



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-312261-21**

Strategic Housing Development	Demolition of an existing derelict structure, construction of 125 no. residential units (71 no. houses, 54 no. apartments), creche and associated site works.
Location	Flemington Lane, Balbriggan, Co. Dublin
Planning Authority	Fingal County Council
Prospective Applicant	Kinvara Properties Ltd.
Date of Consultation Meeting	07/04/2022
Date of Site Inspection	25/03/2022
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 has a stated area of c.4.4ha and comprises part of a larger land parcel located on the northwestern edge of Balbriggan. The lands are in agricultural use and are bounded to the north by Flemington Lane and the rear of one-off houses facing this road. There is an existing vacant bungalow in the northwestern corner of the site adjoining a number of other houses. The larger parcel of lands is bounded to the west by Flemington Road. The lands are relatively elevated and fall to the north and east. A 38kv line runs roughly parallel to the southern site boundary and there is a telecoms mast to the south. The site is approximately 3km northwest of Balbriggan Town Centre via Flemington Lane. This is a country road with no pedestrian or cycle provision or public lighting in the vicinity of the site. Lands to the southeast have been subject to significant development in recent times, which includes residential and educational development and the Castlemill shopping centre. There are live applications for further development in this area.

3.0 Proposed Strategic Housing Development

The proposed development comprises the removal of the existing vacant dwelling and the construction of 125 no. residential units, and a two-storey creche with car parking and open space at the eastern end of the site. Associated works include a temporary pumping station to the north of the creche. Access is proposed via a new entrance from Flemington Lane. In addition to communal residential and public open

space, an area of public open space (10,230-sqm) on lands zoned "Open Space" is proposed to the south of the main development area.

Key development parameters include:

Planning Site Area =	44,230m ² (4.4Ha)
Developable Area =	31,973m ² (3.2Ha) excludes creche and zoned "Open Space"
Residential units	Total Units = 125 no. 71 no. houses 51 no. duplex units
Density	39 / ha net
Open Space	3,215m ² on residential lands Plus, 1ha on lands zoned open space
Communal Open Space	527m ²
Other uses	Creche (550-sq.m.)
Parking	227 no. car parking spaces; 65 no. parking spaces bicycle (for duplex units).

Housing Mix	No.	%
2-bed	41	32.8%
3-bed	78	62.5%
4-bed	6	4.8%

4.0 Relevant Planning History

PA ref. F21A/0399: Permission refused for a development of 81 no. residential units with childcare facility and associated development on the western part of the subject site, comprising Phase 1 of a residential and community services development.

The reasons for refusal were as follows:

1. Part zoning as Open Space (OS) and material contravention thereof.

2. Lack of pedestrian and cycle infrastructure linking to Balbriggan town centre and public transport, giving rise to largely car dependent development. The proposal would materially contravene Development Plan Objective BALBRIGGAN 11.
3. The site forms part of the North West Balbriggan Masterplan lands, a strategically important development area. Given the required level of connectivity, in particular the proposed future C-Ring road, the lack of pedestrian and cycling infrastructure; the preparation of a Masterplan is an essential prerequisite to ensure to ensure an integrated and plan led approach. The development would represent an ad-hoc, piecemeal approach to development o and would materially contravene Objective PM14.
4. Having regard to the Guidelines on Sustainable Residential Development in Urban Areas (2009) and DMURS, the road layout, dominance of surface car parking and lack of high quality usable public open spaces, does not represent a satisfactory urban design response and would be injurious to the residential amenities of future occupants.
5. Provision of an attenuation tank under public open space is not acceptable and would materially contravene Development Plan Objective DMS74.
6. The minimum separation distances between blocks is below 22m and fails to comply with Development Plan Objective DMS28. Overlooking opportunities also exist from first floor duplex terraces onto the rear private open space of adjoining dwellings and of the associated ground floor units. The proposal would be seriously injurious to the residential amenity of future residents.
7. No provision for communal open space for the proposed duplex/apartment units, not in accordance with the Design Standards for New Apartments – Guidelines for Planning Authorities.

PA ref. F07A/0641: Permission granted for 179 no. dwellings on the site, comprising a mixture of houses and apartments, creche and access to a proposed new road to the east of the site.

Lands to the south and southeast:

PA ref. F08A/1329 ABP ref. PL06F.235048: A 10-year permission was granted on lands to the southeast of the subject site, for 532 no. houses, the Balbriggan C-Ring Road / boulevard, Class 1 open space / regional park and urban civic square. The C-Ring Road connects Bridgefoot Road with Flemington Lane. Phasing was proposed in line with resolution of wastewater constraints in the town.

Under ref. F08A/1329E1, this permission was extended to 2025.

PA ref. F15A/0550: Permission granted for 148 no. dwellings, crèche and Class 1 public park located to the west of Bremore Pastures and Hastings Lawn, south of Flemington Lane and south of the subject lands. This included amendments to Class 1 public open space previously permitted under Reg. Ref. F04A/0745, F05A/0323, F08A/1329, F11A/0442, F13A/0240 and F14A/038.

PA ref. F17A/0372 ABP ref. PL06F.249467: Permission refused on appeal for alterations to previously approved residential development (F07A/1249, PL06F.231457) to provide for 233 no. residential units, a crèche; landscaped public open space including Public Park (as amended under Reg. Ref.F15A/0550). Works also include construction of the partially completed boulevard road running from the intersection with the proposed C-Ring Road south to Naul Road.

The decision was as follows:

Having regard to the planning history and pattern of development in the area, the provisions of the Fingal Development Plan 2017-2023 which takes account of statutory guidance adopted in the period since the granting of the parent permission, most notably the Guidelines on Sustainable Residential Development in Urban Areas (2009) and DMURS (2013), the Board considered that the design and layout, particularly in relation to pedestrian and cyclist permeability, roads infrastructure and the quality of the open spaces, failed to adequately meet the more recent residential development standards. Therefore, the development would seriously injure the residential amenities of future occupants and would not be acceptable in terms of pedestrian and traffic safety and convenience.

ABP ref. ABP-308475-20: S.5 pre-application consultation was requested in respect of 582 no. residential units, childcare and associated development on lands off Flemington Lane. This included lands to the immediate south and southeast of the subject site and extended southwards with provision for a new access to the R122.

The Opinion was that the documentation required further consideration and amendment in respect of the following matters:

- Carrying Capacity of the Highway Network
- Safe Pedestrian / Cycle Movements and Compliance with DMURS
- Design Strategy

PA ref. F21A/0055 ABP ref. ABP-312048-21: Permission granted for development relating to the overall Phase 3 Ladywell Masterplan lands at the southern end of the boulevard, comprising, 99 no. dwellings, public open space, roads and services infrastructure to facilitate future Phases 3B-3D and signalisation of the junction of Boulevard Road and the Clonard Road (R122). This decision is currently on appeal.

Lands to the northeast:

PA ref. F18A/0137: Permission refused for 73 no. dwelling units to the north of Flemington Lane, northeast of the subject site, on the basis of the requirement for a Masterplan for the area, piecemeal development, inadequate density and the location of attenuation tanks under public open space.

5.0 Section 247 Consultation(s) with Planning Authority

Application documentation refers to a pre-planning consultation meeting with the planning authority on 01/12/2021. It is reported that the key items discussed included:

- Previous refusal of permission on the lands.
- Design of open space.
- Prematurity due to deficiencies in connectivity to the town.
- Foul and surface water drainage design.

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 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

Objective 33 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. Rebuilding Ireland – Action Plan for Housing and Homelessness 2016

The overarching aim of the Plan is to increase the delivery of housing, from its current undersupply across all tenures, to help individuals and families meet their housing needs. The Plan identifies a target to double the number of residential dwellings delivered annually by the construction sector and to provide 47,000 social housing units in the period up to 2021.

Five pillars for action were identified including Pillar 3: Build More Homes, which seeks to increase the output of private housing to meet demand at affordable prices. The key action is to double housing output over the Plan period.

6.1.3. 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.

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

The primary objective of the Strategy is to support the implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

The Dublin region is identified as a global gateway to Ireland and the Dublin-Belfast Corridor is the largest economic agglomeration on the island of Ireland and part of the trans-European transport network. Capacity constraints in housing and infrastructure must be addressed to ensure continued competitiveness as a national economic driver.

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 – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.

RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

Balbriggan is located within the Core Region and is identified as a Self-Sustaining Town, which towns require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery.

A number of settlements have undergone rapid commuter-focused residential expansion over the recent decade, without equivalent increases in jobs (i.e. characterised by a low ratio of jobs to resident workforce) and services. Population growth in these towns shall be at a rate that seeks to achieve a balancing effect and focused on consolidation and inclusion of policies in relation to improvements in services and employment provision, to be set out in the core strategies of county development plans.

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 am of the opinion that the most directly relevant section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, (2009), and the associated Urban Design Manual.
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (May 2021)
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020).
- Design Manual for Urban Roads and Streets (DMURS).
- National Cycle Manual.
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).
- Childcare Facilities – Guidelines for Planning Authorities.

6.3. **Local Planning Policy - Fingal County Development Plan 2017 – 2023**

The northern part of the site is zoned RA 'Residential Area' - to Provide for new residential communities subject to provision of the necessary social and physical infrastructure. The southern part of the lands is zoned OS – Open Space – to preserve and provide for open space and recreational activities.

The plan notes that Strategic Policy will deliver on the Main Aims by seeking to consolidate the growth of the major centres of Blanchardstown and Balbriggan by encouraging infill development and intensification of development within appropriate locations.

Balbriggan is defined as a Self-Sustaining Town within the Core Area, for which Variation no. 2 identifies 8% growth as sustainable.

- Objective SS19: Support and facilitate residential, commercial, industrial and community development to enable Balbriggan to fulfil its roles as a Self-Sustaining town in the settlement hierarchy recognising its important role as the largest town in the core area.
- Objective Balbriggan 1: Promote and facilitate the development and growth of Balbriggan as the primary services, social, cultural and local tourist centre in north Fingal.
- Objective Balbriggan 11: Ensure a safe and convenient road, pedestrian and cycle system promoting accessibility and connectivity between existing and new developments.

The lands comprise part of the Northwest Balbriggan Masterplan area.

- Objective Balbriggan 16: Prepare and/or implement Masterplans during the lifetime of this Plan..... (see Map Sheet 4, MP 4.B). Provide for a programme for the phasing of construction of residential and commercial development in tandem with the delivery of transport, recreational, community and educational infrastructure.

Flemington Lane Masterplan: The main elements to be included are identified as:

- Provide for architecturally designed buildings with high quality finishes.

- Prior to any proposed design or layout of development on these lands a – detailed archaeological study shall be carried out.
- Allow low density housing only.
- Provide for significant traffic calming and re-alignment of Flemington Lane.

Chapter 3 describes the approach to the creation of placemaking, and section 3.4 refers particularly to sustainable design standards.

Chapter 7 describes the approach to movement and infrastructure.

Chapter 9 relates to natural heritage and Chapter 10 relates to cultural heritage.

Chapter 12 describes the Development Management Standards.

The following objectives are of particular relevance.

- Objective 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.
- Objective ZO3: Prepare and implement Masterplans where required.
- Objective PM51: Provide a wide variety of accessible public open spaces.
- Objective PM52: Requiring minimum public open space, and related Objectives PM60-PM62 concerning the design of public open space.
- Objectives DMS24 to DMS48 describe the qualitative standards for new residential development.

7.0 Submissions Received

Irish Water: A Confirmation of Feasibility was issued to the applicant in 2018 advising that connection(s) are feasible subject to the following contingencies:

In respect of Water the proposed water connection is feasible subject to local upgrades. Two options are identified, one of which requires a booster station and the other requires access through third party lands. The applicant is required to engage

with Irish Water ahead of any SHD application.

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 submission of the planning authority and other authorities, 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) 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 with relevant provisions of the following policy documents:

- National Planning Framework: Ireland 2040 – Our Plan
- Housing for All: A new Housing Plan for Ireland
- Regional Spatial Economic Strategy (Eastern & Midlands)
- Sustainable residential Development in Urban Areas, 2009
- Urban Design Manual – A Best Practice Guide (2009).

- Urban Development & Building Heights , 2018.
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Delivering Homes, Sustaining Communities, 2008
- Design Manual for Urban Roads and Streets, 2013
- Transport Strategy for the Greater Dublin Area 2016 – 2035
- Fingal County Development Plan 2017 – 2023, incl Variation no. 2 thereof.

A statement in accordance with Section 5(6) is submitted, which identifies potential material contravention of the development plan in respect of the following matters:

- The 'OS' Land Use Zoning Objective: The statement notes that ancillary development in the form of a footpath has been located on the OS lands serving the proposed duplex units. The statement concludes that the proposal is in line with the overall proper planning and sustainable development of the area.
- Development Plan Objective BALBRIGGAN 11: The statement indicates that extending local bus services would enhance and improve the connectivity of the subject site. LIHAF funding would be beneficial and should be implemented to relieve 'critical infrastructure blockages'. The development is stated to accord with the NPF, RSES and Development plan.
- Development Plan Objective PM14: The statement argues that the lack of a Masterplan (MP 4.B) to date for the subject lands should not prevent their development. The development has been designed to promote connectivity and linkages with adjoining lands and incorporates the aims of Masterplan 4.B.
- Development Plan Objective DMS74: The statement describes the proposal as the best design response to the subject site.

The statement concludes that permission should be granted in accordance with 37(2)(b)(iii)(iv), having regard to the RSES and Section 28 guidelines.

8.2. Planning Authority Submission

A submission from Fingal County Council was received by An Bord Pleanála in accordance with Section 6(4)(b) of the 2016 Act. The submission includes:

- Copies of internal departmental reports from Housing, Water Services, Transportation Planning, Parks and Green Infrastructure, Environment Dept (Waste Enforcement and Regulation), Community Culture and Sports Dept.
- Details of s.247 consultations; and
- A statement of the planning authority's opinion,

The statement of the planning authority's opinion makes the following points:

- Development of the site is acceptable in principle having regard to the role of Balbriggan in the RSES and the core strategy.
- This is an Outer Suburban / Greenfield site suitable for a net density of 35 – 50 units / ha in accordance with the guidelines.
- No Masterplan has yet been prepared for these lands, however, the development may be considered in its absence.
- The layout does not accord with DMURS, comprising cul-de-sacs with no through access and minimal permeability.
- Some streets are dominated by parking, which also detracts from open spaces.
- The design of proposed home zones should be reviewed.
- The layout provides for blank gables and a lack of active frontage to roads. Supervision of open space should be improved.
- Greater differentiation between character areas is required.
- Clarity on the red line application boundary is required.
- There is reasonable choice in housing unit typologies and the mix is acceptable.
- The net site area should include the site of the proposed creche.
- The public open space requirement should be recalculated.
- A landscape and visual impact assessment is required for this sensitive site.
- There is a concern regarding potential overshadowing of the rear garden of the existing dwelling north of Block 11.
- Development plan / guidelines standards are generally achieved.
- A building lifecycle report should be submitted.
- Apartment Bicycle parking should be in accordance with guideline requirements and should be provided internally.
- Overlooking of private amenity spaces for duplex units should be avoided.

- Communal open space should not be accessible from public areas.
- Duplex bin storage should be relocated away from communal open space.
- Liaison with the Fingal Childcare Committee is recommended and a Childcare Needs Assessment should be provided.
- A phasing strategy should be provided.
- Flemington Lane is deficient, and the development would result in a dependency on private car movements.
- There is no plan to construct the C-Ring Road currently, while the indicated linkage thereto appears to require access through third party lands.
- Further detail regarding the treatment of Flemington Lane is required.
- Given the rural nature of the road, the DMURS sightline standards may not apply.
- Car parking layout requires reconsideration and the creche parking and set-down arrangement is unsatisfactory.
- Swept path analysis should be undertaken for all roads.
- Additional EV charging points are required.
- A road safety audit should be undertaken.
- The surface water drainage and management system should be revised.
- There is inadequate separation between development and the foul pumping station.
- The IW Confirmation is three years old and should be updated.
- Further detail in relation to the flood risk assessment is required.
- Trees and hedgerows should be retained and protected.
- Revised landscaping and boundary details are required.
- A bat survey, and an invasive plant survey should be undertaken.
- Archaeological mitigation and monitoring should be undertaken.
- Part V details to be agreed following any grant of permission.
- The application should include a Green Infrastructure Plan, a Building lifecycle report, Construction and Environmental Management Plan and an operational waste management plan, a phasing plan and proposals for public art.
- The development would conflict with Objective Balbriggan 11.
- Significant amendments are required to constitute a reasonable basis for an application.

8.3. The Consultation Meeting

A Section 5 Consultation meeting was held on 07/04/2022, commencing at 10am, 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. Land Use and Development Principle and Masterplan requirement.
2. Connectivity and Accessibility
3. Design and layout
4. Drainage
5. AOB

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-312261-21' 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 Land Use and Development Principle and Masterplan requirement, An Bord Pleanála sought further clarification and elaboration of the documents and justification for the proposed development in respect of the following:

- Clarification of the extent of the site area and the red line boundary of the application site.
- How the development plan requirement for a Masterplan for the area, and the previous refusal of permission on this site in 2021, have been addressed.

In relation to Connectivity and Accessibility, An Bord Pleanála sought further clarification and elaboration of the documents and justification for the proposed development in respect of the following:

- The quality and capacity of Flemington Lane to serve the proposed development and the scope for improvements to pedestrian and cycle facilities thereon.
- Clarification with regard to any planning authority plans or proposals for improvement to Flemington Lane.
- An update on the status of plans for the delivery of the C-Ring Road.
- Potential for connectivity from the subject lands to the proposed C-Ring Road and to community and social facilities to the southeast.
- Clarification as to whether such a connection would cross 3rd party lands.
- Clarification regarding the availability of local bus services.

In relation to design and layout, An Bord Pleanála sought further clarification and elaboration of the documents in respect of the following:

- The internal road layout and provision, and the design of public open space, in response to the concerns expressed by the planning authority.
- The siting of the proposed childcare facility.
- Clarity regarding proposals for the demolition of the existing house on the site and relationship with adjoining properties.

In relation to drainage, An Bord Pleanála sought further clarification and elaboration of the documents in respect of the following:

- The design of the surface water management system.
- The siting and operation of the proposed pumping station.
- Clarification with regard to issues of third party consent to provide service connections to the proposed development.

In relation to Any Other Business, An Bord Pleanála sought clarification and elaboration on the status of the open space / regional park to the south of the site and the potential to create sustainable connections from the proposed development thereto.

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

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.

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.

- The encroachment of development onto lands zoned as public open space.
- The lack of adequate safe and convenient pedestrian and cycle connections between the site and local services and amenities, and the contribution of the development to sustainable travel patterns.

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 further recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) also 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 of the status of the proposed development as a Strategic Housing Development, as defined in section 3 of the Planning and Development (Housing) & Residential Tenancies Act 2016, as amended, having regard to the land use objectives set out in the Fingal County Development Plan 2010-2016 relating to these lands.

In this regard a detailed statement of consistency and planning rationale should be provided, clearly outlining how, in the prospective applicant's opinion, the proposed development is in compliance with local zoning objectives having specific regard to the location of elements of this development within lands zoned Public Open Space in the Fingal County Development Plan. Regard should also be had to the provisions of section 9(6)(b) of the Act in this regard. This may require amendment to the documents and/or design proposals submitted.

2. Further consideration of, and possible amendment to the documentation submitted, having regard to the lack of public transport, and safe and convenient pedestrian and cycle connections between the proposed development site and services and amenities in the local area. Consideration should provide a detailed planning rationale / justification for development at this location and may include specific proposals to overcome such deficiencies / improve connectivity and reduce dependency on private car journeys.

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

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. Plans clearly identifying areas intended to be taken in charge by the planning authority and proposals for the management of public open spaces.

2. A phasing plan for the proposed development, which should include the delivery of associated road and drainage infrastructure and public open spaces.
3. Details of permitted development, including active recreational spaces, on adjoining lands and their relationship with the proposed development. The application should describe how continuity in respect of landscaping, uses, pedestrian and cycle routes and connectivity can be achieved.
4. The application shall clearly describe the relationship with adjoining residential properties and any potential impacts thereon in terms of overlooking or overshadowing. Detailed section drawings should be provided in this regard, indicating both existing and proposed ground levels.
5. In relation to access and transportation, the following should be submitted:
 - a) A response to the matters raised in the report of Fingal County Council Transportation Planning Section, dated 14/01/2022.
 - b) A Quality Audit in accordance with Advice Note 4 of the Design Manual for Urban Roads and Streets (DMURS) to include a Road Safety Audit.
 - c) A detailed Transport Impact Assessment, which should include a justification for any assumptions made regarding modal split.
 - d) A Travel Plan / Mobility Management Plan and a statement describing how the proposed development will contribute to sustainable travel patterns and a reduced dependency on private car journeys.
 - e) Proposals for secure cycle parking provision, which have regard to the provisions of the guidelines for Sustainable Urban Housing: Design Standards for New Apartments (2020).
6. A report addressing the matters raised in the report of Fingal County Council Water Services section dated 13/01/2022.
7. Documentation clearly demonstrating that the proposed development can connect to the water and waste networks of Irish Water. In particular, the application should provide evidence of any third-party consent / agreement necessary to connect to, or through, third-party infrastructure or lands.
8. A complete tree survey including an Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement in

accordance with BS 5837: 2012, Trees in relation to Design, Demolition and Construction - Recommendations.

9. An assessment of the site for the presence of bats and/ or bat roosting sites.
10. An archaeological impact assessment report.
11. A report that specifically addresses the proposed materials and finishes to the scheme, including specific detail of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.
12. The prospective applicant should satisfy themselves in relation to whether the proposed development represents a material contravention of the Development Plan and satisfy any subsequent submission requirements in relation to this regard.
13. 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:

- Irish Water
- Fingal County Childcare Committee
- National Transport Authority (NTA)
- Minister for Housing, Local Government and Heritage
- The Heritage Council
- An Taisce

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

Senior Planning Inspector

28/04/2022

Appendix 1 Documentation accompanying the S.5 request.

- Section Application Form and associated fee.
- Cover Letter, including Appendix 1: Schedule of Particulars and Appendix 2: Part V Letter.
- Planning Report & Statement of Consistency, including Material Contravention Statement & EIAR Screening.
- Architectural Drawings.
- Design Booklet.
- Engineering Cover Letter & Issue Sheet.
- Engineering Drawings (Water Services & Transport).
- Stage 1 Construction and Demolition Waste Management Plan.
- Engineering Services Report.
- DMURS Statement of Consistency.
- Irish Water – Confirmation of Feasibility.
- Site Specific Flood Risk Assessment.
- Landscape Design & Rationale Report.
- Landscape Boundary Plan.
- Landscape Plan.
- Appropriate Assessment Screening.