



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-310235-21

Strategic Housing Development	172 no. residential units (150 no. houses, 22 no. apartments) and associated site works.
Location	Station Road, Portmarnock, in the Townlands of Portmarnock and Maynetown, Portmarnock, Co. Dublin.
Planning Authority	Fingal County Council
Prospective Applicant	Quintain Developments Ireland Limited
Date of Consultation Meeting	9 th July 2021
Date of Site Inspection	10 th June 2021
Inspector	Elaine Power

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site is located c.12km north-east of Dublin city and c. 1km south west of Portmarnock village centre. The site is generally bound to the north by the residential development 'St. Marnocks Bay'. Phase 1A which comprised 101 no. units and Phase 1B which comprised 150 no. units of St. Marnocks Bay are completed. Phase 1C which comprises 153 no. units and a neighbourhood centre is currently under construction. The proposed development would constitute Phase 1D. The site is bound by agricultural lands to the south and east and by the Dublin – Belfast rail line to the west. The area is characterised as an emerging / developing mixed use urban area as identified in the Portmarnock LAP.
- 2.2. The site has a stated gross area of 9.78ha. It is currently a greenfield site with a portion of the northern section of the site in use as a temporary surface car park and management suite located associated with the St. Marnocks Bay development. The site is irregular in shape and includes a spur to the south which would facilitate a new vehicular connection to the Moyne Road.

3.0 Proposed Strategic Housing Development

- 3.1. The following details as submitted by the applicant are noted:

Parameter	Site Proposal
Application Site Area	9.78 Gross

No. of Units	172 no. units (150 no. houses and 22 no. duplexes)
Density	32.3 no. units per ha.
Plot Ratio	0.4
Site Coverage	25%
Other Uses	None
Public Open Space	Skylar Park (7,000sqm), extension to Railway Linear Park (5,900 sqm) and extension to Townland Boundary Linear Park (18,500sqm).
Height	2-3 storeys
Car Parking	347 no. spaces (2 no. spaces per unit).
Bicycle Parking	42 no. spaces to serve the duplex units
Vehicular Access	Via St. Marnock's Bay and new road from Mayne Road

3.2. The housing mix comprises 93 no. (54%) 3-bed houses, 57 no. (33%) 4-bed houses and 11 no. (6.5%), 2-bed duplex units and 11 no. (6.5%) 3-bed duplex units. Each unit has been provide with private open space.

4.0 Policy Context

4.1. *Portmarnock South Local Area Plan 2013 - 2019 (as extended)*

Section 2.2.6 states that the density of development within the airport outer safety zone is limited to 60 persons per half hectare plot.

Objective WW1 - Ensure that all required drainage infrastructure including the installation and commissioning of the pump station and network are completed and operational following the completion of the first 100 dwellings and prior to the commencement of further development.

Section 11.6 states that phase 2 would comprise units numbers 301-600 of 1,200 and that the Skylark Park would be completed in this phase.

The LAP sets out that the Portmarnock South LAP lands (86ha) are strategically positioned along the DART commuter service and the Dublin-Belfast railway line. The strategic vision of the LAP is to “develop a high quality urban environment with a unique sense of place, maximising and respecting the opportunities presented by the area’s natural assets and coastal location adjoining Baldoyle Bay and recognising its high level of accessibility to Portmarnock train station.”

Objective C 1 Maintain qualifying interest habitats and species within the Baldoyle SPA and SAC and other European sites where relevant at favourable conservation condition to ensure the ecological integrity of Baldoyle Bay and further ensure that the LAP lands continue to provide supporting functions for the Qualifying interest species. Objective C 2 Protect and conserve the natural habitats and designated status of the Sluice River Marsh and ensure that salmonid waters constraints apply to all development within the plan lands.

Table 5.0 in the LAP sets out Habitat Protection Measures. Section 5.5.2 deals with the implementation of these habitat measures. Of note are the following objectives:

- Objective GI 6 Require Appropriate Assessment Screening for any development, plan or project including changes to the landscape, within the Ecological Buffer Zone. This will include any changes to existing or future layout, materials or management.
- Objective GI 7 Protect and enhance the function of the ecological buffer zone through appropriate mitigation and management measures as set out in the Green Infrastructure and Landscape Strategy.
- Objective GI 13 Ensure that sufficient information is provided as part of development, plan or project proposals to enable AA screening to be undertaken and to enable a fully informed assessment of impacts on biodiversity to be made.

Section 6 deals with Movement and Traffic. The LAP sets out that the entire RA plan lands are within walking distance of the train station which is located immediately northwest of the LAP lands and provides frequent DART services to Malahide and the

City Centre, suburban train services to north County Dublin and a regional service to Belfast. Objective TM 4 Ensure that all planning applications provide for a pedestrian/cycle connection to Portmarnock train station within the plan lands in consultation with Irish Rail. Interfacing with residential development, environmental features and the train station lands shall be carefully considered in future route design proposals.

Section 7 of the LAP addresses Urban Design requirements.

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

The subject site is located within the development boundary of Portmarnock. Portmarnock is identified as a Consolidation Area within the Gateway of the Metropolitan Area of the Greater Dublin Area (GDA). The plan further states that the consolidating areas associated with the Dublin Gateway include locations such as Baldoyle, Sutton, Portmarnock, Howth and Malahide primarily function as self-sustaining settlements where the economic activities are aimed at meeting the locally generated demand for services. Objectives SS15 and SS16 refer to consolidation areas within the gateway.

The majority of the site is zoned RA – Residential which seeks ‘to provide for new residential communities subject to the provision of the necessary social and physical infrastructure’. The southern portion of the site is zoned OS – Open Space with to seek to ‘preserve and provide for open space and recreational amenities’ and there is a road proposal indicated on the southern portion of the site.

Table 2.6 of the Core Strategy indicates that there are 57 hectares of residential zoned lands available in Baldoyle with a resulting potential for 1,490 residential units.

Chapter 2 – Core Strategy and Settlement Strategy, Chapter 3 – Placemaking, Chapter 4 – Urban Fingal, Chapter 7 – Movement and Transport, Chapter 9 – Natural Heritage and Chapter 12 – Development Management Standards are considered relevant. In addition, the relevant policies of the Plan are set out below: -

Objective PORTMARNOCK 1: ‘Develop Portmarnock as a vibrant town providing services and amenities for both the residential and visitor populations.’

Objective PORTMARNOCK 3: 'Preserve the identity of the town by securing its physical separation from Malahide by greenbelts and from Baldoyle by appropriate land use within the open space and high amenity lands.'

Objective BALDOYLE 1: 'Protect the visual break and open character of lands between Baldoyle and Portmarnock by maintaining the greenbelt lands and appropriate recreational uses on Racecourse Park which respect the character, sensitivity and natural heritage designations of the existing landscape.'

4.3. **Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 - 2031**

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

Baldoyle is located within the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The following RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

4.4. **National Planning Framework (2018)**

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include

- 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 Policy Objective 13: In urban areas, planning and related standards, including in particular building 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 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, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

4.5. **Section 28 Ministerial Guidelines**

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme

5.0 Section 247 Consultation(s) with Planning Authority

5.1. It is stated that a formal pre-planning consultation meeting took place with the Planning Authority in relation to the proposed development on the 11th March 2001. A summary of the issues raised by the planning authority are outlined below: -

- The sites location within the Airport safety zoned places a restrictive density on the site.
- The varied pallet of materials is noted, and it is considered the use of grey materials along the sites southern boundary would reduce the visual impact on the adjacent parklands.
- Consideration of red brick proposed for the Maynetown Character Area. Consideration should be given to a more subtle material.
- Connectivity is key to the design. It is noted that the townland linear park would connect to the rail line linear park.
- It is noted that it is proposed to connect the scheme to the previously constructed developments, which flows in a northerly direction.
- The pre-connection agreement with Irish Water needs to be updated.
- The vehicular connection to Mayne Road is noted. Sightlines onto Mayne road should be to TII standards. Consideration should be given to establishing a new / replacement hedgerow at this boundary.
- Concerns over the location of Part V units.
- The applicant should submit a statement on universal design.
- Reconsideration of terrace units on the eastern side of the site to allow for provision of bin / bike storage and street trees.
- Street trees should be located in public realm and not front gardens.
- Further details of cycle route required.
- Consideration of relocating footpath to the other side of the car parking area outside the duplex units.

- Further consideration of the foul sewer. Concerns that the existing temporary pump station arrangement could become more permanent. The Moyne Road Pump Station may also require upgrades to allow additional connections.
- The location of the overall surface networks should be shown on the proposed plans, including the regional pond and the location of the discharge into the estuary.
- The site should incorporate individual SuDS features to slow down and treat surface water run off. The surface water plan and the landscape layouts should be consistent.
- A site specific flood risk assessment should be submitted with the application.

Full details of the meeting are included in the planning authority's submission.

6.0 Relevant Planning History

Subject Site

None

Surrounding Sites

Reg. Ref. 13A/0248: Permission was granted in 2014 for 101 no. residential units on lands known as Phase 1A of St. Marnock Bay. This development is completed, and all units are occupied.

Strategic Housing Development Application - ABP.300514-17: Permission was granted in 2018 for 152 no. residential units, 52 no. duplexes and 98 no. houses on lands known as Phase 1B. This development is completed and partially occupied.

Strategic Housing Development Application – ABP.305619-19: Permission was granted in 2020 for 153 no. residential units, 113 no. houses and 40 no. apartments, 3 no. retail units, café, restaurant and medical unit, on lands known as Phase 1C. Construction works have begun on this site.

Reg. Ref. F20A/0700: Permission was granted in 2020 for a construction haul road and temporary junction onto Moyne Road.

ABP 307641-20, Reg. Ref. F19/0400: Permission was refused in 2020 for a new wastewater pumping station and associated network infrastructure including a gravity sewer and rising main connections. The reason for refusal stated: -

‘Having regard to the location of the site in an area which is prone to flooding and on the basis of the submissions made in connection with the planning application and the appeal, the Board is not satisfied that the proposed development which is classed as a highly vulnerable development in “The Planning System and Flood Risk Management: Guidelines for Planning Authorities” issued in November, 2009 by the Department of the Environment, Heritage and Local Government, would not give rise to an increased risk of flooding on the site or property in the vicinity. The proposed development would, therefore, be prejudicial to public health and safety and would be contrary to the proper planning and sustainable development of the area’.

7.0 Submissions Received

Irish Water: Cannot confirm capacity currently exists to service this development. The applicant is required to secure confirmation of feasibility for connections and / or upgrades required to service the proposed development in advance of an SHD application.

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 by Applicant**

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 submitted included the following:

- SHD application form
- Pre-Planning Report and Statements of Consistency
- Material Contravention Statement
- Architectural Rationale
- Archaeological Report
- Preliminary Statement on Landscape and Visual Assessment
- Traffic and Transport Assessment
- Statement of Consistency with Ministerial Guidance – Flood Risk
- Flood Risk Assessment
- Statement of Consistency with Ministerial Guidance – DMURS
- Preliminary Statement on Biodiversity and Appropriate Assessment
- Water Services Report
- Public Lighting Report

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.

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

8.3. ***Planning Authority Submission***

- 8.3.1. 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 23rd June 2021.
- 8.3.2. Fingal County Council's written opinion includes a description of the site location, record of a pre-planning meeting, description of proposed development, planning

history and an opinion of the planning authority. The policy context and departmental reports are included in the appendices. The content of the report is summarised as follows:

Strategic Context:

Principle of Development: -The PA is supportive of the development of the subject site in an appropriate manner as it can contribute to consolidating the built form of Portmarnock and achieving the target in the National Planning Framework for 50% of new development in Dublin to take place within and adjoining the existing built up area of the city.

Residential development is permitted in principle within RA Zoning Objective.

Core Strategy: Portmarnock is designated as a Consolidation Area within the Dublin Gateway within the Metropolitan Area in the core strategy of the Fingal County Development Plan 2017-2023.

Table 2.8 of the core strategy indicates that there are 57 hectares of residential zoned land available in Portmarnock with a resulting potential 1,490 residential units. The development does not contravene the Fingal Development Plan with respect to the delivery of units.

LAP: The subject site is located within the Portmarnock South LAP. The LAP identifies that the RA zoned lands have the potential to provide for c. 1,200 units based upon a density of c.42units per hectare in accordance with the restrictions place as a result of the ERM report associated with airport safety zone. Currently there is permission for 404 no. units on the lands which would increase to 576 no. in the event that permission is granted for the subject application. Section 7.2 of the LAP sets out the character areas for the RA-Zoned lands. It is noted that the applicant has kept to the character areas identified.

The majority of the site is located within Growth Area 1 – Phase 2 as identified under section 11.1 of the LAP. It is noted that the lands subject to this pre-application also includes a small portion of lands identified as Growth Area 2 (phase 4). Table 11.6 of the LAP sets out the phasing arrangement for the development of the lands. The applicant has stated that the proposed development materially contravenes the

adopted LAP in terms of the sequence of phasing and provides a rationale for this deviation. This was discussed at the S.247 meeting and the Planning Authority notes support in principle which ensures for the provision of Skylark Park in its entirety as part of this application.

Density and Outer Public Safety Zones: The net density is stated as 32.3ha per hectare. The Portmarnock South LAP states that the minimum density is considered to be 35 units per hectare with an average maximum density of 42 no. units per hectare. It is noted that the LAP has an additional requirement of density of people as a consequence of being within the Dublin Airport Outer Safety Zone and the ERM Environmental Resources Management Ireland Report (2003). The applicant has demonstrated how this density of no more than 60 persons per half hectare area has been achieved with the submission of the Aviation Public Safety Zone Assessment carried out by Cyrrus Ltd. Mitigation measures have also been specified in this report with regard to the subject site being within the Dublin Airport Outer Noise Zone. The density proposed is considered to be acceptable to the Planning Authority.

Integration & Quality of Design: Quality of design is a priority for Fingal County Council in the development of these lands, in accordance with Objectives PM31, PM33 and PM41 of the Development Plan, in addition to National Policy Objective 4 of the NPF which seeks to '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'. It is contended that this should be evident in the urban, architectural and landscape design of the scheme.

The development proposes to 'book end' the south-western section of the LAP lands where the RA-Residential Area zoned lands meets the OS-Open Space zoned lands. The interphase proposed along this southern boundary is a welcomed deviation from the materiality which has been similar in previous phases of developments. The provision of Skylark Park as part of this application is a welcomed feature as it will provide for an increased amenity for the existing residents of the St. Marnocks and Dun Si development.

Overall, the Planning Authority are supportive of the proposed development

Carrying Capacity of the Receiving Built Environment: It is considered that the subject site has the carrying capacity to provide for residential development. Consideration is given to the existing precedent on the subject site together with the material contravention statement submitted as part of the application.

Carrying Capacity of the Physical Infrastructure: The area is served by DART and Bus. Irish Water is indicative of appropriate infrastructure being available. Cycle paths are provided along the Coast Road between Baldoyle and Portmarnock which connect to a wider network of cycle paths. Furthermore, the site is located in close proximity to the administrative boundary with Dublin City Council where there is also the provision of a wider cycle path network. Improvements required to the transport network, these are outlined below.

Carrying Capacity of Social Infrastructure: It is contended that the provision of adequate social infrastructure has significantly lagged behind residential developments in the area, resulting in deficits in the capacity of education and childcare facilities. It is noted that both the LAP and the ERM Report precludes the provision of childcare or education facilities on the subject lands, it is considered that the applicant should be requested to undertake an assessment of the current capacity levels of the surrounding educational and childcare facilities and provide the results within an audit report.

Environmental Carrying Capacity: Having regard to the number of units being proposed the applicant states that the proposal falls below the criteria for an Environmental Impact Assessment Report. The applicant has submitted an Appropriate Assessment Screening Report. It should be noted that were permission to be granted the overall development permitted and currently built would result in a figure in excess of 500 residential units. The Board should satisfy itself regarding the level of assessment required.

An Bord Pleanála is the competent authority with regard to AA and EIA in this instance, given no consideration or determination is presented in this regard.

Proposed Layout and Design: The layout of the proposed scheme has generally been dictated by a number of factors which include the layout of the previously permitted scheme (Phase 1C), the location of Skylark Park, and the locations of the

historic townland boundaries which are located on the site. As such the form is somewhat linear in nature and follows on the form of the existing development on site.

The layout has 3 specific character areas (1) The central character area, (2) Skylark and (3) Maynetown. Overall, the PA does not have any significant concerns over the layout and visual appearance of the proposed development as it is considered that the next phase of development follows on and ties into the previously permitted schemes on the wider LAP lands.

Unit Mix: Given the variety of housing tenure being proposed, the overall accommodation mix is considered acceptable with the main type of accommodation being 3 bed dwelling houses.

Residential Amenity and Unit Layout: The contents of the Housing Quality Assessment are noted. The Board should satisfy themselves the proposal will provide for a good level of residential amenity for potential residents and not negatively impact upon the current level of residential amenity enjoyed in the surrounding area.

Part V: It is noted that it is proposed to provide 17 no. units all located in the central character Area. The Board should request that these units are dispersed throughout the development to aid social inclusion.

Open Space and Proposed Landscaping: Objective DMS67 of the development plan notes that linear tracts, environmental areas and tree / hedge retention areas should not be included in the calculation for public open space. As such the acceptable public open space provision includes Skylark Park (7,180sqm) and Railway Linear Park extension (5,900sqm). The proposed Townland Hedgerow Linear Park extension (10,160sqm) can not be included. Based on the units proposed, 1.45ha of public open space is required. A scaled drawing indicating the location and quantum of open space to satisfy the open space requirement should be provided.

It is considered that a more detailed landscape plan is required which covers all the concerns raised by the Parks and Green Infrastructure Section.

Play provision equating to 600sqm (150 no. houses x 4) to meet the development plan objectives is required. The concentration of play features in Skylark Park is acceptable,

however, having regard to the proximity to houses the provision of natural play in the Railway Linear Park extension should be revised.

Water Services:

Flooding: The flood risk assessment is adequate. However, further items need consideration. An updated FRA should be submitted.

Foul Sewer: An updated confirmation of feasibility from Irish Water should be submitted.

Surface Water: The applicant has suggested using filter drains. Concerns that the use of filter drains has caused ponding issues in earlier phases of development. The applicant shall avoid the use of filter drains. Overall, the SuDS design appears generally acceptable.

Water Supply: An updated confirmation of feasibility from Irish Water should be submitted.

Access and Transportation:

Road Layout: It is proposed to provide a number of straight roads which would require traffic calming as the slight bends in the road are not sufficient to passively reduce vehicle speeds.

There is a significant prevalence of on-street parking in the existing development. The narrow road widths have led to vehicles partially blocking the road and footpaths. This is undesirable. This problem should be resolved by design led solutions.

The provision of a secondary access from Moyne Road for such a significant quantum of residential development is welcome.

Car Parking: Car parking provision is consistent with development plan standards and acceptable to the PA.

Bicycle Parking: A better level of passive supervision for bicycle parking to the side of the duplex blocks is required. The visitor parking provision should be provided in a separate area to the residential parking. It should also be covered and passively supervised to provide for enhanced security.

Traffic and Transportation Assessment and Strategic Infrastructure Requirements: The upgrade of the Station Road junction with Drumnigh Road (R124) and the junction of Strand Road with Coast Road was required by condition 2 of the previous permission – TA06F.305619. works to the junction has not yet been completed. It is considered imperative that the relevant road and junction upgrades are complete in a timely manner. The role out of infrastructure associated with this development could be linked to development on a phased basis.

Archaeology: The applicants Archaeological Report is noted and considered acceptable.

Taking in Charge: The applicant should be requested to submit a drawing clearly indicating which areas are to be taken in charge and what areas would be privately managed. The boundary between these areas should be clearly demarcated.

Conclusion: The PA are supportive of the development which reflects the established character of this outer suburban and peripheral site. The scheme is broadly in compliance with the development plan and Section 28 guidelines. the proposed scheme also demonstrates a high level of architectural input.

9.0 The Consultation Meeting

9.1. A Section 5 Consultation meeting took place via a Conference Call on the 9th July 2021, commencing at 10.00. 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.

9.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Planning Context – Density and Phasing
2. Open Space
3. Social Infrastructure – Childcare
4. Water Services
5. Transportation / Car Parking
6. Environmental Considerations

7. Any Other Matters.

Item 1

In relation to the **Planning Context – Density and Phasing**, ABP representatives sought further elaboration / discussion / consideration on the following:

- Notwithstanding the site's location in the airport outer safety zone, a rationale for the proposed density having regard to the previously permitted density of Phase 1C and the overall density of the St. Marnocks Bay development (Phases 1A, 1B and 1C).
- Justification for the proposed development having regard to the phasing set out in the Portmarnock South Local Area Plan 2013 (as extended).
- Justification for any material contraventions to statutory plans.

Item 2

In relation to the **Open Space**, ABP representatives sought further elaboration / discussion / consideration on the following:

- Clarification regarding the proposed quantum of public open space having regard to Objective DMS67 and Table 12.5 of the Fingal County Development Plan.
- Consideration of the concerns raised in the report of the Parks and Green Infrastructure Division dated 14th June 2021.
- Clarification of how the proposed open space provision relates to the provision of open space in the overall scheme, including existing, permitted and future development sites.
- Consideration of what areas are to be taken in charge by the local authority.

Item 3

In relation to the **Social Infrastructure - Childcare**, ABP representatives sought further elaboration / discussion / consideration on the following:

- Notwithstanding the site's location in the airport outer safety zone, consideration of the demand for childcare and school places generated by a development of this nature and scale.

Item 4

In relation to the **Water Services**, ABP representatives sought further elaboration / discussion / consideration on the following:

- Consideration of the report of Irish Water to An Bord Pleanála dated 18th June 2021.
- Consideration of wastewater proposals having regard to the issues raised in the Report of Water Services Department of planning authority dated 24th May 2021.
- Clarification regarding the status of Irish Waters proposed infrastructural upgrades to accommodate the proposed development and all lands within the LAP area.
- Clarification of the capacity of the temporary pump station and associated infrastructure currently managing wastewater from the site and previous phases of the St. Marnock Bay development.
- Consideration of alternative long term proposal to accommodate wastewater from the site and wider LAP area.
- Further consideration of Flood Risk Assessment having regard to the issues raised in the Report of Water Services Department of planning authority dated 8th December 2020.
- Consideration of impact of surface water drainage to designated sites to be addressed in the NIS.
- Rational for the use of filter drains, having regard to ponding issues in earlier phases of development.

Item 5

In relation to the **Transportation and Car Parking**, ABP representatives sought further elaboration / discussion / consideration on the following:

- Clarification of the relationship between the proposed new internal road, which links to Moyne Road, and the previously approved temporary haul road within the site.
- Clarification regarding the upgrade works at Station Road / Drumnigh Road junction which were conditioned under Phase 1C.

- Clarification of information within the Traffic Impact Assessment regarding the impact of the proposed development and the cumulative impact of the overall development, as compared to the existing situation. Ensure the information provided is robust and evidence based.
- Clarification of on-going road works in the area and how they impact on the capacity of the road network.
- Consideration of any upgrades that may be required on the surrounding road network to accommodate the development and associated increased pedestrian and vehicular movements.
- Rational for car parking level proposed.

Item 6

In relation to the ***Environmental Considerations***, ABP representatives sought further elaboration / discussion / consideration on the following:

- Consideration of cumulative impacts of previous phases of development in any submitted Appropriate Assessment or Environmental Impact Assessment.

Item 7

In relation to ***Any Other Matters***, the applicant's representatives sought further elaboration / discussion / consideration.

- Any potential material contraventions of statutory plans should be identified and fully addressed.
- All documentation submitted with the application should be consistent.

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 308743' 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.

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 Section 28 Ministerial Guidelines, and local policy, via the statutory plan for the area.
- 10.3. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: **requires further consideration and amendment in order to constitute a reasonable basis** 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.

1. Further consideration / amendment of documents as they relate to water and wastewater proposals to service the development. The documents should provide details of necessary upgrade works required to facilitate the development to include, *inter alia*: plans and particulars, having regard to the network constraints raised by Irish Water in their report dated 18th June 2021 and in the report of the Planning Authority's Water Services Department dated 24th May 2021. In the event that Irish Water infrastructure is not available, a justification should be submitted that seeks to address the potential negative impact of the development on the existing infrastructure, in particular the temporary pump station and clarify any upgrades that may also be required to allow additional connections to this pump station.

11.3. 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. Notwithstanding the sites location in the outer safety zone for Dublin Airport demonstrate and / or justify the suitability of the proposed site to accommodate the proposed residential density with regard to the previously approved developments on the LAP lands, the provisions of the current Fingal County Development Plan, the Portmarnock South Local Area Plan 2013 – 2019 (as extended) and relevant national and regional planning policy.
2. A report that addresses and provides a clear design rationale for the proposed design and layout, character areas, materials and finishes of the proposed development including specific detailing of finishes and frontages for the proposed duplex blocks, and the maintenance of same. Particular regard should be had to the requirement to provide high quality, robust and sustainable

finishes and details which seek to create a distinctive character for the development.

3. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority, and the phased delivery of such public open spaces.
4. Childcare Demand Report, which identifies demand for childcare places likely to be generated by the proposal and existing facilities in the vicinity to cater for such demand.
5. School Demand Report, which identifies demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
6. 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.
7. A phasing plan for the proposed development, includes the phasing arrangements for the delivery of the public open spaces and Part V provision.
8. A report addressing the issues raised in the planning authority's Transportation Planning Section's report.
9. A report addressing the issues raised in the planning authority's Parks and Green Infrastructure Division dated 14th June 2021.
10. A material contravention statement, in respect to any and all elements of the development that may materially contravene the Local Area Plan and Development Plan objectives or policies applicable to the site.
11. 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.

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. The Commission for Railway Regulation
3. Iarnrod Eireann
4. Transport Infrastructure Ireland
5. The National Transport Authority
6. Fingal County Childcare Committee
7. Irish Aviation Authority
8. Dublin Airport Authority
9. Department of Education and Skills

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.

Elaine Power
Planning Inspector

11th August 2021