



An
Bord
Pleanála

Record of Meeting ABP-312007-21

Case Reference / Description	Demolition of existing structures, construction of 397 no. residential units (165 no. houses, 232 no. apartments), creche and associated site works. Lands at Wayside, Enniskerry Road, Kilternan, Dublin 18.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	24 th February 2022	Start Time	10.00am
Location	Remotely via Microsoft teams	End Time	11.15am
Chairperson	Stephen O'Sullivan	Executive Officer	David Behan

Representing An Bord Pleanála:

Stephen O'Sullivan, Assistant Director of Planning
Fiona Fair, Senior Planning Inspector
David Behan, Executive Officer

Representing Prospective Applicant:

Neil Durkan, Liscove Limited
Stephen Manning, McCrossan O'Rourke Manning Architects
Roger Mullarkey, Mullarkey & Associates (Civil Engineer)
Peter Foley, Atkins (Traffic Engineer)
Ronan Mac Diarmada, Ronan Mac Diarmada & Associates Landscape Architects
Patricia Thornton, Thornton O'Connor Town Planning.

Representing Planning Authority

Michelle Breslin, Senior Executive Planner
Miguel Sarabia, Executive Planner

Sean Keane, Senior Executive Engineer (Transport)
Gerry D'Arcy, Senior Executive Engineer (Capital Projects)
Dermot Fennell, Executive Engineer (Transport)
Elaine Carroll, Acting Senior Executive Engineer (Drainage)

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, 22nd November 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, 10th January 2022 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. **Compliance with specific objectives of the Kiltiernan LAP 2023 for Land Parcel 22**
 - **Mix and quantum of non-residential use proposed within the Neighbourhood Centre**
2. **Previous Reason for refusal (D09A/0471/PL06D.236630)**
3. **Phasing**
4. **Transportation and deliverability of connectivity.**
5. **Drainage**
6. **AOB**

1. Compliance with specific objectives of the Kiltiernan LAP 2023 for Land Parcel 22

• **ABP Comments:**

- Further consideration of the mix and quantum of non-residential use proposed within the Neighbourhood Centre.
- Further justification of the level of non-residential use / neighbourhood centre uses proposed, given the level the 'NC' zoning and the level of residential development permitted to date and proposed for the wider Kiltiernan area.
- Further consideration and justification that this area - designated 'NC' – envisaged in the Framework Plan to deliver the primary retail, commercial and community focus, centred on a new 'Village Green', will become the heart of the village.
- Further justification that the proposal complies with the Kiltiernan LAP 2023 for land parcel 22.
- Consideration that any possible material contravention issues are advertised accordingly, and the application documentation should refer to both the Development Plan in place at the time the application is made and the new Draft Development Plan, where it is considered that the new Development Plan could be adopted prior to a decision forthcoming from the Board.

• **Prospective Applicant's Comments:**

- A study was carried out by Future Analytics with respect to retail impact assessment.
- The RIS provides a useful comparison with Belarmine a similar type of development, in terms of quantum of retail provision.
- The challenge is to provide enough floorspace to serve the future population without vacant floor space being an issue 15 years down the line.
- Stepside village has also suffered. Serious concerns of over provision of retail floor space and vacancy for a very long period. Adds nothing to a development.
- The applicants design team intend to look at providing future space, further down the line, if additional retail floor space is required. Making provision for extension of the proposed retail spaces and NC.
- There has been a lot of thinking around the design and quantum of the NC. The applicants design team have been involved in this project for a very long time.
- It is concluded that the NC provides adequate retail and local facilities, ancillary services are provided.
- Don't want the NC to dominate the development and Enniskerry Road.
- Proposing a solid building line along the Enniskerry Road before you come to the village green.
- Way finding character of design. Ultimately the main access from the GLDR. Going for a village feel, trapezoidal shape, of a scale that does not dominate.
- The quantum of NC uses is significant and includes medical, creche and shops.
- The proposal activates the streets, animates the Dingle Way making the route active.
- An office hub is proposed to promote home working.
- A useful comparison in terms of size of retail that works is Fresh in Belarmine.
- How much more floor space would be required, in the PA's opinion to comply with the LAP requirements?

- The design team is happy to look at the area to the south of the Village Green area to be set aside to cater for additional uses as the local need arises; this will avoid the visual impact of vacant units.
- It is the applicants intention to proceed with the development as proposed and to justify how they can expand the NC uses as required.

- **Planning Authority's Comments:**

- Concerns that the NC as proposed complies with the LAP.
- Non-residential development does not mean, solely, retail.
- The NC is proposed to become the heart of Kiltiernan.
- Last thing that the PA want to see is vacant space.
- Would be a drain on resources and quality of the overall scheme would degenerate.

2. Previous Reason for refusal (D09A/0471 / Ref. PL06D.236630)

- **ABP Comments:**

- Further consideration and justification for tree loss and a tree protection and or replacement strategy for trees to be retained.
- Further consideration and justification of useability, location and layout of open space and public realm strategy.
- Justification of the proposed development in light of any changing ecological information from the previous application should be readdressed and added to the relevant reports for example Bat Studies.
- Any amendments to be set out clearly.

- **Prospective Applicant's Comments:**

- Double line of existing trees will be retained trees as well as centrally located trees placed within proposed open space on site.
- The open space links to the Dingel Way. A greenway link will join play areas and park.
- Proposals in the previous application on the site to remove trees has been revised. The concept here is to look at the previous refusal, to retain trees as much as possible and create a link.
- Play areas with rough play, reuse of saved trunks from other developments, placed within the site.
- Active approach which incorporates permeability to adjoining lands, create a walkway for perimeter, incorporate cycle routes, create natural character areas.
- A full EIAR will be carried as the site is in excess of 11 ha.
- Further discussions will be carried out with the PA in relation to EIAR
- Access point can be moved to main junction

- **Planning Authority's Comments:**

- Maintains position as set out in PA Opinion.
- Crossing of GLDR road is 30 m off the preferred location.
- Important to provide links to east – west footpaths.
- The issues can be resolved by way of further discussion.

- Important desire lines are provided for, single point-controlled crossing. Needs a redesign.

Further ABP Comments:

- Location of crossing should be consistent with the overall scheme for pedestrian movement and urban design principles set out in LAP

3. Phasing

ABP Comments:

- Further clarity for an overall phasing plan should be included in the application documentation.
- Further justification for phasing for the NC – clarity on when it to be delivered, in particular, in light of matters raised by planning authority.
- A detailed statement demonstrating how the proposed development ties in with wider development strategy for the landholding and the overall Kiltiernan Area, with regard to a phasing strategy.

Prospective Applicant's Comments:

- Phase 1 will deliver housing only.
- NC will be delivered in Phase 2A, this is considered reasonable. Housing in the first phase makes sense and will aid delivery of the NC uses, in subsequent phase in tandem with housing.
- Further development will expand out from, and around phase 1.

Planning Authority's Comments:

- The PA want the NC delivered as part of Phase 1 and connected into the GLDR.
- No further comments to that set out in their CE report.

4. Transportation and deliverability of connectivity.

ABP Comments:

- Clarity required in relation to the material contravention of the Development Plan and the LAP in terms of its phasing plan, which allows for 700 units for Phase 1. Development proposed is in excess of 700 units and as per local County Development Plan and LAP policy it would require the construction of the Glenamuck District Distributor Road (GDDR).
- Clarity required in relation to the timeframe for the construction of the GDDR.
- Clarity and justification that construction traffic will not hinder construction of the GLDR.

Prospective Applicant's Comments:

- Phase 1 will be delivered at same time as new road infrastructure.
- The construction will tie in with the timeframe of the proposed development.
- There is ABP precedent for grants of residential schemes in the area.
- Given the timeframe for the construction of the road infrastructure a grant of permission for the proposed development is reasonable.
- Construction traffic for phase 1 would access the site via Enniskerry road.

- CEMP shows no adverse impact.
- Connection into the GLDR is incorporated into the phasing plan. Infrastructure will be delivered.
- There is a housing crisis.
- Traffic flow data shows that the relief road to the north will have a big impact.
- **Planning Authority's Comments:**
- Expect to commence procurement of contract in April / May of this year (2022) and construction would commence June / July 2022. Completion is expected within a 24 month period.
- Deemed that any proposal is premature until the road is completed, this is still the position of the PA
- Concern with respect to construction traffic accessed via Enniskerry Road, should be accessed off newly constructed GLDR. DLRDCC are not prioritising the GLDR link over the GDDR. Therefore timeframe may change.
- Construction is proposed of an E-W Road and N-S Road. The E-W road is a priority for free flow of traffic to Carrickmines and Stepaside.
- Cognisance is had to the relief road further north, which further by-passes Glenamuck Road and will provide relief. This road is imminent and will have a big impact.

5. Drainage

- **ABP Comments:**
- 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.
- Consideration that each application stands on its own merits and cannot rely on previous application documentation to justify the proposal.
- Consideration that any arguments made by the applicant in relation to layout and design, visual impact, loss of trees and open space quantum, ecology and community facilities will need to be justified at application stage.
- Irish Water has raised concern over connection via 3rd party lands and relevant letters of consent will be required.
- **Prospective Applicant's Comments:**
- In possession of letters of consent from all 3rd parties.
- Have had discussions with IW and connection points have been agreed.
- Have met with the Drainage department of DLRDCC and have ironed out most of the technical issues.
- Since lodging the pre-app the applicant has acquired control over some additional Rockville lands.
- **Planning Authority's Comments:**
- Prospective applicant should consider introduction of more SUDS elements and optional connection points,

- Acknowledge that technical issues raised have been resolved.
- Cognisance to be had to everything set out in their report attached to the CE report.
- Cognisance to be had to the Development Plan review and new Draft Plan requirements, in respect of drainage.

6. Any Other Business

• **ABP Comments:**

- Clarity that issues raised by the IW report are addressed. Evidence is required that the applicant has permission to connect to the Third-Party Infrastructure and also upgrades area required.
- A full EIAR is required, therefore Article 299B(1)(C) as required, is not applicable.
- Consideration that there is no further information facility available to the Board, only in exceptional circumstances, therefore all information submitted needs to be clear and of a high quality and accurate to ensure that the Board can make an informed decision.

• **Prospective Applicant's Comments:**

- Consideration to have further contact and discussion with the Parks Department.
- The design approach should be inclusive of Art works.
- The PA is happy to engage further and will provide conditions in the event of any grant of planning permission.

• **Planning Authority's Comments:**

- Prospective applicant is happy to liaise with parks, transport and drainage departments.

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 **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.

Stephen O'Sullivan
Assistant Director of Planning
March, 2022