



<b>Case Reference / Description</b>	Removal of existing substation and perimeter walls on site, construction of 400 no. Build To Rent apartments, creche and associated site works. Former Factory Site, Finglas Business Centre, Jamestown Road, Finglas, Dublin 11.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	12 <sup>th</sup> May 2021	<b>Start Time</b>	14:00 am
<b>Location</b>	Remotely via Microsoft Teams	<b>End Time</b>	15:30 pm
<b>Chairperson</b>	Tom Rabbette	<b>Executive Officer</b>	Helen Keane

**Representing An Bord Pleanála:**

Tom Rabbette, Assistant Director of Planning
Lorraine Dockery, Senior Planning Inspector
Helen Keane, Executive Officer

**Representing Planning Authority**

Siobhan O'Connor, Senior Executive Planner
Gareth Hyland, Executive Planner, Roads Planning
Fergus Browne, Executive Planner, Forward Planning Team.
Kieran O'Neill, Senior Executive Landscape Architect, Parks and Biodiversity

**Representing Prospective Applicant:**

Padraig Owens, Applicant, Jamestown Village Limited
John Fleming, Architect, John Fleming Architects
Rachel Moore, Architect, John Fleming Architects

Gordon Poyntz, Consulting Engineer, Lohan-Donnelly Consulting Engineers
Eoin Munn, Transport Engineer, Transport Insights
John Spain, Planning Consultant, John Spain Associates
Ian Livingstone, Planning Consultant, John Spain Associates

### **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 once the Opinion has issued,
- ABP received a submission from the PA on 15<sup>th</sup> March 2021 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 17<sup>th</sup> February 2021 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. Zoning Objective and Land Use Strategy
2. Development strategy for the site to include height, elevational treatment, open space/public realm/recreational amenity provision
3. Residential Amenity
4. Transportation Matters
5. Drainage Matters
6. Any Other Matters

## 1. Zoning Objective and Land Use Strategy

### ABP Comments:

- The zoning objective and the land use strategy are one of the main issues in proposed development
- The PA do not support the proposed development in light of the land-use Zoning Objective Z6: To provide for the creation and protection of enterprise and facilitate opportunities for employment creation
- Proposed development comprises 91% residential
- The PA have highlighted in their report that they consider the proposed development to materially contravene the Dublin City Development Plan (2016-2022); primary objective to facilitate long-term economic development. Residential development open for consideration but seen as subsidiary; considers proposal to constitute piecemeal, unilateral development of non-compatible land uses on Z6 zoned lands
- Variation No. 33 of CDP noted and matters raised in PA Opinion in relation to prematurity pending proposed rezoning and designation of the Jamestown lands as SDRA with guiding principles to be established
- Applicant to provide a strong justification and response to the PA report with regards to this matter on Z6 zoning; robust response required. Opinion of PA with regards issues raised does not appear unreasonable
- ABP has not had previous SHD applications on Z6 zoned lands
- ABP has had an appeal case on Z6 zoned lands which was refused permission, case reference: ABP-302155-18. First reason for refusal related to proportion and quantum of residential development proposed would not be sufficiently subsidiary to employment generating uses
- Provide a strong justification in application documentation addressing all of the PA's concerns
- Clarify if employment generated by the proposed developed is long-term or short-term; temporary or permanent and if there has been consultation with surrounding landowners at this stage
- Address PA's opinion that a masterplan should be prepared prior to an application being submitted

### Planning Authority's Comments:

- No further comment beyond what was raised in the PA report
- Currently reviewing the Dublin City Development Plan 2016-2022 and preparing proposed variation to same. The Chief Executives response to the issues raised in submissions is currently being finalised
- Provide figures for employment generation from proposed development at application stage
- A masterplan would be useful before an application is submitted
- Confirms that a masterplan is not obligatory on Z6 zoned lands

### Prospective Applicant's Comments:

- Refers to a recent court judgement on a case where a proposed development was on lands that were zoned for other uses and the residential uses was open for consideration
- The proposed development will generate 400 jobs on the site, which is long-term employment
- The proposed development will have a higher level of employment than similar sites in the area
- The PA supports the regeneration of this area
- There is very little demand for commercial spaces in this area
- The proposed development site is suitable for the provision of housing
- Consultation with surrounding landowners at this stage has not yet been carried out
- The site can be developed without a masterplan in order to deliver housing in a timely manner
- Will address matters raised at application stage

## **2. Development strategy for the site to include height, elevational treatment, open space/public realm/recreational amenity provision**

### **ABP Comments:**

- Include a justification for the proposed height and density in application documentation, particularly in light of figures contained within proposed Variation No. 33 of City Development Plan
- Address PA concerns regarding elevational treatment and the slenderness ratio
- Submit details of finishes and materials, a building life-cycle report, photomontages and cross-sections; highlighted requirement for a high quality architectural design and finish
- Provide further detail at application stage on how the prospective applicant will demonstrate that members of the public will be aware that the open space available to all; quality of open space in terms of access to daylight/sunlight; overshadowing
- Refer to case ABP-308827-20 in terms of public plaza surrounded by urban blocks with ground floor animation
- Raised some concern regarding quantum and distribution of recreational amenity facility being provided for BTR scheme; provide details on the quantum of recreational amenity provided and, who has access to both the open space and recreational amenity
- Include details of a roof garden if proposed, at application stage
- Include details of where standards are not being met in daylight and sunlight report
- Include any issues which are considered to materially contravene the CDP in a Material Contravention Statement and advertise same within public notices, the purpose of which is to highlight to the public where the proposed development materially contravenes the statutory plan

**Planning Authority's Comments:**

- Can liaise with applicant on providing a greater level/quality of public open space; public realm needs to be addressed
- Have consideration for roof gardens

**Prospective Applicant's Comments:**

- In terms of height and density, proposed development site is in a regeneration area and on a Luas line
- Will address PA's concerns regarding recreational amenity
- Can address PA's concerns through design development and design evolution
- The landscape proposal will be further developed and improved prior to lodging an application
- Will have further consideration for the daylight plan
- Will address concerns regarding open space and daylight
- The height of the proposed development is currently under review and will be informed by the PA's comments
- Will have consideration for PA's comments on the level of public open space provided between the public realm and proposed site
- It is intended that all residents will have access to a roof garden
- Will take ABP's comments on board regarding a Material Contravention Statement

**3. Residential Amenity****ABP Comments:**

- Need for daylight, sunlight and overshadowing analysis
- Have due regard to potential impacts on adjacent properties/amenities etc.
- Have consideration for the number of dual aspect units on this brownfield site; extent of north-facing, single aspect units
- Have consideration for issues raised in the PA's report including length of corridors, entrance lobby/reception area design, private open space matters and address all of these in application documentation

**Planning Authority's Comments:**

- Refer to PA report on issues regarding residential amenity

**Prospective Applicant's Comments:**

- Will have consideration for above comments

**4. Transportation Matters****ABP Comments:**

- Prospective applicant to liaise with the PA regarding transportation matters
- Car parking provision, submission of Material Contravention Statement, if necessary

**Planning Authority's Comments:**

- If access road along the northern edge of the site is a primary access route, it should be designed in line with taken in charge standards
- Have consideration for parking ratios
- It is difficult to clarify if a cycling route is necessary with the absence of a masterplan but welcomes the provision of cycling infrastructure
- Can liase with the prospective applicant regarding transportation matters

**Prospective Applicant's Comments:**

- Will have consideration for the above comments

**5. Drainage Matters**

**ABP Comments:**

- Confirmation of feasibility report received from Irish Water
- Some upgrade works are required in terms of both water and wastewater
- Address matter of combined sewer overflow at application stage
- Address matters raised in Drainage Division report as contained in PA Opinion

**Planning Authority's Comments:**

- No further comment

**Prospective Applicant's Comments:**

- Have consulted with Irish Water
- Upgrades would come prior to an agreement for connection
- Upgrades to be carried out by Irish Water; contribution to be paid by developer; no third party consents required
- Surface water drainage issues will be clarified at application stage

**6. Any Other Matters**

**ABP Comments:**

- Submit a school demand report and a building life cycle report at application stage
- There is no provision for further information at application stage
- Refer to recent court judgement on EU directives and required Statement (Article 299B)

**Planning Authority's Comments:**

- No further comments

**Prospective Applicant's Comments:**

- The proposed development site is on the vacant sites register
- No further comments

- **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](mailto: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](mailto:spatialplanning@water.ie)

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Tom Rabbette  
Assistant Director of Planning  
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