



An
Bord
Pleanála

Inspector's Report ABP-312855-22 - Addendum.

Development	87 dwellings.
Location	Baskin Lane, Kinsealy Dublin 17.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F21A/0647.
Applicant(s)	Andemar Ventures Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Date of Site Inspection	3 rd April 2023
Inspector	Philip Davis.

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1.0 Introduction

This addendum report to my report dated 3rd April 2023 follows a Board Direction requesting clarification on the road objective for a new R107 Malahide Road Realignment.

2.0 Board Direction

In June 2023 the Board directed that the following Section 132 notice to the planning authority be issued:

It is indicated in the Kinsealy Local Area Plan adopted 13th May 2019 that there is a road objective for a new R107 Malahide Road Realignment (Balgriffin Bypass). Running along the northwestern side of the site. This bypass alignment has not been formally withdrawn by the Council. The design of the proposed development may be considered to be compromised by uncertainty over the nature of this bypass. In this regard, the planning authority is requested to submit clarification on the status of the Malahide Road Realignment (Balgriffin Bypass) running along the northwestern side of the site.

3.0 Planning Authority Response

Fingal County Council responded as follows:

- It is noted that Chapter 6 of the Fingal Development Plan 2023-2029 contains Table 6.3 which consists of a list of transportation upgrades, which includes the proposed R107 upgrade.
- Chapter 7 also contains a list in Table 7.1, which includes R107 as a road proposal.
- It is acknowledged that the alignment of the 'road proposal' has now been changed in the adopted 2023-2029 Plan, and it no longer runs along the north-western corner of the site, but follows an alignment which runs approximately along the existing alignment of the R107 Malahide Road.

- The road alignment remains on the map associated with the Kinsealy Local Area Plan.
- Notwithstanding this recent change to the alignment of the R107 Malahide Road Upgrade, the planning authority still has concerns regarding how the proposed development fails to address the required infrastructure and junction improvements as outlined in the Local Area Plan. The amendments that would be required to the proposed development to achieve an appropriate and inclusive design would be significant and it is considered that the best way to address this would be by way of a revised application and not part of revised plans as conditions.
- The planning authority requests that ABP upholds the decision to refuse permission.

4.0 Applicant's response

- The applicants welcome FCC's confirmation that the road proposal now follows the alignment of the existing R107.
- It is submitted that this is a material consideration for application currently being considered by the Board, particularly in relation to Reason for Refusal no.1.

4.1. Third Party Observations

Sean Haughey TD

- States that the existing road is dangerous for all road users.
- Requests that ABP take into consider the need for a redesign of the junction in order to make it safe.

Rory Wilson of Adelaide Road.

- Notes that Fingal CC acknowledge that the road proposal has been changed to align with the existing road, which negates the first reason for refusal.
- Submits that there is adequate space for any upgrade of the R107.

5.0 Assessment

I note the submission by the planning authority acknowledging the alteration to the proposed alignment of the R107 from one running west and northwest of the appeal site to one following the existing road alignment – i.e. the Malahide Road which runs between the appeal site and Kinsealy village.

The proposed development is generally in accordance with the zoning of the lands as part of the 'rural village' of Kinsealy in the Local Area Plan. The reason for a previous refusal on the lands, and the planning authority decision to refuse the current proposed development relates to uncertainty over the road alignment and the submitted design of the proposed housing.

There is now a greater degree of certainty about the overall proposed road alignment – generally along the existing R107. Notwithstanding this, there are several key issues that need to be resolved with the proposed development. It is now clear that the proposed layout which anticipated a possible alignment on the north-west of the site is now no longer going to take place – a number of key design elements, including the location of the commercial element should be reconsidered in this light. In addition, the road take for a widening of the R107 is not yet fixed, in addition to possible junction changes required to facilitate a wider road along with any cycle paths and footpaths provided.

The Board has the option to grant permission on the basis of conditions addressing the required design changes. However, I concur with the planning authority that the changes to the design required to overcome these uncertainties are beyond what is appropriate by condition. I would restate my recommendation that the proposed development be refused for the reason that the overall development does not comply with the LAP objectives with regard to creating an attractive and desirable village square within the site.

I concur with the planning authority that a refusal for this reason is justified. I conclude that the principle of developing the site for primarily residential use is acceptable, but the overall design does not address the objectives of the Local Area Plan and recently adopted Fingal County Development Plan.

6.0 Recommendation

I recommend that the Board refuse permission for a single reason – I would reword this from my previous recommendation as follows:

7.0 Reasons and Considerations

It is an objective for 'Development Area 4 – Malahide Road West' in the Kinsealy Local Area Plan 2019 to create an attractive and desirable Village Square within the site. It is also noted that in the current Fingal County Development Plan 2023-2029 it is an objective to upgrade the R107 along its existing alignment. It is considered that the proposed design, by way of substandard quantum of public space, design issues with the store and adjoining buildings, and uncertainties over the required road take for an upgraded R107, fails to satisfactorily comply with the LAP objective and would be premature pending confirmation of the revised R107 upgrades. The proposed development would, therefore, not be in accordance with the objectives of the Kinsealy Local Area Plan and the Fingal County Development Plan 2023-2029 and would therefore be contrary to the proper planning and sustainable development of the area.

Philip Davis
Planning Inspector

4th December 2023