



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-311441-21**

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<b>Strategic Housing Development</b>	677 no. residential units (266 no. houses, 411 no. apartments), creche and associated site works.
<b>Location</b>	Lands to the south of Rathbeale Road, Mooretown, Swords, Co. Dublin.
<b>Planning Authority</b>	Fingal County Council
<b>Prospective Applicant</b>	Gerard Gannon Properties.
<b>Date of Consultation Meeting</b>	19 <sup>th</sup> of October 2021.
<b>Date of Site Inspection</b>	07 <sup>th</sup> of October 2021.
<b>Inspector</b>	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 subject site is a greenfield site at Mooretown, located to the west of Swords, Co. Dublin. The site is accessed from a recently constructed road, radiating south of Rathbaele Road, which provides access to a school campus for Swords Community College and Broadmeadow Community National School. This access road forms part of the Western Distributor Link Road (WDLR).
- 2.2. The lands form part of a larger land holding by the applicant. Permission has been granted for Phase 1 & 2 on lands to the north (parent permissions: F15A/0183 & F16A/0505) for a total of c. 463 no. residential units.
- 2.3. A residential estate mainly comprising of two storey semi and detached dwellings (Abbeyvale) is located to the south of the site. There is currently an appeal application with the Board (ABP 310034-21) for a pedestrian and cycle access from the subject site into the existing residential estate.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of the construction of 677 no. residential units, an overall provision of 1,316m<sup>2</sup> non-residential and other associated works.
- 3.2. Alterations to the previously permitted Phase 2 (Reg Ref 16A/0505) to accommodate this application is proposed.

### 3.3. Development Parameters.

Parameters	Site
Area	c. 15.03ha
Density	45 uph
Units	677 no units 266 no. dwellings 247 no. apartments
Non residential	Total c.1,316m <sup>2</sup> Childcare: c.519m <sup>2</sup> Café & retail units: c.797m <sup>2</sup>
Car parking	1,0006 spaces (84 visitor spaces)
Bicycle spaces	965 no. spaces (106 no. visitor spaces, including 6 no. serving the creche & 1 no. serving the retail).

### 3.4. Dwelling mix: Unit Type

Houses	266	39.25%
Duplex	164	24.25%
Apartments	247	36.5%
Total	677	100%

### 3.5. Dwelling Mix: Bedrooms

1 bed	65	9.5%
2 bed	250	37%
3 bed	356	52.5%

4 bed	6	1%
Total	677	100%

## 4.0 Relevant Planning History

### Roads

#### 4.1. **F20A/0095 (ABP 310034-21)**

Permission granted by Fingal County Council for a c.15m long pedestrian and cycle path with ancillary works to provide a new east-west connection from Abbeyvale Court to the proposed Moorestown Distributor Road extension and a new school campus.

The Moorestown Distributor Road is part of the Swords Western Distributor Road, which connects to the Rathbeale Road to the Moorestown Local Area Plan Lands.

#### 4.2. **Reg Ref F20A/0096**

Permission granted for a road extending the WDLR from the north, south along the west of the application site. The road is within the ownership of the applicant and access into the site from the road is proposed.

### Phase 1 & Phase 2

Permission is granted for Phase 1 & 2 of the overall residential lands within the control of the applicant. The following applications are the parent permissions and subsequent changes have been granted.

#### 4.3. **Reg Ref 15A/0183**

Permission granted for Phase1 Moorestown for 248 dwellings & creche.

#### 4.4. **Reg Ref 16A/0505**

Permission granted for Phase 2 for 215 dwellings & creche.

## 5.0 Relevant Planning Policy

### 5.1. Fingal County Development Plan 2017-2023

5.2. The site is zoned as “RA” residential, where it is an objective *“To provide for new residential communities subject to the provision of the necessary social and physical infrastructures”*.

Vision: Ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.

- Residential, certain retail, crèche etc are permitted in principle.
- Some café/ restaurants are only permissible in local centres.

5.3. A small portion of lands north are zoned “OS” Open Space, where it is an objective to *“Protect and provide for a Greenbelt”*.

### 5.4. Oldtown-Mooretown Local Area Plan 2010

- Expired July 2020

Map based objectives for the subject site include:

- Integration of a local centre/ higher density
- Indicative access points into the site from the WDLR and the new inner roads
- Location of indicative building blocks along the new road infrastructure
- Sensitive treatment of boundary at existing development boundaries
- Archaeological Site integrated with open space area

## 6.0 Section 247 Consultation(s) with Planning Authority

6.1. The applicant has submitted a copy of minutes from the S247 on the 17<sup>th</sup> of May 2021 as summarised below:

Design & Landscaping

- Further details for the character areas.
- Building typology to be provided.
- Success of the East Square and West Square will be crucial to the application (serving the east/west units).
- The pedestrian access is very positive.
- Indicate where Class 1 & Class 2 is.
- The useability of the play areas is important.
- More information on the central shared space.
- Retain as many hedgerows as possible.

### Roads

- Roads hierarchy and one way streets rationale.
- Positive in the use of street trees.
- The LAP has a north south link route which is considered an active future route travel route.
- More details for the gated areas/ podium parking etc.
- Junction upgrades to require further discussions.
- Scope of the TIA to be further discussed.
- Oldtown/ Mooretown LAP- Infrastructure to be discussed.
- Concerns in relation to parking backing onto shared spaces.

### Other

- EIAR will be prepared.
- Does the application spill onto the school site?
- Consideration on the linear space along the distributor road.
- Attractive boulevard. Look at street to the left. Could benefit from a strong North/ South direction.

## 7.0 Prospective applicant's Case

- 7.1. The applicant's **Statement of Consistency** notes the national, regional and local planning polices relevant to the development of the site.
- 7.2. The **Environmental Statement** states that based on the site size and number of units proposed a mandatory EIA is required.

## 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 a note of the S.247 meeting, the planning authority opinion, along with interdepartmental reports and the relevant planning applications in the area. These were received by An Bord Pleanála on the 15<sup>th</sup> of October 2021.

### 8.2. Density

- Although the stated density is 45 uph it is made up of relatively lower density housing with pockets of higher density.

### 8.3. Height

- There are site differences of 22m rising from north to south and the height should provide an advantage for views.
- The height of the units is noted. Long sections with proposed ground/ finished floor or ridge/parapet levels have not been provided.
- Cut and fill is referenced in the landscape report although full details are not included.
- The heights proposed are generally acceptable.
- There is an opportunity to provide landmarks at certain locations throughout the design and layout.
- Bin stores should have an external flat roofed height of 2.6m and timber clad bicycle stores would have an external height of 3.1m.

### 8.4. Architectural & Urban Design



- The Western Distributor Link Road (WDLR) will provide the main north-south transport infrastructure with other hierarchical streets east to west.
- A high quality strong urban edge is required along the WDLR.
- The main street has been split up into three distinct fields which presents an opportunity to present character areas for a stronger sense of place and community. The use of materials/ external finishes can assist.
- Linear landscaping along historical divisions would provide a visual break and strengthen the separation of distinct neighbourhoods.
- The existing north-south hedgerows should be retained.
- The height variation and design of the apartment blocks A & B and C & D are appropriate. More detail on the rainwater goods and maintenance should be provided.
- It is recommended that the external staircases on the duplex blocks are removed.
- There should be a range and mix of uses in the mixed use and there should be a careful consideration of retail on site to ensure future vitality and viability.
- The layout of roads is generally considered acceptable although the retention of hedgerows and the creation of character areas should be discussed.
- There should be greater emphasis on the dual aspect design of duplex units.
- Further details on the home office use.
- Some of the back courtyard areas and rear gardens back onto communal open space, the type and height of the rear garden boundary treatments should be considered in more detail.
- "Gossip Walls" should be omitted in the interest of visual and residential amenity.
- There is an appropriate mix and palette of external materials.
- The design of the main street should be stronger. There is a repetitive positioning of duplex units along the southern section. The density should be increased. There should be apartments with retail on both sides of the street.

- Urban Block 3 appears haphazard, narrow strips behind Blocks C & D prone to anti-social behaviour. A redesign should ensure no back gardens open onto open space.
- Urban Block 17. The use of 3 storey apartments Block G is not appropriate and there should be an increase of density towards the main street and the strengthening of the western urban edge. The building form along the west should allow for limited parking.

#### 8.5. Visual and Residential Amenity

- There is left over space within those revisions proposed under F16A/0505.
- The high percentage of own door units is welcome.
- The size of the units (and inclusion of home office rooms) should be clarified.
- The corner “bookend” units should be revised to provide a more attractive dual aspect design.
- The stepped down approach to the house type A & G should be omitted to reduce visual clutter.
- External finishes to the front of elevation house type G should use a vertical strip, for example, to demarcate each dwelling, rather than a long row of terraced render.
- Simplex units should be named apartments, in the interest of clarity.
- The proposed development (677 units) could accommodate 1,740 people.
- Houses should be designed to meet the Fingal Development Plan floor area, storage & private amenity space standards.
- A final analysis of the design solution will be necessary before assessment of the density provision.

#### 8.6. Social Infrastructure

- The local centre should be designed as an urban street pattern, fully permeable with the surrounding area.
- There should be a range and mix of uses with daytime and night-time uses.

- A Community & Social Infrastructure Audit should also include justification for the retail use and include those permitted along the local centres at Applewood and Rathbeale Road.

#### 8.7. Archaeology

- A ringfort to the south east (DUO11-147) to be preserved in situ in the open space should be fenced off so that no machinery movements or storage takes place.

#### 8.8. Open Space Provision, Hedgerows, Street Trees & Landscaping.

- As recommended in the S247 meetings the existing mature hedgerows on the site should be retained.
- The communal open space and public open space is calculated.
- The delivery of planting in the public domain is of utmost importance and any issues with this delivery should be addressed with the PA (e.g., Oldtown problems with service constraints).
- The Arboricultural Assessment Report summarises 13 trees and 520 linear metres of hedging to be removed. This is excessive.
- Parks & Green Infrastructure Division would like the proposal to address Objective DM373 of the plan.
- Clarity on the playground facilities should be included. A playground facility of 4m<sup>2</sup> per residential unit should be provided.

#### 8.9. Vehicular Access, Car/Bicycle Parking, Movement & Transport

- Vehicular access to the site would be provided from the Western Distributor Link Road and the recently constructed main street.
- The Transport Section require further consideration in relation to the set down spaces for creche, disabled spaces, road 1.1.1, bicycle parking. School street or safe schools, car parking allocation and EV charging points, further detail in the TTA.

#### 8.10. Services & Drainage

##### Foul Water

- A pre connection enquiry confirmed that connection to the IW network was feasible.
- An infrastructure upgrade includes the provision of a “*downstream solution to increase the capacity of the downstream network*”. Attention is drawn to the current application F21A/0476 in this regard.

#### Surface Water

- The proposal will connect to other networks under other phases.
- Attenuation is provided in the regional basin facility located in Watermill Park. The detention basin is constructed as part of the Mooretown Road.

#### Water Supply

- The required infrastructure upgrade involves a c.50m network extension to allow for a secondary connection to the Water Services Section.

### 8.11. Interdepartmental Reports

Parks & Green Infrastructure: Additional information on the provision of Class 1 & Class 2 open space and the compliance with population provision and the delivery of appropriate play provision.

Transport Section: Additional Information required relating to access under the podium, site layout for car parking, number of parking spaces for the creche, disabled parking and the overall allocation of parking spaces. There are still concerns the overall layout of the roads is too focused on the car movements, junction layouts, cycle routes and footpaths. Other further measures to the internal network such as changes etc. Potential mitigation measures are needed to ensure both the R125 & Glen Ellen Road are not significantly congested in future years.

The applicant should set out how they comply with the Oldtown Mooretown LAP and associated infrastructure requirements.

Architects Department: Additional information required on the following, as integrated into the PA submission above:

- Main Street/ Local Centre/ Higher Density Area
- Back gardens/ Open Space Interface

- Mooretown Western Distributor Link Road
- Site topography
- Apart Block B/ Urban Block 1& 2, Urban Block 3/ Urban Block 4/ Bike storage units in Urban Blocks 4, 5, 6,7 & 11

Water Services Department: The information in the IW pre-connection submission is noted.

- Surface Water: Additional SuDS Measures are required.

## 9.0 **Irish Water (IW)**

9.1. A submission was received from Irish Water to state that a confirmation of feasibility has been issued to the applicant for 677 no. residential units (266 no. houses & 411 no. apartments subject to upgrade works to the IW network as summarised below:

### 9.2. Wastewater

- A downstream solution is necessary to increase the capacity of the network
- A proposed storage tank must be adequately sized.
- The upgrade works are not currently on the IW investment plan; therefore, the applicant must fund and gain all 3<sup>rd</sup> party consents.

### 9.3. Water

- The primary connection at the newly constructed 300mm main in Mooretown Road will include a full District Metered Area (DMA) outstation with telemetry.
- The water main must be operational prior to connection to service this development.
- Approximately 50m network extension will be required for a secondary connection.
- This connection should be made at existing 150mm main in Abbeyvale Estate with installation of a control valve.
- The applicant shall fund these works and ensure 3<sup>rd</sup> party consents are in place

## 10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 18<sup>th</sup> of October 2021, commencing at 14.30 pm, via Microsoft Teams.

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 as detailed below:

1. Development Strategy, *inter alia*, communal & public open space, urban design response to the WDLR, typology.
2. Traffic & Transport, *inter alia*, permitted road F20A/0096, DMURS compliance, car parking strategy.
3. Residential Amenity.
4. Any Other Matters.

10.2. In relation to the **Development Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The urban design response of the proposed development along the west of the site fronting onto the Western Distributor Link Road and the functionality of the public open space adjacent to the proposed distributor road.
- The public open space provision, the quality and quantum and the peripheral location along the east and south east.
- The hedgerow protection and location within the designated public open space areas.
- The location and layout of the communal open space areas, the location of bins and bike storage, the long-term functioning of these spaces and the impact on residential amenity.
- The design and layout of the proposed development, the integration of character areas, use of materiality and general compliance with the 12 criteria in the Urban Design Manual.
- The location of apartments and duplex units along the main street and the appropriate treatment along the street front.

- The inclusion of external staircases for a select number of duplex units.

10.3. In relation to the **Traffic and Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The proposed phasing and delivery of the WDLR.
- The overall layout and design of the proposed development and the need for compliance with the street hierarchy and DMURs.
- The change in modal shift to sustainable forms of transport and the need to prioritise pedestrian and cycle activities in the site and adjoining sites.

10.4. In relation to the **Residential Amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The inclusion of available community and social activities in the community and social audit.
- The current vacancy levels in surrounding neighbourhood centres and the proposed uses within the village centre.
- The promotion of active frontage along the Village Centre.
- The sunlight/daylight predictions and the potential for shadow cast on communal open space areas and adjoining dwellings.
- The topography of the site, the design and layout of the proposed development to take adjacent of any views and the inclusion of photomontages from key views.

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

- The Irish Water submission and the need to provide upgrades to the storage tank for additional wastewater.
- The existing application for storage tank upgrades (currently with Fingal County Council for decision), the potential for a third-party appeal and those timescales involved.
- Further SuDS measures listed in the PA submission and the potential for offline discussions.

- The inclusion of minor amendments to the currently permitted phase 2 development to allow the proposed development to integrate appropriately.

## 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. Development Strategy

Further consideration and/or justification of the documents as they relate to the urban design response of the proposed development along the proposed Western Distributor Link Road (WDLR). The documentation should demonstrate how the design, scale and massing of the proposed development takes into consideration the indicative building blocks/line illustrated in the Oldtown Mooretown LAP and complies with the 12 Criteria of the Urban Design Manual – A best practice guide (in particular Criteria No. 1). The further consideration and/or justification may require an amendment of the documentation to ensure the proposed development can ensure a high-quality design response to the permitted WDLR.

#### 2. Irish Water

Further consideration and/or justification of the documents as they relate to the proposed treatment of the wastewater. In particular, the consideration/clarification should address the contents of the submission from Irish Water (dated 18<sup>th</sup> of October 2021) concerning the need to deliver a storage tank to facilitate an increase in the capacity of the 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.

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. A quantitative and qualitative assessment which provides a breakdown of the public and communal open space areas. This assessment should include a detailed landscape plan including the provision of communal amenity spaces and play facilities in line with the Sustainable Urban Housing: Design Standards for New Apartments (2020) and the requirements of Fingal County Council Parks Department.
2. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the WDLR, public open spaces, surface water management proposals and Part V provision.
3. A Traffic and Transport Assessment including, *inter alia*, a rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes and a mobility management plan.
4. 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.
5. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary treatment/s and Village Centre. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
6. Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings showing the proposed development in the context of the

existing residential properties surrounding the site and the proposed development at key landmark views.

7. An updated Community & Social Audit indicating the likely additional demand for community facilities and the available capacity to accommodate this demand.

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

1. Irish Water
2. Transport Infrastructure Ireland.
3. National Transport Authority
4. Minister for Culture, Heritage and the Gaeltacht (built heritage)
5. Heritage Council (built heritage)
6. An Taisce — the National Trust for Ireland (built heritage)
7. The relevant Childcare Committee
8. The 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.

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Karen Hamilton  
Senior Planning Inspector

27<sup>th</sup> of October 2021