



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-311861-21**

Strategic Housing Development	283 no. residential units (123 no. houses, 160 no. apartments), creche and associated site works.
Location	Within townland of Newcastle South, Newcastle, Co. Dublin
Planning Authority	South Dublin County Council
Prospective Applicant	Cairn Homes Properties Limited
Date of Consultation Meeting	11/02/2022
Date of Site Inspection	21/01/2022
Inspector	Conor McGrath

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1.0 Introduction

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

2.0 Site Location and Description

The site comprises a stated area of c. 7.83 ha of agricultural lands located southwest of Newcastle Village Centre. The site has frontage of approx. 45m to the Athgoe Road on its western boundary. Immediately south of the Athgoe road frontage is a recorded monument / ruin of a two-storey Tower House. The lands are generally level while the wider landscape rises gradually to the southwest. The site includes strong hedgerows which are identified as historic burgage plots laid out during the Anglo-Norman period (13th C). The southern part of the site is currently being used as a compound associated with the construction of an adjacent residential development to the east, Graydon, with a temporary access from the Athgoe Road. A development of 18 no. houses immediately north of the site, Finian's Way, has recently been completed.

3.0 Proposed Strategic Housing Development

This proposal represents the second phase of development on lands within the prospective applicant's ownership. The development is described as the construction of 283 no. dwellings and associated ancillary infrastructure as follows:

- 123 no. 2-storey houses (6 no. 2-bed, 104 no. 3-bed & 13 no. 4-bed).
- 124 no. apartments in 2 no. 5-storey buildings (38 no. 1-bed, 76 no. 2 bed & and 10 no. 3-bed apartments).
- 36 no. apartments/duplex apartments in 3 no. 3-storey buildings (18 no. 2-bed and 18 no. 3-bed).

- Creche of c. 300 sq. m at ground floor of apartment block B.
- Open space (c. 1.55 hectares), hard and soft landscaping (including public lighting & boundary treatment), communal open space for duplex apartments and apartments; along with single storey bicycle / bin stores and ESB substation;
- Vehicular access from the Athgoe Road to the west and from the permitted 'Graydon' development (TA06S.305343) 'Newcastle Boulevard' to the east, to complete an east-west link / Boulevard.
- 398 no. car parking spaces.
- All ancillary drainage, site development, construction and landscaping works.

Key development parameters as described include:

Site area	7.83ha gross 7.58ha net
Units proposed	283 no. – 123 no. houses (43.4%) – 36 no. duplex units (12.7%) – 124 no. apartments (43.8%)
Density	37.34 / ha net
Plot Ratio	0.35
Site Coverage	16.6%
Building height	2 – 5-storeys
Dual Aspect	45% (duplex / apartments) 29% apartments
Open space	1.55ha / 19.8ha
Creche	300-sq.m. (within apt block B)
Parking	398 no. spaces – Houses 217 no. spaces / 1.76 per unit – Apt / duplex 169 no. spaces / 1.05 per unit – Creche 7 no. spaces – 5 no. spaces at park / open spaces
Cycle parking	124 no. spaces

1-bed	2-bed	3-bed	4-bed
38 (13.4%)	100 (35.3%)	132 (46.6%)	13 (4.6%)

4.0 Relevant Planning History

Subject lands:

PA ref. SD05A0344 **ABP ref. PL06S.217096:** Permission granted for the demolition of 2 no. habitable dwellings, construction of 713 no. dwellings, a neighbourhood centre and creche on lands which included part of the subject site. The development provided for 0.5 ha for traveller accommodation on an overall site of 22.789 hectares.

This was subject to amending applications, including PA ref. SD10A/0362 and SD08A/0350. An extension of duration was granted under ref. SD05A/0344/EP until November 2017.

Lands to the east:

ABP-305343-19: Permission granted for a Strategic Housing Development on lands to the east (Graydon), comprising the demolition of five structures and construction of 371 no. dwelling units; childcare facility; commercial unit; reservation of a school site; new vehicular, cycle and pedestrian access from Main Street; continuation of *Newcastle Boulevard* as part of an east-west link street; new public park and associated site development works.

Condition no. 6(d) required that nine no. houses be omitted and, with other minor revisions, that they would be subject to a future planning application.

This development is under construction.

PA ref. SD20A/0178: Permission granted in November 2020 for an amendment to ref. ABP305343-19 comprising the realignment of Graydon Drive, provision of 9 no. 3 bedroom dwellings and minor revisions to layout.

PA ref. SD20A/0186: Permission granted in October 2020 for an amendment application comprising the option to include an ancillary single storey garden room structure in gardens of dwellings permitted under ref. ABP-305343-19.

PA ref. SD21A/0038: Permission refused in April 2021 for revisions to a 3-4 storey apartment and duplex apartment building permitted under planning ref. ABP-305343-19, comprising the omission of the permitted commercial unit at upper ground floor level and reconfiguration of the internal floor plans.

The decision to refuse permission referred to the loss of retail / commercial opportunities contrary to the objectives of the LAP relating to the local centre, and to urban design and inadequate design detail.

Lands to the northeast:

PA ref. SD17A/0378 ABP ref. PL06S.301421: Permission granted for the development of 46 dwelling units on lands immediately east of St. Finian's National School. This followed a previous refusal on the site.

PA ref. SD18A/0402 ABP ref. ABP-303663-19: Permission refused 5 residential units and access from School Road and roundabout within the development granted under Ref. SD17A/0378. The reason for refusal related to impact on the visual amenity and character of the area, quality of residential amenity spaces, deficiencies in drainage design and risk of flooding, and contrary to the identification of the site as open space under condition 2(e) of planning ref. SD17A/0378 / ABP-301421-18.

PA ref. SD10A/0104: Permission granted for construction of School Road, part of the north-south link street located between Main Street and the partially completed east-west link road, and ancillary works including provision for future access to adjoining lands to side and rear of the Gondola Public House.

PA ref. SD10A/0019 ABP ref. PL06S.237955: Permission refused for demolition of 3 no. commercial buildings and construction of a mixed-use development including 77 residential units, 1 convenience store, 10 retail units and crèche. The refusal related to piecemeal uncoordinated development contrary to the LAP, loss of hedgerow and trees and impact on bats.

Lands to the north:

PA ref. SD18A/0363 ABP ref. ABP-304908-19: Permission granted for 18 no. dwellings at St. Finian's Way to the north of the subject site, accessed from Main St.

5.0 Section 247 Consultation(s) with Planning Authority

Documentation refers to a S.247 meeting with the planning authority on 23/08/2021, where the main items for discussion included:

- Design and layout.
- Archaeological potential.
- Surface water drainage design and SUDS.
- Compliance with LAP objectives.
- Density.
- Street hierarchy, connectivity and active frontage.
- Materials.
- Public open space.
- Hedgerow retention and ecology.
- Phasing.

6.0 Planning Policy

6.1. National and Regional Planning Policy

6.1.1. Project Ireland 2040 - National Planning Framework

National Strategic Outcome 1 is identified as Compact Growth, recognising the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 3A seeks the delivery of at least 40% of all new housing in existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

Objective 11 favours development within existing cities, towns and villages, subject to appropriate planning standards and achieving targeted growth

Objective 13 provides that, in urban areas, planning and related standards will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

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

6.1.2. **Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019)**

The Strategy supports the implementation of Project Ireland 2040 and the National Planning Framework (NPF).

RPO 3.2 Promote compact urban growth, targets at least 50% of all new homes to be built, to be within or contiguous to the existing built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 3.3 notes that Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites and provide for increased densities as set out in the national policy.

Regional Policy Objective 4.3. supports the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport.

The site lies within the Dublin Metropolitan Area. Section 5.3 identifies guiding principles for development of the MASP area including:

Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply to achieve higher densities in urban built up areas, supported by improved services and public transport.

RPO 5.4. - Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable

Urban Housing: Design Standards for New Apartments' Guidelines and 'Urban Development and Building Heights Guidelines for Planning Authorities'.

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

The overarching aim of the Plan was to increase the delivery of housing across all tenures, to help individuals and families meet their housing needs. The Plan identified a target to double the number of dwellings delivered annually and to provide 47,000 social housing units in the period up to 2021. The plan identified five pillars for action including Pillar 3: Build More Homes, to increase the output of private housing to meet demand at affordable prices. The key action was to double housing output over the Plan period.

6.1.4. **Housing for All - A New Housing Plan for Ireland (Sept 2021)**

The stated aim is to provide access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life. The plan identifies the need for construction of an average of 33,000 homes per annum nationally until 2030 to meet the targets outlined in the National Planning Framework. Four overarching objectives are identified:

- Supporting Homeownership and Increasing Affordability.
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion.
- Increasing New Housing Supply; and
- Addressing Vacancy and Efficient Use of Existing Stock.

The Pathway to Increasing New Housing Supply includes a focus on the adequate supply of serviced zoned lands to meet housing need, at required densities.

6.2. **S.28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission of the planning authority and other authorities, I consider that the directly relevant section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual') (2009).
- Circular Letter: NRUP 02/2021 in respect of Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020).
- Urban Development and Building heights, Guidelines for Planning Authorities (2018).
- Design Manual for Urban Roads and Streets (DMURS).
- National Cycle Manual.
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated 'Technical Appendices').
- Childcare Facilities – Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.

6.3. Local Planning Policy

6.3.1. South Dublin County Development Plan 2016-2022

The lands are zoned 'Objective RES-N' which seeks 'to provide for new residential communities in accordance with approved area plans'

The Settlement Strategy - Variation no. 4 identifies Newcastle as a Town and Village with residential capacity for approx. 701 units.

Core Strategy (CS) Policy 4 Towns and Villages, supports the sustainable long-term growth of Towns and Villages based on local demand and the ability of local services to cater for growth.

CS4 Objective 1 is to support and facilitate development on zoned lands on a phased basis subject to approved Local Area Plans.

CS4 Objective 2 is to provide sufficient zoned land to accommodate services, facilities, retail and economic activity.

Chapter 1 notes that Rathcoole and Newcastle are not major growth nodes and will develop at an incremental pace based on the delivery of social, physical and transport infrastructure and services. The capacity of zoned lands is largely sufficient to meet long term demand.

Housing (H) Policy 2 Supply of Housing: to ensure that sufficient zoned land continues to be available at appropriate locations to satisfy housing requirements.

Table 6.5, Six-Year Road Programme, includes Newcastle Street Network - *Various streets within the Newcastle LAP lands. Formation of a strategic street network providing access throughout the LAP lands.*

A '6 Year Road Proposal' traverses the site east to west while providing a link northward to Main Street.

The village is identified as an Architectural Conservation Area, an Area of Archaeological Potential and the area is also designated as a Geological Site for Protection. A towerhouse at the Athgoe Road, adjoining the western end of the lands, is a recorded monument.

6.3.2. **Draft County Development Plan 2022 - 2028**

(Note: This plan will likely come into effect in August 2022.)

The Core Strategy identifies Newcastle as a Self-Sustaining Town, with population growth of 63% and +738 no. units for the period to 2028.

Policy CS9 supports the sustainable long-term growth of Newcastle by focusing growth within the current settlement boundary and based on the ability of local services to cater for sustainable growth levels.

CS9 Objective 1 seeks to ensure that development proposals provide infrastructure including community buildings, sports pitches and service provision in line with population growth as set out in the Newcastle LAP.

CS9 Objective 3 is to proactively support and promote the highest appropriate levels of services, social infrastructure, facilities, retail, open space amenity and economic activity to meet the needs of current and future growth in line with the scale and function of Newcastle within the settlement hierarchy.

6.3.3. Newcastle Local Area Plan 2012

(Note: The LAP came into operation in 2012. It was extended in 2017 and will now expire in December 2022.)

The plan envisaged c. 855 additional dwelling units and an estimated additional population of 2,419 people.

Green Infrastructure objectives (GI7, GI8, GI9, GI10 & GI11) seek the protection of the historic burgage plot boundary and townland delineations, including associated hedgerows and ditches and their incorporation and enhancement as part of development proposals. This includes their use as SUDS elements; landscape features; biodiversity-protecting elements. Any removal / interventions for access should be minimised.

Section 5.3.6 identifies objectives for the protection of built heritage and section 5.3.7 refers to the protection of natural heritage.

Section 5.4.2 notes that the east-west access street to the south of, and parallel to, Main Street will be upgraded, and traffic calmed by (inter alia) incorporating deflections around parks and spaces.

Objective AM12 seeks the integration of developments and more permeable layouts, encouraging passive and active surveillance of streets and spaces.

Objective AM13 seeks greater permeability and convenient pedestrian access to community facilities, schools, open spaces, shopping facilities, local employment and public transport stops.

Objective LUD7, that development within the Village Expansion area be sensitively consolidated within the burgage field system, retaining field boundaries.

Objective LUD8 requires development within the Settlement Edge to consist of low density detached and semi-detached residential housing (15–20 per Ha).

Objective LUD12 requires community facilities at a rate of 3 sq.m / 10 dwellings, preferably at, or adjoining, the existing St. Finian's Community Centre and/or the payment of development contributions in lieu.

Objective LUD14 restricts apartments/duplexes only to small gateway and landmark sites and to developments that includes retail or service floorspace within the Village Core and Ballynakelly Local Centre.

Objective LUD16 requires that at least 90% of dwellings have 2+ bedrooms.

Objective LUD18 requires that development densities accord with that identified for each Character Area under Table 5.3.

Objective BF8 restricts development to a max height of two storeys with limited exceptions on landmark sites within the Village Core and Expansion Area where there is scope for landmark buildings to include elements that reach a maximum height of between 9 and 12 metres depending on location.

The subject site comprises part of three neighbourhood divisions of the LAP lands: *Sean Feirm*, *Burgage South* and *Taobh Chnoic*, as described below:

	Sean Feirm	Burgage South	Taobh Chnoic
Gross Area	5.4ha	9.7ha	12ha
Parks, Major Streets, Existing development	0.8ha	1.19ha	6.5ha
Net Area excl. 10% for infrastructure	4.1ha	7.7ha	5ha
Estimated Dwellings	70	210	90
Average Net Density / ha	15-20	25-30	12-20
Estimated Population	198	594	255

Objective N1 requires that applications be accompanied by a masterplan detailing how the development fits within the neighbourhood framework in terms of accessibility and movement; integration; density and land use; green infrastructure and built form. Framework elements can be varied in terms of precise location and design provided that they conform to the principles and guidance set out in this LAP.

Objective N2 seeks the development of each neighbourhood with open ended and integrated pedestrian and cycle links with Main Street and adjacent neighbourhoods.

Sean Feirm Objectives:

- SF1: Largely comprise detached and semi-detached dwellings.

- SF2: Provide for two parks, including a pocket park around the upstanding tower house, and a local park with passive and active recreation facilities.
- SF3: Tree lined boulevard linking parks with Athgoe Road, part of SUDS network.
- SF4: Incorporate the retention pond at the western end of the Townland.
- SF5: Include a vehicular and pedestrian connection to Main Street and to Athgoe Road as part of an east-west route between Athgoe Road and Ballynakelly.
- SF6: Include access/tertiary streets with shared surfaces.
- SF7: Provide for residential uses only at a max density of c.20 /ha.
- SF8: Provide an appropriate transition with the rural hinterland, with low-density detached and semi-detached housing as an alternative to rural housing.

Burgage South

- BS1: Enhance and incorporate burgage plot hedgerows and ditches
- BS2: Utilise burgage boundaries as SUDS elements, landscape features and biodiversity-protecting elements.
- BS3: Permit the sensitive opening of limited sections of burgage boundaries.
- BS4: Include parks that incorporate existing burgage plot hedgerows and SUDS features.
- BS5: Ensure the neighbourhood acts as a hub for movement and provides for east-west and north-south streets between surrounding neighbourhoods.
- BS7: Provide for residential uses including housing for older people. Local shop or service units are permissible at street corners, junctions and adjacent to parks.
- BS8: Development comprise terraced houses with opportunities for detached and semi-detached housing and dwellings specifically designed for the older people.

Taobh Chnoic

- TC1: Largely detached and semi-detached dwellings.
- TC2: Provide for a large countryside park along the southern fringe as the main primary open space for Newcastle Village; a point of convergence for pedestrian and cycle paths; and a landscaped buffer.
- TC3: Include tree lined boulevards that incorporate SUDS and link the Countryside Park with adjacent neighbourhoods and pedestrian and cycle routes.

- TC5: Include vehicular, pedestrian and cycle connections with all adjoining neighbourhoods, converging on the Countryside Park and form circuit routes. These routes shall connect the Park with Tower House and Sean Feirm Parks.
- TC6: Include tertiary streets with shared surfaces around the perimeter of the Countryside Park and the school site
- TC7: Residential development at a maximum density of circa 20 per hectare.
- TC8: A primary school site shall be reserved adjacent to Countryside Park.
- TC9: Provide an appropriate transition with the rural hinterland, with low-density detached and semi-detached housing as an alternative to rural housing.

Phasing:

Phase 1 (up to 300 - 540 dwellings)
<ul style="list-style-type: none"> • The expansion or redevelopment of the existing school on Main Street and its opening for the intake of pupils, OR, the completion and opening of a second primary school, on another site within the Plan lands. • The provision of at least 130-sq.m of community floorspace, preferably on Main Street
Phase 2 (100 dwellings)
<ul style="list-style-type: none"> • 1.62 Ha. open space • A minimum of two Neighbourhood Link Streets, which will open two new access points with Main Street (or the arterial street network) • 50-sq.m of community floorspace as part of one facility at, or adjoining, the existing Saint Finian's Community Centre and/or the payment of development contributions.
Phase 3 (100 dwellings)
<ul style="list-style-type: none"> • 1.1 Ha. of open space • A minimum of two Neighbourhood Link Streets, which will open up two new access points with Main Street (or the arterial street network). At least one of these Neighbourhood Link Streets will link Taobh Chnoic Park with Main Street to the north. • Negotiations complete and planning permission in place for second primary school. • 50 sq.m of community floorspace as part of one facility at, or adjoining, the existing Saint Finian's Community Centre and/or the payment of development contributions
Phase 4 (100 dwellings)

- 1.1 Ha. of open space
- A minimum of two Neighbourhood Link Streets, which will open up two new access points with Main Street (or the arterial street network).
- Full east-west linkage between the neighbourhoods of Ballynakelly and Sean Feirm.
- Full north-south linkage between neighbourhoods of Peamount and Taobh Chnoic.
- Second primary school to be fully operational
- 50 sq.m of community floorspace as part of one facility at, or adjoining, the existing Saint Finian's Community Centre and/or the payment of development contributions towards the provision of community floorspace at this location.

Phase 5 (200 dwellings)

2.2 Ha open space (Shortfall, if any, in play facilities and apparatus will be provided in conjunction with the build out of dwellings.)

7.0 Submissions Received

Irish Water: A Confirmation of Feasibility has been issued to the applicant. A water connection is feasible and is not subject to any upgrades. In respect of Wastewater, completion of the following is required:

- The Newcastle Local Network Reinforcement Project. This is on the Irish Water CIP and is scheduled to be completed by Q2 2024 (subject to change).
- Newcastle Pumping Station Upgrade Project. There is a Project Works Service Agreement in place to determine the infrastructure upgrades required to facilitate growth in the area. This entails studies to identify a solution to service this and other developments in the immediate area, project scoping, site investigations, and determination of timelines of upgrades, works and infrastructure.

8.0 Forming the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting.

8.1. Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. The documentation submitted with this pre-application consultation request is set out in Appendix 1 to this 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 relevant guidelines issued by the Minister under section 28 of the Act of 2000. Section 5(6) requires that where the proposed development would materially contravene the development plan or local area plan, other than in relation to the zoning of the land, then the statement provided for the purposes of subsection (5)(b)(i) shall indicate why, in the prospective applicant's opinion, permission should nonetheless be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

A Statement of Consistency under S.5(5) has been submitted, which considers compliance against the provisions of the following policy documents:

- National Planning Framework
- Rebuilding Ireland – Action Plan for Housing and Homelessness
- Housing for all: A New Housing Plan for Ireland.
- Regional Economic and Spatial Strategy (RSES), for the Eastern and Midlands Region (2019)
- Urban Development and Building Height Guidelines (December 2018)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual
- Design Manual for Urban Roads and Streets (2019)
- Guidelines for Planning Authorities on Childcare Facilities (2001)
- Draft Water Service Guidelines for Planning Authorities (2018)
- Quality Homes for Sustainable Communities (2007)

- Appropriate Assessment of Plans and Projects – Guidance for Planning Authorities (2009)
- The South Dublin County Development Plan 2016-2022
- The South Dublin Draft County Development Plan 2022-2028
- The Newcastle Local Area Plan 2012 (as extended)

The request is also accompanied by a Material Contravention Statement having regard to section 5(6) of the Act. This refers to the potential material contravention of the provisions of the Newcastle LAP and the South Dublin County Development Plan in respect of:

- Density: Objectives LUD18, SF7, BS7, TC7 of the LAP, and Policy H8 Objective 5 of the South Dublin County Development Plan.
- Housing Typologies and Mix: Objectives TC1, TC9, LUD14 of the LAP
- Height: Objective BF8 of the LAP.

The statement concludes that in accordance with the provisions of section 9(6) of the 2016 Act, the Board may grant permission for the development by reference to the criteria set out in section 37(2)(b). In particular, the statement argues that the development is appropriate having regard to:

- The national importance of the accelerated delivery of housing.
- Objectives 3a, 3b, 10, 11 and 35 of the National Planning Framework.
- Government Policy in “Rebuilding Ireland” and “Housing for All” to increase the supply of housing.
- The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009).
- The Apartment Design Guidelines (2020).

8.2. Planning Authority Submission

A submission from South Dublin County Council dated 01/12/2021 was received by An Bord Pleanála in accordance with Section 6(4)(b) of the 2016 Act. The

submission includes a statement of the planning authority's opinion, details of s.247 consultations and copies of internal technical reports. The issues of key concern to the Planning Authority are identified as follows:

Principle of Development & Strategic Policy

- Generally support the development of these zoned lands in accordance with an approved plan.
- 283 no. additional units without the infrastructure planned in the phasing strategy would be contrary to the LAP and the Core Strategy.
- This infrastructure is particularly important given that development will exceed the LAP targets for Newcastle when the full land capacity is developed.
- The site is a key landholding in the remaining residential capacity of the village.

Phasing

- Newcastle has limited public transport provision and social services and is not identified as a growth node. Development is to be incremental, based on the delivery of social, physical and transport infrastructure and services.
- Development in each phase shall not proceed until the required community and parkland facilities and amenities have been constructed.
- Phase 1 – 4 thresholds have already been exceeded.
- The Planning Authority has the following concerns in relation to LAP infrastructure:
 - Delivery of adequate link streets to the Main Street - adjacent to St Finian's National School and a full connection to St. Finian's Way.
 - Delivery of the entire Village Park at Taobh Chnoic.
 - Delivery of the Burgage South Park.
- A special contribution for community space in accordance with the LAP is welcome.
- Further detail regarding delivery of the second primary school is required.

Local Area Plan Compliance – Density, Building Height & Unit Types

- Density and building heights are contrary to the LAP.
- The LAP accords with Sustainable Residential Development in Urban Areas Guidelines (2009), and Circular NRUP 02/2021 supports the approach of the LAP.
- Objective LUD18 requires compliance with the densities for each Character Area.

- The Material Contravention Statement addresses cumulative density rather than each of the 3 no. character areas.
- The density for Burgage South is inappropriate and far exceeds the LAP.
- Replacing apartments with housing may reduce the density to accord with the LAP.
- The densities are a concern given the phasing in the LAP, the limited accessibility by public transport and location at the edge of the village.
- The development fails to provide the optimal north – south links to the village centre via the primary school.
- The duplex units and 5-storey apartment blocks contravene the LAP. SPPR 3 or SPPR 4 of the Building Height Guidelines are not applicable to this location.
- CDP Policy H9 and objectives 2, 3 and 4 are particularly relevant.
- The apartment blocks are out of character with this area.

Layout

- The duplex units would contravene Objective LUD8 for low-density detached and semi-detached residential housing within the Settlement Edge.
- Apartments and duplex units contravene Objective LUD14 of the LAP.
- The application should address overall lands within the prospective applicant's ownership in the context of the LAP.

Traveller accommodation

- It is not clear how Policy H5 and H5 Objectives 1 to 5 relating to Traveller Accommodation would be met.

Visual Impact, Design and Layout

- Character Areas and Neighbourhoods do not demonstrate distinctiveness.
- The achievement required separation distances should be demonstrated.
- The bulk, scale and mass of the apartment buildings would appear as monolithic blocks of limited visual interest. A full redesign would be required.
- Internal corridors to apartments are excessively long.
- Apartment dual aspect ratio of 29% is deficient. This is not a Central and/or Accessible Urban Location.
- The side elevations of duplex blocks require review and dual frontages strengthened to improve surveillance of adjoining spaces.

- The choice of materials should reference the surrounding context.
- The layout creates significant areas of unnecessary incidental open space.
- Dwellings along the edge should face onto the boundary and not back onto it.
- The road design should reduce speeds in line with DMURS. Additional street tree planting is required.
- The road layout reduces the usability of Sean Feirm Park and a greater degree of enclosure would be appropriate.
- Surface water management should be revised, with overground attenuation.
- Apartment communal open space should be increased.
- The redesign of surface carparking for apartments should be considered.
- No Arboricultural Impact Assessment or Tree Protection Plan is provided. There are inconsistencies between the landscape strategy and the tree constraints plan.
- Detailed landscaping proposals are required.

Archaeological potential, Built and Natural Heritage

- Tree / hedgerow removal should be minimised to accommodate bat flight / movement requirements.
- Regard should be had to the sensitive historical nature of this village and the importance of bats, burgage plots and historic boundaries.
- An architectural conservation assessment and full archaeological impact assessment should be provided.
- An Ecological Impact Assessment should be submitted.

Access, Transport and Parking

- Footpath connections on the Athgoe Road should be extended to the north and south of the proposed junction.
- There is only one low frequency bus service near to the development.
- A further cycle / pedestrian route to Main Street through lands in the applicant's ownership to the north should be examined.

Water

- Flooding downstream of the site has not been addressed adequately.
- Surface water management design should be reviewed.

Other

- A final Operational Waste Management Plan is required.
- Section 28 guidelines regarding the Regulation of Commercial Institutional Investment in Housing are relevant to this proposed development.

Copies of Internal Reports from the following sections:

- Roads Department
- Water Services and Drainage

8.3. The Consultation Meeting

A Section 5 Consultation meeting was held on 11/02/2022, commencing at 9.30am, 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 and the main topics raised for discussion at the tripartite meeting were as follows:

1. Development Strategy and LAP Framework
2. Phasing - Open Space, Community infrastructure/schools, Connections
3. Design and layout
4. Material Contravention
5. Roads and Transport
6. Drainage
7. AOB

Both the prospective applicant and the planning authority were given an 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 ABP-311861-21' 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.

In relation to the Development Strategy and LAP Framework, An Bord Pleanála sought clarification and further elaboration of the documents and justification for the proposed development in respect of the following:

- How the proposed development is aligned with the Core Strategy of the County Development Plan and the LAP growth targets for Newcastle.
- Clarification with regard to the availability of adjoining Village Core lands for development and justification for the development in terms of the sequential approach.
- Alignment with, and capacity to deliver, the LAP framework elements for these neighbourhoods.
- Compliance with the development plan objective for traveller accommodation on these lands.

In relation to the Phasing - Open Space, Community infrastructure / Schools, Connections, An Bord Pleanála sought clarification and further elaboration of the documents and justification for the proposed development in respect of the following matters:

- Compliance with the phasing requirements of the LAP.
- Clarification regarding the status of the proposed primary school in terms of design or planning.
- Clarification sought on what can be delivered and obstacles to delivery, where relevant.
- Clarity sought regarding the requirement for further linkages to Main Street and the ability to deliver a connection via Finian's Way.

In relation to Design and Layout, An Bord Pleanála sought clarification and further elaboration in relation to the following matters:

- The design rationale for the proposed apartment blocks and a response to the concerns expressed by the planning authority in this regard.
- The rationale for the proportion of dual aspect apartments proposed.

- Elaboration on the design approach and the level of unsupervised open space along the edges of the development and in the southeastern corner adjoining *Graydon*.

In relation to Material Contravention, An Bord Pleanála, sought further clarification and elaboration of the documents in relation to the following matters:

- The scope of the material contravention statement to be submitted, having regard to the range of objectives identified in the Local Area Plan.
- The prospective applicants were referred to recent court judgments where reliance upon the criteria in section 3.2 of the Building Height Guidelines was a consideration.

In relation to Roads and Transport, An Bord Pleanála sought further clarification and elaboration of the documents submitted in relation to the following matters:

- The extent and adequacy of the assessment of potential impacts on the surrounding road network.
- Further detail regarding public transport services serving Newcastle.
- Clarification regarding the extent of existing and proposed pedestrian facilities on the Athgoe Road to ensure connectivity with the town centre.

In relation Drainage, An Bord Pleanála sought further clarification and elaboration of the documents submitted in relation to the following matters:

- The status of Irish Water projects required to facilitate development on the lands.
- The design of surface water management and drainage arrangements.

In relation to Any Other Business, An Bord Pleanála noted that attention should be given to the question of public transport capacity. The planning authority noted that the development would be assessed against the provisions of the LAP which reflect the character of this area.

9.0 Conclusion and Recommendation

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 other authorities, and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Based on the entirety of the information before me, it appears 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.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements, details of which are set out in the Recommended Opinion below.

- Revisions to address the objective of the South Dublin County Development Plan to Provide for Traveller Accommodation within these lands.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process.

I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

10.0 Recommended Opinion

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates, that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration and amendment of the documents having regard to the specific objective of the South Dublin County Development Plan 2016 - 2020 to *Provide for Traveller Accommodation* on lands at Newcastle South.

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

1. A statement demonstrating consistency with the Development Plan settlement strategy for the County and for Newcastle, having regard to the extent of existing and permitted development in the area. Justification of the proposed density,

with reference to the relevant county and local area statutory plans, s.28 guidelines and SPPR3 (criteria 3.2) should be included.

2. The application should indicate how the development will facilitate the sequential development of the settlement and should ensure that the proposal would not compromise the development of Village Core lands in line with the provisions of the Local Area Plan or where there is potential for impact, justification of same should be included with the application documentation.
3. Site layout plans illustrating how the proposed development is aligned with the roads, movement / connections, open space and other framework elements that apply to these lands under the County Development Plan and the Newcastle Local Area Plan, and/or DMURS. This should include pedestrian and cycle connections between neighbourhoods, parks and the Main Street in line with the objectives of the LAP. Where there is potential for deviation or divergence from the Plans, justification of same should be included with the application documentation.

The documentation should, in so far as is practical, also illustrate how the development will integrate with and facilitate the development of adjoining undeveloped zoned lands in accordance with the principles and guidance of the LAP.

4. A statement describing how the design and layout of each neighbourhood addresses the requirement of the Local Area Plan to create its own distinct identity in keeping with the varying Character Areas and landscape contexts.
5. A design rationale, including a response to the comments of the planning authority, in relation to the proposed apartment blocks, having regard to the surrounding pattern of development and the provisions of the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities and the Urban Development Building Height Guidelines. The rationale should also address, inter alia, the requirements of SPPR3 (criteria 3.2), and SPPR4 in relation to the proportion of dual aspect apartments proposed.
6. A detailed phasing plan for the proposed development. Such plan should demonstrate how the phasing provisions of the Local Area Plan are addressed within the proposed development or as part of adjoining permitted developments.

7. In relation to access and transportation, the following information should be submitted:
 - a) A mobility management plan and a statement describing how the proposed development will contribute to sustainable travel patterns and reduced dependency on private car.
 - b) A Quality Audit in accordance with Annex 4 of the Design Manual for Urban Roads and Streets (DMURS) which shall include as a minimum a Street Design Audit, Road Safety Audits and Pedestrian and Cycling Audits.
 - c) Proposals to address existing deficiencies in pedestrian and cycle facilities along the Athgoe Road, between the entrance to the proposed development and the Main Street.
 - d) Further consideration and justification for the extent of bicycle parking for apartment units and compliance with the provisions of the Sustainable Urban Housing, Design Standards for New Apartments - Guidelines for Planning Authorities in this regard.
 - e) A report addressing other matters raised in the report of the South Dublin County Council Roads Department, dated 22/11/2021.
8. An Archaeological Impact Assessment. The assessment should have regard, inter alia, to the potential impacts of proposed attenuation measures in Tower Park, adjoining the recorded monument at the Athgoe Road junction.
9. A plan clearly identifying the areas intended to be taken in charge by the local authority.
10. A report addressing the matters raised in the Water Services report of the local authority, dated 25th November 2021, including the design of surface water management and attenuation measures. A SSFRA should also be provided which shall address, inter alia, the risk of downstream flooding arising as a result of the proposed development.
11. A comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties. In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building

Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

The assessment should provide a comprehensive view of the performance of the entire development in respect of daylight provision, including accommodation at ground and first floor levels. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should be clearly identified, and their effect appropriately described and / or quantified.

12. The Environmental Report / Environmental Impact Assessment Report (as appropriate) should include the results of all surveys undertaken in respect of these lands, including in particular breeding bird surveys, and mammal and bat surveys. The documentation should confirm that all surveys were undertaken at the appropriate times of the year.
13. Detailed landscaping proposals for the lands which shall be aligned with, and informed by, an Arboricultural Impact Assessment.
14. The application should demonstrate that the design and layout of development provides for suitable overlooking / passive surveillance of areas of public and communal open space and pedestrian routes, to ensure adequate levels of residential amenity, privacy, and security. Unsupervised spaces which may give rise to anti-social behaviour should be actively designed out of the proposed development.
15. 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. The Minister for Housing, Local Government and Heritage.
2. The Heritage Council
3. An Taisce
4. Irish Water
5. National Transport Authority
6. Transport Infrastructure Ireland
7. Inland Fisheries Ireland

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.

Conor McGrath
Planning Inspector

01/03/2022

Appendix 1

Documentation accompanying this Section 5 consultation request:

- Cover Letter
- Application Form and appropriate Application Fee
- Schedule of Areas / Plot Ratio / Site Coverage
- Lifecycle Report
- Part V Proposals
- Irish Water Confirmation of Feasibility
- SDCC Cover Letter
- Statement of Consistency & Planning Report
- Environmental Report
- Statement of Material Contravention
- Architectural Design Statement (A3)
- Architectural Drawings (including schedule of drawings and accommodation)
- Housing Quality Assessment Duplexes and Apartments
- Housing Quality Assessment Houses
- Separate A3 Drawings Booklet
- Engineering Drawings and Schedule
- DMURS Compliance Statement
- Preliminary Construction Management Plan
- Site Specific Flood Risk Assessment
- Infrastructure Design Report
- Traffic and Transportation Assessment Report
- Landscape Drawings
- Landscape Design Report
- AA Screening
- Bat report (ECIA in Environmental Report)
- Tree Survey and Drawings
- Sustainability M&E Utilities Report
- Public Lighting Layout and Report