



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-304634-19

Strategic Housing Development	Residential development of 163 dwelling units and crèche.
Location	Rowlestown, Fingal.
Planning Authority	Fingal County Council
Prospective Applicant	Chillidale Ltd.
Date of Consultation Meeting	17 th July 2019
Date of Site Inspection	14 th July 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 village of Rowlestown, north Fingal approximately 7.5km east of Swords and 6.5km west of Ashbourne. Pursuant to site inspection it is noted that there is a primary school, community hall and church within this small settlement, a village located in the Metropolitan area as identified in the Fingal Development Plan.

2.3 The site has a stated area of 7.9851ha, the majority of which is currently used for tillage farming. There are existing derelict structures to the south-west corner of the lands to be demolished. The existing entrances to the site from Church Road, local road to the south of the lands, have hoarding. There is a field entrance along Rowlestown Drive, a cul-de-sac which serves the graveyard. There is a large primary school to the west of the development lands which is also accessible from Rowlestown Drive. There is an existing parking area with bring banks along Rowlestown Drive. There is a local authority residential development under construction with frontage onto Church Road opposite the church and which has frontage onto Rowlestown Drive also.

2.4 The village of Rowlestown has a distinctive rural vernacular character with key buildings including protected structures that provide focal points within the village. Church Road is characterised with hedgerow and is a narrow country road. The R-125 linking Ashbourne to Swords is located to the south and is connected to Church

Road. There is a bus stop located along the R-125 close to the Maxol garage which also contains a shop. The village typically contains low density housing.

3.0 Proposed Strategic Housing Development

3.1 It is proposed to construct 163 residential units on the site of c. 7.9ha.

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	% Mix bed type
2 bed	2	1%
3 bed	150	92%
4 beds	11 of which 4 are serviced sites	7%
Total	163	100%

3.3 Permission is also sought for a crèche.

4.0 Planning History

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

It is noted that there was a history file F07A/1636 pertaining to the site where permission was granted for demolition of existing dwelling and provision of 62 no. dwellings, crèche and associated works. This permission was never implemented and has lapsed.

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

Rowlestown is a designated Village in the Development Plan.

The chapter pertaining to the Core Strategy sets out that there are four villages in the Metropolitan Area. These, complement and support higher order settlement centres located on the edge of the gateway.

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. Objectives for the development of villages are set out in Chapter 5, Rural Fingal.

Objective PM18 Implement the existing Village Design Frameworks prepared as part of the Local Area Plans for Ballyboghil, Garristown, Naul, Oldtown, Riverneade and Rowlestown.

The Plan provides that this village is mostly traditional-type settlement and has the 'RV' zoning objective which aims to protect the special character of rural villages and provide for improved village facilities. Rowlestown is a commuter village and the RPGs indicate that future growth in commuter villages should be curtailed or safeguarded so that they do not act as a catalyst to facilitate continuing expansion of unsustainable growth patterns.

Objective RF03

Review the Rowlestown Local Area Plan including an assessment for potential higher densities which may 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 Rowlestown.

Objective SW07

Implement the *Planning System and Flood Risk Management-Guidelines for Planning Authorities (DoEHLG/OPW 2009)* or any updated version of these

guidelines. A site-specific Flood Risk Assessment to an appropriate level of detail, addressing all potential sources of flood risk, is required for lands identified in the SFRA, located in the following areas: Courtlough; Ballymadun; Rowlestown; Ballyboghil; Coolatrath; Milverton, Skerries; Channell Road, Rush.

Rowlestown is also a designated architectural conservation area

Chapter 12.5 provides Design Criteria for Rural Villages and Rural Clusters.

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, Natura Impact Statement, Ecological Impact Assessment, Arboricultural report, Site Specific Flood Risk Assessment, Architectural Design Statement, Cultural Heritage Impact Assessment and report on the results of Archaeological testing 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 4 July 2019.

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

- The Rowlestown LAP has expired but provides a localised policy context from which to assess the current proposal.
- Site is zoned 'RV' which the objective is "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".
- Section of the site is located outside the development boundary of Rowlestown Rural Village and are zoned RU "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".
- The lands are located within a Nature Development Area. Objectives NH20, NH21 and NH22 are applicable.
- Reference is made to the provisions of Rowlestown LAP.
- The application relates to the identified 'potential residential development' area 4 of the Rowlestown LAP and extends beyond the Rural Village boundary to include RU lands.
- Area 4 and the accompanying Village Design Statement Framework identifies a potential density of 13.49 units/ha equating to a potential yield of 36 residential units and associated open space and 4 serviced sites
- Under Objective RF03 a commitment has been given to "Review the Rowlestown LAP including an assessment for potential higher densities which may 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 Rowlestown.”

- The RSES makes clear that the development strategy for these rural areas is to be set out in the core strategies of the CDPs. Further justification for the increase in unit numbers which significantly deviate from those set out in the Rowlestown LAP aligned with the Fingal CDP core strategy is required.
- The density in the Rowlestown LAP are lower than standards in the Sustainable Residential Development in Urban Areas (May 2009) responding to the development context of Rowlestown and its role in the settlement hierarchy of the County.
- The current layout proposed results in a medium density development with significant site coverage, public open space provision provided to the northern edge of the subject site (RU lands) and outside of the development boundary for the village with a significant amount of in curtilage car parking detrimentally impacting upon the existing landscape and ultimately biodiversity value of the site.
- Drawings errors noted in site sections.
- The development by reason of the type and density of dwellings proposed does not adequately illustrate that the design concept has been influenced by the location and characteristics of the site. There is limited variation in building type. Serviced site not clearly indicated.
- Unclear what levels of pedestrian and cyclist permeability are provided for in the layout. Details submitted do not illustrate how pedestrian footpaths have a connection to the village or to the bus stop. The outward/inward journeys on this bus route is limited.
- Childcare needs analysis appears to be incomplete. Crèche size and location does not adequately respond to the need of the existing and proposed new community.
- Details submitted do not provide a clear distinctiveness between the different character areas.

- The overall layout and design of the public realm is extremely suburban in nature and does not suit this rural village.
- There is visual dominance of car parking.
- Report concludes that there are significant concerns in respect to the proposed SHD in that it will undesirably affect the character and cohesion of the village.

Internal Reports

Water Services Department – SuDS measures to be included as opposed to pipe network, infiltration tests to be carried out before lodging application, development located in Flood Zone C.

Transportation Planning – Rowlestown Drive is not a public road and details of wayleave required to allow access onto same. Works include setting back of site boundary along Church Road to accommodate road widening and a pedestrian footpath. Applicant to demonstrate they have consent to carry out these works and the red line boundary may need to be amended. Report specifies further requirements of any application.

Parks and Green Infrastructure Division - A total of 2.798ha of public open space is being provided. Overall layout suburban and does not suit this rural village.

Environment and Water Services Department – Report specifies conditions if development proceeds.

Archaeological Report – Archaeological testing noted nothing of significance and the archaeological potential of the site is considered low. Concurs with proposed mitigation of archaeological monitoring of topsoil stripping.

Environmental Health – FI required in relation to crèche.

Community, Culture and Sports Division – Requirement for the provision of Public Art on this site.

6.3 Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 17 July 2019, commencing at 2.00 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 as follows:

- Principle of Development to include consideration to Core Strategy in Fingal Development plan and residential density
- Urban Design and Layout having regard to village setting
- Movement and connectivity to include DMURS and traffic impacts
- Surface Water Management and Flood Risk
- Ecology to include consideration of response from Department of Culture, Heritage and the Gaeltacht.

6.3.2 In relation to Principle of development to include consideration of Core Strategy in Fingal Development Plan and residential density, ABP representatives sought further elaboration/discussion on inter alia, the status of the plan, quantum and proposed density having regard to the phasing proposal of the local area plan and provisions of RSES with regards rapidly growing commuter towns.

6.3.3 In relation to Urban Design and Layout having regard to village setting , ABP representatives sought further elaboration/discussion on this issue including land-use zoning objectives pertaining to development lands, provisions of LAP and how

proposal has regard to same, extent of hedgerow removal and justification for location of crèche.

- 6.3.5 In relation to Movement and Connectivity to include DMURS and traffic impacts, ABP representatives sought further clarification/elaboration on how development links to existing amenities in village, strategic linkages of green infrastructure and proposals for road/footpath upgrades.
- 6.3.6 In relation to Surface water management and Flood Risk, ABP representatives sought further elaboration/discussion on this issue having regard to potential for water displacement.
- 6.3.7 In relation to Ecology to include consideration of response from Department of Culture, Heritage and the Gaeltacht, ABP representatives sought further elaboration/discussion on this issue having regard to comments contained in this submission.
- 6.3.8 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-304634-19' 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. Principle of Development including Core Strategy considerations

Further consideration of documents as they relate to the planning justification for the extent of lands to be developed and overall number of housing units proposed having specific regard to the local planning policy context including the Rowlestown LAP which has expired, the provisions of the Regional Spatial and Economic Strategy, Eastern and Midlands Regional Assembly in relation to commuter towns in the Metropolitan area, and the availability of existing infrastructural and social services in Rowlestown and how such would sustain the population increase as result of this proposed development.

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

2. Urban Design Response, Layout and Density

Further consideration and/or justification of the documents as they relate to the rationale for the proposed layout and urban design response and how the proposed layout responds to the existing built village form. In addition, further consideration of the potential for the layout to create a network of linked spaces with an appropriate sense of enclosure and passive surveillance and the potential to create a more defined village edge along Church Road and Rowlestown Drive.

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 to the Design Manual for Urban Roads and Streets and set out how existing site and village characteristics informed the layout and design approach.

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

3. 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 areas including ease of access for pedestrians and cyclists and passive surveillance to these areas.

Further consideration should be given to the proposed landscaping plan and the hierarchy, qualitative nature and usability of public open spaces including passive surveillance and 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 including consideration of appropriate levels of set-back from new structures 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.

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. All existing watercourses and utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.

2. A site layout plan indicating pedestrian and cycle connections through the development lands to existing public transport services in the vicinity.
 3. Ecological Impact Assessment and other relevant details to address matters raised in the submission from the Department of Culture, Heritage and the Gaeltacht dated 8th July 2019.
 4. A landscaping plan which clearly identifies all trees/hedgerows proposed for removal and tree protection measures for trees/hedgerows that are to be retained. Details of extent of new planting including species type and quantities and boundary details should be submitted.
 5. A construction and demolition waste management plan should be provided.
 6. A phasing plan for the proposed development which clearly indicates the extent of public open space and other infrastructural works that it is proposed to deliver in each phase having specific regard to the provisions of the local area plan.
 7. A site layout plan indicating all areas to be taken in charge.
 8. Surface water management proposals which are considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the proposed development will not increase flood risk elsewhere, and if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Assessment' (including the associated 'Technical Appendices').
- 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

1st August 2019