



An  
Bord  
Pleanála

## Record of Meeting ABP-310654-21

<b>Case Reference / Description</b>	328 no. residential dwellings (209 no. houses, 119 no. apartments), creche and associated site works. In the townland of Regles, Minister's Road, Lusk, Co. Dublin.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	29 <sup>th</sup> October 2021	<b>Start Time</b>	2:30 pm
<b>Location</b>	Remotely via Microsoft Teams	<b>End Time</b>	4:15 pm
<b>Chairperson</b>	Rachel Kenny	<b>Executive Officer</b>	Helen Keane

### Representing An Bord Pleanála:

Rachel Kenny, Director of Planning
Karen Hamilton, Senior Planning Inspector
Helen Keane, Executive Officer

### Representing Prospective Applicant:

Tracy Armstrong, Armstrong Fenton Associates
Greg Davey, Architect, Davey-Smith Architects
Laura McLoughlin, DBFL
Thomas Jennings, DBFL
Ronan MacDiarmada, Landscape Architect, Ronan MacDiarmada & Associates
Edwin O'Dwyer, Applicant, Dwyer Nolan Developments Ltd

### Representing Planning Authority

Chris Garde, Executive Planner
Malachy Bradley, Senior Planner
Linda Lally, Senior Executive Engineer
Phillip.Grobler, Senior Executive Engineer

## 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 26<sup>th</sup> July 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 28<sup>th</sup> June 2021 formally requesting pre-application consultations with ABP. The prospective applicant advised of the need to comply with the definition of SHD as set out in the (Housing) and Residential Tenancies Act of 2016, as amended, 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. Previous reason for refusal: ABP 305713-19, *inter alia*, surface car parking and useable public open space.
2. Material Contravention of the development plan, *inter alia*, public open space.
3. Encroachment onto GE zoned lands (employment and enterprise).
4. Design and layout of apartments.
5. Traffic and Transport, *inter alia*, car parking, internal layout and TTA.
6. Wastewater and surface water, *inter alia*, Irish Water and Planning Authority.
7. Ecology, *inter alia*, hedgerow protection and habitats surveys.
8. Any Other Matters

**1. Previous reason for refusal: ABP 305713-19, *inter alia*, surface car parking and useable public open space.**

**• ABP Comments:**

- The pre-application documentation does not fully correlate, there are some inconsistencies.
- The prospective applicant is to address the previous reason for refusal.
- Provide further detail on the usability of the public open space, communal areas and the basement parking.
- Quantify the public and communal spaces.

**• Planning Authority's Comments:**

- The provision of open space is close to the 10% requirement, but there would be a concern if it drops below the requirement.
- The PA has no further comments beyond what ABP has mentioned above.
- The Sustainable Drainage Systems (SuDS) is taking the PA's preferred location of the play provision.
- The Sustainable Drainage Systems (SuDS) should not have any impact on the open space.
- The prospective applicant should clearly set out what is public and what is communal.

**• Prospective Applicant's Comments:**

- The pre-application documentation sought to demonstrate the narrative of the proposed development since the section 247 meeting took place with the PA, this may have been the cause of the inconsistencies.
- The prospective applicant seeks to address the lack of overlooking.
- The quantum has remained consistent. The Board deemed acceptable the quantum on the previous application.
- Have sought to reduce the impact of parking and basement parking is provided.
- The central open space has good passive surveillance.
- There has been an attempt to remove parking spaces whilst achieving the same quantum.
- Will ensure the public and communal spaces are quantified at application stage and will submit a site layout plan.
- Have taken the PA's and ABP's comments on the previous application on board.
- Will clearly set out at application stage the open space and communal space provision.

**2. Material Contravention of the development plan, *inter alia*, public open space.**

**• ABP Comments:**

- The PA can accept a contribution in lieu if the proposed scheme does not reach the quantum required.
- The prospective applicant is to have consideration for the usability and functionality of the public open space.

- The application documentation must demonstrate if there is a Material Contravention and the prospective applicant should provide a justification for same.
- The prospective applicant must prove that the public open space is usable.

- **Planning Authority's Comments:**

- The open space provision is a Material Contravention if it goes below 10%.
- The prospective applicant is to demonstrate at application stage that the Sustainable Drainage Systems (SuDS) does not impact the open space.

- **Prospective Applicant's Comments:**

- A Material Contravention statement on open space was included on the previously refused application.
- The density is appropriate.

### 3. Encroachment onto GE zoned lands (general employment).

- **ABP Comments:**

- The prospective applicant is to submit a site layout plan for clarity at application stage.
- No access into the adjoining lands is provided.
- The prospective applicant is to have further discussions with the PA.
- A road would not contravene the zoning objective.
- The encroachment is not residential, it is an access into residential.
- The redline boundary can be amended.

- **Planning Authority's Comments:**

- The PA has concerns in relation to no access being provided into the adjoining lands.
- More than one access is desirable in the event of an event blocking the other access.
- It may be a consideration for the Board that the GE lands can be zoned residential.
- There is some precedent for the change of auxiliary to residential.

- **Prospective Applicant's Comments:**

- The section of the open space referred to has since been removed.
- Can further liaise with the PA on the provision of a second access.
- Alterations to the site layout may be considered.

### 4. Design and layout of apartments.

- **ABP Comments:**

- The prospective applicant is to address the separation distances of the proposed development.
- Provide photomontages at application stage.
- Provide a daylight and sunlight analysis and assess average daylight factors.
- Provide detail on how the external access points are maintained.

- Provide clarity on how the elevations will function.
- Indicate the privacy strips in the application documentation.
- Impact of the undercroft parking on the urban design.
- **Planning Authority's Comments:**
- The prospective applicant is to provide a housing quality assessment at application stage.
- Provide clarity on the location of the bicycle parking and have consideration for the provision of surveillance.
- **Prospective Applicant's Comments:**
- Bicycle storage is provided.
- Elevators can be incorporated into the scheme in the future.
- The central block is south facing.
- There is a sense of presence in the scheme.

#### 5. Traffic and Transport, *inter alia*, car parking, internal layout and TTA.

- **ABP Comments:**
- Reference to the PA submission.
- No further comments.
- **Planning Authority's Comments:**
- Will further liaise with the prospective applicant in relation to the additional detail.
- **Prospective Applicant's Comments:**
- Will further liaise with the PA.

#### 6. Wastewater and surface water, *inter alia*, Irish Water and Planning Authority.

- **ABP Comments:**
- The prospective applicant is to address the Irish Water submission at application stage.
- Have consideration for additional SUDs measures required.
- Provide a taken in charge map.
- **Planning Authority's Comments:**
- Would like to see fewer attenuation tanks in the proposed development.
- The prospective applicant is to have consideration for any taken in charge issues.
- The PA is open to facilitating further discussions with the prospective applicant.
- **Prospective Applicant's Comments:**
- Have been in contact with Irish Water regarding the previous application.
- Currently in consultations with Irish Water.

- There are no issues with the required pump station upgrade.
- Can discuss any taken in charge issues with the PA.

## 7. **Ecology, *inter alia*, hedgerow protection and habitats surveys.**

- **ABP Comments:**

- Hedgerow removal raised by the PA.
- Further liaise with the PA on the retention of the town boundary definition.
- Provide a rationale at application stage regarding defining townland boundaries.

- **Planning Authority's Comments:**

- The prospective applicant is to have consideration for hedgerow protection and habitat surveys.
- The hedgerows to the south and north of the proposed development are townland boundaries and the PA has a policy to protect these.
- The prospective applicant is to be as realistic and practical as possible in the retention of townland boundaries.
- Carry out a categorisation of the hedges.
- The boundary is worthy of retention, provide further detail on how it will be maintained.
- A hedgerow needs active maintenance.
- Maintain evidence of the townland boundary.
- Have consideration for the provision of compensatory flora for a corridor that shadows the hedgerow that is lost.

- **Prospective Applicant's Comments:**

- Can consider a fencing solution for the retention of the boundary.
- Can consider a scenario where the boundary line is not immediately near the hedgerows.
- Must take the cycle paths provision into consideration along the front of the site.

## 8. **Any other matters**

- **ABP Comments:**

- Ensure that there are no inconsistencies in the application documentation.
- Have consideration for the character areas.
- Ensure the application is comprehensive.

- **Planning Authority's Comments:**

- No further comments.

- **Prospective Applicant's Comments:**

- 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.
- A Schedule of Documents and Drawings should be submitted with the Application.
- 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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Rachel Kenny

Director of Planning

November, 2021