



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-308478-20**

Strategic Housing Development

344 no. residential units (39 no. houses, 305 no. apartments), creche and associated site works.

Location

Hacketstown, in the towland of Milverton, to the west of the Golf Links Road, Skerries, Co. Dublin.

Planning Authority

Fingal County Council

Prospective Applicant

Land Development Agency

Date of Consultation Meeting

10th December 2020

Date of Site Inspection

19th November 2020

Inspector

Rachel Gleave O'Connor

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 subject site is located south of Ballygossan Park, a new residential estate on the edge of the existing settlement area, west of Golf Links Road and east of the Dublin to Belfast railway line. The subject site is located south of Skerries town centre area and south of Skerries train station.
- 2.2. The area in the immediate vicinity of the site is characterised by one off housing on Golf Links Road with a rural nature to the south and east of the site. A more suburban character is apparent to the new residential estate to the north of the site in Ballygossan Park, with 2 storey self-contained housing forming the dominant character to the estate. The site has two sections of frontage onto the Golf Links Road, which currently lacks pedestrian footpaths or cycleway infrastructure. A pedestrian link to the train station exists to the north of the site. To the west the site bounds railway lines. The site is currently formed of agricultural fields.
- 2.3. The subject site has a stated site area of 8.1 ha. incorporating the area of open space proposed to the north of the site, and a stated developable site area of 6.9 ha.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development involves 344 no. residential units as follows:

Unit Type	Number
1 bed apartments	81

2 bed apartments	100
3 bed apartments	23
2 bed duplexes	7
3 bed duplexes	94
3 bed houses	39
Total Apartments	305
Total Houses	39
Total units	344

The development has a stated net residential density of c. 50 units/ha based on a development area of c. 6.9 ha, excluding the open space area. The development scheme comprises the following:

- 344 no. residential dwellings;
- 305 no. apartments / duplexes in blocks (A-G) ranging in height from 2-4 storeys;
- 39 no. 2 storey semi-detached and terrace houses;
- Creche building 350sqm;
- 349 no. car parking spaces;
- 792 no. bicycle spaces;
- Private amenity in the form of balconies, terraces and rear garden areas;
- Landscaped public open space;
- Upgrades to Golf Links Road and new main vehicle entrance / egress from Golf Links Road;
- New internal link road and new pedestrian link to the north east corner of the site to the Skerries train station.

4.0 Planning History

- 4.1. The subject site itself has no planning history; relevant planning history of surrounding areas is set out below as summarised by the applicant.
- 4.2. Adjacent areas:
- 4.3. **Reg. Ref.: F20A/0324** - Junctions of Townparks & Holmpatrick, Skerries, Co Dublin. An application was lodged to Fingal County Council by Land Development Agency on the 08/07/2020 for the following development: *“Permission for reconstruction of the Miller's Lane/Shenick Road/Golf Links Road junction to provide for a four armed mini roundabout; Upgrading and extension of the two-lane flared approach to the junction on both the northern (Dublin Road) and southeastern (Miller's Lane) arms of the existing three-arm roundabout junction; The provision of Zebra Crossing facilities on all arms of both junctions; The implementation of flat top calming ramps on all arms of both junctions (approximately 5m back from the roundabouts circulating carriageway); New street lighting system covering both junctions; The proposed development also includes upgrades to the junction of Downside Heights/Golf Links Road and a new cycle path along the Golf Links Road; New footpaths, cycle and pedestrian facilities, road gully's, road marking, signal and carriageway surfacing works; All ancillary site development works, landscaping and signage to support the development at the following junctions in Townparks and Holmpatrick, Skerries, Co Dublin: Miller's Lane/Shenick Road/Golf Links Road junction R127 Skerries Road/Miller's Lane/Dublin Road Roundabout, Downside Heights/Golf Links Road junction (and a section of the Golf Links Road)”*. Fingal County Council requested additional information on the 31/08/2020. This further information was formally submitted to Fingal County Council on the 13th October 2020. Notice of intent to grant planning permission issued 15th January 2021.
- 4.4. **Reg. Ref.: F11A/0309 & PL.06F.240639** - Lands immediately north of the site *“The development will consist of the construction of 103 no. dwelling houses, 1 no. 2 - storey creche (455 sqm.) and all associated and ancillary site developments. Breakdown of houses: 7 no. house type A (3 bedroom, 1.5 storey, 106.4sqm); 5 no. house type A1 (4 bedroom 1.5 storey, 131.2sqm.); 4 No. house type A2 (4 bedroom, 1.5 storey, 130.5sqm.); 8 no. house type B (4 bedroom, 2 storey, 139.8sqm.); 8 no. house type C (3 bedroom, 2 storey, 112sqm.); 11 no. house type P (3 bedroom, 2 storey, 100sq.m.); 5 no. house type P1(3 bedroom, 2 storey, 119.9 sqm.); 2 no.*

house type P2 (3 bedroom, 2 storey, 121sqm.); 3 No. house type E with terrace (4 bedroom, 3 storey, 149.9sqm.); 1 no. house type E1 with terrace (4 bedroom, 3 storey, 150.7sqm.); 1 no. house type E2 with terrace (4 bedroom, 3 storey, 148.4 sqm.); 2 no. house type F with garage and terrace (4 bedroom, 3 storey, 155.2sqm.); 1 no. house type F1 with garage and terrace (4 bedroom, 3 storey, 175.7sqm.); 8 no. house type G (3 bedroom, 2 storey, 105.7sqm.); 6 no. house type H with terrace (3 bedroom, 2 storey, 110.9sqm.); 7 no. house type J (3 bedroom, 2 storey, 112.5sqm.); 6 no. house type K (2 bedroom, 2 storey, 87.7sqm.); 8 no. house type L (3 bedroom, 2 storey, 95.2sqm.); 1 no. house type L1 (3 bedroom, 2 storey, 97sqm.); 1 no. house type L2 (3 bedroom, 2 storey, 97sqm.); 4 no. house type M (4 bedroom, Part 2 & Part 3 storey, 132.2sqm.); 4 no. house type N (4 bedroom, 3 storey, 140.4 sqm.)". Fingal County Council issued a decision to grant permission for the above development on the 27th of April 2012. Subsequently, an appeal was lodged on 24th of May 2012 and an order to grant permission was made by An Bord Pleanala on 27th March 2013.

- 4.5. **Reg. Ref.: F11A/0309/E1** - Lands immediately north of the site Fingal County Council granted an extension of duration of permission of previously permitted permission under Reg. Ref. F11A/0309 on the 5th of February 2018. The duration of permission was extended up to and including the 9th May 2023.

5.0 National and Local Planning Policy

5.1. Section 28 Ministerial Guidelines

- 5.1.1. Having considered the nature of the proposal, the receiving environment and 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) 2009
 - Design Standards for New Apartments Guidelines for Planning Authorities 2020 ('The Apartment Guidelines')
 - Design Manual for Urban Roads and Streets (DMURS) 2019
 - The Planning System and Flood Risk Management (including the associated Technical Appendices) 2009

- Childcare Facilities Guidelines for Planning Authorities 2001
- Urban Development and Building Heights Guidelines for Planning Authorities 2018

5.2. National Planning Framework

- 5.2.1. The NPF seeks to achieve compact urban growth by targeting a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas and plans for growth of 490,000 to 500,000 people in the Eastern and Midlands Region.
- 5.2.2. The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- 5.2.3. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- 5.2.4. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.3. Fingal County Development Plan 2017-2023

- 5.3.1. Zoning: The site is zoned the following under the Fingal Development Plan 2017-2023: RA 'Residential Area' with the objective to 'Provide for new residential communities subject to provision of the necessary social and physical infrastructure', residential and creche uses are permitted in principle in the RA zoned area. The site is also zoned LAP 5.A 'Subject to Local Area Plan and is located within the Development Boundary. A linear section to the north of the site is also zoned OS 'Open Space'.
- 5.3.2. General: Chapter 2 of the Plan outlines housing and settlement strategy for Fingal. Chapter 3 describes the approach to the creation of placemaking, and particularly section 3.4 in relation to sustainable design standards. Chapter 4 describes urban

Fingal and Chapter 5 rural Fingal. Chapter 7 describes the approach to movement and infrastructure in Fingal. Chapter 9 relates to natural heritage and Chapter 10 relates to cultural heritage. Chapter 12 describes the Development Management Standards.

5.3.3. The following objectives are of particular relevance.

- Objective PM13 Prepare Local Area Plans for areas designated on Development Plan maps in co-operation with relevant stakeholders, and actively secure the implementation of these plans and the achievement of the specific objectives indicated.
- Objective SKERRIES 14 Prepare and/or implement the following Local Area Plans and Masterplans during the lifetime of this Plan:... Hacketstown Local Area Plan (see Map Sheet 5, LAP 5.A)....
- Objective PM51 Provide a wide variety of accessible public open spaces, Objective PM52 Requiring minimum public open space, and related Objectives PM60-PM62 concerning the design of public open space.
- Objectives DMS24 to DMS48 describe the qualitative standards for new residential development.

Hacketstown Amendment Local Area Plan 2009-2019: The LAP expired on the 9th February 2019.

6.0 Forming of the Opinion

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

6.2. Documentation Submitted

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

- Application Form for a Section 5 Pre-Application Consultation Request in respect of a Strategic Housing Development;
- Irish Water Letter; Part V Layout, Document and Costings; Letters of Consent;
- Architectural Drawings, Schedule and Urban Design and Architectural Design Statement (including Housing Quality Assessment and Schedule of Areas);
- Landscape Design Statement and drawings;
- Landscape and Visual Impact Assessment;
- Environmental Report;
- Statement of Consistency;
- Community Audit;
- Ground Investigations Report;
- Waste Classification and Groundwater Assessment Report;
- Engineering Services Report and Engineering drawings;
- Construction and Environmental Management Plan;
- Site Specific Flood Risk Assessment;
- DMURS Compliance Statement;
- Mobility Management Plan
- Traffic and Transport Assessment Report;
- Assessment of Daylight and Sunlight;
- Preliminary Massing Model Views;
- Archaeological Assessment;
- Appropriate Assessment Screening Report and Natura Impact Statement.

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.

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

6.3. Planning Authority Submission

6.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Fingal County Council, submitted a copy of their section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. The planning authority's 'opinion' included the following matters:

- Residential use and childcare facilities are considered permitted in principle under the RA zoning objective;
- The development of this site for the uses proposed is acceptable in principle;
- Clarification required of developable figure calculation and corresponding density figure of 50 units per hectare. The Planning Authority considers this to be an appropriate density;
- The proposed residential layout is dominated by cul-de-sacs which provide no through access and therefore do not provide pedestrian and cycle permeability;
- The overall surface layout is considered to be dominated by car parking;
- The Planning Authority considers that the mix of the proposed residential development is generally acceptable;
- The general form of the residential units is acceptable;
- The Planning Authority considers that the heights of the proposed buildings on the site are generally acceptable and will not unduly impact on the visual amenity of the area;
- The proposed residential units generally comply with Objective DMS24;
- Separation distances should be increased or mitigation included to remove overlooking in specific locations;
- Proposed dwellings generally comply with private amenity space requirements;
- Proposed apartments generally comply with standards, however confirmation of private amenity space and cycle storage required;

- Building Lifecycle Report required;
- Full details of refuse storage and management required;
- Noise mitigation measures required to residential blocks proximate to the railway line;
- Existing childcare facilities identified in the area are located a significant distance from the site, a revised childcare needs assessment is requested;
- Insufficient number of car parking spaces included;
- Cycle parking provision less than standards and details of provision required;
- Public lighting and CCTV on proposed route to railway station required;
- Compliance with DMURS has not been demonstrated;
- A number of recommendations made by Transportation Planning Section;
- A number of recommendations made by Water Services Section;
- Clarity required regarding open space provision and design;
- A number of recommendations made by the Parks and Green Infrastructure section;
- Outstanding documentation requested, including EIAR, details of public art, phasing plan and green infrastructure plan;
- The Planning Authority are generally supportive of the proposed development on the subject lands which are zoned for residential development in the Fingal Development Plan 2017-2023. However, it is considered that particular aspects of the proposed scheme, require amendment and/or additional detail prior to lodgement of the application. 15 no. recommendations made in respect of those matters outlined above.

6.4. Irish Water

- 6.4.1. The submission from Irish Water (dated 4th December 2020) states that a Confirmation of Feasibility has been issued for a development of 344 units on the site subject to confirmation of upgrades required to service the development subject to the following:

The proposed water and wastewater connection(s) for this development to connect to the Irish Water network via infrastructure that has not been taken in charge by Irish Water (Third Party Infrastructure).

The applicant is required to provide the following to Irish Water prior to advancing to SHD application:

(a) The developer has permission from the owner of the third party infrastructure to connect to the third-party infrastructure;

(b) The developer can provide documentary evidence through assessment and calculations that the third-party infrastructure has sufficient capacity to cater for the additional load;

(c) The developer can provide documentary evidence through assessment and investigations that the third-party infrastructure is of sufficient integrity to take the connection and the additional load;

(d) The developer can identify, procure and transfer to Irish Water a deed of easement over the arterial infrastructure within the Third Party Infrastructure, this is in addition to the requirement to procure and transfer to Irish Water the arterial infrastructure within the third party development;

(e) Demonstrate that the arterial infrastructure is in compliance with requirements of Irish Water Code of Practice and Standard Details and in adequate condition and capacity to cater for the additional load from the Development.

In respect of Water: If the connection through the third party infrastructure is not possible then approx. 450 m of 150 mm ID new main to replace the existing 3" Cast Iron and 25.4 mm Galvanised Steel watermain is required. Irish Water currently does not have any plans to extend its network in this area. Should the applicant wish to progress with the connection they will be required to fund this network extension. Any consents required will be the responsibility of the applicant to obtain.

6.5. Consultation Meeting

- 6.5.1. A section 5 Consultation meeting took place via a video conference on the 10th December 2020. 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:

1. Design Strategy and Unit Typology;
2. Layout, DMURS and Surface Parking;
3. Open Space and Connectivity;
4. Environmental Considerations; and
5. Any Other Matters.

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 ABP-308478-20' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

7.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.

7.3. Having regard to 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, and submissions received from statutory consultees referred to under Section 6(10) of the Act, 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.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. Clarity should be provided of the site ownership and any works to take place outside of the site ownership extent. As part of this, a layout map and written documentation is required, with any necessary letters of consent and heads of agreement for phasing works to ensure integration with adjoining works (in particular the provision of roads, SUDs, or Openspace along the Riparian Strip), to also be provided. If areas of road are proposed on Open Space Zoning, compliance with the zoning objective should be considered.
2. EIAR screening should consider the level of integration and collaboration with adjoining existing, permitted and proposed developments adjacent to the site.

3. The approach to unit typology should be explained further, with detail of how units will be appropriately designed for, and accessible to, a wide variety of different occupiers (i.e. mobility constrained / elderly / families). With particular regard to the checklist under chapter 4 of the Sustainable Residential Development in Urban Areas Guidelines, which ask how the development will ensure accessibility for everyone, including people with disabilities.
4. A plan of landscape proposals clearly delineating public, communal and private spaces to be provided, as well as a detailed breakdown of the total area of same. Consideration of how the design of the landscape and provision of furniture/equipment will facilitate use of these spaces for both adults and children should be provided. Details of how the edge of the parkland area will be treated where it meets streets should be provided. The design treatment and enclosure of communal residential gardens should also be explained. A response to the comments from the Planning Authority in relation to the landscape proposals is required.
5. Topographical survey of the site and associated commentary on how this has impacted the design of the proposed development and arrangement of open space.
6. Additional detail of the access points to duplex units and how the design of duplex blocks engages with adjacent spaces.
7. Identify the location of cycle storage, its allocation to units and how appropriate security is achieved.
8. Demonstrate accordance with DMURS. The inclusion of surface car parking should be considered in light of any impact upon the quality of the proposed landscape, and further detail and/or justification should be provided around this.
9. Submission of a building life cycle report in accordance with section 6.3 of the 'Sustainable Urban housing: Design Standards for New Apartments (2020)'. Details should include the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard

should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.

10. A Housing Quality Assessment with regard to relevant national and local planning policy on residential development.
11. Submission of a Daylight, Sunlight and Overshadowing Assessment providing analysis of both the proposed accommodation and any potential impact upon surrounding dwellings/amenity spaces.
12. Detail of infrastructure upgrades to Golf Links Road and the timeframe for delivery in context with the phasing programme for the proposed development.
13. Additional detail of arrangement for future connections to water supply and wastewater services is required in consultation with Irish Water.
14. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.
15. Address each of the 15 no. recommendations outlined in the Planning Authority opinion.

8.3. 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. Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation)
2. The Heritage Council
3. An Taisce
4. Irish Water
5. Transport Infrastructure Ireland
6. National Transport Authority
7. Córas Iompair Éireann

8. The Commission for Railway Regulation
9. Iarnród Éireann
10. Fingal 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.

Rachel Gleave O'Connor

Planning Inspector

26th January 2021