



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing)
and Residential
Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
ABP-300906-18**

Strategic Housing Development	181 no. houses, crèche, car and bicycle parking and all associated infrastructure
Location	Woodtown, Ballycullen, Dublin 16
Planning Authority	South Dublin County Council
Prospective Applicant	Ballycullen Limited Partnership
Date of Consultation Meeting	26 th March 2018
Date of Site Inspection	19 th March 2018
Inspector	Joanna Kelly

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1 The proposed development is located in the Woodtown area of Ballycullen, approx. 1.5km south west of the M50, junction 12 exit. The development lands have a stated site area of 10.94 hectares and are located south of the existing housing estate 'Stocking Wood'.
- 2.2 Access to the site is proposed via an existing partially completed link road from Stocking Road which serves 'Abbot Grove' housing development. Abbot Grove is also accessible from Ballycullen road to the west which runs in a north-south direction.
- 2.3 The development lands are elevated, rising steeply to the south, where they form the backdrop to the Dublin Mountains. The lands further south e.g. along Stocking Lane offer panoramic views in a northerly direction.
- 2.4 The general area is residential in character. There is an existing development north of the development lands, accessed from the northern side of Stocking road which is under development. The lands immediately to the north-east/east of the site are undeveloped but have planning permission for housing. There is a 'Lidl' store approximately 500m west of the development lands. The Local Area Plan refers to

historical walking routes in the area. It was noted at time of inspection that there is an access from lands north of the development site along the Ballycullen Road through a turnstile to lands that appear to contain an old well (St. Columkille's Well) and a stone cross as indicated on OS historical Maps)

3.0 Proposed Strategic Housing Development

3.1 It is proposed that the overall site of c. 10.94 hectares will be developed to accommodate a total of 181 houses, a creche and car parking and bicycle parking.

Figure 1: Housing Units

Unit Type	No. of Units	% of overall units provided
2 bed	10	6%
3 bed	93	51%
4 bed	72	40%
5 bed	6	3%
Total	181	100%

The housing typology consists of 155 semi-detached units, 16 terraced units and 10 detached units. The proposed development has a stated net density of 21 units per hectare.

4.0 Planning History

History associated with site

There is extensive planning history with the development site and in the immediate area as outlined in the documents submitted by the prospective applicant and the planning authority. The following is a brief synopsis of the more recent history files pertaining to the development lands:

File Ref. No. 06A/0611/ PL.06S.219949 Permission refused by the planning authority and on appeal for 396 residential units comprising of 245 no. houses and 151 apartments. Provision of 1 no. two storey building comprising of creche at ground floor level and a community facility at first floor level. Reason for refusal pertained to the prominent elevated location of the site and to the layout proposed, which entails an undue degree of excavation into the mountain slope resulting in a development that would be excessively obtrusive and would seriously injure the visual amenities of the area.

File Ref. No. SD07A/1035/ PL.06S.229509 Permission granted by planning authority and on appeal for 394 residential units, community facility, car parking on site.

File Ref. No. 07A/1035EP Application for extension of duration refused.

There are no extant permissions on the development lands.

5.0 National and Local Planning Policy

5.1 National

5.1.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Project Ireland 2040: Building Ireland's Future, 2018.
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'Childcare Facilities – Guidelines for Planning Authorities'

5.2 Local

5.2.1 The South Dublin County Development Plan 2016-2022 is the statutory development plan for the area. Section 2.2.2 of the plan sets out that densities should take account of the location of a site, the proposed mix of dwelling types and the availability of public transport services. As a general principle, higher densities should be located within walking distance of town and district centres and high capacity public transport facilities.

5.2.2 The development lands fall within the remit of the Ballycullen-Oldcourt Local Area Plan 2014. Section 6.3.1 regarding phasing of lands on the eastern side of the LAP lands, where the development site, is of relevance. There is also a road objective indicated on the development land connecting to lands east of the site.

6.0 Forming of the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting. I will provide a brief detail on each of these elements hereunder.

6.1 Documentation Submitted

- 6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.
- 6.1.2 The information submitted included *inter alia*: a completed application form; cover letter, Confirmation of feasibility from Irish Water, Planning report and Statement of Consistency, Appropriate Assessment Screening Report, Ecological Impact Assessment, Part V details, Architectural Design Statement, Area Schedule and Housing Quality Assessment, Engineering report, Traffic and Transport Statement, Bat Assessment, Arboricultural report, plans and particulars as per schedule submitted.
- 6.1.3 I have reviewed and considered all of the documents and drawings submitted.

6.2 Planning Authority Submission

- 6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, South Dublin County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 9 March 2018.
- 6.2.2 The planning authority's opinion included a record of the section 247 consultations and planning history associated with the site. It also included reference to the following issues:

Site layout and response to site context – the planning authority wish to express the importance of protecting the highly sensitive, elevated and visually prominent site adjacent to the Dublin Mountains area. The need to avoid engineering solutions such as cut and fill is considered a key element.

Phasing – the phasing strategy of the Ballycullen-Oldcourt LAP sets out to ensure that plan lands are developed to create sustainable communities by linking the development to the delivery of infrastructure, amenity and community facilities. The requirements of phase 1 eastern side of the LAP lands are set out in section 6.3.1.

Flood risk management – the planning authority wish to re-iterate the importance of flood risk and water management within the site. Flood alleviation is particularly important in the context of flood events that have occurred downstream of these lands. Integration of SUDS is a primary requirement for the site.

Location and Quality of Open Space – Concerns are noted as to the location and quality of the spaces provided. A proposal incorporating more suitably designed and accessible public open spaces would be supported by the planning authority.

Connectivity – the proposed development incorporates one entrance/egress point. Additional traffic access to the site should be considered. Concerns are raised regarding the deliverability of the links having regard to the proposed layout.

6.3 Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 26th March 2018, commencing at 11.30am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

6.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Phasing of development having regard to Ballycullen-Oldcourt LAP
2. Permeability and Connectivity including roads objective
3. Urban Design response, Layout, Density and Housing Typology
4. Visual/Landscape impact
5. Environmental Impact Assessment.
6. Any other matters

- 6.3.3 In relation to phasing of development, ABP representatives sought further elaboration/discussion on this matter having regard to the requirements of the LAP. Clarity regarding the status of community facilities and the neighbourhood centre were sought.
- 6.3.4 In relation to permeability and connectivity including the realisation of the road objective within the development site to the lands east of the site, ABP representatives sought further elaboration/discussion on this issue having regard in particular to the provision of additional pedestrian and vehicular links in a previous permission on the lands from Stocking Wood.
- 6.3.5 In relation to urban design response, layout, density and housing typology, ABP representatives sought further elaboration/discussion on the urban design response having regard to the site characteristics, interface of the proposed development with adjoining lands, location of open space areas and need to maximise passive surveillance.
- 6.3.6 In relation to visual/landscape impact, ABP representatives sought further elaboration on this topic having particular regard to the site characteristics and need to protect existing residential amenity of adjoining lands.
- 6.3.7 In relation to environmental impact assessment, ABP representatives sought further elaboration/discussion on whether the 10 hectare threshold for urban developments in a built up area may apply in this instance.
- 6.3.8 In relation to any other matters, ABP representatives highlighted that drainage and the potential for displaced waters elsewhere should be considered as part of any application. Further consideration/details should be provided to the overall green infrastructure strategy for the development lands.
- 6.3.9 Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-300906-18' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

- 7.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy via the statutory plan for the area.
- 7.3 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 7.4 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.5 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

8.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

8.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

8.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Timing and Phasing of Development

Further consideration and/or justification of the documents as they relate to the planning rationale for developing at this location having specific regard to the possible prematurity of development at this location pending the completion/provision of key development as identified in Table 6.3.1 Eastern Side of the Plan lands of the Ballycullen-Oldcourt Local Area Plan.

2. Connectivity and Permeability

Further consideration and/or justification of the documents as they relate to the provision of vehicular, cycle and pedestrian connections and permeability through the site and to contiguous residential lands, particularly to the north and east of the development site and having

regard to the specific road objective for these lands as identified in the Ballycullen-Oldcourt Local Area Plan. Further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

3. Urban Design Response, Layout and Visual Impact

Further consideration and/or justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas; the specific site characteristics of the development lands; and the difference in ground levels of contiguous lands. Further consideration and/or elaboration regarding the landscape and visual impact arising from the proposal should also be considered. Further elaboration including illustrations of how the site analysis/context informed the proposed urban design response would be useful. Further consideration of these issues may require an amendment to the documents and/or design proposal submitted.

4. Density

Further consideration of the documents as they relate to the density proposed having regard to, inter alia, the minimum densities provided for in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. Further consideration should also be given to the unit typology i.e. apartments and/or duplexes and to providing an appropriate mix of units within the development site. Should the further consideration of the density result in an increase in building height, the documentation at application stage should address potential landscape and visual impacts on the contiguous residential lands and on the wider environs. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

5. Public Open Space

Further consideration and/or justification should be given in relation to the location, distribution and qualitative nature of the public open space particularly in the context of accessibility from within and from adjoining developments. Further consideration/justification should be also given to the surveillance of and usability of these spaces addressing in particular level changes across the site and integration of open space with adjoining lands to the north and east. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

6. Environmental Impact Assessment

Further consideration as to the possible need to submit an Environmental Impact Assessment Report, where the applicant is of the opinion that environmental impact assessment is not required, a clear rationale/justification for such a position should be made at application stage.

8.4 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A site layout plan which clearly indicates proposed vehicular, cycling and pedestrian connections to the site.
2. Details of existing and proposed levels across the development site relative to adjoining lands.
3. Photomontages and cross sections showing how the development will interface with adjoining residential developments.

4. Details of surface and storm water management proposals having regard to the topography of the development land and the potential to increase the risk of flooding elsewhere. All existing watercourses that traverse the site should be clearly identified on a site layout plan.
5. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture and play equipment, where proposed. The landscaping plan should provide colour coded details of walking/cycling routes proposed within the development.
6. A phasing plan for the proposed development should be provided which includes the phasing arrangements for the public open space and Part V provision.
7. A construction and demolition waste management plan should be provided.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland
3. Córas Iompair Éireann
4. National Transport Authority
5. Inland Fisheries Ireland
6. Waterways Ireland
7. Minister for Culture, Heritage, and the Gaeltacht
8. Heritage Council

9. An Taisce – the National trust for Ireland

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.



Joanna Kelly

Senior Planning Inspector

10th April 2018