



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-308853-20

Strategic Housing Development	177 no. apartments, creche and associated site works
Location	Cantebury Gate, Old Navan Road, Mulhuddart, Co. Dublin
Planning Authority	Fingal County Council
Prospective Applicant	MNE Capital Limited
Date of Consultation Meeting	29 th April 2021
Date of Site Inspection	19 th April 2021
Inspector	Una O'Neill

Contents

1.0 Introduction	3
2.0 Site Location and Description.....	3
3.0 Proposed Strategic Housing Development.....	3
4.0 Planning History.....	4
5.0 Section 247 Consultation(s) with Planning Authority.....	5
6.0 National and Local Planning Policy.....	6
7.0 Submissions Received	13
8.0 Forming of the Opinion	13
9.0 The Consultation Meeting.....	16
10.0 Conclusion and Recommendation	19
11.0 Recommended Opinion	19

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, 1.066 ha in area, is located at the western edge of Mulduddart, Co. Dublin. Mulhuddart Village centre is approx. 500m to the east and Blanchardstown Town Centre is approx. 2m to the southeast of the site, on the southern side of the N3. The site is bounded to the south by the N3 and to the north by R121/Old Navan Road. On the opposite side of the R121 is the Tolka Valley Park, within which runs the River Tolka. To the east is a small block of zoned open space and a four storey apartment block called Canterbury Gate. To the west is a commercial premises and M3 Mulhuddart Service Station.
- 2.2. The site comprises on its eastern section the foundations of an incomplete residential development. The remainder of the site is largely overgrown and appears to comprise remnants of construction/general waste.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development is for a Build to Rent development of 177 residential units and a childcare facility.

Table 1: Development Parameters

Parameter	Site Proposal
Site Area	1.06 ha gross

No. of Residential Units	177 apartments
Other Uses	1 creche (283 sqm) Communal Amenities: Gym; Laundry Room; Gaming/Cinema Room; Concierge
Density	167 units per ha
Building Heights	4 x blocks A-D, 5-8 storey All over ground/lower ground level parking
Open Space	6780sqm communal open space at podium level between blocks.
Parking	117 car parking spaces (109 at lower ground level; 8 at surface, of which 3 for creche) 300 bicycle spaces
Dual Aspect	56% dual aspect
Vehicular Access	From Old Navan Road

Table 2: Unit Mix

Unit Type	1 bed	2 bed	Total
Apartments	26	151	177
% Total	15%	85%	100%

4.0 Planning History

FW20A/0043 – Permission REFUSED for the realignment of a 450m section of the Old Navan Road (5th January 2021).

F06A/1879 – Permission GRANTED for a residential development of 100 apartments, distributed across four blocks. [One of these blocks was constructed and the remainder of the site was undeveloped].

5.0 Section 247 Consultation(s) with Planning Authority

5.1. A consultation meeting under Section 247 of the Planning and Development Act 2000 (as amended) took place on the 10th September 2020. The following issues were discussed:

- Flooding
- Noise Mitigation
- Air quality
- Application premature pending decision regarding road under FW20A/0043
- Height
- Transportation/bus services to be justified
- Part V to be addressed
- Provision for bins and bicycles
- Quality of materials
- Question over phase 3 lands
- Bats
- Interaction between open spaces
- Sunlight/daylight penetration to recreational areas
- Frontage onto Old Navan Road to be high quality
- Differentiation between blocks with regard to materials and design
- Specific location of trees with regard to boundary between the site and the M3
- Further justification for the location of the proposal regarding public transport
- Details of historic pipes crossing the site
- Traffic and transport assessment required; taxi set down area to be provided.

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. **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 (2018)
- Design Manual for Urban Roads and Streets (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)

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

The RSES is a strategic plan which provides a framework for investment to better manage spatial planning and economic development to sustainably grow the Region to 2031 and beyond. The RSES comprises a Spatial Strategy, Economic Strategy, Metropolitan Plan, Investment Framework and Climate Action Strategy.

Under the RSES, a Dublin Metropolitan Area Strategic Plan (MASP) has been prepared to manage the sustainable and compact growth of Dublin. Mulhuddart is located within the Dublin City and Suburbs Consolidation Area within the Metropolitan Area.

The following Regional Policy Objectives are of note:

- RPO 4.3: Support the consolidation and re-intensification of infill/brownfield and sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- RPO 5.2: Support the delivery of key sustainable transport projects including Metrolink, DART and LUAS expansion programmes, BusConnects and the Greater Dublin Metropolitan Cycle Network and ensure that future development maximises the efficiency and protects the strategic capacity of the metropolitan area transport network, existing and planned.
- RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.
- 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’.

6.4. Local Planning Policy

Fingal County Development Plan 2017-2023 (as amended by Variation 1, 2 and 3):

Zoning

The subject site is governed by land use zoning objective RS and OS. Objective RS seeks to ‘Provide for residential development and protect and improve residential amenity’. Objective OS seeks to ‘Preserve and provide for open space and recreational amenities’.

Chapter 2 – Core Strategy and Settlement Hierarchy

The Fingal Development Plan 2017-2023 was varied in June 2020 to align with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES).

Section 2.7 refers to Settlement Hierarchy. Mulhuddart is within the Dublin City and Suburbs Consolidation Area within the Metropolitan Area, (Table 2.5 refers), and its proximity to Blanchardstown and Dublin City is noted. It is stated that 'The policy approach in these areas will be to gain maximum benefit from existing transport, social, and community infrastructure through the continued consolidation of the city and its suburbs. Future development will happen in a planned and efficient manner utilising opportunities to achieve increased densities where appropriate'. It is also noted that 'The wider Blanchardstown 15 area performs particularly strongly with existing clusters of employment centres across Blanchardstown, Corduff and Mulhuddart'.

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 SS15 Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services.

Objective SS16 Examine the possibility of achieving higher densities in urban areas adjoining Dublin City where an approach would be in keeping with the character and form of existing residential communities, or would otherwise be appropriate in the context of the site.

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 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 Minister 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.

Chapter 4 Urban Fingal

The Development Strategy for Mulhuddart Village is to enhance and improve the village character by encouraging suitable retail, commercial and residential uses.

Objective Mulhuddart 1 Provide for appropriate mixed use village-scale development which enhances local services and community facilities, and has a residential content.

Objective Mulhuddart 2 Improve pedestrian and cycle facilities in Mulhuddart Village and create a network of pedestrian and cycle routes between Mulhuddart, along the Old Navan Road towards the N3 and Damastown, Tyrrelstown, Kilmartin and Hollystown.

Objective Mulhuddart 3 Improve and promote links between the Tolka Valley Park, Blanchardstown Centre and Mulhuddart Village.

Chapter 7 Movement and Infrastructure

- Flood Risk Management

Objective SW02 Allow no new development within floodplains other than development which satisfies the justification test, as outlined in the Planning System and Flood Risk Management Guidelines 2009 for Planning Authorities (or any updated guidelines).

Objective SW04 Require the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks.

Objective SW07 Implement the Planning System and Flood Risk Management-Guidelines for Planning Authorities (DoEHLG/OPW 2009) or any updated version of these guidelines. A site-specific Flood Risk Assessment to an appropriate level of detail, addressing all potential sources of flood risk, is required for lands identified in

the SFRA, located in the following areas: ... Mulhuddart... demonstrating compliance with the aforementioned Guidelines or any updated version of these guidelines, paying particular attention to residual flood risks and any proposed site specific flood management measures.

Chapter 9 Natural Heritage

High Amenity Zoning (relates to Tolka Valley Park and Amenity)

Objectives NH51 Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place.

Objective NH52 Ensure that development reflects and reinforces the distinctiveness and sense of place of High Amenity areas...

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 DMS30 Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.

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 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

- Section 12.6 Major Accidents – Seveso Sites

Objective DMS183 In areas where Seveso sites exist in appropriate locations with low population densities, ensure that proposed uses in adjacent sites do not compromise the potential for expansion of the existing Seveso use and in particular the exclusion of developments with the potential to attract large numbers of the public.

Objective DMS185 Have regard to the advice of the Health and Safety Authority when proposals for new Seveso sites are considered and for all planning applications within the consultation distances stated in Table 12.13.

Strategic Flood Risk Assessment for the Fingal Development Plan 2017-2023 (March 2017):

- This notes that the urban area of Mulhuddart is located on one of the principal rivers i.e the Tolka and that there are three catchment areas identified for further assessment (AFAs) as shown on Table 5.1, which includes Mulhuddart.
- Section 5.4 refers to Flood Defence Schemes and includes regard to the Tolka River Flooding Study which recommended replacement and upgrade of Mulhuddart Bridge.
- Section 5.4.1 notes: The Flood Zones along the Tolka ignore the effect of the defences and defended areas have been delineated. Any planning applications within these areas have a residual risk associated with them and an appropriately detailed FRA should be included with any applications to define mitigation measures and finished floor levels.
- As noted in section 5.3.1 the OPW are undertaking a review of the flood zone mapping along the Tolka to account for the defences.
- Section 6.1.18 Blanchardstown North – Mulhuddart: Figure 6.18 notes that lands in Mulhuddart are at risk from significant flooding identified by Flood Zones A and B. The flood relief works recommended in the Tolka Flooding Study have all been

completed in this area but there is still a residual risk associated with failure of these defences. The defended areas are shown in the flood zone mapping in Appendix A and any planning applications within these areas must be accompanied by an FRA addressing this residual risk.

- Appendix B – Development Plan Justification Tests. This provides mapping and lists a number of Criteria relative to flood risk at Mulhuddart. This includes regard to the application of the sequential approach: Highly Vulnerable Development should not be permitted in undefended Flood Zone A or B.

7.0 Submissions Received

Irish Water:

Water

- Upgrade works are required in respect of Water. Irish Water currently does not have any plans to extend its network in this area therefore, the applicant will be required to fund this network extension. It is not expected that 3rd party consents are required, however, where they are required, they will be the responsibility of the applicant.
- There are Irish Water pipes within and in close proximity to the development site boundaries. The applicant is required to engage with Irish Waters diversion section in regard to a diversion's feasibility assessment.

Wastewater

- New connection to the existing network (750 mm sewer to the north) is feasible without upgrade.

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 and Planning Report
- Architectural Design Statement
- Schedule of Accommodation
- Apartment and Communal Schedule of Areas
- Part V schedule and calculations
- Infrastructure Design Report
- SSFRA
- TTA
- Landscape Masterplan
- AA Screening and NIS
- Tree Survey and Planning Report
- Bat Survey Report
- Noise Report

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.

This statement has been submitted, as required.

8.4. 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 26th January 2021. The issues raised are summarised below:

- Residential use and childcare facility are permitted in principle under RS zoning.
- Realignment of Old Navan Road – refused Jan 2021 – application needs to demonstrate strong permeability within the scheme and into the adjoining area.
- Surface water attenuation and flood risk a significant concern. Site is within Zone B and a small portion within Zone A. Refusal of recent application relating to R121 linked to this pre-application site. Refusal reasons related to lack of compensatory flood storage and encroachment of River Tolka riparian corridor. Overlapping issues of the application for realignment of the road and flooding issues.
- The proposed development in its current form is not deemed appropriate with regards to flood risk.
- Additional SUDS measures should be considered.
- Surface water proposals and diversion of surface water pipes of concern.
- N3 M50 Clonee Upgrade – set back of boundary not likely, but widening into the verge a possibility; potential conflict with outfall locations (2 existing and potential future outfalls). Proposed outfall and associated attenuation facilities are likely to be impacted. Exact layout not determined as Phase 3 design work has not yet commenced.
- Height acceptable but design repetitious. Further consideration of western façade of Block D.
- Location of shared amenity facilities. Provision of basement storage welcomed.
- TA – extent of survey over 3 hr period, should be 24 hr; signalised jct in Mulhuddart Village not considered.
- Upgrade of N3 and potential conflict with proposed development, particularly in relation to surface water drainage location.
- Parking equates to 0.59 spaces per unit - more required.

- Status of existing parking spaces serving Canterbury gate and the proposal to use them for the creche requires further clarity.
- Given the shortfall in parking provided, the required standard for cycle parking should be achieved.
- Noise issues, as per variation 1 of development plan.
- Location of play area to southeast adjoining the N3 - air quality assessment required.
- Require site specific tree protection plan.
- Require sunlight, daylight and overshadowing study; full tree protection plan; completion of appendices in Fingal SUDS Guidance document; information on infiltration characteristics, with calculations supported with on-site tests; assessment of air quality.

9.0 The Consultation Meeting

9.1. A Section 5 Consultation meeting took place remotely via Microsoft Teams on Thursday 29th April 2021, commencing at 14.30. 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. R121/Old Navan Road Upgrade.
2. N3 M50 to Clonee Upgrade.
3. Water Services Issues - Flood Risk Assessment; SUDS Strategy.
4. Development Strategy – overlay of zoning map and site layout; ground level interface with Old Navan Road; movement around/between blocks and podium OS; access to Tolka Valley Park.
5. Environmental Issues – Noise; Air Quality; Seveso Sites; Trees; Bat Survey.
6. Transportation Issues.
7. Any other matters.

1. R121/Old Navan Road Upgrade:

- Note recent application for R121/Old Navan Road Upgrade and decision to refuse permission, which has implications for site layout as proposed.
- Pre-application consultation was made prior to that decision, therefore implications of that decision are not reflected in the documentation submitted. Only the documentation before us can be considered.

2. N3 M50 to Clonee Upgrade:

- Objective of the development plan to upgrade the N3 from Littlepace to the M50.
- Further clarity and certainty in relation to the potential implications of proposed development on this road scheme is required.

3. Water Services Issues:

- Site is predominantly within Flood Zone B, with a small portion within Flood Zone A, with flood zone A on a portion of the existing alignment of the R121/Old Navan Road. Further consideration of all flood risk management issues required. Any application should demonstrate compliance with FCC development plan policy and objectives and the Flood Risk Management guidelines.
- Surface water management details including SUDS measures and use of tanks to be elaborated upon.

4. Development Strategy:

- The application site is zoned RS and it would appear the eastern portion of the site is zoned OS. Documentation should be clear in relation to what development is proposed on this OS space and whether development is in compliance with the Zoning Objective for the lands.
- With regard to the design and layout, further consideration is required in relation to site context and the ground level interface with R121/Old Navan Road, design and legibility of pedestrian entrances from Old Navan Road, pedestrian movement between and around the blocks, accessibility of communal open space and play area, and connection from within blocks to the communal open space and residential amenity facilities.

- Elaboration on Open Space Strategy, including access to immediately adjoining amenity of Tolka Valley Park and delivery of any planned entrance/infrastructure relating to the park to be considered in consultation with FCC.

5. Environmental Issues:

- Further consideration of noise impact, air quality, and compliance with Fingal Development Plan.
- Submitted tree and bat survey is not site specific. Further consideration of extent and timing of ecological surveys is required.
- Consultation with HSA in relation to relevant SEVESO sites is required.

6. Transportation Issues:

- Further consideration of adjoining pedestrian network, particularly referencing section of missing footpath and crossing points on R121; cycle network existing and proposed as part of this application, including addressing of development plan objective in relation to cycle proposals; connectivity to Tolka Valley Park.
- Detail in relation to connectivity to public transport and pedestrian routes.
- Justification should be provided of the appropriateness of the parking rationale proposed.

7. Any Other Matters:

- Ensure compliance with updated Apartment Guidelines and SPPRs in relation to BTR developments; Building Height Guidelines, specifically section 3.2 and any microclimate issues; building lifecycle report.
- 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.
- Clarify any issues in relation to site ownership.
- It is noted that there appears to be construction waste on site, this should be addressed in the construction management plan.

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 all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act requires **further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 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 requires **further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 11.3. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:
 1. Further consideration/justification of the documents as they relate to proposed realignment of the R121 refused under FW20A/0043, pedestrian and cycle improvements to the R121, and Objective of the development plan to upgrade the N3 from Littlepace to the M50.
 2. Further consideration/justification of the documents in relation to Flood Risk Management, in accordance with the Guidelines for Planning Authorities on the Planning System and Flood Risk Management issued by the Department of the Environment, Heritage and Local Government in November 2009.
 3. Further consideration/justification of the documents in relation to the design/layout and ground level interaction with the R121.
- 11.4. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
- 11.5. 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. An overlay of the site layout plan and zoning map is required. Further consideration/justification in relation to any uses proposed on the lands zoned OS is required.
2. Additional details in relation to surface water management for the site. Any surface water management proposals should be considered in tandem with an appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.
3. Further consideration/justification in relation to accessibility of communal spaces; connection from within blocks to the communal open space and residential amenity facilities; location and accessibility of play area; pedestrian movement between and around the blocks.
4. A plan detailing the hierarchy and function of public open space across the site, and access to immediately adjoining amenity of Tolka Valley Park and delivery of any planned entrance/infrastructure relating to the park, to be considered in consultation with FCC.
5. Details of the proposed materials and finishes to the scheme. 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, when viewed from both the R121 and the N3.
6. Details of boundary treatment across the site, including boundary treatment along the N3 and the R121.
7. Ecological Impact Assessment and review of tree survey and bat survey submitted, to reflect accurately the boundaries of the site, with due consideration of proximity to the Tolka Valley Park.
8. Noise Impact Assessment.
9. Wind micro-climate study.
10. Sunlight, daylight and overshadowing analysis, having regard to the requirements of BRE209/BS2011.
11. A detailed Construction Environmental Management Plan.

12. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018, including its specific planning policy requirements.
13. A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.
14. Response to issues raised by the Parks and Green Infrastructure Division (dated 21.01.21), Transportation Planning Section (dated 20.01.20, and Water Services Division (dated 14.01.21), as per the reports submitted in Appendix B of the Planning Authority Report, received on 26th January 2021.
15. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area 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.
16. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.
17. An Appropriate Assessment screening report and/or Natura Impact Statement.

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. Transport Infrastructure Ireland
3. National Transport Authority
4. Health and Safety Authority
5. Minister for Housing, Local Government and Heritage
6. An Taisce (nature conservation)
7. 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

10th May 2021