



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-304421-19

Strategic Housing Development

Permission for a residential development of 624 no. residential units, a crèche, public parkland and open spaces, and all associated infrastructure and site works

Location

Holybanks, Swords, Fingal.

Planning Authority

Fingal County Council

Prospective Applicant

Cairn Homes

Date of Consultation Meeting

17th June 2019

Date of Site Inspection

7th June 2019

Inspector

Joanna Kelly

1.0 Introduction

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

2.0 Site Location and Description

- 2.1 The proposed development is located in the townland of Holybanks comprising of a site of 10.98ha in Swords, north Dublin. The lands are bounded to the north by the Broadmeadow river, the south by Glen Ellan Road, west by Jugback Lane and the east by industrial lands. The lands are greenfield with mature trees, hedgerows to the north. There is a bank to the perimeter of the site along Jugback lane. There is also a one-off dwelling located to the north-west of the lands (outside the confines of the site).
- 2.2 The lands are immediately east of the area known as Applewood which contains a main street with commercial/retail uses and residential development surrounding the area. There is a commercial complex associated with the Applewood development immediately west of the site with access from Applewood Close which contains a gym, offices, swimming pool etc. There is also a childcare facility at this location.
- 2.3 The Balheary Industrial Park is located east of the site and the Swords Business park is located approximately 600m east of the site with access from the Balheary Road.

3.0 Proposed Strategic Housing Development

3.1 It is proposed that the overall site of c. 10.98 hectares will be developed to accommodate 624 residential units.

3.2 The following table provides the breakdown of unit types based on the description of the development proposed.

Table 1: Residential Unit Types

Residential Mix	Housing Units	Apartments including duplexes	% Mix bed type
1 bed	0	139	22.3%
2 bed	129	261	20.7% : 42% Total 62.7%
3 bed	42	53	6.5% : 8.5% Total 15%
4 beds	0	0	0%
Total	171	453	100%

3.3 Permission is also sought for a crèche, retail units, public parkland and associated public open space areas, parking and associated site works.

4.0 Planning History

There is no recent relevant planning history pertaining to the development lands.

5.0 National and Local Planning Policy

5.1 National

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

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Sustainable Urban Housing: Design Standard for New Apartments, Guidelines for Planning Authorities, 2018’.
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Urban Development and Building Heights, Guidelines for Planning Authorities, 2018’

Other relevant national documents include:

- National Planning Framework: Ireland 2040 Our Plan
- Rebuilding Ireland: Action Plan for Housing and Homelessness, 2016
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

5.2 Local

5.2.1 Fingal Development Plan 2017-2023

The site has two land use zoning objectives ‘ME’- Metro Economic Corridor which seeks to ‘facilitate opportunities for high density mixed use employment generating

activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor'. The northern portion of the site is zoned 'HA – High Amenity – to protect and enhance high amenity areas'.

Draft Estuary West Masterplan

There is a draft Masterplan dated March 2019 prepared by Fingal County Council which incorporates the subject site. The vision for this masterplan is that Estuary West would become a vibrant residential and mixed-use community, a new local centre around Newtown House, heights 2-3 storey along Jugback Lane and higher buildings fronting Glen Ellan Road. The planning authority's opinion indicates that this masterplan was agreed by the Elected Representatives in May 2019.

6.0 Forming of the Opinion

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

6.1 Documentation Submitted

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed Application form and cover letter; details pertaining to section 247 process; Screening report for Appropriate Assessment, Housing Quality Assessment, Engineering Assessment Report, Archaeological Impact Assessment, Flood Risk Assessment, Traffic and

Transport Assessment, Landscape Strategy, Masterplan Strategy and other plans and particulars.

6.1.3 I have reviewed and considered all of the documents and drawings submitted.

6.2 Planning Authority Submission

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Fingal County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinions in relation to the proposal. These were received by An Bord Pleanála on 6 June 2019.

6.2.2 Fingal County Council's opinion included the following matters:

- Lands zoned ME 'Metro Economic Corridor in the development plan. The northern portion of the site is HA – High Amenity. The development of the site substantially complies with the strategic policies and core strategy and settlement strategy.
- A masterplan has been prepared for the lands.
- A minimum of 50% of the apartments should be dual aspect in order to comply with the SPPR 4.
- The masterplan seeks to provide a variety of heights throughout the masterplan lands to create visual interest and to facilitate access to light. The proposed development has not sufficiently demonstrated that it can achieve this.
- The masterplan outlines a net density of 70-75 units per hectare while the proposed scheme provides 68 units per hectare.
- The masterplan links the phasing of the lands to the delivery of the Metrolink station.
- The phasing does not accord with the Masterplan objective to provide for a school site and associated vehicular access as the land is outside of the application red line boundary

- No childcare facilities are proposed in Phase 1 which is contrary to the childcare guidelines.
- The Estuary West Masterplan indicates pedestrian and emergency vehicle access only onto Jugback lane.
- The proposed development would be located on the A4 Bus Connects line to the City Centre.
- Upgrade works would be required to the R132/R125 roundabout prior to the occupation of Phase 1 of the proposed development. Upgrade works would be required to the other two junctions (Glen Ellan /Balheary Road and Balheary / R125 junction) prior to the occupation of Phase 2 of the development.
- The phasing schedule in Table 9.1 of the Masterplan lists three distinct phases of development and corresponding essential infrastructure to be delivered.
- A development levy is in order to facilitate the significant local transport upgrade works to be carried out.
- Mobility management plan is not required for residential developments.
- A shortfall for 263 spaces is significant and could lead to parking problems pending the delivery of metrolink.
- The Estuary West Masterplan identifies three locations along Jugback Lane to provide access into the masterplan lands but these are for pedestrian and emergency access only. Secondary vehicular access from/ to Jugback Lane is not appropriate as it is a narrow lane. Revised plans to be submitted showing the omission of the vehicular access and the provision of a cul-de-sac onto Jugback lane.
- The Transportation section state that in order to accommodate future plans to widen Glen Ellan road and provide appropriately sized footpaths and cycle tracks in both directions, the entire southern boundary of the proposed development should be set back a distance of 9m from the kerbline on the northern side of Glen Ellan Road.
- The design of the crèche is substandard as no set-down parallel parking spaces have been provided. Reversing movements are not acceptable in vicinity of a crèche.

- Details of the water services section are outlined which provide inter alia that the applicant shall have consideration to the SuDS strategy compiled as part of the Estuary West Masterplan surface water management plan, flood risk does not comply with the Strategic Flood Risk assessment completed as part of the Swords surface water management plan for Estuary.
- Concerns about a substandard sized bedroom in the three person 2 bed apartments at the eastern and western section of Apartment Blocks 4 & 5.
- Shadow analysis should be carried out for the proposed apartment blocks to ensure adequate sunlight reaches the proposed courtyard gardens.
- A tree constraints plan has been provided but the full arborist's report appears to have been omitted in error.
- A set back of units along Jugback lane to retain trees is required.
- A clear statement on the public open space, playground provision and area of SuDS proposed on public open space in accordance with the Development Plan standards have not been submitted.
- Green areas surrounding apartment blocks 2-7 are considered part of the curtilage of these blocks and are not considered public open spaces.
- A vast area of the proposed public open space is taken up with SuDS.
- The proposed open space along the northern boundary of this development will form part of the Broadmeadow Park therefore the layout in this portion of the site needs to address the park and not turn its back on it. Boundary treatment is required for this park.
- All ground disturbances should be monitored by a suitably qualified archaeologist.
- Applicants indicate that a NIS is to be submitted.

6.3 Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 17th June 2019, commencing at 10.00 am. Representatives of the prospective

applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

- 6.3.2 In relation to Development Strategy for the site having regard to the provisions of the Draft Estuary Masterplan, ABP representatives sought further elaboration/discussion on inter alia, the status of the plan, delivery of capital infrastructure having regard to the phasing proposal of the plan and need to consider integration of the school site with the residential lands.
- 6.3.3 In relation to Movement and Connectivity, ABP representatives sought further elaboration/discussion on this issue including street hierarchy, linkages to Applewood town centre from the lands and to the school site.
- 6.3.5 In relation to Urban Design and Layout to include interface with Jugback Lane and adjoining lands, ABP representatives sought further clarification/elaboration on design of the proposed apartment blocks and how they present to Glen Ellan Road, how layout achieves a sense of place, interface of development with Jugback Lane, location of open space and passive surveillance.
- 6.3.6 In relation to Wastewater network constraints, ABP representatives sought further elaboration/discussion on constraints identified in letter from Irish Water vis-à-vis the extent of development proposed in this development and likely timescales for the network upgrade works.
- 6.3.7 In relation to Surface Water Management and Flood Risk, ABP representatives sought further elaboration/discussion on this issue.
- 6.3.8 In relation to AOB, ABP representatives sought further elaboration/discussion on Part V, Boundary treatments, Archaeology and Appropriate Assessment.
- 6.3.9 Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-304421-19' 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 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 as 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:

1. Timing and Phasing of Development

Further consideration of documents as they relate to the planning rationale for developing at this location having specific regard to the possible prematurity of development pending the provision of Metrolink, provision of infrastructure as set out in the draft Estuary West Masterplan and the completion by Irish Water of an assessment regarding the upgrading of the surface water network. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Surface water management and Flood Risk

Further consideration of documents as they relate to the design rationale/justification for the proposed development strategy of the lands as they relate to surface and storm water management for the development lands and the risk for displaced or increased discharge of waters downstream in the Broadmeadow River and the identification of a portion of the site on Flood Zone B lands. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices') and include hydraulic modelling where considered

appropriate. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

3. Traffic and Transportation

Further consideration of documents as they relate to the delivery and timing of road infrastructure upgrades in the wider area as identified in the draft Estuary West Masterplan to facilitate the proposed development including connectivity of the proposed development to the existing Applewood main street urban centre, the proposed linear park and the school site. Further consideration of how the layout, future connections and access arrangements are consistent with the principles of Design Manual for Urban Roads and Streets should be provided. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

4. Green Infrastructure

Further consideration and/or justification of the documents as they relate to the consideration of Green Infrastructure and the provision of green corridors and public open space along the Broadmeadow River and additional green corridors north-south through the development lands including accessibility for pedestrians and cyclists and passive surveillance to these areas.

Further consideration should be given to the proposed landscaping plan and the hierarchy, function and usability of public open spaces including the use/linking of green corridors throughout the scheme. All proposed SUDs features should be clearly identified on a site layout plan with proposals as to how the features will enhance/contribute to a sense of place. Computer Generated Images and long cross-sections should be submitted to show changes in levels and inter alia, the interface of boundary treatments and SUDs to public open spaces/streetscape.

Consideration should also be given to the existing biodiversity value of the site and retention of movement corridors through the proposed scheme for wildlife and any potential impact on same arising from proposed lighting scheme. Further

consideration of these issues may require an amendment to the documents and/or design proposals submitted.

5. Urban Design Response, Layout and Density

Further consideration and/or justification of the documents as they relate to the rationale of the proposed residential layout and urban design response with particular regard to the creation of distinct neighbourhood areas within the overall site, the creation of active and aesthetically pleasing urban street frontages having particular regard to the site context and presence of High Amenity lands to the north of the development lands, and how the proposed elevational treatments respond to the site context particularly the interface with Jugback lane to ensure a qualitative design response with optimal passive surveillance of streets and public and private open spaces throughout the scheme.

Further consideration should be given to the 12 criteria set out in the Urban Design Manual which accompanies the Sustainable Residential Development in Urban Areas Guidelines and also reference to the Design Manual for Urban Roads and Streets.

Consideration should be given to the proposed density having regard to inter alia local planning policy context for the subject lands which outlines a net range of between 70-75 units per hectare. Further consideration of these issues 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. Details demonstrating that the qualitative and quantitative standards of the proposed residential units having specific regard to the provisions of Specific Planning Policy Requirements contained in inter alia the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018.

2. Details of any consultations undertaken with the Department of Education and Skills with regard to the reservation of lands for a school as identified in the Estuary West Masterplan.
3. Details of existing and proposed changes in contours/levels across the site. Photomontage images and cross-sections at appropriate intervals to illustrate the topography of the site, showing proposed residential units, access roads including the lands identified for a school and public open space areas.
4. An Appropriate Assessment screening report and/or Natura Impact Statement if considered necessary, which should consider inter alia the issue of surface water run-off and in-combination effects of relevant Natura 2000 sites.
5. Details of undergrounding or re-routing of any utilities that may exist on site.
6. A site layout plan indicating pedestrian and cycle connections through the development lands to existing and proposed transport modes in the vicinity. Connections from surrounding areas through the subject site should also be indicated.
7. A construction and demolition waste management plan should be provided.
8. A phasing plan for the proposed development which clearly indicates the extent of transport infrastructural upgrades, social and community infrastructure including Part V units that it is proposed to deliver in each phase having specific regard to the provisions of the local area plan.
9. A site layout plan indicating all areas to be taken in charge.
10. A Building Life Cycle Report in respect of the proposed apartments as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018).

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. Irish Water
2. The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs
3. The Heritage Council
4. An Taisce – the National Trust for Ireland
5. Transport Infrastructure Ireland
6. National Transport Authority
7. Local 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.

Joanna Kelly

Senior Planning Inspector

5th July 2019