



An
Bord
Pleanála

Record of Meeting ABP-312231-21

Case Reference / Description	312231 - 137 no. residential units (40 no. houses, 97 no. apartments), creche and associated site works. Lands at Stepside, Co. Dublin.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	24 th March 2020	Start Time	10.00am
Location	Held Remotely via Microsoft teams	End Time	11.00am
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:

Sharon Reilly, McGarrell Reilly Group
Eoin Deffely, McGarrell Reilly Group
Martina Keenan Rivero, MH Planning Consultants
Adrian Toolan, MH Planning Consultants
Paul McVeigh, Conroy Crowe Kelly (CCK) Architects & Urban
Michael Crowe, Conroy Crowe Kelly (CCK) Architects & Urban
Dan Reilly, DBFL Consulting Engineers
Brendan Manning, DBFL Consulting Engineers
David Andrews, Brown Richardson & Rowe Landscape Architects + Planners

Representing Planning Authority

Michelle Breslin, Senior Executive Planner
Nick Bowman, Assistant Planner
Elaine Carrol, A/Senior Executive Engineer
John Cunniffe, Executive Engineer
Sean Keane, Senior Executive Engineer
Dermot Fennell, 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, 10/11/2021, 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, 24/11/2022 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 CDP Policy and specific policies of the Ballyogan and Environs Local Area Plan 2019 – 2025
2. Transportation, Movement, Carparking and Access
 - Planning History
 - Deliverability and timeframe for the Clay Farm Loop Road.
 - Phasing (requirements of LAP)
3. Residential Amenity
4. Drainage
5. AOB

1. Compliance with CDP Policy and specific policies of the Ballyogan and Environs Local Area Plan 2019 – 2025

ABP Comments:

- Further consideration of building height by neighbourhood and density given specific policies stated in the BELAP 2019 – 2025. Part of the site lies within Area 11 'Kilglobbin South' and Area 13 'Stepaside East'. There is an LAP requirement for analysis of building height over 4 storeys.
- Further consideration and justification of the low density proposed (19 units) on the upper site to the north given the specific objectives of the BELAP 2019 – 2025. Neighbourhood 11 and 13 have a net density target of 60 u/ha and 45 u/ha respectively.
- Further justification of the proposal in terms of design requirements of the Ballyogan & Environs LAP with respect to:
 - Pedestrian and cycle network,
 - Linkages,
 - Housing for all,
 - Building height by neighbourhood,
 - Suds,
 - Public open space,
- Further consideration and justification of the proposal in terms of the BELAP 2019 – 2025.
- 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:

- Accepts that the site traverses two neighbourhoods, area 11 and area 13 as per the LAP.
- Design approach by context. Western area is identified as Kilglobbin area, and it has a density requirement of 45 – 50 u/ha. Higher density is proposed on lands to the east.
- Cognisant of the density standards as per the LAP but argue that the design is appropriate in the context of the site, existing housing, levels, and context.
- Fringe of detached housing in Kilglobbin Park. Upper site acts as a buffer to semidetached houses.
- Lower site is the appropriate place for apartment blocks, beside and accessed off the Loop Road.

- There are constraints on the upper site in terms of density, however this is an infill, serviced, zoned site. The applicant is cognisant of a compact approach to development of the lands.

Planning Authority's Comments:

- Maintains its position as per CE opinion. Reiterate points and comments set out in their report.
- The proposal is not in accordance with the LAP for density or height.
- However, the PA accept the logic put forward and are satisfied with proposed 6 storey height proposed on the lower site, prospective applicant to provide building height study.

2. Transportation, Movement, Carparking and Access

ABP Comments:

- Further consideration and justification of roads and access to the proposed two parcels of lands.
- Further justification for access to the upper site (19 units) via Stepside Park, given the issues raised by the planning authority with respect to circuitous route, steep gradients, junction access with Enniskerry Road, phasing requirements for the Clay Farm Loop Road, access arrangements and density requirements set out in the BELAP 2019 – 2025.
- Further consideration and justification for concerns in relation to increased number of dwellings proposing access via Clay Farm Loop Road which is essentially a cul de sac.
- Clear indication on what section of the loop road will be delivered by the applicant under the subject application.
- Further justification for the proposal in relation to section 12.1 phasing of the LAP regarding the provision of Clay Farm Loop Road.
- Further consideration that all documentation submitted is clear with respect to the portion of the Loop Road proposed to be delivered, that its specification and design accords with the Clay Farm Loop Road Scheme and would not prejudice the delivery of the road to the standard required. Plans to include specification for vulnerable users, pedestrians and cyclists.
- Further consideration that the proposal has regard to DUMRS and the National Cycle Plan.

Prospective Applicant's Comments:

- Delivery of the Clay Farm Loop Road is a long-held objective of the County Development Plan.
- The delivery of the Loop road is dependent on planning permission being granted.
- The level of traffic proposed in the subject proposal is not significant. Traffic modelling has been undertaken
- Roughly 600m of the Loop Road left to be delivered the subject application if granted will deliver 300m of this.
- There is an advantage and a planning gain to providing a link from Ballyorgan Road to Stepside Park – this is a key advantage for pedestrian and cycle connectivity
- Will deliver 50% of loop road, within redline boundary of the application proposal.
- Has no control of lands beyond redline
- No significant impact on current traffic is expected.

- Stepside Park is in the centre of the Loop Road. Desire lines for people accessing the Loop Road would be the same as if Loop Road was completed – relatively similar concept of cul de sac because of the way it sits.
- There is a long and protracted planning history. Historical cap of 300 units applied. This is well superseded in 2022. The traffic modelling indicates that there would be no capacity issues. This is referenced clearly in the TTA and will be expanded upon in any future planning application.
- Realising another 300m of the Loop Road with the knowledge that the PA are actively pursuing a LIHAF scheme is important. There is a benefit to providing a link to Ballyorgan – this is a key issue.
- Strong pedestrian benefits and pros to this scheme, it's an interim scenario and will benefit the area overall.

Planning Authority's Comments:

- The Loop Road while partially complete is a cul de sac.
- Requires the Loop Road to be completed and in place prior to development on these lands.
- Access issues – 1300 units have been granted by the Board on a cul de sac. The western arm of the road has not been delivered.
- Concern of one access for through traffic, fire access will be to Enniskerry Road Junction.
- 400 units accessing via Stepside Park to junction with Enniskerry Road is not desirable. This junction is not designed to facilitate the number of vehicles.

3. Residential Amenity

ABP Comments:

- Consideration that the objectives of the LAP on these topics have been addressed:
 - impacts on adjoining structures
 - overlooking,
 - relationship of open space and public realm
 - views and vistas
 - daylight and sunlight incl. shadow assessment
 - placemaking and wayfinding
 - creation of neighbourhoods
 How the proposed development ties in with wider development strategy for the landholding and the overall Kiltiernan Area, with regard to a phasing strategy.
- Need for comprehensive views and photomontages

Prospective Applicant's Comments:

- Agrees that level of detail required needs to be of good quality in all documents, applicant will address this matter in any future application.
- Good quality scheme is required that complies with CDP policy – this will be taken on board in any future application.

Planning Authority's Comments:

- Applicant needs to address the specific objectives of the LAP
- No other serious concern with layout and design. The daylight, sunlight and overshadowing analysis stacks up and is to a good standard.

- If the access and transportation issues were resolved the proposal would be satisfactory.

4. Drainage

ABP Comments:

- Clarification that all items raised by drainage department in their report submitted to the Board are addressed, further meetings should be sought to resolve outstanding issues.
- Further consideration of the proposal in respect to level of detail provided, particularly in relation to surface water drainage proposals and relating to site specific flood risk assessment and movement of overland flow rates.
- Clarity that issues raised by the IW report are addressed, in particular with regard to infrastructure on the site sets backs or diversions and that a flow rate to meet fire flow requirements can be guaranteed.
- Each application stands on its own merits and that should issues or disagreements arise with respect to infrastructure deficits the Board precedent is to uphold the opinion of the planning authority, given their responsibility and authority on such matters.
- 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:

- Will include further detail in application
- Will include SUDS elements
- Will engage in further discussions with PA
- The proposal will be further developed as part of stage 3 application
- Swales, green routes, Suds features will be incorporated.
- Standard details and sections will be submitted.

Planning Authority's Comments:

- Will continue to discuss further with prospective applicant there are fundamental disagreements on calculations.
- Should be no showstoppers but further discussion and consultation is required in advance of any application.

5. AOB

ABP Comments:

- Further consideration of the proposal in terms of:
 - Construction Management Plan,
 - Taking in Charge and
 - Quality Audit
- 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 to examine other High Court Judgments in regard to material contravention.
- SHD proposals cannot materially contravene zoning objectives. High Court has set out the criteria it uses on materiality – Barna JR Case is pertinent.

Prospective Applicant's Comments:

- The zoning in the newly adopted DLRDCDP makes revision to the upper site. The southern portion of the upper site is now rezoned to open space.
- How is this likely to be received under SHD process.

Planning Authority's Comments:

- New LAP plan will be in place in April of 2020
- Regardless of the changes to zoning, access to the western upper site is not consistent with the LAP in terms of density and connectivity.
- The PA will make a judgement on zoning issues at stage 3 and give their opinion, regard being had to the statutory plan in place.

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,
April 2022