



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
309049-20**

Strategic Housing Development	815 no. residential units (comprising 377 no. houses and 438 no. apartments), creche and all other associated site works.
Location	Castlelands in the townland of Hampton Demesne, Kilsough North and Balbriggan, Balbriggan, Co. Dublin.
Planning Authority	Fingal County Council
Prospective Applicant	Land Development Agency
Date of Consultation Meeting	13 th May 2020
Date of Site Inspection	6 th May 2020
Inspector	F. Fair

1.0 Introduction

- 1.1.1. 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 and the documentation received from the prospective applicant, 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

- 2.1.1. The subject lands comprise approximately 25.48 ha, located at Castlelands, c 1 km to the south of Balbriggan town centre. The lands which are irregular in configuration comprise greenfield undulating lands which originally formed part of the Hampton Demesne, which adjoins to the south. The lands are elevated with exceptional views over the coast to the east. The lands are bound to the north and west by existing residential areas of Pinewood, Hampton and Castlelands, to the south by Hampton Demesne and Ardgillan Castle and Demesne and to the east by the Dublin-Belfast railway line, the R127 and the coast. The landscape character of the subject lands is indicated as coastal.

3.0 Proposed Strategic Housing Development

- 3.1.1. The proposed development consists of a new residential development of:
- 815 no. residential units comprising of:

- 160 no. 1-bed units,
- 250 no. 2-bed units (180 no. 2-bed apartments and 70 no. 2-bed houses),
- 381 no. 3-bed units (72 no. 3-bed apartments, 26 no. 3 bed duplexes and
- 283 no. 3-bed houses) and
- 24 no. 4 bed houses

Ranging in height from 1 – 5 no. storeys;

- The provision of a childcare facility of 788 sq.m. and a retail unit of 649 sqm;
- Construction of a road and bridge over the Dublin/Belfast railway to provide access to the R127 to the east;
- The provision of a new link road from the R127 connecting to the Castlelands Court/ Park Avenue roundabout to provide access to the northwest of the site;
- All associated site development and infrastructural works including amenity spaces, landscaping, open space, boundary treatments, vehicular parking, bicycle parking, utilities, internal roads, footpaths and shared surfaces, playground, site clearance and temporary construction development.

3.1.2. The following details are noted: **Table 1**

Parameter	Site Proposal
Application Site	25.48 ha (Stated development area of 17.8 ha)
No. of Units	815 units
Commercial / retail area	649 sq. m
Residential Density	32 uph – Net density of 45.8 uph
Building Height	1 / 5 Storey
Public Open Space requirement:	5.08 ha and 3260 playground
Public Open Space provision:	Local Park of 19,306 sq. m and a pocket park of 2,165 sq. m – Total of 21,471 sq. m (2.15 hectares)
Shortfall:	2.93 ha (2.20 ha Class 1 and 0.76 ha Class 2)
Car Parking	1096 spaces
Bicycle Parking	690 spaces
Vehicular Access	Construction of a road and bridge over the Dublin / Belfast railwayline to provide access to the R127 to the east
Part V	82 units (10%)

Table 2: The breakdown of proposed residential unit types is as follows:

One Bed Units	19.6%
Two Bed Units	30.6%
Three Bed Units	46.8%
Four Bed Units	3%

Table 3: Breakdown of House and Apartment / Duplex Mix:

Houses	Number	%
Two Bed Units	70	18.5%
Three Bed Units	283	75%
Four Bed Units	25	6.5%
Apartment / Duplex Units		
One bed Units	160	36.5%
Two Bed Units	180	41%

Three Bed Units	93	22.5%%
Total Houses	377	46.3%
Total Apartments / Duplexes	438	53.7%

4.0 **National and Local Planning Policy**

4.1.1. National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) including Section 5.8 (minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards should be applied within public transport corridors, with the highest densities being located at rail stations/bus stops and decreasing with distance away from such nodes).
- ‘Sustainable Urban Housing: Design Standards for New Apartments’ (Dec 2020) The standards are broadly the same as those in the Fingal Development Plan.

Chapter 4 (Communal Facilities in Apartments) includes guidance on car parking as follows:

- The quantum of car parking provision for residential developments generally is a matter for individual planning authorities having regard to local circumstances (notably

location and access to public transport). As a benchmark guideline for apartments, one car parking space per unit should generally be required. However, car parking provision should be reduced or avoided in very accessible areas such as central business districts and a confluence of public transport systems, or should be increased within an overall maximum parameter in a more suburban context.

- Car parking requirements for apartment schemes should generally be expressed as maximum car parking standards and should exceed 1 space per apartment only in more suburban contexts, to a maximum of 1.5 spaces per apartment dwelling.
- ‘Architectural Heritage Protection- Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013

4.1.2. **Local**

4.1.3. **Fingal County Development Plan 2017-2023**

The site is governed by the policy and provisions contained in the Fingal County Development Plan 2017-2023. The majority of the subject site is zoned ‘RA’ (Residential Area) under the current Fingal County Development Plan. Zoning Objective ‘RA’ states: “Provide for new residential communities subject to the provision of the necessary social and physical infrastructure”. A portion of the subject

site is zoned 'Open Space' which states "Preserve and provide for open space and recreational amenities".

4.1.4. **Fingal Development Plan 2017-2023 and Variation No. 2 Core Strategy and Settlement Hierarchy**

The core strategy of the Development Plan outlines the overall hierarchy for the county with the intention that "Each identified settlement center will accommodate an agreed quantum of future development appropriate to its respective position in the hierarchy."

Objective 5502 states:

'Ensure that all proposals for residential development accord with the County's Settlement Strategy and are consistent with Fingal's identified hierarchy of settlement centers'.

The subject lands are located within the Balbriggan Development Boundary. Balbriggan is identified as the largest Self-Sustaining Town in the Core Area in the Settlement Strategy of the Development Plan. While residential development is being delivered at a steady rate within the town in recent years it is acknowledged that employment development in the town is required to create a more sustainable community.

Objective- SS19 states the following:

'Support and facilitate residential, commercial, industrial and community development to enable Balbriggan to fulfil its role as a Self- Sustaining Town in the Settlement Hierarchy recognising its important role as the largest town in the core area'.

Table 2.4 of the Development Plan (updated as of September 2019) indicates that there 134 ha of residential zoned land available in Balbriggan with a resulting

potential 3805 units. Specific objectives for Balbriggan are set out in Chapter 4 of the Development Plan and include:

Objective Balbriggan 1

Promote and facilitate the development and growth of Balbriggan_ as the primary service, social, cultural and local tourist centre in north Fingal.

Objective 11

‘Ensure a safe and convenient road, pedestrian and cycle system promoting permeability, accessibility and connectivity between existing and new developments within the town’.

Objective Balbriggan 16

‘Prepare and/or implement the following Masterplans during the lifetime of this Plan’:

Flemington Lane Masterplan (see Map Sheet,4 MP 4.A)

North West Balbriggan Masterplan (see Map Sheet 4, MP 4.8)

Mill Pond Masterplan (see Map Sheet 4, MP4. q

Stephenstown Masterplan (see Map Sheet 4, MP 4.D)

Folkstown Little Masterplan (see Map Sheet 4, MP 4.E)

Castlelands Masterplan (see Map Sheet 4, MP 4.F)

Balrothery East, (see Map Sheet 4, MP 4.G)

Glebe Park, (see Map Sheet 4, MP 4.H)

Urban Development

The Fingal Development Plan emphasises the importance of sustainable communities and placemaking. The strategy of the Development Plan addresses urban design and urban development and design criteria for residential development.

Objectives in this respect include:

Objective PM37 Ensure an holistic approach, which incorporates the provision of essential and appropriate facilities, amenities and services, is taken in the design and planning of new residential areas, so as to ensure that viable sustainable communities emerge and grow.

Objective PM38 Achieve an appropriate dwelling mix, size, type, tenure in all new residential developments.

Objective PM39 Ensure consolidated development in Fingal by facilitating residential development in existing urban and village locations.

Objective PM40 Ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents.

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.

The urban centers categorised in the Fingal Development Plan include Balbriggan as a Major Town Centre ('MC'). The aim is to further develop these centers by densification of appropriate commercial and residential developments ensuring a mix *of commercial, recreational, civic, cultural, leisure, residential uses and urban streets*, while delivering a quality urban environment in order to enhance the quality of life of resident, visitor and workers alike.

Residential Development

The Development Plan has a range of applicable objectives associated with the provision of residential development. Objective DMS03 requires the submission of an urban design statement for developments in excess of 5 no. dwellings.

Development Plan policy on public open space is guided by the requirements of Objectives DMS57, DMS57A/ DMS57B and DMS59.

Zoning and Site Specific Objectives

The subject site comprises lands zoned 'RA' and 'OS'. Residential development is proposed on 'RA' zoned lands only.

The majority of the subject site is located in an area designated with the zoning objective 'RA' Residential Area, to '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, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.

An area of land proximate to the western site boundary and south of the proposed location for a school as indicated in the Draft Masterplan for the area is zoned 'OS' Open Space the objective of which is to 'Preserve and provide for open space and recreation.'

Vision: Provide recreational and amenity resources for urban and rural populations subject to strict development controls. Only community facilities and other recreational uses will be considered and encouraged by the Planning Authority. The application lands are subject to a 'Highly Sensitive Landscape' designation on account of their proximity to the coast.

The application lands are located within the Development Boundary of Balbriggan.

There is a Historic Landfill - "Kilsough North PR1308" - located beyond the north west boundary of the lands.

The lands were subject to the preparation of a Draft Masterplan (Masterplan Area MP4.F Castlelands refers).

The lands are subject to 2 specific Development Plan objectives - to provide for the completion of the Castlelands Link Road to the R127 (Objective MT41 refers) which traverses through the lands, and also to provide for a school site within the lands. The completion of the Castlelands Link Road is of local and strategic importance in Balbriggan. It will ensure the completion of the distributor road extending from the Skerries Road to the R132 and on to the M1 motorway to the west.

In addition, there is a map based Local Objective 2 to promote and facilitate a pedestrian over-bridge as part of an attractive walkway along Tanner's Water Lane to the proposed coastal path linking to the town centre.

There is also an objective to 'Preserve Views' on the eastern side of the R127 which is subject to the 'OS' Open Space zoning objective.

4.1.5. **Draft Castlelands Masterplan 2017, Key Principles:**

The Castlelands Masterplan was adopted in March 2021. At the time of writing this report the Castlelands Plan was not published. The key guiding principles contained in the Draft Castlelands Masterplan are as follows:

- Create a distinct, sustainable urban quarter through the use of innovative, high-quality architecture and green infrastructure, with a strong emphasis on place-making, together with the necessary supporting community, educational and retail facilities.
- Deliver a mix of residential typologies that matches the needs of future residents,

provides a variety of housing suitable for people at a range of life stages and helps diversify the housing stock in Balbriggan.

- Ensure that the provision of green infrastructure is at the heart of the design and layout of development on the lands and that proposals connect to and enhance existing green infrastructure assets both internal and external to the site.
- Facilitate the provision of a national school on the Masterplan lands to address the identified requirement for additional primary level spaces.
- Meet the sporting and recreational needs, and ensure that the wider area benefits from the development of the lands through the provision of a leisure centre / swimming pool on the Masterplan lands.
- Provide for the construction of the Castlelands Link Road to the R127, which will be designed as a high capacity urban street with a strong emphasis on connectivity and the promotion of place. The link road will include a bridge crossing of the Dublin to Belfast Railway line.
- Ensure that the Masterplan lands are highly accessible, and reduce the need to undertake local car-based journeys through the provision of a high quality walking and cycling network and green routes within the Masterplan lands and connecting to the surrounding area.
- Ensure that development is phased to coincide with infrastructural upgrades, specifically the provision of the Castlelands Link Road to the R127, in order to manage the impact of development on the surrounding area and contribute to the efficient movement of vehicles in the locality.
- Ensure that the scale of development is appropriate at the interfaces of existing residential areas, specifically at Pinewood Green Avenue and Pinewood Green Road to the north and Ardgillan/Castleland Park View to the west.
- Incorporate existing features such as trees, hedgerows and sea views, where possible, into future proposals.
- Support the role and function of the Town Centre of Balbriggan and promote the use of sustainable transport options by providing for pedestrian and cyclist connectivity from the Masterplan lands.

- Mitigate flood risk by incorporating SuDS features into new development and take advantage of the opportunities created to ensure that these areas enhance the landscape quality of the area while also increasing visual amenity, opportunities for recreation, and harbouring biodiversity.
- Provide a 'Higher Density Core' with buildings overlooking and supervising (1) the linear park which crosses the centre of the Masterplan lands and (2) the Castle/ands Link Road
- Limit the heights of development where appropriate in order to protect existing residential amenities (development adjoining the Ardgillan and Pinewood housing estates).
- Retain the existing vegetation along the southern boundary.
- Completion of the Castlelands Link Road is of local and strategic importance in Balbriggan. It will ensure the completion of the distributor road extending from the Skerries Road to the R132 and on to the M1 motorway to the west.

In addition, there is a map based Local Objective 2 to promote and facilitate a pedestrian over-bridge as part of an attractive walkway along Tanner's Water Lane to the proposed coastal path linking to the town centre.

There is also an objective to 'Preserve Views' on the eastern side of the R127 which is subject to the 'OS' Open Space zoning objective.

4.1.6. **Amendment to the Draft Castlelands Masterplan, March 2021, non inclusive:**

Changes Required Throughout the Documents:

Amend the Masterplan throughout to state:

Densities ranging between 35 – 45 units per hectare

Amend the Masterplan throughout to state:

Up to a maximum of 650 new units to be provided.

Amend the Masterplan throughout to state:

Heights up to a maximum of 3 storeys to be provided.

Update indicative Draft Masterplan layout, all figures, to omit 1 no. 2 storey block, located adjacent (to the south) of the junction of the proposed Castlelands Link Road and the R127 (Skerries Road).

Update indicative Draft Masterplan layout, all figures, to omit 2 no. 2 storey blocks, located within flood risk areas adjacent to the R127 (Skerries Road) to the south-east of the Masterplan lands.

4.1.7. Transport assessments

Transport assessments will be required to support the development of the future Link Road and the development of future developments within the Masterplan lands. A transport assessment will be undertaken as part of the statutory process for the completion of the Castlelands Link Road which will include the proposed new road and the impact on existing communities. Detailed transport assessments will also be required to accompany proposed planning applications submitted for the Masterplan lands. No vehicular access shall be provided for from Hampton Lane /Tanners water Lane to serve the proposed development. In the interest of permeability and amenity pedestrian and cycle routes shall connect the MP lands to Tanners Water lane which adjoins the MP lands to the south. These pedestrian and cycle routes shall be provided in the Green Fingers radiating south of the central green corridor connecting to Tanners Water Lane. No vehicular access shall be provided through Pinewood Estate to serve the proposed development. Pedestrian and cycle routes shall be provided from the MP lands to Pinewood

Section 9 of the Draft Masterplan: Phasing and Implementation, page 27: include new paragraph.

Pre-Planning Phase:

- Implement traffic management measures along the existing link road.
- A landscape plan for the proposed Green Infrastructural Spine running through the Masterplan lands shall be prepared and submitted to the Planning Authority for its agreement prior to any development occurring on the Masterplan lands.

• The completion of the Castlelands link road to the Skerries road [R127] shall be constructed prior to any other development on the MP lands.

Page 27, Delete 'The completion of the Castlelands Link Road to the Skerries Road (R127)' from Phase 1.

Replace the following sentence on page 41 of the Draft Masterplan:

'Ensure the appropriate provision of parking spaces and private open space in line with the Fingal Development Plan'

By the following:

Any future planning applications for residential development will have to demonstrate compliance with the Fingal Development Plan 2017 -2023 standards with regard inter alia to adequate private and public open space provision and car parking spaces.

4.1.8. **Natural Heritage Designations**

There are no designated areas within or immediately adjacent to the appeal site. The closest such sites are:

Special Areas of Conservation

Rockabill to Dalkey Island SAC 6.3 km

Rogerstown Estuary SAC 9.6 km

Boyne Coast and Estuary SAC 11.8 km

Malahide Estuary SAC 13.6 km

Lambay Island SAC 14.1 km

Special Protection Area

Skerries Islands SPA 4.7 km

Rockabill SPA 6.8 km

River Nanny Estuary and Shore SPA 6.0 km

Rogerstown Estuary SPA 9.6 km

Malahide Estuary SPA 13.5 km

Lambay Island SPA 13.7 km

Boyne Estuary SPA 13.7 km

There are no direct Hydrological / Biodiversity Connection to any of the designated sites listed above.

5.0 Planning History

There is no planning history on the site itself. There has been one planning application lodged for the development on an immediately adjacent site. There are also a number of applications in the surrounding area which are of relevance to the subject site.

Adjacent Site

Reg. Ref.: PARTXI/004/16 - Pinewood Green Court, Balbriggan, Co. Dublin. 4.2. A Part X application was made by Fingal County on the 24/06/2016 for the following development: "Construction of 24 dwellings, community rooms and associated site works." 4.3. At a Council Meeting on 12/09/2016 all of the present councillors voted in favour of the proposed development.

Surrounding Area

Reg. Ref.: F98A/1195 - Lands at Balbriggan to rear of Wavin premises and rear of, Craoibhin Park and Curran Park with, Craoibhin Park. "Housing development of 136 units, and for construction of part of Balbriggan Inner Relief Road from Dublin Street to the subject lands. The variations arise on foot of a request for further information. Revised proposals include the reduction in the number of housing units to 102 inclusive of the provision of 16 duplex units with 16 two bed apartments and reservation of a site immediately adjoining the boundary with Wavin for possible future Post Primary School. The proposed Inner Relief Road will run along the Southern margins of the existing town park which is bounded by St. Peter and Pauls church and Curran Park and appropriate arrangements will be made to protect any existing access rights over the existing laneway between Dublin Street and Curran Park during construction." Fingal County Council issued a final grant of permission for the above development on the 28/07/1999.

Reg. Ref.: F98A/1195/E1 - Lands at Balbriggan to rear of Wavin premises and rear of, Craoibhin Park and Curran Park with, Craoibhin Park. Fingal County Council granted an extension of duration of permission of a previously permitted permission under Reg. Ref. F98A/1195 on the 09/10/2003. The duration of permission was extended up to and including the 31/07/2006.

Reg. Ref.: F99A/0112- Lands at Balbriggan to East of Wavin Factory "Residential development of 70 houses and 16 duplex units over 16 apartments, with lands adjoining Wavin premises reserved for possible future Post Primary School. Vehicle and pedestrian access to be provided by construction of part of the District Distributor Road (Balbriggan Inner Relief Road Eastern Section) from the subject site eastwards to link with Skerries Road via proposed new bridge and access roads and with pedestrian access only from Craoibhin Park." Fingal County Council issued a final decision to grant outline permission for the above development on the 18/05/1999.

6.0 Section 247 Consultation(s) with Planning Authority

It is stated by the prospective applicant that pre-application consultations took place with the planning authority on the 15th June 2020 and the 9th October 2020. The minutes of the meeting are attached to the file. A number of meetings were also held between the prospective applicant and individual departments/sections relating to the proposal, minutes attached to their report.

7.0 Submissions Received

Irish Water

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

In respect of Wastewater:

- The applicant has been advised that there is existing Irish Water infrastructure(s) within the site boundaries. The developer is required to survey the site to determine the exact location of any pipes and trial investigations that may need to be carried out with the agreement of and in the presence of the Irish Water and/or Local Authority Inspector. Please note, any structures or works over or in close proximity to IW infrastructure that will inhibit access for maintenance or endanger structural or functional integrity of the infrastructure are not permitted. Diversion(s) of the infrastructure may be required subject to layout proposal of the development and separation distances being achieved. Therefore, the applicant must engage with Irish Waters Diversion Team in order to assess feasibility of any potential build over/diversion(s) which may be required ahead of the applicant progressing to SHD application.
- A localised network extension is required to be laid to facilitate connecting the site to the public wastewater network to be agreed at connection application stage.

In respect of Water:

- Approximately 15m of new 200mm ID pipe main to be laid to connect the site development to the existing 200mm DI main. A bulk meter is to be installed on the connection main with the ability to connect up to telemetry online.
- Approximately 15m of new 200mm ID pipe additional connection main to be added on the 8" uPVC for resilience. This connection main would require a valve which will be closed during normal operation.

8.0 Forming of Opinion

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

9.0 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,

- Strategic Housing Development Pre-Application Form, including Irish Water Letter,
- Part V Document,
- Part V Layout and Costings,
- Part V Validation Letter and Letters of Consent;
- Architectural Drawings and Schedule and Architectural Design Statement prepared by Met. Workshop;

- Housing Quality Assessment and Schedule of Areas prepared by Met. Workshop (enclosed within the Design Statement by Met. Workshop);
- Landscape Report prepared by AECOM;
- Landscape Drawings prepared by AECOM;
- Arboricultural Assessment prepared by CMK Horticulture and Arboriculture Ltd.
- Environmental Report prepared by John Spain Associates and other consultants;
- Statement of Consistency prepared by John Spain Associates;
- Statement of Material Contravention prepared by John Spain Associates;
- Community Audit prepared by John Spain Associates;
- Infrastructure Report and Engineering drawings prepared by AECOM;
- Site Specific Flood Risk Assessment prepared by AECOM;
- Traffic and Transport Assessment Report (including DMURS Compliance Statement and Mobility Management Plan) prepared by AECOM;
- Mechanical and Electrical Engineering Report prepared by AECOM;
- Electrical Lux Levels Layout Plan prepared by AECOM;
- Appropriate Assessment Screening Report prepared by Altemar Ltd

I have considered all of the documentation submitted by the prospective applicant, relating to this case.

10.0 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 their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 17th February 2021.

The Planning Authority's report addresses the following: copies of record of section 247 consultation, planning history; site location, Development Plan Policy, Zoning and Site-Specific Objectives, Strategic Context, Character Areas and Placemaking, Unit Typologies and Mix, Visual Impact and Landscape, Residential Amenity and Compliance with guidelines, Childcare provision, Phasing, Access and Transportation, Creche, Access, Internal Layout, Traffic and Transportation Assessment, Water Services, Open Space, Taking in charge, Archaeology, EIAR, AA, Part V, together with appendices containing reports of internal departments.

The planning authority's 'opinion' included the following matters:

- The Planning Authority is generally supportive of the proposed development on the subject lands which are zoned for residential development in the Fingal Development Plan 2017-2023. Greater adherence to the requirements of the draft Castlelands Masterplan is required by the proposal development, specifically with regard to the phasing of the delivery of the link road and creation of placemaking through strong character areas. These areas, along with the other recommendations contained in the report require amendment and/or additional detail/discussion prior to lodgement of the application.
- Principle, Density, Mix acceptable – generally supportive.
- Character areas and placemaking – lack of distinction between character areas.
- Omission of on-street car parking adjoining the 'Green Fingers' located between Neighbourhoods 3, 4 and 5.
- Further detail is required in relation to the interface between the communal space to the rear of the proposed duplex units (located proximate to the northern site boundary) and the existing residential development adjoining to the north.

- Connectivity, Car Parking discrepancy in calculations
- Childcare needs assessment
- Phasing Plan to provide for Castlelands Link Road in First phase.
- Contribution towards shortfall of 2.93 ha of POS.

Report concludes that there is outstanding documentation. In addition to revising the aspects of the development as referred to in the preceding section, the p.a. considers that the following should also be submitted with the application:

1. Green Infrastructure Plan
2. Details of proposed public art
3. A plan indicating area to be taken in charge.
4. A finalised EIAR
5. A Building Lifecycle Report
6. A Final Construction and Environmental Management Plan.
7. An Operational Waste Management Plan.

I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

11.0 Consultation Meeting

A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 13th May 2020, commencing at 10.00 am. 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.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Compliance with Development Plan Objectives for Balbriggan & Draft Castlelands Masterplan 2019.

2. Development Strategy for the site including urban design considerations such as building height and the bulk, scale and mass of blocks; architectural treatment; connection to the Regional Road, pedestrian connectivity, proximity to boundaries, boundary treatments and interaction with the existing surrounding land-use pattern. Contribution to the character and identity of the neighbourhood. Visual Impact Analysis, use of materials and variety in design.
3. Phasing and delivery of the Link Road. Levels across the site arising from proposed access over the railway bridge regard being had to FFL of proposed adjoining apartment blocks and housing units in Neighbourhood 1 and the Main link road through the site.
4. Social Infrastructure Audit
5. Daylight Sunlight Analysis
6. Response to Planning Authority Report dated 17th February 2021 and Issues Raised
7. Any Other Matters

11.1.1. In respect of compliance with Development Plan Objectives for Balbriggan & Draft Castlelands Masterplan 2019. An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Details of how Objective Balbriggan 16 of the Fingal CDP 2017 - 2023 is being addressed. It states: 'Prepare and/or implement the following Masterplans during the lifetime of this Plan:
 - Castlelands Masterplan (see Map Sheet 4, MP 4.F)
- Details of whether the Draft Masterplan had been adopted at the March 2021 Council meeting. Noting the amendments to the Draft Plan circulated by the applicant a day prior to the tripartite meeting.

- Details of level of consultation and presentation / discussion with local councillors prior to the March 2021 Council meeting.
- Justification of the proposal in light of the revision downwards of height from 6 storeys to 3 storeys, capping of number of units at 650 units and omission of blocks from certain parts of the lands, in the revised Castlelands Masterplan March 2021.
- Justification of issues arising in light of the subject proposal remaining the same given the amendments to the Adopted Castlelands Masterplan.
- Details of the two specific Development Plan Objectives: 'To provide for the completion of the Castlelands Link Road to the R127' and also 'to provide for a school site within the lands'.

11.1.2. In relation to, Development Strategy for the site including urban design considerations. An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Justification of building height and the bulk, scale and mass of blocks.
- Justification of architectural treatment proposed, use of materials and variety in design.
- Details of connection to the Regional Road, pedestrian links and connectivity to the wider area.
- Details of proximity to boundaries, boundary treatments and interaction with the existing surrounding land-use pattern.
- Justification of the proposals contribution to the character and identity of the neighbourhood. Distinction between character areas (in particular neighbourhood areas 3, 4, and 5) and placemaking.

- Further justification of the Visual Impact Analysis submitted.
- Clarity with respect to change in levels across the site details of cut and fill proposed.
- Green Infrastructure Plan / Landscaping Plan / Arboriculture drawings, landscape plan and engineering plans to take account of one another.
- Justification of useable open spaces where children can be seen and safe. Details of Suds proposals and drainage (underground storage tanks under Open Space, foul sewer connection)
- Further justification of on-street car parking adjoining the 'Green Fingers' located between Neighbourhoods 3, 4 and 5.
- Open space provision (% and location of public and communal). Clear delineation of location of public open space, quantum having cognisance to County Development Plan requirements and quality.
- The applicant to consider agreement with the p.a. for a contribution in lieu of the deficit of open space in advance of an application being submitted.
- Clarification as to purpose of the red line boundary incorporating lands to the east of the R127 and the Railway line. Details of ownership of the said zoned open space lands.

11.1.3. In relation to Phasing and delivery of the Link Road. An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Consideration of the levels across the site arising from proposed new access over the railway bridge regard being had to FFL of proposed adjoining apartment blocks and housing units in Neighbourhood 1 and the Main link road through the site.
- Details of engagement with Irish Rail and clarity in respect of their requirements for a bridge over the railway line.

- Justification for the phasing plan proposed which proposes the Link Road delivered in two phases. Phase 1 and Phase 2.

11.1.4. In relation to Social Infrastructure Audit. An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Justification for the omission of the ‘future proposed’ park pavilion, swimming pool, skerries road pedestrian / cycle bridge (to the south east of the site) and the identified future playing pitches from the subject proposal.
- Elaboration and justification of the submitted Community Audit for the Balbriggan area in light of non provision of amenities identified in the Castlelands Masterplan March 2021.
- Further clarity with respect to the school site any proposals or discussion on its delivery with Dept of Education.

11.1.5. In relation to Daylight / Sunlight Analysis. An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Consideration that a Sunlight / Daylight report be submitted at application stage.
- Justification that where the proposal does not comply with standards – SPPR3 that this is clearly set out, justified and mitigation measures proposed.
- Details and clarity on extent of coverage and testing.

11.1.6. In relation to the issues raised in the Planning Authority Opinion, submitted to An Bord Pleanála on the 17th February 2021, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further details are required in order to understand how the

proposed SuDS along the southern boundary of the Local Park are to be integrated into the overall park design in terms of public access, use and protection;

- Details of how the public will access over SuDS features into the park and their position in relation to proposed park boundary treatment.
- Omission of on-street car parking adjoining the 'Green Fingers' located between Neighbourhoods 3, 4 and 5.
- Further detail is required in relation to the interface between the communal space to the rear of the proposed duplex units (located proximate to the northern site boundary) and the existing residential development adjoining to the north.
- Connectivity, Car Parking discrepancy in calculations should be resolved.
- Justification of the location of the pumping station and distance of development to it in light of separation standard set out in the Castlelands Masterplan 2021.

11.1.7. In regard to other matters, An Bord Pleanála sought further elaboration / discussion / consideration of the following:

- The issue of a contribution towards a shortfall in public open space of 2.93 ha to be discussed and agreed where possible or justified with the planning authority.
- All reports to have regard to one another and be consistent and accurate.

12.0 Conclusion and Recommendation

12.1.1. 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.

- 12.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, 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 plans for the area.
- 12.1.3. 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 **constitutes a reasonable basis for an application for strategic housing development** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 12.1.4. 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.

13.0 **Recommended Opinion**

- 13.1.1. 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.

13.1.2. 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 with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.**

13.1.3. Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with local planning policies and objectives of the Fingal County Development Plan 2017 – 2023.
2. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where the proposed development materially contravenes the statutory Plan for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.
3. Clarification around the compliance, or otherwise, of the proposed development with the Castlelands Masterplan 2021 (noting, inter-alia, Objective Balbriggan 16 of the Fingal County Development Plan 2017 – 2023).

4. Seek to demonstrate how the proposed development ties in with the overall Balbriggan Area, with regard to delivery of pedestrian / cycle / vehicular accesses through the site.
5. Further clarification of the vehicular T junction and pedestrian crossing proposed over the railway line. Further clarification and detailed cross sections in relation to ground levels at the junction of the new proposed Link Road, bridge crossing and tie in with the R127.
6. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments.
7. Justification of hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standard and location of underground attenuation tanks and storage systems under public open space, as part of SuDS solution. A response to the contribution suggested by the planning authority in accordance with Section 48(2) (c) of the Planning and Development Act 2000 in lieu of public open spaces provision.
8. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
9. Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture drawings, and engineering plans that take account of one another.
10. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to impact upon adequate daylight and sunlight for

individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.

11. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.
12. A response to matters raised within the PA Opinion and Appended County Council Department comments submitted to ABP on the 17th February 2021.
13. Response to issues raised in transportation department report dated 02.02.21, and the Parks and Green Infrastructure dated 18.01.2021 accompanying the PA Opinion dated 17th February 2021.
14. Clarification at application stage regarding connection to water and drainage infrastructure having regard to the Irish Water submission dated 10.02.2021

13.1.4. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Commission for Railway Regulation
3. Iarnrod Eireann
4. Railway Safety Commission
5. Coras Iompair Eireann
6. Department of Culture Heritage and the Gaeltacht
7. An Taisce
8. Heritage Council
9. An Chomhairle Ealaíonn

10. Fáilte Ireland

11. Fingal County 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.

Fiona Fair
Planning Inspector
18.05.2021