



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-302893-18.

Strategic Housing Development	253 residential units, comprising 133 houses and 120 apartments.
Location	Lands at Hollystown Golf Club, Hollystown, Dublin 15.
Planning Authority	Fingal County Council.
Prospective Applicant	Glenveagh Homes Limited.
Date of Consultation Meeting	4 December 2018.
Date of Site Inspection	29 November 2018.
Inspector	Stephen Rhys Thomas.

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

The subject site is located north of Mulhuddart in the emerging Tyrrelstown/Kilmartin area of Dublin 15. The site is positioned east of a large area of public parkland, Tyrrelstown Park. Hollywoodrath housing estate, currently under construction is located to the south and east of the site. A number of new schools are located to the south of the site. A portion of Hollystown Golf Club comprises the bulk of the site. The balance of lands in the area comprise large arable fields located to the west and the remainder of the golf course to the north.

The subject lands are directly accessible from a public road (R121), which is rural in character. The site is mostly level and comprises a well-maintained golf course, with stands of mature trees. An overhead powerline runs through the northern portion of the site in an east-west direction.

3.0 Proposed Strategic Housing Development

The development 253 residential units, comprising 133 houses and 120 apartments on a site of 10.215 Hectares, the details are as follows:

50 two bed houses – 20%

74 three bed houses – 29%

9 four bed houses – 4%

51 one bed apartments – 20%

69 two bed apartments – 27%

435 Car parking spaces, 144 bicycle spaces.

1.385 Hectares of public open space.

Net Residential density 42 units per hectare.

4.0 **Planning History**

Nearby sites:

FCC Reg. Ref: FW13A/0088, ABP Ref: PL06F.243395

On 20th October 2014 An Bord Pleanála upheld Fingal County Council’s decision to grant planning permission on a 7.14ha site at Church Road, Kilmartin, Dublin 15 for a development comprising 172 no. houses to the south of Hollystown Golf Course.

The permitted development consists of:

- 58 four-bedroomed houses with floor areas of 160sqm;
- 110 three-bedroomed houses with floor areas of between 126sqm and 136sqm; and 4 two-bedroomed houses with floor areas of 86sqm.

The permitted development also provides for a distributor road (referred to as an avenue in the Kilmartin LAP) heading west from the existing roundabout at the junction between the R121 and the N2/N3 link road.

FCC Reg. Ref. F91A/0832

On 20th October 1991, permission granted for a 52 bedroom hotel and associated sewage works. The hotel was proposed in the northern portion of the overall golf course lands, not constructed.

FCC Reg. Ref. F94A/0859

On 23rd March 1995, permission for a 24 bedroom hotel incorporating golfing facilities and an associated carpark and sewage treatment work. As above, the hotel was proposed in the northern portion of the overall golf course lands, not constructed.

5.0 National and Local Planning Policy

5.1 Section 28 Ministerial Guidelines

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 S.28 Ministerial Guidelines are:

- 'Urban Development and Building Height' 2018
- 'Sustainable Urban Housing: Design Standards for New Apartments' 2018
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') 2009
- 'Design Manual for Urban Roads and Streets' 2013
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009
- 'Childcare Facilities – Guidelines for Planning Authorities'

5.2 Statutory Plan for the area

Fingal Development Plan 2017-2023

Zoning and Related Objectives

The Fingal Development Plan 2017-2023 sets out an overall strategy for the planning and sustainable development of the area. The majority of the site is zoned RA – Residential Area - provide for new residential communities and subject to the provision of the necessary social and physical infrastructure. and a significant portion is zoned OS – Open Space – Preserve and provide for open space and recreational amenities.

Specific Local Objective 72

Under Specific Local Objective 72 of the Development Plan the Council seeks to “Provide a recreational facility for the Dublin G.A.A. County Board, through the provision by them of a 2.5ha playing pitch and local recreational community facility including a clubhouse, related ancillary facilities and car and cycle parking.”

In accordance with Specific Local Objective 72, a 2.5ha site will be reserved for the provision of a playing pitch and an associated club house (to be provided by the Dublin GAA County Board). The site to be reserved is located to the west of the subject lands. The proposed east-west road link will facilitate vehicular and pedestrian access to these future GAA grounds.

The subject lands are located in the Outer Airport Noise Zone and Outer Public Safety Zone associated with Dublin Airport.

Kilmartin Local Area Plan 2013

The site is located north of the Kilmartin Local Area Plan 2013, section 6 of the plan sets out phasing and implementation guidance. The site is subject to a number of elements including: Phase 1, Phase 2, Phase 3, an Avenue, Green Infrastructure Links and Park.

The provision of infrastructure and services in a timely manner is crucial to the achievement of the vision for Kilmartin. The LAP area is divided into 2 separate Development Phasing Areas, with one located east of the R121 on the RA lands containing 2 Phases and one located west of the R121 on RA lands containing 3 Phases. The sequence of phasing is ordered so that development moves from the centre out. Phase 2 West cannot commence until 75% of Phase 1 West has been completed to the satisfaction of the Planning Authority. In addition Phase 2 East cannot commence until 75% of Phase 1 East has been completed to the satisfaction of the Planning Authority. The phasing arrangements on either side of the R121 are not linked i.e. Phase 2 East can commence prior to Phase 1 West being completed subject to Phase 1 East being developed to the satisfaction of the Planning Authority. The 'LC zoning' is to proceed over the course of Phase 1 and 2 and is to be substantially complete prior to Phase 3 commencing.

6.0 Submissions Received

Irish Water

Confirmation of Feasibility issued for this site for 220 residential units. Advises that the applicant must enter into a Project Works Service Agreement (PWSA) with IW to determine the required upgrades to the pumping station and network (if any). If pumping station upgrades are required, planning permission will be necessary, pipe upgrades are unlikely to require planning consent or third party permissions. The applicant has not signed a PWSA, but has entered into discussions with IW concerning same. Subject to a valid connection agreement being put in place, the proposed connections to the Irish Water networks can be facilitated.

Department of Culture, Heritage and the Gaeltacht

The proposed development site is large-scale in extent and located in an area of archaeological potential. There is sufficient information contained in the Cultural Heritage Impact Assessment Report that will allow for an informed planning decision with regard to archaeological impacts. The Department concurs with the recommended archaeological mitigation as noted in Section 9 of the report.

7.0 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 submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

7.1.1. Documentation Submitted

The prospective applicant is required to submit certain information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Regulation No. 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.

The information submitted included: OS location map; complete application form; site layout plans; planning and design statement, a landscape masterplan; planning report/cover letter; environmental report; waste management plan; daylight/sunlight

report; CEMP; construction and demolition waste management plan; tree survey; lighting design; infrastructural design report; Hollystown foul pumping station assessment; DMURS statement; site specific FRA; ground investigation report; traffic and transport assessment; preliminary building life cycle report; cultural heritage assessment; childcare provision report; parking schedules; outer public safety zone compliance report; inward noise impact assessment; habitats directive assessment screening report; ecology assessment report; statement of consistency with planning policy report; energy statement; pre-planning notes; Part V report; a completed pre-connection enquiry feedback form from Irish Water and written consent from Fingal County Council.

I have reviewed and considered all of the above mentioned documents and drawings.

7.1.2. Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Fingal County Council, submitted copies of their records 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 the 22 November 2018.

The planning authority's 'opinion' included, *inter alia*, the following: an assessment of the proposed development in the context of County Development Plan; site description; relevant planning history in the area; the principle of the development; commentary on airport safety and noise; childcare provision; design and layout.

The planning authority are satisfied that the proposed development accords with both national guidelines and local zoning objectives for the area. The location is appropriate (in principle) for residential units. There are however, some redesign recommendations that should be considered:

- To meet objective DMS80 the entrance should be redesigned to respect hedgerow and townland boundary.
- Retain historic field boundaries where feasible.
- Comply with guideline standards in relation to layout, apartments, bin stores etc.

- Detailed aspects of design in relation to finishes, variation of design, bin stores, EV charging points and revised proposals in relation to a fox den and removal of woodlands

There were two formal pre-application consultation meetings held between the prospective applicant and the planning authority pursuant to s.247 of the Planning & Development Act 2000 (as amended). These were held on the 10/04/18 and 15/06/18. The planning authority have submitted the reports of the meetings. Issues raised at those meetings included, inter alia, the following: the principle of residential development at the proposed site, delivery of 2.5 H of amenity lands for GAA, entrance relocation, no units to front onto the R121, permeability of the site, apply CDP parking standards, justify lack of crèche and upgrade of pumping station.

All of the documentation submitted by the planning authority has been reviewed and considered by the undersigned as part of the opinion forming.

7.1.3. Consultation Meeting

A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 4 December 2018, commencing at 2pm. 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.

The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Interface with permitted development
2. Car Parking – quantum and layout
3. Open space and passive supervision
4. Pumping Station
5. Road Abandonment – consents and process
6. Dublin Airport - Outer Public Safety Zone
7. EIAR
8. Any other matters

In relation to Interface with permitted development issues, ABP representatives sought further elaboration/discussion on the following: the planning background to the neighbouring development site to the south was discussed and how the proposed scheme connects and makes linkages with permitted development. Improved landscape design and the possibility of pedestrian/cyclist connections were explored.

In relation to Car Parking – quantum and layout issues, ABP representatives sought further elaboration/discussion on the preponderance and over-dominance of surface car parking associated with the apartment component of the development. The quantum of parking spaces proposed was queried and any reduction of car parking provision was considered. The layout of surface car parking and access to and from cycle storage/bin storage facilities for pedestrians was raised as an issue.

In relation to Open space and passive supervision issues, ABP representatives sought further elaboration/discussion about the potential lack of passive supervision opportunities of some public open spaces. The provision of suitably designed corner units with living room spaces at key sites would be a benefit to the usability of open spaces.

In relation to pumping station issues, ABP representatives sought further elaboration/discussion on the inclusion of the pumping station upgrades within the application area. The ownership of the lands and the availability of access for the maintenance of the pumping station was discussed. In addition, the requirement for planning consent or third party consents in relation to any upgrades of the pumping station were explored.

In relation to Road Abandonment – consents and process issues, ABP representatives sought further elaboration/discussion, in relation to the procedure and timelines associated with the process. Clarification on the extent of work included on the road should the road abandonment be approved and the likely impacts on the current proposal in terms of design and landscape interface were discussed.

In relation to Dublin Airport - Outer Public Safety Zone issues, ABP representatives sought further elaboration/discussion on the specific requirements of the impact of noise on future residents. Expansive areas of open water in the landscape and

SuDS designs were also discussed in the context of the proximity to the western approaches to the airport.

In relation to EIAR issues, ABP representatives sought further elaboration/discussion on the assessment criteria applied to consider whether an EIAR was required for the residential development.

Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 302893' 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.

8.0 Conclusion and Recommendation

- 8.1.1. 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.
- 8.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, 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 plans for the area.
- 8.1.3. Having regard to all of 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.
- 8.1.4. 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.

9.0 **Recommended Opinion**

- 9.1.1. The Board 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.
- 9.1.2. 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.
- 9.1.3. 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. Car Parking

Further consideration/amendment of the documents as they relate to the provision and design of car parking within the proposed development. The documentation submitted at application stage should provide a robust rationale for the amount of car parking that is proposed. This should have due regard to the pattern of demand for travel that is likely to arise from the occupation of the proposed development, as well as to the likely demand from households to have access to private transport even where it does not provide the primary mode for travel to work or school. The documentation should also take proper account of the advice concerning car parking

and cycle parking provided for in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – 2018 and the design and layout of car parking outlined in the Design Manual for Urban Roads and Streets.

2. Open space

Further consideration/amendment of the documents as they relate to the provision of high quality, safe and usable public open space. Particular attention is drawn to the size and location of open spaces, and rationale for same, the potential for passive supervision of open spaces and play areas, the design of the streets, associated on-street parking and the creation of building edges/street frontages that reflect a clearly defined street hierarchy within the scheme, the location and design of bin and bicycle storage also requires greater consideration. The application of the principles of the Design Manual for Urban Roads and Streets and the advice provided by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') is advised. Further consideration of these issues may require amendment to the documents and/or design proposals submitted.

3. Wastewater Services

Further consideration of documents as they relate to the foul sewer network and pumping station upgrades as indicated in the Hollystown Foul Pumping Station Assessment dated October 2018. An outline of the necessary works to address the constraints and what parties will be responsible for such works. In addition, there should be clarity as to whether such works would be the subject of a separate consent process and or compulsory purchase process. Timelines for the delivery of any works is required relative to the delivery of the proposed development. Given the existing deficiencies in the provision of adequate sewerage infrastructure, the applicant should satisfy themselves that the proposed development would not be premature pending the delivery of required infrastructural improvements. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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 arising from this notification:

1. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority. Streets should be shown up to the boundaries of the site and facilitate future access.
2. Sufficiently detailed cross section drawings through proposed and existing adjacent residential development, detailing pedestrian/cyclist connections where relevant.
3. Landscaping proposals including an overall landscaping masterplan for the development site and a site layout plan indicating the full extent of tree retention and removal if proposed. Details of proposed tree protection measures during construction. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted. Sections should be submitted at key locations where the public open spaces interface with proposed residential units.
4. All existing watercourses and utilities that traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
5. Details in respect of the proposed residential units including a schedule of Accommodation and Quality Assessment Report that has regard to Specific Planning Policy Requirements set out in the Sustainable Urban Housing: Design Standards for Apartment Guidelines, Guidelines for Planning Authorities as they pertain to the proposed development. A Building Life Cycle Report in respect of the proposed apartments.
6. Rationale for proposed childcare provision (or lack of same) with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular

letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.

7. Archaeological Impact Assessment.
8. Details of pedestrian and cycle facilities connecting the proposed development with nearby centres, existing transport services and existing amenities and facilities.
9. A Construction and Demolition Waste Management Plan should be provided.
10. The applicant needs to satisfy themselves and the Board in the event of making an application that the proposed development is not mandatory for the purposes of Environmental Impact Assessment. In the event that the development is considered sub-threshold, the information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted.

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. Department of Culture, Heritage and the Gaeltacht
3. National Transport Authority
4. Inland Fisheries Ireland
5. Irish Aviation Authority
6. Dublin Airport Authority
7. Fingal County Childcare Committee

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.

Stephen Rhys Thomas
Planning Inspector

17 December 2017