
Statement of Material Contravention

Carmanhall Road SHD

**Former Avid Technology International Site,
Carmanhall Road, Sandyford Industrial Estate,
Dublin 18.**

Atlas GP Ltd.

April 2021



Hughes Planning & Development Consultants

70 Pearse Street, Dublin 2
+353 (0)1 539 0710 – info@hpdc.ie – www.hpdc.ie

1.0 Introduction

Hughes Planning and Development Consultants, 70 Pearse Street, Dublin 2, have prepared this Statement of Material Contravention on behalf of our client, Atlas GP Ltd., to accompany a planning application to An Bord Pleanála for a proposed Strategic Housing Development at Former Avid Technology International, Carmanhall Road, Sandyford Industrial Estate, Dublin 18.

The proposed Strategic Housing Development comprises the construction of a build-to-rent (BTR) apartment development, comprising 428 no. residential units with associated amenities and community infrastructure facilities, public realm improvements and all associated site and infrastructural works necessary to facilitate the development.

An Bord Pleanála issued a Notice of Pre- Application Consultation Opinion on 7th December 2020 under ABP Ref. ABP 307465-20. The opinion states that An Bord Pleanála “*has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission to the Planning Authority, is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.*”

The opinion further states that “pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission.” Item 9 of this opinion requires:

‘Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.’

It is also noted, as per the initial Section 247 consultation meeting with the Planning Authority, that Dún Laoghaire-Rathdown County Council were also of the opinion that the proposed development constituted a material contravention of the Sandyford Urban Framework Plan in the context of building height and density limits for the subject site which, in its view, were consistent with the policies and objectives of current national policy.

On this basis, this Material Contravention statement provides a robust justification for the granting of permission for the proposed development which materially contravenes the Sandyford Urban Framework Plan. The Material Contravention proposed relates to the height and density of the proposed development with regards to policies contained within the Sandyford Urban Framework Plan.

It is respectfully requested that An Bord Pleanála have regard to the following justification for a potential material contravention of the Sandyford Urban Framework Plan (as it relates to building height) having regard to the fact that the proposed development is by definition ‘of strategic importance’, the pattern of development approved in the area and having regard to the compliance of the proposed development with national planning policy and section 28 Guidelines as outlined herein.

These include the National Planning Framework 2040, Urban Development and Building Heights Guidelines for Planning Authorities, 2018, Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018 and the Regional Spatial and Economic Strategy for the Midlands and Eastern Region which fully support and reinforce the need for residential development at appropriate densities on sites in close proximity to public transport and within existing urban areas.

2.0 Proposed Development

The proposed development comprises the construction of a 'build-to-rent' scheme, accommodating a total of 428 no. residential apartments, in a six to seventeen storey apartment building with maximum height provided within the north-east of the site at furthest proximity from adjoining sites. The proposed scheme has a housing density of 416 dwellings per Ha, a plot ratio of 3.96 and a site coverage of 56% at ground floor level. These figures are calculated based on the application site area of 1.03 hectares. More specifically, the 'build-to-rent' housing development will comprise the following mix of units:

- Studio Apartment 41 No. Units
- One-Bedroom Apartment 285 No. Units
- Two-Bedroom Apartment 94 No. Units
- Three-Bedroom Apartment 8 No. Units

413 no. apartments will have associated private open space in the form of a terrace or balcony whilst the remaining 15 no. apartments with no direct access to private amenity space will have access to a shared private roof terrace (142sq.m) at ninth floor level directly accessible via their core. All apartments will include a kitchen/dining/living area, bathroom and storage area and will have access to 2,600sq.m of external communal amenity space, spread over a first-floor level courtyard and roof terraces at sixth, eighth and ninth floor levels, a 142sq.m resident's childcare facility, 392sq.m of resident's amenities and 696sq.m of resident's amenities/community infrastructure. The breakdown of internal amenity spaces is presented on the below table.

Internal Amenity Space	Sq.m	Clarification of Use
Concierge & Meeting Rooms	159sq.m	For use by Residents only
Meeting/Games Room	66sq.m	For use by Residents only
Office Space (Co-Working)	167sq.m	For use by Residents only
Childcare Facility	142sq.m	For use by Residents only
Café/Lounge	278sq.m	For use by Residents (with Local Community Access provided on Weekly/Sessional Basis)
Cinema	105sq.m	For use by Residents and Local Community
Gym	214sq.m	For use by Residents and Local Community
Yoga Studio	77sq.m	For use by Residents and Local Community
Laundry Room	22sq.m	For use by Residents and Local Community

Figure 1.0 Table presenting breakdown of internal communal amenities on site.

As per the above table, the scheme will accommodate a concierge & meeting rooms, a meeting/games room, co-working office space, a childcare facility, a café/lounge, cinema, gym, yoga studio and laundry room. The extent of facilities provided will allow residents a range of on-site facilities with such a strong variety of uses considered particularly important in light of the current Covid 19 climate. In addition to the amenities provided on site, it is also worth noting that the subject development is in close proximity to the Dundrum Shopping Centre which also features a variety of amenities and services. With regards to vehicular parking, the proposed development is to be served by a ground level carpark, accessible via a new entrance off Carmanhall Road, providing a total of 145 no. spaces (including 44 no. electric-charging, 2 no. club/share and 8 no. mobility impaired user parking spaces). The development will be served by 752 no. bicycle parking spaces at basement floor level with 22 no. cycle parking spaces provided within public realm areas.

The adjoining public realm is also to be improved to provide for an upgraded pedestrian footpath, an increased quantum of landscaping and street-planting, the provision of new cycling infrastructure, the provision of new street furniture comprising bins, benches and cycle parking spaces and the upgrading of the existing Carmanhall Road / Blackthorn Road junction through provision of a new uncontrolled pedestrian crossing. A pocket park has been incorporated into the design of the principal entrance to the scheme, off Carmanhall Road, to provide a strong transitional area between the private and public areas of communal amenity. It is noted that pocket parks are highly successful in urbanized areas, such as Sandyford Industrial Estate, and present a viable option for the provision of public spaces without large-scale redevelopment. Such spaces provided greenery, a place to sit outdoors and, as illustrated in the enclosed documentation, can work well when associated with a café space.

3.0 Legislative Context

Planning and Development and Residential Tenancies Act 2016 (as amended)

Pursuant to Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (2016 Act), where a proposed development is considered to materially contravene the relevant Development Plan or Local Area Plan (other than in relation to the zoning of the land), the Board can determine that permission should, nonetheless, be granted, having regard to a consideration specified in Section 37(2)(b) of the Planning and Development Act, 2000 as amended (the Act). Section 9(6)(c) of the 2016 Act stating that:

Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.

Section 37(2)(b) of the Act states that where a proposed development materially contravenes the development plan, the Board may grant permission 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.*

We note that the subject site is located within land subject to the Zone 5 'Residential' zoning objective in the Sandyford Urban Framework Plan wherein residential use is permitted in principle. Given that the subject scheme comprises a Build-to-Rent residential development, it is submitted that the proposal is in full compliance with the applicable zoning objective which governs the future development of the site.

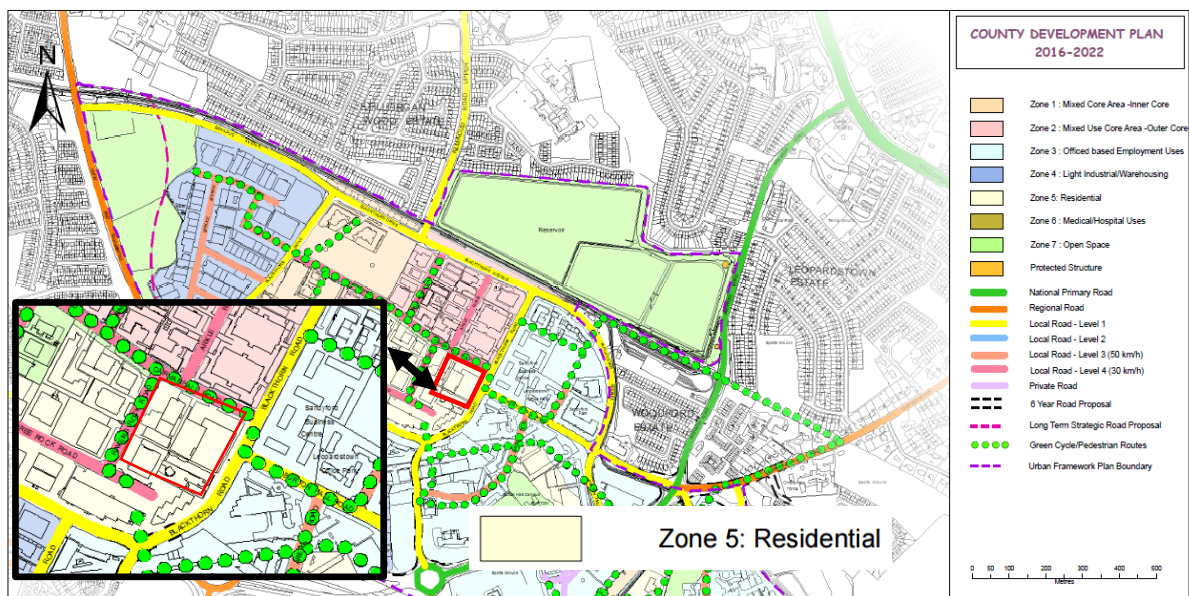


Figure 2.0 Extract from Drawing No. 12 in the Sandyford Urban Framework Plan, showing subject site (marked in red) zoned 'Zone 5 – Residential'

As the proposal complies with the zoning objective, it is considered that the sole subject of this material contravention statement relates to building height and, by association, the density of development achieved. It is respectfully requested that An Bord Pleanála have regard to the justification for the proposed development provided in the subsequent sections. It is considered that the policies and objectives stated in the Section 28 Government Guidelines, including the National Planning Framework 2040, Urban Development and Building Heights Guidelines for Planning Authorities, 2018, and Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018, provide justification for the proposed number of units, density and height.

These policies, among others, are discussed in the below justification section. Further to this, the proposal can be justified having regard to the strategic importance of Strategic Housing Developments and the permissions granted locally since the adoption of the Urban Framework Plan.

4.0 Sandyford Urban Framework Plan

The Sandyford Urban Framework Plan, initially adopted in 2011 as the Sandyford Urban Framework Plan 2011-2016, was prepared to provide a coherent plan-led strategy to guide the future form and necessary infrastructure to support the Sandyford Business District Area which had been subject to unprecedented levels of change from the late 1990s to the mid-2000s. This plan, which is now in Variation No.2, has since been subject to minor and unspecified amendments prior to its incorporation as Appendix No. 15 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022.

In preparing this material contravention statement, it is our understanding that the proposed development is primarily in conflict with Policy Objective SUFP 3. This policy is referenced in Section 3.2.1 'Policy SUFP 3 Building Height in Sandyford Business District' of the Sandyford Urban Framework Plan and reads as follows:

'It is Council Policy that building height in Sandyford Business District accords with the height limits indicated on Building Height Map 3.'

As per the above, it is Council Policy that building height in Sandyford Business District accords with the height limits indicated on Building Height Map 3, as shown in Figure 3.0 below.

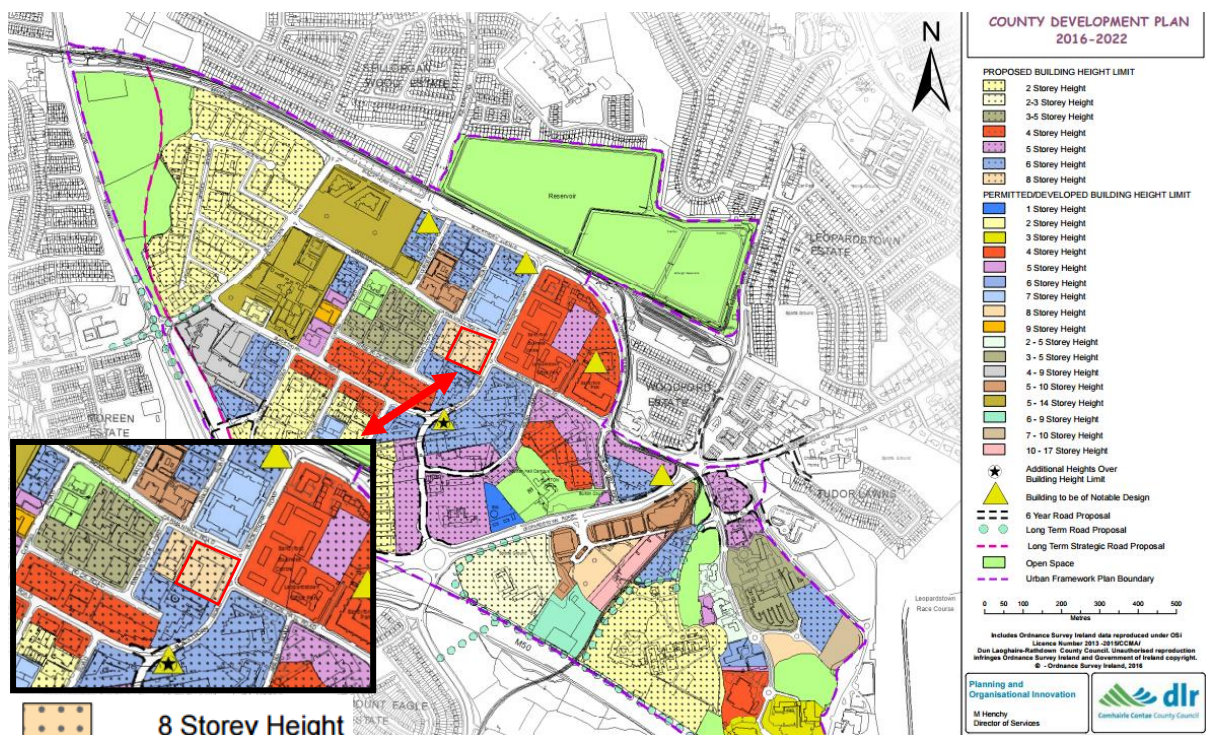


Figure 3.0 Extract from Map No. 3 of the Sandyford Urban Framework Plan, showing subject site (red outline) zoned for 8-storey development

By reason of the contravention of Policy Objective SUFP 3, the proposal is also in contravention of Policy Objective SUFP 2. This policy is referenced in Section 2.5.1 'Policy SUFP 2 Density and Scale' of the Sandyford Urban Framework Plan and reads as follows:

It is Council policy to ensure that Sandyford Business District develops in an orderly manner in accordance with the increase in uses set out in the objectives of this Plan and the Density and plot ratio set out in Map 2.

As per the above, it is Council Policy that development density in Sandyford Business District accords with the height limits indicated on Drawing No. 2 'Existing Plot Ratios / Residential Densities', as shown in Figure 4.0 below.

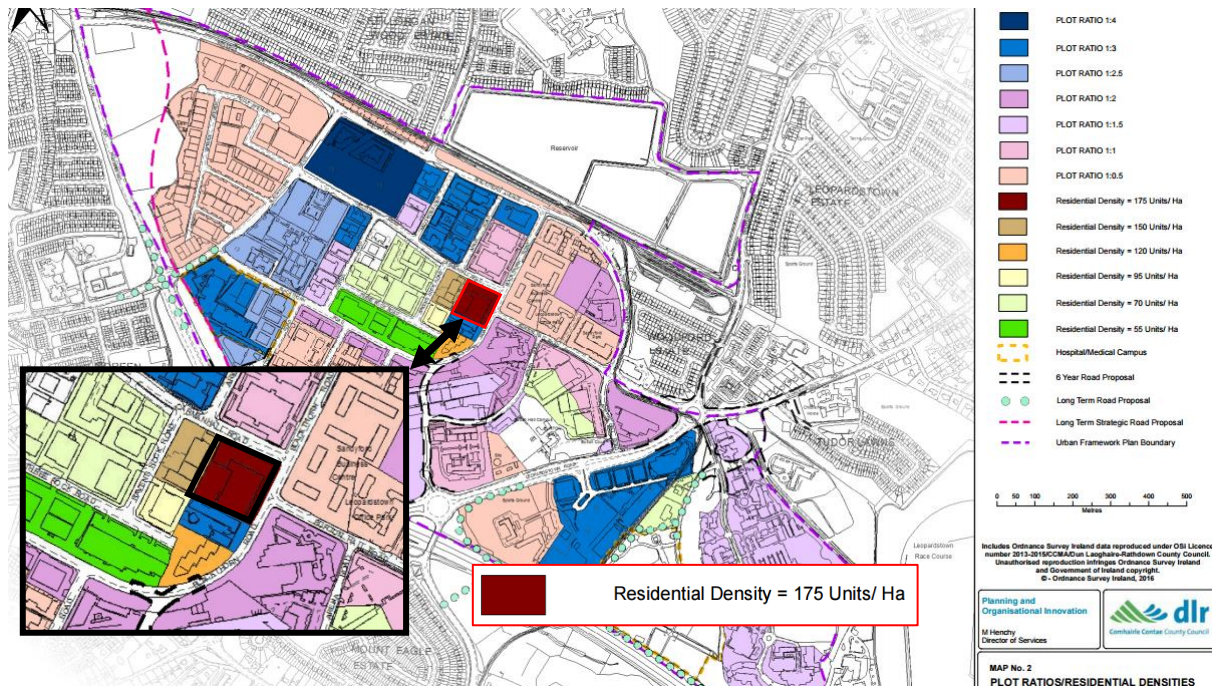


Figure 4.0 Extract from Drawing No. 2 'Existing Plot Ratios / Residential Densities' of the Sandyford Urban Framework Plan 2016-2022, showing subject site zoned for a residential density of 175 units per hectare.

Moreover, we note the following objectives from the Urban Framework Plan:

Objective BH1 *It is an objective of the Council to ensure that Sandyford Business District is developed in accordance with height limits set out in Map 3 Building Height subject to the building making a positive contribution to the built form as set out above.*

Objective A21 *It is an objective of the Council to ensure the residential neighbourhoods are developed at a density that is in accordance with the density provision set out in Map 2.*

Given the maximum height of seventeen storeys and the associated density of 416 no. units per hectare proposed under the subject application, it is clear that the proposal materially contravenes the provisions of the Sandyford Urban Framework Plan and the Dún Laoghaire-Rathdown County Development Plan 2016-2022 with regards to height and density policy, with these documents guiding indicative height and density for the site at 8 storeys and 175 units per hectare respectively. Notwithstanding this contravention, it is our considered opinion that the proposal for a six-seventeen storey building of 416 no. units per hectare density, whilst non-compliant with the guidance of the Planning Authority, is compliant with National and Regional Planning Policy and represents an appropriate proposal as it guarantees the efficient use of urban land on a site which is proximate to existing and future public transport services and is appropriately situated within the centre of Sandyford Industrial Estate which, in itself, is a highly urbanised landscape.

In addition, it is considered prudent to note the below aerial image which confirms existing /permitted heights and density within the immediate area.

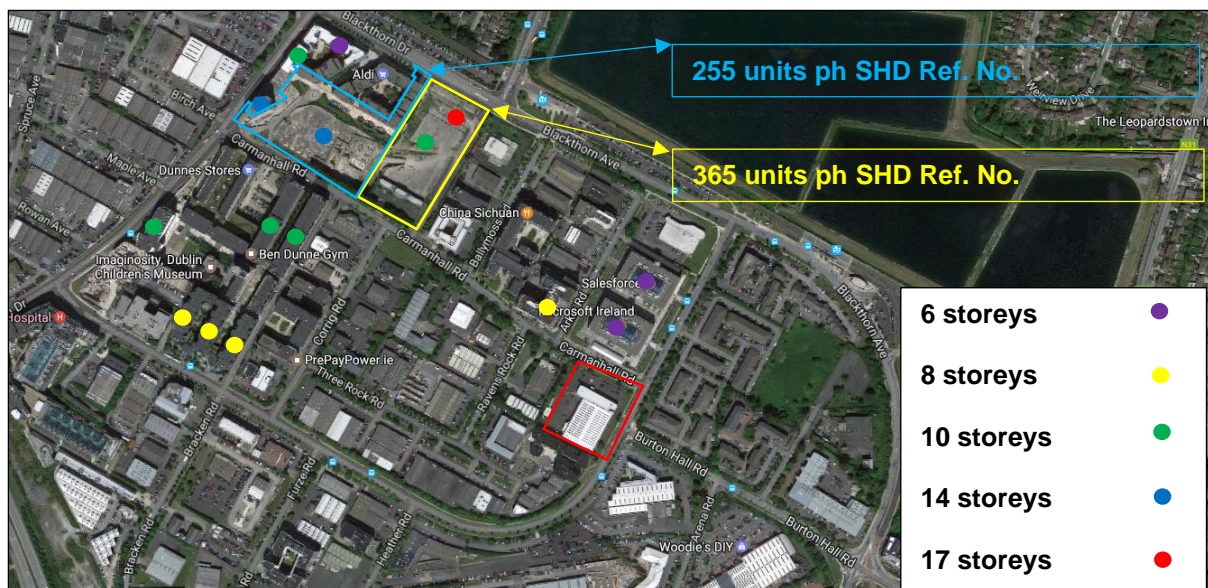


Figure 5.0 Aerial view showing subject site outlined in red and building height and density in the surrounding area as identified and indicated.

Notwithstanding the specific wording of Policy SUPP 3, it is noted that Section 3.2.1 of the Sandyford Urban Framework Plan continues to state that the building height limits referenced in the plan effectively do not represent a target height for each site. In this regard we note the following commentary from this section of the plan:

'it is essential that any building makes a positive contribution to the built form of the area. It is intended that building height shall therefore be determined by how it responds to its surrounding environment and be informed by: location; the function of the building in informing the streetscape; impact on open space and public realm (in particular shadow impact), impact on adjoining properties; views into the area and long-distance vistas.'

It is considered that the proposed building, which rises to a maximum height of seventeen storeys, is appropriately situated to accommodate a building of landmark height and design given its prominent position on the junction of Blackthorn Avenue and Carmanhall Road and the fact that it commands a significant long-distance vista along Burton Hall Road. With regards to density, we note that the Sandyford Urban Framework Plan provides little in the way of discussion or commentary to justify the indicative figures for appropriate density as illustrated in Drawing No. 2 'Existing Plot Ratios / Residential Densities' of the plan. Whilst it is noted that the subject site is located within Site 11 'Carmanhall Road Residential Neighbourhood', as per the provisions of Drawing No. 13 'Reference Sites' of the Plan, the only guidance provided with regards to density in this area is as follows:

'The blocks shall be of sufficient density to sustain urban living'.

We would reiterate that height and density limits guided by the Sandyford Urban Framework Plan were set in 2011, in excess of seven years prior to the adaptation of the Urban Development and Building Heights- Guidelines for Planning Authorities (December 2018). Introduced under Section 28 of the Planning and Development Act, 2000 (as amended), An Bord Pleanála and Planning Authorities are required to have regard for these Guidelines. In this respect, we note that the aforementioned guidelines present Specific Policy Planning Requirements (SPPRs) the adaption and adherence of which is mandatory in respect of future development proposals. We note SPPR No. 1 of the Building Heights-Guidelines for Planning Authorities (December 2018) as follows:

'In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning

authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.'

Having regard for SPPR No. 1, we would contend that Policy Objective SUFP 3 of the Sandyford Urban Framework Plan is, itself, an outdated contravention of recently adopted national planning guidance.

We would thus state our opinion that the Sandyford Urban Framework Plan 2011-2016 has been superseded by national policy, which reflects the ever-evolving society of urban Ireland, and that the subject site is strategically located to provide for increased height subject to appropriate development management and the protection of existing and future local amenities. Moreover, it is our opinion that the provision of a building which rises to part seventeen storey height and accommodates a density of 416 no. units per hectare accords with best practice urban design principles, due to its prominent position within the local landscape, and will add to the vibrancy and character of the developing industrial estate at Sandyford whilst ensuring the efficient use of land which is currently brownfield.

It is noted that the proposed scheme provides an appropriate transition in building height across the site, due to its varying part six, part eight, part nine, part eleven storey rising to seventeen storey height, and the immediate area in a manner that serves to reinforce the highly urbanised nature of Sandyford Industrial Estate. This proposal, which will allow for the provision of an increased density of 416 no. units per hectare, will accommodate an appropriate residential density in accordance with national planning guidance.

The justification for the increased height of the subject residential development is presented in Sections 5.0 and 6.0 of this statement.

5.0 Justification for Potential Material Contraventions pursuant to Section 37(2)(b) of the 2000 Act.

A justification for the potential material contravention of the Sandyford Urban Framework Plan is set out below, under the relevant parts of Section 37(2)(b) of the 2000 Act.

5.1 Part (i) - Proposed Development is of Strategic or National Importance

The proposed development comprises of inter alia the provision of 428 no. residential apartments, on a site of c. 1.03 hectares. The proposed development falls within the definition of a Strategic Housing Development in accordance with the definition of same provided under Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. On this basis it is submitted that the proposed development is, of strategic importance with respect to the timely delivery of urban housing and implementation of the current Government's Action Plan for Housing and Homelessness – Rebuilding Ireland.

National guidance, such as the National Planning Framework, Urban Development and Building Height Guidelines, Sustainable Urban Housing Design Standards for New Apartments and the Regional Spatial and Economic Strategy for the Eastern and Midlands Region seek to create compact sustainable residential to be located in appropriate urban locations, close to existing/proposed infrastructure and services. The development is located on residentially zoned land in an existing urban settlement and is adjacent to existing infrastructure and services.

The development also provides significant improvements to the adjoining public realm in the form of an upgraded pedestrian footpath, new cycling infrastructure, an increased quantum of landscaping and street-planting, new street furniture inclusive of bins, benches and cycle parking facilities and the upgrading of the existing Carmanhall Road & Blackthorn Road junction through provision of a new uncontrolled pedestrian crossing.

It is therefore submitted that the proposed development can be considered to be of strategic importance.

5.2 Part (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

The following section shall demonstrate how the proposed development in terms of height and density is justified in the context of recent National Planning Policy and Section 28 Government Guidelines. Please also refer to the Statement of Consistency and Planning Report for further details on the proposed developments compliance with national and regional guidelines.

5.2.1 Project Ireland: National Planning Framework 2040

The National Planning Framework 2040 (NPF) seeks to increase densities and building heights in appropriate urban locations to consolidate urban sprawl, increase the sustainability of public transport networks and meet the housing needs of our growing population. The NPF seeks to influence the location of new housing development and future population growth and targets the location of 40% of new housing development within and close to the existing 'footprint' of built-up areas over the lifetime of the framework. The following objectives and guidance regarding brownfield development in the NPF are of particular relevance:

- National Policy Obj. 3a** *Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.*
- National Policy Obj. 3b** *Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.*
- National Policy Obj. 4** *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.*
- National Policy Obj. 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 Obj. 33** *Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.*
- National Policy Obj. 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.*

Moreover, the NPF states that to enable brownfield development:

'Planning policies and standards need to be flexible, focusing on design led and performance-based outcomes, rather than specifying absolute requirements in all cases. Although sometimes necessary to safeguard against poor quality design, planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes. This is in recognition of the fact that many current urban planning standards were devised for application to greenfield development sites and cannot account for the evolved layers of complexity in existing built-up areas.'

The proposed residential development is consistent with the Objectives of the NPF. The proposed development will take place in a sustainable manner, on lands that are within the established urban settlement of Sandyford, zoned for residential development and can be considered contiguous to existing residential developments. This will take place through appropriate design standards and achieving the correct density for the subject site. The development will not give rise to any negative effects on the environment and will support the economic growth and development of Sandyford.

It is evident that there is a strong emphasis placed on increased building heights and densities in appropriate zoned lands and locations within existing urban settlements. As such it is respectfully submitted that the proposed building height, ranging from six to seventeen storeys, and density, of 416 no. units per hectare, is in line with Government guidance and evolving trends for sustainable residential developments in urban areas. The National Planning Framework states the following in relation to changing family size:

‘Currently, 7 out of 10 households in the State consist of three people or less, with an average household size of 2.75 people. This is expected to decline to around 2.5 people per household by 2040. Household sizes in urban areas tend to be smaller than in the suburbs or rural parts of the country. In Dublin city, one, two and three person households comprise 80 percent of all households. Yet, the stock of housing in Ireland is largely comprised of detached and semi-detached houses with three to four bedrooms.’

Having regard to the above, the proposed unit mix responds to the identified strategic need for smaller units in the housing stock in urban areas. The proposed development will include one-bedroom and two-bedroom apartments with a reduced provision of three-bedroom units, which will improve the variety of house types in the area consistent with national policy guidance.

5.2.2 Sustainable Residential Development in Urban Areas – Guidelines for Planning Guidelines (2009) & Urban Design Manual - A Best Practice Guide’ (2009)

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 possible, the need to travel, particularly by car, by facilitating mixed-use development and promoting the efficient use of land and investment in public transport. Such policies 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 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 and that areas to be zoned shall be contiguous to existing zoned development lands.”*

In this case, the subject site is zoned for residential development under the current Dún Laoghaire-Rathdown County Development Plan 2016-2022 and the Sandyford Urban Framework Plan. The site is located on appropriately zoned lands within the centre of Sandyford Industrial Estate. Limiting height and density will prevent sustainable, compact development within appropriately zoned lands located within an existing settlement boundary and will lead to ‘leapfrogging’ of developments and urban/suburban sprawl, particularly into greenfield and high amenity lands. Thus, the SUFP objective to restrict height at the application site 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 strategic housing development provides for a range of community facilities at ground floor level inclusive of a cinema, gym, yoga studio and laundry room. A resident’s café/lounge is also proposed, with this facility to be made available to the local community on a weekly/sessional basis.

The proposed land uses are in accordance with the zoning objective designation on the site. It is important to note that the wider area of Sandyford provides a wealth of services and amenities for the use and enjoyment of the community including local retail centres, schools, healthcare facilities, churches, community centres and a sports/recreational facility as identified in the enclosed Social and Community Infrastructure Audit. Further to the provision of a significant extent of social infrastructure, we note the site's proximity to significant employment centres both in the immediate area and in Dublin City Centre, which is highly accessible via strong local public transport links.

5.2.3 Urban Development and Building Heights Guidelines for Planning Authorities (2018)

The Urban Development and Building Height Guidelines, 2018, are intended to set out national planning policy guidelines on building heights and development intensity in urban areas in response to specific policy objectives set out in the National Planning Framework and Project Ireland 2040. Under Section 28(1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála will be required to have regard to the guidelines and apply any specific planning policy requirements (SPPR's) of the guidelines in carrying out their function. The Height Guidelines emphasise the policies of the NPF to greatly increase levels of residential development in urban centres and to 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. The Height Guidelines contain the following commentary which we would consider relevant to the subject application:

*'Government considers that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, **by building up and consolidating the development of our existing urban areas.***

'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'.

Moreover, we would again note the provisions of Specific Planning Policy Requirement No.1 as follows:

*'In accordance with Government policy to **support increased building height and density in locations with good public transport accessibility**, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies **and shall not provide for blanket numerical limitations on building height.***

The site benefits from an excellent public transport network which includes 5 no. Bus services (Nos. 11 & 47 - Dublin Bus, Nos. 75a & 114 - Go-Ahead Ireland & No. 700 - Aircoach) available via stops situated within c. 900m and Luas services available via the Stillorgan and Sandyford Luas stops situated within 600m of the site. These services provide strong access links to Dublin City Centre, wider employment/recreational centres within Dublin, links to inter-county rail services (at Connolly Station) and Dublin Airport. The proposed development therefore represents an opportunity to provide for increased densities in accordance with national planning policy. In this regard we would reiterate that the support of a blanket numerical limitation on building height and residential density, as is contained with the Sandyford Urban Framework Plan, would be in contravention of national planning policy. Chapter 3 of the Height Guidelines, presents the following commentary with regards to increased building height in urban locations:

'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.'

The Height Guidelines continues to present 3 no. broad principles to which Planning Authorities must consider in the assessment of proposals for increased building height in urban locations. We note and respond to these principles as follows:

1. *Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?*

The proposal provides for the redevelopment of an existing underutilised brownfield site within Sandyford Industrial Estate and allows for the efficient and compact growth of the immediate area as is considered appropriate in the context of sustainable development. The proposal is therefore in accordance with the National Planning Framework.

2. *Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?*

As discussed on the previous page, it is our opinion that the Sandyford Urban Framework Plan, which sets out a blanket numerical restriction on building heights and residential density within the plan area, is, itself, in contravention of national planning policy with regards to compact and sustainable urban growth. As such, we would consider the height, of six – seventeen storeys, and residential density, of 416 no. units per hectare, proposed under the current application represents an appropriate response to the evolving topography and densification of the immediate area and is therefore in accordance with the National Planning Framework.

3. *Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?*

Whilst it is acknowledged that the Sandyford Urban Framework Plan is an appendix to the Dún Laoghaire-Rathdown County Development Plan 2016-2022, it is noted that the provisions regarding height in the plan area remained consistent with the original Framework Plan as was adopted in 2011. This document is, as such, long outdated with regards to evolving national policy regarding compact and sustainable development in existing urban areas. We would ask An Bord Pleanála to have due regard to the extent of documentation provided with this application which confirms that the proposed development will have no undue impact on the receiving environment and will provide a high standard of accommodation for future residents.

Further to the above, we note the provisions of Specific Planning Policy Requirement No.3 as follows:

It is a specific planning policy requirement that where;

- (A) 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 or local area plan may indicate otherwise.

Having regard for the above, we will now demonstrate the proposal's compliance with the criteria specified under SPPR No. 3 of the Height Guidelines, as presented in Section 3.2 'Development Management Criteria' of the aforementioned guidelines, as follows:

Development Management Criteria – At Scale of the Relevant City / Town

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

As stated previously, the site benefits from an excellent public transport network which includes 5 no. Bus services (Nos. 11 & 47 - Dublin Bus, Nos. 75a & 114 - Go-Ahead Ireland & No. 700 - Aircoach) available via stops situated within c. 900m and Luas services available via the Stillorgan and Sandyford Luas stops situated within 600m of the site. These services provide strong access links to Dublin City Centre, wider employment/recreational centres within Dublin, links to inter-county rail services (at Connolly Station) and Dublin Airport. In addition, we note that the accessibility of the subject site has been extensively detailed in the Traffic and Transport Assessment prepared by AECOM as is submitted with this application.

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.³ Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.

In response to the above item, we note the Architect's Design Statement prepared by Burke-Kennedy Doyle Architects as is submitted with this application. This document details the manner in which the design of the proposed building has considered the surrounding context of the immediate area. We note that the subject site is not located within an architecturally sensitive area and is not surrounded by any unique locational characteristics. Moreover, the positioning of the seventeen-storey element, which represents the maximum height of the proposal, has been arranged to offer visual interest akin to the site's prominent position in the wider landscape. A Landscape and Visual Impact Assessment has been prepared by Macroworks and is submitted with this application

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

The proposed development includes upgrades to the immediate public realm on Blackthorn Avenue and Carmanhall Road comprising improvements to footpaths, the provision of cycling infrastructure and street furniture including benches, bins and bicycle stands along with the relocation of existing landscaping, the provision of additional planting and the creation of a Pocket Park. This pocket park will centre around the external staircase leading to the internal courtyard from the footpath on Carmanhall Road and will comprise a mix of terraces accommodating seating pockets with raised planters and tree planting providing an attractive backdrop. These elements are discussed in detail in the Landscape Design Statement prepared by Niall Montgomery + Partners.

The positioning of the seventeen-storey element, which represents the maximum height of the proposal, has been arranged to offer maximum separation from any adjoining amenities which could be considered sensitive. This height is concentrated in the eastern section of the site with the building's height tapering down as it moves to the west, north and south. The Architect's Design Statement prepared by Burke-Kennedy Doyle Architects, as is submitted with this application, provides further discussion on this aspect of the development.

Development Management Criteria – At Scale of the District / Neighbourhood / Street

The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape

The high standard of architectural design achieved in the current proposal has had due regard to the guidance contained within national planning policy in relation to the densification of brownfield sites.

The proposal has been designed so as to ensure no undue impacts on existing residential amenity will occur as a result of the development, having regard to the results of the various analysis documents prepared in respect of this application, including Daylight/Sunlight Assessment, Wind & Microclimate Report and the Landscape Visual Impact Assessment. The improvement of the immediate public realm is considered to represent a planning gain for the immediate area, whilst the extent of amenity spaces provided within the scheme, for future residents, allows variation in the day-to-day life of residents.

The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.

A comprehensive Architect's Design Statement, prepared by Burke-Kennedy Doyle Architects, demonstrates the rationale for the design of this high-quality scheme of contemporary architecture.

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 and enclosure while being in line with the requirements of "The Planning System and Flood Risk Management – Guidelines for Planning Authorities" (2009).

The scheme ensures active surveillance of public and communal open spaces throughout the development with a variety of both communal and community uses accommodated at ground floor level to provide animated daytime uses. It is considered that the scale of the proposal is appropriate in the context of its location, as discussed in the Statement of Consistency and Planning Report prepared by Hughes Planning and Development Consultants and we would note the Flood Risk Assessment prepared by AECOM with regards to the requirements of "The Planning System and Flood Risk Management – Guidelines for Planning Authorities" (2009).

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 integrates in a cohesive manner.

The proposed development includes upgrades to the immediate public realm and provides a high standard of contemporary architectural design. It is considered that the height, in conjunction with the materials of the proposed building, together result in the creation of a landmark building which will add legibility to the immediate area and act as a focal point on the Carmanhall Road, Burton Hall Road and Blackthorn Avenue junction.

The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.

The development of the subject site, with regards to providing a mix of uses, is restricted by the extent of uses permitted on the site by the applicable A2 zoning objective. Notwithstanding this, it is considered that the extent of residential accommodation achieved under the subject proposal allows for the efficient use of the site with the associated amenities provided at ground floor level providing an active frontage for the benefit of the adjoining public realm along Carmanhall Road and Blackthorn Avenue. With regards to dwelling typology, it is considered that the provision of apartment units is the only means of achieving a sufficient density on this well-serviced site and the BTR residential model ensures the swift occupation of the development once approved and constructed for the benefit of the quickly evolving landscape of Sandyford as a live-work neighbourhood.

Development Management Criteria – At Scale of the Site / Building

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.

In response to the above, we note the enclosed Daylight & Sunlight Report, as prepared by IN2, which confirms that the subject development has been designed to ensure appropriate access to daylight for existing residents in the immediate area and future residents of the proposed scheme. It is considered that the massing and form of the proposed scheme has been appropriately organised to minimise

impacts to views, with the subject proposal considered to allow for the creation of a landmark viewpoint in its own right.

Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment'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'. 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 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 or an effective urban design and streetscape solution.

As per the above, the Daylight & Sunlight Report prepared by IN2 concludes that no material impacts will occur on neighbouring properties. The proposal contributes to comprehensive urban regeneration of the wider Industrial Estate allowing for the succinct and contemporary upgrade of a prominent central site which commands a significant viewpoint.

Development Management Criteria – Specific Assessments

Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.

A Wind and Microclimate Report has been prepared by B-Fluid and is submitted with this application.

In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.

Section 5.9 'Baseline Results: Fauna Assessment' of the enclosed Environmental Impact Assessment Report (EIAR), as prepared by Golder Associates, confirms that the site footprint is urban and largely devoid of any natural or semi-natural features of ecological interest including buildings that may support bat roosts. The presence of two immature silver birch trees within the site footprint can most closely be classified as scattered trees. These trees are relatively young and lack any significant structure such that may offer roosting or nesting potential to bats or birds respectively. Furthermore, Section 5.9 of the EIAR identifies that the site does not support suitable nesting, foraging and shelter habitat for birds. An absence of woodland, hedgerows, trees or even unmanaged grasslands dictates that the site is relatively sterile for bird species.

The subject site is also not located proximal to relevant EU Birds Directive (2009/147/EC) designated Special Protection Areas (SPAs). The site is located 3.6km to the South of the Dublin Bay and River Tolka Estuary SPA, 6.7km from the Wicklow Mountains SPA and 7.5km from the Dalkey Islands SPA. Further SPAs are located greater than 8km from the Proposed Development Site. With regards to artificial lighting, the embedded general design mitigation is considered in the EIAR (Section 5.12) and proposed site lighting scheme described by IN2 (2021) in the Site Lighting Report is described as 'maintaining safe levels of illumination to circulation areas while minimising light overspill on the neighbouring properties and mitigating the residual impacts that the proposed lighting scheme may have on existing habitats within the Site'.

An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.

A letter has been prepared by Independent Site Management in respect of the above criteria and is submitted with this application. This letter notes that the subject proposal will have an effect on 3 no. telecommunications channels within the immediate area and recommends mitigation of this impact through the provision of telecommunications equipment at roof level. This mitigation measure has been adopted as illustrated on the submitted architectural drawings.

An assessment that the proposal maintains safe air navigation.

All requirements of the Irish Aviation Authority (IAA) will be complied with during the construction and operation phases of the proposed development and consultation with the IAA will continue as required during these phases to ensure proper implementation of any measures.

An urban design statement including, as appropriate, impact on the historic built environment

An architectural Design Statement has been prepared by Burke-Kennedy Doyle Architects and is submitted with this application

Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate

An Environmental Impact Assessment has been carried out for the Proposed Development as opposed to a Strategic Environmental Assessment (SEA). SEA is an alternative process used to evaluate the environmental effects of proposed policies, plans and programmes. A SEA Report was undertaken for the implementation of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, to which the Proposed Development is subject to, and which has been referenced where appropriate in the EIAR. An Environmental Impact Assessment Report (EIAR) has been prepared by Golder Associates and is submitted with this application. The EIAR includes an Ecological Impact Assessment (EclA) as Chapter 5 'Ecology and Biodiversity'. An AA Screening report has also been prepared by Golder Associates for submission with this application.

5.2.4 Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018

The '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 also 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 'Central and/or Accessible Urban Locations' which such locations typified as follows:

- *Sites within walking distance (i.e. up to 15 minutes or 1,000- 1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;*
- *Sites within reasonable walking distance (i.e. up to 10 minutes or 800- 1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and*

- *Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/ from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.*

The site accords with the above criteria, and is thus representative of a central/accessible urban location which can accommodate a high density of development. The site is within easy walking distance (c. 10m) of bus and luas services and is located within c. 15 minutes walking distance of significant employment centres in the form of the Beacon Hospital, Microsoft, Chill Insurance and ICON with larger employment centres, such as Dundrum Shopping Centre, located within easy cycling distance.

5.2.5 Rebuilding Ireland – Action Plan for Housing and Homelessness

Rebuilding Ireland was launched in 2016 with the objective to double the annual level of residential construction to 25,000 no. homes and deliver 47,000 no. units of social housing in the period to 2021, while at the same time making the best use of the existing stock and laying the foundation for a more vibrant and responsive private rented sector. Rebuilding Ireland is set around 5 no. pillars of proposed actions. Pillar 3 seeks to – Build More Homes: Increase the output of private housing to meet demand at affordable prices and Pillar 4, ‘Improving the Rental Sector’, includes build-to-rent and encourages “build-to-rent” as a key action. The increased height and indeed the number of units put forward in the proposal will deliver much needed housing within the Area in accordance with the aims of Rebuilding Ireland, and in particular Pillars 3 and 4.

5.2.6 Regional Spatial and Economic Strategy for the Eastern and Midland’s Region

The Regional and Spatial Economic Strategy for the Eastern and Midland’s Region (RSES) was adopted on May 3rd 2019. It is a strategic plan and investment framework to shape future development and to better manage regional planning and economic development throughout the Region to 2031 and beyond. It identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. The RSES builds on the foundations of Government policy in Project Ireland 2040 and replaces the current Regional Planning Guidelines (RPGs). The following commentary from section 4.7 ‘Self-Sustaining Growth Towns and Self-Sustaining Towns’ We note the following commentary from Regional Policy Objective 4.3 ‘Consolidation and Re-intensification’ of the RSES:

‘Support the consolidation and reintensification 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 coordinated with the delivery of key water infrastructure and public transport projects.’

The proposed development is consistent with the above as it will provide 428 no. Build-to-Rent residential apartments with ancillary resident facilities on a brownfield site which is appropriately zoned and situated within close proximity to existing public transport services and employment centres. The proposed development thus allows for the efficient intensification of a brownfield site within a built-up area and is thus in accordance with the aims of the Regional and Spatial Economic Strategy for the Eastern and Midland’s Region.

5.3 Part (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

We would contend that permission for the proposed development should be granted having regard to the pattern of development approved in the immediately surrounding area. Precedent exists for approval of developments which exceed the height specified within the Sandyford Urban Framework Plan. More specifically, we refer to ABP Ref. ABP-305940-19 which involved a Strategic Housing Development, involving the construction of 564 no. new built-to-rent residential apartments and a childcare facility, on Carmanhall Road within 250 metres of the subject site in Sandyford Industrial Estate. This application was approved by An Bord Pleanála on 12th May 2020, despite providing a maximum height of seventeen storeys on a site wherein the Sandyford Urban Framework Plan had guided a maximum height of fourteen storeys. We note the following commentary from the Inspectors Report prepared in respect of this application:

'There is a strong case in planning and architectural terms to permit a high building at this location and for it to act as a key landmark improving legibility and wayfinding immediately adjacent to the Luas public transport interchange. I am satisfied that the height proposed is appropriate and in accordance with the proper planning and sustainable development of the area.'

It is our opinion that, given the location of the subject site on a prominent position at the junction of Blackthorn and Carmanhall Road which commands a significant vista along Burton Hall Road, that a similar case can be made for the subject site to accommodate a landmark building. Moreover, and in light of the above, it is submitted that should An Bord Pleanála consider the proposed development a material contravention of the Sandyford Urban Framework Plan, there is ample justification for An Bord Pleanála to permit a material contravention of the Framework Plan in terms of allowable height having regard to Section 37(2)(b)(ii) and Section 37(2)(b)(iii) of the Planning and Development Act, 2000 (as amended). Noting the proposed development is of strategic importance during an acute housing crisis, that the proposal complies with relevant planning policy at national level, and that there is a direct precedent case in the immediate area for material contravention of height policy, it is submitted to the Board that there is a justification in this instance for the granting of the proposed development

6.0 Architectural Rationale for Proposed Height & Density

We note the following commentary from Section 3.2.1 of the Sandyford Urban Framework Plan 2016 in relation to building height:

'There is a presumption that development shall be constructed to the building height limits. However, it is essential that a building makes a positive contribution to the built form of the area and shall have particular regard to the need to minimise adverse impact on residential properties. Building height shall therefore, be determined by how it responds to its surrounding environment and be informed by:

- *Location;*
- *The function of the building in informing the streetscape;*
- *Impact on open space and public realm, in particular shadow impact;*
- *Impact on adjoining properties and,*
- *Views into the area'*

It is clear that the policy is seeking that the building height parameters set out in the Sandyford Urban Framework Plan are responded to, however, the policy further acknowledges that, most importantly, building height should be informed by its context and relationships with the adjoining development. As such, the overriding focus is to achieve a positive contribution to the built form of the area.

The Architect's Design Statement prepared by Burke-Kennedy Doyle Architects details the compliance of the subject proposal with the Urban Design Manual - A Best Practice Guide' (DoEHLG, 2009), a document which provides best practice advice on the practical implementation of the policies contained in the 'Sustainable Residential Development in Urban Areas' guidelines. The focus of this document is on creating well-designed sustainable neighbourhoods that will stand the test of time. We would ask the Board to have due regard for this document, with particular reference to Subsection Nos. 01 'Context', 05 'Efficiency', 08 'Public Realm' and 12 'Detailed Design' in the context of the proposed height and density, as it presents a detailed rationale for the proposed development.

In proposing a building rising to seventeen storey height, the design team has considered the opportunity created by the context and positioning of the subject site within the centre of Sandyford Industrial Estate so as to achieve a building of landmark design and stature. The decision to increase the maximum height of the building from the fifteen-storey height proposed at pre-planning consultation stage is based on the reception received from the Board to the initial proposal. It is considered that the revised proposal has seized the opportunity to aggrandize the centre of Sandyford and set a strategic precedent for the evolution of this live-work neighbourhood which is aptly supported by mature employment centres and expandable public transport services.

7.0 Conclusion

Having regard to the foregoing, including the SHD precedent development referenced above, it is considered that the proposed development numbers, density and height is justified in this instance. It is submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and is consistent with all relevant national and regional planning policies and guidelines.

On this basis, the proposed material contravention of the Development Plan and Local Area Plan can be justified as follows:

"In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended); to its support for the National Policy Objectives in the National Planning Framework, in particular Objective Nos. 4, 13, 33 and 35; its location within the development boundary of Sandyford Industrial Estate, a mature area with regards to employment and one that is evolving into a live-work neighbourhood, on zoned and serviced lands, and its potential to contribute both to the achievement of the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.

In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended):

The objectives of the Sandyford Urban Framework Plan, as created and adopted in 2011 as the Sandyford Urban Framework Plan 2011-2016, restricts, through blanket limitations both the density and height of the subject site to levels which would be inconsistent with the efficient adaptation of recently introduced national planning policy and guidance as contained within the documents entitled 'Project Ireland: National Planning Framework 2040' and 'Urban Development and Building Heights Guidelines for Planning Authorities 2018'. The Sandyford Urban Framework Plan is thus considered inconsistent and outdated with regards to evolving policy on height and density within serviced urban areas.

It is respectfully submitted that should An Bord Pleanála consider the proposed development a material contravention of the Sandyford Urban Framework Plan that an appropriate justification is set out within this statement demonstrating that the proposed development is appropriate having regard to the contents of the Development Plan and Urban Framework Plan, the policies and objectives set out within the Section 28 Guidelines, as well as the strategic nature of the development and the pattern of development approved in the surrounding area.



Kevin Hughes MIPI MRTPI
Director for HPDC Ltd.