

SHD Planning
Application to
An Bord
Pleanála

Material
Contravention
Statement

Proposed Strategic
Housing Development

Phase 1D at
Portmarnock South
Local Area Plan Lands,
Portmarnock, Co.
Dublin

For Quintain
Developments Ireland
Limited

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TABLE OF CONTENTS

1	INTRODUCTION	1
2	PROPOSED DEVELOPMENT	2
3	JUSTIFICATION FOR MATERIAL CONTRAVENTION	4
3.1	(i) THE PROPOSED DEVELOPMENT IS OF STRATEGIC OR NATIONAL IMPORTANCE	4
3.2	(ii) CONFLICTING OBJECTIVES IN THE FINGAL COUNTY DEVELOPMENT PLAN 2017-2023	5
3.3	(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.....	5
3.4	(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	5
3.4.1	Issue 1 – Density	5
3.4.2	Issue 2 – Drainage Infrastructure.....	9
3.4.3	Issue 3 – Development Phasing	10
4	CONCLUSION	12

1 INTRODUCTION

This document has been prepared by Stephen Little & Associates, Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, to address matters that may be considered to materially contravene the Development Plan, in accordance with Section 8 (1)(iv)(II) of the Planning & Development (Housing) and Residential Tenancies Act 2016.

Under Section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, 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), then the SHD application must include a statement indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2) (b) of the Act of 2000.

The following is a statement on Material Contravention in accordance with Section of 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

Section 37(2)(b) of the Act of 2000 (as amended) 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.”

This statement, prepared by Stephen Little & Associates Chartered Town Planners & Development Consultants, seeks to address the possibility that the proposed development could be deemed by Fingal County Council or An Bord Pleanála to represent a material contravention of the Fingal Development Plan 2017 – 2023 / Portmarnock South Local Area Plan 2013 (as Extended) specifically relating to: -

- Density – Portmarnock South Local Area Plan 2013 (as Extended).
- Drainage Infrastructure – Portmarnock South Local Area Plan 2013 (as Extended).
- Development Phasing – Portmarnock South Local Area Plan 2013 (as Extended).

The Planning and Development (Housing) and Residential Tenancies Act, 2016 confirms that An Bord Pleanála may grant permission for a development which materially contravenes a Development Plan, other than in relation to the zoning of land, as follows: -

“(6) (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.

(c) 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.”

On the basis of the above, we consider that sufficient justification exists for An Bord Pleanála to grant permission for the proposed development, notwithstanding that a material contravention of the Development Plan may occur.

2 PROPOSED DEVELOPMENT

The application site is located at lands in the townlands of Drumnigh, Maynetown and Portmarnock, Portmarnock, Co. Dublin. The proposed 'Phase 1D' development will generally comprise: -

- 172no. residential units consisting of 22no. duplex / apartments and 150no. houses ranging in heights between 1.5 and 3 storeys.
- Provision of public open space including Skylark Park and extension to Railway Linear Park and Townland Boundary Linear Park.
- Vehicular access to serve the development is proposed off the existing / under construction access points on roads serving the St. Marnock's Bay development.
- A new vehicular road is proposed to serve the proposed development which will connect with Moyne Road. The permanent road includes the provision of a new junction with Moyne Road and SuDS features to control surface water run-off.
- Upgrade of existing temporary foul water pumping station and storage tank to increase capacity.
- All associated and ancillary site development, infrastructural, landscaping and boundary treatment works.

The subject site represents the next phase of a plan led phased development in this part of Portmarnock. It is located in an area identified for development under the Portmarnock South Local Area Plan, 2013 (LAP). The site is located in the townlands of Portmarnock and Maynetown, Portmarnock, Co. Dublin. The LAP lands are generally bounded by Station Road to the north, Coast Road and the Baldoyle Road to the east, Moyne Road to the south and the Dublin – Belfast Train Line to the west.

The subject site consists of 1no. site. The gross area of the application site in this case is approximately 11.05 Ha. The extent of the subject site for the 172no. proposed housing units is generally bounded by existing 'St. Marnock's Bay' residential development (Phase 1A & Phase 1B – 'Dún Sí') and permitted Phase 1C (ABP-305619-19 refers) to the north, the Dublin – Belfast train line to the west and former agricultural lands to the east and south within the townlands of Drumnigh, Maynetown and Portmarnock, Portmarnock, Co. Dublin.



Figure 1: Extract from Google Maps showing the extent of the application site outlined in red (Overlay by SLA).

3 JUSTIFICATION FOR MATERIAL CONTRAVENTION

As noted in Section 1 above, Section 37(2)(b) of the Planning Act, 2000, 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 set out below our interpretation of how the Section 37(2)(b) considerations relate to the proposed development, from a planning perspective: -

3.1 (i) The Proposed Development is of Strategic or National Importance

The proposed development was deemed on foot of a pre-application request and subsequent tri-partite meeting with An Bord Pleanála and by Fingal County Council, to meet the legislative definition of strategic housing development. It can therefore be deemed 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.

The significant shortfall in housing output to address current and projected demand is a national problem, with lack of housing in Metropolitan Dublin, the Greater Dublin Area and elsewhere having social and economic ramifications for sustainable national growth. We would therefore submit that the proposed development is of strategic and national importance.

The proposed development is considered to be in accordance with Objective 3a of the National Planning Framework. Objective 3a states the following: -

“Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.”

The proposed development represents the achievement of more sustainable higher density residential development, in line with existing and emerging transportation facilities within the vicinity of the application site.

Furthermore NPO 33 states: -

“Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”

The proposed development constitutes an efficient and sustainable use of lands in delivering a new residential scheme with substantial provision of public open space on lands zoned for residential use as part of the Fingal County Development Plan 2017 – 2023.

The application site has the potential to contribute to the delivery of compact urban growth and 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.

Arising from the above, and while noting that the statutory requirement is for the development to be of either strategic **or** national importance, it is our professional opinion that the project in question should be considered to be of both strategic and national importance.

3.2 (ii) Conflicting objectives in the Fingal County Development Plan 2017-2023

There are no conflicting objectives pertaining to the material contravention issues raised in this report.

3.3 (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 County Development Plan was adopted before the publication of the National Planning Framework (NPF), the Regional Spatial and Economic Strategy for the Eastern & Midlands (RSES) and Dublin Metropolitan Area Strategic Plan (DMASP), the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2020) and also the Urban Development and Building Height Guidelines for Planning Authorities’ (2018).

Therefore, the principal justification for the Board in contravening the Local Area Plan standards relating to Density, Development Phasing and Drainage Infrastructure, where this is considered a material contravention, would be to ensure that strategic level planning policy and the Specific Planning Policy Requirements of Ministerial Guidelines relevant to the proposed development at this site are implemented. As such, it is our professional opinion that the above criteria would be met in the case of the proposed development. An explanation of opinion in that regard is provided below.

3.4 (iv) Permission for the Proposed Development should be Granted Having Regard to the Pattern of Development, and Permissions Granted, in the Area Since the Making of the Development Plan

It is submitted that the publication of the NPF, RSES and various supporting Ministerial Guidance provide justification for more sustainable development in terms of density at this site since previous permissions were granted for lower density development.

The proposed development will continue the sequential development of the Portmarnock South LAP lands. This is the fourth phase being proposed in the Portmarnock South Lands, referred to as Phase 1D. Previously the permitted Phase 1A (FCC Reg. Ref. F13A/0248), Phase 1B (ABP Ref. ABP-300514-17) and Phase 1C (ABP Ref. ABP-305619-19) respectively have been undertaken. Phase 1D is the last phase of Growth Area 1 of the Portmarnock South Local Area Plan. This will increase residential housing and facilitate the construction of Skylark Park and 2no. Linear Parks with an extension to Railway Linear Park and the connection to Mayne Road by the construction of a permanent road.

Therefore, the granting of permission can be justified by reference to the pattern of development, and permissions granted, in the area since the making of the development plan.

3.4.1 Issue 1 – Density

We refer the Board in the first instance to the Aviation Public Safety Zone Assessment, prepared by Cyrrus Limited, Aviation Consultants.

The proposed development lies within the Outer Public Safety Zone associated with Runway 28L at Dublin International airport. Residential development within Public Safety Zones is limited a maximum density of 60no. residents in any half hectare area.

Cyrrus Limited, Aviation Consultants have been advising on this important matter to ensure that the densities proposed adhere to the limits applicable within this Outer Public Safety Zone as dictated by the Environmental Resource Management (ERM) Report (2003). There is a continual balance to be struck in seeking to attain the density provided for within the LAP and still adhering to the public safety provisions set out in the ERM Report. We have assumed that the public safety provisions would take precedence. Further detail is contained in the Aviation Public Safety Zone Assessment, prepared Cyrrus Limited, enclosed with this submission.

The LAP contains a number of references to unit numbers and density that are worth considering in the context of this issue, as follows: -

Introduction

1.3.6 Green Infrastructure and Landscape Strategy

*“The Green Infrastructure and Landscape Strategy devised for the Portmarnock South LAP lands allows for the absorption of **up to 1200 residential units** on these lands whilst protecting the essence of the existing landscape and fulfilling the green infrastructure objectives of the Fingal Development Plan.”*

Policy and Statutory Context

2.1.1 Fingal Development Plan Core Strategy

*“The total number of units allocated for the Portmarnock South LAP area **c. 1200 units** is fully consistent with the Core Strategy of the Fingal Development Plan and the RPGs 2010-2022.”*

2.2.4 Land Use Zoning Objectives Relating to Portmarnock South

“Objective RA: Provide for new residential communities in accordance with approved local area plans and subject to the provision of the necessary social and physical infrastructure.”

“Objective OS (Open Space): Preserve and provide for open space and recreational amenities”

2.2.5 Local Objectives relating to the Plan Lands

*“Densities are limited by the outer public safety zone requirement that **‘no single half hectare plot should accommodate more than 60 persons’** (Environmental Resources Management (ERM) Report, ‘Proposed Public Safety Zones for Dublin Airport dated February 2005 refers).”*

*“408: **Density** shall be in accordance with (draft) public safety zones recommended by the Government.”*

Strategic Vision and Aims of the LAP

4.2 Development Strategy Overview

*“The residential (RA) zoned lands within the Local Area Plan have the potential to achieve up to approximately **1200 residential units** based upon a density of **c. 42 units per hectare** which accords with airport safety zone criteria. This would equate to a potential population of **c. 3360 persons**...”*

*To reflect the environmental and visual sensitivities of the plan lands traversed with many townland boundaries **as well as the airport public safety zone density restrictions**, flexibility regarding achievable maximum density across the plan lands is provided in this LAP...*

*an **average minimum density of 35 units per hectare** with an **average maximum density of 42 units per hectare** shall be considered to comply with the sustainable objectives of the LAP.”*

Summary of LAP in relation to Density / Capacity

It is clear from the LAP that the following parameters are in place regarding ultimate capacity of the entire zoned ‘RA’ lands: -

- Up to 1,200no. residential units can be accommodated.
- Equivalent to 3,360no. people.
- That ‘no single half hectare plot should accommodate more than 60 persons’.
- The average maximum density can be 42no. units per Ha.

In particular it is worth highlighting the LAP advises that: -

*“The residential (RA) lands... have the potential to achieve up to approximately 1200 residential units based upon a density of c. 42 units per hectare which **accords with airport safety zone criteria.**”*

It is also worth noting that the LAP states: -

*“While recognising the **strategic development value of the plan lands**, rail and metropolitan / core strategy, **maximising the development potential of the plan lands is constrained somewhat by reason of airport safety zones**”.*

The net developable area excludes the Central Linear Park, Skylark Park, Railway Linear Park, landscaped southern edge of site, Inter-Monument Route, primary link road to the south and secondary road link to junction with primary road where not servicing units in this phase. This is consistent with the methodology set out in Appendix A of the Sustainable Residential Development in Urban Areas 2009 for the calculation of net density and consistent with the approach also Phase 1B (ABP Ref. ABP-300514-17 refers) and Phase 1C (ABP Ref. ABP-305619-19 refers).

The proposed development achieves a net density of c. 32.3no. units per Ha. The site is located in the Outer Public Safety Zone of Dublin Airport, in accordance with the airport safety zone criteria set out in the Development Plan. We confirm that Cyrrus Limited have reviewed the layout of the residential component of the proposed development with regard to the residential density restrictions required in accordance with these criteria. As such, the current layout is compliant with the requirement of no more than 60no. persons per 0.5 Ha.

The process utilised by Cyrrus Limited to determine the population density of the proposed development is consistent with the methodology employed for Phase 1A, Phase 1B and Phase 1C previously. Through an iterative process occupancy points are allocated to each dwelling and a density heatmap is generated.

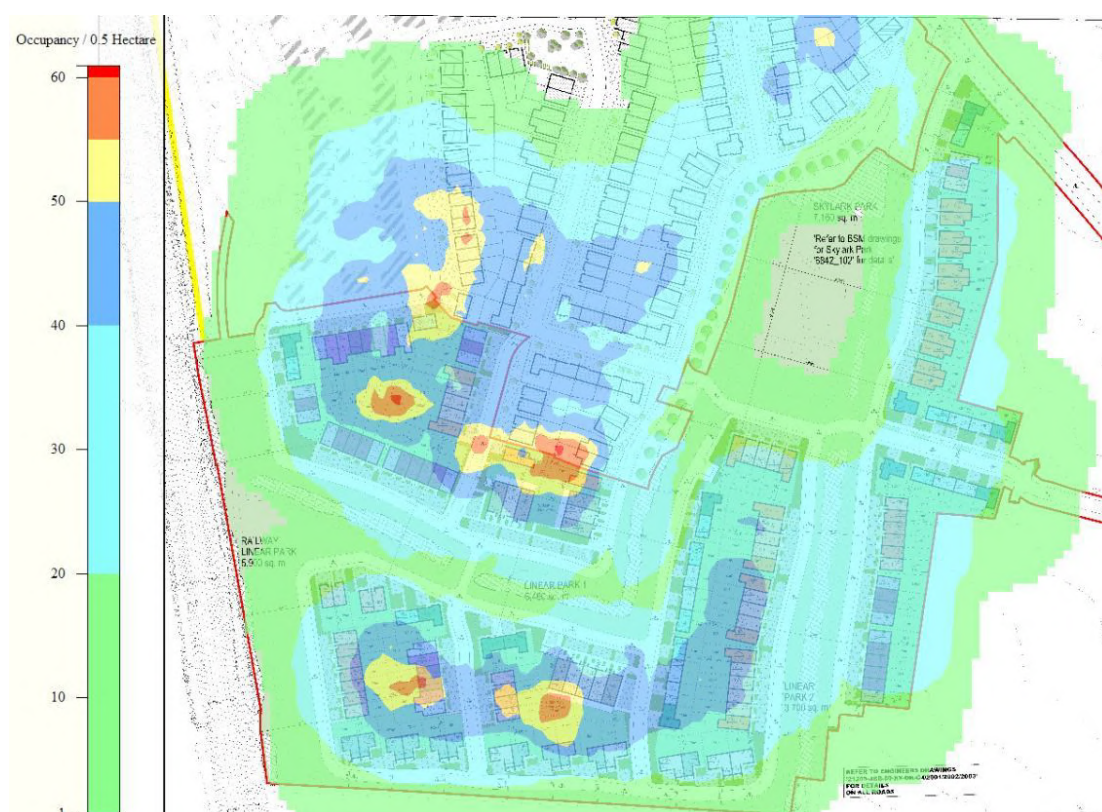


Figure 2: Extract from the Aviation Public Safety Zone Assessment, prepared by Cyrrus Limited showing the 'density heatmap' for the proposed development.

Half Hectare grids are placed over the areas where population density is indicated as being highest (red / orange) to determine the actual population per half hectare using occupancy points. This analysis generally concludes that: -

"Of the identified ½ hectare grid squares, none exceed the stated maximum population density of >60 persons per ½ hectare.

This development does not compromise the population density of earlier phases of the development or pre-existing dwellings.

...The total residential occupancy is expected to be 461 persons based on an occupancy rate of 2.68 per dwelling. This results in an average residential population density of 43.25 persons per ½ hectare over the whole site."

From the perspective of aviation safety, it can be clearly demonstrated that the proposed layout does not exceed the requirement of 60no. persons per half hectare.

Furthermore, with LAP sets out a number of requirements in relation to building height, views and transition to open space located to the south and east of the LAP lands.

In Section 7.2 – Character Areas of the LAP it is set out with regard the Skylark Park Area that *"care also needs to be taken to preserve the views from higher ground"*.

We refer the Board to the EIAR Chapter 12: Landscape & Visual Impact Assessment, prepared by Brady Shipman Built Environment Consultants. Generally, the EIAR chapter set out that when the development becomes operational: -

"The Proposed Development is situated south of the existing Phase 1A, Phase 1B and Phase 1C (under construction) and is primarily located to the west of the townland boundary hedgerow. The townland hedgerow will be incorporated within public open space 'Skylark Park' and associated linear parks.

Therefore, this is one of the least visible areas of the LAP development lands – with views confined to properties within Phase 1A, Phase 1B and Phase 1C to the north as well as from the lands (agricultural, landscape buffer areas) immediately south of the Phase 1D area.

Development proposed to the east of the townland boundary / Skylark Park is located in a visually more open setting. However, these residential properties will be eventually subsumed into the build-out of the wider masterplan for the residential zoned lands. Properties, which define the southern limited of the Phase 1D residential development will be more visible from the south and have been specifically designed as 'edge properties' with a distinctive design and material finish. The southern leading edge of the Phase 1D development will be visible from Moyne Road in the vicinity of the proposed permanent road connection, and in views north from lands further south of Moyne Road, including Racecourse Park.

The Proposed Development, including the road connection to Moyne Road, is fully consistent with the objectives and requirements of the Portmarnock South LAP.

*The sensitivity of the receiving visual environment and the Magnitude of Change are considered Medium. **The visual impact of the Operational Phase is assessed as being of Moderate Positive Medium to Long-term Significance."***

Section 7.4 – Building Height of the LAP sets out with regard the southern edge of the LAP lands onto the ecological buffer zone / open space lands that heights should be no more than one and a half storeys.

The southern edges of the LAP lands mark the transition to more expansive open space area to the south, therefore, the building height and scale of development need to reflect the sensitivity of this edge. The proposed development along this edge includes a 1.5 / 2 storey house type to create an appropriate edge in terms of scale.

We refer the Board to the Architectural Rationale, prepared by Burke Kennedy Doyle which sets out the appropriateness of the proposed dwelling along the southern edge of the proposed development as a suitable edge condition in the context of the adjoining landscape / surroundings.

The general provisions of the National Planning Framework – Ireland 2040 and the Regional Spatial and Economic Strategy (RSES) for the East and Midlands to promote sustainable densities in proximity to public transport are acknowledged. In the context of this application site the key driving factor with regard density is adherence to aviation safety requirements. As set out above the proposed layout is first and foremost in accordance with the aviation provision and the layout is subsequently tailored to the existing condition of the surrounding area. As such, the net density of c. 32.3no. units per Ha is appropriate in this context.

Overall, on the basis that the proposed layout is within the limits of the aviation restrictions and the scale of development towards the southern edge is suitably reduced the net density of the Phase 1D proposal is considered appropriate in this context. Furthermore, we would add that FCC have noted during Pre-Planning Consultation that the proposed density in the context of the overall LAP lands is acceptable also.

3.4.2 Issue 2 – Drainage Infrastructure

We refer the Board in the first instance to the Water Services Report and the Surface Water and Foul Drainage Drawings, prepared by J.B Barry & Partners Consulting Engineers. These documents and drawings set out the detail in relation to water and drainage infrastructure requirements and design proposals for this scheme.

As per Section 11.6 of the LAP, the general guidance with regard phasing notes that the Irish Water Pumping Station and associated outfall will need to be commissioned following the completion of the first 100no. units (Objective WW1 of the LAP).

There has been extensive dialogue between Irish Water and JB Barry & Partners Consulting Engineers in relation to wastewater proposal to service the proposed development. Due regard has been given to the issues raised by both Irish Water and FCC as part of the Pre-Planning consultation for the proposed development.

As part of the SHD Planning Application for Phase 1B (Dún Sí) JB Barry & Partners Consulting Engineers liaised with Irish Water and it was demonstrated that there was sufficient capacity within the existing Mayne Road Pumping Station to cater for that development, notwithstanding the provisions of the LAP. The provision of a temporary private 24 hour storage tank, which will be removed once the permanent solution is operational was agreed. A Certificate of Feasibility issued by Irish Water at the time of making the SHD Planning Application for Phase 1B to confirm the above was acceptable in principle.

This process was repeated for Phase 1C (ABP Ref. 305619-19 refers), whereby additional spare capacity was confirmed. A Certificate of Feasibility was issued by Irish Water at the time of making the SHD Planning Application for Phase 1C as the principle had been established.

Subsequent to receipt of the permission for Phase 1C under ABP Ref. ABP-305619-19, JB Barry & Partners Consulting Engineers submitted a Pre-Connection Enquiry to Irish Water and received a Confirmation of Feasibility (CoF) from Irish Water, dated 23 October 2019 in respect of the planned Phase 1D development.

FCC subsequently requested an updated CoF as part of the SHD Pre-Planning engagement for Phase 1D. Irish Water in turn requested a re-submission of the pre-connection enquiry as it was in excess of 12 months old, for their review to confirm that no significant changes have occurred to the Irish Water wastewater network in the last 18 months, which would influence the feasibility assessment. The pre-connection enquiry form was re-submitted in April 2021.

A bespoke CoF from Irish Water was received by JB Barry and Partners Consulting Engineers on 4 October 2021 which confirms connection to the foul network is feasible subject to certain upgrade works being carried out the temporary pumping station (these upgrade works are included as part of this SHD Planning Application). The upgrades broadly include: -

- Additional operational storage (6 – 12 hours).
- Telemetry and PLC upgrades (to allow the 3no. pumping stations to communicate with one another e. Existing Portmarnock Bridge Pumping Station, Mayne Road Pumping Station and St. Marnock's Temporary Pumping Station).
- Full detail of the upgrades provided in the Water Services Report and Interim Pumping Station Drawings, prepared by JB Barry and Partners Consulting Engineers.

The Applicant have been in contact with Irish Water regarding the delivery of the new Pumping Station required to serve the Portmarnock South lands in the longer term. This dialogue has been to impress upon Irish Water of the urgent need for the project and to ensure that the Irish Water project has regard to the subject proposals and also to ensure the proposals are co-ordinated in design terms to the extent necessary. The envisaged timeline for delivery of the new Irish Water Portmarnock Bridge Pumping Station is c. 2025.

It is intended to connect the foul sewerage from the proposed 172no. residential units of the development to the existing foul sewer network in the Portmarnock South LAP lands. The connection will be to the permitted Phase 1C development, which is currently under construction, immediately to the north of the proposed Phase 1D development.

The network discharges to an existing temporary pumping station adjacent to Station Road (constructed under the Phase 1B Development – ABP Ref: ABP–300514-17 refers) from where it is pumped to a gravity line which discharges to an existing foul sewer in Coast Road. This sewer discharges to the Mayne Bridge Pumping Station from where it is pumped to the North Fringe Sewer

The proposed new foul sewer network is shown in principle on accompanying drawing 21205-JBB-00-XX-DR-C-04001 to 04005 incl. Ultimately, all foul flow from the Portmarnock South LAP lands will discharge by gravity to a proposed new Irish Water Pumping Station adjacent to Portmarnock Bridge from where it will be pumped directly to the North Fringe Sewer, south of Mayne River.

When the new Irish Water Pumping Station is operational (subject to planning permission being granted for same) all flows from the existing Phase 1A and 1B developments, the Phase 1C development currently under construction, this proposed Phase 1D and all future phases will be permanently diverted to the new pumping station.

The temporary pumping station, associated pipework and 24-hour emergency storage will then be decommissioned. The proposed new Irish Water pumping station and associated works are consistent with the requirements set out for disposal of foul effluent in Section 9.2, Wastewater Network and Treatment of the LAP.

It is recognized that this proposal deviates from the LAP (Objective WW1). However, Irish Water have confirmed that connection to the foul network is feasible subject to certain upgrade works being carried out the temporary pumping station.

This submission is accompanied by a CoF from Irish Water which confirms acceptance and agreement of the position set out above.

3.4.3 Issue 3 – Development Phasing

Section 11 of the LAP discusses the phasing and sequencing of Development. Two growth areas have been identified to facilitate the orderly progression of the development with two sub-phases of development within each growth area: -

- **Growth Area 1 – Phases 1 & 2:** This growth area adjoins Portmarnock Train Station, Station Road and the Dublin-Belfast railway line and incorporates two development phases. The phases of residential development within Growth Area 1 will ensure that linkages are created to the train station, the small centre, open space and recreational amenities and the wider area in a north-south and east-west direction.
- **Growth Area 2 – Phases 3 & 4:** This Growth Area is located within the eastern and southern sections of the plan lands and provides for two development phases. Each phase will ensure that linkages are created to open spaces, the train station, small services and the wider area. See Figure 2 ‘Growth Areas and Phasing’ below which shows the extent of both Growth Areas.

It is noted from the Portmarnock South Local Area Plan that *“planning applications for each Growth Area shall be in accordance with the phasing set out in this section”*.

The proposed development (Phase 1D) forms the next logical and sequential step in the development of Growth Area 1 as set out in the phasing requirements of the Portmarnock South LAP. The remainder of the units will be located directly east to form a build edge to Skylark Park and the Linear Park extending south. The rationale for this minor deviation from the LAP phasing is as follows: -

- This proposed configuration with the Skylark Park at its centre, is a more logical and efficient design layout to ensure efficient construction delivery of housing for residents in this development, with a new estate access road to be opened to Mayne Road as part of the design.
- A phase of c. 172no. units will be delivered over a 2+ year build programme and the strong market demand and future housing needs will ensure easy absorption of this velocity of housing delivery at St Marnock’s Bay.
- Development will front onto Skylark Park from all sides improving passive surveillance much sooner than provided for in the LAP.

- From a construction point of view, there is improved continuity and less impact from having to extend haul roads.



Figure 3: Growth Areas and Phasing – Extract taken from Portmarnock South Local Area Plan – Phasing and Implementation. Indicative direction of future development shown with dashed line arrow (Overlay by SLA).

As part of the Pre-Planning Consultation, the Planning Authority noted their support in principle of this minor deviation from the phasing within the LAP, subject to final detailed assessment of the SHD Planning Application.

Further to this, the section on linking development to infrastructure in the Portmarnock South Local Area Plan further backs this structure. The LAP states: -

*“Whilst the orderly progression of development is fundamental to the proper planning and sustainable development of these LAP lands, **a degree of flexibility will be considered in recognition that a developer may be in a position to deliver a part of a site before others.** However, development which does not have clear connectivity between the two growth areas or phases to adjoining development, to the train station and local services and open space, would be considered contrary to proper planning and sustainable development of the area”.*

A new vehicular road with a priority junction on Moynes Road is proposed as part of the proposed development. All internal roads will interconnect between Phase 1B, Phase 1C and the proposed development to ensure that both Growth Area 1 and Growth Areas 2 suitably and logically linked. As set out above, it is considered providing an active residential edge within Growth Area 2, Phase 4, provides passive surveillance to Skylark Park. The construction of the permanent road to facilitate the future residents will provide improved access.

4 CONCLUSION

We respectfully submit that, should the Board consider the proposed development is a material contravention of specific Development Plan and / or Local Area Plan objectives, that there is reasonable justification to grant permission, having regard to the relevant criteria under Section 37(2)(b) of the Planning and Development act 2000, as amended.

We consider that the Board have also been provided with comprehensive evidence to support the making of such a decision to materially contravene the objectives of the Fingal County Development Plan 2017 – 2023 and / or the Portmarnock South Local Area Plan 2013 (as Extended), in the event the Board considers that necessary.

We acknowledge that the function lies with An Bord Pleanála to determine whether the proposed development materially contravenes the relevant objectives of the Development Plan and/or the Local Area Plan. If minded to grant permission, it is required to provide its rationale for granting permission having regard to the specific considerations set out under Section 37(2)(b) of the Planning Act. We trust that this report is of assistance to the Board in respect of its assessment and determination of the matter.

Stephen Little & Associates are committed to progressing and achieving sustainable development goals.

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