



An
Bord
Pleanála

Record of Meeting ABP-306219-19

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| Case Reference / Description | 995 no. apartments, creche and associated site works. Fosterstown (North) Swords, Co. Dublin. | | |
| Case Type | Section 5 Pre-Application Consultation Request | | |
| Date: | 11 th February, 2020 | Start Time | 2.30 pm |
| Location | Offices of An Bord Pleanála | End Time | 4.10 pm |
| Chairperson | Tom Rabbette | Executive Officer | Cora Cunningham |

Representing An Bord Pleanála:

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| Tom Rabbette, Assistant Director of Planning |
| Stephen O'Sullivan, Senior Planning Inspector |
| Cora Cunningham, Executive Officer |

Representing Prospective Applicant:

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| John McKeown, Applicant |
| Brian McKeown, Applicant |
| Raymond Martin, Applicant |
| Brian Boyle, John Fleming Architects |
| Claudia Fialho, John Fleming Architects |
| Paul Halpin, BDP |
| Siobhan Mullan, BDP |
| Patrick Raggett, OCSC |
| Shane McGivney, OCSC |
| David Kirkwood, Mitchells |
| Jim Dowdall, Enviroguide |
| John Spain, JSA |
| Stephen Blair, JSA |

Representing Planning Authority

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| Claire McVeigh, Senior Executive Planner |
| Gemma Carr, Senior Executive – Parks Superintendent |
| Niall Thornton, Executive Engineer – Transportation |
| Niall McKiernan, Senior Executive Engineer – Water Services |

Introduction

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Planning Authority (PA) and introductions were made. The procedural matters relating to the meeting were as follows:

- The written record will be placed on the pre-application consultation file and will be made public, along with that file, should an application arise following the conclusion of this consultation process,
- ABP received a submission from the PA on 24th January, 2020 providing the records of consultations held pursuant to section 247 and its written opinion of considerations related to proper planning and sustainable development that may have a bearing on ABP's decision,
- The consultation meeting will not involve a merits-based assessment of the proposed development,
- The meeting will focus on key site-specific issues at strategic overview level, and whether the documents submitted require further consideration and/or amendment in order to constitute a reasonable basis for an application.
- Key considerations will be examined in the context of the statutory development plan for the area and section 28 Ministerial Guidelines where relevant,
- A reminder that neither the holding of a consultation or the forming of an opinion shall prejudice ABP or the PA concerned in relation to any other of their respective functions under the Planning Acts or any other enactments and cannot be relied upon in the formal planning process or in legal proceedings.

The ABP representatives acknowledged the letter dated 19th December, 2019 formally requesting pre-application consultations with ABP. Prospective applicant advised of the need to comply with definition of SHD as set out in the Act of 2016, in relation to thresholds of development. It was also noted that the Inspector dealing with the pre-application consultation request would be different to who would deal with the application when it was submitted. Recording of the meeting is prohibited.

Agenda

1. **Access and layout, including issues regarding BusConnects and Metrolink**
2. **Compliance with development plan and masterplan, including issues relating to phasing, density, housing mix and height**
3. **Drainage and water supply**
4. **Appropriate Assessment issues**
5. **Any other issues**

1. Access and layout, including issues regarding BusConnects and Metrolink

ABP sought further elaboration/discussion on:

- Scale of development including upgrade of Pinnock Hill Roundabout
- Implications for BusConnects and Metrolink

Planning Authority's comments:

- Strategic transport study for south Fingal is being carried out,
- Fosterstown Link Road part of Development Plan, Forest Road and Pinnock Hill also require upgrading
- Upgrade of roundabout to be carried out by PA, hope to complete in short term
- PA in discussion with prospective applicant in relation to detailed design, final infrastructure upgrades to be agreed
- Junction capacity will have regard to number of units allowed in Phase 1
- Roundabout upgrade not dependent on BusConnects and Metrolink and will not compromise future development of these
- PA looking at different options in relation to school site, ensure pedestrian/cycle permeability

Prospective Applicant's response:

- Application will be in context having regard to the upgrading of the link road and the phasing of the proposed development
- OCSC contracted by both prospective applicant and PA to design and integrate infrastructure upgrades, letter of consent submitted from PA
- Holistic approach taken including who will deliver each part and the timelines involved
- Link road in prospective applicant's ownership, upgrades to be carried out by prospective applicant
- Other developments in close proximity granted permission on a phased basis having regard to particular infrastructural upgrades

Further ABP comments:

- Inclusion of proposed infrastructure upgrades in SHD application may raise issue in relation SHD timelines having regard to EIA and AA issues
- Supporting material required from NTA and TII
- Cycle lanes not properly segregated from footpaths or provided with clear routes through major junction, nor do they have suitable priority over minor side roads
- Upgrades on Forest Road to be compliant with DMURS, more junctions from proposed development to Forest Road may be required for compliance and to provide access to school site
- Need clarity on the timelines for the provision of housing and various road upgrades and who would be responsible for them

2. Compliance with development plan and masterplan, including issues relating to phasing, density, housing mix and height

ABP sought further elaboration/discussion on:

- National and local policies and non-statutory masterplan

Planning Authority's comments:

- Masterplan is consistent with development plan and in line with the approach recommended under section 2.11 of the building height guidelines, was adopted by the elected members of the council
- Masterplan does not allow the height and density of development now being proposed
- Prospective applicant to justify location of heights on proposed site
- Masterplan hopes to provide a landmark on route into Swords
- 240-260 homes can be accommodated in phase 1 of the masterplan
- Comprehensive details are need with regard to planting and the retention of trees
- Landscaping and SUDs proposals need to be consistent
- Adequate separation distances are required between buildings to ensure proper daylight and sunlight
- Concern about the amenity provided by open balconies on higher floors
- Open space and play areas need to serve a wide range of ages

Prospective Applicant's response:

- Proposed layout follows Masterplan
- Height, density and design comply fully with national guidelines
- Height provisions of masterplan follow a development plan that pre-dates national guidelines
- Highest buildings along new link road then tapered off to adjoining residential development
- Blocks broken up on Forest Road, have regard to development on opposite side of road
- Link road being provided on applicant's land
- Design team working with adjoining landowners to south in order to co-ordinate both sites
- Opportunity provided for link to east of site
- Urban Design Assessment submitted
- Comprehensive landscaping proposals have been submitted
- Height below Dublin Airport requirement
- Balconies used to break up elevations, corner site to have enclosed balconies
- Windows staggered where separation distances are not as great

Further ABP comments:

- Justification required for material contravention of development plan, rationale for heights and density would need to be set out
- Clear HQA required for such a large residential scheme to enable permission to be considered in line with SPPRs of apartment design guidelines
- Need to provide proper permeability with future development on lands to east
- Retention of vestigial hedgerows along new streets unlikely to be worthwhile

3. Drainage and water supply

ABP sought further elaboration/discussion on:

- Issued raised in Irish Water and network constraints

Prospective Applicant's response:

- Design acceptance to be finalised with Irish Water
- Foul water now has design acceptance
- Enough capacity for Phase 1 of development
- Hydraulic modelling to provide future upgrades
- Overall model for area to consider upgrades that are required
- Will address issues in more detail in application
- Issues with maintenance and public acceptance of surface detention features

Planning Authority's comments:

- Believes there is capacity in foul sewer on R132 side of development, may not have capacity on Fosters Road side
- More details required in drawings in relation to surface water proposals
- Have regard to flooding if re-profiling the proposed site
- Address extent of green roof coverage and provide details of petrol oil interceptors and discharge rates
- PA not in favour of attenuation tanks
- SuDs strategy prepared for Masterplan

Further ABP comments

- Advisable for prospective applicant to consult further with Irish Water and planning authority on drainage issues to avoid issues at application state

4. Appropriate Assessment issues

ABP comments:

- Need for clarity and precision in screening report and any NIS that might be submitted
- Documentation needs to address the legal tests for screening and if necessary for appropriate assessment
- Documentation needs to address proposed road works as well as housing
- Documentation needs to present the objective information required to support conclusions on screening and/or AA, irrelevant material or that of an administrative nature should not be included, nor should material be repeated
- Noted that development plan and its zonings was subject to AA

Prospective Applicant's response:

- Case law regarding measures has rendered AA complex, precautionary approach taken
- Stage 2 screening raises very high thresholds

Planning Authority's comments:

- Stage 2 AA report has been submitted

- Wastewater treatment plant has capacity, licencing by EPA

5. Any other matters

ABP comments:

- Legislation does not preclude the prospective applicant from including infrastructural works, full consultation with relevant bodies required before permission could be considered for them

Prospective Applicants Comments

- Prospective applicant will engage fully through the PA with TII and NTA

Planning Authority's comments:

- More clarity and discussions required in relation to play provision having regard to potential noise from play area and communal spaces
- Need to consult with IAA given the proximity of the airport

Conclusions

The representatives of ABP emphasised the following:

- There should be no delay in making the planning application once the public notice has been published
- Sample notices, application form and procedures are available on the ABP website
- Irish Water would like prospective applicants to contact Irish Water at cdsdesignqa@water.ie **between the Pre-Application Consultation and Application stages**, to confirm details of their proposed development and their proposed design.
- The email address to which applicants should send their **applications** to Irish Water as a prescribed body is spatialplanning@water.ie

Tom Rabbette
Assistant Director of Planning
March, 2020