



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-308804-20

Strategic Housing Development	458 no. residential units (242 no. houses, 60 no. duplex units, 156 no. apartments), creche and all associated site works.
Location	Lands at Back Road, Broomfield, Malahide, Co. Dublin.
Planning Authority	Fingal County Council
Prospective Applicant	Birchwell Developments Ltd.
Date of Consultation Meeting	27.04.21
Date of Site Inspection	01.03.21

Inspector

Una O'Neill

Contents

1.0 Introduction	4
2.0 Site Location and Description.....	4
3.0 Proposed Strategic Housing Development.....	5
4.0 Planning History.....	6
5.0 Section 247 Consultation(s) with Planning Authority.....	6
6.0 National and Local Planning Policy.....	7
7.0 Submissions Received	13
8.0 Forming of the Opinion	14
9.0 The Consultation Meeting.....	18
10.0 Conclusion and Recommendation	21
11.0 Recommended Opinion	22

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, 12.5 ha in area, is located to the south of Malahide, Co. Dublin. The site is accessed from the Back Road, via an existing access street which serves the new residential developments of Ashwood Hall and Brookfield (partially under construction) to the west. To the west of these developments are the two relatively new residential developments of Castleway and Hazelbrook, both of which are accessed off Kinsealy Lane. To the east of the site is the Dublin-Belfast railway line and to the north on the opposite side of the Back Road is Malahide Castle and Gardens.
- 2.2. The site comprises two parcels of land, currently under grass, connected by the existing north-south access street serving the existing residential developments of Ashwood Hall and Brookfield. The southern portion of the site is bounded by Hazelbrook residential development to the west, which has three cul-de-sacs and an open space adjoining the site. To the south and east of the southern portion of the lands are agricultural lands, zoned Greenbelt and to the north is open space associated with Brookfield residential development. The northern portion of the lands are bounded to the west by Ashwood Hall and its existing open space, with a portion of undeveloped lands forming part of this western boundary. To the north are undeveloped lands and dwellings on individual plots accessed off the Back Road. Adjoining the eastern boundary is the Dublin-Belfast Railway line and to the south is agricultural land, zoned Greenbelt.

3.0 Proposed Strategic Housing Development

3.1. The proposed development is for the construction of 458 no. residential units; 1 no. childcare facility; landscaping including play equipment; boundary treatments; public lighting; and all associated site infrastructure and engineering works necessary to facilitate the development including proposed upgrades to existing foul network along Kinsealy Lane.

Table 1: Development Parameters

Parameter	Site Proposal
Site Area	11.1 ha net [12.5 ha gross]
No. of Residential Units	458 units [242 houses; 60 duplexes; 156 apartments]
Other Uses	1 creche, 400sqm in area, accommodating 95 children 1 x gym on podium open space
Density	41 units per ha
Building Heights	3 blocks of 3 storey duplexes; 2 x 4 storey apartment blocks; 2 x 5 storey apartment blocks; 2 storey houses
Open Space	1.69 ha [15%]
Parking	754 car parking spaces 2 per house; 70 spaces for 60 duplex units; 200 spaces for 156 apartments.
Dual Aspect	50% dual aspect
Vehicular Access	From Back Road to the north. Pedestrian/Cyclist connection to the north and to the west onto Kinsealy

	Lane through an existing residential development to the west.
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Table 2: Unit Mix

Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Apartments	49	133	34		216
Houses			189	53	242
					458
% Total	11%	29%	49%	11%	100%

4.0 Planning History

Site to the west under construction - Ashwood Hall:

243863 – Permission granted by ABP for 61 dwellings, extended under F13A/0459/E1

Site to the southwest adjoining Hazelbrook:

243821 – Permission granted by ABP for 89 dwellings, extended under F13A/0460/E1

5.0 Section 247 Consultation(s) with Planning Authority

A consultation meeting under Section 247 of the Planning and Development Act 2000 (as amended) took place remotely via Microsoft Teams on the 27th April 2021. The following issues were discussed:

1. Development Strategy – policy context; layout and vehicular permeability; open space strategy; density; mix of units; character areas.
2. Residential Amenity – sunlight/daylight analysis; location of gym; compliance with Apartment Guidelines.
3. Transportation Issues

4. Water Services Issues
5. Any Other Business

6.0 National and Local Planning Policy

6.1. Project Ireland 2040 - National Planning Framework

National Strategic Outcome 1 is identified as Compact Growth, recognising the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

A number of key policy objectives are noted as follows:

- National Policy Objective 3(b): Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: 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.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.2. **Regional Policy - Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031**

Under the RSES, a Dublin Metropolitan Area Strategic Plan (MASP) has been prepared to manage the sustainable and compact growth of Dublin.

Malahide is identified within the Metropolitan area.

The following Regional Policy Objectives are of note:

- RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines and 'Urban Development and Building Heights Guidelines for Planning Authorities'.
- RPO 5.5 – Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

6.3. **Section 28 Ministerial Guidelines**

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)

- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013) (as updated)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

6.4. Local Planning Policy

Fingal County Development Plan 2017-2023 (as amended by Variation 2):

Zoning

The subject site is subject to land use zoning objective: 'RA' - Provide for new residential communities subject to the provision of the necessary social and physical infrastructure.

Vision: Ensure the provision of high quality new residential environments with good layout and design, adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures to meet household needs and to promote balanced communities.

The site is subject to an objective for a Masterplan.

Chapter 2 – Core Strategy and Settlement Hierarchy

Malahide is identified in the Development Plan as a **Self Sustaining Town** and the following is stated in relation to Malahide:

The settlement contains a strong village centre structure with a regional park and access to a high level of local amenities. The settlement is served by the DART. Housing delivery is been provided at a steady pace on local area plan lands. Development on remaining lands is required to be undertaken by a

masterplanning process. Having regard to the limited area of land remaining, a 5% population figure is considered acceptable.

Table 2.4 – ‘Total Residential Capacity provided under Fingal Development Plan 2017-2023, updated as of September 2019:

- Malahide – remaining capacity in hectares is stated to be 75.5 ha and remaining residential units is stated to be 956.

Objective SS01 Consolidate the vast majority of the County’s future growth into the strong and dynamic urban centres of the Metropolitan Area while directing development in the core to towns and villages, as advocated by national and regional planning guidance.

Objective SS02 Ensure that all proposals for residential development accord with the County’s Settlement Strategy and are consistent with Fingal’s identified hierarchy of settlement centres.

Objective SS02a Development will be permitted in principle on lands where there is a Local Area Plan or Masterplan in place and only when these lands are substantially developed will permission be granted for the development of lands without such a framework. Should the lands identified within a LAP or Masterplan not come forward for development in the short term, consideration will be given to other lands.

Objective SS17: Manage the development and growth of Malahide and Donabate in a planned manner linked to the capacity of local infrastructure to support new development of the area and taking account of the ecological sensitivity of qualifying features of nearby European Sites.

Chapter 3 - Placemaking

Objective PM31: ‘Promote excellent urban design responses to achieve high quality, sustainable urban and natural environments, which are attractive to residents, workers and visitors and are in accordance with the 12 urban design principles set out in the Urban Design Manual – A Best Practice Guide (2009)’. **Objective PM38:** ‘Achieve an appropriate dwelling mix, size, type, tenure in all new residential developments’.

Objective PM41: ‘Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised’.

Objective PM42 Implement the policies and objectives of the Minster in respect of ‘Urban Development and Building Heights Guidelines’ (December, 2018) and Sustainable Urban Housing: Design Standards for New Apartments (March, 2018) issued under section 28 of the Planning and Development Act, as amended.

Objective PM14: Prepare Masterplans 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.

Chapter 4 Urban Fingal

Objective Malahide 1: Preserve the special character and identity of the town by securing its physical separation from Swords, Portmarnock and Kinsaley by greenbelts.

Objective MALAHIDE 11: Prepare and/or implement the following Masterplans during the lifetime of this Plan:

- Streamstown Masterplan (see Map Sheet 9, MP 9.A)
- Broomfield Masterplan (see Map Sheet 9, MP 9.B)

Chapter 7 ‘Movement and Infrastructure – Noise (Variation 1 of the Development Plan)

Objective DA07: Strictly control inappropriate development and require noise insulation where appropriate in accordance with table 7.2 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the adverse impact of noise on existing housing within the inner and outer noise zone.

Chapter 11 Land Use Zoning Objectives

Objective Z03: Prepare and implement Masterplans where required.

Chapter 12 Development Management Standards

Objective DMS03: ‘Submit a detailed design statement for developments in excess of 5 residential units or 300 sq m of retail/commercial/office development in urban areas’.

Objective DMS24: ‘Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3’. Table 12.1 refers to houses and Table 12.3 refers to minimum room sizes and widths for houses and apartments. Table 12.5 provides details on ‘Open Space Hierarchy and Accessibility’.

Objective DMS57: ‘Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms’.

Objective DMS87: Sets out the minimum amount of private amenity space for new housing.

Objective RF04 (Variation 2) Submit a detailed statement for developments on land zoned residential or mixed use, in excess of 100 residential units outlining:

- Compliance with the sequential approach in relation to development of the area
- Potential for sustainable compact growth
- The scale of employment provision and commuting flows
- Extent of local services provision i.e. administration, education- particularly third level, health, retail and amenities
- Transport accessibility
- Environmental sensitivities, resources and assets and
- Current and planned infrastructure capacity

7.0 Submissions Received

Irish Water – Confirmation of feasibility issued.

- Currently Irish Water is progressing a high-level strategy for this area which includes the delivery of a new pumping station to serve the existing and future Connolly Avenue pumping station catchment.
- The existing Kinsealy Lane pumping station, and the Connolly avenue pumping station are currently at capacity...
- Wastewater - New connection to the network is feasible subject to delivery of the following:
 - a) Castleway Pumping Station: Delivery of new pumping station to serve the existing and future Connolly Avenue pumping station catchment.
 - b) Procurement of additional lands to facilitate the provision of a total storage volume of 530m³. This includes 362m³ of existing storage at the site. An additional 168m³ storage volume and associated area is required.
 - c) Identification of the required changes to the Malahide discharge licence.
 - d) All environmental (assimilative capacity of receiving water), archaeological and statutory assessments.
 - e) Increase the capacity of Chapel Road Pumping Station currently under construction (Irish Water Capital Investment Plan project) from 53l/s to 94l/s.
 - f) Upgrade of the wastewater gravity network discharging into Castleway Pumping Station.
 - g) Upgrade the wastewater network downstream of Castleway Pumping Station to connect to Chapel Road Pumping Station.
 - h) Provision of Mechanical Electrical and Instrumentation, Control and Automation (MEICA).
 - i) Scope of works requirements to incorporate existing MEICA operational requirements (FCC/Irish Water).

In light of the wastewater connection contingencies outlined above and the significant growth in this area, the applicant is required to continue regular

engagement with Irish Water prior to progressing to SHD application to agree all site-specific requirements and designs to service the development and the delivery mechanism for any works.

- In respect of Water: In order to accommodate the proposed connection to the Irish Water network at the upgrade works are required as follows;
 - Approximately 395 m of 6" CI to 200 mm MDPE in Back Road
 - Approximately 270 m of 4" AC to 200 mm MDPE in Back Road
 - Approximately 170 m of 100 mm uPVC to 160 mm MDPE in Ashwood Hall Lane

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

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:

- Statement of Consistency with Planning Policy
- Material Contravention Statement
- Architectural Design Statement
- Housing Quality Assessment
- Community and Social Infrastructure Audit
- Environmental Statement
- Appropriate Assessment

- Preliminary Daylight/Sunlight/Internal Light Analysis Report
- Photomontages
- Preliminary Archaeological Test Trenching Report
- Arboricultural Report
- Landscape Report
- Flood Risk Assessment
- Traffic and Transport Assessment
- Travel Plan
- Engineering Assessment Report
- Preliminary Construction Demolition and Waste Management Plan
- Part V costing and site plan

8.3. **Applicant's Statement of Consistency**

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.

8.4. **Applicant's Material Contravention Statement**

Material contravention statement submitted which addresses lack of a masterplan.

8.5. **Planning Authority Submission**

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 note of the S.247 meeting, the planning authority opinion, along with interdepartmental reports and the relevant planning applications in the area. These were received by An Bord Pleanála on the 12th January 2021. The issues raised are summarised below:

- A masterplan has not yet been prepared and a date for its delivery is not available.

- Development materially contravenes Objective PM14 and Objective Malahide 11. Objective SS02A also relates but has not been referred to in the Material Contravention Statement submitted. An assessment of the cumulative impact arising from the subject development in relation to the core strategy when considered in combination with other development in Malahide is required. Further consideration required in relation to how the proposed development would comply with SS02.
- Southern portion of the site is within the Outer Public Safety Zone and further consideration is required in relation to how the requirements of the ERM report impact upon the future population equivalent of the site.
- An overlay of the GB/Greenbelt lands and the RA lands is requested to ensure all development is located on lands within the RA objective.
- Density of 41.3 dwellings per hectare within 35-50 units per hectare range for outer suburban/greenfield site' and taking account of the site's distance to rail station and public transport.
- Given site is detached from accessible public transport links, consideration must be given to carrying capacity of the physical infrastructure of the area where services are deficient or are operating under extreme pressure.
- Proposed scheme lacks interest and diversity with repetition and concentration of the same house type (C), particularly to the south.
- 3 distinct character areas proposed but this is not evident. Fails to provide for a sense of place.
- Apartment blocks within the site organised in an ad hoc manner with Block A/B appearing monolithic in design relative to the context of the site being outer suburban.
- External steps to proposed duplexes should be internalised.
- Overall design and layout does not demonstrate the high quality standards that would justify the increased building heights and densities being proposed.
- Social audit – lack of information in relation to childcare and also schools provision in terms of whether or not there is capacity available. The provision of

adequate social infrastructure has lagged behind residential development in this area.

- Social audit also needs to address local retail to meet convenience needs.
- Consideration to provision of a piece of public art.
- Unit mix of 50% 3 bed (houses, duplexes and apartments) acceptable.
- Privacy screen on balconies between apartments.
- Location of the gym and noise impact.
- Location of creche and noise impact.
- Overall 50% of units have dual aspect, however Block C alone has 33.3%.
- Demonstrate adaptability of internal layouts of apartments and dwellings.
- Consideration to be given to communal rooms in apartment blocks.
- Query over whether the gym would be accessible to residents and how it would be managed.
- Consideration to the provision for the punctuation of increased height at key corner sites.
- Southern part of the site has a monotonous layout and consideration should be given to address this.
- Part V – not consultation to date. Concern raised in relation to its distribution. Entire location, except for 3 houses, is confined to Blocks D and G.
- Open Space – does not meet minimum on site provision. OS is marginal and back land, with conflicting purposes and limitations, eg under ground storage tanks, linear in nature, poor passive surveillance.
- Boundary treatments unclear. The boundary treatment to the GB lands is important in order to mitigate for adverse impact on these lands.
- Irish Water – upgrades required are significant and include procurement of additional lands and assimilative capacity of receiving waters. Further consideration required.

- Surface Water Drainage proposal is not acceptable as attenuation is by underground tanks only. Proposal needs to incorporate additional SUDS measures which have a focus on amenity and biodiversity rather than solely on water quantity and quality.
- Flood risk – proposed foul pumping station is located within an area of fluvial flood risk. Consideration required of potential risk to properties along the southern boundary of the site.
- Concern in relation to parking design and need to avoid ad hoc on street car parking.
- Set down and parking for creche is insufficient.
- Further consideration in relation to the general layout of the roads and use of homezones.
- TTA – does not include assessment of the junction with Back Road with the Hill. The upgrade of this junction should be required as part of the proposed development.

9.0 The Consultation Meeting

9.1. A Section 5 Consultation meeting took place remotely via Microsoft Teams on the 27th April 2021, commencing at 14.30 pm, Representatives of the prospective applicant, the planning authority and An Bord Pleanála participated in the meeting. An agenda was issued by An Bord Pleanála prior to the meeting.

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. Development Strategy – policy context; layout and vehicular permeability; open space strategy; density; mix of units; character areas.
2. Residential Amenity – sunlight/daylight analysis; location of gym; compliance with Apartment Guidelines.
3. Transportation Issues
4. Water Services Issues

5. AOB

1. Development Strategy:

- Consideration of policy context - Lands are zoned RA with objective for a Masterplan. Provide overview of development to date and quantify what has been developed, what key infrastructure/shared infrastructure has been put in place, how much land is left, etc. and outline existing development context - how many units developed within these RA/Masterplan lands; unit mix; open space allocation; movement strategy; water services infrastructure etc. Clearly address Objective SSO2a.
- Where documentation references conflicting objectives of the development plan, clearly identify what those are.
- Demonstrate compliance with core strategy.
- Provide overlay of zoning map and site layout plan.
- Address all relevant policy, objectives and guidance set out in the development plan relating to noise, specifically relating to airport noise and public safety zones.
- In terms of layout and vehicular permeability, documentation should consider further the lack of vehicular connectivity to the south and west onto Kinsealy Lane. TTA should consider further/elaborate on implications of approx. 594 units (proposed and existing) being served off one vehicular access.
- Demonstrate compliance with DMURS in terms of parking layout, movement of pedestrians, specifically footpath position relative to parking spaces, and consideration of car dominance within the layout.
- Address home zone shared surface design proposals against design advice as set out in DMURS and Sustainable Residential Development guidelines.
- Examine open space strategy and function of different spaces. Elaborate on context of existing open in the adjoining developments and how they relate to each other/are connected/will function.
- Examine communal open space strategy - have regard to the functioning of the podium level communal space, noting positioning of vents proposed across the space, as well as proposed gym.

- Further consider the layout and how it interacts with the green belt boundary.
- Be clear on where services are proposed in OS and consideration of Fingal Development Plan's objectives in this regard.
- Be clear on calculations in relation to OS and FCC Development Plan objectives in this regard.
- Tree strategy and level of tree removal - this should be examined further against existing objectives of the development plan to retain trees and hedgerows.
- With regard to density and height, have regard to Objective PM42, Building Height Guidelines (including section 3.2), Apartment Guidelines and guidelines on Sustainable Residential Development in Urban Areas.
- Have regard to Urban Design Manual and level of distinction between the different Character Areas. Consider the character areas in terms of design, as well as material finishes.
- Elaborate on and provide rationale for mix of unit types and sizes proposed, having regard to number of 3 and 4 bed units proposed and existing in the immediate area.
- Provide further detail on landscape strategy and boundary treatments.

2. Residential Amenity

- Ensure compliance with updated Apartment Guidelines.
- Ensure clarity in documentation regarding dual aspect units and quantification of dual aspect, which is at 50%.
- Have consideration of Apartment Guidelines in relation to north facing units.
- Ensure compliance with Fingal Development Plan in relation to sunlight/daylight/overshadowing guidance. It is noted that position of gym is not included in sunlight/daylight/overshadowing analysis.
- Social infrastructure audit provided does not include permitted neighbourhood centre or timeline in relation to its delivery.
- Noise assessment required.

3. Transportation Issues

- Road safety audit is required at application stage.
- Examine TTA and consider whether Back Road/Hill junction should be included in the assessment.
- Internal layout and homezones.
- Car parking layout.

4. Water Services Issues

- Provide clarity at application stage on timelines, deliverability issues, and any third party consents required in relation to Irish Water infrastructure requirements

5. Any Other Business

- Have consideration for DMURS regarding layout, parking, and footpaths.

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 s.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 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. 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.
- 11.2. 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.
- 11.3. 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. A report, including CGIs, visualisations and cross sections as necessary, which further elaborates upon the relationship of the proposed development with existing development in the area of the site, specifically within the area of the masterplan objective. Details should elaborate upon quantum of development and infrastructure within the area of the masterplan objective, including mix of units, open space, movement hierarchy, water services infrastructure and interaction of the proposed development with the adjoining street network and open space areas.

2. Further consideration and/or elaboration of the documents in relation to core strategy and the zoning of the site, with a site layout plan overlaid on the zoning map.
3. Further consideration and/or elaboration in relation to all relevant objectives and guidance set out in the development plan addressing noise, specifically relating to airport noise and public safety zones.
4. Further consideration and/or elaboration in relation to vehicular permeability through the site and connectivity with Kinsealy Lane. Particular regard should be had to the issues raised in the report of the planning authority Transportation Planning Section, report dated 1st December 2020.
5. Further consideration and elaboration of the documents as they relate to the design and layout of internal streets, specifically the design of the proposed home zones, car and bicycle parking, and positioning of footpaths relative to parking spaces.
6. Further consideration and elaboration of the documents as they relate to sunlight, daylight and overshadowing.
7. Further consideration and elaboration of the documents in relation to open space/landscaping, having regard to the report of the Parks and Green Infrastructure Division dated 1st December 2020, including clarification of the quantum of public open space being provided, hierarchy of open space having regard to the adjoining developments, interaction with existing adjoining open space, details in relation to levels, and boundary treatment to the Greenbelt. The landscaping plan for the site should clearly set out proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all.
8. Further consideration and/or elaboration of the documents as they relate to the treatment of existing trees on the site and existing treeline within Ashwood Hall to the west, to include maps and drawings providing clarity regarding trees to be removed, rationale for removal of trees and implications for protection of existing treeline given proximity of proposed dwellings.

9. Further consideration and elaboration of the documents as they relate to the risk of flooding, in addition to information relating to SUDS, having regard to the issues raised in the planning authority Water Services report, dated 1st December 2020.
10. A Housing Quality Assessment which provides the specific information regarding the proposed apartments required by the 2020 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements and should include a schedule of floor areas for all proposed units, clearly setting out the aspect (single, dual, triple) of each unit.
11. A Building Lifecycle Report for the proposed apartments in accordance with section 6.13 of the 2020 guidelines should be submitted. 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.
12. Universal Access Plan
13. Social Infrastructure Capacity Assessment including Neighbourhood Centre facilities, School Demand Assessment and Childcare Assessment (including clarity in relation to number of children to be accommodated in accordance with the Childcare Facilities – Guidelines for Planning Authorities 2001).
14. A report that specifically addresses 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.
15. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.
16. Waste Management Details.
17. Site Specific Construction and Demolition Waste Management Plan.

18. 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.
19. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant Development Plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

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 Housing, Local Government and Heritage
2. An Taisce
3. Irish Water
4. Transport Infrastructure Ireland
5. National Transport Authority
6. Córas Iompair Éireann
7. The Commission for Railway Regulation
8. Iarnród Éireann
9. Irish Aviation Authority
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.

Una O'Neill
Senior Planning Inspector

4th May 2021