



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-310125-21

Strategic Housing Development	102 no. residential units (56 no. houses and 46 no. apartments), creche and associated site works.
Location	Lamorlaye, Back Road, Malahide, Co. Dublin.
Planning Authority	Fingal County Council.
Prospective Applicant	CE Caldwell Estates Limited.
Date of Consultation Meeting	8 th July 2021.
Date of Site Inspection	24 th June 2021.
Inspector	Daire McDevitt

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1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

The site, with a stated area of 2.31 hectares, is located on the southern side of the Back Road facing the rear boundary wall of Malahide Castle demesne. The site consists of a green field and paddocks/ stables associated to the rear of Lamorlaye, a detached house on a generous plot. Located c. 0.3km east of the junction with the R107 Malahide Road and c.2km from Malahide train station.

The immediate area is predominantly characterised by single houses on large plots. The area is one in transition with residential developments to the east along the Back Road. Access to the site is via an exist entrance off Back Road. The site boundaries are formed by hedgerows, trees and a stone wall and wraps around the grounds of a large detached house (Lamorlaye).

The site is It is bounded to the north by Back Road which adjoins the southern boundary of Malahide Castle Demesne and Regional Park. To the east and south east 'GB' – Greenbelt zoned land used for horticultural/agricultural purposes and private residences. To the west and south by a cul-de-sac road serving private dwellings consisting mainly of detached dwellings on individual plots. Lands to the west are in residential use, comprising large detached residential dwellings.

The site slopes gradually from the road frontage to the north and down again from the centre of the site to its rear to the south.

3.0 Proposed Strategic Housing Development

Development parameters:

Site Area	2.31hectares (part greenfield/part gardens associated with Lamorlaye House currently used as paddocks & stables)
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Proposed Development	102 residential Units (46 Apartments & 56 houses), and childcare facility (c.180.6 sq.m) & c.147sq.m outdoor play area for childcare. (PHASE 1) (phase 2 will be a separate application for the remainder of the landholding)
Density	44 uph (phase1) Reference to larger plot of c.3.13ha and density of 44.7uph and Masterplan for overall landholding and a total of 140 units.
Dual Aspect	over 50% of apartments are stated to be dual aspect
Height	Block 1: 4 storey Block 2: 3 Storey Houses: 2 & 3 Storey
Open Space	Private: Houses (gardens), Apartments (terraces/balconies) Communal Amenity Space (c.398sq.m) Public Open Space: 2320sq.m (10%)
Access	New access off Back Road
Parking	Car: 112 (curtilage of houses), 56 for apartments at surface level (of which 10 are visitor) & 4 no. for childcare Bicycle: 75 spaces (46 (residents), 23 (visitor/short stay) & 6 childcare
Part V	10 units in Block 2
Material Contravention	Density

Unit Mix:

Unit Type	1 Bed	2 Bed	3 Bed	4 Bed
Apartments	21	25	-----	-----
Houses	-----	-----	44	12
Total	102			

4.0 Planning History

PA Reg. Ref. F10A/0120 refers to a grant of permission consequent to a grant of outline planning permission (Reg. Ref. D06A/1884) for 10 no. dwellings on individual c.0.5 acre sites. The application provides for 10 no. (5 bedroom) 2 storey dwellings, ancillary single storey garages, 10 no. individual bio-cycle units, landscaped open spaces, SUDS, boundary treatments, all ancillary site and engineering works and new vehicular entrance to serve the development from Back Road. The development will provide engineering works necessary to provide for a future foul sewer connection

SHD applications in the area:

ABP 309907-21 refers to a decision to refuse permission for the demolition of 'Little Auburn' and associated outbuildings, construction of 411 no. residential units (102 no. houses including preservation of Auburn House and 309 no. apartments), childcare facilities and all other associated site works at Auburn House (a protected structure), Little Auburn and Streamstown off the R107 Malahide Road/Dublin Road and Carey's Lane (accesses via Streamstown Lane), Malahide, Co. Dublin. For the following reasons:

1. The proposed development would situate a new entrance from Dublin Road, both detracting from the visual prominence of the existing historical entrance to the site (a curtilage feature of Auburn House a Protected Structure RPS No. 448) and resulting in the removal of trees that contribute to a special character that is recognised as worthy of preservation in the County Development Plan 2017-2023. In addition, the proposed development would encroach upon the attendant grounds to the Protected Structure to the east, south and north: The situation of houses to the east of Auburn House would reduce the openness of this historic landscape setting and conflict with the original alignment of the house to the Malahide Castle Demesne; the removal of trees in the south of the woodland surrounding to Auburn House and construction of apartment block 7 would harm the integrity of the woodland and its function, informing the setting of the Protected Structure; and the location of blocks up to 6 storeys in height to the north of Auburn House has not been adequately tested visually and is an inappropriate scale in the setting of this important and well preserved Protected Structure. The combination of these elements would significantly adversely impact the appreciation of the character and setting of the Protected Structure and its attendant grounds which are currently well-preserved. As a result, the proposed development would negatively impact Auburn House a Protected Structure (RPS No. 448). The proposed development is therefore contrary to Objectives CH20, CH21 and CH22 of the Fingal Development Plan 2017-2023, The Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October 2011 and the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018. The proposed development would, therefore, be contrary to the proper planning and development of the area.

2. The proposed development is on a site characterised by woodland areas of heritage value and fronting onto the Dublin Road / Malahide Road which exhibits a sylvan character. These features are specifically identified under the Fingal Development Plan 2017-2023 as worthy of preservation. The proposed development will result in the loss of a significant number of trees, tree groups and hedgerows on the site, adversely impacting the integrity of woodland and canopy coverage across the site, to the detriment of the sites special and historical characteristics. As a result, the proposed development is contrary to Local Objective 57, Objective PM64, Objective CH20, Objective CH21, Objective MALAHIDE 2 and Objective MALAHIDE 11 of the Fingal Development Plan 2017-2023. The proposed development would, therefore, be contrary to the proper planning and development of the area.

5.0 Policy Context

5.1. National

Project Ireland 2040 - National Planning Framework (2018)

The NPF seeks to achieve compact urban growth by targeting a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas and plans for growth of 490,000 to 500,000 people in the Eastern and Midlands Region.

The National Planning Framework includes a specific **Chapter, No. 6**, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Rebuilding Ireland – Action Plan for Housing and Homelessness (2016)

Rebuilding Ireland was launched with an objective to double the annual level of residential construction to 25,000 no. homes and deliver 47,000 no. units of social housing in the period to 2021, while at the same time making the best use of the existing stock and laying the foundation for a more vibrant and responsive private rented sector.

Rebuilding Ireland is set around 5 no. pillars of proposed actions. Pillar 3 seeks to – Build More Homes: Increase the output of private housing to meet demand at affordable prices and Pillar 4, ‘Improving the Rental Sector’, includes build-to-rent and encourages “build-to-rent” as a key action.

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) (Including Interim Advice note Covid-19 May 2020)
- 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).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- Regulation of Commercial Institutional Investment in Housing. Guidelines for Planning Authorities (May 2021)

5.2 Regional

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. The following Regional Policy Objectives are of note:

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'.

RPO 5.8: Support the promotion and development of greenway infrastructure and facilities in the Dublin metropolitan area and to support the expansion and connections between key strategic cycle routes and greenways as set out in the NTA Greater Dublin Area Cycle Network Plan.

The Royal Canal is identified in the MASP as one of the strategic natural, cultural and green infrastructure assets in the region.

5.3 Local

Fingal County Development Plan 2017-2023

The site is located within the development boundary of Malahide on lands zoned under land use zoning objective **R5** which seeks to '*provide for residential development and protect and improve residential amenity*'.

The site is also located within a housing density boundary, '*provide for residential development of a density per hectare as shown (5)*'

6.0 Section 247 Consultation(s) with Planning Authority

It is stated by the prospective applicant that a pre-application consultation meeting took place with the Planning Authority on 10th September 2021 (I note the reference to 2021 is a typo and should be 2020).

7.0 Forming of the 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 submission and the discussion which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

7.1 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.

The information inter alia included: Completed Pre-Planning Application Form, Copy of Irish Water Confirmation of Feasibility, The Prospective Applicant's Part V Proposal including estimated costs, Pre-Planning Application Planning Report & Statements of Consistency, Architectural Drawings and DWG file of the red line, Design Statement (inc. Statement of Consistency with Urban Design Manual), Schedule of Accommodation, Housing Quality Assessment, Landscape Report, Landscape Drawings, Flood Risk Assessment (including Statement of Consistency with Flood Risk Management Guidelines), Back Road Malahide Flood Risk Review, Drainage Drawings, Engineering Assessment Report (including DMURS Statement of Consistency), Traffic & Transport Assessment Report, Travel Plan, Roads Drawings, Arborist Drawings and Arboricultural Report, Baseline Ecological Report, Appropriate Assessment Screening Report, Pre-Planning Archaeological Test Trenching Report, Pre-Planning Archaeological Test Trenching Report, Operational Waste Management Plan, Preliminary Construction & Demolition Waste Management Plan, Energy Statement, Construction & Demolition Waste Management Plan, Daylight and Sunlight Assessments, Pre-App Noise Review &

Proposed Methodology, Outdoor Lighting Report and Drawing (dwg. No. SES01521).

In addition, 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.

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

7.2 Planning Authority Submission

In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, 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 15th June 2021.

The report included planning history, issues relating to the proposal and issues that may be considered by An Bord Pleanála.

The issues raised relate to:

Density:

- The Planning Authority consider the proposed development constitutes a material contravention of the Fingal Development Plan 2017-2023 with a density in excess of the restriction of 5 dwellings per hectare. It is requested that further consideration is given to the proposed development, the density restrictions and how the applicants Material Contravention Statement would align with national policy.

Core Strategy:

- Further consideration of how the proposed development would comply with objective SS02 of the Fingal Development Plan 2017-2023 when considered in combination with other formal SHDs currently before ABP in the Malahide area. This would set out how the proposed development in combination with other developments would support the appropriate growth of Malahide and the role as a 'self-sustaining town'.

Integration and Quality of Design & Layout:

- The Planning Authority request that ABP consider that the comprehensive development of the entire lands including Lamorlaye, rather than a phased piece meal approach without consideration of permeability through lands to the west, would be a more sustainable mechanism to achieving a quality design and layout that would integrate appropriately with the established context.

- The site is peripheral in nature surrounded by low density residential development and detached from accessibility to direct transport links.

Further consideration is required to propose a development which is less suburban in nature which does not create an incongruous hard urban edge to Back Road and the adjoining GB zoned lands to the east, while providing for a sustainable residential community with a distinctive character unique to its location to aid integration with the receiving environment and reinforcing the local identity.

- Requirement for a Landscape Visual Impact Assessment to demonstrate the likely impact of the proposed development upon the established setting including Malahide Castle Demesne and Back Road. Key locations to be considered should include the woodland boundary walk associated with Malahide Castle, Castle building, Back Road entrance and field paths, together with a point along the access road serving the development to the south of the site and from Connolly Crescent, Kinsealy Lane where the site is visible.
- Issues of concerns regarding the architectural quality of the houses and apartment blocks that should be addressed prior to an application being lodged are highlighted

Carrying Capacity of the Receiving Environment:

- The carrying capacity of the physical environment and deficiencies in accessible public transport links.
- Consideration of undergrounding powerlines
- A detailed social infrastructure audit should be carried out to assess the carrying capacity of the social infrastructure in the area.

Residential Impact:

- Ensure no overlooking within the scheme from balconies
- Provision of pumping station should demonstrate how it would accord with objective WT12 of the Fingal County Development Plan 2017-2023.

Residential Amenity & Layout:

- Quantity of dual aspect units in Block 2 should be reconsidered.
- Residential amenity rooms in apartment blocks should be available for communal use/co-working spaces.
- Utility building should be integrated into the apartment blocks. The location of the cycle stores and refuse storage areas should be reconsidered.
- Amenity levels of private amenity spaces adjoining the eastern hedgerow.
- Clarify how the mid terrace units would store bicycles.

- Floor plans for houses and apartment should set out how universal access would be achieved.

Parks and Green Infrastructure:

- A minimum of 10% (2310sq.m) open space should be provided, the location of open spaces should maximise tree retention , in particular along the eastern boundary.
- Objective DMS67 and DMS74 refer to open spaces and SuDS.
- Objective DMS62 regards TIC and areas to be min. 500sq.m.
- Ensure consistency across the plans regarding stated measurements
- Ensure a min. setback of 15m from the top of the bank of the water course for all construction related activities and no just proposed infrastructure.
- A competent Ecological Clerk of Works will be required to monitor the ecological impacts during construction stage including the control of the invasive species Russian Vine, implementation of proposed mitigation measures and compliance with Wildlife Regulations.
- Any lighting post within trees should be omitted.
- Concerns regarding the proximity of Block 2 and the houses to the eastern boundary hedge and potential residential/tree conflict, shading of open spaces and long term compromise of the hedgerow. Consideration should be given to increasing the set back from the eastern boundary.
- Revision to landscaping proposal should include formal design for pocket parks, boundary treatment along Back Road.
- Provision of a minimum play area of c.325sq.m is required.

Water Services:

Foul water:

- Further consideration is required in respect of the foul connection from the site which will require significant network upgrades in the wider area. A connection into Connolly Avenue pumping station is not acceptable.
- The proposed pumping would be contrary to Objective WT12 of the Fingal County Development Plan 2017-2023 and is required to be reconsidered. A buffer zone of 35m is considered to be appropriate.
- Applicant should engage further with Irish Water.

Surface water:

- The surface water drainage proposal is not acceptable in the current form.

- The applicant should endeavour to incorporate additional SuDS measures rather than relying primarily on pipe network, underground attenuation and light liquid interceptor devices.
- The use of underground attenuation tanks should be avoided.
- The surface water drainage layouts, site layout and landscape plans should all be consistent with areas of attenuation storage being clearly identified or alternatively provide a separate Green/Blue Infrastructure Plan.
- The quantum of attenuation storage located under public open spaces should also be clearly identified.

Water supply:

- The applicant should engage further with Irish Water to secure a Statement of Design Acceptance in advance of submitted a SHD application.

Transportation:

- Bicycle parking should be increased.
- Creche parking.
- Revised TTA to cullly assess impact on junctions of the Back Road with the R107, the Back Road with Kinsealy Lane and the Back Road with The Hill.
- A special contribution should be sought with regards to junction upgrades.

Part V:

- Further consideration in required in relation to the distribution of the Part V units within the entire developemtn to facilitate appropriate integration and inclusion.

Taking in Charge:

- The proposed areas of open spaces are less than 500sq.m, therefore not suitable for TIC.
- Parking for apartments and creche within a communal area should be managed by a private management company.

7.3 Other submissions

Irish Water (8th June 2021)

Wastewater:

In order to facilitate wastewater connection(s) for this and other proposals in the area, Irish Water is currently progressing a high-level strategy for the 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 both currently at capacity. In order to support growth in the area Irish Water has capital works in progress to deliver a new Chapel Lane Pumping Station in the south of the catchment and a

rising main extension from Chapel Lane pumping station to the North Fringe Sewer. These works are including on Irish Waters Capital Investment plan and due to be completed by Q4 2021 (subject to change). Any site specific or localised upgrades will be agreed at Connection Application Stage between Irish Water and the applicant.

Water:

A new connection to the existing network is feasible without upgrade.

All development is to be carried out in compliance with Irish Waters Standards Codes and Practices and that design layouts for the development proposal have been submitted to Irish Water and that a Statement of Design Acceptance has been issued to the applicant in respect of design proposals within the redline boundary of their proposed development site by Irish Water ahead of any SHD Application. Irish Water does not permit build over of its assets and the separation distances as per Irish Waters Standards Codes and Practices which must be achieved. In order to ensure appropriate and access to existing infrastructure(s) the applicants are required to engage with Irish Water Diversions to agree to assess feasibility of any potential build over/diversion(s) which may be required, separation distances, appropriate wayleaves and or access ahead of any SHD application. Connection(s) to the public network are subject to a Connection Agreement with Irish Water

8.0 The Consultation Meeting

8.1 A Section 5 Consultation meeting took place online via Microsoft Teams on the 8th July 2021, commencing at 10 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 based on the Agenda that issued in advance and contained the following issues:

1. Compliance with local policy objectives (Density, Core Strategy & SS02)
2. Development Strategy including inter alia design, materials/finishes, layout & masterplan for overall lands, open space, creche, links to adjoining lands, boundary treatment.
3. Landscape Visual Impact Assessment
4. Residential Amenities
5. Traffic & Accessibility/Connectivity
6. Issues raised by Water Services Department & Irish Water
7. Ecology
8. AOB

In relation to **compliance with local policy objectives** ABP representatives sought further elaboration/discussion/consideration of inter alia density, core strategy and Objective SS02, and issues raised by the Planning Authority.

In relation to **Development Strategy** ABP representatives sought further elaboration/discussion/consideration of amongst other matters density, design, materials/finishes, layout & masterplan for overall lands, open space, creche, links to adjoining lands, boundary treatment.

In relation to **Landscape Visual Impact Assessment** ABP representatives sought further elaboration/discussion/consideration of sensitive viewpoints identified by the Planning Authority in the opinion submitted to An Bord Pleanála.

In relation to **Residential Amenities** ABP representatives sought further elaboration/discussion/consideration of residential standards for future occupiers and impacts on Lamorlaye.

In relation to **Traffic & Accessibility/Connectivity** ABP representatives sought further elaboration/discussion/consideration of inter alia issues raised by the Planning Authority, accessibility /connectivity of the site.

In relation to **Issues raised by Water Services Department & Irish Water** ABP representatives sought further elaboration/discussion/consideration of issues raised by Planning Authority and Irish Water.

In relation to **Ecology** ABP representatives sought further elaboration/discussion/consideration of inter alia surveys and ecological corridor, management of invasive species. In relation to AOB ABP representatives sought further elaboration/discussion/consideration of:

- ABP highlighted to the requirement to address all technical issues prior to lodging an application as no recourse to further information under SHD.
- Address any material contraventions if they arise.
- Ensure all documentation correlates.

The prospective applicant and the planning authority were given the opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 310125' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

9.0 Conclusion and Recommendation

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.

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

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 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.

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.

10.0 Recommended Opinion

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.

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.

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.

Development Strategy:

Further consideration and / or justification of the documents as they relate to the development strategy for the site. The further consideration and / or justification should address the following matters:

- (i) The proposed residential layout and urban design response with particular regard to the creation of active and architecturally appropriate road frontages having regard to the site context. How the proposed elevational treatments ensure a qualitative design response with optimal passive surveillance of public open spaces throughout the scheme, the creation of strong edges within the scheme and interface with Back Road and cul-de-sac road to the west and south.
- (ii) The hierarchy, function and usability of public open spaces including the use/linking of green areas throughout the scheme and boundary treatment. Computer Generated Images and cross-sections through the streets and open spaces should be submitted to show changes in levels and inter alia, the interface of boundary treatments and to public open spaces/streetscape.
- (iii) Treatment of the Hazelbrook stream along the southern boundary.
- (iv) The layout of the development, compliance with DMURS and provision of connections with adjoining lands and surrounding area
- (v) The location of the creche within the proposed development.

The response should also include a Materials Strategy that details all materials proposed for buildings, open spaces, paved areas and boundaries. The statement should present a justification/rationale for the materials being used having regard to the need for high quality and sustainable finishes that create a distinctive character for the development overall, whilst also responding to the character of the area. The documents should also have regard to the durability of materials and the long-term management and maintenance of the proposed development.

The further consideration / justification should have regard to, inter alia, the guidance contained in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020 (including the locational criteria in Chapter 2 and the guidance on car parking provision in Chapter 4), the Urban Development and Building Height Guidelines for Planning Authorities 2018; the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual; the Design Manual for Urban Roads

and Streets 2013; and the Dun Laoghaire Rathdown Development Plan 2016-2022.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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. The prospective applicant is advised to address issues raised the Planning Authority's Opinion received by An Bord Pleanála on 15th June 2021. In particular, the prospective applicant should address the following in the documents submitted:
 - a) Provide additional details in relation to the wastewater connection. The details should address the matters set out in the submission received from Irish Water, dated 8th June 2021 in relation to the need for network upgrades.
 - b) Provide additional drainage details. The details should address the matters raised in the Report of the Water Services Department.
 - c) Provide additional traffic and transportation details. The details should address the matters raised in the Report of the Transportation Planning Division of Fingal County Council.
 - d) Provide a response to matters raised in the Report of the Parks and Green Infrastructure Division.
2. Detailed rationale/justification for compliance with the Core Strategy, Objective SS02, the proposed residential density and housing mix with regard to the provisions of the Fingal County Development Plan 2017-2023 and relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).
3. 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. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2020 guidelines should also be submitted.
4. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants). Full and complete drawings

including levels and cross sections showing the relationship between the development and nearby residential properties should be submitted.

5. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
6. A Masterplan showing the relationship between the site which is the subject of this consultation and the potential development of the remainder of the landholding associated with Lamorlaye.
7. (a) Traffic and Transport Impact Assessment (TTIA) of the development, the scope of which is to be discussed in advance with Fingal County Council.
(b) A report demonstrating compliance with the principles and specifications set out in DMURS and the National Cycle Manual in relation to the proposed housing and the works along public roads.
(c) A Carparking Strategy and Mobility Management Plan.
8. An Ecological Impact Assessment.
9. An Archaeological Impact Assessment.
10. A Tree survey and Arboricultural Assessment. The response should include a Tree Removal Plan, Tree Constraints Plan and Tree Replacement Plan.
11. A Landscape Impact Assessment and a Visual Impact Assessment including CGIs and details of proposed materials and finishes that would address the impact of the proposed development on Malahide Castle Demesne and Back Road. Key locations identified include the woodland boundary walk associated with Malahide Castle, the Castle building, Back Road entrance and field paths together with a point along the access road serving the development to the south of the site and from Connolly Crescent, Kinsealy Lane where the site is visible. The assessment should include cross sections.
12. A report identifying the demand for school and crèche places likely to be generated by the proposal and the capacity of existing schools and crèches in the vicinity to cater for such demand.
13. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority
14. A draft Construction Waste Management Plan, draft Construction and Environmental Management Plan and a draft Operational Waste Management Plan.
15. Where the prospective 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.

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 Tourism, Culture, Arts, Gaeltacht, Sport and Media.
2. Heritage Council.
3. An Taisce.
4. An Comhairle Ealaíon.
5. Fáilte Ireland.
6. Irish Aviation Authority.
7. Dublin Airport Authority.
8. Irish Water.
9. Relevant 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.

Dáire McDevitt

Planning Inspector,

10th August 2021