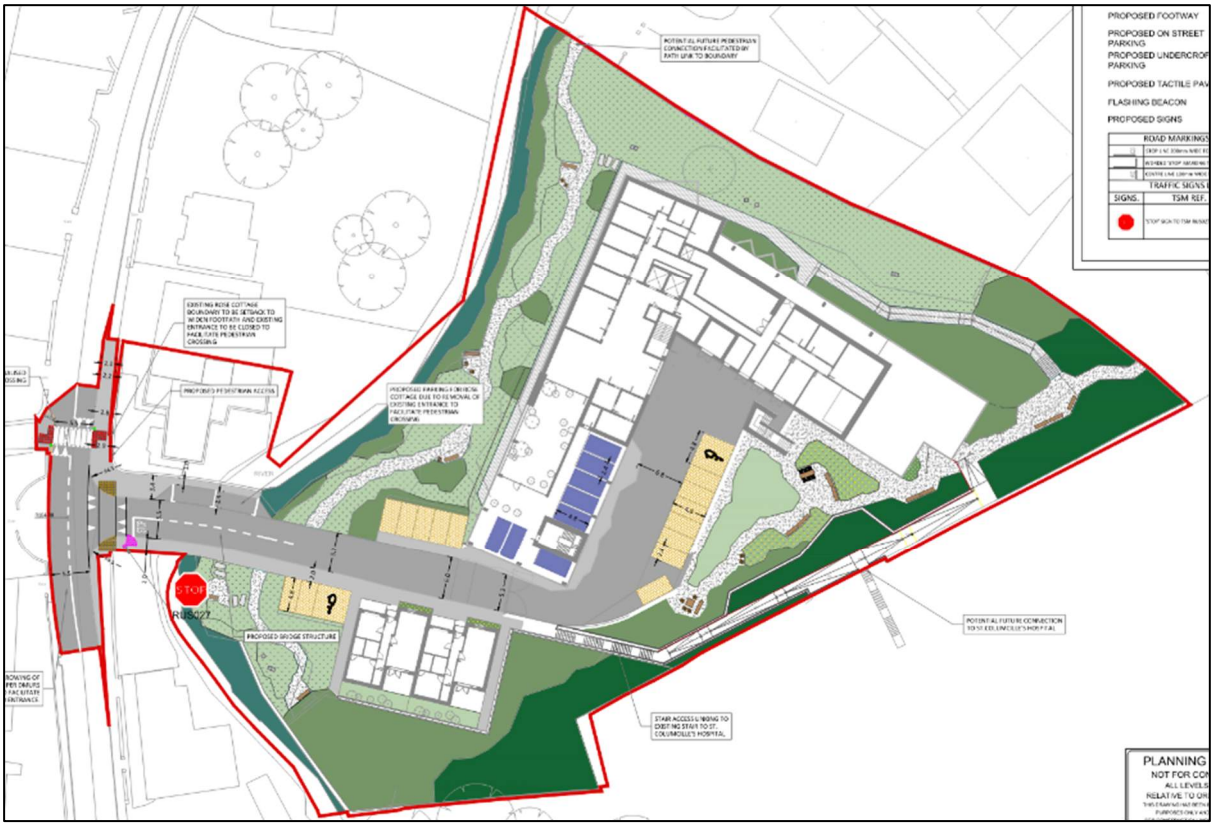


Figure 4: Proposed Development Layout

From a transportation perspective, there are several key points to note.

PROPOSED SIGNALISED CROSSING

The development proposes a new signalised pedestrian crossing on Cherrywood Road which would link to the linear park and associated pedestrian routes to the immediate west. This in turn will improve access for existing vulnerable road users as well as facilitating those associated with the proposed development.



Figure 5: Proposed Pedestrian Crossing & Road Improvements

As can be seen, the crossing would provide a safe and controlled means of crossing for pedestrians with localised carriageway narrowing in line with DMURS and a raised table to act as a further traffic calming measure.

This is a notable improvement on the existing layout which sees the existing connection from the linear park terminate abruptly at Cherrywood Road in a particularly unsafe manner. There is no connection to the existing footpath on the east side of Cherrywood Road forcing pedestrians to cross the road without any crossing facilities as highlighted in the following photo taken on a site visit on 10 November 2026.



Figure 6: View of Existing Linear Park Access Route from Cherrywood Road

Furthermore, visibility of pedestrians coming from this link for motorists is extremely poor, particularly for vehicles approaching from the south as can be seen in the image above and further highlighted in the image following.



Figure 7: Restricted Visibility for Pedestrians Exiting Existing Linear Park Access on Cherrywood Road

It is noted from the DLRCC Planner's Report that the Development Agency Project Team (DAPT) stated that this proposal is "*consistent with the objectives of the Cherrywood Planning Scheme*" and "*the proposed signalised raised zebra crossing on Cherrywood Road in the proposed location at the eastern end of the existing laneway, would complement the Cherrywood Scheme and improve pedestrian and cycle safety and improve connectivity between the Cherrywood SDZ/the Linear Park and the Cherrywood Road footpath*". Based on this, DAPT supported the provision of this link and the positive benefits it would give to the existing transport network.

WIDENED FOOTPATHS

The development proposes to widen the footpath on Cherrywood Road to comply with the Design Manual for Urban Roads and Streets (DMURS) along the development boundary as shown in Figure 5 previously. This will increase the width to above 2.0m along the development boundary which is notably in excess of the typical 1.8m standard required by DMURS Section 4.3.1. This is the maximum that can be facilitated by the applicant given their available landholding but nevertheless offers real benefit to the local transport network and improves safety for users at this location. It also facilitates use of the proposed signalised crossing referenced previously with increased space for pedestrians to wait without blocking the footpath.

The existing substandard footpath along the development boundary is shown in Figure 7 previous as well as Figure 8 following for additional reference.



Figure 8: Existing Footpath Along Cherrywood Road Boundary

ST. COLUMCILLE'S HOSPITAL PEDESTRIAN LINK

The development site currently houses a historic pedestrian link to St. Columcille's Hospital on its eastern boundary. Due to the undeveloped nature of the development site and a key portion of the hospital site, this link is no longer in use.



Figure 9: Existing Stair Link Between Development Site and St. Columcille's Hospital

Preliminary discussions were held with the hospital with respect to the reinstatement of a link between the sites as part of the proposed development which would significantly improve accessibility for hospital staff as well as some patients and visitors. This is primarily because the existing hospital entrance is much further east on the N11. This makes the route west to Cherrywood, the Luas and other local amenities far more circuitous and far less attractive.



Figure 10: St. Columcille's Hospital Accessibility

It is noted that the level difference between the development and hospital sites is significant at approximately 12m, with a steep embankment separating them. Through preliminary discussions, it was established that a masterplan is currently being prepared for the hospital campus. As a result, it was considered premature to accommodate a revised access proposal on the hospital grounds which are outside of the ownership of the applicant. Nevertheless, allowance has been made for a new connection within the development site and tying into the existing link at the development boundary with the hospital site. Crucially, this ensures access through the development site will be available when the hospital is in a position to reopen the respective section of the link that is located on their lands.



Figure 11: Proposed Upgrade of Pedestrian Link to St. Columcille's Hospital within Development Site

The above is considered the most feasible connection option that could be constructed given the level difference. This was also accepted by the then An Bord Pleanála Inspector when assessing a previous planning application at the site (DLRCC Reference: D23A/0054 & An Bord Pleanála Reference: ABP-316429-23), with their report stating, "*I am of the opinion that it would not be feasible to provide a pedestrian/cycle link without the intervention of a lift or staircase*".

3 ASSESSMENT OF REASON FOR REFUSAL

Reason No. 2 of the refusal centres on the existing linkage and accessibility to public transport services, local amenities and the wider active travel network, with the DLRCC Transportation Planning Report stating:

"T*he Planning Authority is not satisfied that the proposed development is served by an adequate level of pedestrian and active travel infrastructure commensurate with the nature and scale of the proposed development. While the application includes a signalised pedestrian crossing and localised widening of the existing footpath along the Cherrywood Road frontage, these measures are limited in extent and fail to provide a continuous, safe and universally accessible pedestrian connection between the site and existing public transport services, local amenities and the wider active travel network*".

The wording of the refusal reflects the above as well as referencing Section 12.3.8.2 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 (as varied), which requires nursing homes and assisted living accommodation to be served by the provision of good footpath links.

The Transportation Planning Report goes on to make reference to the recent planning history of the site which saw an application lodged for a similar but significantly larger development comprising 120 no. bed nursing home and 29 no. independent living units. This development was refused by DLRCC (Reference: D23A/0054), though it is noted that Transportation Planning recommended Further Information be requested. An appeal to An Bord Pleanála (Reference: ABP-316429-23) was subsequently also refused with pedestrian linkage again cited as a key reason.

In considering the above, it is important to highlight the material differences between these applications, with the previously refused development being significantly larger in scale. Of further critical importance is the identification of an alternative suitable route providing accessibility to key local services which was not considered as part of the previously refused application. Thus, the issues raised in the Transportation Planning Report and Reason No. 2 of the refusal are addressed following.

LINEAR PARK PEDESTRIAN LINKS

It is acknowledged that Cherrywood Road currently has substandard pedestrian infrastructure with a narrow footpath of variable width on the east side of the road and no footpath on the west side. As a result, the previously highlighted linkages through the linear park are of key importance as they connect to key public transport services and amenities to the west including the Luas, local bus services and the wider Cherrywood area.

In the submitted Traffic & Transport Assessment, OCSC included a detailed assessment of these existing routes which is summarised here for ease of reference.

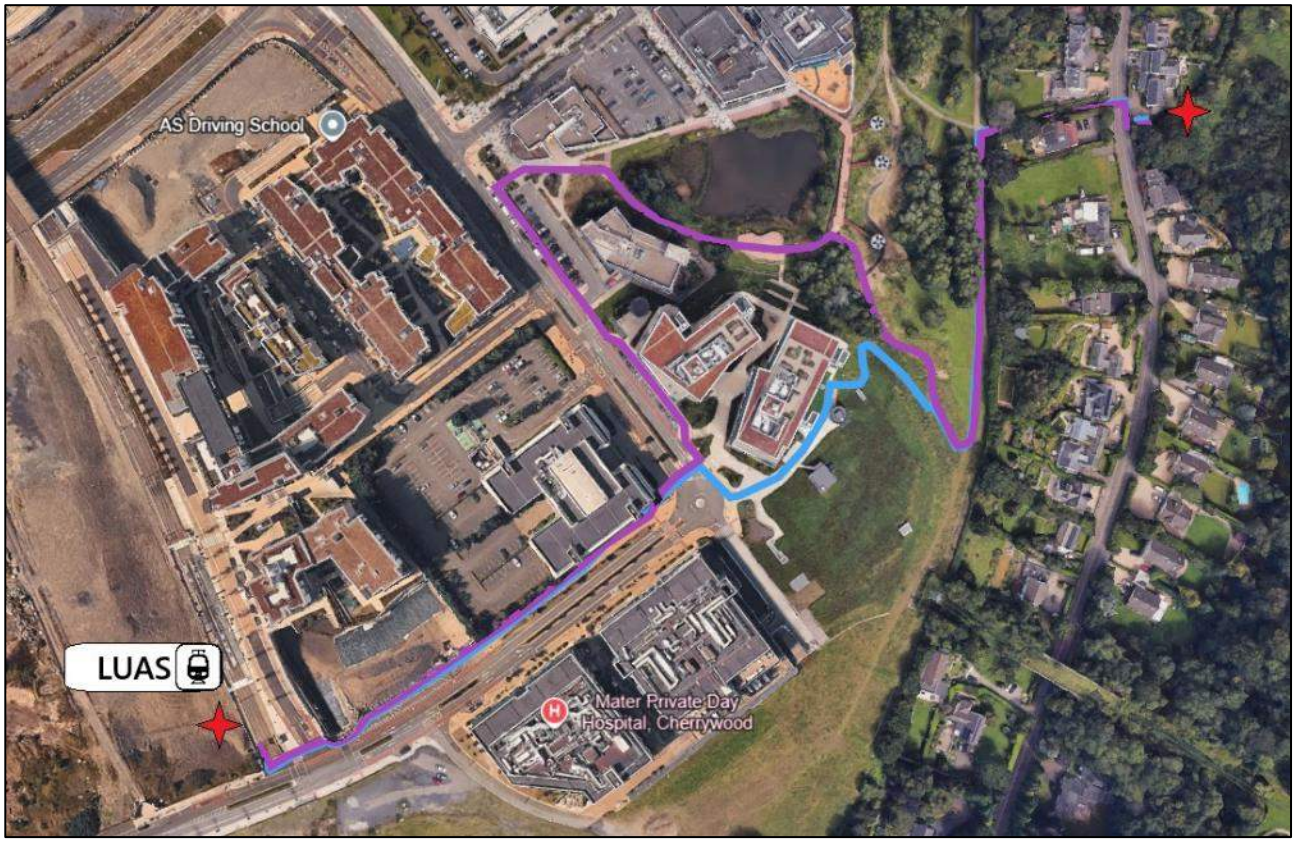


Figure 12: Existing Routes through Linear Park to Cherrywood/Luas Brides Glen Stop

The existing routes have sought to address the challenging local topography by creating meandering paths that allowed gradients to be minimised which can clearly be seen above. This has resulted in gradients in excess of 5% for 242m – 265m (25% – 37%) of their length and in excess of 8.3% for 122m – 150m (16% – 17%) of their length. DMURS Section 4.4.6 states:

"*Part M of the building regulations advises that access routes with a gradient of 1:20 or less are preferred. Therefore a maximum gradient of 5% is desirable on streets where pedestrians are active*"

And

"*In hilly terrain, steeper gradients may be required but regard must be had to the maximum gradient that most wheelchair users can negotiate of 8.3%, although this should be limited to shorter distances*"

Thus, DMURS accepts that challenging topography can lead to localised instances where gradients beyond 5% are acceptable but facilitates up to an 8.3% maximum for accessibility where there are topographical challenges.

While these existing routes through the linear park do not meet the above standard for accessible routes, it is nevertheless evident that these routes are heavily utilised at present by many. Indeed, this usage has resulted in several pedestrian desire lines being created in the linear park as people seek to avoid the aforementioned

meanders and take more direct routes, despite these experiencing even steeper gradients. Examples of this occurrence are shown following.



Figure 13: Examples of Pedestrian Desire Line Paths Created Despite Steeper Gradients

The above shows that these routes are currently in regular use and there is enough established demand to create desire lines despite them having even more challenging gradients. Thus, it is clear that these routes can cater for a notable portion of local pedestrian traffic. With respect to the proposed development, it is reasonable to expect that this will also apply to a notable portion of its pedestrian trips who do not require accessible routes. As noted, nursing homes do not tend to be significant trip generators as the vast majority of trips are associated with staff, with just 40 no. employees estimated, as well as visitors to a lesser extent.

Notwithstanding the above, it is understood that facilitating access for all is essential. The OCSC Traffic & Transport Assessment submitted to DLRCC focussed on the currently active Cherrywood Green Routes

Project which will significantly enhance local connectivity and accessibility. This is particularly true with respect to the Linear Park with the plans for same shown following and the location of the proposed development entrance and signalised crossing highlighted for context.

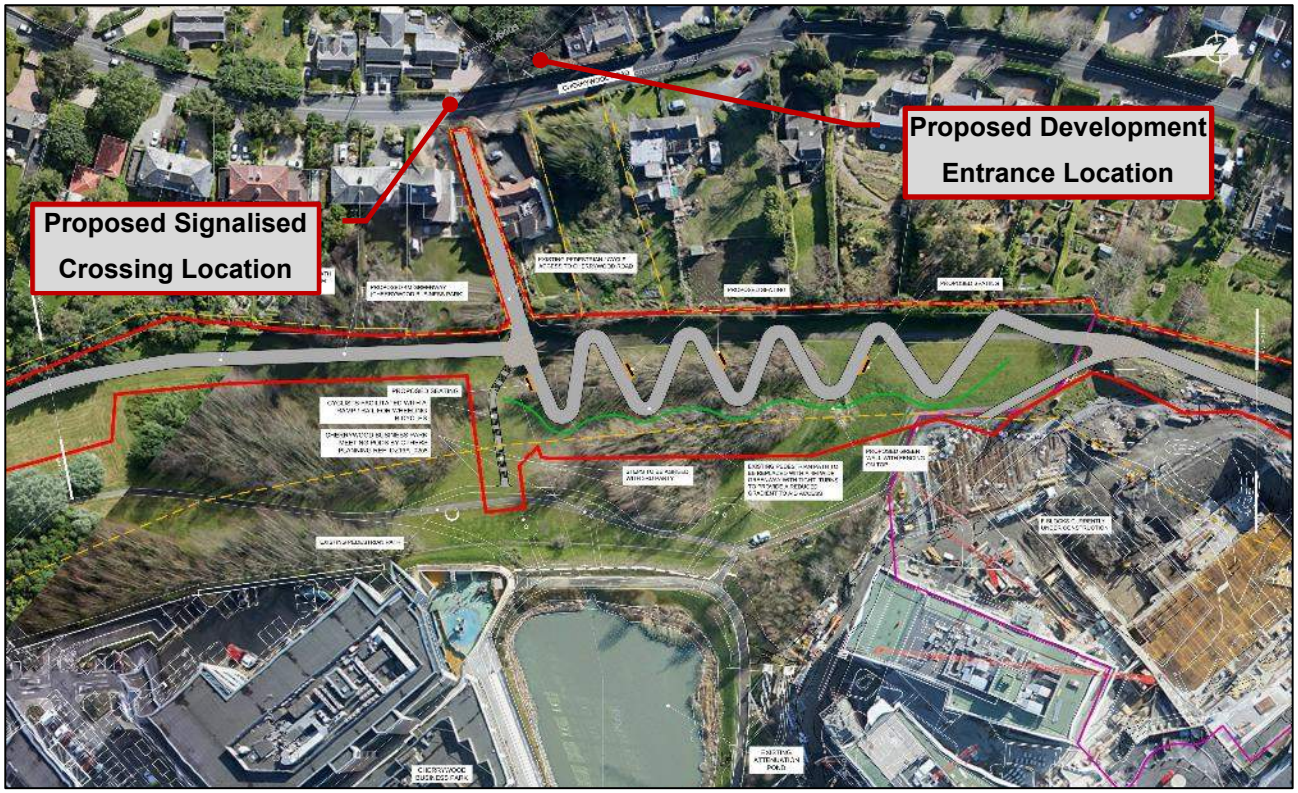


Figure 14: Planned Linear Park Upgrades as per Cherrywood Green Routes Network

DLRCC has noted that the new arrangement will achieve a universally accessible gradient, meaning this project, once realised, will provide an even more direct route to the nearby Luas and wider Cherrywood area. In their report, Transportation Planning note that there is still uncertainty with respect to the delivery of this upgrade. However, it is noted that Part 8 permission has been granted and the detailed design services were tendered and awarded between July and December 2025, meaning the project will be well advanced at this stage.

In their response, Transport Planning it is noted that the construction of the project is subject to future funding, it is also highlighted that this project forms a key part of the overall Cherrywood SDZ with section 4.2.9 noting that links to the wider pedestrian/cycle network will include "*Pedestrian / cyclist links to Cherrywood Road and Brides Glen Road".* Taking this into consideration along with the fact that detailed design is well underway, it is considered that this project is clearly a question of "when" rather than "if" with, as detailed above, planning permission secured and detailed design well progressed.

Notwithstanding this, with respect to accessible routes needed to cater for the remainder of pedestrian trips, OCSC have undertaken a more detailed review of the wider transport network to identify any other potential accessible routes which could accommodate the proposed development. This process has identified an

alternative suitable existing route through the linear park which runs parallel to Cherrywood Road and links with the N11 to the north. This in turn provides linkage to the local bus services as well as to the wider transportation network including the Luas and Cherrywood area as highlighted following. This information is submitted as additional evidence and does not involve any alteration to the proposed development or reliance upon new off-site works.

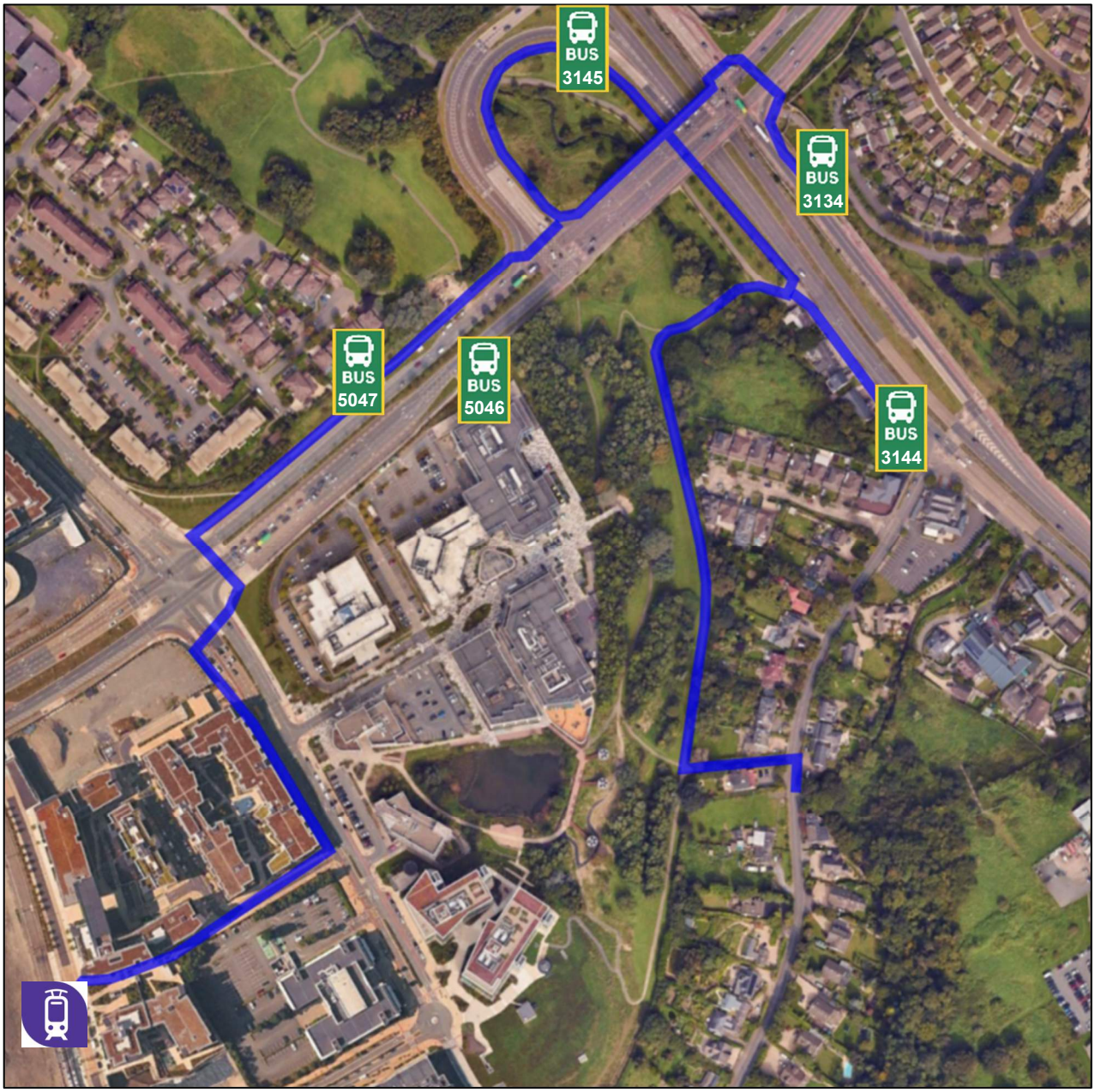


Figure 15: Existing Accessible Pedestrian Route to Local Bus Services, Luas and Cherrywood

This route utilises the same connection to Cherrywood Road discussed previously, utilising the proposed controlled crossing on Cherrywood Road to access, and then travels north to the N11 once inside the park. This path does not experience any of the excess gradients of the other routes and is relatively flat and wide along its length as per the following images of same taken on 10th November 2026.



Figure 16: Existing Accessible Pedestrian Route Through Linear Park to N11



Figure 17: Existing Accessible Pedestrian Route Through Linear Park to N11



Figure 18: Existing Linear Park Access to N11



Figure 19: Existing N11 Footpath

The last two images confirm connectivity to the N11 and the associated high-quality footpaths. From there, there is fully accessible access to several local bus stops as shown in Figure 14 previous. The respective distances to each stop are summarised following along with an estimated walking time based on the typical allowance of 800m walking distance covered in 10 minutes.

Table 1: Accessible Route Distances to Local Bus Stops

Bus Stop No.	Location	Walking Distance	Walking Time
3144	N11	560m	7 mins
3145	N11	680m	8.5 mins
5046	R118	940m	12 mins
5047	R118	970m	12 mins
3134	N11	1,060m	13.5 mins

The respective services and associated frequencies of same are shown for each bus stop following.

Table 2: Bus Routes Servicing Stop 3144 (N11)

Route No.	Description	Peak Frequency
L14	Southern Cross Road – Palermo – Cherrywood	30 mins
X1	Kilcoole – Hawkins Street	10 – 20 mins (no off peak)
X2	Newcastle – Hawkins Street	10 – 20 mins (no off peak)
111	Kilgobbet Park – Brides Glen	60 mins
111	Brides Glen – Kilgobbet Park	60 mins
E1	Ballywaltrim – Northwood	3 – 8 mins

Table 3: Bus Routes Servicing Stop 3145 (N11)

Route No.	Description	Peak Frequency
740	Wexford – Dublin Airport	30 – 60 mins
740A	Gorey – Dublin Airport	70 – 80 mins
740X	Wexford – Dublin Airport	Limited express service
X1	Kilcoole – Hawkins Street	10 – 20 mins (no off peak)
133	Wicklow – Dublin	Hourly
E1	Ballywaltrim – Northwood	3 – 8 mins

Table 4: Bus Routes Servicing Stop 5046 (R118)

Route No.	Description	Peak Frequency
7	Mountjoy Square – Brides Glen Luas	10 – 35 mins
111	Kilgobbet Park – Brides Glen	60 mins

Table 5: Bus Routes Servicing Stop 5047 (R118)

Route No.	Description	Peak Frequency
L14	Cherrywood – Palermo – Southern Cross Road	30 mins
X2	Hawkins Street – Newcastle	45 – 55 mins (no off peak)
X2	Newcastle – Hawkins Street	10 – 20 mins (no off peak)
7	Brides Glen Luas – Mountjoy Square	15 – 30 mins
111	Brides Glen – Kilgobbet Park	60 mins

Table 6: Bus Routes Servicing Stop 3134 (N11)

Route No.	Description	Peak Frequency
740	Dublin Airport – Wexford	15 – 60 mins
740A	Dublin Airport – Gorey	120 mins
740X	Dublin Airport – Wexford	Limited express service
L14	Cherrywood – Palermo – Southern Cross Road	30 mins
X1	Kilcoole – Hawkins Street	10 – 20 mins (no off peak)
X2	Hawkins Street – Newcastle	45 – 55 mins (no off peak)
133	Dublin – Wicklow	Hourly
111	Kilgobbet Park – Brides Glen	60 mins
111	Brides Glen – Kilgobbet Park	60 mins
E1	Northwood – Ballywaltrim	5 – 10 mins
84n	Dublin City South, D'Olier Street – Charlesland	Night service

As can be seen there are extensive bus routes serving the stops within a reasonably short walking distance of the site and which provide access to a wide variety of locations. Route E1 in particular forms one of the key BusConnects Spine networks and is a high frequency service, with peak frequencies of 10 minutes or less.

The pedestrian route highlighted also provides an accessible route to the Luas Brides Glen stop as highlighted in Figure 14 previous. This route is approximately 1.5km (19 minutes) walk in total but it is noted that there are several bus services, including Route Nos. 7, 111 & X2, which link the Luas to the nearby bus stops, providing an alternative multi-modal and fully accessible option.

This is of particular note in the context of the previous unsuccessful planning application at the site. As noted previously this was ultimately refused by the then An Bord Pleanála on similar grounds to the refusal of this planning application. However, the Inspector wrote in their report that "*the nearby bus stop on Bray Road provides a short bus connection to Cherrywood Business Park and this would be an acceptable solution in my view*". It is stressed that the Inspector only considered a private access route to the N11 from the north of the development site boundary which turned out not to be feasible. That assessment did not appear to give any consideration to the alternative route highlighted in this appeal submission which is existing, feasible and provides the desired N11 linkage.

For the avoidance of doubt, the existing route to the N11 identified in Figure 15 provides a suitable and accessible pedestrian connection from the proposed development to key local bus services on the N11 and R118, an approach considered acceptable in principle by the previous Inspector. These routes also provide direct connectivity to the Luas and Cherrywood area, with the aforementioned bus services also providing a potential multi-modal link to same. The proposed development is therefore not reliant on the timing or delivery of the planned Linear Park upgrades forming part of the Cherrywood Green Routes Network identified in Figure 14. When delivered, those upgrades will provide a further, more direct accessible routes and enhance pedestrian connectivity for the proposed development and the wider area, but they are not required to facilitate the development as proposed.

DEVELOPMENT SCALE

In comparing the currently proposed development to that refused in 2023, consideration must be had to the respective scales and associated trip generation potential of each. While Transportation Planning acknowledge the reduction in scale, this is notably understated in their report in OCSC's opinion.

The proposed development is a 78 no. bed nursing home with 2 no. senior living units while the previously proposed development was for 120 no. bed nursing home and 29 no. independent living units. Thus, the proposed development is expected to have a population of approximately 80 no. residents including the senior living units while the previously proposed development would have had at least 149 no. residents on the same basis, just under double the number of people. The trip generation potential would be further exacerbated when considering the respective staffing requirements and visitor numbers which will be notably lower at the development now proposed.

On this basis there is an immediate and clear material difference between the previous application and that now proposed. The currently proposed development would be expected to generate at least 50% fewer trips than that previously proposed which significantly reduces the potential demand on the existing transportation network.

THIRD PARTY LANDS

The Transportation Planning Report makes multiple references to limitations of the proposed upgrades including Cherrywood Road improvements and the linkage to St. Columcille's Hospital. It is again emphasised

that these proposals have been maximised in the context of the lands in the control of the applicant. The Transportation Planning Report notes that the hospital link is dependent on third party lands, however, the lands in question are in the ownership of the hospital themselves.

It is considered reasonable that the proposed development has accommodated an upgrade link to the maximum extent possible within these lands but the remainder of same will be reliant on the hospital to deliver within their landholding and when they are in a position to do so.

4 SUMMARY & CONCLUSIONS

The proposed development was refused planning permission by DLRCC, with 1 of 2 reasons relating to accessible routes to and from the site based on existing infrastructure. DLRCC acknowledged that while upgrades are planned as part of the Cherrywood Green Routes project which would improve accessibility locally, the timeline for same was uncertain at present.

Taking these comments into consideration, an alternative accessible route through the linear park has been identified which links with the N11 and associated pedestrian infrastructure. This linear park route is not subject to the notable gradients that the other routes through the park experience and the N11 footpaths are of good quality, linking to several nearby bus stops and services. These bus services provide access to a variety of areas including Dublin City Centre and Luas Brides Glen, though the latter is also accessible via the alternative route highlighted. Connectivity to the N11 was highlighted as an acceptable solution by the then An Bord Pleanála Inspector in their assessment of a similar, albeit notably larger, development on the subject site. This addresses Reason No. 2 for refusal in full without reliance on the delivery of the Cherrywood Green Routes project.

The development offers further upgrades which will facilitate the proposed development as well as delivering tangible improvements for existing vulnerable road users in the area. These include:

- A signalised crossing linking Cherrywood Road footpath to the adjacent linear park, addressing significant existing safety issues and enhancing overall accessibility while also providing a traffic calming aspect;
- Widened footpaths on Cherrywood Road along the development site boundary to the maximum extent available to the applicant, notably improving the existing substandard footpaths locally and facilitating the aforementioned crossing;
- An improved pedestrian link through the development site to the boundary with the adjacent St. Columcille's Hospital and linking with the existing stairs access to same.

Taking the above into consideration, it has been shown that there is an existing and viable accessible route to the key locations in the area, most notably local public transport which addresses Reason No. 2 of the DLRCC refusal and complies with Section 12.3.8.2 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The future provision of the Cherrywood Green Routes will further complement and enhance local accessibility but is not a requirement to facilitate the proposed development.

Patrick Raggett B.E., CEng MIEI, MCIHT
Chartered Civil Engineer
O'Connor Sutton Cronin & Associates

OCSC
O'CONNOR · SUTTON · CRONIN
MULTIDISCIPLINARY CONSULTING ENGINEERS

OCSC

O'CONNOR · SUTTON · CRONIN

MULTIDISCIPLINARY CONSULTING ENGINEERS

Head Office

9 Prussia Street
Dublin 7
Ireland
D07KT57
T: +353 (0)1 8682000
E: ocsc@ocsc.ie | W: www.ocsc.ie

Civil | Structural | Mechanical | Electrical | Sustainability | Environmental