



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-310654-21

Strategic Housing Development	328 no. residential dwellings (209 no. houses, 119 no. apartments), creche and associated site works.
Location	In the townland of Regles, Minister's Road, Lusk, Co. Dublin.
Planning Authority	Fingal County Council.
Prospective Applicant	Dwyer Nolan Development Ltd.
Date of Consultation Meeting	29 th of September 2021.
Date of Site Inspection	05 th of September 2021.
Inspector	Karen Hamilton

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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

- 2.1. The site is located on the north west boundary of Lusk, a small town north east of Swords. The site is located within Fingal County Council area. The site is accessed from Minister's Road, a local road which connects the R132 (former N1) to the centre of Lusk.
- 2.2. The site is bounded by Minister's Road to the south, by agricultural lands to the north, to the east by the Round Towers GAA Club and to the west by agricultural lands that include a dwelling and a golf driving range. The site comprises of agricultural field and is surrounded by mature trees and hedgerows.
- 2.3. There is an underground gas main and an associated wayleave running north – south through the eastern section of the site. The site is on the western outskirts of Lusk Village and is within the 50 k/h speed zone. The Dun Emer housing estate is located to the south of Minister's Road and addresses the site. Lands to the immediate east are zoned Open Space reflecting the established sports facility at this location, while the lands to the west, including a portion of the application site, are zoned for General Employment uses.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises of the 328 no. dwellings and a 2 storey creche, upgrade of Ministers Road (footpath and cycle path) and associated site works,

3.2. Overall Key Parameters

Site Area	8.4ha
Units	328 no units 209 houses, 40 no. duplex units and 79 no. apartments
Creche	484.6m ²
Car parking	622 no parking spaces
Public Open space	8,667m ² (10%)
Part V	11 houses and 21 apartments
Density	39 units per ha

3.3. Dwelling Mix

Unit	No.
Apartments	79 no. Blocks C (3 storeys) & E (5 storeys)
Duplex	40 no. Blocks A1 - 16 no. Block A2 - 8 no. Block B1 - 8 no. Block B2 – 8 no.
Houses	209 no. 13 no. detached, 54 no. semi-detached, 142 no. terrace

4.0 Planning History

4.1. ABP 305713-19

Permission refused for 359 no. dwellings and a crèche for the following reason:

Having regard to the core principles of the National Planning Framework, which seeks to deliver future environmentally and socially sustainable housing of a high standard for future residents and to achieve placemaking through integrated planning and consistently excellent design, to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), to the Design Manual for Urban Roads and Streets (2013), and notwithstanding the appropriate density and housing mix achieved, it is considered that the proposed development, by reason of its road layout, dominance of surface carparking and lack of high quality usable public open spaces, does not represent a satisfactory urban design response for the site and would lead to conditions injurious to the residential amenities of future occupants. The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

4.2. ABP 301001-18 (F17A/0327)

Permission refused for 228 no. dwellings dwelling units, a crèche and all associated site works on a site area of approximately 8.26 ha for two reasons as summarised below:

1. The proposed density of 27.6 units per ha would not provide for an acceptable efficiency of development on zoned land and would therefore not be in compliance with the national guidance for sustainable residential development.
2. The development does not make provision for a proposed cycle route along Minster Road set out in the strategy for the Greater Dublin Area Cycle Network Plan, 2013, and to the terms of the Greater Dublin Area Transport Strategy 2016-2035, as follows:
 - detailed in 'Part 4C - Sheet N10' of the Cycle Network Plan and includes a proposed feeder cycle route 'Route L1: Lusk to Rush'.

5.0 Relevant Planning Policy

5.1. S.28 guidelines:

- Sustainable Residential Development in Urban Areas (2006)
- Urban Design Manual – A Best Practice Guide (May 2009)
- Design Manual for Urban Roads and Streets (2013)
- Design Standards for New Apartments (2020)
- Childcare Facilities, Guidelines for Planning Authorities (2001)
- Flood Risk Management, Guidelines for Planning Authorities (2009)

5.2. Fingal Development Plan 2017-2023

The Lusk Local Area Plan 2009, contained local objectives relating to the subject site and its immediate environs. However, this plan has expired and is superseded by the more up to date policy context contained in the Fingal Development Plan 2017-2023

The site is zoned RA ‘Residential Area’ with an objective to ‘*provide for new residential communities subject to the provision of the necessary social and physical infrastructure*’.

The zoning vision is to ‘*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*’.

- Residential development is permitted in principle.

Variation No 2 (adopted June 2020)

- Core Strategy: Lusk is a self-sustaining town and having regard to the level of development undertaken in the town, it is considered that a 5% growth projection is appropriate.
- Table 2.4: Total residential capacity in Lusk 38 (ha) / 1,020 remaining residential units

Masterplan

Sheet No.6 Lusk / Rush: The site is within the development boundary of Lusk and is within Masterplan area “MP 6.B”.

Policy PM14: Prepare Masterplans for areas designated on Development Plan maps in co-operation with relevant stakeholders, and actively secure the implementation of these plans and the achievement of the specific objectives indicated.

Objective LUSK 11: Prepare and/or implement the following masterplans during the lifetimes of this plan

- Minister’s Road Masterplan (see Map Sheet 6A: MP 6.B)

Minister’s Road Masterplan

- Provide for a new Community Facility with a minimum of 300 sq. m.
- Provide for phased residential development ensuring that playing pitches and the Community Facility are provided in tandem.
- Ensure that no development takes place until such time as a Management Plan for the Outer Rogerstown Estuary is adopted by the Council. The Management Plan shall incorporate a timescale for the implementation of management measures.

Objective SS20: Manage the development and growth of Lusk, Rush and Skerries in a planned manner linked to the capacity of local infrastructure to support new development.

Chap 3

Chapter 3 sets out Design Criteria for Residential Development including mix of dwellings, density and open space provision.

The Development Strategy for Lusk, contained in Chapter 4 ‘Urban Fingal’ seeks to conserve and enhance the unique character of the town core, consolidate the planned growth of the town and to ensure that the level of retail and local services grows to serve the expanding town population. The following objectives are also considered relevant:

- Objective LUSK 4 is to retain the traditional hedgerow boundary treatment characteristic of the town. The objectives states that the protection and enhancement of existing boundary hedgerows and trees shall be required save where limited removal is necessary for the provision of access and promote the planting of hedgerows and trees using native species within new developments.
- Objective LUSK 7 is to ensure that existing and future development is consolidated within well-defined town boundaries to maintain the distinct physical separation of Lusk and Rush.
- Objective LUSK 11 is to prepare and/or implement Masterplans during the lifetime of this Plan for the identified Masterplan areas including the Minister's Road Masterplan (Map Sheet 6A: MP 6.B refers). The objectives states that the main elements to be included in the Ministers Road Masterplan should include the provision of a new community facility with a minimum of 300 square metres, provision for phased residential development ensuring that playing pitches and the community facility are provided in tandem and ensure that no development takes place until such time as a Management Plan for the Outer Rogerstown Estuary is adopted by the Council.
- Objective MT13: Promote walking and cycling as efficient, healthy, and environmentally-friendly modes of transport by securing the development of a network of direct, comfortable, convenient and safe cycle routes and footpaths, particularly in urban areas.
- Objective MT14: The Council will work in cooperation with the NTA and adjoining Local Authorities to implement the *Greater Dublin Area Cycle Network Plan* subject to detailed engineering design and the mitigation measures presented in the SEA and Natura Impact Statement accompanying the NTA Plan.
- Objective MT41: Seek to implement the Road Improvement Schemes indicated in Table 7.1 within the Plan period, subject to assessment against the criteria set out in Section 5.8.3 of the NTA Transport Strategy for the GDA, where appropriate and where resources permit. Reserve the corridors of the proposed road improvements free of development. Ministers Road upgrade is listed as a proposed road scheme in Table 7.1.

- Section 12.3 of the Development Plan sets out design criteria for urban development and includes quantitative standards relating to dwelling size, separation standards, public and private open space provision, car parking, etc. Reference is made to guidelines published by the Department of Environment, Community and Local Government in respect of quality housing and sustainable residential development and to the Design Manual for Urban Roads and Streets, which was published jointly with the Department of Transport Tourism and Sport. Policy objectives PM31 to PM33 promote good urban design practices in accordance with these guidelines.
- With respect to residential densities, the Development Plan states that regard should be had to the government's guidelines (*Sustainable Residential Development in Urban Areas, Urban Design Manual*) (Objective PM41).

Public Open Space

- Table 12.5: Quantum and quality for public open space areas
- **Objective PM52 & Objective DMS57:** Require a minimum public open space provision of 2.5 hectares per 1,000 population.
- **Objective DMS57A:** Require a minimum 10% of a proposed development site area be designated for use as public open space.
- **Objective DMS57B:** Require a minimum 10% of a proposed development site area be designated for use as public open space

6.0 Section 247 Consultation(s) with Planning Authority

6.1. The PA report includes the minutes from a S247 meeting held on the 16th of February 2021.

- How the development can address the open space land to the east.
- Concern in relation to 2 large attenuation areas on open space.
- Demonstrate the interface between the water services and parks requirements.
- Size of pocket parks to be included, remove car parking from open space.
- Consider provision of a larger area of open space with less smaller areas.
- Tree survey required.

- Townland boundaries should be addressed.
- New layout provides for minimum cul de sacs and DMURS compliant.
- Open space is located on GE zoned lands which is not acceptable.
- Cycle path to be provided on Ministers Road.
- Area 5 of the POS is incidental and not appropriate.
- Submit a landscape and visual impact.

7.0 Prospective Applicant's Case

7.1. Statement of Consistency

The applicant's Statement of Consistency includes reference to national, regional and local documentation and concludes that the overall proposal is in compliance with planning policy.

7.2. Statement of Material Contravention

Objective PM52, DMS57, DMS57A and DMS57B requires the delivery of additional public open space (over 10%), based on the population generated from the proposed development and allows the payment of a financial contribution in Lieu of any shortfall. Table 12.5 of the development plan requires specific quantum and quality for public open space delivery.

The applicant submits that 8,667m² of public open space (10%) of the overall site area will be provided. There will be a shortfall in public open space which is considered acceptable having regard to five areas of open space proposed:

- Area 1 - 2,176m²
- Area 2 - 2,271m²
- Area 3 - 3,077m²
- Area 4 - 708m²
- Area 5 - 435m².

The applicant states they can provide 10% and is providing densities in line with national guidance.

8.0 Planning Authority Submission

8.1. 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 their opinion in relation to the proposal on the 27th of July 2021.

8.2. The PA opinion notes the S. 247 meetings in relation to the proposed SHD development, the planning history on the site and surrounding area, and the policy background.

8.3. Planning Assessment

Strategic Context

- The overall development is supported.
- The vast majority is residential zoned although a small proportion (0.2ha) to accommodate an access road is zoned GE - “provide opportunities for general enterprise and employment”. Residential is not permitted in this zone.
- A material contravention of the development plan in regard to open space, ABP is requested to consider how this material contravention would accord with national policy.

Core Strategy

- Variation No 2 aligns the development plan with the RSES.
- The level of development undertaken in the town is appropriate and 5% growth projection is reasonable.
- There remains 38ha and 1,020 units for Lusk and the proposal complies with the core strategy.

Lusk Area Plan 2009

- The plan has expired and replaced by the Fingal County Development Plan.

Density

- The density of 39 units per ha is considered acceptable.

Integration & Quality of Design

- The quality of design should be in accordance with the policies of the development plan and NPO4 of the NPF.
- Overall, the PA consider the proposal meets with the requirements of the development plan.

Carrying Capacity of the receiving built environment

- Cycle paths are provided as indicated on route “L1” in the Greater Dublin Area Cycle Network Plan.
- Improvements in the transport network are required as outlined in Section 6.5.7 of this report.
- The area is served by Dublin Bus.
- The applicant’s PCE with IW indicates the site infrastructure is available.

Carrying Capacity of Social infrastructure

- The creche facility is provided and appropriate to serve the development.
- An assessment of school provision and the demand for primary school places should be submitted.
- An audit of the current capacity levels of childcare and schools should be submitted.

Environmental Carrying Capacity of EIA/AA

- The Board should satisfy itself in relation to the need for EIA.
- The ecology report from Environguide states that an EclA will be submitted in addition to surveys, and these will inform the screening assessment.

Detailed issues

- No significant concerns in relation to the design and layout.
- The unit mix is considered acceptable.
- The applicant should ensure the Housing Quality Assessment and universal design statement is submitted with any prospective Strategic Housing application.

- The design of the house types does not lend to being easily converted (Criteria 9 of the Urban Design Manual, A Best Practice Guide).
- It is considered that 4 no 2 bed apartments on the ground and first floor of Apartment Block E have limited dual aspect and just off due-north.
- The information submitted is inadequately detailed, some of the A3 drawings submitted are incorrectly scaled.
- The plans/drawings are inadequately detailed and the private amenity areas could not be checked.
- The separation distance of the first-floor windows in the apartments could not be achieved. The Board should satisfy themselves the alternative provision of design has been achieved to ensure privacy.
- The Board is requested to ensure there will be no overlooking on prospective future residents and impact from floodlights from the Round Towers GAA on the proposed housing should be analysed.
- Part V: The applicant proposed 10% for Part V (33 units) only 32 have been identified. There is concern in relation to the layout of the proposed Part V units.

Open Space and Landscaping

- The applicant shall be required to clearly show what area in square metres of proposed public open space is being used for SuDS and the basic maintenance of these areas.
- Play areas should be a minimum of 25m from residential units. The size of the open space and location of SuDS appears to be impacting on these spaces.

Play Space

- Play provision equating 1,312m².
- A drawing showing the areas in accordance with the development plan should be included.
- The different areas of open space should be clearly indicated.
- The minimum size of public open space is an area of 500m².

- Cross sections of open space areas and SuDS areas should be included.

Hedgerows

- Additional information on the existing hedgerows (tree survey report & arboricultural impact assessment) should be included, all hedgerows for retention, how those will be retained near boundaries etc.
- According to Parks & Landscape the only hedgerow which can be viably retained are those which directly adjoin the public open spaces.
- A more detailed landscape plan is required.

Water Services

- The SSFRA concludes no flood risk.
- A 225mm ND gravity sewer throughout the site is proposed. This will connect to the existing IW network at the south east of the site (corner of Minister's Road and Dun Emer Avenue) and discharge to Chapel Farm.
- The foul sewer connection is acceptable subject to IW agreement and connection.
- The water connection also connects into the existing network and is acceptable subject to IW agreement.
- Ground attenuation will treat 62% of the surface water although this is acceptable the applicant is required to submit details on;
 - Rainwater butts,
 - Site investigation testing to maximise infiltration potential,
 - Details on the use of Stormtech Units/ detention basins/SuDS details.

Access and Transport

- The Traffic and Transport Assessment (TTA) is considered outdated and requires further discussions with the Transport Section.
- Further details of the internal road network are required.
- There is no attempt for undercroft/basement parking to reduce the surface parking.

- Basement parking is proposed for the apartments but not included on the drawings.
- Ground floor garage or undercroft parking should be made available for the duplex units.
- Bicycle parking should be approximate to the apartments and delivered in accordance with the latest guidance. It is not clear how the parking will be provided.
- There is a potential for vehicle -pedestrian conflict around the creche.

Archaeology

- An Archaeological Assessment is submitted which recommends mitigation measures including archaeological monitoring of all groundworks. This is acceptable by the PA.

Conservation

- The site is not within an ACA, the retention of the character of Lusk is an objective of the development plan. The issue regarding the loss of the hedgerow should be addressed.

Taking in charge

- A drawing which indicates the area to be taken in charge should be submitted, along with details of the council's standards.

8.4. **Interdepartmental Reports**

Conservation Officer: Request for additional information.

Archaeological Report: No objection subject to condition.

Community, Culture & Sports: No objection subject to conditions.

Transport Planning: No objection subject to the submission of additional information.

Water Services: No objection to the proposal

Parks & Green Infrastructure: Request for additional information.

9.0 Irish Water

9.1. The submission from Irish Water noted a preconnection enquiry in 2019. At that time confirmation of feasibility identified upgrades required to increase the capacity of Chapel Farm Pumping Station and wastewater network downstream of the Station. The applicant is now advised to re-engage with IW to agree a high-level solution for any works and/or upgrades identified to service.

10.0 The Consultation Meeting

10.1. A section 5 Consultation meeting took place via Microsoft Teams on the 29th of September 2021 with representatives of the prospective applicant, the Planning Authority and An Bord Pleanála in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

10.2. 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. Previous reason for refusal: ABP 305713-19, *inter alia*, surface car parking and useable public open space.
2. Material Contravention of the development plan, *inter alia*, public open space.
3. Encroachment onto GE zoned lands (employment and enterprise).
4. Design and layout of apartments.
5. Traffic and Transport, *inter alia*, car parking, internal layout and TTA.
6. Wastewater and surface water, *inter alia*, Irish Water and Planning Authority.
7. Ecology, *inter alia*, hedgerow protection and habitats surveys.
8. Any Other Matters.

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

10.4. In relation to the **Previous Reason for refusal: ABP 305713-19**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The reasons for refusal for a previous application, *inter alia*, the level of surface car parking and the quantum and quality of public open space provision.

- The changes to the proposed development since the previous application, *inter alia*, the new open space layout and the inclusion of undercroft/ basement parking in apartment Block E.
- The design and layout of the open space, the clear designation of communal and public open space and the functionality of the open space areas.
- Discrepancies in the plans and particulars and the need to ensure a consistent approach within the documentation.
- The design of the public open space and the location of the SuDS.

10.5. In relation to the **Material Contravention**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The requirement for compliance with Table 12.5 of the county development plan and the associated objectives which require a minimum of 10% public open space and additional based on the population proposed in the overall scheme.
- The quantum of public open space necessary to comply with the development plan standards.
- The need for a material contravention statement where the minimum of 10% public open space cannot be complied.
- The inclusion of a Section 48 contribution on any grant of permission where the PA consider the public open space provided is sufficient and a financial contribution can address the shortfall.

10.6. In relation to the **Encroachment onto GE Zoned lands**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The location of a proposed access into the site across lands zoned as GE, General Employment, and to potential to provide access into the employment lands.
- The requirement for a second access into the site to serve the proposed development.

10.7. In relation to the **Design and Layout of the apartments**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The separation distances between proposed apartments in Block E.
- The urban design treatment of the ground floor of Block E and the impact on the adjoining dwellings.
- The design and layout of the duplex apartments and the treatment of the exterior access.

10.8. In relation to the **Traffic & Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The inclusion of two access routes into the proposed development.
- The submission from the Transport Section of the local authority in relation to the internal road network, pedestrian and cycle access and car parking.

10.9. In relation to the **Wastewater and Surface Water**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The IW submission and the need to ensure the Chapel Farm Wastewater pumping station has capacity to treat any wastewater.
- The design of the attenuation tanks and the implication for the public open space design and location for hard landscaping.

10.10. In relation to the **Ecology**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The hedgerow removal along the north of the site, the retention of hedgerows along townland boundaries, the proposed maintenance of those hedgerow to be retained and the inclusion of compensatory measures.

10.11. In relation to the **Any Other Matters**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The standard of documentation necessary to accompany an application and the need for a consistent approach to the presentation of plans and particulars.

11.0 Assessment

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 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.

Conclusion

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.

12.0 Recommended Opinion

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.

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 and/or justification of the documents as they relate to the delivery of public and communal open space throughout the proposed development. Further justification of the documentation should include plans and particulars clearly delineating the public open space and communal open space in conjunction with the proposed treatment of surface water and include, *inter alia*, a statement of compliance with Table 12.5 of the Fingal County Development Plan 2017-2023 and associated objectives (PM52, DMS57, DMS 57A & DMS 57B).

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. Clarification in the documents with regards to the proposed wastewater services. In particular, the consideration/clarification should address the contents of the submission from Irish Water (dated 31st of May 2021) concerning the need to upgrade the Chapel Farm wastewater pumping station to facilitate the connection of the development to wastewater infrastructure. Clarity is required at application stage as to what upgrade works are required, who is to deliver these works, when are the works to be delivered relative to the completion of the proposed housing development and whether such upgrade works are to be the subject of separate consent processes.
2. A site layout plan indicating what areas are being proposed to be taken in charge by the local authority. In that regard, all routes of connectivity (pedestrian, cycle and vehicular) to adjoining lands, where proposed, should be indicated going right up to the shared boundary with adjoining lands.

3. A detailed site layout plan clearly illustrating the proposed development and the land use zoning for the site from the statutory development plan.
4. Additional GCIs illustrating the overall scale and mass of Apartment Block E and the potential impact on those proposed properties along the east of the proposed apartments.
5. A response to the Traffic and Transport issues raised in the Fingal County Council submission in relation to, *inter alia*, parking layout, road markings, surface treatment, drop of spaces for the creche, updated TTA, design of basement parking and bicycle parking.
6. A report which specifically addresses the treatment of hedgerows along the north of the site, mitigation measures necessary to protect any hedgerows and the boundary treatment proposed adjoining any hedgerows to be retained.
7. 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.
8. 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.
9. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a

consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.

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. Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs
3. Heritage Council
4. An Taisce – the National Trust for Ireland
5. The relevant Childcare Committee
6. Transport Infrastructure Ireland
7. National Transport Authority

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.

Karen Hamilton
Senior Planning Inspector

13th of October 2021