



An
Bord
Pleanála

Record of Meeting ABP-309877-21

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| Case Reference / Description | 130 no. residential units (comprising of 55 no. houses and 75 no. apartments), and all other associated site works. Lands at Shaldon Grange, Kilternan, Co. Dublin. | | |
| Case Type | Section 5 Pre-Application Consultation Request | | |
| Date: | 26 th August, 2021 | Start Time | 10:00 am |
| Location | Via Microsoft Teams | End Time | 10:45 am |
| Chairperson | Rachel Kenny | Executive Officer | Hannah Cullen |

Representing An Bord Pleanála:

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| Rachel Kenny, Director of Planning |
| Fiona Fair, Senior Planning Inspector |
| Hannah Cullen, Executive Officer |
| Karen Hickey (observing) |

Representing Prospective Applicant:

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| John Gannon, Tom Philips and Associates |
| Lizzie Donnelly, Tom Philips and Associates |
| Keith Start, Heronvale Developments (Applicant) |
| Nigel Start, Heronvale Developments (Applicant) |
| Niall Brennan, NDBA Architects |
| Sarah Curran, DBFL Consulting Engineers |
| Thomas Jennings, DBFL Consulting Engineers |
| Seán Cassidy, Mitchell & Associates Landscape Architects |

Representing Planning Authority

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| Michelle Breslin, Senior Executive Planner |
| Elaine Carroll, Executive Engineer |
| Donal Kearney, Assistant Parks Superintendent |

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| Ger Ryan, Senior Planner |
| Sean Keane, Senior Executive Engineer |

Introduction

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Planning Authority (PA) via Microsoft Teams having regard to the Covid-19 restrictions 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's on **5th May, 2021** providing the records of consultations held pursuant to section 247 of the Planning and Development Act, 2000 as amended 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 **6th April, 2021** 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 (Housing) and Residential Tenancies Act 2016, in relation to thresholds of development. The representatives of ABP advised that the Inspector dealing with the pre-application consultation request would be different to the Inspector who would deal with the application when it was submitted. Recording of the meeting is prohibited.

Agenda

- 1. Reason for refusal on foot of 307506-20, inter alia, Material Contravention of the Kiltiernan – Glenamuck LAP 2013 – 2023 (in terms of its phasing plan, which allows for 700 units for Phase 1).**
- 2. Daylight and Sunlight Assessment**
- 3. Response to Issues raised in the CE Report.**
 - Placemaking, Functional and Visual Links to Enniskerry Road, Kiltiernan Church and Kiltiernan Village.
 - Layout, circuitous roads infrastructure proposed and site boundaries.
 - Social Infrastructure Delivery. Inc. Justification for absence of creche and community facilities.

- Parks Department Report – In particular, loss of trees & open space quantum.
- Drainage Planning Report
- Transportation Planning Report - In particular, prematurity of the development in the absence of infrastructure i.e. phasing of the development in line with the delivery / construction of the Glenamuck District Distributor Road (GDDR).

4. Any Other Business

1. Reason for refusal on foot of 307506-20, inter alia, Material Contravention of the Kiltiernan – Glenamuck LAP 2013-2023 (in terms of its phasing plan, which allows for 700 units for Phase 1).

ABP Comments:

- Clarity surrounding the timeframe for the proposed new road.
- A full Material Contravention should be submitted if the proposed building scale is to be perused.

Prospective Applicant's Comments:

- A Material Contravention Statement is being prepared to address how the scale proposed will be appropriate, this will be clearly identified in the public notices.
- Breaching of the 700 units threshold set out in the LAP is a procedural issue.
- Preliminary works have begun on the road.
- Of four recent planning permissions none have commenced construction works. Improbable that 700 units would be constructed prior to the construction and delivery of the GDDR.

Planning Authority's Comments:

- As stated within the PA report the proposal is deemed to be a material contravention of the plan.
- The proposal is a material contravention by reason of the capacity of the infrastructure network, in particular the roads infrastructure in the area.
- Premature pending the construction of the GDDR
- It is anticipated the GDDR road will go to tender in October, construction should begin later next year (Summer 2022) this is the latest update from the project engineer.
- The Local Area Plan chapter 10.6 requires the construction of the road prior to development on the site, therefore the opinion would not be in support of development on this site until such a time that the proposed road is built.
- Not prudent to grant planning permission for more than 700 units ahead of delivery of the road scheme.

2. Daylight and Sunlight Assessment

ABP Comments:

- A detailed Day/Sunlight assessment should be submitted at application stage. The assessment should set out where the proposal complies with relevant BS or BRE standards and any noncompliance or shortfall should be clearly identified, justified and mitigation measures proposed.

Prospective Applicant's Comments:

- Due to the previous relatively low height nature of the site and absence of neighbouring properties this was not addressed however a full Day/Sunlight report will be submitted with any application to the Board.

Planning Authority's Comments

- No additional comments.

3. Response to issues raised in the CE Report**ABP Comments:**

- Each application stands on its own merits, cannot rely on previous application documentation to justify proposals.
- Any changing ecological information from the previous application should be readdressed and added to the relevant reports for example Bat Studies.
- Any arguments made by the applicant will need to be fully justified at application stage.
- Clarification that all items raised by the PA in their report submitted to the Board are addressed, further meetings should be sought to resolve outstanding issues.

Prospective Applicant's Comments:

- Convinced the merits of the scheme were validated by the Board Inspectors previous report and the one reason for refusal only, related to material contravention issue.
- Full cognisance will be taken of the Local Area Plan.
- Not certain how the EIS for the GDDR would affect the proposed development. Satisfied that what is proposed along the road scheme stands up and meets the requirements of the LAP.
- Any new application will be justified on its own merit.
- A rationale will be put forward for a phasing scheme.
- Phase 1 of the scheme will create viable demand for the creche, scope to looking into providing for the further phases, a rationale will be provided for this.

Planning Authority's Comments

- Serious concerns still present as outlined in the PA report submitted to the Board, the layout is not consistent with Local Policy.
- A refusal was recommended by the Inspector involved in the Glenamuck Road Oral hearing based on its surrounding area.
- Appendix 12 of EIS and LAP background information should be fully addressed within any documentation submitted as part of an application. Policy based commitment to frontage development, development parcels, integration with the wider area and surrounding lands.

4. Any Other Business**ABP Comments:**

- A phasing plan should be included in the application documentation.

- Regard should be had to Walton Abbey Case and Section 299B(1)(C) screening. Where an EIAR is not being submitted the applicant should submit all necessary information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 for the purposes of Section 7(A) screening.
- The development as proposed is not a Build To Rent (BTR) Scheme. Legislation to restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good is noted (Occupancy Condition will apply).

Prospective Applicant's Comments:

- Not in favour of tree loss on the site however the quality of those trees is category U. Planting and protection of the higher value trees are proposed.
- Mitigating factors of proposal to plant new trees and to retain those along the stream.
- The positioning of open space has regard to typography and existing features, will be justified at application stage.
- Justified on a macro scale, with two adjacent sites and overall useability strategy.

Planning Authority's Comments

- Sections through the river onsite can be discussed further with the applicant prior to an application being lodged.
- Tree loss proposed is disappointing, open space strategy will need to be fully justified.
- Open space quantum and quality is questionable. Undesirable as it leans to necessity to depend upon open space in subsequent phases.

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

Rachel Kenny
Director of Planning
October, 2021