



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion**

**ABP-304166-19**

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#### **Strategic Housing Development**

Demolition of structures including Former Baily Court Hotel and construction of 164 apartments in 3 blocks and one mews buildings with 120 car parking spaces, commercial/retail spaces including a crèche and community room and 2 retail units and cafe with vehicular access, public plazas and pedestrian links.

#### **Location**

Balscadden Road & Former Baily Court Hotel, 66 Main Street, Howth, Co. Dublin

#### **Planning Authority**

Fingal County Council

#### **Prospective Applicant**

Crekav Trading GP Limited

#### **Date of Consultation Meeting**

16<sup>th</sup> May 2019

#### **Date of Site Inspection**

10<sup>th</sup> May 2019

#### **Inspector**

Erika Casey

## 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 has an area of 1.55 hectares and is located to the west of the Balcadden Road, east of Main Street/Abbey Street and south of the Martello Tower which is a protected structure/national monument. The proposed application site is the accumulation of three land parcels.
- 2.2 Plot A is a brownfield site and largely comprises the former Baily Court Hotel and its associated structures. The hotel is located on Main Street and comprises a three storey structure set back from the street. The structure is boarded up and detracts from the streetscape.
- 2.3 Plot B referred to as the Cluxtown lands is a greenfield site. It is bound to the east by Balcadden Road. The dwellings in Asgard Park, a mature development of residential properties, are located to the south of this part of the site. A steep planted slope forms the western boundary of this plot.
- 2.4 Plot C is the largest element of the accumulated site and accommodates the Edros building and which is adjoined to the north by the Martello Tower which is elevated above the northern area of subject site. A public pathway runs along the north and north eastern boundaries of the site facilitating access from the path to the Martello Tower to the Balcadden Road. A ridge is located along the western side with the rear gardens of the houses fronting onto Abbey Street, generally located at a lower ground level than the subject site. The eastern boundary fronts on Balcadden Road and a car park with palisade fencing.

- 2.5 The site also contains part of Balcadden Road adjoining footpath on the eastern side of the carriageway.
- 2.6 The site changes considerably in level. The northern area of the site is at a lower level falling from the Martello Tower mound having been quarried historically and now accommodating the derelict Edros building and accompanying grounds. The lands to the south rise significantly with an embankment adjoining the Balcadden Road. The land rises by c. 15 metres from north to south. While the site addresses Main Street, part of it is to the rear of properties along Abbey Street which is further north of Main Street. The Balcadden Road is one way to traffic travelling away from the Harbour. Balcadden Bay is located to the east of Balcadden Road.

### 3.0 **Proposed Strategic Housing Development**

3.1 Permission is sought for a development which proposes the following:

- Demotion of existing structures on site including the former Baily Court Hotel (c.2,051 sq. m.) and the disused sports building (c.604 sq. m.);
- Three apartment blocks and one mews building which include 158 apartments and 6 duplexes with the following mix:
  - 40 one-bed units (c.24.4%)
  - 97 two-bed units (c.59.1%)
  - 27 three-bed units (c.16.5%)
- 120 car parking spaces of which 112 are within the basement of Block C and 8 on-street spaces.
- 397 bicycle parking spaces.
- Commercial/retail space (c.757 sq. m.) including a community room (161 sq. m.), 2 retail units (c. 429 sq. m. and c. 96 sq. m.) and a café (c. 71 sq. m.).
- The main entrance is from Main Street to serve the underground car park in Block C.
- New linear plaza which will create a new pedestrian link between Main Street and Balcadden Road to include the creation of an additional 2 no. new public plazas and also maintains and upgrades the pedestrian link from Abbey Street to

Balscadden Road below the Martello Tower. The public footpath on the opposite side of Balscadden Road will be widened for the length of the site as part of the development. Letter of consent from Fingal Co. Co. included.

- All other ancillary site development works, site services, a substation, public lighting, plant, bin stores, bike stores, boundary treatments and landscaping.
- Commercial and retail signage (c. 75 sq. metres).

3.2 It is stated in the application documentation that the application as submitted is the same design as that approved under development PL06F.301722 in terms of architecture, landscaping and engineering. Additional information and clarification included in the documentation for the Section 5 consultation request include an Natura Impact Statement, A Construction Environmental Management Plan, a Mitigation Report and an updated Ecological Impact Assessment Report and updated Traffic Impact Assessment Report (to include an assessment of Construction Traffic Route options).

#### 4.0 **Planning History**

4.1 There is an extensive planning history on the subject lands which is detailed in section 3 of the Planning Report accompanying the planning application. The subject site is a combination of 3 elements for the purposes of the previous planning history which is outlined in Figure 3 in the planning report. The three parts comprise (A) the site of the former Baily Court Hotel to the southwest of the application site, (B) the site referred to as Cluxton to the south of the site and Site (C) Balscadden to the north. I will summarise as follows:

##### **Site A - site of the former Baily Court Hotel**

Ref. F15A/0072 - Amendments to permission below increasing number of units from 7 to 8.

Ref. F13A/0110 (ABP-PL06F.242595) - Demolish the former hotel and construct 4-storey structure including 7 apartments.

## **Site B – Cluxton**

Ref. F15A/0545 (ABP-PL06F.246183) – Permission refused for 9 three-storey dwellings and entrance onto Balscadden Road. There was one reason for refusal which is summarised as follows:

- *Design, height and scale, contravenes specific Objective 528 of the Fingal County Development Plan 2011-2017 which seeks to ensure the layout, scale, height and design of developments respect the high amenity status of the surrounding area, the Martello Tower and the village character.*
- *Design, including form and materials, would be visually incongruous at this prominent and highly sensitive location in Howth within the Howth Special Amenity Area buffer zone and adjacent to the Architectural Conservation Area for the historic core of Howth. The proposed development would adversely affect an Architectural Conservation Area.*

Ref. F06A/1897(ABP-PL06F.224372) – Permission granted for 6 detached houses and new vehicular entrance from Balscadden Road. Permission extended under Ref. F06A/1897/E1.

## **Site C – Balscadden**

Ref. F14A/0108 – Permission granted for demolition of disused sports hall and construction of 23 residential units and commercial kiosk unit with upgrade works to the existing vehicular access onto Balscadden Road and a pedestrian link from Abbey Street to Balscadden Road.

Ref. F07A/1349 (ABP-PL06F.227972) – Permission refused for demolition of disused sports hall and construction of 64 residential units and cafe unit of 303 sq. m. with upgrade works to the Balscadden Road and a pedestrian link from Abbey Street to Balscadden Road and access to Martello Tower.

Reasons for refusal related to open space zoning of the lands, high amenity area within SAAO and ACA and impact on the Balscadden Road.

## **Sites A, B and C**

ABP – PL06F.301722: An application relating to the amalgamation of the three sites comprising the demolition of existing structures and construction of 164 residential units, commercial/retail space, community room and associated site works was

granted permission by the Board in September 2018. As noted above, the current proposal is a replica of this permitted scheme. Conditions of note included:

**Condition 2:** Revised plans and details regarding internal floor to ceiling height of ground floor apartments; private amenity spaces serving Blocks B and C, omission of apartments no.s C5-16 in Block C, reduction in roof ridge level to corner section of Block A and stepping down of roofs to the adjoining sections of this building; omission of overhang at first floor level at the corner of Block A; revised materials to Block A.

**Condition 5:** Pedestrian access shall be permanently open to the public 24 hours a day.

**Condition 7:** Community Room.

**Condition 8:** Compliance with GDG Geotechnical Survey.

**Condition 9:** Works to ensure stability of the mound to the Martello Tower.

**Condition 10:** Landscaping including treatment of retaining walls to be clad in local Howth stone.

## 5.0 National and Local Planning Policy

### Section 28 Ministerial Guidelines

5.1 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 S.28 Ministerial Guidelines 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.
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Architectural Heritage Protection – Guidelines for Planning Authorities.
- The Planning System and Flood Risk Management (including associated Technical Appendices).

## **National Planning Framework**

- 5.2 Chapter 4 of the Framework addresses the topic of ‘making stronger urban places’ and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

## **Development Plan**

- 5.3 The relevant statutory plan for the area is the Fingal County Development Plan 2017-2023 and there are a number of zoning objectives relating to the site as follows:

- **Objective RS – Residential** – part of the southern area of the site is zoned residential, the objective of which is to provide for residential development and protect and improve residential amenity.
- **Objective TC – Town and District Centre** – the majority of the site is zoned TC, the objective of which is to protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.
- **Objective HA - High Amenity** – a small linear area of ground to the north of the site adjoining the boundary with the Martello Tower is zoned HA, the objective of which is to protect and enhance high amenity areas.

## **Specific Objectives**

**Specific Objective 115:** which requires that any development – *“Ensure the layout, scale, height and design respects the high amenity status of the surrounding area, the Martello Tower and the village character”*.

**Specific Objective 110:** to the northeast of the site seeks to *“provide access to Bascadden Beach from the start of the East Pier”*.

- 5.4 The Martello Tower is a protected structure (RPS: 570) and the Tower and Motte are a recorded monuments (RMP Ref. DU16-00201 Castle Motte and DU16-002-02 Martello Tower).
- 5.5 There is a map based objective ‘to preserve views’ along the northern boundary of the site and along the Bascadden Road – Map 10.
- 5.6 Howth is defined as a ‘Consolidation Area within a Gateway’ in the Fingal settlement strategy. The approach to such areas is to seek to gain maximum benefit from existing transport, social and community infrastructure through the continued consolidation of the City and its suburbs. It is proposed to utilise opportunities to achieve higher densities where appropriate.
- 5.7 Part of the site, principally along western boundary of the site facing Main Street and Abbey Street and along the northern boundary of the site addressing the Motte/Martello Tower, is within the boundary of the Howth Village Architectural Conservation Area.
- 5.8 The Howth SAAO buffer zone covers part of the site with the western boundary of the SAAO along Bascadden Road and the lands to the north and east of the road including the Motte site within the SAAO.
- 5.9 The following objectives and policies of the plan are of relevance:

**Dwelling Mix – Objective PM38** – *“Achieve an appropriate dwelling mix, size, type, tenure in all new residential developments.”*

**Density - Objective PM41** – *“Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.”*

**Infill Sites - Objective PM44** – *“Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.”*

**Design – Objective PM45** – *“Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.”*



**Public Open Space** - Policy DMS57 requires “a minimum public open space provision of 2.5 hectares per 1,000 population”. DMS57A requires “that open space should be 10% minimum of the total site area”.

**Open Space – Objective PM53** – requires “an equivalent financial contribution in lieu of open space provision in smaller developments where the open space generated by the development would be so small as not to be viable.”

### **Howth Urban Strategy (2008)**

- 5.10 Applies to Howth Village and the subject site. It is not a statutory document, however, provides guidance for development based on analysis of the urban form of the village.

## **6.0 Forming of the Opinion**

### **6.1 Introduction**

- 6.1.1 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 submission 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, a Completed Application Form, Cover Letter, Planning Report, Statement of Consistency, EIAR Screening Report, Part V Validation Letter, Part V Cover Letter and Estimate of Costs, Letter of Consent from Fingal County Council, Pre-connection Enquiry Response from Irish Water; A3 booklet of Architectural, Engineering and Landscape Architecture Drawings, Architectural Drawings, Architectural Design Statement, Housing Quality Assessment and Schedule of Areas, Photomontages and CGI's, Engineering Drawings, Environmental Services Report, Traffic Impact Assessment, Structural

and Geo-technical Engineering Report, Landscape Drawings, Landscape Design Statement, Landscape and Visual Impact Assessment, Sustainability/Energy Report, Daylight and Sunlight Report, Archaeological Impact Assessment, Archaeological Testing Report, AA Screening Report and NIS, Ecological Impact Assessment Report (including Bat Survey), Tree Survey Report and Drawings, Conservation Assessment Report, Operational Waste Management Plan, Construction Environmental Management Plan, Mitigation Measures Report, Access Report, Lifecycle Report and Childcare Capacity Assessment.

6.2.2 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. The applicant's case is summarised as follows:

- Planning permission has previously been approved by the Board under PL06F.3017222 for a development of the same design. In the current proposal, all drawings remain the same. The reports have been updated to provide further clarification and an NIS has been provided.
- The development of 164 no. residential units is well-designed in consultation with Fingal County Council and complies with the objectives and policies of the Fingal County Development Plan and National Policies.
- Proposal provides an appropriate form of high quality residential development for a substantial town centre/residential site providing an efficient use of land accessible to and well served by public transport. The scheme creates a new street to underutilised backlands and opens up the village directly to Balcaddan Bay through new plazas and a pedestrian friendly street.
- The proposed development represents a high-quality scheme in a town centre location proximate to public transport with minimal impact on adjoining properties. All relevant qualitative and quantitative standards for apartments are met and exceeded in a number of instances.

- The scheme provides for an appropriate and efficient residential density (106 units per ha), a safe vehicular access arrangement, high quality open spaces, and a well-designed scheme which respects the existing village and is an appropriate scale along Balcadden Road which is the pedestrian route to the Howth SAAO.
- Irish Water are satisfied that there is capacity in the system for the proposed development and it is feasible to connect to it. IW note that upgrades are required to approximately 450m of existing 6" CI main primarily along Balglass Road and Main Street and have confirmed that upgrade works can be agreed in parallel with the planning process. There is an existing trunk sewer running through the property at a deep level. IW have confirmed that they are satisfied with the plans proposed subject to a Build Over Agreement.
- The NIS has assessed the impact of the development for both construction and operational phases on the Natura 2000 sites within close proximity. Whilst it is noted that there could be adverse impacts to the Howth Head SAC from possible emissions (traffic and dust impacts), the NIS concludes that the effects were not such to affect the integrity of the site. Based on the successful implementation of onsite construction phase controls no significant impact is foreseen on species and habitats of conservation importance or conservation sites of National or International importance.

### **6.3 Planning Authority Submission**

6.3.1 A submission was received by An Bord Pleanála on the 1st of May 2019 from Fingal County Council. The 'opinion' of the Planning Authority included, inter alia, the following:

- The submission outlines the planning history and planning policy pertaining to the site.
- Notes the development as proposed has already been granted planning permission by the Board. FCC as part of the previous opinion for the development under PL06F.301722 supported the proposal as an effective response to the site conditions and as an appropriate extension to the village on a brownfield site. State that with the exception of the relocation of apartment units and modifications to the northern parapet of Block C, the Board accepted the

previously recommended conditions recommended by FCC. The opinion of the Planning Authority, therefore, focusses on Movement and Transport and Appropriate Assessment and EIAR.

### **Movement and Transport**

- Note that the applicant has expressed a preference for one of three suggested construction access routes, being Option 1, along Harbour Road and through Abbey Street. FCC preference remains for Option 2 which utilises a route along Thormanby Road and Carrickbrack Road in order to avoid impact on Howth Village Centre and in-combination effects.
- Further expansion of worker parking through provision of worked examples is requested. Expected locations of excavated material should be set out. Clarification of retaining structure to the southern boundary is required.

### **Appropriate Assessment and EIAR**

- States that the NIS should address the following:
  - Clarification in the status of habitat within Howth Head SAC boundary immediately east of the proposed development site at Balscadden Road. To inform this clarification it is likely that the following will be required:
    - a full description and analysis of the vegetation communities and zones on the slope may require provision of relevés, with reference to the methodologies and analysis of vegetation community types provided in the Irish Sea Cliff Survey 2011 and
    - analysis of the date of designation of the SAC relative to the intervention made in the area (i.e. the date of construction of the wall and steps).
  - Clarification on the precise nature and scale of works on Balscadden Road and their potential to impact on Howth Head SAC. Further details should be provided on the precise nature and scale of works proposed, including in particular, any works which may involve changes to the existing property boundary walls on the eastern side of Balscadden Road. Clarification should be provided on where specifically the

drainage network in Howth Village discharges to, or at least clarification of whether this discharges into any part of the Howth Head SAC or any other European site.

- Clarification on how construction related run off will be controlled to avoid significant impacts on Howth Head SAC. Further details should be provided on the precise nature and scale of construction and excavation works, in particular, along the southern and eastern part of the proposed development site and precise details provided on the nature of mitigation proposed for run off from such works.
  - Clarification on invasive species. Details of the precise nature of mitigation and management measures for Leek *Allium triquetrum* species should be provided as part of the planning process and not left to a post consent stage. It should be confirmed that Hottentot *Carpobrotus* does not occur.
  - Clarification on air traffic emissions. Analysis of the impacts from construction traffic and operation of the development on all relevant European sites should be provided.
  - Clarification on other issues including habitat map and descriptions, habitat classification. Removal of vegetation from the southern section of the proposed development should be considered as part of the cumulative impacts of the proposed development.
- Note that in certain instances, the application has provided the relevant information in other documents, however, it is in the interest of best practice, that information or mitigation in other documents which are used to mitigate effects on European Sites should be fully cross referenced within the NIS.
  - With regard to the EIAR screening, inconsistencies regarding the height of the building should be corrected. It is also considered that more detail should be provided on the excavation of material as part of the design of the project. Requests that cumulative construction and operational traffic impact be assessed in conjunction with F11A/0028 and F15A/0365. Note that the report does not fully detail the potential cumulative impact of

construction route option 1 and 3 along Howth Road in conjunction with works on the Techrete Site. In determining if an EIAR is required, the matter of cumulative impact of construction traffic must be clearly screened out. Note however, that in itself, the proposed excavation and removal of material is not considered a significant effect on the receiving environment by reason of duration of works and mitigation measures set out in the Mitigation Summary Report.

### **Other Issues**

- Note that the condition attached to the previous permission regarding 'Taking in Charge' creates difficulty for FCC in terms of maintaining parts of the development which are not designed as public areas, are overly narrow or with small planting beds.

### **Report of the Conservation Officer**

- The opinion also includes a report from the Conservation Officer dated the 17<sup>th</sup> of April 2019.
- Note that certain conditions attached to the previous grant of permission from An Bord Pleanála have dealt with the concerns raised by the Conservation Officer.
- With regard to the proposed route of construction traffic, states that from an architectural conservation perspective, Route 1 has the potential to have the most impact on historic buildings within the core as it brings construction traffic up Abbey Street and out of the site. The medieval structures of the Old College and St. Mary's Abbey face onto this street. The majority of properties on Abbey Street and Main Street front directly onto the footpath with no front gardens to provide much separation from the passing construction traffic.

### **Transportation Planning**

- Concern with regard to the levels of parking proposed given that any deficiency may impact negatively on the surrounding road network.
- Consider the most suitable construction traffic route is route 2. The haulage route from Sutton Cross would run up Greenfield Road, around the Summit

and down Thormanby Road. This would help alleviate safety issues as well as minimising the impact on Harbour Road, particularly, given the restricted width of the road and the level of pedestrian activity especially during the tourism season.

- Note that proposed routes 1 and 3 use the Harbour Road where road widths are narrow and reduced by on street parking. There would not be sufficient space for 2 HGV trucks to pass each other for significant stretches of the road. The route around the summit is Greenfield Road which is much more suited to HGC activity. Consider a condition restricting the haulage route to option 2 should be imposed.

#### **Parks and Green Infrastructure Division**

- Raises a number of specific points regarding landscaping and tree planting.

### **6.4 Prescribed Bodies**

#### **Response from Irish Water (26.04.2019)**

6.4.1 Irish Water has issued a Confirmation of Feasibility for the development of 160 residential units. The applicant must upgrade approximately 450m of 150mm watermain in order to facilitate the connection of the development to Irish Water infrastructure. No statutory or third party consents are required for this upgrade other than a road opening licence from the Local Authority. IW 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(s) to the Irish Water network(s) can be facilitated.

### **6.5 Consultation Meeting**

6.5.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 16<sup>th</sup> of May 2019, commencing at 2.30 PM. 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.

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

- Urban Design, Height and Materials
- Construction Route Options
- Outstanding FCC Matters
- Any other matters
- In relation to **Urban Design, Height and Materials**, An Bord Pleanála sought further elaboration/discussion/consideration of the following: Conditions imposed by the Board under ABP-30172-18 and applicants response to same.
- In relation to **Construction Route Options**, An Bord Pleanála sought further elaboration/discussion/consideration of the following: Proposed construction route options pertaining to the site and the requirement for the applicant to fully justify the preferred route and the alternatives from a traffic and environmental perspective.
- In relation to **Outstanding FCC Matters**, An Bord Pleanála sought further elaboration/discussion/consideration of the following: The written opinion of FCC and that the applicant should engage directly with FCC particularly with regard to Traffic and Movement and Appropriate Assessment/EIAR.
- In relation to **Any Other Matters**, An Bord Pleanála sought further elaboration/discussion/consideration of the following: No further matters raised.

6.5.3 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 304166' 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 s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

7.3 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: **constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.**

7.4 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.

## 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 would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

8.3 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. Revisions to the architectural drawings to account for the conditions imposed under ABP 301722-19.
2. Full rationale for the preferred construction traffic route as well as the alternative considered from a traffic and environmental perspective.

8.4 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. National Transport Authority.
2. Minister for Culture, Heritage and the Gaeltacht (archaeology and architectural heritage and nature conservation).
3. Heritage Council (archaeology and architectural heritage and nature conservation).
4. An Taisce — the National Trust for Ireland (archaeology and architectural heritage and nature conservation).
5. Irish Water.
6. Fingal County Childcare Committee.

**PLEASE NOTE:**

8.5 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.

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**Erika Casey**

**Senior Planning Inspector**

**17th May 2019**