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Material Contravention Statement



**Proposed Development on
Lands at Clongriffin, Dublin 13**

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1.0 Introduction

Downey Planning, Chartered Town Planners, 1 Westland Square, Pearse Street, Dublin 2, have prepared this material contravention statement, on behalf of the applicant, Gerard Gannon Properties. This statement outlines the justification of the proposed development on lands at Clongriffin, Dublin 13, which materially contravenes the Dublin City Development Plan 2016-2022 and the Clongriffin-Belmayne Local Area Plan 2012-2018 (extended until 2022) in terms of building height for Blocks 17 and 26 and the designation of the site known as Block 8 for a school within the Local Area Plan, and thus should be read in conjunction with the School Demand Assessment Report prepared by Downey Planning and submitted as part of this application.

This statement is being submitted having regard to section 8(1)(a)(iv) of the Planning and Development (Housing) and Residential Tenancies Act, 2016:

“8. (1)(a)(iv) Where the proposed development materially contravenes the said plan, other than in relation to the zoning of the land, indicating why permission should nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.”

and section 37(2)(b) of the Planning and Development Act, 2000 (as amended) which read as follows:

“(2) (b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.”

It is respectfully requested that An Bord Pleanála have regard to the following justification for a material contravention of the Dublin City Development Plan 2016-2022 and the Clongriffin-Belmayne Local Area Plan 2012-2018 (extended until 2022) in terms of building height and the school site designation on the basis that there are conflicting objectives within the said Development Plan and the Local Area Plan and that the policies and objectives stated in the Section 28 Government Guidelines, particularly “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)”, “Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities” (2018), the recently published “Urban Development and Building Heights, Guidelines for Planning Authorities” (2018), and the “Project Ireland: National Planning Framework 2040” enable increased building height and residential densities on sites adjacent to quality public transport routes and within existing urban areas. Therefore, the proposed development

should be considered by An Bord Pleanála even if the proposed development contravenes materially the plans relating to the area.

2.0 Dublin City Development Plan and Clongriffin-Belmayne Local Area Plan

2.1 Building Heights

The subject lands are designated as a Strategic Development and Regeneration Area (SDRA) in the Dublin City Development Plan 2016-2022, with a Key District Centre (KDC) designation also pertaining to the lands in closest proximity to the rail station. The North Fringe area is denoted as *SDRA1 North Fringe (Clongriffin-Belmayne)* within the City Development Plan. A number of objectives/guiding principles in relation to building heights are outlined in the Development Plan which are specific to the subject lands, these include:

“To use building heights to define key landmark locations, including:

- *Minimum heights of 5 storeys for the key district centres at Clongriffin rail station and the N32/Malahide Road junction;*
- *Minimum heights of four to five storeys for the Main Street boulevard;*
- *A landmark structure of 10-14 storeys (office height) adjacent to the rail station”.*

These objectives/guiding principles are also reflected within the Clongriffin-Belmayne Local Area Plan 2012-2018 (extended until 2022). This LAP for the area contains a specific objective which reads as follows:

Key Urban Design Objective UD07: “The height strategy for the LAP will seek positive integration of new building height with established character. Locations identified for special height character are the designated Key District Centres (in general 5 storeys minimum) and the Main Street Boulevard axis (in general four to five storeys). Heights of 2-6 storeys (including a set back at the top floor of 5/6 storey building) may be facilitated subject to quality design criteria and set back requirements along the river corridor to complete the urban form of pavilion buildings to complete Marrsfield. One location for a landmark profiled building (10-14 storey office height equivalent) is designated adjacent to Clongriffin rail station. In other locations, where 4 storey residential height is proposed, some flexibility will be allowed on the height equivalent (13m) to achieve design improvements to the façade”.

The height proposed for the development varies across the proposed scheme, with Blocks 17 and 26 designed as taller, landmark buildings. These buildings are 17 storeys over basement and 15 storeys respectively which means that these proposed heights are in excess of the specified heights within the Development Plan and Local Area Plan for certain sites within Clongriffin, and as such the proposed development contravenes materially the Development Plan and Local Area Plan relating to the area.

It must however be noted that the Dublin City Development Plan 2016-2022 has conflicting objectives insofar as the proposed development is concerned as the Development Plan also contains an overarching vision and policy regarding building height for the North Fringe. The North Fringe, in which Clongriffin is located, is categorised as a ‘mid-rise’ area within the Plan. This category allows for a maximum height of up to 50m.

Block 26 is proposed at 49.9m in height which is below the 'Mid-Rise' designation of the Development Plan as set out above and therefore in accordance with the vision of the Plan. However, the LAP restricts the height of development at this location to c.6 storeys which is contrary to the Development Plan and to National Policy which seeks taller buildings within town centres and along Public Transport corridors. In light of the above, it is evident that there are conflicting objectives within both plans insofar as the proposed development is concerned. As indicated within the hierarchy of plans, Development Plans and National Policy take precedence over Local Area Plans.

Block 17, which is proposed at a height of 52.35m at its highest point to the Station Square West Facade is designated for a taller landmark building within the LAP (14 storeys). Whilst the Development Plan states that buildings up to 50m are envisaged within the North Fringe, it must be noted that the Development Plan also states that taller buildings (over 50m) are acceptable at locations such as at major public transport hubs, and some SDRAs (Section 4.5.4.1). Therefore, the proposed height would be considered in accordance with the Development Plan. Furthermore, there is also an extant planning permission for Block 17 under Reg. Ref. 3634/16 (ABP Ref. PL29N. 248713) which granted planning permission for a building of similar uses and height to that currently proposed. Therefore, the principle of a taller building has been established on the lands. The proposed development is of similar design to that previously permitted. It is considered that the location of Block 17 immediately adjoining Clongriffin Train Station at Clongriffin Square (i.e. transport node for bus, rail and car rental) is such that a taller building is warranted on the subject lands.

Thus, it is submitted that there are conflicting objectives within the LAP and the Development Plan for increased height at Blocks 17 and 26. However, the proposed development complies with a number of their policies and indeed complies with National Policy for taller buildings which is detailed further below. It is submitted to the Board that the proposed heights at Block 17 and 26 are warranted and justified for the reasons set out within this report.

2.2 School Site Designation

As previously mentioned, the subject lands are designated as a Strategic Development and Regeneration Area (SDRA) in the Dublin City Development Plan 2016-2022, with a Key District Centre (KDC) designation also pertaining to the lands in closest proximity to the rail station.



Fig. 1 – Dublin City Development Plan Zoning Map (SDRA1 and KDC1 designations indicated)

The suggestion that a school might be located on the Block 8 site which is situated along the rail line originated from the Inspector’s Report for the parent application (PL 29N.131058) and as such was conditioned as part of the planning permission under Condition 29 and then subsequently became a specific reservation within the Clongriffin-Belmayne Local Area Plan 2012-2018 (extended until 2022), as illustrated in the map below.



Fig. 2 – Clongriffin-Belmayne Local Area Plan (Block 8 reserved school site circled in red)

However, a conflict exists between the Local Area Plan and the Dublin City Development Plan as the Development Plan designates the Block 8 site for residential use (as illustrated in the map below).

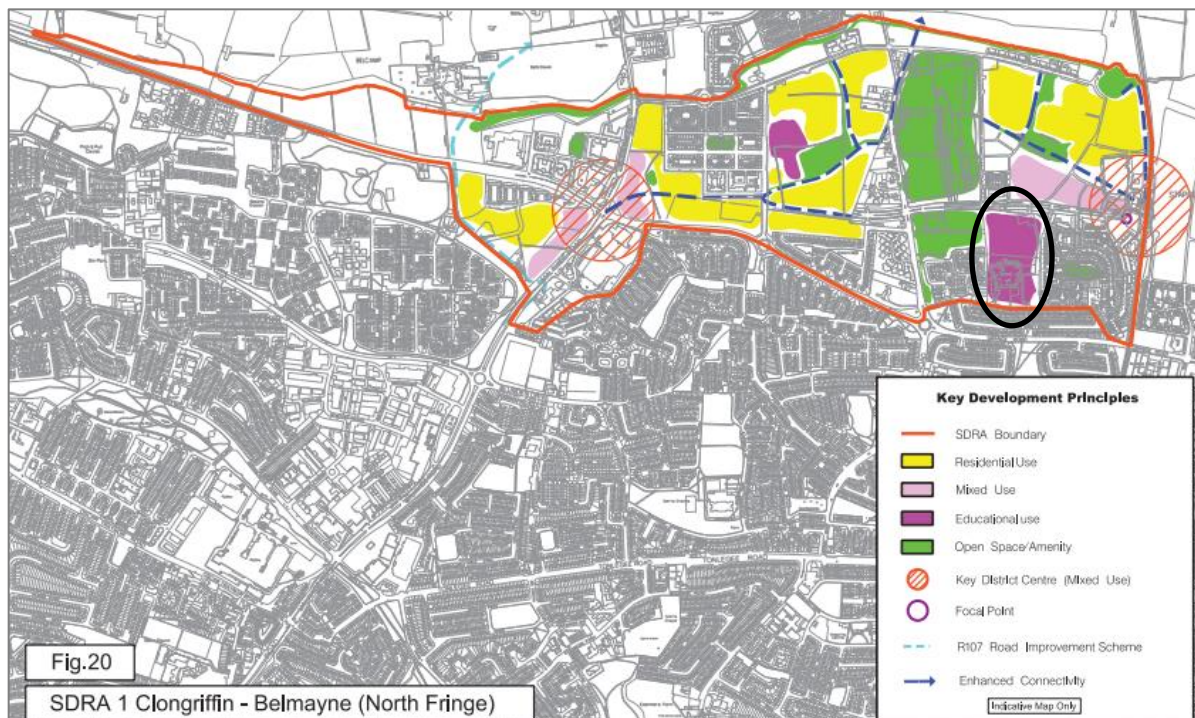


Fig. 3 – Dublin City Development Plan – North Fringe Key Development Principles

It must also be noted that the Development Plan identifies lands to the north of the existing Grange Community School for educational use, as illustrated in the map extract above. These lands are in the ownership of the Department of Education and are appropriately sited close to the existing school, the playing fields, the leisure centre and Fr. Collin's Park, are located centrally to the wider community adjacent to excellent transport links, and would create an educational hub at this central location south of Main Street. Furthermore, the Dublin City Development Plan 2016-2022 supersedes the Clongriffin-Belmayne LAP 2012-2018 (extended until 2022) as it was prepared after the LAP.

In light of the above, it is evident that there are conflicting objectives within both plans insofar as the proposed development is concerned.

3.0 Justification

3.1 Building Heights

Subject Site Location

The development sites of Blocks 17 and 26 are located adjacent to 'Public Transport Corridors' in the context of the densities required under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). These areas are defined as being located within 500 metres walking distance of a bus stop, or within 1 kilometre of a light rail stop or a rail station.

In this case, the development sites of Block 17 and 26 are located within 100 metres walking distance of Clongriffin DART station, the bus stops located on the QBC from Malahide into Dublin City Centre, and along the proposed Bus Connects route which will further reduce travel time to the city centre.

Limiting the height of development at such key landmark, accessible sites is a direct contravention of National Policy which promotes increased densities at well serviced urban sites and discourages general blanket height standards in certain urban areas, such as the subject lands.

National Planning Framework 2040

In terms of Dublin City and the Metropolitan Area, the National Planning Framework 2040 states that: *“At a metropolitan scale, this will require focus on a number of large regeneration and redevelopment projects, particularly with regard to underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development.”*

“The National Planning Framework targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. This is applicable to all scales of settlement, from the largest city, to the smallest village. This means encouraging more people, jobs and activity generally within our existing urban areas, rather than mainly ‘greenfield’ development and requires a change in outlook.”

“National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.”

“National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.”

“National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

It is evident that there is a strong emphasis placed on increased building heights in appropriate locations within existing urban centres and along public transport corridors. As such, it is respectfully submitted that the height proposed for the taller, landmark buildings at Block 17 and 26 are in line with Government guidance and evolving trends for sustainable residential developments in urban areas.

Urban Development and Building Heights

The recently published *“Urban Development and Building Heights, Guidelines for Planning Authorities”* are intended to set out national planning policy guidelines on building heights in relation to urban areas, building from the strategic policy framework set out in the National Planning Framework 2040 (NPF). This document recognises that in recent years local authorities, through the statutory plan process, have started to set generic maximum height limits. However, such limits if inflexibility and unreasonably applied, can undermine national policy objectives to provide more compact urban forms as outlined in the National Planning Framework and instead can continue unsustainable patterns of development.

These Guidelines reinforce that *“a key objective of the NPF is therefore to see that greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels”*.

The Guidelines state that it is critically important that development plans identify and provide policy support for specific geographic locations or precincts where increased building height is not only desirable but a fundamental policy requirement. Locations with the potential for comprehensive urban development or redevelopment (e.g. brownfield former industrial districts, dockland locations, etc.) should be identified where, for example, a cluster of higher buildings can be accommodated as a new neighbourhood or urban district or precinct.

The Guidelines go on to state that *“In relation to the assessment of individual planning applications and appeals, it is Government policy that **building heights must be generally increased in appropriate urban locations**. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility.”*

As part of these Guidelines, a number of Strategic Planning Policy Requirements were introduced including SPPR 3 where should the proposed development meet the guidelines’ criteria, the planning authority can approve the development even where the relevant plan indicates otherwise. This SPPR reads as follows:

*“**SPPR 3:** It is a specific planning policy requirement that where; 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan, local area plan or planning scheme may indicate otherwise”*.

The proposed development is in accordance with SPPR 3 of these Guidelines on building heights in urban areas.

Notwithstanding these Guidelines, it is noted that the Local Area Plan for Clongriffin states that *“a significant increase in building height may be accepted where it can be demonstrated that there is a strong urban design rationale for doing so, and where specific social, economic or architectural gains will be delivered by increasing height above the established height. All proposals for tall buildings must have regard to the criteria set out in the Dublin City Development Plan.”*

The City Development Plan also refers to the assessment criteria for taller buildings stating that *“all proposals for mid-rise and taller buildings must have regard to the assessment criteria for high buildings as set out below:*

- *Relationship to context, including topography, built form, and skyline having regard to the need to protect important views, landmarks, prospects and vistas*
- *Effect on the historic environment at a city-wide and local level*
- *Relationship to transport infrastructure, particularly public transport provision*

- *Architectural excellence of a building which is of slender proportions, whereby a slenderness ratio of 3:1 or more should be aimed for*
- *Contribution to public spaces and facilities, including the mix of uses”.*

In this regard, it is submitted that the proposed design of Blocks 17 and 26 adheres to the assessment criteria for taller buildings. The proposals will create taller, landmark buildings at key node locations within Clongriffin, which are of excellent architectural design, and will ultimately add to the overall character and sense of place within this urban centre.

Sustainable Residential Development in Urban Areas & Design Manual

The role of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas is to ensure the sustainable delivery of new development in urban areas throughout the country. The Guidelines provide clear guidance on the core principles of design when creating places of high quality and distinct identity. The Guidelines recommend that planning authorities should promote high quality development in policy documents and through the development management process. The Guidelines should be read in tandem with the Design Manual which demonstrates good design principles and their application in designing new residential developments.

The Guidelines recognise that a key design aim in delivering sustainable communities is to reduce, as far as possible, the need to travel, particularly by private car, by facilitating mixed-use development and by promoting the efficient use of land and of investment in public transport. Such policies will help to sustain viable local services and employment.

Section 2.1 of the Guidelines state that *‘the scale, location and nature of major new residential development will be determined by the development plan, including both the settlement strategy and the housing strategy.’*

The sequential approach to land development is also recognised by the Guidelines within Section 3.2 which notes that *‘the Department’s Development Plan Guidelines (DoEHLG, 2007) specifies that zoning shall extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference, encouraging infill opportunities...’*

In this case, the subject site is zoned ‘SDRA1’ and KDC within the Dublin City Development Plan 2016-2022. The Development Plan adopted a sequential approach when zoning lands for development. Thus, the location of the subject site and the zoning pertaining to the development is appropriate for the subject development proposal. Limiting or blanketing height will prevent sustainable, compact developments in the heart of such urban areas and will lead to ‘leapfrogging’ of developments and urban/suburban sprawl. Thus, the objectives capping height at the development sites conflict with National Planning Policy issued under Section 28 Guidelines.

The Guidelines also recognise the need to plan for sustainable neighbourhoods. In this regard, the proposed development provides for a range of commercial and community facilities and high-quality amenity spaces for the enjoyment of the local community. The proposed land uses are in accordance with the SDRA1 and KDC zoning objective designation on the site. It is important to note that the wider area of Clongriffin also provides a wealth of services and amenities for the use and enjoyment of the community including local shops, supermarkets, schools, healthcare facilities, churches, community centres, public parks, swimming pool, etc.

In terms of density, Section 5.8 of the Guidelines state that *'in general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes.'* The proposed density of Clongriffin SHD 1 is c.163 units per hectare. The proposed density is in excess of the recommended minimum of 50 units per hectare. The subject lands are located on a high-quality transport route and is located in an existing centre within an urban context and therefore has the capacity to achieve higher densities. The proposed density is therefore considered appropriate due to the site's strategic location adjoining a high-quality transport corridor and the context of the site within the M50 ring. The Guidelines do not prescribe a maximum density and as such the densities set out above are minimum densities only. Higher density development is encouraged within these Guidelines. Furthermore, Block 26 provides for a strategic landmark on the approach to the city centre that warrants high density development and a landmark architectural response to its location at the entrance to Dublin from north county Dublin whilst Block 17 provides for a high quality architectural response along the Train Line and will form an integral part of the vista upon entering Clongriffin by rail and indeed on Main Street.

The Guidelines clearly state that increased densities should be provided on sites within 500m of a bus stop or within 1km of a light rail or rail station. The subject site meets this criterion as it is within 100 metres walking distance of Clongriffin DART station and a bus stop located on a QBC from Malahide into Dublin City Centre.

New Apartment Guidelines

The recently adopted *"Sustainable Urban Housing: Design Standards for New Apartments"* build on the content of the 2015 apartment guidance. The Guidelines state that *"in the longer term to 2040, the Housing Agency has identified a need for at least 45,000 new homes in Ireland's five cities (Dublin, Cork, Limerick, Galway and Waterford), more than 30,000 of which are required in Dublin City and suburbs, which does not include additional pent-up demand arising from under-supply of new housing in recent years."*

The Guidelines state that *'apartments are most appropriately located within urban areas. As with housing generally, the scale and extent of apartment development should increase in relation to proximity to core urban centres and other relevant factors. Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments.'*

In light of this, the Guidelines note that *'City and County Development Plans must appropriately reflect this, in the context of the need to both sustainably increase housing supply and to ensure that a greater proportion of housing development takes place within the existing built-up areas of Ireland's cities and towns. This means making provision for more residential development to take place on infill and brownfield sites and as refurbishment of existing buildings, to increase urban residential densities.'*

Section 2.23 of the Guidelines also recognises that the National Planning Framework *'signals a move away from rigidly applied, blanket planning standards in relation to building design, in favour of performance-based standards to ensure well-designed high-quality outcomes. In particular, general*

blanket restrictions on building height or building separation distance that may be specified in development plans, should be replaced by performance criteria, appropriate to location.'

Section 2.4 of the Guidelines also promotes higher density development in accessible, urban locations within easy walking distance to/from high frequency urban bus services. The subject site meets this criterion as it is within 100 metres walking distance of a DART station and is located on a QBC from Malahide into Dublin City Centre and is located on the proposed Bus Connects route which will reduce travel time to the city centre.

Conclusion

Overall, it is clear that it is National Policy to promote and encourage increased densities in excess of 50 units per hectare on zoned lands adjacent to public transport corridors. In order to achieve this density in a sustainable manner, the requirement for increased building heights must be explored in appropriate locations to prevent urban sprawl and thus promote a compact urban form. In the case of the development, the proposed density of c.163 units per hectare can only be achieved through the provision of increased building heights, with 2 no. taller, landmark buildings also proposed (i.e. Blocks 17 and 26). It is argued that for the proposed development to comply with increased densities in close proximity to public transport nodes, an increased building height must be applied. As such, it is considered that the proposed building heights of less than 50m and a proposed density of c.163 units per hectare is appropriate for the subject site and in compliance with National Policy. The proposed density for the development is not excessive noting the architectural merits of the designs proposed.

In light of the above, it is considered that capping the height of certain development in Clongriffin at such a well-served location through objectives under the Dublin City Council Development Plan 2016-2022 Clongriffin-Belmayne Local Area Plan is a direct contravention of National Policy which promotes increased densities at well served urban sites and discourages restrictive height standards in urban areas, such as the subject site.

3.2 School Site Designation

The objectives for the school site in the Clongriffin-Belmayne Local Area Plan are inconsistent with the designations contained within the Dublin City Development Plan, this is detailed in Section 2.2 of this report. Downey Planning are of the professional opinion that the site located south of Main Street and designated for educational use within the pertaining Development Plan is more consistent with the objectives of the Local Area Plan. In regard to the location of schools, the LAP supports:

"the concept of clustering of social infrastructure allowing accessibility and sustainability measures to be met. This concept lends itself to sharing of facilities. The need to provide accessible and open resources for the community can be achieved through shared facilities. A sports hall within a school would be an example of a space that can be shared for the community after hours."

The optimal location for a school within Clongriffin is not the Block 8 site but rather the lands to the immediate south of Main Street which adjoin the existing Grange Community School. The Block 8 site is isolated to the north east bounded by the railway line and as such is removed from the services/amenities required for educational developments. Furthermore, the lands at Block 8 are

appropriately zoned for residential development under the Development Plan and thus are more conducive for same.

It is submitted that the site designated for educational use within the City Development Plan is better placed to meet the objectives of the LAP as these lands are already in the ownership of the Department of Education, are appropriately sited next to the existing school, the playing fields, the leisure centre and Fr. Collin's Park, are located centrally to the wider community adjacent to excellent transport links, and would create an educational hub at this central location south of Main Street. The provision of a school at this location would comply with the LAP objective of clustering social infrastructure. An indicative sketch proposal has been prepared for this site by CCK Architects and Urban Designers which confirms that the lands represent an ideal location for a school development and are of an appropriate size to accommodate same.

Downey Planning note that under provisions stipulated in the Planning and Development Act 2000 (as amended) (PDA 2000), when a Local Area Plan objective directly contravenes that of a Development Plan, the Development Plan must take precedence. Section 18 (4) (b) states: *"A local area plan may remain in force in accordance with paragraph (a) notwithstanding the variation of a development plan or the making of a new development plan affecting the area to which the local area plan relates except that, where any provision of a local area plan conflicts with the provisions of the development plan as varied or the new development plan, the provision of the local area plan shall cease to have any effect"*.

In this instance, the Dublin City Development Plan was adopted in 2016 whilst the Clongriffin-Belmayne LAP was prepared and adopted in 2012. Thus, the Development Plan supersedes the LAP.

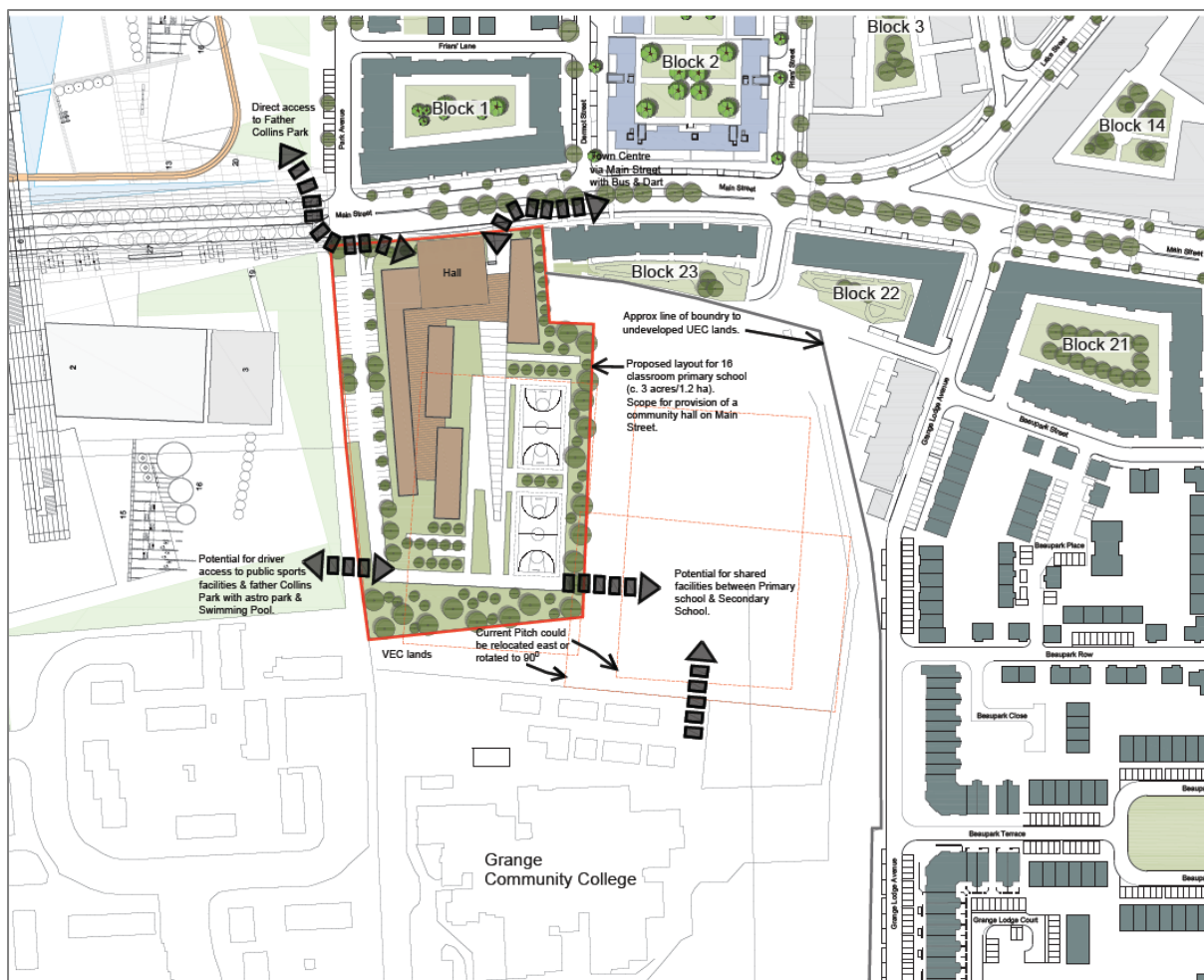


Fig. 4 – CCK Architects’ Indicative Sketch Proposal for City Development Plan School Designation Site

The suggestion that a school might be located on the Block 8 site which is situated along the rail line originated from the Inspector’s Report for the parent application (PL 29N.131058) and as such was conditioned as part of the planning permission under Condition 29, which is as follows:

Condition 29: “A portion of omitted blocks numbers 08 and 26 shall be reserved for future use as a primary school until such time as it may be determined in writing by the planning authority that there is no need for such a facility.

Reason: To comply with the provision of the North Fringe Action Area Plan in the interest of proper planning and development”.

This then subsequently became a specific reservation within the Clongriffin-Belmayne Local Area Plan 2012-2018 (extended until 2022). It is also important to note that Block 26 has since received planning permission for a residential apartment development, granted under Reg. Ref. 2648/17. The nature of this permission suggests that the sites are no longer considered to be the best locations for a future school. This, as well as the designation of the site to the south of Main Street for educational use under the City Development Plan, further suggests that this site represents the most suitable location for a school development. The provision of the school to the north of the existing school will result in the concentration of services within the same area and will reduce the impact of traffic and make viable use of synergistic uses.

Downey Planning have prepared a School Demand Assessment Report which is enclosed under separate cover. This report comprises a review of the local area and has identified the existing schools within the vicinity of the site. The report illustrates that there is a considerable amount of existing educational facilities with 23 no. primary schools and 7 no. post-primary schools in the surrounding area. The available capacity for primary schools comprises 120 no. spaces, whereas there are 455 no. available spaces for post-primary schools, thus resulting in 575 no. available spaces in total. However, it is important to note that there will be an additional 960 no. spaces for the 2019 enrolment period with the completion of the 2 no. primary schools in the Belmayne area, and as such the figure for available capacity increases to 1,157 no. spaces (1,262 no. available spaces including the approximate capacity for schools with 'Unknown' capacity). Therefore, it is considered that there is adequate capacity in the area to cater for the proposed development.

The calculations based on the Department of Education and Skills school demand formula, resulted in the proposal generating a demand of 606 no. primary school spaces and 456 no. post-primary school spaces.

It is submitted that the quantum of available spaces comprises 1,157 no. spaces. Based on the results shown above, the proposed development would need 1,062 no. spaces, which is well within the available capacity. Furthermore, the suggested optimal location for a new school to the north of the Grange Community College, would see an addition of at least 480 no. spaces. As such, the available capacity would be approximately 1,637 no. spaces. Downey Planning are of the considered opinion that there is more than sufficient capacity to cater for the proposed development and the surrounding area. Furthermore, there is no requirement as a result of the proposed development to provide for more than 1 no. additional educational facility in Clongriffin than that at the more appropriate location at Grange Community College.

In regard to the location for a future school site, Downey Planning have highlighted some inconsistencies that exist between the Clongriffin-Belmayne LAP and the current Dublin City Development Plan. The optimal location for a school within Clongriffin is not the suggested Block 8 site pertaining to the proposed development but rather the lands to the immediate south of Main Street which adjoin the existing Grange Community School. The lands at Block 8 are appropriately zoned for residential development under the Development Plan and thus are more conducive for same, it is considered that the Development Plan designation for the site south of Main Street is more consistent with the objectives of the Local Area Plan considering these lands are already in the ownership of the Department of Education and Skills. Furthermore, the area provides further multipurpose community facilities, access to playing fields, open space, and it is within reach of other facilities and public transport, thus proving to be a more suitable location for an educational facility.

It must be noted that Downey Planning on behalf of the Applicant engaged with the Department of Education and Skills to discuss the educational requirements and intentions for Clongriffin during the pre-application consultation stage of this project. However, it was stated that the Department would not be in a position to meet private developers and accordingly a meeting could not be facilitated. At this juncture, it is important to highlight the Departments site acquisitions and site developments in the area in recent months. The Department are currently constructing schools within the local area and to our knowledge are pursuing expansion plans for existing schools. The applicant has not been contacted regarding the acquisition of a potential school site (i.e. Block 8) and noting the existing

capacity in existing schools, the recent acquisition of new school sites to provide additional schools, the school sites currently under construction in the area and indeed the existing zoned lands to the north of Grange Community College which could provide an additional school, it is submitted that the current proposal seeking planning permission for residential development is justified in this instance.

As well as this, the lands at Block 8 are private lands owned by the applicant (i.e. our client), who has controlled them for approximately 15-20 years. The applicant is not obliged to develop a school site on their lands, in particular when the Department have undeveloped, serviced lands of their own, adjacent to the subject site which are better suited and designated for an educational use.

In light of the above, Downey Planning respectfully ask An Bord Pleanála to consider the above justification regarding the proposed residential development on the Block 8 site.

4.0 Conclusion

It is respectfully submitted that the justification set out within this statement clearly demonstrates that the proposed development at Clongriffin should be considered for increased building height at Blocks 17 and 26, due to the location of the proposed landmark, taller buildings being adjacent to quality public transport corridors, and the policies and objectives set out within the Section 28 Guidelines.

Block 26 is proposed at 49.9m in height which is below the 'Mid-Rise' designation of the Development Plan as set out above and therefore in accordance with the vision of the Plan. However, the LAP restricts the height of development at this location to 6 storeys which is contrary to the Development Plan and to National Policy which seeks taller buildings within town centres and along Public Transport corridors. Block 17, which is proposed at a height of 52.35m at its highest point to the Station Square West Façade and is designated for a taller landmark building within the LAP. Whilst the Development Plan states that buildings up to 50m are envisaged within the North Fringe, it must be noted that the Development Plan also states that taller buildings (over 50m) are acceptable at locations such as at major public transport hubs, and some SDRAs (Section 4.5.4.1). Therefore, the proposed height would be considered in accordance with the Development Plan. Furthermore, there is also an extant planning permission for Block 17 under Reg. Ref. 3634/16 (ABP Ref. PL29N. 248713) which granted planning permission for a building of similar uses and height. Therefore, the principle of a taller building has been previously permitted on the lands. The proposed development is of similar design to that previously permitted. However, it is considered that the location of Block 17 immediately adjoining Clongriffin Train Station at Clongriffin Square (i.e. transport node for bus, rail and car rental) is such that a taller building is warranted on the subject lands.

Thus, it is submitted that there are conflicting objectives within the LAP and the Development Plan for increased height at Blocks 17 and 26. However, the proposed development complies with a number of their policies and indeed complies with National Policy for taller buildings which is detailed further below. It is submitted to the Board that the proposed heights at Block 17 and 26 are warranted and justified. Such justification includes:

- Conflicting objectives exist within the Clongriffin-Belmayne Local Area Plan and Dublin City Council Development Plan 2016-2022 insofar as the proposed development is concerned;

- The development represents the last remaining sites within Clongriffin town centre which are in close proximity to quality public transportation i.e. the Clongriffin DART station and Malahide to Dublin City QBC is within 100m walking distance;
- Improved public transportation is also planned for the Malahide to Dublin City Centre QBC under the Bus Connects proposal;
- National Policy promotes and encourages increased densities in excess of 50 units per hectare on zoned lands adjacent to public transport corridors;
- National Planning Framework and its objectives place a strong emphasis on increased building heights in appropriate locations within existing urban centres and along public transport corridors such as the development sites; and,
- The proposed development is consistent with the *“Urban Development and Building Heights, Guidelines for Planning Authorities”*.

In relation to the objectives for the future school site, Downey Planning have highlighted the inconsistencies that exist between the Local Area Plan and the City Development Plan. The lands located to the south of Main Street and immediately north of the Grange Community College are in the ownership of the Department of Education and are appropriately sited close to the existing school, the playing fields, the leisure centre and Fr. Collin’s Park, are located centrally to the wider community adjacent to excellent transport links, and would create an educational hub at this central location south of Main Street, which is consistent with the objectives of the Local Area Plan in this regard. Thus, Downey Planning are of the considered opinion that the Development Plan designation is more consistent with the proper planning and sustainable development of the area and noting regulations under the PDA 2000 (as amended), section 18 (4)(b). Thus, it is submitted that the Block 8 site is more suitable for residential development such as that proposed as part of this development proposal.

In light of the foregoing, it is respectfully requested that An Bord Pleanála have regard to the justification set out within this statement and permit the proposed height contravention of the Dublin City Council Development Plan 2016-2022 and Clongriffin-Belmayne Local Area Plan 2012-2018 (extended until 2022), having consideration to section 37(2)(b) (i) and (iii) of the Planning and Development Act, 2000 (as amended), specifically the conflicting objectives in place insofar as the proposed development is concerned, the policies and objectives set out within the Section 28 Guidelines and noting the national importance of delivering housing and sustainable neighbourhoods given the current housing crisis.