



**Report of the Chief Executive Fingal County Council on a proposed Strategic Housing  
Development at lands at Back Road and Kinsealy Lane, Kinsealy, Broomfield, Malahide, Co.  
Dublin.**

**Applicant:** Birchwell Developments Limited

**FCC Reference:** SHD/012/20

**ABP Reference:** ABP-313361-22

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## Section 1 Background

Fingal County Council hereby sets out its Chief Executive Report, including recommendations on the Strategic Housing Development Reg. Ref. SHD/012/20 (ABP - 313361) on lands at Back Road and Kinsealy Lane, Kinsealy, Broomfield, Malahide, Co. Dublin for An Bord Pleanála in accordance with Section 8 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

### 1.1 Statutory requirements of this report

This report is prepared pursuant to Section 8(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and therefore includes: -

- 1) A summary of the points raised in the submissions or observations duly received by the Board in relation to the application.
- 2) The Chief Executive's views on the effects of the proposed development on the proper planning and sustainable development of the area of the authority and on the environment, having regard in particular to the matters specified in section 34(2) of the Act of 2000 (as amended), and submissions and observations duly received by the Board in relation to the application.
- 3) Where the meeting or meetings referred to in subsection (4)(c)(ii) of the 2016 Act has or have taken place, a summary of the views of the relevant elected members on that proposed development as expressed at such meeting or meetings.
- 4) The authority's opinion as to whether the proposed strategic housing development would be consistent with the relevant objectives of the development plan or local area plan, as the case may be and include a statement as to whether the authority recommends to An Bord Pleanála that permission should be granted or refused, together with the reasons for its recommendation.
- 5) The report shall specify:
  - a. where the authority recommends that permission be granted, the planning conditions (if any), and the reasons and grounds for them, that it would recommend in the event that the Board decides to grant permission, or
  - b. if appropriate in the circumstances, where the authority recommends that permission be refused, the planning conditions, and the reasons and grounds for them, that it would recommend in the event that the Board decides to grant permission.
  - c.

### 1.2 Procedural Background / Pre-planning History

A virtual pre-planning consultation meeting under Section 247 of the Planning and Development Act 2000 as amended, was held between the applicant and Fingal County Council on the 25<sup>th</sup> August 2020.

In response to correspondence received by Fingal County Council from An Bord Pleanála dated 27<sup>th</sup> November 2020 (in accordance with Section 6 of the Planning and Development (Housing) and Residential Tenancies Act), the Board decided to accept a request to enter into consultations for a Strategic Housing Development on lands at Back Road and Kinsealy Lane, Kinsealy, Broomfield, Malahide.

An Bord Pleanála requested that all relevant documentation and the planning authorities 'Opinion' be submitted to that body by 5:30pm on 12th January 2021. This opinion was submitted with detailed planning and policy considerations that may have a bearing on the determination of a subsequent planning application.

A Tripartite Meeting was held on the 27<sup>th</sup> April 2021 under Section 6 of the Act. This was attended by representatives from An Bord Pleanála, Fingal County Council, the Applicant and its Design Team. On the May 2021 the Board issued a notice of its pre-application opinion, setting out issues to be addressed prior to a formal application being made. The applicants made a formal application to An Bord Pleanála on the 19<sup>th</sup> April 2022

### 1.3 Site and Surrounding Area

The subject site is located off Back Road in Malahide and has an area of c. 12.5 hectares.

Access to the site is via an entrance off Back Road. The site adjoins the existing site under construction namely Ashwood Hall and Broomfield.

The site is effectively split into two parcels with the northern portion adjoining Ashwood Hall to the north and west. The southern portion of the site would be accessed via Brookfield and would adjoin the Hazelbrook development to the west.

Malahide Castle is located on the northern side of Back Road. The Dublin / Belfast train lines runs along the eastern boundary of the site.

### 1.4 Relevant Planning History

#### Ashwood Hall

**F13A/0459** - Phase 1 of the approved Broomfield LAP lands. The development will comprise of 61 no. two storey dwellings with associated on-curtilage parking, neighbourhood centre containing three retail units, with associated parking and a reserved site for a disability care facility unit and a house unit adapted for special needs (subject to a future planning application). The development will be served via a new vehicular and pedestrian access (replacing existing road junction) from Back Road. The main spine road through this development will link to and serve the Southern Development Area Broomfield LAP lands. The development also includes for pedestrian and cyclist linkages, landscaping, boundary treatments, ESB sub-station, foul sewer works connecting to Kinsealy Lane, SUDS surface water drainage works together with all other associated site development works necessary to facilitate the development. The works also propose the demolition of three dwellings (one of which is a derelict dwelling). Decision to grant permission upheld on appeal to An Bord Pleanala.

**F13A/0459/E1** – Grant Extension of Duration up to and including 10th March 2025

#### Brookfield

**F13A/0460** - Residential development representing Phase 1 of the approved Broomfield LAP lands. The proposed development will consist of 89 no. dwellings and associated car parking of which 1 no. dwelling will be utilised as a creche. The development also includes landscaping, boundary treatments, ESB sub-station, foul sewer works connecting to Kinsealy Lane, SUDS surface water drainage works and all other associated site works necessary to facilitate the development. The proposed development provides for pedestrian and cyclist linkages, emergency and agricultural access to the adjoining 'RS' zoned lands to the west (residential scheme granted under Reg. Ref. F11A/0386). The development will be accessed via 1 no. vehicular and pedestrian access onto Back Road. Decision to grant permission upheld on appeal to An Bord Pleanala.

**F13A/0460/E1** – Grant an extension of duration up to and including 10th March 2025

#### Site to the immediate north west

**F19A/0579** – a) Construction of 2 no. 288sq.m. part two storey / part single storey detached four bedroom dwellings, (each dwelling consists of 141sq.m. at ground floor level and 147sq.m. at first floor level)

b) New vehicular entrance to existing road and off-street parking

c) New soft landscaping to boundaries and freestanding walls surrounding building to define external spaces, and

d) All associated siteworks. Grant permission.

**F19A/0580** – Permission for a) Construction of a 288sq.m. part two storey, part single storey detached four bedroom dwelling, (141sq.m. at ground floor level and 147sq.m. at first floor level), b) New vehicular entrance to existing road and off-street parking, c) New soft landscaping to boundaries and freestanding walls surrounding building to define external spaces, and, d) All associated siteworks. Grant permission.

**F19A/0581** – a) Construction of a 398sq.m. part three storey/part single storey detached five bedroom dwelling, (161sq.m. at ground floor level, 147sq.m. at first floor level and 90sq.m. at attic floor level),

b) New vehicular entrance to existing road and off-street parking,

c) New soft landscaping to boundaries and freestanding walls surrounding building to define external spaces, and

d) All associated siteworks. Grant permission

Lands Central between Ashwood Hall and Brookfield



**F22A/0105** - The development comprises the building of a new 2 storey, 16 classroom primary school (roll number 20445D), including a multi-purpose hall, a 2 classroom special education needs unit, an associated staff car park, delivery/drop-off areas, ball courts/play grounds, a litter bin/storage site, covered parking units for bicycles, boundary treatments, landscaping site lighting, a link to public services and all associated site works. The proposed project encompasses a new site access route to the estate road that already exists. Refuse permission (currently within the appeal period)

#### Lands to the South East

**F21A/0451** - Proposed upgrades of the existing foul water storage tank to provide for a pumping station with increased storage capacity, new sewer and rising main along Kinsealy Lane with associated interceptions and manholes, boundary treatments, and all associated engineering and site works necessary to facilitate the development.

A Natura Impact Statement (NIS) has been prepared and is submitted with the application. Grant permission.

#### SHDs granted and proposed in Malahide

**TA06F.305991** - Seamount Road, Seamount Abbey, Malahide Co. Dublin. - 142 no. residential units (58 no houses, 76 no. apartments, 8 no. maisonette apartments), childcare facility and associated site works. Grant permission

#### Auburn House

TA06F.313360 - 368 Residential Units. Under Assessment

TA06F.309907 - 411 no. residential units. Refuse permission.

#### Lands at Lamorlaye

ABP – 313265 – 100 residential units. Under Assessment

### Section 2 Details of the Subject Strategic Housing Development

#### 2.1 Development Proposals

Demolition of the former rugby clubhouse structure on site and the construction of a total of 415 no. residential units (252 no. houses, 135 no. apartments, and 28 no. duplex units); with 1 no. childcare facility and ancillary residential amenity facilities to be provided as follows:

- 252 no. residential houses;
  - 192 no. 3 bed units
  - 48 no. 4 bed units
  - 12 no. 5 bed units

To be set out in detached, semi-detached, mid-terraced and end-terraced houses ranging from two to three storey in height.

- Apartment Blocks A & B are connected at ground and first floor level sharing an undercroft car park at ground floor level and a landscaped podium garden at first floor level.

110 no. units in 2 no. buildings ranging from one to five storeys in height,

Apartment Block A containing a total of 54 no. units comprising of

- 14 no. 1 bed units
- 39 no. 2 bed units, and
- 1 no. 3 bed unit

Apartment Block B containing a total of 56 no. units comprising of

- 14 no. 1 bed units
- 40 no. 2 bed units, and
- 2 no. 3 bed units,



All units are to be provided with private balconies/terraces; internal bicycle stores, bin stores and plant rooms at ground floor level; and on-street car parking and bicycle parking. Ancillary residential amenity facilities are also proposed including concierge/reception, meeting room, gym, and multi-purpose room;

- Apartment Block C containing a total of 25 no. units comprising of
  - 9 no. 1 bed units,
  - 14 no. 2 bed units and
  - 2 no. 3 bed units,

All units are to be provided with private balconies/terraces, in a building four storeys in height; with on-street car parking and bicycle parking; with access to a communal bin store and bike store;

- Duplex Block D containing a total of 12 no. units comprising of
  - 6 no. 2 bed units and
  - 6 no. 3 bed units

All units are to be provided with private balconies/terraces, with a communal bin store and bike store; and 1 no. childcare facility with outdoor play area, all in a building ranging from one to three storeys in height; with residential on-street car parking; and childcare on-street drop-off area, car parking and bicycle parking;

- Duplex Block E containing a total of 8 no. units comprising of
  - 4 no. 1 bed units and
  - 4 no. 2 bed units,

All units are to be provided with private balconies/terraces; in a three storey building; with a communal bin store and bike store, and on-street car parking;

- Duplex Block F containing a total of 8 no. units comprising of
  - 4 no. 1 bed units and
  - 4 no. 2 bed units,

All units are to be provided with private balconies/terraces; in a three storey building; with a communal bin store and bike store, and on-street car parking.

The development will provide for a total of

- 721 no. car parking spaces within the scheme;
- 227 no. bicycle spaces serving the apartments, duplexes and childcare facility;

Proposed use of the existing vehicular access off Back Road (proposed vehicular access via Ashwood Hall and Brookfield) and proposed use of the existing vehicular access off Kinsealy Lane (proposed vehicular access via Hazelbrook);

Proposed upgrades to public realm including footpaths, landscaping including play equipment, boundary treatments, and public lighting; and all associated engineering and site works necessary to facilitate the development including proposed upgrade of part of the existing foul drainage network in Hazelbrook, and proposed connection and associated works to the existing foul network along Kinsealy Lane which will be upgraded under planning permission Reg. Ref. F21A/0451.

## 2.2 Summary of the Elected Members

The elected members, at the area committee meeting on the 4<sup>th</sup> May 2022 expressed a range of views and opinions in relation to the proposed development.

Attendees: Cllr Hopkins, Cllr Lavin, Cllr O'Brien, Cllr Healy, Cllr McDonagh, Cllr Tormey.

Cllr Healy

- Queries if any discussions have taken place regarding an alternative route for drainage to avoid more works on Kinsealy Lane.



- Recommends a motion that the Broomfield SHD should be amended to accommodate a bridge across the railway.
- General character of the development is very car dominated.
- Suggestion that the development should be car free and car parking should be put in at the edge of the development.

Cllr McDonagh

- Seconded Cllr Healy's Motion.
- Agreed with Cllr Healy's comments regarding the proposed bridge across the railway.
- Fear that all work on cycle infrastructure could lead to nothing.
- Playspace is needed on the site for 4-9 year olds which is to be over-looked.
- Need housing in this space.
- Generally supportive.
- Conflict by delaying houses waiting for the perfect infrastructure.
- Need to work with the developer to get across the railway.
- Strongly support the childcare facility and this should be delivered as soon as possible.
- Consideration of Dublin Airport Noise and Safety Zones.
- Supportive of housing on properly zoned lands but we should try to make them as good as we can.

Cllr Hopkins

- Supportive of Cllr Healy's motion.
- New estate very car centric, need to look at way of moving parking away from houses.
- Not child / pedestrian friendly.
- 5 bed houses, no issue but maybe needs further reconsideration.

Cllr Lavin

- Supports Cllr Healy's motion.
- Disagrees regarding the issues raised with the car parking provision.
- Reiterates that the site is not readily accessible to public transport and is a fair walk from the centre of the village.
- With reference to the refusal for the school, suggests that alternative location within the lands could be considered.

Cllr Guerin

- Car parking provision is too high
- Agrees with Cllr Healy regarding the parking
- Recommendation to reduce dependence on cars to think of generations to come.
- Loves the idea of car free estates. Shouldn't be endorsing the amount of parking as proposed and the concerns raised should be endorsed by the planners.

Cllr Tormey

- Couldn't support Cllr Healy's second motion.
- More bike spaces should be proposed.

Cllr O'Brien

- Agrees with motion and any development here should reflect objectives in Development Plan for walking / cycling infrastructure over bridge. This land will be crucial in the delivery of this.
- Number of parking spaces, key thing, we get for what we plan for, need to be driving this figure down, this will bring 721 cars to the road.
- SHDs may enable trading down.



- Put into practice what we have in Draft Plan.
- Support second motion put forward by Cllr Healy.
- May not be hugely popular but this is zoned land and we need to see best use and design.
- Numbers not necessary.
- Active travel is at the core

#### Motion 1

*That this Area Committee recommends that the Broomfield SHD application be amended to include a route for a cycling and walking route through the site and over the railway as recommended by the 2009 Sustrans Study and as proposed in the Draft Fingal Development Plan currently on public display.*

#### Motion 2

*That this area committee recommends that the Broomfield SHD application to be amended to concentrate the car parking at the entrance to the site and enable the creation of a more pedestrian and child-friendly environment within the new residential area and that the total quantum of car parking be revised downwards in accordance with the reduced demand which is likely to result from such an approach.*

#### 2.3 Summary of the Submissions Received by An Bord Pleanála

30 no. submissions were received in respect of the proposed development. these comprised submissions from statutory bodies and private individuals/organisations

The following statutory bodies were notified:

- Minister for Housing, Local Government and Heritage
- An Taisce
- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Coras Iompair Éireann
- The Commission for Railway Regulation
- Iarnród Éireann
- Irish Aviation Authority
- Fingal Childcare Committee

The following Prescribed Bodies have responded and the issues raised in their submissions are summarised below:

#### Department of Housing, Local Government and Heritage

##### Archaeology

- It is recommended that a condition pertaining to archaeological excavation of the subsurface archaeological features be added.

##### Nature Conservation

- The NIS has identified a hydrological connection between the development site and the Baldoyle Bay SAC and the Baldoyle Bay SPA. The Board should attach conditions relating to measures proposed in the submitted Natura Impact Statement, clearance of vegetation, tree felling and hedge removal in addition to the provision of a lighting scheme to protect bats.

##### Irish Water

- The proposed development is feasible subject to infrastructure upgrade by Irish Water.
- The proposed development is feasible subject to the delivery of a new Kinsealy Lane pumping station.
- The applicant / designer / contractor etc is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the Development redline boundary which is necessary to facilitate connections from the boundary of the development to Irish Waters network

- The statement of Design Acceptance was issued by Irish Water on 3<sup>rd</sup> February 2022.
- Conditions recommended in the event of a grant of permission.

#### Irish Aviation Authority

- The management of developments within the public safety zone for Dublin Airport are specific for the Planning Authority and the Aerodrome Operator to consider in their suitability.
- In the event of planning recommends a condition be attached that the applicant be required to notify Dublin Airport and the Authority of the intention to commence crane operations with at least 30 days prior notification of the erection.

#### Dublin Airport Authority

- Notes the application sites location within Noise Zone C associated with Dublin Airport.
- Refers to Objective DA07 of the Fingal Development Plan 2017-2023 and the supporting policies.
- Requests that in the event of a grant of permission being forthcoming that a condition be attached requiring the noise sensitive uses to be provided with noise insulation to an appropriate standard having regard to the location within Noise Zone C.

#### Irish Rail (Iarnrod Eireann)

- The developer must take into account the rail line in design, construction and operation of the development, in addition to engaging with Iarnrod Eireann.
- It is recommended that the applicant engage with Iarnrod Eireann and provide detailed cross sections with a view to agreeing the line of the proposed boundary treatment.
- Refers to the DART+ Coastal Project being underway and need to be aware of the implications of this.
- No reference is made as to how the proposed ground levels of the development may alter the existing ground levels and the natural drainage regime adjacent to the track boundary
- The integrity and functionality of any historical drainage channel running parallel to the railway at crest of cutting must not be affected by any temporary or permanent works or landscaping.
- The development may not undermine the integrity of the cutting and cutting supporting structures adjacent to the track for which IE has a statutory obligation to maintain.
- A 2.4m high appropriately designed, solid block / concrete boundary wall treatment should be erected on the applicants side of the boundary by the applicant.
- The landscaping plan should avoid locating deciduous trees along the railway boundary.
- Provision must be made for maintaining the security of the railway boundary during the construction phase.
- Access for IE staff to necessary culverts / bridges etc should not be hindered.
- Railway mounds and drainage ditches are to be preserved save for written consent has been obtained otherwise.
- No additional liquid, either surface water or effluent be discharged to or allow to seep onto the railway property or into railway drains / ditches.
- Any excavations which infringe upon the track must received written consent.
- No building shall be constructed within 4m of the boundary treatment on the applicants side.
- In the event the use of a crane is required that could swing over the railway, the applicant must engage with IE.
- Any proposed services that are required to cross along, over or under the railway property shall be subject to a wayleave agreement with IE.
- No overhang of any part of the development onto the railway property is allowed.
- Lights from the proposed development, either during construction or operation shall not give rise to glint or glare.
- The residential units should be designed, orientated and located to limit the impacts of noise and vibration from transportation traffic and maintenance activities.

The issues raised in the third party submissions are broadly categorised under the following sub headings. The full range of issues are included in Appendix A of this report.

- Density, Design - Scale and density significantly in excess of that envisaged under the Broomfield Local Area Plan.



- Deficiency of social infrastructure
- Poor public transport
- No cycle network in area
- Connectivity poor
- Access arrangements problematic
- Infrastructure proposals need addressing
- Environmental issues arising from proposed development

The submissions and observations received have been considered in the formulation of the Chief Executive's views on the effects of the proposed development on the proper planning and sustainable development of the area and on the environment.

## 2.4 Internal Reports

Parks	Report Noted
Transportation	No objection subject to condition
Water Services	No objection subject to condition
Archaeology	Conditions noted
Architects	Report noted
Environment	No objection subject to conditions
Arts	No objection subject to condition
Housing	Report Noted

## Section 3

### 3.1 Policy Context

#### 3.1.1 National and Regional Policy

The applicant has submitted a Statement of Consistency with the following documents:

- Project Ireland 2040: National Planning Framework
- Project Ireland 2040: National Development Plan 2021-2030
- Rebuilding Ireland, An Action Plan for Housing and Homelessness (2016)
- Housing for All: A New Housing Plan for Ireland
- Affordable Housing Act 2021 & Housing Circular 28/2021
- The Housing Agency Statement of Strategy 2022-2024
- Residential Densities in Towns and Villages (Circular Letter NRUP 02/2021)
- Sustainable Residential Development in Urban Areas and Best Practice Urban Design Manual Guidelines (2009)
- Delivering Homes, Sustaining Communities: Statement on Housing Policy (2007)
- Quality Housing for Sustainable Communities (2007)
- Sustainable Urban Housing: Design Standards for New Apartments (March 2020)
- Urban Development and Building Heights: Guidelines for Planning Authorities (Dec 2018)
- Childcare Facilities: Guidelines for Planning Authorities (2001)
- Childcare Facilities Operating under ECCE Scheme (Circular PL3/2016)
- Space for Play; A Play Policy for Fingal County Council
- Smarter Travel: A Sustainable Transport Future
- Design Manual for Urban Roads and Streets (DMURS)
- National Cycle Manual (June 2011)
- EIA Directive
- Birds and Habitats Directive – Appropriate Assessment
- The Planning System and Flood Risk Guidelines (2009)
- All-Ireland Pollinator Plan 2021-2025
- National Adaptation Framework: Planning for a Climate Resilient Ireland
- Climate Action Plan 2019

The Statement has been reviewed by the Planning Authority and the proposal is generally considered to be consistent with the relevant guidelines save for the issues raised within the assessment below. An Bord Pleanála is requested to ensure that the development proposed accords with the relevant guidelines and consideration if mitigating justifications for such absences would be justified.

### 3.1.2 Fingal Development Plan 2017-2023

The applicant has submitted a Statement of Consistency for the Fingal Development Plan 2017-2023.

The applicant has submitted a Material Contravention Statement in relation to the following:

- Dublin Airport Noise Zones and Public Safety Zone
- Public Open Space and SuDS Provision
- Playground Facilities Provision
- Tree Preservation
- Car Parking Provision
- Preparation of a Masterplan
- Core Strategy and Housing Targets

Whilst the Planning Authority supports the principle of the proposed development it is submitted that some aspects of the proposal require further consideration. This is discussed further within this Chief Executive Report.

## 3.2 Details of the Prospective Development

### 3.2.1 Density, Layout, Design and Materials

The proposed development would yield a density of c. 37.4 dwellings per hectare. While this density falls within the lower end of the generally accepted 35-50 density threshold, the Planning Authority would consider that it is reflective of the overall low-density character of the area. Furthermore, it is acknowledged that the southern portion of the site is restricted in capacity by virtue of the location within the Outer Public Safety Zone associated with Dublin Airport.

#### Layout

Generally, the layout is consistent with urban development and would afford a natural extension to that of Ashwood Hall and Brookfield. The southern portion of the site has been amended as a result of the location within the Outer Public Safety Zone associated with Dublin Airport. The amendment provides for a more appropriate setting and transition in relation to the greenbelt lands to the south. However, the layout presented is at the expense of amenities such as high quality central open space which is dominated with underground tanks in addition to providing inadequate separation from the water courses.

#### Permeability and Connectivity

The provision of a high-quality cycle and pedestrian network from the surrounding area, through the site and linking into the adjoining lands is an important tenet of the design approach needed for new housing in this area, in order to promote and facilitate sustainable and active travel.

It is important such active travel infrastructure is designed into the project at an early stage. While the proposal does include some measures, it is submitted there is a deficit of permeable active travel infrastructure.

In order to address this deficit, the Planning Authority recommend provision of a new pedestrian / cycle infrastructure along the northern and western side of Ashwood Hall (within the applicants ownership) to tie into the adjoining lands in particular lands identified by the Department of Education as a suitable school location. This could tie into the access road on the bend, where a crossing at this location could be provided onto the eastern side of the access road where the cycle link could continue south towards the southern entrance to Hazelbrook.

This would provide an attractive link from Back Road where there is a signalised pedestrian crossing between Malahide Castle and Ashwood Hall, to Kinsealy Lane through the site providing safe connectivity.

A cycle route is indicated along the eastern boundary, on a north /south axis but does not provide connectivity. This link shall be extended along the southern boundary of the northern portion of the lands which would also provide connectivity to the site identified by the Department of Education as a suitable school location. Additionally, the extension of this path would also provide a future link to the potential pedestrian bridge across the train line into the school site on the eastern side of the train line identified within the Draft Fingal Development Plan 2023-2029, Objective 41 which seeks to *Provide for a walkway and cycleway across the rail line to Malahide Community School.*

The Planning Authority would consider that potential links within the subject site should be considered at this stage in order to ensure that the development would not impede the delivery of such infrastructure at a later date and would provide robust permeability along the western and eastern sides of the site, effectively detaching pedestrians from the car dominated roads.

#### Design

Generally, it is submitted that the design approach to the dwellings would be consistent with that of the adjoining developments of Ashwood Hall and Brookfield.

The Planning Authority acknowledge the RA zoning of the site and are not opposed to the provision of high buildings within the site, specifically along the train line where buildings of this kind are commonly located.

Concerns remain regarding the nature of Block A&B and the visibility from the train line on approach to Malahide. Drawing No. PL207 'Apartment Block A&B', specifically South Facing Elevation FF demonstrates the concerns regarding the monolithic approach whereby the southern elevation of the north facing elevation would address the central courtyard with blank walls of enormous scale.

The south elevation would benefit from a better graduation in heights with a more appropriate definition of the massing as the height reduces.

The creche which is proposed to adjoin Block D adds significant scale and mass to the overall block. Consideration should be given to the detaching of the creche into a standalone unit or in the event An Bord Pleanala would consider the relocation of the unit proximate to the main entrance.

The Planning Authority requests that An Bord Pleanla consider the concerns set out above.

Block E and F within the Southern Quarter are proposed to have a staggered ridgeline as a result of level changes. The level change should be excluded and be dealt with in the site ground works in order to form a coherent block design. The front elevations indicate that these blocks would have a hipped roof profile however the side elevations indicate a gable elevation. It is recommended that a hipped roof profile be provided as this would reduce scale and bulk.

It is considered that House Type C within Character Area 4 presents with a bland façade, it is recommended that an apex roof feature should be provided at each end of the terrace to add visual interest.

#### Materials

The applicants use of varied materials to create Character Areas is noted.

It is considered that less use of zinc to the upper floor of Apartment Block AB and Block C would reduce apparent bulk. The extensive use of a white render to the creche should be re-considered.

It is recommended that House 101 utilise a brick that is consistent with the immediate adjacent house in Ashwood Hall in order to provide for ease of transition between the two developments. A condition should be included for the agreement of all finishes prior to the commencement of the development.

The Planning Authority requests that An Bord Pleanla consider the concerns set out above.

#### 3.2.2 Unit Typology and Mix

Permission is sought for 415 residential units with the following breakdown; Percentages are calculated based on the overall number with the duplex and apartment considered cumulatively.

##### 252 Houses

- 192 (3 bed units) (46%)
- 48 (4 bed units) (11.5%)
- 12 (5 bed units) (2.9%)

##### 28 No. Duplex's

- 8 (1 bed units)
- 14 (2 bed units)
- 6 (3 bed units)

##### 135 Apartments

- 37 (1 bed units)



- 93 (2 bed units)
- 5 (3 bed units)

Percentage of breakdown with Apartment and Duplex considered cumulatively.

- 45 (1 Bed units) (10.8%)
- 107 (2 Bed units) (25.7)
- 11 (3 Bed Units) (2.65%)

The proposed breakdown provides a mix of tenure types which will provide choice to future residents. It is considered to be acceptable with the predominant tenure being the 3 bed house and 2 bed apartment.

### 3.2.3 Residential Amenity

The applicant has submitted an Architectural Design Statement for the proposed development in accordance with Objective DMS03 of the Fingal Development Plan 2017-2023.

This statement sets out how the 12 urban design criteria apply to the proposed development and how 4 individual character areas have been identified.

The more-dense development will occur within the northern portion of the site with the apartment blocks located along the eastern boundary with the train line. A less dense approach is proposed within the southern portion of the site.

A Housing Quality Assessment has been provided. The applicant sets out that all houses have been designed to meet the requirements of Quality Housing for Sustainable Communities, 2007 and all apartment/duplex units meet the requirements of Sustainable Urban Housing: Design Standards for New Apartments, 2018.

The HQA sets out that 50.3% of the apartment units have a floor area 10% greater than the minimum requirements. It is noted that this information has not been included with respect to the Duplex Units, i.e. Block D, Block E and Block F.

It is noted that c. 53% of the apartment units are dual aspect. Notwithstanding this, the Planning Authority would have concerns regarding the design concept of Apartment Block A and B with parking to the centre and apartments to the perimeter which results in multiple single aspect apartments at ground floor with associated private open spaces addressing the public street.

The applicant has included a Daylight and Sunlight Assessment of the proposed development. An Bord Pleanála is requested to consider the information displayed within Figure 9 and the available sunlight on 21<sup>st</sup> March with specific reference to the southern section of the central courtyard between Block A and B.

Review of the Average Daylight Factor to the apartment units would suggest that all Kitchen / Living/ Dining areas meet the minimum requirement of 2%. It is acknowledged that this combined room layout becomes deficient for adequate daylight where balconies restrict the availability of light into the room.

Communal open space to Blocks E and F appears more residual than of usable quality space.

House type B which forms part of the semi-detached unit with House Type A presents a number of concerns, firstly in relation to the restrictive depth of the rear gardens and the relationship with the adjacent house whereby a gable would address the length of the rear garden and raises concerns regarding overshadowing and overbearance.

Secondly, it is also noted that in general House Type A & B have been designed with no habitable windows to the rear elevation at first floor level. The plans indicate the provision of windows serving a bedroom within the first-floor rear projection (both sides) associated with House Type B. Having regard to the conflicts raised, it is recommended that all House Type B's be replaced with an adjoining House Type A which would result in a semi-detached unit of two A houses types.

House No. 25 and 43 in Character Area 3 would immediately adjoin the proposed cycle link, the Planning Authority would question whether an increased setback or appropriate buffer be provided to these dwellings to avoid undue impact. It is noted that House No. 69 appears to be provided with a footpath link to the front door.

The buildings along the eastern side of the site which address the train line, range in separation from c. 10-20 metres. All dwellings will be subject to inclusion of appropriate noise mitigation measures having regard to the location within the noise zone associated with the airport however An Bord Pleanála is requested to consider if additional noise mitigation measures would be required.



Terraced dwellings are to be provided with bin stores to the front. It is recommended that this be redesigned to include for bicycle storage.

The statement submits that universal access has been considered.

The proposed creche is of substantial size. An Bord Pleanála is requested to consider the potential impacts to the adjoining Duplex Unit and whether the creche should be a detached stand alone unit or as previously noted should An Bord Pleanála consider the relocation of the unit proximate to the main entrance.

Significant undue outward residential impact arising from the development is not anticipated to be an issue.

An Bord Pleanála is requested to ensure that all apartments and dwellings comply with the relevant standards and requirements and that each unit would be provided with a quality internal and external amenity.

### 3.2.4 Green Infrastructure

#### Public Open Space

The total public open space provision based on occupancy of 415 units equates to 2.87ha (28,712m<sup>2</sup>). The on-site provision (10% of site area) 1,110m<sup>2</sup> results in a shortfall of 27,565m<sup>2</sup>.

The public open spaces do not meet the minimum on-site provision nor the acceptable standard as per Fingal Development Plan. Functionality of the open spaces is limited given their 'back-land', incidental, riparian corridor and proposed construction (SUDS tanks dominate most spaces including those privately maintained by apartment management companies).

The proposal to develop open spaces (including underground tanks and play areas) within 10m of a watercourse is contrary to Fingal Development Plan objective WQ05, DMS171. Green corridors are not accepted towards public open space provision as per Fingal Development Plan.

It is recommended that the applicant be required to make up this shortfall by way of a financial contribution in accordance with section 48 of the Planning & Development Act 2000 in lieu of the public open space provision. This contribution will be applied towards the continued upgrade of local class 1 open space facilities in the Malahide area namely Malahide Castle & Demesne.

#### Tree Protection

The submitted Tree Report indicates approximately one-third of all surveyed trees, tree groups and hedgerows to be removed. The findings & recommendations of the Tree Report are accepted.

#### Play Space

The shortage of on-site open space has prevented the minimum required play provision being provided. The calculated play provision based on Fingal Development Plan objective DMS75 and the Dept's Design Standard for New Apartments equates to 1,408m<sup>2</sup> of play. Each play item is expected to occupy 50m<sup>2</sup> (DMS76), therefore an estimated 28no. play items are required. The applicant proposes 14no. play items which is significantly short of the expected play provision. To meet the play provision almost the total open space provision will be play – this will have a long-term impact on residential amenity and the sustainability of such play spaces. The applicant should be requested to submit revised plans for the play proposal in order to meet the minimum play provision requirement of 1,080sqm.

#### Ecology

The site includes bats, badgers, fox and a wide variety of songbirds. The removal of hedgerows, trees and scrub is expected to negatively affect the site's wildlife. The on-going treatment of Japanese Knotweed is noted however the success of this work is unclear. The appointed ecologist shall be engaged by the developer for the duration of the project as an Ecological Clerk of Works to advise on all aspects of the project including the final Construction Environmental Management Plan e.g. compound location & construction access routes, the timing of site clearance works to minimise the impact on wildlife and all other works affecting wildlife including inspecting vegetation & structures prior to removal.

### 3.2.5 Movement and Transport

The proposed development would generate a residential parking requirement of 763 spaces. 721 spaces are proposed to be provided. The deficit relative to Development Plan requirements is not considered to be significant and cognisance of the location of the site is acknowledged.

In relation to the proposed creche, the proposed set down is undersized, requiring a set down of c.8-10 spaces with control measures in place and lining to reserve the creche set down and staff parking for the exclusive use of the creche during the operational hours.

Bicycle parking should be increased to align with the requirements of National Guidelines.

From a transport perspective, the general layout would appear to be acceptable, save for some concerns regarding the use of home zones etc. Full details in respect of the general layout are contained within the report of the Transportation Planning Section.

Having regard to the scale of the proposed development together with the existing developments it is contended that more than one access point is required. Traffic calming measures could be incorporated to deter the potential for rat running. The Swept Path Analysis identifies tight turning movements with overrun of the pedestrian footpaths and open space, e.g. turning head of Road 1 and turning head of road 3.1 (home zone). A condition is recommended to provide additional space.

A Traffic and Transport Assessment has been provided. The former LAP identified a number of infrastructure upgrades that would be required. To date, the pedestrian bridge has been provided but the junction upgrades at Malahide Road and Back Road, Back Road and Kinsealy Lane, and Back Road with The Hill have not occurred. It is noted that concurrent SHD applications in the vicinity will be required to address junction upgrades. In this instance it is recommended that a condition be included to require the upgrade of the junction of Back Road and The Hill.

### 3.2.6 Archaeology

Geophysical survey and test examination identified a number of archaeological areas including enclosures ditches, a pit and hearth/pit which be detrimentally impacted by the development. It is proposed that these archaeological areas be preserved by record, i.e. excavated. Given the nature of the development proposal and truncation of the archaeological material, the Planning Authority would concur with this approach.

Conditions are recommended, in the event of a grant of permission including archaeological monitoring of topsoil stripping.

The proposed development would impact upon the historic townland boundary. It is recommended that written and photographic records be created in advance of the commencement of the development.

### 3.2.7 Infrastructure and Services

#### Foul Sewer

The applicant has engaged with Irish Water to obtain the necessary items in relation to a wastewater connection for the proposed development. It is submitted that there are existing constraints on the Malahide Wastewater Treatment Plant foul sewer network catchment. The wider network upgrades proposed include the extension and conversion of an existing foul storm tank into a foul pumping station and associated rising mains located at Castleway. The proposed works will take the existing foul catchment area out of the Malahide WWTP and into the wider Ringsend WWTP catchment via a series of wastewater pump stations. Permission for Castleway Pumping Station was granted under Reg.Ref. F21A/0451. Chapel Road pumping station is completed and operational.

The proposal will represent a significant investment in wastewater infrastructure from the applicant with the upgrades being entirely developer led.

It is submitted that the proposal is acceptable subject to condition.

#### Water Supply

The applicant has engaged with Irish Water to obtain the necessary items in relation to a water connection for the proposed development. The proposal in this regard is considered to be acceptable subject to condition.

#### Surface Water

The subject development site is split in to 4 separate surface water catchments with three controlled outfalls via headwalls into existing watercourses. The inclusion of green / sedum roofs, permeable paving, filter drains, roadside bioretention

tree pits, and swales is welcomed. A series of underground attenuation tanks / systems are proposed to cater for a large of amount of the required storm attenuation volume. The use of underground attenuation tanks should be avoided. Green roofs should not be the only measure with regards to the contribution to surface water runoff.

The surface water drainage proposal is not acceptable in its current form and not in accordance with Objective DMS73 and Objective DMS74 of the Fingal County Council Development Plan 2017-2023. The proposal should incorporate more nature-based measures which are acceptable in satisfying the SuDS Objectives of the County Development Plan. The surface water proposal shall consider the 4 pillars of design with a focus on amenity and biodiversity rather than solely water quantity and water quality. The surface water proposal could be amended by condition

It is acknowledged that these systems have been successfully incorporated on the adjoining developments in the wider lands of the previous Broomfield LAP on Castleway, Hazelbrook & Brookfield.

Conditions are proposed in the event of a grant of permission.

#### Flood Risk

A commensurate flood risk assessment has been submitted and the proposal is acceptable with regards flood risk.

#### 3.2.8 Appropriate Assessment & EIAR

This stage 3 SHD application has been accompanied by a Natura Impact Assessment and an Environmental Impact Assessment Report.

As noted above, the report of the Water Services Planning section recommended the inclusion of a condition regarding the requirement to submit a revised surface water drainage proposal which would incorporate more nature based SuDS systems rather than underground tanks. It is recommended that An Bord Pleanála consider this recommendation as to how it would relate to the environmental assessments.

An Bord Pleanála are the competent authority with regard to the assessment of these documents.

#### 3.2.9 Taking in Charge

The public open spaces are not suitable for taking-in-charge for maintenance purposes by the Council in addition to the proposed parking layout and materials. Therefore, details of a properly formed management company shall be submitted to the Planning Authority showing all open spaces within the responsibility of a management company.

It is recommended that all finishes should comply with the Councils Standard for Taking in Charge to facilitate any future unplanned plebiscites seeking to have areas taken in charge.

#### 3.2.10 Part V

The report received from the Housing Department notes that the applicant has engaged with the Council in respect of their Part V obligation. A validation letter was issued to applicants.

The units are proposed in a mix of duplex units and houses. The Planning Authority welcome that the units are not contained to the one area but note that the houses are all located within the one terrace. It would be considered that better dispersal should be explored in the interest of achieving a socially inclusive development.

#### 3.2.11 Ownership

The submission received from Iarnród Éireann submits that reliance on OSi mapping for boundary clarification is unreliable and does not take into account the historical drainage channels running parallel to the railway at the crest of the cutting which fall within the original landtake for the railway corridor. The submission contends that it is therefore probable that the proposed development encroaches onto CIE/Iarnród Éireann lands.

It is acknowledged that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land with these being ultimately matters for resolution in the Courts. An Bord Pleanála is minded to take this into consideration.

#### 3.2.12 Outstanding Issues

The applicant has included a School Demand Assessment Report. The report concludes that there is generally sufficient capacity of both primary and post primary schools in the area to cater for the future population and proposed development. The Planning Authority note that 3<sup>rd</sup> party submissions refer to the contrary and that some schools included within the



assessment fall outside of the catchment for many people currently living within the developments around Kinsealy Lane. It is also noted that the school which was refused permission under Reg. Ref. F22A/0205 received many letters of support noting the difficulties in trying to secure a school space for children living in this area. The Planning Authority do not concur with the School Demand Assessment Report, and suggest the requirement for additional school premises to serve the area, should be revisited.

### 3.3 Conclusion

The proposed development has been assessed and considered having regard to matters specified in Section 34(2) of the Planning and Development Act 2000 (as amended) and to submissions and observations received by the Board. It is considered that the proposed development which is located on a site located within the development boundary of Malahide will provide for an appropriate standard of residential development and is considered to be acceptable, subject to a number of amendments as set out within the conditions below.

### Section 4 Statement in accordance with Section 8(5)(b)(ii)

Having regard to the location of the site on lands zoned "RA" in the Fingal Development Plan 2017-2023 which seeks to "Provide for new residential communities subject to the provision of the necessary social and physical infrastructure", to the nature, scale and design of the residential development proposed, to the pattern of existing and permitted development in the area and to the provisions of the Development Plan, the relevant Section 28 Guidelines, with specific reference to the Urban Design Guidelines, DMURS, Quality Housing for Sustainable Communities, Design Standards for New Apartments (2020) and the Sustainable Residential Development in Urban Areas Guidelines, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect existing character and aid in the development of new character to the area and would be acceptable in terms of traffic safety and pedestrian permeability. The proposed development would therefore be in accordance with the Fingal Development Plan objectives and the proper planning and sustainable development of the area.

### Section 5 Conditions

1. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.  
**REASON:** To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. That each unit shall be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations. The residential units shall not be used for short term letting unless a prior grant of permission has been received from the Planning Authority, or An Bord Pleanála on appeal.  
**REASON:** To prevent unauthorised development.
3. The development shall be amended accordingly;

#### House Type A and B (semi-detached)

- (a) All House Type B's shall be replaced with a House Type A, resulting in a semi-detached unit of two House Type A's.

#### Block E and F

- (b) The proposed level change shall be omitted and shall be dealt with in the site ground works to form a coherent block design.
- (c) These blocks shall be provided with a hipped roof profile.

#### House Type C (Character Area 4)

- (d) An apex feature shall be provided at each end of the terrace of House Type C dwellings within Character Area 4.  
**REASON:** In the interest of the proper planning and sustainable development of the area.

4. Prior to the commencement of the development the developer shall submit details of all external finishes including materials proposed for ground floor terraces. The developer shall include the following,

- (a) Reduction in the use of zinc to the upper floors of Apartment Block AB and Block C.
- (b) Reduction in the extensive use of white render to the creche building.
- (c) The brick proposed to House 101 shall be consistent with the immediate adjacent house to the west in Ashwood Hall

**REASON:** In the interest of visual amenity.

5. Prior to the commencement of the development the developer shall submit for the written agreement of the Planning Authority, a detailed design for the provision of a pedestrian and cycle route through the proposed development and the existing adjoining residential developments, to be delivered at the developers expense and prior to the first occupation of the proposed residential units.
  - (a) The provision of a new route which shall run along the north and west side of Ashwood Hall, linking into adjoining lands to the south, providing for connectivity to Kinsealy Lane.
  - (b) The proposed route indicated along the eastern boundary of the site shall be extended to run along the southern boundary of the northern portion of the site, to provide for connectivity to the lands identified by the Department of Education as a suitable school location.

**REASON:** In the interest of the proper planning and sustainable development of the area.

6. Prior to the commencement of the development the developer shall submit for the written agreement of the Planning Authority, revised plans and elevations of sensitively designed bin and bicycle storage to be located to the front of mid terrace dwellings or any other unit without an external side access.

**REASON:** In the interest of residential amenity.

7. All bathroom and en-suite windows shall be fitted and permanently maintained with obscure glass.

**REASON:** In the interest of residential amenity and clarity.

8. That the proposed development be provided with noise insulation to an appropriate standard, if required, having regard to the location of the site within Zone B and C associated with Dublin Airport.

**REASON:** In the interests of proper planning and sustainable development and residential amenity.

9. The developer shall comply with the following:

- (a) Give at least 30 days notification to the Dublin Airport Authority and the Irish Aviation Authority of the intention to commence crane operations.
- (b) Notify Iarnrod Eireann in the event the use of a crane is required that could swing over the railway property.

**REASON:** In the interest of safety.

10. The appointed ecologist shall be engaged for the duration of the project by the developer as Ecological Clerk of Works to monitor and record ecological impacts in particular but not limited to nesting and wintering birds, bats and watercourses and shall regularly liaise with the Council's Biodiversity Officer (and where necessary NPWS) for the duration of the project.

**REASON:** In the interest of the proper planning and sustainable development for the area.

11. That a finalised external and internal lighting scheme for the proposed development approved by a bat specialist shall be submitted to the Planning Authority for their written agreement before the commencement of development on site, this lighting design shall be implemented in full and its implementation to be confirmed by a bat specialist. The lighting design shall ensure no undue overspill of lighting outside the site.

**REASON:** In the interest of proper planning and sustainable development and to conserve bat species which are subject to a system of strict protection under the Habitats Directive (92/43/EEC).

12. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional development including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or associated equipment, shall take place above roof level other than within the roof enclosures as indicated on the submitted drawings unless authorised by a further grant of planning permission.

**REASON:** In the interest of visual amenity, and to allow the planning authority to assess the impact of any such development through the statutory planning process.



13. That no dwelling be occupied until all services have been connected thereto and are operational.  
**REASON:** In the interest of the proper planning and sustainable development of the area.

14. The developer shall comply with the following requirements of the Planning Authority;

- (a) The use of underground attenuation is not acceptable. A revised surface water proposal shall be submitted to the Planning Authority for the written agreement prior to commencement of the development incorporating more nature-based SuDS systems as opposed to underground tanks.
- (b) All SuDS systems shall be in accordance with the Cira document C753 'The Suds Manual'.
- (c) No surface water / rainwater shall discharge into the foul water system under any circumstances.
- (d) The surface water drainage shall be in compliance with the "Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.

**REASON:** In the interest of public health.

15. The developer shall comply with the following requirements of Irish Water;

- (a) The developer shall sign a connection agreement with Irish Water prior to any works commencing and connecting to the Irish Water network.
- (b) Irish Water does not permit any build over of its assets and separation distances as per Irish Waters Standards Codes and Practices shall be achieved. With respect to any proposals by the developer to build over/near or divert existing water or wastewater services the developer shall submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement.

- (c) All development shall be carried out in compliance with Irish Water Standards codes and practices.

**REASON:** In the interest of public health.

16. The developer shall comply with the following requirements of the Planning Authority;

#### Public Open Space

- (a) There is a shortfall in the quantum of public open space generated through the development works of 27,565m<sup>2</sup>. The developer shall make up this shortfall by way of a financial contribution in accordance with section 48 of the Planning & Development Act 2000 is sought in lieu of the public open space provision. This contribution will be applied towards the continued upgrade of local class 1 open space facilities in the Malahide area namely Malahide Castle & Demesne.
- (b) The developer shall provide to the Planning Authority a Designer's Risk Assessment for the Open Spaces and Green Corridors to include an assessment and hazard rating of water features incl. SUDS infrastructure in proximity to play areas. The Designer's Risk Assessment should include input from the PSDP, architect, landscape architect and water engineer with references to specific child safety standards and guidelines.
- (c) The designers shall also maintain professional indemnity insurance (for a minimum amount of €6million for each claim) for a minimum period of 6 years post construction to cover liability issues regarding design issues that may arise during the operational phase.

#### Tree Protection

- (a) The appointed arboricultural consultant shall be engaged by the developer for the duration of the project to advise on the design of temporary works (incl. compound location & access routes), inspect tree protection measures and to liaise with the Parks & Green Infrastructure Division.
- (b) A pre-commencement meeting shall take place with the site manager, Parks & Landscape Officer and the arboricultural consultant to review tree protection measures incl. fencing & signage to BS5837 standard Trees in Relation to Design, Demolition and Construction Recommendations. Thereafter monthly site visits by the arboricultural consultant shall take place to monitor & record implemented tree protection measures.
- (c) All tree works including hedgerow pruning to be undertaken by a professional arborist to BS3998. All site works in proximity to trees & hedgerows shall be undertaken under the direct supervision of the appointed arboricultural consultant.

- (d) A post construction tree inspection report shall be submitted to the Planning Authority as part of the tree bond refund request.
- (e) A tree bond of €30,000 is to be lodged with the Council prior to the commencement of development in order to ensure that the trees are protected and maintained in good condition throughout the course of development. This bond will be held by Fingal County Council for a period of 4 years post construction which may be extended in the event of possible construction related defects. The refunding of the tree bond will be dependent on the submission post construction of an agreed tree inspection report by the appointed project arborist and establishment of new tree planting & hedging.

#### Landscape

- (a) The appointed landscape architect shall be engaged by the developer to supervise the installation of hard & soft landscaping features including the play areas, green roofs, SUDS tanks on open spaces and ecological/riparian plantings.
- (b) For a period of 3 years post completion of the development the appointed landscape architect shall undertake annual visits to report on the establishment of the plantings and make recommendations for any replacements or repairs.
- (c) All landscaping shall be completed within the planting season following substantial completion of each block. Any failures shall be replaced by the developer (not the management co.) until such time that the plantings become established.
- (d) The submitted Landscape Plan and details are acceptable with the following amendments:
  - All 'back to back' rear gardens and communal open spaces boundary treatments to have a 1.8m high capped & rendered/stone or brick clad blockwork walls instead of the proposed 1.8m high timber panel fencing, in the interest of durability. Where a blockwork wall associated with an apartment or duplex block faces onto public areas, then this shall be finished with natural stone or brick clad, in the interest of maintenance.
  - A 2.4m capped & rendered/stone or brick clad blockwork wall shall be provided along the eastern boundary with the train line.
  - Following the submission of the requested Designer's Risk Assessment the proposed 1.2m high timber rail with welded mesh may be substituted with a 1.4m+ high weld mesh panel fence (not timber) finished black in colour or similar. The location of fencing and re-grading/stepping of steep slopes may also be acceptable (note landscape drawing no. 105 Sections D-D and E-E).
  - A detailed tree planting plan shall be submitted for the agreement of the Planning Authority, identifying the location of each tree. To ensure 'right tree, right place'. The plan shall not include deciduous trees along the eastern boundary.
  - Proposed seating areas on public open spaces to be seating only, no boardwalk or similar timber structures. In order to minimise opportunities for anti-social behaviour.

#### Play

- (a) The developer shall submit a revised play proposal for the written agreement of the Planning Authority in order to meet the minimum play provision requirement of 1,080m<sup>2</sup>. This may include formal and natural play within communal open spaces (the proposed grass kickabout areas are not accepted towards play provision).

#### Ecology

- (b) The appointed ecologist shall be engaged by the developer for the duration of the project as an Ecological Clerk of Works to advise on all aspects of the project including the final Construction Environmental Management Plan e.g. compound location & construction access routes, the timing of site clearance works to minimise the impact on wildlife and all other works affecting wildlife including inspecting vegetation & structures prior to removal.

- (c) Ecological mitigation measures identified in the submitted Ecology Report and Construction & Demolition Management Plans shall be implemented with the supervision & monitoring of the appointed Ecological Clerk of Works including installation of species specific bat & bird boxes, facilitating badger & hedgehog foraging routes (incl. garden fence designs), watercourse protection incl. soil storage setback distances and the planting of native species schemes to encourage wildlife.
- (d) The success of the invasive species control measures such as Japanese Knotweed shall be monitored by the appointed Ecological Clerk of Works and alternative methods implemented if required.

#### Taking in Charge

- (a) The public open spaces are not suitable for taking-in-charge for maintenance purposes by the Council. Therefore, details of a properly formed management company shall be submitted to the Planning Authority showing all open spaces within the responsibility of a management company.

**REASON:** In the interest of the proper planning and sustainable development of the area.

- 17. A suitable secure hoarding shall be provided along the eastern boundary of the site with the train line and shall remain securely in place during the construction phase.

**REASON:** In the interest of the proper planning and sustainable development of the area.

- 18. The developer shall comply with the following requirements of the Planning Authority;

- (a) The junction of The Back Road with The Hill shall be upgraded to a signalised junction as part of the works for the proposed development details of the traffic signals, control boxes and all services required for the upgrade including the proposed phasing of the lights shall comply with the Councils Standard for taking in charge and shall be agreed with the Operations Department prior to commencement of the upgrade works. The junction shall be upgraded prior to first occupation of the proposed development.
- (b) A minimum of 10% of the residential parking spaces shall have EV Charging Points from completion of the development with all ducting and services provided as part of the proposed development to facilitate non-disruptive retro fitting of EV charging points for all the remaining residential parking spaces.
- (c) Details of the bicycle facilities for residential units without a side access and that are not included in the podium car parking area shall be agreed in writing with the planning Authority prior to construction of the proposed development.
- (d) Additional road space shall be provided to facilitate access and turning manoeuvres for service vehicles that does not require service vehicles to overrun pedestrian areas.
- (e) Road Safety Audits for each stage of the development shall be carried out as part of the proposed development.
- (f) All public areas whether or not they are to be taken in charge shall meet the Planning Authorities Standards for taking in charge.

**REASON:** In the interest of the proper planning and sustainable development of the area.

- 19. The developer shall liaise with Iarnrod Eireann where excavation works are proposed and where development may infringe upon the Track Support Zone.

**REASON:** In the interest of the proper planning and sustainable development of the area.

- 20. An acceptable naming scheme for the development shall be submitted for the written agreement of the Planning Authority prior to the commencement of the development. The naming scheme shall reflect local historical place names, and shall be bilingual. Road name signs shall be located at prominent positions within the development, and shall be bilingual. Dwellings shall be numbered and these numbers shall be affixed to the dwellings in a prominent position.

**REASON:** In the interest of the proper planning and sustainable development of the area.

- 21. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates, shall enter into an agreement in writing with the Planning Authority in accordance with the requirements of Section 96 of the Planning and Development Act 2000 as amended, unless an Exemption Certificate shall have been applied for and been granted under Section 97 of the Act, as amended.

**REASON:** To comply with the Requirements of Part V of the Planning and Development Act 2000 as amended

22. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house and duplex units), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**REASON:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable, in the common good.

23. The mitigation measures and recommendations set out within the NIS and EIAR submitted shall be undertaken and implemented.

**REASON:** In the interest of the proper planning and sustainable development of the area.

24. That the measures proposed in the Natura Impact Statement and Outline Construction Environmental Management Plan supporting this application to prevent pollution from the development site being mobilised into surface water runoff shall be incorporated in a finalised Construction Environmental Management Plan (CEMP) which shall be prepared and submitted for the written agreement of the Planning Authority prior to the commencement of development. The CEMP shall consider the short-term storage and removal of excavated material to minimise risk of pollution from these activities. The plans shall include the timing of works, methodology, location of compounds, parking and haul road and ecological mitigation measures.

**REASON:** In the interest of the proper planning and sustainable development of the area and to avoid downstream detrimental effects on the Baldoyle SAC and Baldoyle SPA resulting from water borne pollution originating from the proposed development.

25. That clearance of vegetation from the development site shall only be undertaken outside the main bird breeding season, i.e. from September to February inclusive.

**REASON:** To avoid the unnecessary destruction of bird nests, eggs and nestlings

26. That procedures for tree felling on the site will be carried out in line with the recommendations of the Environmental Impact Assessment Report supporting this application so as to avoid injury to bats, and bat boxes shall be erected on the development site as proposed in that document.

**REASON:** To avoid injury to bat species and provide resting or breeding places for these mammal species, subject to a system of strict protection under the Habitats Directive (92/43/EEC).

27. That the developer shall construct and maintain to the Fingal County Council's standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, sewers, watermain or drains, forming part of the development, until taken in charge by the Council.

**REASON:** In the interest of the proper planning and sustainable development of the area.

28. Prior to the commencement of the development the developer shall agree the construction of the road with the Operations Department, Fingal County Council.

**REASON:** To provide for the satisfactory completion of the development in the interest of residential amenity.

29. Prior to commencement of development, the developer shall submit to and agree in writing with the Planning Authority a properly constituted Owners' Management Company. This shall be responsible for the remainder of the development, other than those areas which are to be taken in charge by the Planning Authority. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the Planning Authority prior to the making available by the developer for occupation of the first residential unit.  
**REASON:** To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.
30. The developer shall provide a piece of public art or sculpture or architectural feature, to be designed in consultation with the Council (please contact Public Art Coordinator within the Economic, Enterprise, Tourism and Cultural Department of Fingal County Council). The piece of art shall have a relationship with the area. The location of the piece of art shall be agreed with the Parks and Green Infrastructure Division prior to the commencement of the works on site.  
**REASON:** To comply with Objective DMS05 of the Fingal Development Plan 2017-2023.
31. Written and photographic records of the historic townland boundary shall be created and submitted to the Planning Authority prior to the commencement of the development.  
**REASON:** In the interest of the proper planning and sustainable development of the area.
32. The developer shall comply with the following requirements of the Planning Authority;
- (a) The developer is required to engage the services of a suitably qualified archaeologist to co-ordinate the mitigation proposals contained within the Environmental Impact Assessment Report for archaeological excavation (preservation by record) of the archaeological features already identified in advance of construction works and Archaeological Monitoring of ground disturbance in Fields 1,2 and 5 at construction stages across the development site.
  - (b) Should previously unidentified archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation *in situ*, or excavation) and should facilitate the archaeologist in recording any material found.
  - (c) The Planning Authority and the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.  
**REASON:** To ensure the continued preservation (either *in situ*, or by record) of places, caves, sites, features or other objects of archaeological interest.
33. Prior to the commencement of the development, the developer shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects 2021. The RWMP shall include details of the various waste streams and expected tonnages which will be generated during the site clearance, demolition and construction phases and any proposed exportation or importation of soil and stone material including destination/source locations, quantities and if any material will be assessed under By-Product notification. The RWMP shall also include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.  
**REASON:** In the interest of the proper planning and sustainable development.
34. The developer shall comply in full with the following:
- (a) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense.
  - (b) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the

satisfaction of Fingal County Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

**REASON:** To protect the amenities of the area.

**NOTE 1:**

The applicant is advised that under the provisions of Section 34(13) of the Planning and Development Act 2000 a person shall not be entitled solely by reason of a permission to carry out any development.

**NOTE 2:**

The applicant is advised that the onus is on them to comply in full with the Building Control Regulations.

**NOTE 3**

The issue of encroachment or oversailing is a civil matter the applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

Signed Conway  
Senior Planner

Date 09.06.22

Signed M. H. Heese  
Director of Planning and  
Strategic Infrastructure Department  
Fingal County Council

Date 10<sup>th</sup> June '22





## APPENDIX A

### Summary of Third Party Submissions.

#### Density, Design

- Scale and density significantly in excess of that envisaged under the Broomfield Local Area Plan.
- Number of units when considered with the development at Lamorlaye represents a c. 47% concentration of the estimated total Malahide capacity and presents as an over development of the area.
- Proposed density and scale are surprising although it is acknowledged the need for housing.
- The proposed units, including a 5 storey apartment block are significantly out of character with the surrounding area and will negatively impact on the surrounding style and nature of the Back Road.
- Adverse impact on the landscape.
- Impact to amenity as a result of noise, disturbance and loss of air quality, light overspill.
- Concerns regarding boundary treatment to 3<sup>rd</sup> party properties and issues with security and anti-social behaviour

#### Social Infrastructure

- Concerns regarding the scale of the proposed development in the absence of adequate social and physical infrastructure.
- School Demand Assessment is flawed as it includes schools outside of the Electoral Division area, presenting a misleading result.
- Shortage of schools in the Malahide area. The Community and Social Infrastructure Audit refers to one primary school, St.Oliver Plunketts within 1km radius of the site. Residents of Hazelbrook have been informed that they are not within the catchment for this school. Two other schools within a 2km radius have also confirmed the same.
- Request a condition to be included to require the developer to transfer ownership of undeveloped land, shown as 'permitted development as per planning approval F13A/0459' to the DOE for the development of a primary school.
- Lack of local services.

#### Public Transport / Cycling / Connectivity

- Broomfield LAP envisaged that the "*The northern area of the LAP will contain a neighbourhood facility and bus terminus*", both of which have not been provided,
- Lack of connectivity unless travelling by car.
- Proposed development would be heavily car dependent and a child hostile environment.
- The site is isolated from public transport. Based on walk times to public transport, the site is considered to be peripheral rather than intermediate.
- Poor access to public transport – DART station approx. 30 min walk. Some residents within Hazelbrook drive to Portmarnock Train Station rather than Malahide.
- There are no cycle lanes on Kinsealy Lane or Back Road.
- Should be a walking and cycling access from the north of the proposed housing area through or around the electricity substation and along the alignment of the existing lane to Back Road.
- Consider the inclusion of the pedestrian bridge over the railway for access into Pobal Scoil Iosa as set out as an Objective in the Draft Fingal Development Plan 2023-2029. Request for this to be included as a condition in the event of a grant of permission.

#### Access

- Number of SHDs in the vicinity alone would have adverse impact on the local road network which is already subject to severe congestion due to local traffic and those utilising Malahide Castle.
- No junction upgrades as set out within the Broomfield LAP have been delivered.
- Traffic and Transport Assessment is inadequate, covering egress points for the housing development only.
- Back Road has narrow footpaths and a 60kmph speed limit which raises safety concerns as it is a main pedestrian route to a number of schools.
- Concerns regarding the suitability of the vehicular access (Ashwood Hall) to the proposed development, this access is too narrow and cannot accommodate the construction traffic along the residential estate traffic safely.

- Roads within the existing development are unsuitable for large volumes of traffic due to width of the road, winding nature and high kerbs.
- Safety issues for children living in the developments.
- Proposal for through road from Hazelbrook warrants reconsideration as would conflict with the guiding principles set out by the planning authority over the last number of years. The area of road in question is subject to social gatherings.
- Access through Hazelbrook would not serve Hazelbrook residents well by reducing access to amenities currently enjoyed, e.g. passing very close to an existing recreation green with no buffer.
- The access through Hazelbrook would be inconsistent with the spirit of the design outlined the Broomfield LAP. There is a need to take traffic pressure of Back Road but this proposal is ill conceived and will increase traffic to the substandard Kinsealy Lane.
- Proposed access would create a 'rat run'.
- Consideration should be given to opening up Castleway adjoining road instead of Hazelbrook as Castleway from Brookfield is a wider more suitable road for traffic.
- The car parking spaces associated with the dwellings along the proposed access route are not deep enough resulting in on street parking.
- Proposed traffic calming measures do not mitigate future traffic volumes.
- Kinsealy Lane lacks continuous footpaths from Hazelbrook to Back Road junction.
- Poor provision of road crossings for pedestrians on both Kinsealy Lane and Back Road.
- Exit from Hazelbrook has an obstructed view to traffic coming from the Back Road direction.
- Traffic Study for Kinsealy Lane should be revisited, conducted when mandate in place to work from home.
- Precedent in Malahide for single road in /out of developments onto Main Road, e.g. Robswall, Galtrim Grange.
- Reasons for refusal associated with the school on lands at Broomfield are relevant to this development.
- Suggestion for the provision of a link road development from the Malahide Road/ Feltrim Road junction eastwards towards Blackwood Lane in Portmarnock which would traverse the southern edge of these developments.

#### Infrastructure

- ESB lines overhead, will be an eyesore, there are other ways to address such wires, which is inconsistent with the current underground infrastructure. Request that remaining sections of the power lines from the adjacent electricity substation be undergrounded.
- Proposal to upgrade water services suggests the capacity is not available.
- Damage to services during construction, e.g. broadband, water supply.
- Notes that existing properties are currently served by OSWWTS and requests that a condition be included that proposed foul sewerage in the SHD development could facilitate existing and future dwellings on the adjoining dwellings. Existing and future dwellings on adjoining properties are granted permission to connect to the proposed foul sewerage system, subject to planning permission.

#### Environmental

- The southern border of the site is adjacent to a river which is known to flood in winter, just south of the Castleway Pumping Station. The area is frequented by wetland and coastal bird life also on the capacity of the agricultural land to act as a flood plain during periods of wet weather.
- Removal of woodland and vegetation for wildlife is seriously under threat with a lack of biodiversity assessments conducted to demonstrate the impact this will have to the environment within the area.

## FINGAL COUNTY COUNCIL INTERNAL CONSULTEE

## PLANNING REPORT

## Report of Parks and Green Infrastructure Division

**Register Reference:** SHD/012/20

**Registration Date:** 14-Apr-2022

**Development:** ABP-313361-22

The application may also be inspected online at the following website set up by the applicant: [www.broomfieldshd.ie](http://www.broomfieldshd.ie)

The development will consist of the demolition of the former rugby clubhouse structure on site and the construction of a total of 415 no. residential units (252 no. houses, 135 no. apartments, and 28 no. duplex units); with 1 no. childcare facility and ancillary residential amenity facilities to be provided as follows:

- 252 no. residential houses (192 no. 3 bed units, 48 no. 4 bed units, 12 no. 5 bed units) in detached, semi-detached, mid-terraced and end-terraced houses ranging from two to three storeys in height;
- Apartment Blocks A & B are connected at ground and first floor level sharing an undercroft car park at ground floor level and a landscaped podium garden at first floor level, and contain a total of 110 no. units in 2 no. buildings ranging from one to five storeys in height, with Apartment Block A containing a total of 54 no. units comprising of 14 no. 1 bed units, 39 no. 2 bed units, and 1 no. 3 bed unit, and Apartment Block B containing a total of 56 no. units comprising of 14 no. 1 bed units, 40 no. 2 bed units, and 2 no. 3 bed units, with all units provided with private balconies/terraces; internal bicycle stores, bin stores and plant rooms at ground floor level; and on-street car parking and bicycle parking. Ancillary residential amenity facilities are also proposed including concierge/reception, meeting room, gym, and multi-purpose room;
- Apartment Block C containing a total of 25 no. units comprising of 9 no. 1 bed units, 14 no. 2 bed units and 2 no. 3 bed units, with all units provided with private balconies/terraces, in a building four storeys in height; with on-street car parking and bicycle parking; with access to a communal bin store and bike store;
- Duplex Block D containing a total of 12 no. units comprising of 6 no. 2 bed units and 6 no. 3 bed units, with all units provided with private balconies/terraces, with a communal bin store and bike store; and 1 no. childcare facility with outdoor play area, all in a building ranging from one to three storeys in height; with residential on-street car parking; and childcare on-street drop-off area, car parking and bicycle parking;
- Duplex Block E containing a total of 8 no. units comprising of 4 no. 1 bed units and 4 no. 2 bed units, with all units provided with private balconies/terraces; in a three storey building; with a communal bin store and bike store, and on-street car parking;
- Duplex Block F containing a total of 8 no. units comprising of 4 no. 1 bed units and 4 no. 2 bed units, with all units provided with private balconies/terraces; in a three storey building; with a communal bin store and bike store, and on-street car parking.

The development will provide for a total of 721 no. car parking spaces within the scheme; a total of 227 no. bicycle spaces serving the apartments, duplexes and childcare facility; proposed use of the existing vehicular access off Back Road (proposed vehicular access via Ashwood Hall and Brookfield) and proposed use of the existing vehicular access off Kinsealy Lane (proposed vehicular access via Hazelbrook); proposed upgrades to public realm including footpaths, landscaping including play equipment, boundary treatments, and public lighting; and all associated engineering and site works necessary to facilitate the development including proposed upgrade of part of the existing foul drainage network in Hazelbrook, and proposed connection and associated works to the existing foul network along Kinsealy Lane which will be upgraded under planning permission Reg. Ref. F21A/0451. The application contains a statement setting out how the proposal will be consistent with the objectives of the Fingal Development Plan 2017-2023. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in

relation to the zoning of the land. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been prepared in respect of the proposed development.

The application together with an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, during public opening hours at the offices of An Bord Pleanála and Fingal County Council.

**Location:** Lands at Back Road and Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin, The northern lands are generally bound by Ashwood Hall to the west, and the southern lands are, generally bound by Hazelbrook to the west and Brookfield to the north.

**Applicant:** Birchwell Developments Ltd.

**Application Type:** Strategic Housing Development

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## **DRAFT** Report

*The proposed public open spaces mostly consist of incidental areas, narrow tracts including riparian corridors and environmental spaces i.e. underground SUDS tanks. The public open spaces do not meet the Fingal Development Plan requirements resulting in concerns regarding their 'fit for purpose'.*

*The applicant states that 12% of the site area is public open space, however when Fingal Development Plan's Table 12.5 exclusions are applied, the acceptable public open space does not meet the minimum requirement (10% of site area). Aside from potential areas of anti-social behaviour, poor residential amenities & other 'fit-for-purpose' concerns the ability of these open spaces to be maintained by the Council (if taken-in-charge) to an acceptable standard using current resources makes them unsustainable in their current layout & form.*

*Objective WQ05 of the Development Plan is as follows:*

*Establish riparian corridors free from new development along all significant watercourses and streams in the County. Ensure a 10 to 15 metre wide riparian buffer strip measured from the top of the bank either side of all watercourses, except in respect of the Liffey, Tolka, Pinkeen, Mayne, Sluice, Ward, Broadmeadow, Corduff, Matt and Delvin where a 30m wide riparian buffer strip from top of bank to either side of all watercourses outside urban centres is required as a minimum.*

*In light of the above, the positioning of play provision in close proximity to the water features such as the stream should be reconsidered.*

*It must also be noted that RoSPA advise that play areas be located 30m from water features incl. SUDS, in this application play provision in close proximity to a stream and situated above underground SUDS tanks. No Designer's Risk Assessment has been included in this application to address such operational issues.*

*In the event that An Bord Pleanála grant permission the following recommendations should be considered:*

### **1. Public Open Space**

*As outlined above the public open spaces do not meet the minimum on-site provision nor the acceptable standard as per Fingal Development Plan. The potential for the proposed open spaces to fulfil their intended recreational function is limited given their characteristic 'back-land', incidental, riparian corridor and proposed construction (SUDS tanks dominate most spaces incl. those privately maintained by apartment mgt companies), results in these areas being slightly compromised as an amenity provision with concerns regarding their 'fit for purpose' upon occupation of the proposed dwellings. The proposal to develop open spaces (incl. underground tanks and play areas) within 10m of a watercourse is contrary to Fingal Development Plan objective WQ05, DMS171 and the Broomfield LAP. Green corridors are not accepted towards public open space provision as per Fingal Development Plan (Table 12.5, Green Corridors pg. 437).*

*The total public open space provision based on occupancy of 415 units equates to 2.87ha (28,712m<sup>2</sup>). The on-site provision (10% of site area) 1,110m<sup>2</sup> results in a shortfall of 27,565m<sup>2</sup>.*

- (d) There is a shortfall in the quantum of public open space generated through the development works of 27,565m<sup>2</sup>. The applicant is required to make up this shortfall by way of a financial contribution in accordance with section 48 of the Planning & Development Act 2000 is sought in lieu of the public open space provision. This contribution will be applied towards the continued upgrade of local class 1 open space facilities in the Malahide area namely Malahide Castle & Demesne.
- (e) The applicant shall provide to the Planning Authority a Designer's Risk Assessment for the Open Spaces and Green Corridors to include an assessment and hazard rating of water features incl. SUDS infrastructure in proximity to play areas. The Designer's Risk Assessment should include input from the PSDP, architect, landscape architect and water engineer with references to specific child safety standards and guidelines.
- (f) The designers shall also maintain professional indemnity insurance (for a minimum amount of €6million for each claim) for a minimum period of 6 years post construction to cover liability issues regarding design issues that may arise during the operational phase.

## **2. Tree Protection**

*The submitted Tree Report indicates approximately one-third of all surveyed trees, tree groups and hedgerows to be removed. The proposed site layout results in the remaining vegetation (mostly boundary hedgerows/in adjoining lands) with minimal setback distances from development and minimal allowance for future growth.*

*The findings & recommendations of the Tree Report are accepted.*

- (f) The appointed arboricultural consultant Charles McCorkell shall be engaged by the developer for the duration of the project to advise on the design of temporary works (incl. compound location & access routes), inspect tree protection measures and to liaise with the Parks & Green Infrastructure Division.
- (g) A pre-commencement meeting shall take place with the site manager, Parks & Landscape Officer and the arboricultural consultant to review tree protection measures incl. fencing & signage to BS5837:2012 standard Trees in Relation to Design, Demolition and Construction Recommendations. Thereafter monthly site visits by the arboricultural consultant shall take place to monitor & record implemented tree protection measures.
- (h) All tree works incl. hedgerow pruning to be undertaken by a professional arborist to BS3998. All site works in proximity to trees & hedgerows shall be undertaken under the direct supervision of the appointed arboricultural consultant.
- (i) A post construction tree inspection report shall be submitted to the Planning Authority as part of the tree bond refund request.
- (j) A tree bond of €30,000 is to be lodged with the Council prior to the commencement of development in order to ensure that the trees are protected and maintained in good condition throughout the course of development. This bond will be held by Fingal County Council for a period of 4 years post construction which may be extended in the event of possible construction related defects. The refunding of the tree bond will be dependent on the submission post construction of an agreed tree inspection report by the appointed project arborist and establishment of new tree planting & hedging.

## **3. Landscape**

- (e) The appointed landscape architect Kevin Fitzpatrick shall be engaged by the developer to supervise the installation of hard & soft landscaping features including the play areas, green roofs, SUDS tanks on open spaces and ecological/riparian plantings.

- (f) For a period of 3 years post completion of the development the appointed landscape architect shall undertake annual visits to report on the establishment of the plantings and make recommendations for any replacements or repairs.
- (g) All landscaping shall be completed within the planting season following substantial completion of each block. Any failures shall be replaced by the developer (not the mgt co.) until such time that the plantings become established.
- (h) The submitted Landscape Plan and details are acceptable with the following amendments:
  - All 'back to back' rear gardens and communal open spaces boundary treatments to have a 1.8m high capped & rendered/stone or brick clad blockwork walls instead of the proposed 1.8m high timber panel fencing, in the interest of durability. Where a blockwork wall associated with an apartment or duplex block faces onto public areas, then this shall be finished with natural stone or brick clad, in the interest of maintenance.
  - Following the submission of the requested Designer's Risk Assessment the proposed 1.2m high timber rail with welded mesh may be substituted with a 1.4m+ high weld mesh panel fence (not timber) finished black in colour or similar. The location of fencing and re-grading/stepping of steep slopes may also be acceptable (note landscape drawing no. 105 Sections D-D and E-E).
  - A detailed tree planting plan shall be submitted for the agreement of the Planning Authority, identifying the location of each tree. To ensure 'right tree, right place'.
  - Proposed seating areas on public open spaces to be seating only, no boardwalk or similar timber structures. In order to minimise opportunities for anti-social behaviour.

#### 4. Play

*The shortage of on-site open space (as also identified by the Water Services engineer in their submission) has prevented the minimum required play provision being provided. The calculated play provision based on Fingal Development Plan objective DMS75 and the Dept's Design Standard for New Apartments equates to 1,408m<sup>2</sup> of play (252no. houses x 4m<sup>2</sup> + 118no. 2bed+ apts). Each play item is expected to occupy 50m<sup>2</sup> (DMS76), therefore an estimated 28no. play items are required. The applicant proposes 14no. play items which is significantly short of the expected play provision. To meet the play provision almost the total open space provision will be play – this will have a long term impact on residential amenity and the sustainability of such play spaces.*

- i. The applicant is required to submit a revised play proposal for the agreement of the Planning Authority in order to meet the minimum play provision requirement of 1,080m<sup>2</sup>. This may include formal and natural play within communal open spaces (the proposed grass kickabout areas are not accepted towards play provision).

#### 5. Ecology

*It is noted that the site includes bats, badgers, fox and a wide variety of songbirds. The removal of hedgerows, trees and scrub is expected to negatively affect the site's wildlife. The on-going treatment of Japanese Knotweed is noted however the success of this work is unclear.*

- i. The appointed ecologist Faith Wilson shall be engaged by the developer for the duration of the project as an Ecological Clerk of Works to advise on all aspects of the project including the final Construction Environmental Management Plan eg compound location & construction access routes, the timing of site clearance works to minimise the impact on wildlife and all other works affecting wildlife including inspecting vegetation & structures prior to removal.
- ii. Ecological mitigation measures identified in the submitted Ecology Report and Construction & Demolition Mgt Plans shall be implemented with the supervision & monitoring of the appointed Ecological Clerk of Works including installation of species specific bat & bird boxes, facilitating badger & hedgehog foraging routes (incl.



garden fence designs), watercourse protection incl. soil storage setback distances and the planting of native species schemes to encourage wildlife.

- iii. The success of the invasive species control measures such as Japanese Knotweed shall be monitored by the appointed Ecological Clerk of Works and alternative methods implemented if required.

## 6. Taking-in-Charge

*The irregular & incidental layout of the open spaces and green corridors including SUDS tanks, open spaces between apartment blocks with privately managed underground tanks, building curtilages & watercourses results in an unclear demarcation of communal/public open spaces, areas requiring intensive maintenance and riparian corridors with an unacceptable level of accessibility/risk.*

- i. The public open spaces are not suitable for taking-in-charge for maintenance purposes by the Council. Therefore details of a properly formed management company shall be submitted to the Planning Authority showing all open spaces within the responsibility of a management company.

Officer: Mark Finnegan

Endorsed: Gemma Carr

Date: 12/05/22

Date: 16/05/22





FINGAL COUNTY COUNCIL  
Planning & Strategic Infrastructure Department  
Transportation Planning Section

Register Reference: SHD/012/20

Development: The application may also be inspected online at the following website set up by the applicant: [www.broomfieldshd.ie](http://www.broomfieldshd.ie)

The development will consist of the demolition of the former rugby clubhouse structure on site and the construction of a total of 415 no. residential units (252 no. houses, 135 no. apartments, and 28 no. duplex units); with 1 no. childcare facility and ancillary residential amenity facilities to be provided as follows:

- 252 no. residential houses (192 no. 3 bed units, 48 no. 4 bed units, 12 no. 5 bed units) in detached, semi-detached, mid-terraced and end-terraced houses ranging from two to three storey in height;
- Apartment Blocks A & B are connected at ground and first floor level sharing an undercroft car park at ground floor level and a landscaped podium garden at first floor level, and contain a total of 110 no. units in 2 no. buildings ranging from one to five storeys in height, with Apartment Block A containing a total of 54 no. units comprising of 14 no. 1 bed units, 39 no. 2 bed units, and 1 no. 3 bed unit, and Apartment Block B containing a total of 56 no. units comprising of 14 no. 1 bed units, 40 no. 2 bed units, and 2 no. 3 bed units, with all units provided with private balconies/terraces; internal bicycle stores, bin stores and plant rooms at ground floor level; and on-street car parking and bicycle parking. Ancillary residential amenity facilities are also proposed including concierge/reception, meeting room, gym, and multi-purpose room;
- Apartment Block C containing a total of 25 no. units comprising of 9 no. 1 bed units, 14 no. 2 bed units and 2 no. 3 bed units, with all units provided with private balconies/terraces, in a



building four storeys in height; with on-street car parking and bicycle parking; with access to a communal bin store and bike store;

- Duplex Block D containing a total of 12 no. units comprising of 6 no. 2 bed units and 6 no. 3 bed units, with all units provided with private balconies/terraces, with a communal bin store and bike store; and 1 no. childcare facility with outdoor play area, all in a building ranging from one to three storeys in height; with residential on-street car parking; and childcare on-street drop-off area, car parking and bicycle parking;

- Duplex Block E containing a total of 8 no. units comprising of 4 no. 1 bed units and 4 no. 2 bed units, with all units provided with private balconies/terraces; in a three-storey building; with a communal bin store and bike store, and on-street car parking;

- Duplex Block F containing a total of 8 no. units comprising of 4 no. 1 bed units and 4 no. 2 bed units, with all units provided with private balconies/terraces; in a three-storey building; with a communal bin store and bike store, and on-street car parking.

The development will provide for a total of 721 no. car parking spaces within the scheme; a total of 227 no. bicycle spaces serving the apartments, duplexes and childcare facility; proposed use of the existing vehicular access off Back Road (proposed vehicular access via Ashwood Hall and Brookfield) and proposed use of the existing vehicular access off Kinsealy Lane (proposed vehicular access via Hazelbrook); proposed upgrades to public realm including footpaths, landscaping including play equipment, boundary treatments, and public lighting; and all associated engineering and site works necessary to facilitate the development including proposed upgrade of part of the existing foul drainage network in Hazelbrook, and proposed connection and associated works to the existing foul network along Kinsealy Lane which will be upgraded under planning permission Reg. Ref. F21A/0451.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Fingal Development Plan 2017-2023.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been prepared in respect of the proposed development.

The application together with an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, during public opening hours at the offices of An Bord Pleanála and Fingal County Council.

Location: Lands at Back Road and Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin

Report Type: Strategic Housing Development

Lodged: 14 April 2022

The proposed development is located in a 50km/hr speed limit.

#### **Parking**

The breakdown of the residential parking demand is shown in the following table:

Unit Type	Number of units	Rate	Development Plan Standards	Minimum	Proposed
252 House Units					
3 Bedroom Unit	192	2 per unit	384	384	-
4 Bedroom Unit	48	2 per unit	96	96	-
5 Bedroom Unit	12	2 per unit	24	24	-
		Sub Totals	504	504	-
28 Duplex units					
1 Bedroom Duplex Unit	8	1 per unit	8	8	-
2 Bedroom Duplex Unit	14	1.5 per unit	21	14	-



3 Bedroom Duplex Unit	6	2 per unit	12	12	-
Visitor Parking		1 per 5 Units	5	0	-
		Sub Totals	46	34	-
135 Apartment Units					
1 Bedroom Apartment	37	1 per unit	37	37	-
2 Bedroom Apartment	93	1.5 per unit	139	93	-
3 Bedroom Apartment	5	2 per unit	110	10	-
Visitor Parking		1 per 5 Units	27	0	-
		Sub Totals	313	140	-
		Totals	863	678	721

The Development Plan Standards for residential development are norms. The Transportation Planning Section considers the minimum practical parking demand to be one space for units with two bedrooms or less (studio units are considered to have no parking demand) and two spaces for units with three or more bedrooms. The visitor parking requirements

There is a parking demand of 863 parking spaces with regard to the Development Plan Standard requirements and 678 parking spaces from the perspective of the minimum practical parking provision. The applicant has provided 721 dedicated residential parking spaces for the proposed development. The following table illustrates how the parking provision relates to the Development Plan Standards and the minimum standards as well as the number of spaces per unit:

	Development Plan Standards	Practical Minimums	Per unit
Ratio*	0.84	1.06	1.74

Expressing the ratio of parking provision to the number of units is considered by the Transportation Planning Section to be misleading. Family-sized units are more likely to have a higher parking demand than a one bed-room unit. It should be noted that the minimum practical parking provision has no allowance for visitor parking. It would be prudent for a development of this size to provide some level of visitor parking that is properly integrated into the design and that avoids the potential for ad-hoc on-street parking that may cause issue particularly with regard to access for emergency services on the narrower internal roads.

#### ***Non-Residential Parking***

The breakdown of the non-residential parking demand is shown in the following table:

Proposed Use	Quantum	Rate	Development Plan Standards	Proposed
Crèche	476m <sup>2</sup> GFA	1 per 2 staff	15	

Total	10	0
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The staff requirements for the creche are detailed below in the section relating to the creche and are based on the Tulsa standards.

### ***Bicycle Parking***

The breakdown of the bicycle parking demand is shown in the following table:

163 Apartments and Duplex Units			
1 Bedroom Unit	45	1 per bedroom	45
2 Bedroom Unit	107	1 per bedroom	214
3 Bedroom Unit	11	1 per bedroom	33
Visitor Parking		1 per 2 Units	81
Totals			373

The proposed development has a provision of 227 bicycle parking spaces in line with the Development Plan Standards. However, bicycle parking should be provided as per the requirements of the National and Planning Guideline requirements illustrated in the above table. Bicycle parking should be of a high standard with parking for each unit provided in a separate secure compartment. Stacking of bicycle parking can be provided as long as it is practicably accessible.

### ***Creche***

The proposed creche unit has a 476m<sup>2</sup> gross floor area. This is a large creche and could accommodate c.155 children. This would mean that there should be c.31 staff members not including administration and catering staff. This assessment assumes c.75% of the gross floor area being used for children with an average of 2.3m<sup>2</sup> of floor space per child and an average of 1 staff member per 5 children. These figures are based on the tables found in the "Early Years Inspectorate Quality and Regulatory Framework" published by Tulsa.

There would be a requirement for up to 15 staff parking spaces based on a rate of one space per two members of staff as per the Development Plan Standards. A set-down area has been provided. The set-down area is parallel to the footpath and on the same side of the road as the creche building, consequently, reverse manoeuvring of vehicles using the facility is not required. A creche of this size would require a set-down facility of 8-10 spaces. There are 6 spaces provided for set-down. Spaces 8-16 are demarked as creche/visitor parking. These spaces should not be used for creche set-down.

Young children may not be able to walk to the creche and adverse weather and time of day may also bias the mode of travel to the creche towards the use of a private vehicle even for local creche users. Furthermore, the future primary school will cater for a catchment outside the proposed and existing residential development. Younger siblings of the children attending the new school from outside of the proposed development and not within easy walking distance of the school will likely avail of the creche facility as well. Taking this into account and given the number of children catered for by the creche the set-down facility provided is undersized. A creche this size would need at least 8-10 if operating with an efficient turnaround time for drop-off. There should be control measures in place by way of signage and lining to reserve the creche



set-down and staff parking for the exclusive use of the creche during creche operating hours. Outside of the operational times of the creche the areas can be used for visitor parking. A raised kerb, flexible bollards or a traffic island parallel to the parking spaces that restricts traffic flow to one-way flow and moreover prevents creche users from using the space they vacate to perform a three-point-turn at the set-down area should be provided.

#### *Podium car park*

The podium car park provided for apartment blocks A & B is one of the better carpark designs that been provided for a development of this type. The parking bays are all 5m long by 2.5m wide as required. The circulation isle is a consistent 6m in width and the bicycle parking areas and bin storage areas all open onto an area outside of the circulation isles for traffic. There is sufficient space to access all parking spaces in a practicable manner.

#### *Electric Vehicle (EV) charging.*

All the residential parking spaces should include EV charging points. A minimum of 10% of the residential parking spaces should have EV charging points from completion of the proposed development with all ducting and services provided as part of the proposed development to facilitate non-disruptive retro fitting of EV charging points for all of the remaining residential parking spaces. Details of the location and number of charging points should be provided with the main application.

#### *General Layout*

There are a number of areas referred to as home zones. A home zone differs from a shared surface insofar as the main characteristics of a home zone are slow traffic speeds (limited to 30km/hr generally) in a residential area with the potential for children playing on the access roads. Home zones can have separate road spaces and pedestrian spaces. In essence any residential estate by its very nature is a home zone.

It may be that the areas marked as home zones are referring to shared surface areas. A shared surface is a pedestrian priority area serving a small number of residential units (generally 6-8 units but not exceeding 12 units) located in a cul-de-sac (and not a through route). Ideally the residential units should be symmetrically laid out about the shared surface area with vehicle access being limited to only the residents living along the shared surface area. Shared surfaces should not be employed as a space saving or money saving exercise. It should be clear to road users that they are in a shared surface area. This can be achieved by way of suitable material finishes that differ from the standard access roads, in conjunction with appropriate signage and speed reducing measures. Vehicle speeds should be significantly reduced in these areas. There should be no delineation between vehicular space and pedestrian space as this is completely counterpoint to the principle of a shared surface. Delineation of space can lead to potential conflict as drivers are given the impression pedestrian activity should be restricted to the pedestrian spaces with drivers having priority in the vehicle spaces. Consequently, many of the spaces indicated as home zones for the proposed development are not suitable as shared surfaces. As highlighted in the previous report road 5.1 is a through road and is not suitable as a shared surface – which it appears to be on MCROM drawing PL101 Overall Site Layout (1 of 2), similarly road 9 is also a through route and serves 16 units and is unsuitable as a shared space. It should be noted too that the standard roads within the development are generally 5.5m wide whereas the shared surfaces/home zones are 6m wide. The 6m width in these areas is required

to facilitate access to the perpendicular parking spaces. There are a number of perpendicular parking bays that are accessed off a 5.5m wide road and consequently are substandard in terms of access. Roads 3 and 5 integrate with the remainder of the existing development, however, the tie-in of road 6 with the existing development appears to be substandard as there appears to be a bottle neck and the continuity of the footpath is unclear, but it appears as if it abruptly stops just outside the parking area for number 93. Footpath widths within the proposed development are generally 2m wide as required.

As highlighted in the previous report there are a number of adjoining parking spaces that have a change in ground level between adjoining parking bays. This issue is not as prevalent but still persists. Where it persists the trip hazard also persists. This should be designed out or detailed in such a way as to remove the trip hazard.

The main access road runs the entire length of the site linking the northern and southern halves of the proposed development and providing a link between Kinsealy Lane and the Back Road. As part of the Broomfield Local Area Plan this link was designated as a pedestrian and cycle link to mitigate the potential for rat running for vehicles to avoid the existing junction of Kinsealy Lane and The Back Road. Given the scale of the proposed development and the combined total of residential units for the Broomfield lands more than one access point is required. The proposed link road is significantly more indirect than the main route as well as longer such that rat running is unlikely to be of issue. Additional traffic calming measures could be incorporated to further deter the potential for rat running by increasing the inconvenience and travel time of the route.

### *Cycle Infrastructure*

A site has been identified for a new school serving Malahide and Portmarnock to replace a temporary school for the area located on the Teagasc lands in Kinsealy. The provision of a high-quality cycle link from The Back Road should be incorporated into the proposed development to promote sustainable travel and active travel as part of the school run as well as for the benefit of residents of the proposed development.

The Council will be providing cycle routes in the surrounding area. A feasibility study has already been completed in this regard. The provision of upgraded pedestrian and cycle facilities along Kinsealy Lane Linking The Back Road and Chapel Road (and consequently Kinsealy and Malahide) is part of the improvements within the area. There are significant issues preventing the delivery of a robust upgrade of pedestrian and cycle facilities along Kinsealy Lane between the junction of The Back Road with Kinsealy Lane and the existing junction of Kinsealy Lane with the Hazelbrook entrance. In particular, there are a number of existing buildings that bound the edge of Kinsealy Lane both Residential and agricultural that would have to be demolished to provide space for the required upgrades.

A pedestrian and cycle route through the proposed development linking The Back Road with Kinsealy Lane would provide the most appropriate and deliverable portion of the proposed upgraded facilities. There is a signalised pedestrian crossing at the existing entrance for Ashwood that provides a link to Malahide Castle and Demesne that in turn provides a direct cycle and pedestrian link to Malahide Train station and the town centre.

The southern section of Kinsealy Lane extending from the entrance to Hazelbrook as far as Chapel Road is more readily upgraded and would complete the pedestrian and cycle route. This will be addressed by the Council as there are third party lands still required to complete this



planned route. The cycle route for the school would form part of the larger route. The lands required to provide this pedestrian and cycle link are all within the control of the applicant or the Council. There is scope to deliver this pedestrian and cycle link along the northern and western side of Ashwood development. Specifically, along the northern edge of the open space between the access road and The Back Road continuing along the western edge of the open space adjoining the access road tying into the access road on the bend of the road. A crossing at this location could be provided to cross onto the eastern side of the access road where the cycle link could continue on south towards the southern entrance for Hazelbrook.

The cycle link/Green Route indicated on the site plan running along the boundary with the railway line does not offer any connectivity past the agricultural lands to the south that form part of the Greenbelt in the Development Plan. Furthermore, the connectivity desire lines are towards Malahide town centre, the train station and Malahide Castle and Demesne or Kinsealy village centre - which is located to the south west of the proposed development and the indicated route. House units without a side entrance such as mid-terrace houses should have a bicycle parking facility serving the units on the street spaces to the front of the units to further encourage active travel and sustainable travel. All visitor parking or and parking outside of the cover of the podium should be covered and passively supervised. All cycle facilities should comply with the requirements of the Cycle Manual published by The National Transport Authority. It should be noted that this publication is a web-based publication as this is subject to changes hard copies of the document should not be relied on and that the web document should be referenced in preference.

#### ***Swept Path Analysis***

A swept path analysis for service vehicles has been provided. The turning movements are tight with the pedestrian footpaths being overrun in places such as at the turning head of Road 1 in the north-eastern corner of the proposed development. In the turning head on road 3.1 which is labelled as a home zone the turning manoeuvre extends into the public open space overrunning the edge of the shared surface. Additional space should be provided to address this issue.

#### ***Traffic & Transport Assessment***

A Traffic & Transport Assessment has been provided. It should be noted that the existing residential development on the lands adjoining the proposed development were part of the Broomfield LAP lands. As part of the LAP there were a number of infrastructure upgrades to be provided to facilitate development in these lands. Specifically, the upgrade of the bridge on the Back Road to provide pedestrian and cycle facilities across the railway line was to be provided along with the upgrading of three junctions – the junction of the R107 (Malahide Road) with the Back Road, the junction of the Back Road with Kinsealy Lane and the junction of the Back Road with the Hill. The bridge has been upgraded however the three junctions were not. Hence the three junction upgrades are still required. Another current SHD for Auburn House, if granted will provide the upgrade of the junction of the R107 with the Back Road as the development is dependent on this upgrade. Although the Broomfield LAP has lapsed the traffic conditions that required the junction upgrades have only increased with development in the local area. The Traffic & Transport Assessment provided assesses a number of junctions including the junction of the Back Road with the Hill. Of the two junctions still requiring upgrading this is the more significant junction with traffic during school times and the PM peak backing up all the way to

the upgraded bridge – c.300m (c.50 cars). The upgrade of this junction should form part of the proposed development as traffic from the proposed development heading towards the village and the community school must use this junction.

An assessment of the junction could be provided as part of a revised Traffic & Transport Assessment however as an upgrade of this junction was already envisaged as part of the development of the Broomfield Lands (of which the proposed development forms a part) and given the known traffic issues that the proposed development will only further exacerbate it may be more expedient to include the upgrade of the junction as part of the proposed development instead. A more recent traffic survey was carried out as part of the assessment and compared to a previous survey that has been factored up to the present date using the National Transport Authority's growth factors. The two results were consistent with each other. As anticipated the junction of The Back Road with The Hill is currently operating above capacity at the peak traffic times and the proposed development will further exacerbate the traffic issues. This junction as highlighted in the pre-planning report should be upgraded as part of the proposed development. There is a concurrent Strategic Housing Development application – SHD/004/21 that likewise has been conditioned to provide the junction upgrade in the event that it is permitted and this one is not. A similar condition is included in the conclusion of this report for the same reasons to ensure that the junction upgrade is addressed to facilitate development along The Back Road.

#### *Taking in Charge*

There are a number of issues with the proposed layout with regard to taking-in-charge. The parking spaces along the access road that are not in private curtilage of the units they serve are all constructed from permeable paving. They are also private parking spaces surrounded by areas that would normally be taken-in-charge i.e. the footpath and the access road. This causes issue with public liability. All finishes should comply with the Council's Standard for Taking in Charge to facilitate any future unplanned plebiscites seeking to have areas taken in charge that are at application or construction stage intended to remain in control of the management company. Alternatively, a suitable condition excluding these areas from being taken in charge that can legally preclude a future plebiscite should be included. The road construction should be agreed with the Operations Department prior to construction to similarly ensure these areas meet the requirements for taking in charge.

#### *Road Safety Audit*

Road Safety Audits should be carried out as part of the proposed development at the relevant stages as outlined in current edition of Transportation Infrastructure Ireland guidelines GE-STY-1027.

#### *Conclusion*

The Transportation Planning Section is generally in favour of the proposed development. There are a number of outstanding issues that have not been addressed prior to submission of the full application that should be addressed by way of condition. Consequently, if a grant of permission is under consideration the following conditions should be included:

A detailed design for the provision of a pedestrian and cycle route through the proposed development and the existing adjoining residential developments that are in the Applicant's control shall be agreed in writing with the Planning Authority prior to construction of the proposed development and shall be delivered as part of the proposed development prior to first occupation of the proposed development.

The junction of The Back Road with The Hill shall be upgraded to a signalised junction as part of the works for the proposed development details of the traffic signals, control boxes and all services required for the upgrade including the proposed phasing of the lights shall comply with the Councils Standard for taking in charge and shall be agreed with the Operations Department prior to commencement of the upgrade works. The junction shall be upgraded prior to first occupation of the proposed development.

Details of the bicycle facilities for residential units without a side access and that are not included in the podium car parking area shall be agreed in writing with the planning Authority prior to construction of the proposed development.

Additional road space should be provided to facilitate access and turning manoeuvres for service vehicles that does not require service vehicles to overrun pedestrian areas.

Road Safety Audits for each stage of the development shall be carried out as part of the proposed development.

All public areas whether or not they are to be taken in charge shall meet the Planning Authorities Standards for taking in charge.

Signed: Niall Thornton

Endorsed: \_\_\_\_\_

Date: 1<sup>st</sup> June 2022

Date: \_\_\_\_\_

Register Reference: SHD/012/20

Registration Date: 14-Apr-2022

Development: ABP-313361-22

The application may also be inspected online at the following website set up by the applicant:  
[www.broomfieldshd.ie](http://www.broomfieldshd.ie)

The development will consist of the demolition of the former rugby clubhouse structure on site and the construction of a total of 415 no. residential units (252 no. houses, 135 no. apartments, and 28 no. duplex units); with 1 no. childcare facility and ancillary residential amenity facilities to be provided as follows:

- 252 no. residential houses (192 no. 3 bed units, 48 no. 4 bed units, 12 no. 5 bed units) in detached, semi-detached, mid-terraced and end-terraced houses ranging from two to three storeys in height;
- Apartment Blocks A & B are connected at ground and first floor level sharing an undercroft car park at ground floor level and a landscaped podium garden at first floor level, and contain a total of 110 no. units in 2 no. buildings ranging from one to five storeys in height, with Apartment Block A containing a total of 54 no. units comprising of 14 no. 1 bed units, 39 no. 2 bed units, and 1 no. 3 bed unit, and Apartment Block B containing a total of 56 no. units comprising of 14 no. 1 bed units, 40 no. 2 bed units, and 2 no. 3 bed units, with all units provided with private balconies/terraces; internal bicycle stores, bin stores and plant rooms at ground floor level; and on-street car parking and bicycle parking. Ancillary residential amenity facilities are also proposed including concierge/reception, meeting room, gym, and multi-purpose room;
- Apartment Block C containing a total of 25 no. units comprising of 9 no. 1 bed units, 14 no. 2 bed units and 2 no. 3 bed units, with all units provided with private balconies/terraces, in a building four storeys in height; with on-street car parking and bicycle parking; with access to a communal bin store and bike store;

- Duplex Block D containing a total of 12 no. units comprising of 6 no. 2 bed units and 6 no. 3 bed units, with all units provided with private balconies/terraces, with a communal bin store and bike store; and 1 no. childcare facility with outdoor play area, all in a building ranging from one to three storeys in height; with residential on-street car parking; and childcare on-street drop-off area, car parking and bicycle parking;

- Duplex Block E containing a total of 8 no. units comprising of 4 no. 1 bed units and 4 no. 2 bed units, with all units provided with private balconies/terraces; in a three storey building; with a communal bin store and bike store, and on-street car parking;

- Duplex Block F containing a total of 8 no. units comprising of 4 no. 1 bed units and 4 no. 2 bed units, with all units provided with private balconies/terraces; in a three storey building; with a communal bin store and bike store, and on-street car parking.

The development will provide for a total of 721 no. car parking spaces within the scheme; a total of 227 no. bicycle spaces serving the apartments, duplexes and childcare facility; proposed use of the existing vehicular access off Back Road (proposed vehicular access via Ashwood Hall and Brookfield) and proposed use of the existing vehicular access off Kinsealy Lane (proposed vehicular access via Hazelbrook); proposed upgrades to public realm including footpaths, landscaping including play equipment, boundary treatments, and public lighting; and all associated engineering and site works necessary to facilitate the development including proposed upgrade of part of the existing foul drainage network in Hazelbrook, and proposed connection and associated works to the existing foul network along Kinsealy Lane which will be upgraded under planning permission Reg. Ref. F21A/0451.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Fingal Development Plan 2017-2023.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been prepared in respect of the proposed development.

The application together with an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) may be inspected, or purchased at a fee not exceeding the





reasonable cost of making a copy, during public opening hours at the offices of An Bord Pleanála and Fingal County Council.

**Location:** Lands at Back Road and Kinsealy Lane, Kinsale, Broomfield, Malahide, Co. Dublin, The northern lands are generally bound by Ashwood Hall to the west, and the southern lands are, generally bound by Hazelbrook to the west and Brookfield to the north.

**Applicant:** Birchwell Developments Ltd.

**Application Type:** Strategic Housing Development

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### Report

#### Foul Sewer:

The applicant has engaged with Irish Water to obtain the necessary items in relation to a wastewater connection for the proposed development;

- The applicant has submitted a Pre-Connection Enquiry Form to IW and received a Confirmation of Feasibility Letter dated 12 June 2020 for 450 units subject to the delivery of network upgrades.
- An updated Confirmation of Feasibility was issued by Irish Water dated 13<sup>th</sup> Jan 2021 (CDS19000369) for 450 units. Feasible Subject to the delivery of the following.
  - o Castleway Pumping Station
  - o Completion of Chapel Road Pumping Station.
- A Statement of Design Acceptance (CDS19000369) was issued by Irish Water dated 3<sup>rd</sup> Feb 2022.

There are existing constraints on the Malahide Wastewater Treatment Plant (WWTP) foul sewer network catchment. The applicant has engaged with Irish Water and Fingal Water Services to discuss and agree network upgrades to facilitate the works. The wider network upgrades proposed include the extension and conversion of an existing foul storm tank into a foul pumping station and associated rising mains. The works proposed will take the existing foul catchment area out of the Malahide WWTP and into to the wider Ringsend WWTP catchment via a series of wastewater pump stations.

Permission for Castleway Pumping Station was granted under Reg Ref F21A/0451. Chapel Road Pumping Station is completed and operational.

The proposal will represent a significant investment in wastewater infrastructure from the applicant. The upgrades are entirely developer lead. It is regrettable that a more sustainable gravity solution could not be identified or that a wastewater masterplan for the area is not already in place and agreed.

In summary, the proposal is acceptable subject to the following conditions;

- a. The wastewater infrastructure should comply with IW Water Infrastructure Standard Details (IW-CDS-5020-01) and IW Code of Practice (IW-CDS-5020-03)
- b. The applicant shall sign a connection agreement with Irish Water prior to commencement.
- c. No units shall be considered for connection without the necessary infrastructure upgrades.

#### **Water Supply:**

The applicant has engaged with Irish Water to obtain the necessary items in relation to a water connection for the proposed development;

- The applicant has submitted a Pre-Connection Enquiry Form to IW and received a Confirmation of Feasibility Letter dated 12 June 2020 for 450 units subject to the delivery of network upgrades.
- An updated Confirmation of Feasibility was issued by Irish Water dated 13<sup>th</sup> Jan 2021 (CDS19000369) for 450 units. Feasible Subject to upgrades.
  - o Approximately 395m of 6" CI to 200mm MDPE in Back Road
  - o Approximately 270m of 4" AC to 200mm MDPE in Back Road
  - o Approximately 170m of 100mm uPVC to 160mm MDPE in Ashwood Hall.
- A Statement of Design Acceptance (CDS19000369) was issued by Irish Water dated 3<sup>rd</sup> Feb 2022.

In summary, the proposal is acceptable subject to the following conditions;

- a. The wastewater infrastructure should comply with IW Water Infrastructure Standard Details (IW-CDS-5020-01) and IW Code of Practice (IW-CDS-5020-03)
- b. The applicant shall sign a connection agreement with Irish Water prior to commencement.

#### **Surface Water:**

The subject development site is split in to 4 separate surface water catchments with three controlled outfalls via headwalls into existing watercourses. The inclusion of green / sedum roofs, permeable paving, filter drains, roadside bioretention tree pits, and swales is noted and welcomed. A series of underground attenuation tanks / systems are proposed to cater for a large of amount of the required storm attenuation volume.

The development site incorporates green roofs on each of the 3 separate apartment blocks. The inclusion of Green Roofs is a welcome addition with regards surface water. The inclusion of green roofs also provides a wide range of benefits that include urban cooling and combating the urban heat island effect, biodiversity, air quality, health and wellbeing, noise reduction, and potential for carbon sequestration. Their inclusion should not only be measure with regards the contribution to surface water runoff.



The surface water drainage proposal is not acceptable in its current form and not in accordance with Objective DMS73 & Objective DMS74 of the Fingal County Council Development Plan 2017-2023. The proposal should incorporate more nature-based measures which are acceptable in satisfying the SuDS Objectives of the County Development Plan. The surface water proposal shall consider the 4 pillars of design with a focus on amenity and biodiversity rather than solely water quantity and water quality. The use of underground attenuation tanks should be avoided. There would appear to be an opportunity for the surface to be amended accordingly by condition. It is acknowledged that these systems have been successfully incorporated on the adjoining developments in the wider lands of the previous Broomfield LAP on Castleway, Hazelbrook & Brookfield. The design of SuDS should contribute in a significant and positive way to the design and quality of open space, underground tanks and storage systems will not be accepted under public open space.

The proposal is acceptable subject to the following conditions;

- a. The use of underground attenuation is not acceptable. A revised surface water proposal shall be submitted incorporating more nature-based SuDS systems as opposed to underground tanks.
- b. All SuDS systems shall be in accordance with the Ciria document C753 'The Suds Manual'.
- c. No surface water / rainwater is to discharge into the foul water system under any circumstances.
- d. The surface water drainage must be in compliance with the "Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.

#### **Flood risk:**

A commensurate flood risk assessment has been prepared by Waterman Moylan dated March 2022. In accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities, the proposed development is considered to be a highly vulnerable development, but located in its entirety within Flood Zone C (ie <0.1% AEP). Mitigation measures have been incorporated into the design for pluvial /overland flows. Ground water flows are deemed negligible. An overland flood map drawing has been submitted.

In summary, the proposal is acceptable with regards flood risk.

Officer: DS

Date: 20-05-2022



**Register Reference:****SHD/012/20****Proposed Development:**

ABP-313361-22

The application may also be inspected online at the following website set up by the applicant [www.broomfieldshd.ie](http://www.broomfieldshd.ie)

The development will consist of the demolition of the former rugby clubhouse structure on site and the construction of a total of 415 no. residential units (252 no. houses, 135 no. apartments, and 28 no. duplex units); with 1 no. childcare facility and ancillary residential amenity facilities to be provided as follows:

- 252 no. residential houses (192 no. 3 bed units, 48 no. 4 bed units, 12 no. 5 bed units) including detached, semi-detached, mid-terraced and end-terraced houses ranging from two to three storeys in height;

- Apartment Blocks A & B are connected at ground and first floor level sharing an undercroft car park at ground floor level and a landscaped podium garden at first floor level, and contain a total of 11 no. units in 2 no. buildings ranging from one to five storeys in height, with Apartment Block A containing a total of 54 no. units comprising of 14 no. 1 bed units, 39 no. 2 bed units, and 1 no. 3 bed unit, and Apartment Block B containing a total of 56 no. units comprising of 14 no. 1 bed units, 40 no. 2 bed units and 2 no. 3 bed units, with all units provided with private balconies/terraces; internal bicycle stores, bike stores and plant rooms at ground floor level; and on-street car parking and bicycle parking. Ancillary residential amenity facilities are also proposed including concierge/reception, meeting room, gym, an multi-purpose room;

- Apartment Block C containing a total of 25 no. units comprising of 9 no. 1 bed units, 14 no. 2 bed units and 2 no. 3 bed units, with all units provided with private balconies/terraces, in a building four storeys in height; with on-street car parking and bicycle parking; with access to a communal bin store and a bike store;

- Duplex Block D containing a total of 12 no. units comprising of 6 no. 2 bed units and 6 no. 3 bed units, with all units provided with private balconies/terraces, with a communal bin store and bike store and 1 no. childcare facility with outdoor play area, all in a building ranging from one to three storeys in height; with residential on-street car parking; and childcare on-street drop-off area, car parking and bicycle parking;

- Duplex Block E containing a total of 8 no. units comprising of 4 no. 1 bed units and 4 no. 2 bed units, with all units provided with private balconies/terraces; in a three storey building; with a communal bin store and bike store, and on-street car parking;

- Duplex Block F containing a total of 8 no. units comprising of 4 no. 1 bed units and 4 no. 2 bed units, with all units provided with private balconies/terraces; in a three storey building; with a communal bin store and bike store, and on-street car parking.

The development will provide for a total of 721 no. car parking spaces within the scheme; a total of 22 no. bicycle spaces serving the apartments, duplexes and childcare facility; proposed use of the existing vehicular access off Back Road (proposed vehicular access via Ashwood Hall and Brookfield) and proposed use of the existing vehicular access off Kinsealy Lane (proposed vehicular access via Hazelbrook); proposed upgrades to public realm including footpaths, landscaping including plant equipment, boundary treatments, and public lighting; and all associated engineering and site work necessary to facilitate the development including proposed upgrade of part of the existing foul drainage network in Hazelbrook, and proposed connection and associated works to the existing foul network along Kinsealy Lane which will be upgraded under planning permission Reg. Ref. F21A/0451.

The application contains a statement setting out how the proposal will be consistent with the objective of the Fingal Development Plan 2017-2023.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been prepared in respect of the proposed development.

The application together with an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, during public opening hours at the offices of An Bord Pleanála and Fingal County Council.

**Location:**

Lands at Back Road and Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin. The northern lands are generally bound by Ashwood Hall to the west, and the southern lands are, generally bound by Hazelbrook to the west and Brookfield to the north.

**Report Type:**

Strategic Housing Development

**Planning Officer:**

Carol Hurley

**Lodged:**

12/04/2022

Information pertaining to the archaeology of the proposed development is contained within Chapter 13- Cultural Heritage of the EIAR by Downey (dated April 2022). Geophysical survey (NMS licence ref. 18R0101) and test-excavation (NMS Licence Ref. 20E0058) identified a number of archaeological areas including enclosures ditches, a pit and a hearth/pit, which will be detrimentally impacted by the development.

It is proposed that these archaeological areas be preserved by record i.e. excavated. Given the nature of the development proposal and the truncation of the archaeological material, the Heritage Officer concurs with this approach.

Archaeological excavation of identified sites and features under licence to the National Monuments Service, Department of Housing, Local Government and Heritage is required;

- Archaeological areas should be stripped under archaeological supervision prior to archaeological excavation.
- The features should then be hand excavated, recorded, photographed and planned in accordance with best practice.
- The results of the excavation including post-excavation dating of environmental samples and specialist analysis should be reported on and placed in an archaeological and historical context with an analysis of their significance, as per the requirements of the National Monuments Service.
- Copies of the final report should be submitted to the Planning Authority and to the Department of Housing, Local Government and Heritage for consideration.

Given the scale of the proposed development there is potential for detrimental impacts on as yet unidentified archaeological material. It is therefore recommended that archaeological monitoring of topsoil stripping should be also undertaken.

- All ground reduction should be subject to a programme of archaeological monitoring, under licence, by a suitably qualified archaeologist.
- Where archaeological material is shown to be present, avoidance, preservation in situ, or preservation by record (excavation) may be required. Works may be halted pending receipt of advice from the National Monuments Service, Department of Housing, Local Government and Heritage who will advise the Applicant/Developer with regard to these matters.
- On completion of monitoring of ground reduction and any archaeological excavations arising, the archaeologist shall submit a written report to the Planning Authority and to the Department of Housing, Local Government and Heritage for consideration.

The historic townland boundary will be impacted by the proposed development. It is recommended that written and photographic records be created in advance of the commencement of construction on site. The Heritage officer concurs with this approach.



Signed:

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**Christine Baker**

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Position:

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**Heritage Officer**

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Date:

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**24/05/2022**

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FINGAL COUNTY COUNCIL INTERNAL CONSULTEE

PLANNING REPORT

Report of Architects Department

Register Reference: SHD01220

Registration Date: August 2020

Description: The development will consist of the demolition of the former rugby clubhouse structure on site and the construction of a total of 415 no. residential units (252 no. houses, 135 no. apartments, and 28 no. duplex units); with 1 no. childcare facility and ancillary residential amenity facilities.

Location: Strategic Housing Development (SHD) on lands at Back Road and Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin

Applicant: Birchwell Developments Ltd.

Application Type: SHD

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Report

The Architect's Department examined this file as requested.

The following should be taken into account with regard to Architectural quality when assessing the application.

**Southern Quarter**

- Duplex Block E & F: Suggest the level change proposed should be excluded & is dealt with in the site ground works to form a coherent block design. End elevations appear as gable, front elevations appear as hip, clarification required on which proposal is being put forward with amended drawings. Roof Plans appear as gable roofs also.
- We question the quality of private open space to the rear of end houses 2, 45 and 48 including the depth of gardens and the overbearance and overshadowing by houses 3, 44 & 49 respectively.
- Greater consideration is required in relation to the quality of the design of the

communal open spaces associated with Duplex Blocks E&F. At present the areas appear as left over space- proposed boundary treatments and integration with the landscaping proposal are required with a view to creating quality residential amenity.

- We request further details on boundary treatments & materials proposed throughout the scheme, in particular in relation to the Ground Floor Terraces of the Duplex Blocks E&F.

### **Northern Quarter**

- We question the quality of private open space to the rear of houses of Block B (4 bed semi- detached houses) including the depth of gardens and the overbearance and overshadowing of the gable walls of adjoining properties to the full extent of the garden.
- Apartment Block A & B: The design concept of parking to centre and apartment block to perimeter results in multiple single aspect apartments at ground floor with associated private open space terraces facing onto the public frontage. We question the quality of amenity provided to these units as a result.
- Apartment Block A & B: The south elevation with stair access to the communal open space includes a reduction of building heights in this location from 5 to 3 to 1 stories. The design requires further consideration/ greater definition of the massing as the height reduces. We suggest set backs in the wall plane as height reduces / another design device should be employed.
- Apartment Block A & B: Access via stairs to communal garden area from public open space should be for residents use only. As a result, we question if this access is inviting/ usable as designed and in the current location proposed.
- We request further details on boundary treatments & materials proposed throughout the scheme, in particular in relation to the Ground Floor Private open space terraces.
- As noted previously, greater consideration is required in relation to the quality of the design of the communal open spaces associated with Duplex Block. Proposed boundary treatments and integration with the landscaping proposal are required with a view to creating quality residential amenity.
- We suggest careful detailing of balustrade to first floor terrace of the duplex adjoining the creche facility should be considered to ensure overlooking is eliminated.



Signed: **Carmel Brennan**

Position: **Senior Architect**

Date: **13/05/2022**

<b>Register Ref:</b>	SHD/012/20
<b>Location:</b>	Lands at Back Road and Kinsealy Lane, Kinsale, Broomfield, Malahide, Co. Dublin, The northern lands are generally bound by Ashwood Hall to the west, and the southern lands are, generally bound by Hazelbrook to the west and Brookfield to the north.
<b>Applicant:</b>	Birchwell Developments Ltd.
<b>Development:</b>	<p>The application may also be inspected online at the following website set up by the applicant: <a href="http://www.broomfieldshd.ie">www.broomfieldshd.ie</a></p> <p>The development will consist of the demolition of the former rugby clubhouse structure on site and the construction of a total of 415 no. residential units (252 no. houses, 135 no. apartments, and 28 no. duplex units); with 1 no. childcare facility and ancillary residential amenity facilities to be provided as follows:</p> <ul style="list-style-type: none"> <li>• 252 no. residential houses (192 no. 3 bed units, 48 no. 4 bed units, 12 no. 5 bed units) in detached, semi-detached, mid-terraced and end-terraced houses ranging from two to three storey in height;</li> <li>• Apartment Blocks A &amp; B are connected at ground and first floor level sharing an undercroft car park at ground floor level and a landscaped podium garden at first floor level, and contain a total of 110 no. units in 2 no. buildings ranging from one to five storeys in height, with Apartment Block A containing a total of 54 no. units comprising of 14 no. 1 bed units, 39 no. 2 bed units, and 1 no. 3 bed unit, and Apartment Block B containing a total of 56 no. units comprising of 14 no. 1 bed units, 40 no. 2 bed units, and 2 no. 3 bed units, with all units provided with private balconies/terraces; internal bicycle stores, bin stores and plant rooms at ground floor level; and on-street car parking and bicycle parking. Ancillary residential amenity facilities are also proposed including concierge/reception, meeting room, gym, and multi-purpose room;</li> <li>• Apartment Block C containing a total of 25 no. units comprising of 9 no. 1 bed units, 14 no. 2 bed units and 2 no. 3 bed units, with all units provided with private balconies/terraces, in a building four storeys in height; with on-street car parking and bicycle parking; with access to a communal bin store and bike store;</li> <li>• Duplex Block D containing a total of 12 no. units comprising of 6 no. 2 bed units and 6 no. 3 bed units, with all units provided with private balconies/terraces, with a communal bin store and bike store; and 1 no. childcare facility with outdoor play area, all in a building ranging from one to three storeys in height; with residential on-street car parking; and childcare on-street drop-off area, car parking and bicycle parking;</li> <li>• Duplex Block E containing a total of 8 no. units comprising of 4 no. 1 bed units and 4 no. 2 bed units, with all units provided with private balconies/terraces; in a three storey building; with a communal bin store and bike store, and on-street car parking;</li> <li>• Duplex Block F containing a total of 8 no. units comprising of 4 no. 1 bed units and 4 no. 2 bed units, with all units provided with private balconies/terraces; in a</li> </ul>

	<p>three storey building; with a communal bin store and bike store, and on-street car parking.</p> <p>The development will provide for a total of 721 no. car parking spaces within the scheme; a total of 227 no. bicycle spaces serving the apartments, duplexes and childcare facility; proposed use of the existing vehicular access off Back Road (proposed vehicular access via Ashwood Hall and Brookfield) and proposed use of the existing vehicular access off Kinsealy Lane (proposed vehicular access via Hazelbrook); proposed upgrades to public realm including footpaths, landscaping including play equipment, boundary treatments, and public lighting; and all associated engineering and site works necessary to facilitate the development including proposed upgrade of part of the existing foul drainage network in Hazelbrook, and proposed connection and associated works to the existing foul network along Kinsealy Lane which will be upgraded under planning permission Reg. Ref. F21A/0451.</p> <p>The application contains a statement setting out how the proposal will be consistent with the objectives of the Fingal Development Plan 2017-2023.</p> <p>The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.</p> <p>An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been prepared in respect of the proposed development.</p> <p>The application together with an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, during public opening hours at the offices of An Bord Pleanála and Fingal County Council.</p>
<b>App. Type</b>	Strategic Housing Development
<b>Date Recd.:</b>	April 22, 2022

With reference to the above application the Environment Section (Waste Enforcement & Regulation) have the following comments:

1/ Prior to the commencement of development, the applicant shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the **Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021)**. The RWMP shall include details of the various waste streams and expected tonnages which will be generated during site clearance, demolition and construction phases and any proposed exportation or importation of soil and stone material including destination/source locations, quantities and if any material will be assessed under By-Product notification. The RWMP shall also include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Regards

Enda Hoey

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Enda Hoey  
Senior Executive Scientist



FINGAL COUNTY COUNCIL INTERNAL CONSULTEE

PLANNING REPORT

Additional Information

Report of Arts Culture Department

Register Reference: SHD/012/20

Registration Date: 14-Apr-2022

Development: Lands at Back Road and Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin, The northern lands are generally bound by Ashwood Hall to the west, and the southern lands are, generally bound by Hazelbrook to the west and Brookfield to the north.

Location: Lands at Back Road and Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin, The northern lands are generally bound by Ashwood Hall to the west, and the southern lands are, generally bound by Hazelbrook to the west and Brookfield to the north.

Applicant: Birchwell Developments Ltd.

Application Type: Strategic Housing Development

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Report

*The developer shall provide a piece of public art or sculpture or architectural feature, to be designed in consultation with the Council (please contact Public Art Coordinator, within the Economic, Enterprise, Tourism & Cultural Department of Fingal County Council). The piece of art shall have a relationship with the area. The location of the piece of art shall be agreed with the Parks and Green Infrastructure Division prior to the commencement of works on site.*

*Reason: To comply with Objective DMS05 of the Fingal Development Plan 2017-2023.*



Officer: T Nolan Endorsed: M  
Godwin

Date: 29/04/2022 Date: 29/04/2022

## **APPENDIX 3**      Planning Context

The following is relevant to the site

### **Zoning Objective**

The subject site is located within land-use zoning objective RA in the Fingal Development Plan 2017-2023 which seeks to *'Provide for new residential communities subject to the provision of the necessary social and physical infrastructure'*.

The site adjoins lands zoned GB in the Fingal Development Plan 2017-2023 which seeks to *'Protect and provide for a Greenbelt'*

### **Masterplan 9.B**

#### **Objective Malahide 11**

Prepare and/or implement the following Masterplans during the lifetime of this Plan:

- Streamstown Masterplan (see Map Sheet 9, MP 9.A)
- Broomfield Masterplan (see Map Sheet 9, MP 9.B)

### **Dublin Airport Objectives**

Northern portion of the site - Noise Zone C associated with Dublin Airport

Southern portion of the site – Noise Zone B associated with Dublin Airport

Southern portion of the site – Outer Public Safety Zone

Landscape Character – low lying agricultural

### **Development Plan Objectives**

#### **Core and Settlement Strategy**

##### **Core Strategy**

Variation No. 2 of the Fingal Development Plan 2017-2023

Table 2.4 Total Residential Capacity provided under Fingal Development Plan 2017 – 2023, updated as of September 2019

The core strategy of the Development Plan outlines the overall hierarchy for the county with the intention that “Each identified settlement centre will accommodate an agreed quantum of future development appropriate to its respective position in the hierarchy”.

Objective SS02 states: - Ensure that all proposals for residential development accord with the County's Settlement Strategy and are consistent with Fingal's identified hierarchy of settlement centres.

Objective SS02a states - Development will be permitted in principle on lands where there is a Local Area Plan or Masterplan in place and only when these lands are substantially developed will permission be granted for the development of lands without such a framework. Should the lands identified within a LAP or Masterplan not come forward for development in the short term, consideration will be given to other lands.

Objective SS02b states - Focus new residential development on appropriately zoned lands within the County, within appropriate locations proximate to existing settlement centre lands where infrastructural capacity is readily available, and they are along an existing or proposed high quality

public transport corridors and on appropriate infill sites in the town centres, in a phased manner alongside the delivery of appropriate physical and social infrastructure.

The subject site is located within the Development Boundary of Malahide which is designated as being a Self-Sustaining Towns. These are towns that require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery. As a Self-Sustaining Town, Malahide has an important role within the Metropolitan Area and should continue to develop as a self-sustaining centre through the provision of a range of facilities to support the existing and new populations. Population growth in self-sustaining towns shall be at a rate that seeks to achieve a balancing effect and shall be focused on consolidation and inclusion of policies in relation to improvements in services and employment provision.

Self Sustaining Town - Malahide The settlement contains a strong village centre structure with a regional park and access to a high level of local amenities. The settlement is served by the DART. Housing delivery is been provided at a steady pace on local area plan lands. Development on remaining lands is required to be undertaken by a masterplanning process. Having regard to the limited area of land remaining, a 5% population figure is considered acceptable.

Relevant Objectives to Malahide include;

#### Objective Malahide 11

Prepare and/or implement the following Masterplans during the lifetime of this Plan:

- Streamstown Masterplan (see Map Sheet 9, MP 9.A)
- Broomfield Masterplan (see Map Sheet 9, MP 9.B)

#### Place Making

The Fingal Development Plan emphasises the importance of sustainable communities and placemaking. The strategy of the Development Plan addresses urban design and urban development and design criteria for residential development. Objectives in this respect include:

Objective PM31 - Promote excellent urban design responses to achieve high quality, sustainable urban and natural environments, which are attractive to residents, workers and visitors and are in accordance with the 12 urban design principles set out in the Urban Design Manual – A Best Practice Guide (2009).

Objective PM32 - Have regard to the joint Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government's Design Manual for Urban Streets and Roads (DMURS), (2013) and the National Transport Authority's Permeability Best Practice Guide (2015), in the provision of good urban design.

Objective PM33 - Enhance and develop the fabric of existing and developing rural and urban centres in accordance with the principles of good urban design, including the promotion of high quality well-designed visually attractive main entries into our towns and villages.

Objective PM37 - Ensure an holistic approach, which incorporates the provision of essential and appropriate facilities, amenities and services, is taken in the design and planning of new residential areas, so as to ensure that viable sustainable communities emerge and grow.

Objective PM38 - Achieve an appropriate dwelling mix, size, type, tenure in all new residential developments.

Objective PM39 - Ensure consolidated development in Fingal by facilitating residential development in existing urban and village locations.

Objective PM40 - Ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents.

Objective PM41 - Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.

Objective PM43 - Have regard to 'Sustainable Urban Housing: Design Standards for New Apartments' (2007) (or any update or revision of these standards) when assessing apartment developments.

#### Natural Heritage and Conservation

Objective NH02 - Integrate provision for biodiversity with public open space provision and sustainable water management measures (including SuDS) where possible and appropriate.

Objective NH15 - Strictly protect areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs); also known as European sites) including any areas that may be proposed for designation or designated during the period of this Plan.

Objective NH27 - Protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character and ensure that proper provision is made for their protection and management.

Objective NH33 - Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.

Objective NH34 - Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types, including the retention of important features or characteristics, taking into account the various elements which contribute to their distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity.

Objective NH36 - Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:

- Causes unacceptable visual harm
- Introduces incongruous landscape elements
- Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.



Objective NH38 - Protect skylines and ridgelines from development.

Objective NH39 - Require any necessary assessments, including visual impact assessments, to be prepared prior to approving development in highly sensitive areas.

Objective NH40 - Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.

Objective NH51 - Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place.

Objective NH52 - Ensure that development reflects and reinforces the distinctiveness and sense of place of High Amenity areas, including the retention of important features or characteristics, taking into account the various elements which contribute to its distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity.

#### Apartment Development

Apartment developments should be of high-quality design and site layout having due regard to the character and amenities of the area. All apartment developments shall accord with or exceed all aspects of Government Guidelines in relation to residential development best practice, including 'Sustainable Urban Housing: Design Standards for New Apartments' (2007 & 2015) and 'Sustainable Residential Development in Urban Areas' (2009) and provisions of Tables 12.1, 12.2 and 12.3 - Dwelling and Apartment Standards set out in Chapter 12 Development Management Standards.

#### Open Space

Objective PM52 - Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Objective PM57 - Require that intensive recreational/amenity facilities be agreed with, and given in ownership to the Council. The Council may directly manage these facilities and may grant management licences and/or sporting leases in respect of the operation of these facilities, and uses shall be consistent with the provisions of any deed of dedication to which the lands are subject. In areas which are subject to Local Area Plans, the general policy will be decided in the first place at Local Area Plan level, rather than when considering individual planning applications.

Objective PM60 - Ensure public open space is accessible and designed so that passive surveillance is provided.

Objective PM61 - Ensure permeability and connections between public open spaces including connections between new and existing spaces, in consultation to include residents.



Objective PM62 Provide multifunctional open spaces at locations deemed appropriate providing for both passive and active uses.

#### Sustainable Urban Drainage Systems

Sustainable Drainage Systems (SuDS) can best be defined as offering a 'total' solution to rainwater management and must be included in all new developments. Properly designed and located SuDS features can be incorporated within and can complement the amenity and aesthetic value of open spaces. SuDS areas do not form part of the public open space provision, except where they contribute in a significant way to the design and quality of open space as defined by the Planning Authority.

#### Playground Facilities

Objective PM63 - Facilitate the provision of appropriately scaled children's playground facilities within new and existing residential development.

#### Community Buildings

Objective PM70 - Ensure proposals for large scale residential developments include a community facility, unless it can be established that the needs of the new residents can be adequately served within existing or committed community facilities in the area.

#### Childcare

Objective PM76 - Require as part of planning applications for new residential and commercial developments that provision be made for appropriate purpose built childcare facilities where such facilities are deemed necessary by the Planning Authority.

#### Green Infrastructure

Objective DMS80 - Ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of developments.

#### Development Management Standards

The development management standards considered to be of particular relevance to this proposal are as follows:

Objective DMS03 - Submit a detailed design statement for developments in excess of 5 residential units in urban areas.

Objective DMS03a - Submit a detailed statement for developments on land zoned residential or mixed use, in excess of 100 residential units outlining:

- Compliance with the sequential approach in relation to development of the area, Potential for sustainable compact growth,
- The scale of employment provision and commuting flows,
- Extent of local services provision i.e. administration, education- particularly third level, health, retail and amenities,
- Transport accessibility,
- Environmental sensitivities, resources and assets and,
- Current and planned infrastructure capacity



Objective DMS16 - Promote and encourage the use of green walls and roofs for new developments that demonstrate benefits in terms of SuDS as part of an integrated approach to green infrastructure provision.

Objective DMS18 - Locate, where possible, new utility structures such as electricity substations and telecommunication equipment cabinets, not adjacent to or forward of the front building line of buildings or on areas of open space.

Objective DMS20 - Require the provision of a minimum of 50% of apartments in any apartment scheme are dual aspect.

Objective DMS 21 - Allow a reduced percentage of dual aspect apartments only in circumstances where it is necessary to ensure good street frontage and subject to high quality design. In no instance will the provision be less than 33% of the number of apartments in the scheme.

Objective DMS24 - New residential units comply with or exceed minimum standards as set out by the CDP.

Objective DMS25 - The majority of all apartments in schemes in excess of 100 units exceed minimum standards by a minimum of 10%

Objective DMS28 - A minimum separation distance of 22 metres between directly opposing rear first floor windows shall generally be observed. In developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs

Objective DMS30 - Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.

Objective DMS33 - Require properly constituted management companies in apartment type schemes are set up and necessary management structures are put in place for the benefit of the residents

Objective DMS34 - Provide in high density apartment type schemes in excess of 100 units facilities for the communal use of residents as deemed appropriate by the Council.

Objective DMS35 - Require the provision of communal laundry rooms and storage facilities in high density apartment type developments where deemed appropriate.

Objective DMS36 - Ensure all new residential schemes include appropriate design measures for refuse storage areas, details of which should be clearly shown at pre-planning and planning application stage

Objective DMS39 - New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

Objective DMS44 - Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.

Objective DMS56 - Integrate and provide links through adjoining open spaces to create permeable and accessible areas, subject to Screening for Appropriate Assessment and consultation, including the public, as necessary.

Objective DMS73 - Ensure as far as practical that the design of SuDS enhances the quality of open spaces. SuDS do not form part of the public open space provision, except where it contributes in a significant and positive way to the design and quality of open space. In instances where the Council determines that SuDS make a significant and positive contribution to open space, a maximum 10% of open space provision shall be taken up by SuDS. The Council will give consideration to the provision of SuDS on existing open space, where appropriate.

Objective DMS57 - Require a minimum public open space provision of 2.5 hectares per 1000 population.

Objective DMS57A - Require a minimum 10% of a proposed development site area be designated for use as public open space

Objective DMS72 Encourage the use of green roofs as amenity space.

Objective DMS75 Provide appropriately scaled children's playground facilities within residential development. Playground facilities shall be provided at a rate of 4 sq. m per residential unit. All residential schemes in excess of 50 units shall incorporate playground facilities.

Objective DMS77 - Protect, preserve and ensure the effective management of trees and groups of trees.

Objective DMS78 - Ensure during the course of development, trees and hedgerows that are conditioned for retention are fully protected in accordance with 'BS5837 (2012) Trees in relation to the Design, Demolition and Construction – Recommendations' or as may be updated

Objective DMS79 - Require the use of native planting where appropriate in new developments in consultation with the Council.

Objective DMS80 - Ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of developments

Objective DMS84 - Ensure trees removed from residential areas are replaced, where appropriate, as soon as resources allow.

Objective DMS85 - Ensure private open spaces for all residential unit types are not unduly overshadowed

Objective DMS89 - Require private balconies, roof terraces or winter gardens for all apartments and duplexes comply with or exceed the minimum standards set out in Table 12.6.

Objective DMS90 - Require balconies, ground floor private open space, roof terraces or winter gardens be suitably screened in a manner complimenting the design of the building so as to provide an adequate level of privacy and shelter for residents.

Objective DMS91 - Require communal amenity space within apartment developments, in the form of semiprivate zones such as secluded retreats and sitting out areas, complies with or exceeds the minimum standards set out in Table 12.6.

Objective DMS92- Permit in appropriate layouts (e.g. courtyard layouts) the provision of a combination of private and semi-private open spaces.

Draft Fingal Development Plan 2023-2029

Local Objective 39

To provide a pedestrian / cycle entrance into Malahide Demesne on the Back Road adjacent to the traffic lights at Ashwood Hall Malahide

Local Objective 40

Facilitate provision of pedestrian linkages from east-west from The Hill to Robswall and northsouth along part of the old Malahide to Portmarnock walkway route.





Birchwell Developments Ltd,  
C/O MCORM Architects,  
No. 1 Grantham Street,  
St. Kevins,  
Dublin 8

18<sup>th</sup> February 2022

Our Ref: C217

Dear Sirs,

**Re: Development at Phase 3 Broomfield LAP Lands, Back Road, Malahide, Co. Dublin**

I note your correspondence with regard to your proposed planning application for development of 415 units at Phase 3 Broomfield LAP Lands, Back Road, Malahide, Co. Dublin.

I note that you have made contact with the Housing Department and have submitted a proposal in respect of an agreement to satisfy your Part V obligation under the Planning and Development Act 2000 (as amended).

Should a planning permission arise in this instance, please contact the Housing Department with a view to negotiating the Part V agreement. Costs will be agreed subject to grant of planning.

**This validation letter is being issued for the above development proposal only and is valid only for a period of 3 months from the date of its issue.**

Yours sincerely,

Marina Rennicks  
Senior Staff Officer  
Housing Department