



An  
Bord  
Pleanála

## Record of Meeting ABP- 311861-21

<b>Case Reference / Description</b>	Construction of 283 residential units within townland of Newcastle South, Newcastle, Co. Dublin.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	11 <sup>th</sup> February 2022	<b>Start Time</b>	9.30
<b>Location</b>	Via Microsoft Teams.	<b>End Time</b>	10.55
<b>Chairperson</b>	Rachel Kenny	<b>Executive Officer</b>	Ashling Doherty

### Representing An Bord Pleanála:

Rachel Kenny, Director of Planning
Conor McGrath, Senior Planning Inspector
Ashling Doherty, Executive Officer

### Representing Prospective Applicant:

Christophe Teevan, Cairn Homes
Aidan McLernon, Cairn Homes
Daibhi Mac Domhnaill, Cairn Homes
Nigel Neely, Mola Architects
Jim Bloxam, Murray Associates
Noel Gorman, DBFL Consulting Engineers
John Moloney, DBFL Consulting Engineers
John Spain, John Spain Associates
Rory Kunz, John Spain Associates

## Representing Planning Authority

Eoin Burke, Senior Planner
Tracy McGibbon, Senior Executive Planner
Caitlin O'Shea, Assistant Planner
Brian Harkin, Senior Executive Engineer (Drainage)
Laurence Colleran, Senior Executive Parks Superintendent
Rosaleen Dwyer, Heritage Officer
Irenie McLoughlin, Architectural Conservation Officer
John Hegarty, Senior Engineer (Roads)
Suzanne Furlong, Public Realm
Ronan Toft, Planning Authority

### 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 3<sup>rd</sup> December 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 4<sup>th</sup> December 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. Development Strategy and LAP Framework**
- 2. Phasing**
  - **Open Space**
  - **Community infrastructure/schools**
  - **Connections**
- 3. Design and layout**
- 4. Material Contravention**
- 5. Roads and Transport**
- 6. Drainage**
- 7. AOB**

- 1. Development Strategy and LAP Framework**

### **ABP Comments:**

- The prospective applicant should address compliance with the Core Strategy and the Development Plan and LAP growth targets for Newcastle.
- Justification required for the development of these land in terms of sequential development, having regard to the extent of Village Core lands available.
- Clarify ownership of lands to the south of the existing school.
- Having regard to the LAP framework, further information is required as to how the development will facilitate the linkage of the blocks and open spaces areas.
- Address the development plan objective for traveller accommodation on the lands.

### **Prospective Applicant's Comments:**

- The proposed development is the 2<sup>nd</sup> parcel of Cairn lands, which is to the west of the Graydon SHD, currently under construction.
- In terms of the Development Plan core strategy, the zoned residential target for the County is 137,000 units by 2022. There is a target of 700 units in Newcastle.
- The proposed development will contribute 283 units to this target.
- Having regard to the permitted and proposed development, this target for Newcastle will be exceeded.
- The proposed density of 36 units per hectare is more sustainable and is reflective of the change in government policy since the LAP was adopted.
- Lands to the south of the existing school, within the centre of the lands, are in Dept. of Education ownership. This presents issues in achieving the LAP framework layout.
- Adjoining lands to the north, within the applicant's blue line boundary, are unavailable, being either subject to a dispute or subject to proposals for retail use.
- Land to the southwest of the site, are in the ownership of a 3<sup>rd</sup> party.
- The western part of the Taobh Chnoic Park is currently subject to a dispute in the courts.
- The eastern part of the park has been subject to engagement with local residents and the prospective applicants are aiming for completion at the end of 2022.
- In terms of traveller accommodation, the objective has not yet been satisfied and amendments in this regard are under discussion with the Council.

**Planning Authority's Comments:**

- The proposed 283 dwellings will exceed the plan for 855 dwelling houses in the LAP lands.
- The LAP was prepared in 2012, and subsequently reviewed in 2017. It will expire in December 2022
- Seeking clarification of the ownership of lands to the west of the site.
- The PA are working within national policy and the written submission is clear. The densities sought are appropriate for this location and are aligned with national guidance.

**2. Phasing**

- **Open Space**
- **Community Infrastructure / Schools**
- **Connections**

**ABP Comments:**

- The prospective applicant should demonstrate how, or if, the LAP phasing requirements have been delivered. Any application should graphically illustrate such delivery.
- With regard to the community infrastructure, the PA have indicated that a financial contribution will be acceptable to the PA, in line with the LAP.
- Clarification is required in relation to the school and its current status in terms of design or planning.
- How would LAP Objectives be achieved in relation to current plans for the school site?
- Clarity sought on what can be delivered, including a timeline and a rationale why it cannot be delivered where appropriate.
- Note that the Dept. may wait until demand in the area has been exceeded before plans and development of a school may take place.
- Clarity sought regarding the requirement for further linkages to Main Street.
- The ability to deliver the Finian's Way connection to the north should be confirmed, or whether landowner consent is required.
- Further discussions should be held between the PA and the prospective applicants in relation to the design requirements for the linkages.

**Prospective Applicant's Comments:**

- The prospective applicants have already delivered 3.8 - 3.9 hectares of open space along with 0.75 hectares of allotments within Burgage south.
- This comprises a level of over-provision of open space to date.
- Burgage North has not been developed and is in the ownership of a 3<sup>rd</sup> party.
- Overall there will be 6 hectares of open space including green connections.
- Lands to the south of the existing school are in the Dept of Education ownership. The prospective applicants have had discussions with the Dept.
- There is no short-term need for a school, but the Dept. are retaining the site for this purpose. No further information can be provided in relation to timelines.

- The prospective applicants highlighted the constraints faced due to the uncertainty of the plans from Dept.
- The plans identify a possible location for the school but there is no agreement in this regard as yet.
- Further additional direct links to Main St. cannot be provided due to the constraints of intervening contested lands.
- A proposed retail outlet to the north could facilitate a further link to Main Street.
- A link is also being provided via a retail unit at the entrance to Cairn lands further east.
- The prospective applicants feel they are delivering the connections while faced with the constraints of the lands that are not under their control.
- Connection to the Finian's Way to the north is still subject to landowner consent.

**Planning Authority's Comments:**

- Regard should be had to the green infrastructure strategy included within the LAP.
- Open space 1 and 2 are communal rather than public open spaces.
- The LAP parks requirement is not in addition to the standard 14% public open space requirement.
- The PA have had no indication that a school will be provided on that site.
- Clear northside links are required to reduce car dependency.
- The PA is requesting an additional direct link to Main St.
- The prospective applicant is required to demonstrate that the Finian's Way connection has been designed as a neighbourhood link and not a local access street.

**3. Design and layout**

**ABP Comments:**

- The prospective applicant should address concerns expressed by the PA in relation to the height and massing of the proposed apartments.
- Clarification sought on the rationale for the level of dual aspect apartments proposed.
- Having regard to the provisions of the LAP, the prospective applicants should present a rationale for the design approach they have adapted.
- Address concerns in relation to the level of unsupervised open space along the fringes of the development and adjoining Graydon in the southeastern corner.

**Prospective Applicant's Comments:**

- The five storey apartment buildings are located within the burgage plot.
- This solution can provide for the long-term retention management and control of the burgage hedges, which would remain part of the public domain.
- Housing in this area would create difficulties in retaining these hedges.
- This is the expansion area of the town which is more appropriate for higher densities, closer to the local services and generally screened by hedgerows.
- LAP and burgage plots were being used as a guide when determining the apartment block location.
- The level of dual aspect provision will be further reviewed prior to the application.
- The LAP Framework is not consistent with the objective to retain burgage plots.

- Concerns in relation to the unsupervised open space have been noted and further consideration will be given to this matter at application stage.
- An area of lands in the southeastern corner, adjoining Graydon, are overgrown but this area is dispute and is outside of the prospective applicant's control.

**Planning Authority's Comments:**

- The PA reiterate that their report is clear with regard to the mass and height of the apartments and refer to the LAP in relation to this matter.
- Communal open space is poorly overlooked and should be clearly delineated, particularly the southeastern communal open space no. 2.

**4. Material Contravention**

**ABP Comments:**

- Having regard to the PA's submission, the Material Contravention Statement submitted by the prospective applicant may need to be amended.
- Regard should be had to the LAP which contains overarching objectives, as well as objectives in respect of each neighbourhood.
- Regard should be had to recent court judgments where reliance upon the criteria under section 3.2 of the Building Height Guidelines for a material contravention was a consideration.
- Have regard to the plan likely to be in place at date of any Board decision on an application.

**Prospective Applicant's Comments:**

- The Material Contravention Statement will be reviewed prior to the application being submitted. Height and density have been the focus.
- With regard to the LAP, there is a height objective of 2 storeys.
- Within the expansion area, the LAP provides for exceptions to the height limits.
- Concerns raised by the PA have been noted.
- Regard will be had to the Draft County Development Plan.

**Planning Authority's Comments:**

- The LAP specifically identifies the location for landmark structures and this does not provide for general exceptions to the building height provisions of the plan.

**5. Roads and Transportation**

**ABP Comments:**

- Confirmation sought regarding the satisfaction of the PA with the level of junction analyse and survey work which was undertaken.
- Clarity sought as to whether traffic loading on the Hazel Hatch Road / bridge raises concerns.
- Further consideration is required with regard to public transport and connectivity to the proposed development, with sustainable transport to be addressed.

- The extent of measure to address the lack of footpaths on the Athgoe Road was queried.

**Prospective Applicant's Comments:**

- Hazel Hatch Road can be looked at in Stage 3 along with any further junction concerns the PA may have.
- Having regard to the nature of development, the prospective applicants do not envisage major traffic concerns. The proposed development may place pressure on the junctions.
- It is noted that public transport linkages are poor and the prospective applicants are hopeful it will improve as the development progresses.
- There is a pinch-point on the Athgoe Road north of the proposed entrance restricting the ability to provide a footpath. This would require LA input.
- A pedestrian crossing will be provided to the footpath on the western side of this road.
- The desire lines from within the development would be to the north and east.
- Roads through the burgage hedgerow can be omitted.
- The internal road layout follows the framework of the LAP. This route will be designed as a link street.

**Planning Authority's Comments:**

- The PA is generally satisfied with the transport assessment submitted.
- The planning authority is currently working with Bus Connects to improve bus services to Newcastle. The NTA is anxious to improve such services.
- A potential terminus on School Road is under consideration and there are discussions with the Dept. of Education in this regard.
- Proposed roads through the southeastern burgage plot hedgerow should be omitted.
- The main east-west spine road wraps around Sean Ferim Park and restricts its usability.

**6. Drainage**

**ABP Comments:**

- Address concerns regarding possible pre-maturity of the development given the dependency on the Newcastle pumping station upgrade, which currently has no design or timeframe for completion.
- Address planning authority concerns regarding surface water drainage.
- Have regard to possible material contravention of development plan policies with regard to surface water drainage.

**Prospective Applicant's Comments:**

- The project timelines for the Newcastle Pumping Station Project, remain unclear.
- The prospective applicant has entered into a Project Works Services Agreement with Irish Water, which study is ongoing. Preliminary results are expected shortly.
- The prospective applicant are hopeful they will have more clarity with regard to the timeframes of the project at Stage 3.
- There has been engagement with the planning authority on surface water design.

- Surface water requirements are currently being addressed in Graydon.

#### **Planning Authority's Comments:**

- Underground attenuation tanks should be avoided / reduced as much as possible.
- The Draft Development Plan does not permit tanks under public open space which is counted toward the required 14% level of provision.
- South Dublin Sustainable Drainage Guide has just been launched, to which the PA will forward a copy to the prospective applicants for guidance.

#### **7. Any other matters**

#### **ABP Comments:**

- Attention should be given to the capacity of public transport.
- The NTA Strategy is based on a scenario of supply meeting demand.
- Forthcoming Board decisions may provide some direction in this regard.

#### **Prospective Applicant's Comments:**

- Trench testing has taken place on the lands with positive results to date.
- Clarification sought in regard to public transport and if overall capacity or spare capacity is required.

#### **Planning Authority's Comments:**

- The provisions of the LAP reflect the historic character of the western part of the town, which includes burgage plots, protected structures and archaeology.
- The application will be assessed against the LAP which will expire 9<sup>th</sup> December 2022.

#### **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  
March , 2022