

STRATEGIC HOUSING DEVELOPMENT
PLANNING APPLICATION
MATERIAL CONTRAVENTION STATEMENT
FOR LANDS AT HOLLYSTOWN-KILMARTIN, DUBLIN 15

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CLIENT
Glenveagh Homes Ltd.

DATE
December 2021

LANDS AT HOLLYSTOWN-KILMARTIN

Material Contravention Statement

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1 INTRODUCTION

This document seeks to address the issue of material contraventions of the Fingal County Development Plan 2017-2023 (Development Plan), and the Kilmartin Local Area Plan 2013 (Local Area Plan), as extended, as required under Section 8 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

This Statement provides a rationale for An Bord Pleanála, as the consenting authority, to conclude that there is justification for potential material contraventions in relation to Local Objective 72 and car parking provision of the Development Plan and density of the Local Area Plan.

Section 9 (6) of 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 having regard to the considerations specified in section 37(2)(b) of the Act of 2000.

The subject site is located within Fingal County Council, approximately 3.2 km north of Blanchardstown town centre and 2.5 km south west of the M2/N2 motorway, and c. 8kms north-west of Dublin City Centre. As such, the lands are subject to the Fingal County Development Plan 2017-2023. The subject lands are also partly subject to the Kilmartin Local Area Plan 2013 (as extended).

The proposed development will consist of the development of 548 residential units. A full description is set out in the Statutory Notices.

This Statement provides a justification for potential material contraventions of the above referenced statutory planning documents, in relation to the Fingal County Development Plan and Kilmartin Local Area Plan as follows:

(i) Local Objective 72

Local Objective 72 seeks the inclusion of a 2.5 ha recreational facility for the Dublin G.A.A. County Board on lands contained with Site 2. It is now proposed to provide this on lands to the north using the former Hollystown Golf Course facility totalling 9.7ha.

(ii) Parking Provision for Apartment Units

Section 12.10 of the Development Plan identifies parking standards for residential development. The *Sustainable Urban Housing, Design Standards for New Apartments* (2020) establish the principle for the re-examination of car parking provision and should be considered over the Development Plan parking standards on a site specific contextual basis.

(iii) Density of LAP Lands

We have also set out a potential contravention, which is not in our opinion considered a Material Contravention but is none the less included in this report, in respect of density standards in the Local Area Plan for consideration by An Bord Pleanála.

It is considered therefore, as is set out in this report and the supporting planning application documentation, that sufficient justification exists for An Bord Pleanála to grant permission for the proposed development if it concludes that material contraventions of either or both Fingal County Development Plan and the Kilmartin Local Area Plan having regard to the considerations specified in section 37(2)(b) of the Act of 2000.

2 PLANNING AND DEVELOPMENT (HOUSING) AND RESIDENTIAL TENANCIES ACT, 2016 (AS AMENDED)

Under Section 8(1)(a)(iv) 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:

- “(I) setting out how the proposal will be consistent with the objectives of the relevant development plan or local area plan, and*
- (II) where the proposed development materially contravenes the said plan other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000”*

Section 9 (6) of 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 or Local Area 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

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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 [Our Emphasis]***

The potential material contraventions set out in this report relate to local objective 72, parking provision and density, as the zoning of the site permits residential development and associated land uses.

The application boundary also includes for lands zoned Open Space and Rural. No residential or ancillary residential development is proposed in this area, this land is included to allow for services connections as required by Irish Water and for pedestrian and cycle connections as part of the Kilmartin LAP.

There is no material contravention in relation to the zoning of the land, which allows for residential use.

3 PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED)

As outlined in Section 2 above, the Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended) sets out at Section 9 (6)(c), 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 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) of the Planning and Development Act 2000 (as amended) states the following in relation to material contravention:

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

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

- i. the proposed development is of strategic or national importance,*
- ii. there are conflicting objectives in the Development Plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- iii. permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*
- iv. permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.’ [Our Emphasis]*

It follows from the foregoing that it must be established that the proposed development is of “strategic” or “national importance” and that one of the other criteria under (ii), (iii) or (iv) are met. It is considered, in the case of this development that the scheme can be considered under Criteria (iii) and (iv).

As set out in the following sections of this Statement, the proposed site is considered in light of relevant National Policy and Section 28 Guidelines and is considered to comply with the requirements of both the Guidelines and Section 37 (2) of the Planning and Development Act 2000, and as such An Bord Pleanala should grant permission even if it is of the view that a material contravention has occurred.

4 SITE CONTEXT

The subject lands have two distinct parts referred to as Hollystown Sites 2 & 3 to the north, and Kilmartin Local Centre to the south. The Hollystown Sites 2 & 3 lands are largely undeveloped with the western-most part of the lands being greenfield in nature and the eastern-most part of the lands currently in use as a construction compound, with part of the site forming part of the former Hollystown Golf Course lands. The Local Centre lands are undeveloped but accessible via previously constructed roadways. The Local Centre lands subject of this application, lie immediately to the east of the R121, and form the eastern part of the overall Local Centre lands as identified in the Kilmartin LAP and Fingal Development Plan.

Two no. high voltage overhead power lines traverse the site: a 110kv line traverses the northern boundary across Hollystown Sites 2 & 3, and a 220kv line traverses the Local Centre to the south. Development is restricted within 20m on either side of the 110kv lines, and 30m on either side of the 220kv lines. This

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means that a large portion of the site is unavailable for development, but can be provided for amenity purposes.

The site is generally bound by the R121 to the east, and Glenveagh Homes lands at 'Site 1' subject of a recent grant of planning by Fingal County Council (Planning Reg. Ref. FW21A/0042), and residential areas of Hollywoodrath to the east beyond the R121; Fingal County Council lands to the south (incl. Tyrrelstown Park) and beyond this to the south and west by the educational facilities of Tyrrelstown, and further to the south (and west) by Tyrrelstown Local Centre and Kilmartin Local Centre lands (not subject of this application); to the west by undeveloped lands within the ownership of Glenveagh Homes; and to the north by the former Hollystown Golf Course lands (please see Fig. 2.1 below), and further north-east by the Ratoath Road.

The new residential area of 'Bellingsmore' (developed by Glenveagh Homes and nearing completion), lies to the south and south-east of Hollystown Sites 2 & 3 and to the north of the Kilmartin Local Centre lands.

The lands fall both within and outside the Kilmartin Local Area Plan 2013 (as extended) and wholly within the Fingal County Development Plan 2017-2023 area. The Hollystown Sites 2 & 3 lands are zoned RA 'New Residential', and the Kilmartin Local Centre lands are zoned LC 'Local Centre'. An area to the north of the Hollystown Sites 2 & 3 lands are zoned OS 'Open Space' and proposed for Class 1 open space only. As such the use of the majority of these lands for residential purposes, as proposed, is provided for in the Core Strategy of the Fingal Development Plan 2017-2023, and the Kilmartin Local Area Plan 2013 (as extended) and where relevant.



Figure 4.1: Subject site in the wider urban context (Source: Google Maps, 2021).

5 JUSTIFICATION FOR MATERIAL CONTRAVENTION

5.1 Potential Material Contraventions

The development as proposed may be considered to materially contravene the Fingal County Development Plan 2107-2023 with regard to the specific local objective 72 and parking provision for apartments. A potential contravention in respect of the Kilmartin LAP is also set out in respect of density for consideration by An Bord Pleanála.

As this Statement demonstrates, the proposed development is consistent with the relevant national planning policies, regional spatial and economic strategy and Section 28 guidelines, including the National Planning Framework (2018), the Urban Development & Building Height Guidelines (December, 2018) and the Sustainable Urban Housing, Design Standards for New Apartments (2020).

5.1.1 Specific Local Objective 72

In further seeking to deliver meaningful and significant community infrastructure in the area, and as part of the delivery of the zoning objectives for the subject lands, Glenveagh Homes have engaged with Dublin GAA in relation to Local Objective 72 to *“Provide a recreational facility for the Dublin G.A.A. County Board, through the provision by them of a 2.5ha playing pitch and local recreational community facility including a clubhouse, related ancillary facilities and car and cycle parking”*.

The potential to provide these facilities in the Site 2 portion of the site was considered by the Applicant and design team, and it was decided that it would be preferable to provide these facilities at an alternative, and more appropriate location, outside of the Site 2 landbank, but connected to it. The current proposed location within open space zoned lands allows for the re-use and re-purposing of the former Hollystown Golf Club clubhouse and car park, and continues the established use of leisure amenity at this location.

Following engagement with Dublin GAA it is now proposed to deliver a larger 9.7ha GAA / community playing fields and facility to the north of the residential scheme proposed in this development at the site of the former Hollystown Golf Club, which will be subject to a separate application for development. This larger landbank will seek to make use of existing car access, parking, and clubhouse facilities at the former Hollystown Golf Club, and connect back to residential areas through the links proposed as part of this current application and delivered as Class 1 Public Open Space. Dublin GAA are preparing to lodge an application for this facility in Dec 2021/Jan 2022.

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The proposed revised location, as per the below image, allows for a significantly enlarged facility to be developed by the Dublin GAA which better responds to their identified needs, with GVH having transferred c. 9.7ha of land for this to be facilitated. This is far in excess of the proposed Local Objective aspiration of 2.5ha.



Figure 5.1: Proposed location of Dublin GAA facility (Source: Deady Gahan, 2021).

The future planned GAA facility is proposed to be connected to the existing and planned residential developments through the provision of a parkland setting of pedestrian and cycle networks which will integrate this planned facility into the wider residential community.

This is shown indicatively in the Master Plan Framework document, and documentation submitted with this SHD Application.

This proposal delivers significantly beyond the Local Objective requirements in land area and in terms of the breadth of facility that will be delivered to the Dublin GAA but importantly also back to Tyrrelstown GAA and the wider community. It is put forward that the Local Objective 72 is met at an alternative location but proximate to the residential area in which it is proposed in the Fingal Development Plan. It is nonetheless linked back to the adjacent residential communities through the provision of significant pedestrian and cycle linkages

and public open space provision, right back to the educational facilities and Local Centre to the south.

It is submitted that the development proposed in this SHD Application is consistent with the objectives of the Fingal County Development Plan by responding to, and fulfilling, zoning and local objectives however the revised location of the required GAA facility is captured in this Material Contravention Statement to allow consideration by An Bord Pleanála.

5.1.2 Car Parking Provision

The appropriate level of car parking provision for the proposed development has been determined with reference to Chapter 12 (Table 12.8) of the Fingal Development Plan (2017-2023) as published by Fingal County Council which outlines the car parking standards for the county.

Reference has also been made to Chapter 4 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, as published by the Department of Housing, Planning and Local Government (DHPLG) in March 2018 (updated December, 2020).

The Sustainable Urban Housing, Design Standards for New Apartments seek to minimise car-parking in accessible locations and to maximise a modal shift to public transport due to proximity to public transport routes, in particular the existing and proposed Dublin Bus services to this location.

Car parking provision for apartment and duplex units on the Local Centre lands are in line with Government Guidelines as per *Sustainable Urban Housing, Design Standards for New Apartment (2020)*. All other units are provided in line with the Fingal County Development Plan standards and as such are compliant with relevant Development Plan standards.

As set out in the DBFL Traffic and Transport Assessment Report, a total of 1,057 no. car parking spaces are required by the FCC Development Plan for the proposed quantum of residential development. By comparison, for the apartment element of the scheme the DHPLG standards state that a reduced quantum of car parking should be considered.

Overall, a total of 928 no. car parking spaces will be provided at the proposed development. For the residential development, a total of 869 no. spaces will be allocable to residential units, equating to an overall car parking ratio of 1.6 spaces per unit. With regards to Hollystown Sites 2&3, a total of 790 no. car park spaces will be provided with 761 no. spaces allocated to residents whilst the remaining 29 no. spaces will be provided as visitor car parking spaces. Residential parking as such is provided at 1.9 spaces per unit. All units are provided in compliance with the Fingal County Development.

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Within the Kilmartin Local Centre development, a total of 138 no. spaces will be provided. The breakdown at this location is as follows; 108 no. residential spaces, 5 no. staff parking at the crèche/Montessori, 10 no. set-down spaces at the crèche/Montessori, 6 no. visitor spaces and 9 no. public spaces on the Link Street. Residential apartment parking as such is provided at a rate of 0.9 per unit and as such may be considered to material contravene the Development Plan standards.

In addition high-quality cycle parking and associated facilities are provided in the proposed development with a total of 437 provided for residents and 84 provided for visitors and commercial uses, this excludes parking for proposed houses which is accommodated within each unit. Residents parking is provided in secure locations in addition to visitor spaces located throughout the landscaped open space in the scheme providing easy access for visitors to apartment occupiers. Bicycle parking provision is also in line with Government Guidelines as set out above, exceeding Fingal Development Plan requirements.

The proposed residential development will promote sustainable travel patterns due to its location, layout, design and proximity to the public transport and cycle networks. These will be complemented with a Mobility Management Plan and the appointment of a Mobility Manager to promote sustainable travel patterns by residents.

The proposed residential development is located such that it will not have any significant traffic impact on the existing residential development in the area. The access and internal layout is designed in accordance with DMURS and includes for good permeability and will promote and facilitate sustainable travel patterns as part of the overall development.

5.1.3 Density

With regards to density, Section 4.4.1 of the LAP discusses Density and Housing Mix, stating *'The RA lands west of the R121 will support net densities of 35 units per hectare representing c. 866 units.'*

The following objectives are relevant in this regard:

- *Objective DHM01 Promote a sustainable mix of housing types, sizes and tenures to reflect the diversity of needs in an expanding community set in a high quality well designed environment.*
- *Objective DHM02 Promote the provision of family sized residential units.*

The LAP outlines sustainable locations for higher densities at the Local Centre and at appropriate adjacent locations. Medium densities are identified across the majority of the lands. Lower densities are identified at the eastern and western parts of the site. Density is a key aspect of ensuring the sustainable use of residentially zoned and accessible lands.

The proposed development responds to the objectives of the LAP in providing density at 35.2 units per hectare on Sites 2 & 3 and density of 80 units per ha on the Local Centre Lands. The overall density of the proposed scheme is 40 units per ha per units (based upon a development area of 13.55ha).

We note, Objective SS01 aims to: *Consolidate the vast majority of the County's future growth into the strong and dynamic urban centres of the Metropolitan Area while directing development in the hinterland to towns and villages, as advocated by national and regional planning guidance.*

No specific density range is specified for the Local Centre lands so the proposed density of 80 units per ha is considered in the context of the wider objectives of the LAP and the Design Standards for New Apartments Guidelines for Planning Authorities.

For the Lands at Sites 2 & 3, the lands are partially within the LAP area and as such only these lands could be considered in respect of any contravention of the LAP. The Sites 2 & 3 are provided at a density of 35.2 which is considered in compliance with the LAP requirement of 35 units per hectare however is identified as an exceedance by 0.2 units per hectare and is included for consideration by An Bord Pleanala.

5.2 Context for Material Contraventions

The following sections set out the context for the justification of the scheme in terms of meeting the requirements of Section 37 (2) (b) (i) and (iii) by considering the proposed scheme in the context of both National and Local Planning Policy and Guidelines.

5.2.1 Housing For All

Housing for All, published in September 2021, is the Government's new housing plan to 2030. It provides an overview of the existing housing scenario as follows:

- There are not enough houses to buy or rent in the private sector.
- There are not enough houses being built by the State for those who need social housing.
- Housing has become increasingly unaffordable for the 'squeezed middle' who would once have expected to be able to purchase their own home.
- Too many people are experiencing homelessness or are unable to access appropriate housing.
- The cost of building housing is too high.
- Too much vacant housing stock remains unused.
- Our housing stock needs to be more environmentally friendly.

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The overarching aim of the *Housing for All* plan is that “Everyone in the State should have access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life”. With a view to achieving this aim, the plan sets out four overarching housing policy objectives as follows:

1. Supporting homeownership and increasing affordability;
2. Eradicating homelessness, increasing social housing delivery and supporting social inclusion;
3. Increasing new housing supply; and
4. Addressing vacancy and efficient use of existing stock.

The proposed development is consistent with the Government’s new *Housing for All* plan. It will provide approx. 548 new, high-quality homes on lands zoned for residential development. In accordance with Government housing policy, the units will be of a range of tenure and housing types, including social housing (10% Part V provision) distributed throughout the proposed development.

5.2.2 Rebuilding Ireland – Action Plan for Housing and Homelessness

Rebuilding Ireland is the Government’s Action Plan for Housing and Homelessness, launched in 2016. The Plan’s aim is to accelerate housing supply by addressing the needs of homeless people and families in emergency accommodation, accelerate the provision of social housing, deliver more housing, utilise vacant homes and improve the rental sector.

The Plan contains five key pillars:

- Pillar 1 – Address Homelessness: Provide early solutions to address the unacceptable level of families in emergency accommodation; deliver inter-agency supports for people who are currently homeless, with a particular emphasis on minimising the incidence of rough sleeping, and enhance State supports to keep people in their own homes.
- Pillar 2 – Accelerate Social Housing: Increase the level and speed of delivery of social housing and other State-supported housing.
- Pillar 3 – Build More Homes: Increase the output of private housing to meet demand at affordable prices.
- Pillar 4 – Improve the Rental Sector: Address the obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents.
- Pillar 5 – Utilise Existing Housing: Ensure that existing housing stock is used to the maximum degree possible - focusing on measures to use vacant stock to renew urban and rural areas.

The proposed development at Hollystown is consistent with Pillar 2, 3 and Pillar 4 as the scheme is proposing to construct 428 no. houses and apartments / duplex in this established Dublin area with 10% being social housing.

5.2.3 Project Ireland 2040 – National Development Plan 2018-2027

Project Ireland 2040 is the Government's overarching planning and development policy for the country to 2040. It constitutes a "*strategy to make Ireland a better country for all of its people*" by setting public investment policy at a high level. It comprises two documents: the *National Planning Framework* (NPF), which details the strategy for development to 2040; and the *National Development Plan* (NDP), which outlines the public expenditure required to implement this strategy and identifies priority future projects.

The NPF is the Government's high-level strategic plan for shaping the future growth and development of Ireland to 2040. It is a framework to guide public and private investment to create and promote opportunities, and to protect and enhance the environment.

The subject development's proposed quantum of car parking provision aligns with measures outlined within the 'Project Ireland 2040 – National Development Plan 2018-2027' policy document which aims to encourage a significant modal shift away from private car usage and towards more active and sustainable modes such as walking, cycling, and public transport.

Total compliance costs for missed 2020 emission targets are estimated to be between €70 million to €125 million. The first piece of legislation in the new Government's arsenal to decarbonise the economy, the Climate Action Bill, has been passed by the Dáil and Seanad in July 2020. The Climate Action Bill enshrines the 7 per cent target in law and carbon neutrality by 2050, while the new Climate Action Council would set out how this can be achieved.

The Climate Action Council has targeted a low-carbon road mapping process which will be guided by a long-term vision of low-carbon transition based on an aggregate reduction in carbon dioxide (CO₂) emissions of at least 80% (compared to 1990 levels) by 2050 across the electricity generation, built environment and transport sectors.

5.2.4 National Planning Framework

The National Planning Framework (NPF) identifies that by 2040 it is expected that an additional one million people will live in Ireland, and an additional two-thirds of a million people will work here. These are huge increases: more people will be travelling to work, school and universities, more buildings will be needed to

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accommodate them, clean water will be needed for homes, farms and industry, more and better care facilities will be required for the elderly.

One of the key objectives of the NPF relates to compact growth. The plan seeks to carefully manage the sustainable growth of compact cities, towns and villages and to add value and create more attractive places in which people can live and work. The NPF identifies that activating *'strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development'* as a top priority.

With regards to Dublin the NPF identifies that the city needs to *'accommodate a greater proportion of the growth it generates within its metropolitan boundaries and to offer improved housing choice'*.

National Policy Objective 3a in this regards states:

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

National Policy Objective 4 in this regards states:

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 Objective 11 in this regards states:

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

National Policy Objective 13 in this regards states:

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

National Policy Objective 33 in this regards states:

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 Objective 34 in this regards states:

Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time.

The NPF requires homes to be located in places that can support sustainable development. This includes places that are accessible to a range of local services, can encourage the use of public transport, walking and cycling, and help tackle climate change. The proposed development is also responding to the existing strong demand in the area and in a location that is highly accessible to both existing local facilities and public transport routes to the City Centre and as such development as proposed is considered appropriate to justify any potential material contraventions.

5.2.5 Eastern and Midland Regional Assembly –Regional Spatial & Economic Strategy (RSES)

The Regional Spatial and Economic Strategy (RSES) is a strategic plan and investment framework to shape the future development of the Eastern & Midland Region to 2031 and beyond. The region is the smallest in terms of land area but the largest in population size and is identified as the primary economic engine of the state.

The Strategy identifies that the region ‘is home to over 800,000 households, with 4 out of 5 living in conventional housing while apartments account for around 18% of our housing stock. One of the challenges facing the region is the continued growth rates of household formation coupled with a severe slowdown in the development of new housing stock during the economic recession, resulting in housing supply and affordability pressures in both sale and rental markets, particularly in Dublin and urban areas but affecting all of the region’.

The Strategy is underpinned by key principles that reflect the three pillars of sustainability; Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. The plan identifies that the central need is for the RSES to be people focussed, as ‘quality of life’ encapsulates strong economic output and stability, good environmental performance and a good standard of living for all.

The subject site is located with the Dublin Metropolitan Area, as designated by the Strategy. The Metropolitan Area Strategic Plan (MASP) which is part of the RSES seeks to focus on a number of large scale strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. Blanchardstown is located in the North-west Corridor of the MASP.

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The NPF also sets out ambitious targets to achieve compact growth with 50% of housing to be provided within or contiguous to the built-up area of Dublin city and suburbs. To achieve this *‘the MASP identifies strategic residential and employment corridors along key public transport corridors existing and planned, that contain development opportunities...’*

Policy Objectives relating to Housing Delivery include:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’ ‘Sustainable Urban Housing; Design Standards for New Apartments’ Guidelines, and ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

5.2.6 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

The aim of these guidelines is to set out the key planning principles which should guide the delivery of residential development in urban areas. The Guidelines provide guidance on the core principles of urban design when creating places of high quality and distinct identity. The Guidelines recommend that planning authorities should promote high quality design in their policy documents and in their development management process. In this regard, the Guidelines are accompanied by a Design Manual discussed in the section below which demonstrates how design principles can be applied in the design and layout of new residential developments, at a variety of scales of development and in various settings.

The guidelines reiterate the need for compact urban residential development expressed in the NPF:

“... planning authorities should promote increased residential densities in appropriate locations, including city and larger town centres (defined for the purposes of these guidelines as towns with 5,000 or more people). This recommendation was based on three significant social, economic and environmental considerations, namely:

- *The trend towards smaller average household sizes,*
- *The need to encourage the provision of affordable housing, particularly in the greater Dublin area, and*
- *The need to reduce CO2 emissions by reducing energy consumption and to support a more efficient use of energy in the residential and transport sectors, in line with Ireland’s commitments under the Kyoto Protocol.” (p. 40)*

These qualitative standards have been brought through in the Design Manual as referenced above, the County Development Plan and in the Sustainable Urban Housing: Design Standards for New Apartments which have guided the design approach of the scheme. This is set out in detail in the accompanying Design Statements prepared by Deady Gahan and O'Mahony Pike Architects.

The guidelines emphasise the importance of sustainable settlement patterns through the provision of higher densities of residential development on lands within existing or planned transport corridors, i.e. within 500 m of a bus stop, or within 1 km of a light rail stop or rail station.

The proposed development is situated c. 500 m from a bus stop on the R121 (Stop No. 7678), served by Dublin Bus route 40e, and is broadly consistent with these guidelines. For further information, please refer to the Statement of Consistency prepared by BSM and submitted under separate cover.

This greenfield residentially zoned site is located adjacent an existing bus routes, adjacent existing local facilities, and employment areas.

5.2.7 Sustainable Urban Housing: Design Standards for New Apartments (2020)

The Sustainable Urban Housing Design Standards for New Apartments were approved by the Minister for Housing, Planning and Local Government and published in March 2018, and recently updated in December 2020 (in respect of Shared Accommodation only). The guidelines update previous guidance from 2015 and note that this is done so *in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines.*

The Guidelines note that the NPF projects a need for a minimum of 550,000 new homes, at least half of which are targeted for provision in Ireland's five cities and of particular relevance to this site it notes a shift in Government policy towards securing more compact and sustainable urban development, to enable people to live nearer to where jobs and services are located, which requires at least half of new homes within Ireland's cities to be provided within the current built-up area of each, i.e. on sites within the existing urban 'envelope'.

The Guidelines have been updated, from the previous 2015 Guidelines, to amend and address new areas including:

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- Enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;
- Make better provision for building refurbishment and small-scale urban infill schemes;
- Address the emerging 'build to rent' and 'shared accommodation' sectors; and
- Remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs.

The subject site represents a significant development on accessible greenfield lands within the urban extent, and as such represents a project that is fully supported by these Guidelines.

The Guidelines identify *Intermediate Urban Locations* as areas which are suitable for smaller scale higher density developments. The location of the Hollystown-Kilmartin residential development can be classified as an 'Intermediate Urban Location'. Such sites are considered within or close to i.e. within reasonable walking distance of, principal town or suburban centres or employment locations, that may include hospitals and third level institutions.

The subject site is located adjacent to the existing Tyrrelstown Local Centre and adjoining educational and community facilities, and there are many employment locations in the immediate vicinity, including for example North-west Business Park to the south east, Damastown Industrial Park to the south-west, which includes many large scale employers.

In addition, the lands are within a 5km radius of Blanchardstown Connolly Hospital, Technical University Dublin Blanchardstown Campus, and Blanchardstown Major Town Centre.

As set out in Section 4.21 of these Guidelines, in suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net, the Guidelines set out that Planning Authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. The Local Centre lands fall within this requirement.

With regards to cycle parking, the proposed scheme exceeds the standards as set out in the Fingal County Development Plan. The Traffic and Transport Assessment prepared by DBFL provides a justification for the level of car and cycle parking proposed.

5.2.8 Urban Development & Building Heights Guidelines for Planning Authorities (2018)

The Urban Development & Building Heights Guidelines for Planning Authorities identify that as reflected in 'the National Planning Framework 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' and that 'securing compact and sustainable urban growth means focusing on reusing previously developed 'brownfield' land, building up infill sites (which may not have been built on before) and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities'.

The Guidelines reference NPO 13 (from the NPF) which states that *'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'.*

The proposed scheme, as set out in this SHD Application is meeting the required density levels as permitted by the LAP and as restricted due to its location in the Dublin Airport Outer Public Safety Zone while building on existing and proposed public transport access to reduce car-parking levels adjacent the Town Centre.

5.2.9 Fingal County Development Plan 2016-2022

The emphasis of the Fingal Development Plan is to continue to consolidate the existing zoned lands and to maximise the efficient use of existing and proposed infrastructure. In this way the Council can ensure an integrated land use and transport strategy in line with national and regional policy.

We note, Objective SS01 aims to: *Consolidate the vast majority of the County's future growth into the strong and dynamic urban centres of the Metropolitan Area while directing development in the hinterland to towns and villages, as advocated by national and regional planning guidance.*

Tyrrelstown is described as a *"significant commercial and residential area located 3.5km to the north of the centre of Blanchardstown, but still within its development boundary"* that has *"a purpose built centre which was developed to serve the emerging residential population; as well as the wider area including new development at Kilmartin"* (p. 110). The stated development strategy for Tyrrelstown is as follows:

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“Enhance and improve this centre by encouraging suitable retail, commercial and residential uses alongside new school and associated recreational developments. Future development of this area whether of a local centre, open space or residential land use nature needs to respect existing development within the area and be carried out in a sustainable manner to provide a high quality living environment for the existing and future population.” (ibid.)

The following development objectives are set out for Tyrrelstown (ibid.):

- **Objective TYRRELSTOWN 1:** *“Provide for appropriate mixed use development which enhances local services and community facilities and which has a residential element.”*
- **Objective TYRRELSTOWN 2:** *“Create a network of pedestrian and cycle routes between Tyrrelstown, Kilmartin, Hollystown and Mulhuddart.”*
- **Objective TYRRELSTOWN 3:** *“Ensure the physical and visual integration of the centre with the newly developing residential areas to the north.”*
- **Objective TYRRELSTOWN 4:** *“Secure a safe and convenient road, pedestrian and cycle system and street network to accommodate the growth of Tyrrelstown.”*

Hollystown is described as follows in the Development Plan:

“Hollystown is a residential area located approximately 4km to the north of the centre of Blanchardstown, north of Hollystown Golf Course. It has developed from a small rural settlement, originally centred on the St. Thomas’s Church of Ireland and Hollystown House, a Protected Structure. An area of LC zoning is identified in the centre of the village to provide additional facilities to serve the emerging residential population, including that of Kilmartin. The proximity of rural lands and groups of mature trees contribute to the attractive setting of this area.”

The stated development strategy for Hollystown is as follows:

“Ensure the future development of this area respects existing development within the area and is carried out in a sustainable manner to provide a high quality living environment for the existing and future population.”

The following development objectives are set out for Hollystown:

- **Objective HOLLYSTOWN 1:** *“Provide for an appropriate level of development to complement existing local services and promote the provision of community facilities at a scale commensurate with the level of existing and future residential development.”*
- **Objective HOLLYSTOWN 2:** *“Ensure the physical and visual integration of the centre with the newly developing residential areas and landscape setting.”*
- **Objective HOLLYSTOWN 3:** *“Create a network of pedestrian and cycle routes between Tyrrelstown and Kilmartin, Mulhuddart and Hollystown.”*

The northern portion of the proposed development site is predominantly zoned as 'RA – Residential Area', for which the corresponding objective is to *“Provide for new residential communities subject to the provision of the necessary social and physical infrastructure”*. The southern portion of the proposed development site is predominantly zoned as 'LC – Local Centre', for which the corresponding objective is to *“Protect, provide for and/or improve local centre facilities”*. The northern (link) portion of the site also extends into lands zoned 'OS – Open Space', for which the corresponding objective is to *“Preserve and provide for open space and recreational amenities”*. The proposed pipeline portion of the site extends into lands zoned 'RA – Residential Area' and 'RU – Rural', for which the corresponding objective is to *“Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage”*.

The following zoning map-based objectives are also pertinent to the proposed development site:

- LAP 12.B: Site 3 subject to the *Kilmartin Local Area Plan* (2013; extended)
- MP 12.B: Portion of Local Centre lands subject to the *Tyrrelstown Masterplan*
- Local Objective 72 (Site 2): Provide a recreational facility for the Dublin G.A.A. County Board, through the provision by them of a 2.5ha playing pitch and local recreational community facility including a clubhouse, related ancillary facilities and car and cycle parking
- Local Objective 77 (within Local Centre lands): Facilitate improved parking and drop-off/collection on the approach road to and within Tyrrelstown school campus in conjunction with the Department of Education and Skills
- Indicative cycle / pedestrian route running along southern margin of Site 2

As such the proposed scheme, as set out in this SHD Planning Application to ABP, provides for high quality residential accommodation with associated community and social infrastructure, optimising the sites location adjacent the Local Centre. The proposed layout meets the objectives of the FCC Development Plan by providing for appropriate densities and pedestrian and cycle connections while providing for residential development in appropriate locations and the development of a GAA facility far in exceedance level of what is required under the Development Plan and which uses former sporting infrastructure.

5.2.10 Kilmartin LAP

As outlined previously in this report the application site partly sits within the Kilmartin Local Area Plan 2013-2019 boundary, with the rest of the site abutting this LAP boundary. The LAP was adopted by FCC on May 13th 2013 and was further extended at a Council meeting (Ref. F/119/18) until 11th May 2023.

The overall purpose of the LAP is as follows:

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- *Creation of a single community in the northern part of Blanchardstown, integrating with the existing community at Tyrrelstown.*
- *Provision of residential development in a phased and integrated manner, with a supporting level of mixed uses to serve the needs of the community in an extended local centre.*
- *Creation of a permeable and legible movement network for all modes of transport linking the lands internally and externally with the Greater Blanchardstown Area.*
- *Provision of high quality recreational open space and amenity facilities to meet active and passive recreational needs of the expanding population.*
- *Provision of community and health care facilities, in particular, schools.*
- *Protection, integration and enhancement of existing environmental features within the lands and in the park located directly south.*
- *Delivery of a high quality urban design to ensure that the area has its own unique character and identity and is a desirable place to live, work and recreate.*

While the proposed development sits partially within the LAP, and the remainder of the site immediately abuts this boundary, we note the importance of the LAP and its provisions. The development supports the achievement of the LAP and its vision as it provides a high quality residential development connected to the wider area.

As such the proposed scheme, as set out in this SHD Planning Application to ABP, provides for high quality residential accommodation with associated community and social infrastructure, optimising the sites location adjacent the Local Centre. The proposed layout meets the objectives of the Kilmartin Local Area Plan by providing for appropriate densities and pedestrian and cycle connections while providing for integrated residential development to already permitted and under construction residential lands within and outside the LAP.

6 STATEMENT IN RELATION TO MATERIAL CONTRAVENTION

The proposed scheme, as set out in this SHD Planning Application to ABP, provides for high quality residential accommodation with associated community and social infrastructure, optimising the sites location adjacent to the Local Centre and integrating residential development to that already permitted and under construction with improved connectivity under the control of the applicant.

Notwithstanding this, it is noted that there are potential material contraventions which may be considered by An Bord Pleanála to have occurred in respect of the delivery of Local Objective 72 on adjacent lands compared to those identified in the Development Plan, in respect of car parking provision for the

apartment/duplex units at the Local Centre and in respect of density on Sites 2 & 3.

As required in legislation, it is submitted that this can be justified under Section 37(2) (b) (iii) and (iv) of the Planning and Development Act 2000 (as amended) where the Board may determine under this section, to grant a permission even if the proposed development contravenes materially the LAP / Development Plan relating to the area of the planning authority to whose decision the appeal relates.

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

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

- i. the proposed development is of strategic or national importance,*
- ii. there are conflicting objectives in the Development Plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- iii. **permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or***
- iv. **permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.** [Our Emphasis]*

It follows from the foregoing that it must be established that the proposed development is of “strategic” or “national importance” and that one of the other criteria under (ii), (iii) or (iv) are met. It is considered, in the case of this development that the scheme is considered strategic due to:

- Zoned to accommodate residential development in both the Fingal County Development Plan 2016-2022.
- Is subject to a statutorily prepared Local Area Plan by Fingal County Council.

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- Contributes to the objectives of the National Planning Framework by providing much needed residential development in an identified urban area.
- Site is to be developed by, major landowner in the Hollystown-Kilmartin area, who is on site currently delivering the first phases of these strategic lands, and as such the scheme is permitted will be delivered and deliver much needed housing.

Having established that the scheme is strategic the following criteria are considered:

- (iii) *permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28 , policy directives under section 29 , the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government.”*
- (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 considered, in the case of this development that the scheme can be considered under Criteria (iii) and (iv) as set out in Section 5.

The proposed development is fully consistent with all National Planning & Development Policy and the aims and objectives of the Fingal County Development Plan and Kilmartin Local Area Plan, except where potential inconsistencies are set out and justified in this report.

Having regard to sections 37(2)(b)(i),(iii) and (iv) of the Planning and Development Act 2000 (as amended) and the following objectives with County, Regional and National guidance:

- *Housing for All*
- *The objectives of Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.*
- *Objectives 3a, 4, 11, 13, 33 and 34 of the National Planning Framework,*
- *The 2009 Guidelines for Sustainable Residential Developments in Urban Areas*
- *Section 4.21 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued in December 2020.*
- *Objective RPO 5.4 of the Regional Social and Economic Strategy for the Eastern and Midlands Region 2019-2031, and*

- *Objectives SS01 and Local Objective 72 of the Fingal County Development Plan.*
- *Kilmartin Local Area Plan 2013, as extended.*

All of which supports high quality residential development within the existing and expanding built up areas of Dublin and its suburbs, as is proposed in this case. It is submitted that despite potential contraventions of certain objectives of the Local Area Plan for the area and of Fingal County Development Plan, the proposed development is consistent with the ultimate aims and objectives of the Development Plan and wider region and national strategies and guidelines. The proposed location of the Dublin GAA facility, with an area of 9.7ha compared to the required 2.5ha, is fully agreed with Dublin GAA who are preparing a planning application currently.

The proposed development is in line with the National Planning Framework, and the *Sustainable Urban Housing Design Standards for New Apartments*. The realisation of the objectives of this national guidance necessitates facilitating residential development in appropriate locations, with corresponding parking provision. Parking on Site 2 & 3 are fully compliant with the Development Plan while the Local Centre is provided at 0.9 units per hectare below Development Plan standards but compliant with the National Planning Framework and Section 28 Planning Guidelines.

On the basis of the above provisions, we submit that the Board can grant permission for the subject development as proposed.