



Case Reference / Description	705 no. apartments, childcare facility and associated site works. Lands at Fosterstown, Swords, Co. Dublin.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	27th November 2020	Start Time	9.30 am
Location	Remotely via Microsoft Teams	End Time	11.00 am
Chairperson	Tom Rabbette	Executive Officer	Helen Keane

Representing An Bord Pleanála:

Tom Rabbette, Assistant Director of Planning
Irené McCormack, Planning Inspector
Helen Keane, Executive Officer

Representing Planning Authority

Daragh Sheedy, Executive Engineer
David Murray, Senior Planner
Chris Garde, Executive Planner
Linda Lally, Senior Executive Engineer
Carmel Brennan, Senior Architect
Gemma E. Carr, Senior Executive Parks Superintendent
Hugh O'Neill, Executive Engineer

Representing Prospective Applicant:

Paul Turley, John Spain Associates
Kate Kerrigan, John Spain Associates
Michael Murphy, Applicant
Joe Gibbons, Waterman Moylan

Paul O'Toole, PCOT Architects
Celia Harris, Mitchell Associates

Introduction

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant and the Planning Authority (PA) via Microsoft Teams having regard to COVID-19 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 30th July 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 29th May 2020 formally requesting pre-application consultations with ABP. The 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. Traffic and Transport – Issues raised by the PA. Access and layout, including vehicular access onto the R132, Bus Connects and Metrolink**
- 2. Design Rationale - Compliance with development plan and masterplan, including issues relating to phasing, density, housing mix, height, residential amenity and public realm including interface with adjoining developments, the R132 and the Metrolink station civic space**
- 3. Issues raised by Parks and Green Infrastructure Division**
- 4. Drainage - Issues raised by PA and Irish Water**
- 5. Any other matters**

1. Traffic and Transport

ABP Comments:

- Requests PA comments on the status of Fosterstown Link Road from the R132 to Forest Road and upgrade of Pinnock Hill junctions
- Clarification sought regarding the implications for the strategic function of the R132 in terms of Bus Connects and Metrolink crossings
- Prospective applicant to clarify if they have consulted with National Transport Authority and TII
- Request PA to clarify timelines for Fosterstown Link Road.

Planning Authority's Comments

- Proposed new access onto the R132 is contrary to the transport objectives set out in the masterplan
- National Transport Authority to submit planning application on BusConnects programme in March 2021. Pinnock Hill junctions to be included
- A portion of the Fosterstown link maybe included in junction upgrade works
- Phasing strategy in the masterplan was deliberate to ensure delivery of housing does not impact on, but is delivered in tandem with, new transport links.
- South Fingal Transport study objectives - to facilitate the growth of Swords and to introduce sustainable transport in Swords
- Vehicular access at this location will be impacted
- Fosterstown masterplan seeks to underpin changes in sustainable travel modes
- National Transport Authority are the lead on both BusConnects and MetroLink
- MetroLink project timeline is undefined
- Sustainable phased growth of Swords in line with the provision of sustainable transport access
- Masterplan is an objective of the statutory Fingal County Development Plan, the masterplan has gone through a consultation process and was adopted by the elected members.

Prospective Applicant's Comments:

- Vehicular access to the site is a necessary component of the development and is a key aspect of proposed development proceeding
- Submission were made during the consultation process for the masterplan noting also that access was indicated previously at this location in the previous statutory plan for the area prior to the current masterplan.
- Fosterstown Link Road yet to be constructed
- Access on the R132 will not affect the functionality of the R132.
- Proposed development located within a low-speed area
- Signal controlled junction can be linked to speed controls in development
- Proposed development will not generate large volumes of traffic owing to the site location beside BusConnects core corridor and MetroLink.
- Intend to begin construction of proposed development as soon as decision of Board (if permission granted) is issued
- National Transport Authority will not enter into consultations with private prospective applicants
- Have made representations on masterplan and submission on BusConnects

- Recent BusConnects consultation drawings indicate a signalled controlled junction at this location
- Lands to north of proposed development subject to a current SHD application. The layout proposed does not make allowance for connection into this proposed development.
- Have carried out initial consultations with applicant of lands to north of proposed development
- Query if a temporary junction could be considered in order that site can be developed independently of lands to the north of the proposed development until the Fosterstown Link Road and associated infrastructure is in place.
- Alternative arrangement of the proposed access layout can be considered

2. Design Rationale

ABP Comments:

- Address concerns of PA regarding layout, increased height, separation distances between buildings, quality of amenity spaces. It was noted that these concerns were echoed at the internal SHD team meeting.
- Outline design rationale including residential amenity in terms of sunlight/daylight, overshadowing and overbearing impacts.
- Basis of the consultation meeting is only on submitted documentation
- Clarify material contravention
- The Board can only materially contravene matters that were raised in the material contravention statement (if applicable)

Planning Authority's Comments:

- Opinion of PA is based only on documentation submitted
- Proposed development does not comply with the recently adopted masterplan
- The masterplan fully aligns with relevant national policy guidelines
- Net density of 245 units per hectare is significant
- Limited use of hierarchical height structure and built form. Changes in height are referenced in masterplan
- Interface with the R132 noting the considerations of the junction are absent from the policy
- Design fails to address or enhance the characteristics of the site resulting in a confused sense of placemaking. Various facade treatments with a busy material palette design
- Layout does not afford sufficiency of space to the public realm or suitable designed building addressing and connecting with the future Metrolink station

Prospective Applicant's Comments:

- Strong justification for increased height and density given site location and planned transport proposals
- Suitable separation distances between buildings
- Acknowledge concerns raised by PA and that work is required
- Phase 1 of the proposed development is broadly in line with the masterplan phasing programme.

- It is unreasonable to tie phase 2 development of the masterplan to the delivery of Metrolink. The lands are suitable to come forward in the short term having regard to their strategic location.
- Fully compliant with apartment guidelines regarding mix of units
- Propose further discussion regarding design and residential amenity with PA
- Layout proposed is consistent with the masterplan
- Changes in level are considered
- Rectangular shape of creche building increases separation distance between buildings behind
- Variation is provided across the site
- Precedent of Grange Apartments in Stillorgan referenced
- Overall design has been revisited and improved upon
- Entrance to underground carpark has been relocated
- Acknowledges that ABP and PA cannot comment on new documentation provided at consultation meeting
- Will show changes made at application stage. A full suite of drawings and documentation including sunlight/daylight analysis will accompany the planning application.

3. Issues raised by Parks and Green Infrastructure Division

ABP Comments:

- Requests PA to outline issues with regards riparian corridor, open space and landscaping

Planning Authority's Comments:

- Public open space provision will not adequately serve the development, larger active spaces needed
- Seeking full size soccer pitch and all-weather pitch.
- Clarification required regarding SUD's measures
- Green corridor is too narrow. This should reflect linear park not just a through way. Additional space required for appropriate linkage.
- Full details of stream reprofiling to be submitted.
- Provide written statement at application stage to clarify that filling under pitch does not compromise use
- Indicate what trees and hedgerow will be retained and removed
- Appropriate urban plaza of suitable scale

Prospective Applicant's Comments:

- No SUD's measures proposed under the proposed pitches
- Stone filling proposed under playing pitch does not impact on the usage
- Riparian area complies - 10/15m set back provided in addition to pedestrian and cycling paths
- The proposed pitch is comparable in scale to the masterplan. A full size pitch will have a significant impact on the site.
- Playing pitches located 1.5 km away from proposed development
- Arborist pack will be included at application stage
- Extensive planting proposed

4. Drainage

ABP Comments:

- Consult with Irish Water in advance of lodging an application

Prospective Applicant's Comments:

- On-going engagement with Irish Water
- Modelling expected to be complete in a number of months
- No application will be made until Irish Water are happy

Planning Authority's Comments:

- Engaged in network upgrade with Irish Water
- FRA to address flooding concerns noting the eastern corner
- SUD's measures noted

5. Any other matters

ABP Comments:

- Carry out noise assessment and consult with Dublin Airport Authority
- Car parking rationale to be addressed
- Advised applicant to engage further with the PA

Planning Authority's Comments:

- Reiterates the design intent and the importance of the interface with the R132
- Key concerns regarding public space
- Concerns regarding proposed access onto R132

Prospective Applicant's Comments:

- Will consult with Dublin Airport Authority
- Proposed design is not a car-based scheme
- Potential to consider other access arrangements off R132 to be investigated
- Site is beside existing Quality Bus Corridor and is ideal location for development
- Applicant advised that the application will be subject to EIAR

- **Conclusion**

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
- The Board will shortly be making online submissions available on SHD applications. Please note that new public notices will be available on the Board's website once the online submissions web portal goes live. Please ensure you refer to the Board's website for the most up to date forms and public notices when preparing to lodge your application.

Tom Rabbette
Assistant Director of Planning
December, 2020