



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-308352-20

Strategic Housing Development	628 no. units (268 no. houses and 360 no. apartments), creche and associated site works.
Location	In the townland of Boherboy, Saggart Road, Co. Dublin.
Planning Authority	South Dublin County Council
Prospective Applicant	Durkan Estates Ireland Ltd.
Date of Consultation Meeting	20 th November 2020
Date of Site Inspection	6 th November 2020
Inspector	Irené McCormack

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 site has a stated area of 17.6ha. It consists of two fields under pasture which slope down from south to north. It lies c14km south-west of the centre of Dublin and c4.5km west of the centre of Tallaght. The northern end of the site is c500m south-west of the Luas stop and local centre at Fortunestown. The adjoining land to the north and east of the site has been developed for housing at the Carrigmore and Corbally estates respectively. There is a stream and ditch on the eastern site boundary between with the Corbally Estate. There is a hedge on the northern site boundary between it and an street in the Craigmore estate. The north-eastern corner of the site adjoins public open space between the two estates. The southern site boundary has c300m frontage onto the Boherboy Road, which is a rural road without footpaths, lighting, hard or soft margins. There are some one-off houses along that road. The adjoining Corbally Estate abuts that road but does not have access to it. The road has a junction with the N81 Blessington Road c400m east of the site boundary. That road has junction with the N82 Citywest Road, which is an urban road, c640m east of the current site. The land to the south of the Boherboy Road is agricultural.

3.0 Proposed Strategic Housing Development

3.1. It is proposed to build 628 no. units (268 no. houses and 360 no. apartments), creche and associated site works. The housing mix is as follows –

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	Total
House	0	9	182	77	0	268
Apt/Duplex	74	219	67	0	0	360
Total	74	228	294	77		628

- 3.2. It is also proposed to provide a creche of 632m² with a capacity for 132 childcare spaces.
- 3.3. The proposed development includes for all associated site development works, public open spaces, including alongside the Corbally Stream, which will accommodate the provision of pedestrian / cyclist links to the District Park to the north-east, hard and soft landscaping, undercroft & surface car parking, bicycle parking, bin storage, public lighting, ESB sub-stations. Surface water will be attenuated within the site, with outfall to existing watercourses, with foul sewer connected to a proposed new pumping station located at the northern end of the site.
- 3.4. In accordance with the Fortunestown Local Area Plan (2012) an area of approx. 1.5ha is reserved for a school site.
- 3.5. Vehicular access is proposed from the Boherboy Road to serve the development. The site layout plan shows road links to existing streets in the Carrigmore Estate to the north and the Corbally Estate to the east.

4.0 Policy Context

4.1. *National Policy*

The government published the National Planning Framework in February 2018. Objective 2a is that half of future development will be focussed on the five cities and their suburbs. Objective 3a is that 40% of new homes would be within the footprint of existing settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is the prioritise the

provision of new homes where they can support sustainable development at an appropriate scale.

The applicable section 28 guidelines include –

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

4.2. *South Dublin County Development Plan 2016-2022*

The site is within the administrative area of South Dublin County Council and subject to the provisions of the South Dublin Development Plan 2016-2022. Under the plan, the site is subject to the land-use zoning objective “*RES-N – to provide for new Residential Communities in accordance with approved Area Plans*”. The land use zoning map provides that the site is zoned for new residential communities in accordance with approved area plans. There is a road objective contained within this map (6-year objective) for routes running east-west and north-south through the site.

Section 6.3.2.4 of the Strategic Flood Risk Assessment of the County Development Plan 2016-2022 refers to highly vulnerable development in flood risk areas which includes lands in Fortunestown

4.3. *Fortunestown Local Area Plan 2012-2018*

The site is subject to the provisions of the Fortunestown LAP. The LAP has been extended until the 13th of May 2022. The vision for the plan is to ensure that any future development integrates with existing development and public transport facilities, while addressing local needs including parks, schools and community facilities and the opportunities created by the Luas Line A1 extension, the emerging community, the Citywest Shopping/District Centre and surrounding business parks. It is a specific goal to ensure physically integrated residential communities where existing and new neighbourhoods are knitted together

Section 6.4 refers to Framework 4: Boherboy Neighbourhood and provides that “in order to incorporate the valuable heritage features that occupy Boherboy and respond to the rural character of the surrounding area, development of the Boherboy Neighbourhood will largely take the form of low density housing set amongst green corridors and parkland. The site comprises all of this neighbourhood. Section 6.4.1 deals with accessibility and movement. It states that development may commence at the southern end of the neighbourhood with access from Boherboy road. There is an objective BN1 that the first phase of development in the Boherboy Neighbourhood shall include for through routes to the Carrigmore and Saggart Abbey estates in a manner that provides indirect access from the Boherboy Neighbourhood onto Fortunestown Lane, to the Fortunestown and Saggart Luas stops and onto Citywest Avenue. Section 6.4.3 refers to density and land use. It states that the lands shall be developed at densities between 30dph and 50 dph, and that 85% of units shall be own-door houses and the overall average floor area of units shall be at least 110m² . Section 6.4.4 refers to green infrastructure and states that the stream on the eastern edge of the lands shall be incorporated into a biodiversity strip at least 10m wide on each side that shall cater for a pedestrian/cycle path. Section 6.4.5 states that housing should be no more than 2 storeys high. A layout plan for the lands shows a reservation for a school site. The phasing scheme at section 8.1 of the LAP indicates that the Boherboy neighbourhood could accommodated 566 dwellings.

5.0 **Section 247 Consultation(s) with Planning Authority**

SHD1SPP006/20 meeting on the 26th March 2020. The issues raised are summarised below:

- Previous Reasons for Refusal
- Site Topography
- Residential Character
- School Site
- Street Layout
- Biodiversity
- Connections and Accessibility

Full details of the meeting are included in the planning authority’s submission.

6.0 Planning History

Subject Site

Reg. ABP 304828-19

The Board refused permission on 30th September 2019 for 609 no. residential units (267 no. houses, 158 no. duplex units, 184 no. apartments), creche and associated site works for the following reasons:

1. The Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the development as proposed results in a poor design concept that is substandard in its form and layout and lacks variety and distinctiveness. Also, the proposed development would not be in accordance with the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport, and the Department of the Environment, Community and Local Government.

2. Having regard to the proximity of the Luas stops at Saggart and Fortunestown the board considered that the proposed development with a net density of 30 units per hectare to the south of the site would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage and, therefore, the density proposed would be contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, as they relate to cities and towns and in particular to sites serviced by existing and planned public transport. The proposed development would, therefore, be contrary to these Ministerial Guidelines and contrary to the proper planning and sustainable development.

3. It is considered that the Environmental Impact Assessment Report, together with the documentation submitted with the application, does not identify or describe adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is not satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU, particularly with regard to biodiversity, water, traffic and landscape and visual impact.

Note:

i. Having regard to the information submitted including the site-specific flood risk assessment, and notwithstanding the proposed compensatory mitigation measures, the Board still has concerns relating to impacts along the adjacent Corbally Stream and that further analysis is required in a revised site-specific flood risk assessment.

ii. Given the proximity of the high frequency public transport links to the proposed development, the Board was not satisfied that the quantum of car parking spaces proposed was justified, and, as such, would be contrary to the promotion of sustainable transport modes and would give rise to unsustainable travel patterns. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

Reg. Ref. SD15A/0388, PL06S. 247074

The Board refused permission on the 7th December 2016 for a development of 216 houses on a site of 8.16ha that formed part of the current site. Access to that development was proposed from the Boherboy Road. There were two reasons for refusal. The first stated that the Board was not satisfied that the site would be suitable for development having regard to the absence of a site specific flood risk assessment. The second reason stated that the proposed development would not comply with policies in favour of high quality design set out in the Sustainable Urban Residential Guidelines, DMURS, the Development Plan and the Local Area Plan. The reason for refusal made specific reference to the removal of hedgerows and the lack of an integrated biodiversity network, the peripheral location of the main active public open space areas, the unsatisfactory quantum of rear amenity space and that the development was contrary to guidance regarding street design, road widths, home zones and a clear hierarchy of spaces.

The Board's Direction also stated concerns about the lack of connectivity to the Luas stop and local centre at Fortunestown, the low density of the development, the generic and repetitive design of the houses coupled with a poor housing mix and overreliance on 3 and 4 bed semi-detached units and a distinct lack of an adequate range of alternate house types, but stated that these would be new issues in the context of the appeal. The Direction also stated that the Board shared the concerns of the Inspector with respect to non-compliance with DMURS as expressed in the Inspector's Report and considered that these concerns should be taken into account in any future application for development on the site.

7.0 Submission Received

Irish Water :

Irish Water has assessed and has issued a Confirmation of Feasibility for connection(s) to the Irish Water network(s) subject to the following:

In respect of Water:

Irish Water has several assets (strategic water trunk mains) running within the vicinity of the proposed works. The applicant must engage with Irish Waters Diversions section to demonstrate that proposed structures and works will not inhibit access for maintenance or endanger structural or functional integrity of the infrastructure during and after the construction. Drawings (showing clearance distances, changing to ground levels) and method statements should be included in the detailed design layout of the Development and must be submitted to Irish Water for approval prior to progressing to SHD application.

Appropriate wayleave in favour of Irish Water over the infrastructure will be required to ensure unrestricted access should future maintenance be required.

In respect of Wastewater:

In order to facilitate this connection, the network must be extended for approx.130m via private land/s. Any required consents will be agreed by the applicant. Also, approximately 510m of the 225 mm receiving sewer must be upsized/twinned to accommodate the additional load as the sewer has no sufficient capacity to cater for the Development. Irish Water currently does not have any plans to commence extension or upgrade works to its network in this area, should the applicant wish to progress they will be required to fund these works. A wayleave in favour of Irish Water will be required over the infrastructure that is not located within the Public Domain.

8.0 Forming of the Opinion

8.1. 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.

8.2. ***Documentation Submitted by Applicant***

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.

The information submitted included the following:

- Planning Report
- Statement of Consistency and Material Contravention Statement
- Architectural Design Rationale
- Confirmation of feasibility Statement form Irish Water
- Part V Proposals
- Plans & Particulars
- Architectural Design Statement
- SHD Housing Quality Assessment
- Drainage Report
- Flood Risk Assessment
- Traffic and Transportation Assessment
- Statement of Compliance with DMURS
- Landscape Design Report
- Arboricultural Assessment

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. This statement has been submitted, as required.

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

8.3. *Planning Authority Submission*

- 8.3.1. 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, South Dublin County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 5th November 2020.
- 8.3.2. South Dublin County Council's written opinion includes a description of the site location, record of a pre-planning meeting, planning history, departmental reports, a description of the proposed development, policy context, and an opinion of the planning authority. The content of the report is summarised as follows:

Principle of Development

- The subject lands are located within the development boundary of the Fortunestown Local Area Plan 2012. The subject lands constitute the 'Boherboy' neighbourhood area identified in the Plan. The proposed development generally accords with the use designations in the LAP, in that the site is mostly designated for residential, open space, and school use. It is the Opinion of the Planning Authority that the principle of development at this site is supported by the zoning objective and Local Area Plan land-use designations.

Density

- The proposed net density of this application is stated as 41.5 dph. When broken down, the northern portion of the site (within 1km of Luas lines) is stated to have a net density of 52 dph. The southern portion of the site is stated to have a net density of 32 dph.
- Noting the differing approaches of South Dublin County Council and An Bord Pleanála in assessing the previous application, the Planning Authority acknowledges the difficulties for the applicant to address both. It is the opinion of the Planning Authority that if any increase in density above the LAP is to be approved, full provision of the integration and links in the LAP is required to achieve a sustainable travel pattern.

Land-Use and Transport

- It is the Opinion of the Planning Authority that, to ensure efficient land-use and sustainable transport at this site, access to nearby amenities and use of likely desire lines, must be supported at this site. It is considered that the

delivery of the links proposed, both vehicular and cycle/pedestrian, are necessary to support the planning application.

Building Height

- The proposed heights are above the heights in the adopted LAP and as such are a material contravention of the approved Local Area Plan.
- The applicant is advised to liaise with the Department of Defence in relation to the potential height of the structures above mean sea level, relative to the Inner Horizontal of Casement/Baldonnell Aerodrome.

Mix of uses

- It is the Opinion of the Planning Authority that the proposed mix of units and unit and tenure mix are acceptable.

Part V

- 59 apartments and duplexes, but no houses, have been proposed as Part V units. It is noted that in a scheme of 628 units, 63 units would constitute 10% of the total residential development. Further engagement as to the type of units required.

Design, Character and Layout

- It is the Opinion of the Planning Authority that the proposed layout of the site is broadly acceptable, subject to the safe layout of the central spine street, the acceptable provision of the biodiversity strip along the eastern boundary, and the provision of acceptable proposals for dealing with the topography of the site. The applicant should also show that they are utilising the views of the Dublin Mountains and the church spire in Saggart Village, as recommended in the Local Area Plan.

Character and Form

- The Character Areas illustrated in the Architect's Design Statement are each of an acceptable design character in and of themselves, however, some of these 'Character Areas' are broken up, so as to detract from the potential to provide enhanced legibility. Furthermore, the boundaries of these character areas are typically on block edges, rather than mid-block, which results in streetscapes

comprising the boundary between character areas. This aspect of the development could be improved.

Visual Impact

Overbearing Visual Impact

- The proposed development features some taller residential buildings to the north and near the western boundary. In each case, however, the separation distances between these buildings and existing development are more than adequate to establish that they will not have an overbearing visual impact on adjoining development.

Overshadowing

- The taller building within the site (Block B) should be the subject of sunlight/daylight analysis and shadow analysis.

Views in and out of the Site

- It is the Opinion of the Planning Authority that the applicants should provide photomontages to illustrate the visual impact of the proposed development at points of connection or visual penetration with adjacent sites and provide adequate sunlight/daylight analysis.

Connectivity and Accessibility

- The site is provided with ample connections and pedestrian/cycle links through the site, and residents will have choice in that respect. The central route through the site does suffer from a certain level of exposure and non-surveillance at the point where it is bounded by the school site to the west, and open space to the east.
- According to the calculations provided by the applicant, the site will benefit from considerable public open space.
- It is the Opinion of the Planning Authority that some improvement is required to the layout of communal amenity spaces. Perimeter enclosures of communal spaces are preferred, just as it is preferred that public spaces are overlooked and sit forward of building lines.

Residential Amenity

- All apartments meet the minimum requirements under the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (2018), and that the development as a whole adheres to the requirements of section 3.8, ‘Safeguarding Higher Standards’.
- The applicant should be able to show what design measures have been taken to prevent overlooking and loss of privacy in residential courtyard blocks.

Public Realm, Heritage, Ecology and Biodiversity

- The proposed quantum of public open space is acceptable
- Appropriate Assessment (AA) Screening report, a Natura Impact Statement (NIS) (if required), an Ecological Impact Assessment Report (EIAR) and Bat Survey Report required.
- A Biodiversity Management Plan should be drawn up by the applicants to oversee the various biodiversity issues on the site, including protection of the range of habitat types and management of the areas being set aside for biodiversity.

Proposed Pumping Station

- The Pumping station should be re-designed so that it is integrated into the landscape and not visually intrusive.

Streetscapes

- Concerns raised in relation to the quality of the public realm along one street – Street 03 where it interacts with Duplex Block D and the boundary treatments that may be required where communal amenity spaces front onto the street, or where residential development is not being provided in a perimeter block format. Duplex Blocks E, F, G, H, I and J. It is the Opinion of the Planning Authority that the layout of communal open spaces could be improved by their relocation to the centre of perimeter blocks.
- Consideration should be given to the use of green/living walls on the elevations of the building structure including the use of a green roof.

Access, Transport and Parking

- The proposed development is well positioned to benefit from easy access to sustainable transport links and a district centre at Citywest Shopping Centre.

- The proposed development provides for a hierarchy of streets, but also minimises the number of cul-de-sacs being provided.
- The layouts do not show dedicated provision for cycle routes on a north-south axis through the site, but rather the provision of shared greenways as laid down in the Local Area Plan, and that these routes conform in specification to the recommendations of the National Cycle Manual, in relation to their character and expected use.
- Given the scale of development and the layout, it is important to slow traffic through this stretch. The provision of regular pedestrian crossings and raised tables is therefore welcome.

Car Parking/ Bicycle Parking

- Car parking is provided in a mixture of in-curtilage or on-street parking, with some perpendicular and some parallel spaces. Surface car parking can be problematic where, due to a higher density of development, it comes to dominate the streetscape. This is a particular concern at Apartment Block B, which is provided with ample on-street car parking. The applicant should consider basement car parking here.
- Car parking and bicycle ratios to be outlined.

Water

- Further details relating to surface water management should be submitted.
- A Flood Risk Assessment should be submitted.

Detailed Design & Delivery

- LAP Phasing -the applicants are providing a number of features with this development that were sought in the LAP – including connections through the park to the north-east.

Site Phasing

- detailed phasing and sequencing plan for the proposed development required.

Taking in Charge proposals required

9.0 The Consultation Meeting

- 9.1. A Section 5 Consultation meeting took place on the 20th November 2020, commencing at 9.30am. 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:
- 9.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:
1. **Design Strategy** - legibility and linkages, site topography, density and unit mix, character areas including architectural design, having regard to reason no. 1 and reason no. 2 of the previous refusal ABP 304828-19.
 2. **Landscape/Public Realm strategy** – biodiversity, tree and hedgerow loss, public/communal/defensible amenity areas.
 3. **Residential Standards**, including compliance with the 2018 Guidelines on the Design Standards for New Apartments, Dual aspect design and calculations, Sunlight/Daylight Assessment.
 4. **Access, Transport and Parking** - Car parking and cycle parking strategy, north/south cycle route, Up-grade works to Boherboy Road and relevant third-party consent
 5. **Drainage Issues** – PA and Irish Water submissions and response to Food Risk Assessment note attached to previous refusal ABP 304828-19.
 6. **Any Other Matters**
- 9.3. In relation to the **development strategy** further consideration/ justification of the documents as the relate to the following where discussed:
- Issues raised in PA Opinion.
 - Revised design and layout whereby the scheme is running parallel to the contours in order to address the site topography.
 - Density – Applicant advised that the scheme has been laid out with three distinct areas with the concentration of apartments located to the north in proximity to the Luas and that the density is consistent with the sites transitional location.
 - Issues relating to permeability and connections through the site and the north-south link via the eastern biodiversity corridor and the requirement to enhance permeability through the site subject to relevant third-party consent.

- Rationale for the design and layout to include additional apartment units and the introduction of duplex units within the overall scheme and the introduction of various character areas.
- Design and layout of the interface with adjoining residential development to the north and east.
- Query regarding the provision of community facility within the development. The PA advised that owing to the proximity to amenities and services in the wider area this is not an issue for them.

9.4. In relation to the **Landscape/Public Realm strategy** – further consideration/ justification of the documents as they relate to the following where discussed:

- Landscaping rationale including design details regarding proposals to address the varying site topography, retention of central hedgerow and trees and the 10m biodiversity corridor with integrated pedestrian and cycling facilities.
- Issues relating to central park to include a wider east-west connection and an appropriate sense of enclosure.
- PA advised that detailed design required regarding open space around the apartments blocks to the north to include the school site (until such time as the site maybe be developed).
- 24hr access through the site.

9.5. In relation to **residential amenity** further consideration/ justification of the documents as they relate to the following where discussed:

- Design of the apartments to ensure sufficient and appropriate design to warrant compliance with the 50% provision of dual aspect units for greenfield sites.
- The need to carry out a Sunlight/Daylight Analysis with appropriate regard to ground floor levels.

9.6. In relation to **Access, Transport and Parking** further consideration/ justification of the documents as they relate to the following where discussed:

- Issues relating to the proposed of Boherboy Road and relevant third-party consent. PA raised no specific objection to the proposal subject to appropriate detailed design.

- Rationale for the quantum of car parking and cycle parking spaces provided having regard to the standards in the development plan and the apartment guidelines, and the provision of high-quality facilities. The application outlined the proximity of Go-Car sharing centre within the City West shopping centre

9.7. In relation to **Drainage Issues** further consideration/ justification of the documents as the relate to the following where discussed:

- Concerns raised by the PA relating to the location of the proposed attenuation tanks. Applicant advised the location was limited due to the site topography.
- PA advised on revised design of pumping station to be more sympathetic to its environment and less visually prominent. Applicant noted that the design will adhere to Irish Water requirements.
- Revisions to Flood Risk Assessment to address the concerns raised in previous refusal ABP 304828-19.

9.8. In relation to **AOB** further consideration/ justification of the documents as the relate to the following where discussed:

- Clarification required in relation to Phasing Plan
- Adherence to the requirements to appropriately address any Material Contravention of the relevant development plan or local area plan, as applicable.
- Advised to contact the Dept. of Defence -The applicant should ensure that the development does not breach the inner horizontal of the Casement Aerodrome
- Advised that there is no provision for further information at application stage, all details to be submitted at application stage; ensure consistency between documentation submitted by various consultants.
- 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 303532-20 of 20th November 2020 ' 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.

10.0 Conclusion and Recommendation

- 10.1. 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.
- 10.2. 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.
- 10.3. 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.
- 10.4. 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.

11.0 Recommended Opinion

- 11.1. The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 11.2. 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.

11.3. 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 arising from this notification:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application demonstrate / justify the suitability of the proposed site to accommodate the residential density with regard to *inter alia* refusal reason no. 2 of previous planning application ABP 304828-19 and the provisions of relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).
2. A report that addresses and provides a clear design rationale for the proposed design, scale and character of key buildings / street frontages, materials and finishes of the proposed development including details of all materials proposed for open spaces, paved areas, boundary and retaining walls, specific detailing of finishes and frontages for the proposed apartment blocks, and the maintenance of same. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. Additional CGIs and visual assessment, having regard to the local objectives pertaining this site, and recognising the visual sensitivity of this area/site.
3. The inclusion of all works to be carried out, and the necessary consents to carry out works on lands, within the red line boundary.
4. The submitted documentation should clarify the extent of works to the Boherboy Road that would be part of the proposed development and specify whether any other works would be required to provide enhanced connectivity from the site and who would be responsible for their completion.

5. Additional cross-sections demonstrating the extent of cut and fill required to accommodate the development of the site.
6. A layout plan and report that address and provides a clear rationale for connectivity and permeability within and through the site.
7. A Site Specific Flood Risk Assessment Report. The prospective applicant is advised to consult with the relevant technical section of the planning authority prior to the completion of this report which should describe this consultation and clarify if there are any outstanding matters on which agreement has not been reached with regard to surface water drainage.
8. A statement of compliance with the applicable standards set out in DMURS, and a mobility management plan which justified the proposed provision of parking for cars and bicycles.
9. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements.
10. A building life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
11. A phasing scheme for the development which would indicate how open space and access to serve the proposed houses would be provided in a timely and orderly manner.
12. Proposals for compliance with Part V of the planning act.
13. A draft construction management plan
14. A draft waste management plan
15. A material contravention statement, in respect to any and all elements of the development that may materially contravene the Development Plan objectives or policies applicable to the site, whether, core strategy, density, housing typology, car parking, open space, visual sensitivity or other.

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. National Transport Authority
3. Transport Infrastructure Ireland
4. Department of Culture, Heritage and the Gaeltacht (Nature Conservation)
5. Department of Defence
6. Irish Aviation Authority
7. Inland Fisheries Ireland
8. Heritage Council
9. An Taisce
10. Department of Education and Skills

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.

Irené McCormack
Planning Inspector

30th November 2020