

# **Statement of Material Contravention with Fingal County Development Plan 2017-2023**

*In respect of*

**Lands at Claremont,  
Howth,  
Dublin 13**

*Prepared by*

**John Spain Associates**

*On behalf of*

**Atlas GP Limited**

**December 2019**



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## 1.0 INTRODUCTION

1.1. This statement is provided as the proposed development materially contravenes a number of policies in the *Fingal County Development Plan 2017-2013*. However, though the application may materially contravene certain development plan policies, this does not preclude An Bord Pleanála from granting planning permission for the proposed development, as the Board is legally entitled to, in particular circumstances. This statement outlines the justification for this proposed development.

1.2. The circumstances that apply that allow An Bord Pleanála materially contravene a development plan are set out in Section 37(2)(b) of the *Planning and Development Act, 2000*, as amended:

*“2) (a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.*

*(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 planning guidelines 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”.*

1.3. As this application is being made under to the Strategic Housing Division of An Bord Pleanála, it is slightly more constrained than in an ordinary planning appeal under Section 37 (2)(b) as the *Planning and Development (Housing) and Residential Tenancies Act 2016* states under Section 9 (6) (a):

*“(a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.*

*(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.”*

1.4. There is no material contravention in relation to the zoning of the land, which is for town centre use.

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- 1.5. An Bord Pleanála may consider that the proposed development may materially contravene the core settlement strategy for Fingal County Council for the Howth area, as it appears the proposed development provides for additional housing units over and above the core strategy target. Policy SS02 requires that all proposals for residential development are to be consistent with the settlement hierarchy.

Objective SS02;

*“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.”*

- 1.6. In the settlement strategy, Howth is in the second highest tier within the metropolitan area. It is a Consolidation Area within the Gateway. The plan states that:

*“the policy approach in these areas will be to gain maximum benefit from existing transport, social, and community infrastructure through the continued consolidation of the city and its suburbs. Future development will happen in a planned and efficient manner utilising opportunities to achieve increased densities where appropriate.”<sup>1</sup>*

Table 2.8 of the plan attributes a potential of 498 housing units for Howth, predicated on the development of 16 ha. There is already a consented scheme for 163 dwelling units in Balscadden in Howth. It may appear that the proposed development combined with that permission exceeds the development plan by circa 330 units. In addition, the developer of that site, a sister company of the applicant for this permission, intends to make a new application for permission for a revised design for 177 dwelling units. This proposed development combined with any such permission, if granted, would also likely exceed the development plan by circa 344 units.

- 1.7. The proposed development rises to a maximum of 24.25m, 8 no. storeys at the western end of the site. The proposed height of the development may be considered by An Bord Pleanála to be a material contravention of Local Objective 108 in Appendix 6 in the Fingal County Development Plan 2017-2023:

*“Development shall be between three and five storeys. The three storey aspect of the development shall be on the western side of the site and a maximum of 30% of the overall development shall be five storeys.”*

- 1.8. This Statement of Material Contravention will outline the justification under which An Bord Pleanála can grant planning permission for the proposed development, should it conclude that the proposed development materially contravenes the development plan, under both Section 9 (6) (a) of the *Planning and Development (Housing) and Residential Tenancies Act 2016* and in Section 37(2)(b) of the *Planning and Development Act, 2000*, as amended.

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## 2.0 JUSTIFICATION

### Settlement Strategy

- 2.1. Fingal County Council's Settlement Strategy is set out in the *Fingal Development Plan 2017 - 2022*. The development plan based its housing and population targets on the *National Spatial Strategy 2002-2020* and the *Regional Planning Guidelines for the Greater Dublin Area, 2010 – 2022*. Both documents have since been superseded by *Project Ireland 2040: The National Planning Framework* and the *Regional Spatial and Economic Strategy 2019*. As the population projections in these documents are higher than the targets set out in the current Fingal Development Plan, 2017 – 2022, these targets are now out of date and underestimate the amount of housing required to house the future population of the wider Dublin Metropolitan area. Section 37 (2) (b) allows An Bord Pleanála to materially contravene a policy of the development plan where the regional planning guidelines of the area conflict with the policy in the development plan. It occurs in this instance. The council's core strategy is to be reviewed following this new regional policy.
- 2.2. The Settlement Strategy anticipates that in the 16ha of lands available for residential development, there is potential for 498 residential units. The proposed development will exceed this target. There is already a consented scheme for 163 dwelling units in Balcadden in Howth. It may appear that the proposed development combined with that permission exceeds the development plan by circa 330 units. In addition, the developer of that site, a sister company of the applicant for this permission, intends to make a new application for permission for a revised design for 177 dwelling units. This proposed development combined with any such permission, if granted, would also likely exceed the development plan by circa 344 units.
- 2.3. We respectfully suggest that this increase in units over and above the core strategy is appropriate given Howth's strategic location in regional terms, of being within the Dublin City & Suburbs area.

### **Eastern and Midlands Regional Authority *Regional Spatial and Economic Strategy 2019*:**

- 2.4. *RPO 4.3: Support the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.*

### Settlement Strategy

- 2.5. *Dublin City and Suburbs: Support the consolidation and re-intensification of infill, brownfield and underutilised lands with 50% of all new homes to be provided in the existing built up area of Dublin City and Suburbs in tandem with the delivery of key infrastructure to achieve a population of 1.4 million people by 2031.*
- 2.6. *“For urban-generated development, the development of lands within or contiguous with existing urban areas should be prioritised over development in less accessible locations. Residential development should be carried out sequentially, whereby lands which are, or will be, most accessible by walking, cycling and public transport – including infill and brownfield sites – are prioritised.”*

2.7. Howth is located in the “Dublin City and Suburbs” area in regional terms. Local Objective 108 would in effect result in the underutilisation of a brownfield site close to public transport. The Local Objective conflicts with regional policy and An Bord Pleanála may grant permission in such a situation.



Figure 2.1. Settlement Strategy. Source: Regional Spatial and Economic Strategy

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## Local Objective 108

- 2.8. The site has a Local Objective: *“Development shall be between three and five storeys. The three storey aspect of the development shall be on the western side of the site and a maximum of 30% of the overall development shall be five storeys.”* The proposed development reaches eight storeys in height, with its higher elements located at the western end of the site.

## National Policy

- 2.9. The restriction on height in this location, proximate to the DART station has the effect of limiting density and the number of residential units that can be provided on site. National policy supports higher density development in locations proximate to high quality public transport. National Strategic Objective 1 of the *Project Ireland 2040: The National Planning Framework* requires compact growth. The Local Objective would militate against the achievement of this National Strategic Objective. Therefore, it is open to An Bord Pleanála to materially contravene the development plan to permit the proposed development, should it consider that the proposed development is in accordance with national policy.

- 2.10. Objective 13 of *Project Ireland 2040 National Planning Framework* states that:

*“In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria enabling alternative solutions that seek to achieve well-designed high quality and safe outcomes in order to achieved targeted growth and that protect the environment”.*

- 2.11. In response to objective 13 of the *Project Ireland 2040 National Planning Framework*, the proposed development will provide for increased heights and densities in a high-quality urban design to achieve targeted growth of the area. The proposed development will also provide for reduced car parking standards at a ratio of 0.7 spaces per unit given the location of the site and in particular adjacent to a public transport hub. The proposed development is in accordance with national policy.

- 2.12. *Project Ireland 2040 National Planning Framework* also states that *“to avoid urban sprawl and the pressure that it puts on both the environment and infrastructure demands, increased residential densities are required in our urban areas”*. Objective 35 states that it is an objective to;

*“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**”.*

- 2.13. The proposed development is in accordance with national policy and Local Objective 108 restricts the achievement of national policy. Therefore, An Bord Pleanála may materially contravene the local objective in this instance.

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## Section 28 Guidelines and Statutory Requirements

2.14. Section 28 (1) of the Planning and Development Act states that:

*“The Minister may, at any time, issue guidelines to planning authorities regarding any of their functions under this Act and planning authorities shall have regard to those guidelines in the performance of their functions”.*

2.15. It is therefore the duty of the planning authority and the Board to have regard to the Section 28 Ministerial Guidelines in applying their functions under legislation. The guidelines contain a number of SPPRs. Section 28(1)(C) of the 2018 Act states that:

*“Without prejudice to the generality of subsection (1), guidelines under that subsection may contain specific planning policy requirements with which planning authorities, regional assemblies and the Board shall, in the performance of their functions, comply”.*

2.16. Where they conflict with the provisions of the development, the Board is required by Section 9(3)(a) and (b) of the Planning and Development (Housing) and Residential Tenancies Act 2016 to apply specific planning policy requirements instead of the development plan:

*(a) When making its decision in relation to an application under this section, the Board shall apply, where relevant, specific planning policy requirements of guidelines issued by the Minister under section 28 of the Act of 2000.*

*(b) Where specific planning policy requirements of guidelines referred to in paragraph (a) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.*

Pending any such amendment, the Board is entitled to grant permission for development that complies with the requirements of Section 28. Indeed, it has a duty to materially contravene the local objective where it conflicts with Specific Planning Policy Requirements. The Specific Planning Policy Requirements are set out below.

### **Section 28 Guidelines – The Urban Development and Building Height Guidelines 2018**

2.17. The *Urban Development and Building Height Guidelines* were adopted on 7th December 2018 under Section 28 of the Planning and Development Act 2000. The Guidelines set out 4 no. specific planning policy requirements (SPPR) objectives for the assessment of building height. An Bord Pleanála is required to assess the proposed development having regard to these SPPRS and not limit its assessment to Local Objective 108.

2.18. In this case, the Section 28 Guidelines specifically promote the increase in building heights in appropriate urban locations and as such the policies set out in the Guidelines should be applied to the site in this regard. Section 1.14 of the Guidelines clarifies this position further stating:

*“Accordingly, where SPPRs are stated in this document, they take precedence over any conflicting policy and **objectives** of development plans, local area plans and strategic development zone planning schemes”.*

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- 2.19. Where a development plan, such as the Fingal County Development Plan, pre-dates the 2018 Guidelines then SPPR 3 sets out the circumstances in which the Board may grant permission notwithstanding the existence of specific objectives that indicate otherwise.
- 2.20. The subject lands are also located adjacent to a public transport corridor 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 1km of a light rail stop or a rail station.
- 2.21. The category of accessible urban location classified as being located within 10 minutes walking distance of a high capacity urban public transport stop bus service is also further clarified in the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018* which states that these specific locations are suited for high density apartment development with car parking wholly eliminated or substantially reduced.
- 2.22. National policy which promotes increased densities at well-served urban sites, and discourages universal height standards in certain urban areas, such as the subject site.
- 2.23. The *Urban Development and Building Height Guidelines 2018* set out national planning policy guidelines on building heights in urban areas in response to specific policy objectives set out in the *National Planning Framework* and *Project Ireland 2040*.
- 2.24. The *Urban Development and Building Height Guidelines 2018* in effect put in place a presumption in favour of higher buildings at public transport nodes. The guidelines state that it is Government policy to promote increased building height in locations with good public transport services.
- 2.25. The *Urban Development and Building Height Guidelines 2018* emphasise the policies of *Project Ireland: 2040 The National Planning Framework* to greatly increase levels of residential development in urban centres and significantly increase building heights and overall density and to ensure that the transition towards increased heights and densities are not only facilitated but actively sought out and brought forward by the planning process and particularly at Local Authority level and An Bord Pleanála level.
- 2.26. The *Urban Development and Building Height Guidelines 2018* also state that the implementation of the *Project 2040 National Planning Framework* requires increased density, scale and height of development in town and city cores with an appropriate mix of uses. The site is part of the Town Centre zoning for Howth. These guidelines state that “to meet the needs of a growing population without growing our urban areas outwards requires more focus in planning policy and implementation terms on reusing previously developed “brownfield” land, building up urban infill sites (which may not have been built on before) and either reusing or redeveloping existing sites and buildings that may not be in the optimal usage or format taking into account contemporary and future requirements”. This is a brownfield site; there is a significant housing crisis and the site is suitable for increased scale.
- 2.27. The *Urban Development and Building Height Guidelines 2018* also place significant emphasis on promoting development within the existing urban footprint utilising the existing sustainable mobility corridors and networks.

*“In order to optimise the effectiveness of this investment in terms of improved and more sustainable mobility choices and enhanced opportunities and choices in access to housing, jobs, community and social infrastructure, development plans must actively*



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*plan for and bring about increased density and height of development within the footprint of our developing sustainable mobility corridors”.*

- 2.28. It is stated in the *Urban Development and Building Height Guidelines 2018* and Section 9(3)(a) and (b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the SPPRs take precedence over any conflicting policies and objectives of development plans, local area plans, and strategic development zone planning schemes. Where such conflicts arise, such plans / schemes need to be amended by the relevant planning authority to reflect the content and requirement of these guidelines and properly inform the public of the relevant SPPR requirements. Pending any such amendment, the Board is entitled to grant permission for development that complies with the requirements of the Guidelines and the policies of the National Planning Framework.
- 2.29. The *Urban Development and Building Height Guidelines 2018* also state that *“the preparation of development plans, local areas plans, and Strategic Development Zone Planning Schemes and their implementation in the city, metropolitan and wider urban areas must therefore become more proactive and more flexible in securing compact urban growth through a combination of both facilitating increased densities and building heights”.*
- 2.30. The proposed development is located at a strategic location next to an existing public transport hub. The proposed development is located on a key gateway site at the western side of Howth, on Howth Road. The proposed development therefore represents an opportunity to provide for a landmark feature at this location.
- 2.31. The proposed development ranges in height up to 8 no. storeys and exceeds the site-specific building height limit as set out in the development plan. However, given the context of the proposed development and the location of the subject site adjacent to quality public transport services it is considered that the proposed development is capable of achieving greater heights at this location.
- 2.32. The increase in height at this location provides for good urban design principles and frames the location of the subject site at a key position in the area. The proposed development is therefore in accordance with the planning policy objectives both nationally and locally.
- 2.33. SPPR 3 notes that where the applicant sets out compliance with the criteria for assessing building height at the scale of the relevant town / city, at the scale of district / neighbourhood / street and at the scale of a site / building that the planning authority or An Bord Pleanála may approve such development even where specific objectives of the relevant development plan, local area plan or planning scheme may indicate otherwise. We believe that we have done so in the application and as set out below.
- 2.34. SPPR 3 (A) states:
- “It is 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 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”.*

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2.35. The *Urban Development and Building Height Guidelines 2018* set out the criteria for developments at the scale of the relevant city / town as follows:

2.36. *“The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.”*

The subject site is located adjacent to Howth DART station which provides a frequent service on the DART network.

2.37. *“Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into / enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.”*

The subject site is located outside of the designated Architectural Conservation Area of Howth Castle and St. Mary’s Church. The current condition of the site is poor and in need of regeneration.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) by The Paul Hogarth Company. The LVIA finds that the impacts of the proposed development are generally moderate. Where the impact is more significant is on approach to the site from the Howth Road from the west. The changes are described as inherently notable, as to be expected. However, these are deemed positive due to the current buildings on site. The proposed development will be visible from Muck Rock, a protected view at a height with panoramic views over Howth, Dublin city, and Dublin Bay. However, it will be another example of human intervention in the landscape.

The Paul Hogarth Company undertook a comparison with the permitted apartment development, as this is an extant permission on the site. The purpose of the comparison is to evaluate the proposed development with its permitted alternative to ascertain which would be the better development from a Landscape and Visual Impact perspective.

While the increase in height is acknowledged, the perception of this increase was negligible in the majority of views assessed. The layout, design and finishes are considered more positive than the permitted scheme; particularly the visual permeability of the finger blocks and strong road frontage at the Howth Road rather than the wider blocks of the apartment permission.

2.38. The *Conservation Assessment* prepared by Historic Building Consultants find that:

*“The examination of the potential impact of the proposed development on architectural heritage has shown that the effect would range from no impact to moderate impact. The placing of a new development within an area that has been zoned for development will always result in changes to the character of the area. The key issue is whether these changes are within acceptable limits and in this instance the analysis has shown that the impacts would be in keeping with emerging trends and would not have damaging effects on architectural heritage.”* Page 20.

2.39. *“On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale*

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*and form to respond to the scale of adjoining developments and create visual interest in the streetscape.”*

The proposed development will provide for a high-quality architectural development that will respond to and reflect on the existing and permitted development in the area. The proposed development will create a focal point at this location marking the entry into Howth village. The proposed height will respond on all site boundaries to the existing and permitted development.

The proposed development will create a sense of place that is inviting to the wider community and proposed future occupants.

The proposed development will provide for ground floor creche, retail, café and restaurant use which will further enhance the area and promote activity and a sense of place for the locality at this location.

The proposed development will significantly improve the quality of the street frontage along Howth Road and will provide for a quality public realm area which is currently significantly lacking at this location. The proposed development will provide for new public walkways and open spaces that will add to the sense of place and make a positive contribution to the overall structure, form and connectivity of the development.

These guidelines further set out the criteria for developments at the scale of district/ neighbourhood / street context as follows:

- 2.40. *“The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape;”*

The proposed development ranges in height from east to west and south to north. The range in building heights takes account of the surrounding context of development. The reduced height of the Howth Road responds to the existing properties in the area and provides for an appropriate transition in heights from the existing 2 no. storey residential and commercial buildings and the higher elements located further north.

- 2.41. *“The proposal avoids long, uninterrupted walls of building in the form of perimeter blocks or slab blocks with materials / building fabric well considered;”*

The proposed development is set out in four separate blocks which will allow for a high level of visual permeability. The design offers variety and interest in the elevations by providing varying height and features to enhance the architectural quality of the building. The materials and finishes of the proposed blocks will be designed to a high architectural standard. The proposed development ranges in building heights along each boundary in response to the existing features surrounding the subject site. The variation in the building heights provides for visual interest to the development and avoids a monolithic visual appearance.

The materials and finishes have also been considered with regard to the surrounding existing pattern of development and material palette in the locality. The duplex units fronting onto Howth Road will be finished in brick, echoing the private dwelling and former Station Master’s House at the eastern end of the site.

- 2.42. *“The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway / marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale*

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*and enclosure while being in line with the requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities 2009;”*

The proposed development provides for an appropriate urban edge to Howth Road. The proposed height and scale of the development represents good quality urban design principles and provides for a quality street frontage at this location.

- 2.43. *“The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrated in a cohesive manner.”*

The proposed development significantly enhances the public realm and street frontage at this location. The provision of ground floor own-door duplex units creates a strong urban design character and vitality to Howth Road.

The proposed development significantly improves the pedestrian quality of the area and creates an appropriate use of the subject site by providing active residential, creche, retail, café and restaurant uses at ground level with high quality residential accommodation on the upper levels.

- 2.44. The guidelines lastly set out the following criteria for developments at the scale of the site / building:

- 2.45. *“The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.”*

A daylight / sunlight assessment has been prepared by J.V. Tierney & Co. and is submitted with this application. The report assesses a variety of different unit types and uses within the development. The proposed internal layout has been carefully considered with regard to the best possible results for daylight / sunlight levels. The orientation of the room layout has been carefully considered to ensure that the best amenity value is obtained for the residents.

The communal areas have also been assessed as part of this application. The report indicates that more than 50% of these areas receive sunlight for more than 2 hours a day.

As such it is respectfully submitted that the proposed development has been carefully designed as to maximise access to natural daylight, ventilation and views and to minimise overshadowing and loss of light.

- 2.46. *“Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlines in guides like the Building Research Establishment (BRE)’s ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2;2008 – ‘lighting for Buildings – Part 2; Code of Practice for Daylighting’.”*

As mentioned above, a daylight / sunlight analysis has been prepared and is submitted with this application. The design, form and layout have been informed by achieving the best possible results for daylight / sunlight within the development and the surrounding properties. The guidelines also note that:

*“Where a proposal may not be able to fully meet all the requirements of the daylight provisions above this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning*

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*authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and to an effective urban design and streetscape solution”.*

- 2.47. In some instances, certain rooms do not achieve the recommended guidelines target for Average Daylight Factor as noted in the BRE Guidelines. At these locations, compensatory design solutions have been introduced to improve the overall quality of these units. The design mitigation measures included increases to the level of glazing to the unit and fenestration on the façade to provide for greater levels of light to be obtained within the unit. In addition, in some cases the layout of the units have been revised to relocate the balconies to allow greater levels of light penetrate directly into the living spaces of the units. It is considered that these compensatory design measures improve the overall quality of the units and thereby enable the wider planning objectives to be achieved such as increased heights and densities at this location.
- 2.48. The proposed development provides for a range of building heights adjacent to a public transport hub, with extensive sea frontage, beside Baltray Park and within walking distance of a substantial parkland area, Howth Castle Demesne.
- 2.49. It is respectfully submitted that the proposed development complies with the criteria set out in Section 3.0 of the *Urban Development and Building Height Guidelines 2018* and takes account of the wider strategic and national policy parameters set out in *Project Ireland 2040 National Planning Framework*. The provision of residential development at this location up to 8 no. storeys is supported by the height guidelines which encourages increased density and building heights. The proposed development complies with such objectives therefore is to be considered in accordance with the provisions of national policy guidelines.
- 2.50. The role of the *Urban Development and Building Height Guidelines 2018* for Planning Authorities is to ensure the sustainable delivery of new development throughout the country.
- 2.51. The *Urban Development and Building Height Guidelines 2018* provide guidance on the core principles of urban design when creating places of high quality and distinct identity. The Guidelines recommend that planning authorities should promote high quality design in their policy documents and in their development management process. In this regard, the Guidelines are accompanied by a Design Manual discussed below which demonstrates how design principles can be applied in the design and layout of new residential developments, at a variety of scales of development and in various settings.
- 2.52. The *Urban Development and Building Height Guidelines 2018* reinforce the need to adopt a sequential approach to the development of land and note in Section 2.3 and *‘the sequential approach as set out in 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...’*.
- 2.53. It is respectfully submitted that the proposed development complies with the criteria set out in Section 3.0 of the *Urban Development and Building Height Guidelines 2018* and takes account of the wider strategic and national policy parameters set out in *Project Ireland 2040 National Planning Framework*. The provision of residential development at this location up to 8 no. storeys is supported by the height guidelines which encourages increased density and building heights. The proposed development complies with such

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objectives therefore is to be considered in accordance with the provisions of national policy guidelines.

### 3.0 CONCLUSION

- 3.1 It is respectfully requested that An Bord Pleanála have regard to the justification to materially contravene the settlement strategy of the county development plan which limits housing in Howth to 498 housing units on the basis of the national planning framework, and recently adopted regional policies. Local Objective 108 limits height on the site. Section 28 Government Guidelines, the *“Urban Development and Building Height Guidelines 2018”* enable increased building height on sites adjacent to public transport hubs and within existing urban areas. These policies apply to the site, notwithstanding the Local Objective to limit height – in particular SPPR 3.
- 3.2 The proposed development is an application being made under the Strategic Housing Division of An Bord Pleanála. The government considers that the provision of housing is of national, strategic importance and it has established this very planning process to enable strategic housing applications (developments in excess of 100 residential units or more and other large scale housing type developments). As the proposed development is of strategic importance, then this is the type of development that An Bord Pleanála is facilitated to materially contravene development plan policies to permit.
- 3.3 It is respectfully submitted that An Bord Pleanála that there is sufficient national policy, ministerial guidelines and regional policy to overcome the development plan policy and objective. An appropriate justification is set out within this statement demonstrating that the proposed development should be considered for increased building heights due to the location of the subject site, the overall context of the development adjacent to quality public transport corridors and the policies and objectives set out within Section 28 Guidelines.
- 3.4 An Bord Pleanála are required to consider the redevelopment of brown field sites close to public transport and have regard instead to performance criteria to test the appropriateness of the height of a development. This application the proposed development can meet national objectives and pass the performance criteria set out therein.
- 3.5 The proposed development is a high quality, mixed use development, appropriate to its town centre location and designed to acknowledge the sensitive landscape in which it is located. It would be entirely appropriate to materially contravene the development plan to grant permission for this proposed development.

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<sup>i</sup> Fingal Development Plan 2017-2013: Page 45