

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

AN BORD PLEANÁLA  
LDG- 07 5032-24  
ABP-  
23 SEP 2024  
Fee: € 220 Type: Chq  
Time: 10-55 By: HANh



O'NEILL  
Town Planning

PLANNING AND DEVELOPMENT CONSULTANTS  
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September 22, 2024.

APPEAL RE: THE CONSTRUCTION OF 364 NO. NEW RESIDENTIAL DWELLINGS CONSISTING OF 158 NO. HOUSES, 82 NO. DUPLEX UNITS AND 124 NO. APARTMENT UNITS SET OUT FOLLOWS: CONSTRUCTION OF 158 NO. 2-STOREY HOUSES (54 NO. 2-BEDS, 99 NO. 3-BEDS, 5 NO. 4-BEDS). CONSTRUCTION OF 82 NO. 2 TO 3 STOREY DUPLEX UNITS (8 NO. 1-BEDS, 33 NO. 2-BEDS, 41 NO. 3-BEDS), WITH BALCONIES ON ALL ELEVATIONS. CONSTRUCTION OF 3 NO. APARTMENT BLOCKS, RANGING FROM 3 TO 6 STOREYS IN HEIGHT, WITH BALCONIES ON ALL ELEVATIONS, GREEN ROOFS, AND EXTERNAL AMENITY COURTYARDS, PROVIDING A TOTAL OF 124 NO. APARTMENT UNITS (48 NO. 1-BEDS, 66 NO. 2-BEDS, 10 NO. 3-BEDS). THE SCHEME PROVIDES C. 17% PUBLIC OPEN SPACE OF THE NET SITE AREA COMPRISING 2 NO. SMALL PARKS AND 1 NO. POCKET PARK WHICH TOTAL C. 13, 646 SQ.M. THESE PARKS ARE LOCATED CENTRALLY WITHIN THE SITE PROVIDING A SERIES OF NORTH-SOUTH LINEAR SPACES LINKING TO PERMITTED BALLYMASTONE PHASE 1 (FCC REF. LRD0008/S3 & ABP REF. 315288) TO THE SOUTH. A TOTAL OF 278 NO. CAR PARKING SPACES ARE PROVIDED (IN-CURTILAGE FOR THE HOUSES AND IN A MIX OF BOTH ON-STREET AND COMMUNAL CAR PARKING AREAS FOR APARTMENT AND DUPLEX UNITS). A TOTAL OF 1, 457 NO. CYCLE SPACES ARE PROVIDED FOR RESIDENTIAL UNITS (COMPRISING 1, 353 LONG-STAY/ RESIDENT SPACES AND 104 NO. SHORT-STAY/ VISITOR SPACES). THE DEVELOPMENT PROVIDES FOR VEHICULAR ACCESS FROM THE LINKS ROAD, DONABATE DISTRIBUTOR ROAD (DDR) AND PERMITTED BALLYMASTONE PHASE 1 (FCC REF. LRD0008/S3 & ABP REF. 315288). A NORTH-SOUTH PEDESTRIAN/ CYCLE ROUTE IS PROPOSED WITHIN THE SITE CONNECTING PERMITTED BALLYMASTONE PHASE 1 (FCC REF. LRD0008/S3 & ABP REF. 315288) AND FUTURE DEVELOPMENT LANDS TO THE NORTH. A SERIES OF EAST-WEST PEDESTRIAN/ CYCLE ROUTES ARE PROPOSED CONNECTING THE SITE TO PERMITTED BALLYMASTONE RECREATIONAL HUB TO THE EAST (PARTX1/004/21). PROPOSED NEW FOUL PUMP STATION LOCATED TO THE NORTH-EAST OF THE SITE. THE PROPOSED APPLICATION INCLUDES ALL SITE ENABLING AND SITE DEVELOPMENT WORKS, LANDSCAPING WORKS, PV PANELS, BIN STORES, PLANT, BOUNDARY TREATMENTS, ESB SUBSTATIONS, LIGHTING, SERVICING, SIGNAGE, SURFACE WATER ATTENUATION FACILITIES AND ALL SITE DEVELOPMENT WORKS ABOVE AND BELOW GROUND. AN ENVIRONMENTAL IMPACT ASSESSMENT REPORT AND A NATURA IMPACT STATEMENT HAVE BEEN PREPARED IN RESPECT OF THE PROPOSED DEVELOPMENT. THE APPLICATION MAY ALSO BE INSPECTED ONLINE AT THE FOLLOWING WEBSITE SET UP BY THE APPLICANT: [WWW.BALLYMASTONELRD2.IE](http://WWW.BALLYMASTONELRD2.IE), ALL AT LANDS AT BALLYMASTONE, DONABATE, CO DUBLIN, GLENVEAGH LIVING LIMITED. (REG. REF: LRD0039/S3)

A Chara,

We have been instructed by our clients, **The Links Residents Association, c/o Darren Laird, 71 The Links, Donabate, Co. Dublin, K36HY63** to submit the following appeal against the notification of decision to grant planning permission for the above mentioned development, which was made by order dated August 28, 2024, subject to thirty three conditions. While our clients are not opposed to development in the area, particularly housing, they are rightly concerned that the proposed development will have a huge impact on the residential amenities of our clients' residences and will irrevocably devalue their and their immediate neighbours properties. Of huge import is the intensification of traffic at the access to the site onto a heavily trafficked suburban road would result in increased traffic hazard, and an obstruction to other road users.

The Planning Authority, in considering the planning application lodged were of the view, taking account of the provisions of the Fingal County Development Plan 2023 -2029, the National Planning Framework 2040; the Sustainable Residential Development and Compact Settlements-Guidelines for Planning Authorities 2024, the Local Area Plan; the planning application material and third party objections, they considered that the development as proposed is acceptable and in compliance with the parameters for planning and land use in the area.

### 1.1 PLANNING PARAMETERS

While it is well documented that the Planning Authority can only consider the proposed development in terms of government guidelines and the statutory development plan for the area, i.e. Fingal County Development Plan 2023 -2029, and following on from that the proper planning and sustainable development of the area, which includes the proposed development's compliance with the overarching national and regional planning frameworks for the development of the site. Of import here is the fact that while there have been a number of Ministerial Guidelines issued in relation to housing over the last three years, these guidelines can only be countenanced in the context of the overall vision and objectives of the Planning Authority's strategy, as set out in the Fingal County Development Plan 2023 -2029 . Given the added guidance included in the Urban Development and Building Heights Guidelines, and the recent Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities Urban (January 2024); and the requirements of same, it is our belief that the subject development fails to properly take on board the wider implications of the Climate Action Plan 2024.



## FINGAL COUNTY DEVELOPMENT PLAN 2023 -2029

The following are a number of key objectives and policies of the council that appear to have been ignored in the Planning Authority's adjudication on the subject development:-

**Objective Policy CMP7 Pedestrian and Cycling Network in Fingal Development Plan 2023-2029** which seeks to “secure the development of a high quality, connected and inclusive pedestrian and cycling network and provision of supporting facilities/infrastructure across the county, including the upgrade of the existing network and support the integration of walking, cycling and physical activity with placemaking including public realm improvements, in collaboration with the NTA, other relevant stakeholders, local communities and adjoining Local Authorities”

### **Policy CMP1 - Decarbonisation of Motorised Transport**

Support the decarbonisation of motorised transport and facilitate modal shift to walking, cycling and public transport and taking account of National and Regional policy and guidance, while supporting an efficient and effective transport system

### **6.5.6 A Sustainable and Integrated Transport Network**

Promoting the expanded provision of sustainable travel modes such as walking, cycling and public transport based on an integrated network approach will help re-balance the focus to those modes that have lower emissions and contribute to creating high-quality environments across the County as well as improved quality of life for residents, commuters and visitors to Fingal.

**Objective (DMS078) states that a Community and Social Infrastructure Audit report be carried out on Planning applications for large scale residential and mixed-use developments, of 50 or more residential units.**

“This audit shall assess the provision of community and social infrastructure within the vicinity of the site and shall identify existing shortcomings in terms of these facilities and assess whether there is a need to provide additional facilities to cater for the proposed development.

A Community and Social Infrastructure Audit shall include the following:

- An assessment of existing community and social infrastructure facilities within 1 km of the subject site.
- An assessment of the need in terms of necessity, deficiency, and opportunities to enhance/share existing facilities based future population projections for the area.
- A justification as to whether or not a new community facility will be provided as part of the proposed development, based on the findings of the audit.

### **Policy CIOSP6 - Facilities for Children, Teens and Young Adults**

“Provide appropriate recreational, community, social and educational facilities for children, teens and young adults.”

### **Objective CIOS05 - Residential Developments and Community Facilities**

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.

**The Donabate LAP 2017-2022 includes the following objectives for such a facility.**

**Objective 6.3 “To support the provision of a new community facility on lands at Ballymastone “**

### **Policy CIOSP4 - Social Inclusion**

Ensure provision of accessible, adequate and diverse community facilities and services in new and established residential areas to provide for the well-being of residents.

**Objective 6.12 "Support the provision of a community/cultural/exhibition and performing Arts centre for Donabate-Portrane and encourage the development of multifunctional community buildings which are not used exclusively by any one group."**

*The Development Plan also highlights the timely provision of community facilities. There is a serious lack of community facilities which are not being provided for our growing population.*

### **Policy CIOSP3 - Timely Provision of Community Facilities**

*Ensure the timely provision in conjunction with housing development of community services, resources and infrastructure, including schools, community, religious, and health facilities, required for the creation of sustainable communities.*

Our clients are of the view that all of the above have not been given the sort of importance that they should have been when considering this large LRD planning application.

## **1.2 OUR CLIENT'S CONCERNS**

Our clients main objection is to the provision of the Link road from the New Road to the Portrane Road. While this forms part of the Donabate Local Area Plan the Links Residents Association were not directly consulted or made aware of this road at that time, even though the public consultation process for the LAP commenced in 2012 over 12 years ago. Our clients are fully aware and wish to remind the Board that National Planning Policy has changed dramatically over the last 12 years with a move away from car usage and reliance to sustainable active travel measures and public transport usage. It is our understanding that National Policy in this regards supersedes the Local Area Plan and ask the Board to ensure this is taken into consideration. Our clients were extremely disappointed that the Board in our previous appeal did not take National Planning Policy into consideration in this regards.

It is the view of our clients that The Link access road is completely unnecessary and a material contravention of the Fingal County Development Plan 2023 -2029, the National Planning Framework, the Climate Action Plan 2023/2024 and RSES.

***The National Planning Framework National Policy Objective 27 seeks to 'Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.'***

***The Climate Action Plan 2024 seeks to reduce our carbon emissions by 50% BY 2030 and 100% by 2050 and outlines the requirement for a significant behavioural shift from private car usage to increase the total share of journeys undertaken by walking, cycling or public transport and highlights the need to facilitate the wider spread change to a healthier, safer and more people focused vision for transport.***

The provision of the Link Road and of the vehicular access points onto The Links Road/Portrane Road outlined in the proposed road layout will create major traffic issues along the Portrane road. The Portrane Road is an old country road not fit for purpose and not fit for additional vehicular traffic. The road hierarchy includes access from all developments (Lanestown development, Tilberry and Ballymastone) onto the Links and Portrane Road. Our clients believe this is in effect a through road which will become a rat run. The Portrane Road will be unable to maintain this level of traffic.

It is our opinion that this road and these access points will become the primary road to the Portrane Road, schools and community centre. The Donabate Distributor Road was built at a substantial cost to the tax payer. The purpose of this road was primarily to open these lands for development and to provide access to and from these lands. Our clients correctly believe that the Links Road and access points will become the main access road to the schools, community centre and town centre, which is totally contrary to the land use strategy as outlined in the statutory development plan for the area and the Local Area Plan for the area.

The traffic report includes revised car trips based on reduced parking in the development. While parking spaces are reduced it is the view of our clients that the Donabate Peninsula is car dependant due to inadequate public transport system, workers working outside the peninsula due to little employment opportunities, and the majority of

people leaving the peninsula to shop and socialise. **While Donabate has been classified as a self containing growth town the reality is that this is not the case.**

This is clear when one sees the travel pattern results in the Census 2022 ED where the dependence on car travel in Donabate is obvious. According to census 2022 53% of Donabate households have 2 cars or more (1797 households) and 43% have 1 car (1567). This equates to over 5547 cars in Donabate. **The number of people travelling to work/school/college by car/van/motorcycle in 2022 was 4223 (Census 2022 ED) up 32% on Census 2016 ED (3191).** The number of car passengers travelling to school, college, crèche in the 2016 census was 561, but by 2022 the number had increased by 79% to 1009. This is a grave concern for our clients and highlights the reliance on cars as a mode of transport to schools/colleges and crèches in particular. Our clients believe this will continue to increase.

Based on the 2022 Census the projected number of cars generated from this development could be approximately 516 (1 household car 42% of 364= 152 2 household cars or more 50% of 364= 364) with approximately 614 cars in phase 1 and 339 cars from the Lanestown and New Road developments. This brings the total estimated number of cars from this development, phase 1, New Road and Lanestown to 1469. Our clients believe this road will not only increase cars on our already overburdened country roads but will actually promote car usage. This is in contravention of National Planning Policy, the Fingal Development Plan, RSES and The Climate Action Plan 2023/2024

Our clients note that the applicant did not carry out any detailed assessment of capacity on public transport which is extraordinary given the premise of this development and densities are dependant not only on the ability to access public transport, in this case the train station and public bus service it is also dependant on the ability of commuters to be able to access a train or bus. The Urban Development and Building Heights Guidelines (2018) promotes higher densities but is predicated by an acceptable public transport capacity. **Our clients wish to state categorically that the train service at peak time is full to capacity and the 33D bus service is full to capacity in the mornings which has resulted in commuters returning to their cars thus increasing vehicular traffic on our roads.**

Our clients also wish to highlight that there are no plans in the short to medium term to improve the public transport network. Indeed the introduction of a new timetable on the Northern Commuter Line has seen large gaps in services at peak times resulting in additional commuters turning to their cars. It is important that the Board takes this cumulative impact into consideration when considering the merits of the proposed development. Our clients ask the Bord to note the commencement of 175 units on the New Road, Donabate which are estimated to be completed within 18 months which will further increase the traffic on this Link Road and Portrane Road and encourage people to drive given our already overburdened Public Transport system.

Our clients believe in order to be compliant with the Development Plan, National Planning Framework and Climate Action Plan 2024 all access points should be pedestrian and cycle access only. Bollards should be provided at all access points to encourage pedestrian and cycle access only and to encourage walking to the schools and community centre which are accessed off the Portrane Road.

**Of import is the fact that our clients entered into discussions with the applicant during phase 1 of this project and a proposal to install modal filter at an agreed point was agreed with the understanding that the planning authority were supportive of this proposal.** The modal filter was installed as part of this agreement. Our clients are now dismayed that the Planning Authority have conditioned the applicant to remove the filter in their planning permission. Our clients categorically reject this decision by the Planning Authority and believe that this is not in keeping with this agreement and the proper planning and sustainable development of the area.

#### COMMUNITY AND SOCIAL INFRASTRUCTURE REPORT

Our clients are deeply concerned at the council's decision to ignore its own clear objective in relation to the Community and Social Infrastructure report and to blatantly ignore the justified concerns of the Donabate Community. The Donabate Local Area Plan provides for 4000 housing units and the provision of a much needed multifunctional community facility. **It would appear that Donabate can have the housing units but not the essential supporting community facility.**

The Community and Social Infrastructure report includes an assessment of existing community and social infrastructure within 5km of this development. Any assessment outside of the 1km outlined in the development plan should have been disregarded by the planning authority. There is a serious requirement for additional indoor community space on the Donabate peninsula. The Donabate Portrane Community Centre is at full capacity with 45 groups on a waiting list for space. The Donabate Parish Hall is full to capacity with waiting lists for space also.

It is an objective of the Fingal Development Plan 2023-2029 that youth facilities be provided. According to the 2022 Census **31% of the Donabate population is under 19 years of age**. There is a dire need for a youth centre to cater for our current and future youths. While welcoming the additional space that will become available when the library relocates to Ballisk House this will simply not be sufficient to accommodate current and future residents. Our clients believe this omission from the plans is a material contravention of the Fingal Development Plan and as such a multifunctional community facility **MUST** be provided.

**The National Planning Framework 2040 refers to "Enhanced Amenities and Heritage", when they state that this will ensure that our cities, towns and villages are attractive and can offer a good quality of life. It will require investment in well-designed public realm, which includes public spaces, parks and streets, as well as recreational infrastructure**

Again the Donabate Community's arts, crafts and cultural groups have no permanent home with the increased population going from 9399 in 2016 to 11783 2022 - an increase of 25%. The needs of new and current residents are not adequately served within existing or committed facilities in the area.

The Eastern & Midland Regional Assembly RSES Regional Spatial Economic Strategy 2019 -2031 recognises that the "Provision of education, healthcare, childcare and other social facilities has not matched the pace of growth and resultant demand in the region. There is an opportunity in the RSES to combine the key stakeholders in the provision of these services to ensure that the demands of a changing and increasing population are met through the RSES."

It is evident that the current and future needs of the community are not being met given the number of housing units to be constructed on this entire site will be approximately 1250 (Ballymastone phase 1 432 phase 2 364 Tilberry 175 Lanestown 64 plus Ballymastone phase 3) with over 4000 people living on this site.

**Our clients believe the provision of the Community facility must be provided in this development as this is in contravention of the Donabate LAP, Fingal Development Plan, RSES Strategy and National Planning Framework.**

#### CRECHE

The Residents Association note that the planning authority in phase 1 of the development LRD0008/22-S3 included a planning condition that the much needed crèche would be operational and playground completed prior to occupation of the 76th residential unit on site. In this planning permission LRD0039/S3 the planning condition states that the crèche facility permitted as part of Ballymastone phase 1 be constructed and operational prior to the occupation of any residential unit hereby permitted. It is extraordinary that the planning authority have included this condition considering the previous condition with 432 units to be constructed in phase 1. Given the childcare crisis on the peninsula with many parents under extreme stress with the lack of childcare facilities our clients urge the Board to ensure the original planning condition remains and this crèche is provided in accordance with the proper planning and sustainable of the area.

#### CONSTRUCTION MANAGEMENT PLAN

The Residents Association are requesting that the hours of work commence no earlier than 8am. The 7am starts over the last year have had a detrimental impact on the residents.

### 1.3 CONCLUSIONS

All planning in Ireland is now subject to National and Regional Strategies and thereafter statutory development plans for a county area. In the present instance we would submit that the proposed development is not one that can rely on the objectives of the national or regional plans, as it is taking place without having due regard to all of the plans, policies, and objectives of the EU, the government, the regional authorities and the local authority.

While the subject site is capable of residential development, this can only be determined within the planning parameters offered by the development plans, which include the overarching objectives and policies as set out in National and Regional Plans. That said the higher level strategic national and regional plans must be properly applied to a local context. What developers and some Local Authorities appear to be missing are the strict requirements for increased traffic, particularly car borne traffic.

Should the Bord grant permission without the provision of bollards on the link road, our clients would be of the opinion that a condition insisting on a traffic audit and review of traffic volumes and impact on the Links/Portrane Road be undertaken in years 1/3/5/7 and 10 - following a grant of permission.

We would ask An Bord Pleanála to uphold this appeal on the grounds that the proposed development would be contrary to the climate Action Plan, and the objectives and policies of the Planning Authority as set out in the Fingal County Development Plan 2023 -2029 and the Local Area Plan for the area. As such the proposed development is contrary to the proper planning and sustainable development of the area.

We are enclosing the requisite fee of €220.00 to cover the cost of this appeal, along with the acknowledgement from the Planning Authority to our client's original observation. We respectfully request An Bord Pleanála to refuse permission for the subject development for the reasons set out above.

Yours Sincerely,



**Michael A. O'Neill MIPI**



**Darren Laird obo The Inlks Residents Association**  
**71, The Links**  
**Donabate**  
**Co Dublin**  
**K36HY63**

**Date:** 4 June, 2024

ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION on a  
PLANNING APPLICATION

**THIS IS AN IMPORTANT DOCUMENT!**

KEEP THIS DOCUMENT SAFELY, YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE **ONLY** FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANÁLA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

**PLANNING AUTHORITY NAME:** FINGAL COUNTY COUNCIL

**PLANNING APPLICATION REFERENCE NO.**                      **LRD0039/S3**

**A submission/observation has been received from Darren Laird obo The Inlks Residents Association, in relation to the above planning application.**

**The appropriate fee of €20.00 has been paid.** (Fee not applicable to prescribed bodies).

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations, 2001 -2013 and will be taken into account by the Planning Authority in its determination of the planning application.

*Joanne Boyle*

**for Senior Executive Officer**

**Development:**

No1. The construction of 364 no. new residential dwellings consisting of 158 no. houses, 82 no. duplex units and 124 no. apartment units set out follows:

- Construction of 158 no. 2-storey houses (54 no. 2-beds, 99 no. 3-beds, 5 no. 4-beds).
- Construction of 82 no. 2 to 3 storey duplex units (8 no. 1-beds, 33 no. 2-beds, 41 no. 3- beds), with balconies on all elevations.
- Construction of 3 no. apartment blocks, ranging from 3 to 6 storeys in height, with balconies on all elevations, green roofs, and external amenity courtyards, providing a total of 124 no. apartment units (48 no. 1-beds, 66 no. 2-beds, 10 no. 3-beds).

2. The scheme provides c. 17% public open space of the net site area comprising 2 no. small parks and 1 no. pocket park which total c. 13, 646 sq.m. These parks are located centrally within the site providing a series of north-south linear spaces linking to permitted Ballymastone Phase 1 (FCC Ref. LRD0008/S3 & ABP Ref. 315288) to the south.

3. A total of 278 no. car parking spaces are provided (in-curtilage for the houses and in a mix of both on-street and communal car parking areas for apartment and duplex units). A total of 1, 457 no. cycle spaces are provided for residential units (comprising 1, 353 long-stay/ resident spaces and 104 no. short-stay/ visitor spaces).

4. The development provides for vehicular access from The Links Road, Donabate Distributor Road (DDR) and permitted Ballymastone Phase 1 (FCC Ref. LRD0008/S3 & ABP Ref. 315288).

5. A north-south pedestrian/ cycle route is proposed within the site connecting permitted Ballymastone Phase 1 (FCC Ref. LRD0008/S3 & ABP Ref. 315288) and future development lands to the north. A series of east-west pedestrian/ cycle routes are



proposed connecting the site to permitted Ballymastone Recreational Hub to the east (PARTXI/004/21).

6. Proposed new foul pump station located to the north-east of the site.

7. The proposed application includes all site enabling and site development works, landscaping works, PV panels, bin stores, plant, boundary treatments, ESB Substations, lighting, servicing, signage, surface water attenuation facilities and all site development works above and below ground.

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

The application may also be inspected online at the following website set up by the applicant: [www.ballymastoneIrd2.ie](http://www.ballymastoneIrd2.ie)

**Location:** Lands at Ballymastone, Donabate, Co Dublin

**Area:** Rush Lusk

**Applicant:** Glenveagh Living Limited

**Application Type:** LRD Application

**Date Received:** 30 April, 2024

**THIS IS AN IMPORTANT DOCUMENT!**

KEEP THIS DOCUMENT SAFELY, YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY.

**Please note that all planning applications, including submissions/objections will be published on the Council's website.**