



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-303844-19

Strategic Housing Development

253 no. residential units (including 8 no. serviced sites); 2 storey building containing creche, local convenience store, office / commercial use; new sewage pumping station; 2 no. electricity substations; new access road from Rivermeade Drive with a bridge over the River Ward, emergency access to Toberburr Road and associated site works.

Location

Rivermeade, Toberburr Road,
Toberburr, Co. Dublin

Planning Authority

Fingal County Council

Prospective Applicant

Rivermeade Properties Ltd.

Date of Consultation Meeting

10th April 2019

Date of Site Inspection

28th March 2019

1.0 Introduction

- 1.1. 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 site is located near the village of St. Margaret's, close to Dublin Airport in North Co. Dublin. This area has a mix of agricultural, horticultural and scattered residential development. St. Margaret's Golf & Country Club is situated nearby to the south west and Dublin Airport is nearby to the south east. The site adjoins the existing Rivermeade housing estate, which is accessed via the Toberburr Road L3140. The Toberburr Road is narrow and rural in character, with a bridge over the River Ward that is passable by a single vehicle only. Rivermeade estate consists of a mix of single and two storey houses in the form of detached, semi-detached and terraced units. It was originally constructed by Dublin County Council during the 1970s to accommodate the residential needs of the displaced community affected by the development and operations of Dublin Airport. It was further developed in the 1980s and later in 2002. Aside from housing, the estate also has a primary school and playing fields adjacent to the road entrance. The northern boundary of the estate is defined by the Ward River and a water reservoir and there are associated open lands along the river bank that currently serve as amenity spaces for local residents. There is extensive tree cover adjacent to the river and around the reservoir.
- 2.2. The site is situated to the immediate north of the Rivermeade estate and is bound to the west by the Toberburr Road. It has an overall stated area of 15.17 ha (stated as 14.7 ha in some documents) and includes lands on both sides of the Ward River. The smaller part of the site to the south of the river is currently in use as playing fields, adjacent to the Rivermeade estate access from the Toberburr Road and

associated with the primary school. Most of the site is agricultural lands to the north of the river including several field boundaries / hedgerows. The western site boundary is defined by the Toberburr Road but is indented by several residential and agricultural buildings. The site also wraps around a farm laneway to the immediate east. The red line site boundary includes a site services connection to the public road at Killeek Lane further to the south, also a stretch of Killeek Lane to the south east of the development site. The site area also includes 2 separate areas of lands north and south of the Ward River, which are in the ownership of Fingal County Council. There is also an existing wayleave running from across the site, westwards from the Toberburr Road and north of the Ward River. There are overhead electricity lines traversing the site.

- 2.3. While there are no Recorded Monuments within the site boundary, there are several in the vicinity. These are detailed in the submitted Cultural and Heritage Assessment. The adjacent Owens Bridge on the Toberburr Road over the Ward River is a protected structure, RPS no. 639.
- 2.4. The site is hydrologically connected to the Malahide Estuary SAC (00205) and SPA (004025), intervening distance of c. 7.4 km. A Natural Impact Assessment report is submitted.
- 2.5. Flood Zones A and B at the Ward River. OPW flood mapping does not indicate any historic flood events at the site.

3.0 Proposed Strategic Housing Development

- 3.1. The development comprises 253 no. residential units as follows:

House Type	No. of Units	%
Serviced Sites / 2 bed	8	3%
3 bed	205	81%
4 bed	40	16%
Total	253	

The stated density is 17.2 units / ha based on the overall site area of 14.7 ha; density of 22.6 units / ha based on the net housing site including the open space to the south and a density of 25.7 units / ha omitting the open space to the south.

3.2. The development is laid out around a spine road / boulevard from the Rivermeade estate which traverses the open space / amenity area at the southern end of the site, includes a bridge over the Ward River, and runs to the northern end of the site. The existing playing fields across from the school, at the southern end of the site, are to be developed and replaced by a new sports area / playing field in 'RU rural' zoned lands at the northern end of the site.

3.3. The development includes:

- Access from Toberburr Road via Rivermeade estate with a new access road (with footpath and cycle lane) from Rivermeade to the development including a bridge over the Ward River and associated landscaping. New priority controlled junction with an uncontrolled pedestrian crossing at the access from Rivermeade estate;
- New emergency access to Toberburr Road at the northern end of the site;
- Section 8.0 of the submitted TIA includes recommended improvements to Toberburr Road, however these do not appear to be included with the proposed development;
- Retention of existing wayleave track from the Toberburr Road, north of the Ward River;
- Car parking provision of 506 no. spaces for the houses (2 per unit); additional 31 no. on-street visitor spaces; 15 no. spaces for the creche, convenience store and commercial / office space. Total of 12 no. cycle spaces for the creche, convenience store and commercial / office space. A total of 6 no. spaces to be reserved for car charging provision, 5 no. visitor spaces and 1 no. spaces adjacent to the civic amenity;
- Public open space and sports area / playing field with parking area at the northern end of the site;
- 2 storey building containing creche (547 sq.m.) with 66 no. childcare spaces, local convenience store (191 sq.m.), office / commercial use (185 sq.m.), located

on lands south of the Ward River and north west of the Rivermeade estate, adjacent to the existing primary school;

- Storm water management to include a detention pond in the open space at the southern end of the site, north of the Ward River, with outfall to the river and an attenuation tank in the southern part of the site that also discharges to the river. Proposed SUDS measures include water butts, permeable paving, rainwater storage;
- There is no foul sewer in the immediate vicinity of the site. Rivermeade estate is served by an existing WWTP, which is at capacity. This is to be decommissioned and replaced by a new sewage pumping station to serve both Rivermeade and the proposed development with additional spare capacity for other LAP zoned lands. The new station is situated on lands south of the Ward River and north of the Rivermeade estate, in Flood Zone C. It will discharge to a new wastewater main running south through the Rivermeade estate and crossing 3rd party lands (details of wayleave provided) to Killeek Lane and along Killeek Lane to an existing manhole at the junction of Killeek Lane and the Keelings Facility, where it will connect to an existing rising main and ultimately to the Swords WWTP;
- The development is to connect to an existing Irish Water main on Toberburr Road;
- 2 no. electricity substations;
- Part V proposal to transfer 25 no. units on site, details of location of units and costs submitted.

3.3.1. The development is to be constructed in 3 phases comprising:

- Phase 1 to consist of 80 houses at the northern end of the site; the spine road and bridge over the Ward River; the playing field at the northern end of the site; the 2 storey building containing the creche and retail unit south of the Ward River.
- Phase 2 to consist of 99 no. houses at the western side of the site.
- Phase 3 to consist of 74 no. houses together with the adjacent area of public open space to the south, at the banks of the Ward River.

4.0 Planning History

4.1. None on file in relation to the development site.

5.0 National and Local Planning Policy

5.1. Section 28 Ministerial Guidelines

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 and other national policy documents are:

- 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)

5.2. Fingal County Development Plan 2017-2023

5.2.1. Core Strategy

Table 2.8 indicates a residential capacity of 877 units in small towns / villages (including Portrane) in the metropolitan area. Rivermeade is categorised as a 'village' in the settlement hierarchy. Section 2.8 states:

The future development of Fingal's villages needs careful consideration. In the Metropolitan Area growth in villages such as Coolquay, Kinsaley, Rivermeade and Rowlestown will be managed to ensure these centres do not expand rapidly, putting pressure on services and the environment and creating the potential for unsustainable travel patterns.

5.2.2. RV Zoning Objective and Rural Village Policy

The majority of the site is zoned RV – Rural Village:

"To protect and promote the character of the Rural Village and promote a vibrant community in accordance with an approved Local Area Plan, and the availability of physical and community infrastructure."

The stated land use zoning vision for the RV lands is to protect and promote established villages within the rural landscape where people can settle and have

access to community services. The villages are areas within the rural landscape where housing needs can be satisfied with minimal harm to the countryside and surrounding environment. They are to serve their rural catchment, provide local services and smaller scale rural enterprises. Levels of growth will be managed through Local Area Plans to ensure that a critical mass for local services is encouraged without providing for growth beyond local need and unsustainable commuting patterns. Development plan objective PM07 applies:

“Ensure each Rural Village develops in such a way as to provide a sustainable mix of commercial and community activity within an identified village core which includes provision for enterprise, residential, retail, commercial, tourism and community facilities.”

The development plan identifies residential use, child care facilities and retail uses as being permitted in principle within the lands zoned ‘RV’.

Rivermeade is designated as a commuter village. The following objectives apply:

Objective RF01 Review the Rivermeade Local Area Plan before end of 2017. This Plan will reassess the potential for higher densities which will help in the delivery of necessary physical and social infrastructure, particularly road improvements, expanded recreational facilities and local services for the benefit of existing and future residents in Rivermeade.

Objective RF02 Include within the development of the Recreational Trails Network Plan, a cycle and pedestrian way linking Rivermeade to Swords, via Knocksedan and St. Margaret’s.

5.2.3. RU Zoning Objective

The area of the site at the northern end of the development, where the sports area / playing field is to be located, is zoned RU-Rural, to:

“Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage”

5.2.4. The uses ‘Community Facility’, ‘Recreational Facility/Sports Club’ and ‘Open Space’ are permitted in principle under the RU zoning objective, subject to being in proximity

to residential settlements and where they would not generate unacceptable traffic problems.

5.2.5. Other Objectives

Rivermeade is located within an area defined as the 'Rolling Hills' character type in the development plan. Strong vegetative boundaries are to be found here and the Ward River has a strong influence on the character of the area.

Sheet No.15 – Green Infrastructure No.2 indicates that there are Ecological Corridors along the north and south banks of the Ward River.

There is a transport objective for the construction of a ring road (the Swords Western Relief Road) from the R122 at Kilreesk to the R132 at Lissenhall Little, the indicative alignment of which passes to the south-east of the subject site and traverses both Toberburr Road and Killeek Lane. No information is yet publicly available on the proposed design or delivery timeframe of this road objective.

5.3. **Rivermeade Local Area Plan 2017-2023 (Adopted May 2018)**

- 5.3.1. The Rivermeade LAP area of c. 42 ha includes the existing Rivermeade estate, the development site and lands to the east and south of the existing estate, as far south as Killeek Lane. The LAP sets out a vision and development strategy for Rivermeade. The Executive Summary states:

“Rivermeade has the capacity to accommodate circa 273 additional residential units. This will increase the population of Rivermeade from circa 600 to approximately 1,334, and it is anticipated that this population increase will take place over a minimum period of 20 years.”

LAP section 5.3.1 states in relation to new development at Rivermeade:

“There are 175 existing houses in the village. The potential for approximately 273 new units is indicated in the LAP, increasing the total number (existing and proposed) of dwellings in Rivermeade to circa. 448 units (c.1,334 population) over time.

- 5.3.2. The LAP identifies 11 no. development areas within Rivermeade, proposing a mix of uses including residential, commercial, business and recreational amenity. The development site includes parts of Area 1 south of the Ward River and Areas 8, 9, 10 and 11 north of the river. These areas are to be developed in accordance with the

Village Development Framework Plan and Design Guidance (VDFFP). LAP section 5.3.2 states:

“Individual planning applications/applications for planning consents shall be made in respect of proposed development in each of the identified development areas.”

Section 6.0 also states:

“In the interests of controlling the pace of development and ensuring that the new development is well integrated with existing development and in tandem with the necessary physical and social infrastructure, it is an objective of this LAP that individual planning applications/applications for planning consents shall be submitted for each of the entire 11 proposed development areas, and the phasing of future development within each such area shall be clearly indicated as part of the planning applications/consents.”

The following points are noted in respect of the above LAP Areas.

5.3.3. Development Area 1 (2.14 ha)

5.3.4. Located south of the Ward River and across from the primary school, currently playing fields. The development of this area for mixed uses including residential, retail, commercial, service and community uses is considered a priority by Fingal County Council given the need to develop supporting services for the expanding village and its rural hinterland. Access to the LAP lands north of the River Ward is through this development area. Uses envisaged in this area include approx. 30 residential units; retail units; doctor/ dentist; childcare facility; small offices / business units/ work spaces; community facility; civic space; recycling facility. Development area 1 is to be the subject of a single planning application / application for planning consent by Fingal County Council within which the phasing of development within this area shall be clearly indicated. No development is to take place on Area 1 until the existing football pitch has been replaced either within Development area 4, or at a suitable alternative location as determined by the Council within the Rivermeade area.

5.3.5. Development Area 8: Sustainable Living Centre (6.55 Ha)

Lands at the Ward River including the existing disused reservoir, owned by Fingal County Council. The LAP provides for the retention and refurbishment of the existing

cottage and farm buildings to provide for appropriate new uses in association with the adjoining lands along the River Ward including the reservoir which shall be restored by Fingal County Council to provide for recreational use, e.g. fishing, canoeing and sailing. No housing shall be permitted in this development area. The area includes pedestrian connection from east to west.

5.3.6. Development Areas 9 (3.19 ha), 10 (3.96 ha) and 11 (2.78 ha).

These are jointly zoned as “Potential Residential Development Area’ where residential development is promoted. The LAP provides for:

Development Area	Res. Units	Serviced Sites	Housing Mix	Res. Density Units / ha
1	30		4 apts, 4 units for elderly	14 / ha
9	58	5	2 units for elderly	19.7 / ha
10	63		4 units for elderly	15.9 / ha
11	33	3	1 unit for elderly	12.9 units / ha
Total	184	8		

LAP section 6.8 states:

“FCC will consider a modest increase in density on these lands north of the Ward River in the context of (i) the early delivery of the replacement football pitch, which will facilitate in turn the early delivery of the new village centre and (ii) the provision of an additional quantum of land [i.e. over and above the Fingal development Plan 2017-2023 public open space requirements], suitably developed to an appropriate standard for active public open space purposes, located to the north of development areas 9,10,11 which shall be ceded to Fingal County Council.”

The following specific objectives apply to Development Areas 9, 10 and 11:

- The scale, height, form, design and character of development shall be in accordance with the design principles laid down in the LAP.
- Development shall comprise 1 and 2 storey dwellings.
- Vehicular access shall be provided via the proposed new road and river crossing within the LAP lands.

- No vehicular access shall be provided onto the Toberburr Road.
- Adequate off-street parking shall be provided.
- Provide for strategic planting along the northern boundary.
- Provide for public open space to the west of housing in Development Area 10. [This is an important buffer zone between the Toberburr Road and the proposed housing at this location].
- Provide for appropriate screening to the existing detached house.
- Existing trees and hedgerows shall be retained where possible and the new road and river crossing shall be aligned so as to ensure the protection and maintenance of existing trees and hedgerows.
- Residential development shall be designed to overlook and positively address access roads and public areas.
- Public open space shall be provided in association with the proposed housing at this location.
- A single planning application shall be made in respect of proposed development in this development area.

5.3.7. The above housing development is to take place in tandem with various infrastructural and social / economic developments including:

- Proposed new north-south link road connecting the eastern side of the existing Rivermeade residential development directly to Killeek Lane to improve links between Rivermeade and Swords. No information is yet publicly available on the proposed design or delivery timeframe of this link road proposal. Also external road improvements and new connections to improve accessibility between Rivermeade and Swords and Finglas.
- Development of additional community facilities including additional school accommodation.
- Development of retail and commercial services within a new village centre.
- Open space and recreation facilities including the development of the River Ward linear park.

- New pumping station at Toberburr.

5.3.8. The LAP executive summary states the following in relation to the phasing of development:

“It is anticipated that the level of development proposed will be developed over a significantly longer timeframe relative to the lifetime of this LAP (6 years or any extended period). This LAP outlines the optimal sustainable development strategy for the village over a longer time period in tandem with the timely delivery of the necessary physical infrastructure, in particular the necessary road improvements. Furthermore, in the interests of controlling the pace of development and ensuring that the new development is well integrated with existing development and in tandem with the necessary physical and social infrastructure, it is an objective of this LAP that individual planning applications/applications for planning consents shall be submitted for each of the proposed development areas. All planning applications shall be based on the guidance outlined in the Rivermeade Village Development Framework Plan and Design Guidance (VDFP).”

6.0 Forming of the Opinion

6.1. 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.

6.2. Documentation Submitted

6.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, the following:

Completed Application Form; Schedule of Accommodation and Housing Quality Assessment; Childcare Need Analysis; Part V details; Cultural and Heritage Assessment; details of S247 consultations with Fingal County Council; details of land ownership and letters of consent; AA Screening Report and Natura Impact

Assessment; Irish Water Confirmation of Feasibility; Ecological Impact Assessment; Design Statement; Landscape Masterplan, Rationale, Boundary Treatment Plan; Traffic Impact Assessment; Site Specific Flood Risk Assessment; Engineering Services Report; DMURS Statement; Outline Construction Management Plan; Waste Management Plan; Tree Survey and Arboricultural Assessment; Topographical Survey of Site; Existing and proposed Site Layouts; House plans, Sections and Elevations; Creche / office / retail unit building floor plans, sections and elevations; Drainage details including Foul and Storm Sewer layouts and plan and section of proposed detention pond; Details of proposed Foul Pumping Station and Rising Main; Watermain layouts; roads layouts; bridge details; site sections.

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.

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

6.3. Planning Authority Submission

6.3.1. 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 a copy of their section 247 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 29th March 2019. The planning authority's 'opinion' included the following matters.

6.3.2. PA Comment on Principle of Development

- The development site relates to Areas 1 and 8 to 11 of the Rivermeade LAP lands. These Areas can generate a total of 162 housing units in accordance with LAP Section 6.9. The development will provide for an increase of almost 64% over what is allowed within the context of the Rivermeade LAP for these sectors of land. The increase in unit numbers will amount to 27% of the remaining capacity of residential units for the Small Towns & Villages as defined in the development plan Core Strategy.

	Rivermeade LAP Number of Units:	Proposed Development Number of Units:	Difference:
Area 9	63	119	+56
Area 10	63	54	-9
Area 11	36	80	+44
Total:	162	253	+91

Whilst the LAP allows for a modest increase in density, the increase in unit numbers in Areas 9 to 11 is considered to be excessive and is not in accordance with the LAP or the Core Strategy.

- Further justification for the increase in unit numbers which significantly deviate from those set out in the Rivermeade Local Area Plan and the Fingal Core Strategy.
- The development is compliant with the Childcare Guidelines.

6.3.3. PA Comment on Design and Layout of Development

- The proposed development has deviated from the Village Design Framework Plan (VDFP) in terms of character areas, house types and to develop an integrated village in conjunction with the existing Rivermeade residential area.
- It is not foreseen that there will be a negative impact on the amenity of existing residential units in the area. The development is located to the north of the existing residential units and issues of overshadowing and overlooking are not foreseen. The design and location of houses on the site will ensure that such issues do not arise.
- The proposed house designs are generally acceptable in terms of complying with Table 12.1 Houses of the Fingal Development Plan 2017 – 2023. Storage provision is marginally below development plan standards as set out in Table 12.1. Houses in the case of the Type A/A 1 units; 4.75 sq m is provided instead of the specified minimum of 5 sq m.
- Adequate private amenity is allocated to each of the proposed housing units in accordance with Objective DMS87 of the Fingal Development Plan 2017 – 2023.

- The area adjacent to the retail unit/ childcare facility should be revised to more closely align with the VDFP and to ensure that a village centre is provided for all of Rivermeade.
- The proposed house types do not sufficiently achieve the residential design recommendations as set out in the VDFP. There is limited reference to the character of Rivermeade or its surrounding area.
- The revisions to the site layout and the increase in unit numbers from the LAP/ VDFP have resulted in a significant revision to the location and quantity of public open space, also the loss of buffer areas between the development lands and surrounding lands. The revision to the west of the site between the development lands and the Toberburr Road is not acceptable as it results in a poor interface between the existing houses here and the new housing. Boundary treatments for the open space areas require revision as these should be to taking in charge standards.
- Includes comment of the Report of Parks and Green Infrastructure Division dated 22nd March 2019.
- Clarity is required on the quantum of proposed Public Open Space provision. incidental / narrow linear strips of land (along road sides etc.) are considered 'Environmental Open Space'.
- Lack of landscaping details and lack of consistency in SUDS and Landscape proposals.
- Requirement for more detailed information on the proposed open space areas.
- The provision of an ESB substation on the open space area to the north of the subject site is not acceptable and is contrary to Objective DMS18 of the Fingal Development Plan 2017 – 2023. The overhead wires crossing the public open space should be undergrounded to ensure that this piece of public open space can be fully and safely used.

6.3.4. PA Comment on Roads and Transport

- Includes undated comment of the Transportation Planning Section.

- Roads layout. No hierarchy of roads streets, all roads have the same status and similar cross section. The central boulevard was a focal point for the overall development of these lands and it has been replaced with a standard street.
- The proposed bridge requires revision with regards to the foul drainage attached to it.
- The access from the Rivermeade estate will result in a total of 428 residential units served by a single access. This is undesirable.
- The layout for the creche set down area is unsatisfactory.
- Car parking provision is generally in accordance with Fingal Development Plan standards with 2 spaces provided for each unit. Unsatisfactory parking layout for the 16 units on the eastern side of the development.

6.3.5. PA Comment on Drainage and Water Supply

- Includes report of the Water Services Section dated 20th March 2019.
- The existing WWTP at Toberburr is at capacity. A new pumping station is required to replace the existing treatment plant and to serve the proposed development and the existing catchment and has preliminary been sized to provide storage capacity of 200 m³. A new rising main c. 1,170m in length is also required. Neither the pumping station nor the rising main is on IW's Capital Investment Programme and both require developer funding to progress.
- The proposed location of the pump station is in close proximity to an area which is at risk to flooding.
- The bridge across the Ward River will require a Section 50 authorisation from the OPW.
- Surface water issues. Insufficient calculations submitted with regards to the attenuation volume required for the northern catchment (the detention basin). The proposed detention basin is excessively deep (4-5m) with the projected 100 year water level at 2.75m depth. This is not acceptable in the current format. The drainage proposal should incorporate SUDS measures. The applicant should consider alternative measures, such as swales, integrated tree pits, bio-retention areas, etc. In order to improve the base flow in the Ward River, the applicant

should consider infiltration methods to maximise the potential for groundwater recharge.

- The flood risk assessment does not adequately address the following;
 - According to flood maps compiled under FCC's Strategic Flood Risk Assessment in support of the County Development (2017-2023), the pump station site in particular is within / adjoining an area which is susceptible to flooding (Flood Zone B) as per Map 15/24 of the Fluvial Flood Zone Mapping.
 - The flood risk assessment references current scenarios and does not adequately explore the mid-range and high-end future scenarios

6.3.6. PA Comment on Conservation Issues

- Includes comment of FCC Conservation Officer dated 20th March 2019, also comment of Community Archaeologist dated 20th March 2019.
- The protected structure (RPS Ref. 639) Owens Bridge, Toberburr Road, borders the development site where the Toberburr Road crosses over the River Ward. No residential development is proposed in the vicinity of the bridge. The Conservation Officer has no specific comment or recommendations in relation to the scheme.
- Geophysical survey and archaeological test excavation have not identified any archaeological remains and further archaeological potential is considered low. However an examination of Google Earth (dated June 2018) shows 2 potential circular archaeological sites within Field 6. It is unclear from the cultural heritage impact report as to whether the test-trenching undertaken in 2018 incorporated or crossed these potential archaeological features. Therefore a reassessment of the report results is required. If these potential features were not previously subject to archaeological test-trenching it is suggested that pre-development test trenching of these features is undertaken in order to ascertain the archaeological potential; the impact of the proposed development and suitable mitigation measures.

6.3.7. PA Conclusion

- The proposal is only partially in compliance with the relevant objectives within the Fingal Development Plan 2017 – 2023, the Rivermeade LAP and all relevant

Section 28 guidelines. The principle of development is acceptable, however the development has deviated from the development strategy indicated in the Rivermeade LAP and does not sufficiently achieve the design intention set out in the Rivermeade VFDP. It is a matter for the applicant to provide further justification for the number of residential units and the design approach.

6.4. Submission of Irish Water

- 6.4.1. Irish Water has issued a Confirmation of Feasibility for this development for 300 residential units. The existing Toberburr treatment works are at capacity. To accommodate this development, the applicant must fund the construction of a wastewater pumping station to replace the treatment plant. The proposed pumping station may require planning permission. Based on the Confirmation of Feasibility, Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connection to the Irish Water network can be facilitated.

6.5. Submission of the Department of Culture, Heritage and the Gaeltacht

- 6.5.1. The Department notes that a Cultural Heritage Impact Assessment Report is submitted. It considers that there is sufficient information included in the Cultural Heritage Impact Assessment Report to allow for an informed planning decision to be made with regard to archaeological impacts and likely impacts.

6.6. Consultation Meeting

- 6.6.1. A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 10th April 2019. 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.
- 6.6.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advanced and contained the following issues:
1. Rivermeade Local Area Plan 2018-2024; residential density.
 2. Design of residential accommodation in the context of the Village Design Framework Plan and relevant provisions of Rivermeade LAP. Residential layout including open space provision, public realm, relationship with adjoining sites and Local Centre.

3. Roads layout, DMURS, traffic impacts.
4. Wastewater treatment, surface water drainage and flood risk assessment.
5. Any other matters.

6.6.3. In relation to the Rivermeade Local Area Plan 2018-2024 and residential density, ABP representatives sought further elaboration / discussion on:

- Rivermeade LAP policy on quantum of development, density and related infrastructural provision.
- LAP sections such as improvements in schools, employment, open space and an increase in population were referred to.
- The Guidelines for Planning Authorities on Sustainable Residential Development policy on Small Towns and Villages
- Development differs fundamentally from relevant LAP objectives as it is a single large development on several LAP areas.

6.6.4. In relation to the design of residential accommodation in the context of the VDFP and relevant provisions of Rivermeade LAP, residential layout, open space provision, public realm, relationship with adjoining sites and Local Centre, ABP representatives sought further elaboration / discussion on:

- Village design framework plan and the proposed layout
- Proposed Boulevard may create limited opportunities and difficulties
- Rationale for proposed open space provision

6.6.5. In relation to the roads layout, DMURS and traffic impacts, ABP representatives sought further elaboration / discussion on:

- Access through the Rivermeade estate, Toberburr Road and the scheme
- Pedestrian and cycle routes to be clarified

6.6.6. In relation to wastewater treatment, surface water drainage and flood risk assessment, ABP representatives sought further elaboration / discussion on:

- New wastewater pumping station and its proximity to flood zones

- 6.6.7. In relation to Any Other Matters, ABP representatives sought further elaboration / discussion on:
- Applicant to liaise with the planning authority with regard to archaeology matters.
 - Address whether an EIAR is required for the development.
- 6.7. 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-303844-19' 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 development plan for the area.
- 7.3. Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements:

Proposed phasing, quantum and density of residential development

Design and layout of development

Roads and traffic issues

details of which are set out in the Recommended Opinion below.

- 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:

Proposed phasing, quantum and density of residential development

Further consideration is required with respect to the proposed phasing, density and quantum of residential development. This consideration should include justification for the proposed quantum of development given the existing scale of residential development in the settlement of Rivermeade. The prospective applicant should address in particular:

1. Section 2.8 of the Fingal County Development Plan 2017-2023 which states, inter alia:

“The future development of Fingal’s villages needs careful consideration. In the Metropolitan Area growth in villages such as Coolquay, Kinsaley, Rivermeade and Rowlestown will be managed to ensure these centres do not expand rapidly, putting pressure on services and the environment and creating the potential for unsustainable travel patterns.”

2. Section 5.3.2 of the Rivermeade Local Area Plan 2017-2023, which states, inter alia:

“Individual planning applications/applications for planning consents shall be made in respect of proposed development in each of the identified development areas.”

And LAP section 6.0, which states:

“In the interests of controlling the pace of development and ensuring that the new development is well integrated with existing development and in tandem with the necessary physical and social infrastructure, it is an objective of this LAP that individual planning applications/applications for planning consents shall be submitted for each of the entire 11 proposed development areas, and the phasing of future development within each such area shall be clearly indicated as part of the planning applications/consents.”

(notwithstanding the statement in LAP section 6.8 that a single planning application shall be made in respect of proposed development in development areas 9, 10 and 11).

3. National policy on residential development in small towns and villages as set out in section 6.3(e) of the ‘Guidelines for Planning Authorities on Sustainable

Residential Development in Urban Areas', which states that the scale of new residential schemes for development should be in proportion to the pattern and grain of existing development and that it is generally preferable that the overall expansion of small towns and villages proceeds on the basis of a number of well integrated sites within and around the town/village centre in question rather than focusing on rapid growth driven by one very large site.

Having regard to the foregoing, the prospective applicant should satisfy him / herself that an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and not to the planning authority is appropriate in this instance.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

Design and layout of development

Further consideration/justification of the documents as they relate to the design and layout of residential development in the context of the (i) the Rivermeade Village Development Framework Plan and Design Guidance and (ii) the 12 criteria set out in the Urban Design Manual which accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and also reference to the Design Manual for Urban Roads and Streets, including detailed consideration of character areas, house types, open space provision, buffer zone to the Toberburr Road, creche set down area / public realm and integration with the existing Rivermeade estate and existing residential properties on the Toberburr Road. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Roads and Traffic Issues

Justification for the scale of the proposed development at this location given the current condition of the Toberburr Road L3140. The prospective applicant should clarify what, if any proposals there are to upgrade this road and the time frame

involved, as well as who is responsible for the works. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

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. The prospective applicant needs to satisfy him / herself as to whether EIAR is mandatory for the proposed development. If the prospective applicant is satisfied that EIAR is not mandatory, then they should submit the information referred to in article 299B(1)(b)(ii)(II) and 299B(1)(c) [if applicable] of the Planning and Development Regulations 2001-2018 in a standalone document.
2. Detailed proposals for the provision of public open space to serve the development including:
 - Rationale for proposed public open space provision, to include an open space hierarchy and detailed layouts for the public open spaces.
 - Details of play facilities in accordance with relevant policies in the Fingal County Development Plan 2017-2023.
 - Full details of the active open space at the northern end of the site.
 - Integration with the public amenity areas at the Ward River at the southern end of the site.
 - Landscaping proposals to include an Arboricultural Impact Assessment and details of measures to protect trees and hedgerows to be retained at the site.
 - Details of any SUDS measures to be integrated with landscaping, e.g. swales, attenuation tank, surface water detention pond, to include cross sections.
3. Site layout to indicate areas to be taken in charge.
4. Site layout to provide full details of all proposed boundary treatments.

5. Full and complete long section drawings that show the relationship between proposed development and the varied topography of the site, specifically in the vicinity of the Ward River.
 6. Detailed design of proposed surface water management system proposed including attenuation proposals and all SuDS features proposed on site in the context of surface water management on the site.
 7. Site Specific Flood Risk Assessment to clarify the extent of the development located in any Flood Zone and to demonstrate that the development will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. The Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') and take account of the impact of proposed bridge and sewage pumping station.
 8. Traffic and Transport Impact Assessment to include consideration of traffic generated by the creche and retail unit.
 9. Statement of compliance with the Design Manual for Urban Roads and Streets (DMURS).
 10. Archaeological Impact Assessment which responds to the comments outlined in the report received by the Board from the Department of Culture, Heritage and the Gaeltacht.
- 8.5. 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. National Transport Authority
 4. The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs

5. The Heritage Council
6. An Taisce — the National Trust for Ireland Inland Fisheries Ireland
7. An Comhairle Ealaíonn
8. Fáilte Ireland
9. Inland Fisheries Ireland
10. The Dublin Airport Authority
11. 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.

Sarah Moran

Senior Planning Inspector

1st May 2019