

**Applicant: LISMORE HOMES LTD.**



## **STRATEGIC HOUSING DEVELOPMENT**

### **PLANNING APPLICATION**

### **PROPOSED RESIDENTIAL DEVELOPMENT**

at

**Stapolin-Baldoye, Coast Road, Baldoye, Dublin 13,**

### **RESPONSE TO STATEMENT OF OPINION**

**Kieran O'Malley and Company Limited**  
**Town Planning Consultants**

March 2022

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**1. INTRODUCTION**

In conjunction with the professional design team, Kiaran O'Malley & Co. Ltd. have prepared this Response to the Statement of Opinion issued by An Bord Pleanala dated 24<sup>th</sup> June 2021 in respect of pre-application consultation reference ABP-309599-21.

This Response has been prepared under Article 285(5) (b) of the Planning and Development (Strategic Housing Development) Regulations 2017 and it provides the specific information as requested by the Board.

In its Opinion, An Bord Pleanala considers that issues relating to Open Space and Development Strategy need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development. These issues are addressed in section 2 below.

In addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, 13 no. specific items of information should be submitted with any application for permission. These issues are addressed in section 3 below.

## 2. ISSUES FOR FURTHER CONSIDERATION

### 2.1 Item 1: Open Space

2.1.1 The following is the text under item 1 of issues for further consideration:

*Further consideration and/or justification of the documents as they relate to the provision and delivery of Public and Communal Open Space required to serve the development having regard to, inter alia, the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (2020), the Fingal County Development Plan 2017-2023 and the Baldoye-Stapolin Local Area Plan.*

*This further consideration/justification should clearly indicate where the public open space is to be provided, how it is going to be delivered and when it is going to be delivered relative to the development of the proposed apartments it is to serve. Landscaping proposals for the public open space should be submitted and clarity provided around how the landscaping is to be delivered if the public open space area is not to be included within the application site boundary.*

2.1.2 In accordance with the Fingal Development Plan 2017 – 2023, there is a requirement for 4 hectares of Class 1 and 2 public open space to serve the proposed development (see section 2.2 of the Murray and Associates Landscape Report).

2.1.3 The applicant has identified c. 6 hectares of land for the provision of Class 1 and 2 public open space. This comprises c. 5.1 hectares for Class 1 public open space at Mayne Road (this is an over provision of c. 2 hectares of Class 1 open space – see CCH Drg. No. BALN5-CCH-00-ZZ-DR-A-012) and 1.03 hectares for Class 2 public open space within the Coast development (see CCH Drg. No. BALN5-CCH-00-ZZ-DR-A-010). The land identified for Class 1 public open space is within Fingal County Council's current application for approval to An Bord Pleanála under Section 177AE of the Planning and Development Act 2000 (as amended) to carry out a park development project at the Racecourse Park located between Baldoye and Portmarnock, Co. Dublin (ref. ABP JP06F.311315).

2.1.4 The 1.03 hectares for Class 2 public open space is shown within Stapolin Haggard, between sectors 8A and 8B, and a small area south of sector 8C – two of these three areas are within the application site boundary. The public open space area at Stapolin Haggard was approved under planning permission Reg. Ref. F16A/0412 and 0.65 hectares of it was assigned to the GA3 application as part of its proposed Class 2 open space. The remaining 0.85 hectares has not been assigned to any extant permissions at Stapolin-Baldoye.

2.1.5 In terms of the delivery of this open space, the Board is referred to the legal obligations that run with the land as set out in section 1.3 of the Planning Report that accompanies this application and that inter alia, require Helsingor Limited to provide Class 1 and 2 open space for the proposed development. This is the identical arrangement for the provision of Class 1 and Class 2 open space as previously proposed and approved at this site in Reg. Ref. F11A/0290 and ABP PL 06F.239732 refer, and as previously proposed in Reg. Ref. F07A/1561 and ABP 06F.228026.

2.1.6 In both of those applications, a letter dated 2nd November 2007 from Helsingor Limited to Delahunt Solicitors confirmed that Helsingor “have agreed to make available to you client the Class 1 and 2 open space, located on our lands, which may be required by the local authority for the development of the Penshanko lands”. A copy of the 2<sup>nd</sup> November 2007 Helsingor Limited letter from the 2007 planning application (see date stamp “28-11-07 F07A 1561 Fingal C C PL Dept”) is included in Appendix D of the Planning Report by Kieran O’Malley & Co. Ltd.

- 2.1.7 Further, a review of the SHD applications TA06F.310418 and TA06F.311016 for Growth Areas GA1 and GA3 respectively will show that neither application included the Class 1 open space within the red line boundary of either application site. The GA1 scheme included its Class 2 open space provision within its application site whereas the GA3 scheme showed some within its site and 0.65 hectares at Stapolin Haggard (which was not within the application site). Neither the Board nor Fingal County Council raised any objection to the provision and delivery of Class 1 and 2 open space for the GA1 and GA3 schemes. This GA2 proposal is consistent with that accepted approach.
- 2.1.8 In accordance with the Sustainable Urban Housing: Design Standards for New Apartments (2020) guidelines, this scheme requires 6,377 sq.m. of communal open space. As shown on CCH Drg. No. BALN5-CCH-00-ZZ-DR-A-010, the scheme layout provides a cumulative total of 1.35 ha., which is just over 2.1 times the required provision. This is provided within the residential courtyards throughout the scheme. High quality communal open space will be provided in the form of landscape courtyards. These open spaces will be overlooked by the proposed apartment units providing excellent passive surveillance and ensuring a high quality open space provision within the development. The Board is referred to the Landscape Architect's Report by Murray and Associates that sets out the landscape detail for the communal open space provision within the proposed development.
- 2.1.9 The green infrastructure provisions from the Baldoyle Stapolin Local Area Plan 2013 (as extended) are addressed in the Landscape Architect's Report that accompanies this application.

## 2.2 Item 2: Development Strategy

2.2.1 The following is the text under item 2 of issues for further consideration.

*Further consideration and/or justification of the documents as they relate to the design approach of the proposed development and the potential for any negative visual impact to the adjoining sites and surrounding environs. The further consideration/ justification should address the proposed design and massing, inter alia the visual impact along the former Racecourse to the north and the Coast Road to the east and relate specifically to the justification for any material contravention of the height strategy in the development plan and compliance with Section 3.2 of the Urban Development and Building Heights: Guidelines for Planning Authorities (2018). Particular regard should be had to 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009) and the requirement to provide a sense of place. The further consideration of these issues may require an amendment of the documents and/or design proposal submitted.*

- 2.2.2 The application site includes three distinct development blocks as established by the implementation of the infrastructure planning application, Reg. Ref. F03A/1529, for the entire Stapolin Baldoyle residential development lands. This land correlates to that owned within the application site by Penshanko Limited (see section 1.3 of the Planning Report for further details). The site layout planning within these three blocks is further influenced by the existing cul-de-sac road between sectors 8A and 8B, and the view corridors between sectors 7 and 8A, and between 8B and 8C as set out in section 4A.5 of the Baldoyle Stapolin Local Area Plan 2013 (as extended) (the LAP). As a result, five distinct development areas or sectors are created within the application site and these are sectors 6A/6B, 7, 8A, 8B, and 8C.
- 2.2.3 This approach to the site layout planning is unchanged from the pre-application consultation layout submitted to Fingal County Council and An Bord Pleanála because these existing physical parameters cannot be amended by the applicant and regard must be had to the view corridor provisions of the LAP. However, the draft scheme has been reviewed and amended in response to the Board's statement of opinion with particular emphasis on the scheme's potential visual impact to proposed Racecourse Park.
- 2.2.4 The notable changes that are being implemented in this proposal are some additional height to the development boundary to Racecourse Park, increasing the separation between the apartment buildings along the northern boundary of Sector 7, and an enhanced palette of materials and finishes. These changes will provide further articulation and variation to the overall Coast residential scheme as viewed from Racecourse Park, and deliver a cohesive development edge to this strategically important site at Stapolin linking the Red Arches development to the south and GA3 to the west. Further the additional building height will emphasise the view corridors and vistas from within the proposed development and the overall Coast scheme to proposed Racecourse Park in accordance with the LAP.
- 2.2.5 The proposed design and massing to proposed Racecourse Park is also addressed by the amendments to Sector 7 and revisions to the proposed materials and finishes. The Sector 7 changes significantly alter and reduce the mass of building along that part of the edge to Racecourse Park and create internal vistas from the two courtyards to Racecourse Park. A contemporary palette of high quality and durable materials is now proposed that would be appropriate to the coastal location of the site and complementary to adjoining developments. The use of materials on the elevations would also serve to accentuate parts of the residential

buildings e.g. communal entrances, and reduce the visual impact both within the scheme and externally be it at Racecourse Park, Stapolin Haggard, etc.

2.2.6 The building edges to Sectors 6B, 8A, 8B, and 8C will frame the public realm to Stapolin Haggard Class 2 open space. The four, five, and six storey building heights to the Haggard, which are unchanged, are more appropriate in scale relative to the smaller area of public open space within the Haggard compared to the higher buildings and nodes that will form the development edge to proposed Racecourse Park.

2.2.7 A landscape and visual impact assessment (LVIA) has been prepared by Murray Associates and it confirms the proposed development in conjunction with the approved schemes for GA1 and GA3 will have a significant built edge along the fringe of the green belt and future parkland, together with a buffer area of tree and native hedgerow planting. This will create a strong urban edge, which is part of a planned urban framework in the LAP, forming a defined urban edge to the proposed Racecourse Park (greenbelt). The juxtaposition of the built edge with the parkland is a deliberate contrast and is considered to be a significant positive impact, as it contributes to the landscape character through creating a definitive edge and interaction with the parkland.

2.2.8 A design statement prepared by CCH Architects is attached and it addresses the 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009) and the requirement to provide a sense of place. The architect's design statement states that the following planning and design objectives formed the basis for the development strategy:

- Compact urban design
- Foster community interaction
- Promote sustainable transport
- Achieve sustainable residential densities
- Encourage additional building height
- Plan an appropriate mix of unit types
- Deliver integration and connectivity with the Coast development

2.2.9 Finally, the issue of building height and compliance with Section 3.2 of the Urban Development and Building Heights: Guidelines for Planning Authorities (2018) is conclusively addressed in Section 4.7 of the Planning Report and a justification for the material contravention of the building heights as set out in the LAP is addressed in the accompanying Material Contravention Statement.



### 3. SPECIFIC INFORMATION REQUESTED BY AN BORD PLEANÁLA

#### 3.1 Item 1: Materials Strategy

3.1.1 The following is the text under item 1 of the Board's opinion:

*A Materials Strategy that specifically addresses the proposed materials and finishes for buildings, open spaces, paved areas and boundaries, having regard to the requirement to provide high quality and sustainable finishes and details. This strategy shall include details of the colour, tone and texture of materials and the modelling and profiling of the materials (including any cladding or framework system) on each block. Particular attention is required in the context of the strategic location and visibility of the site and to the long term management and maintenance of the proposed development. A Building Lifecycle report should also be submitted in this regard, which includes an assessment of the long term running and maintenance costs associated with the development in accordance with Section 6.13 of the 2020 Guidelines on Design Standards for New Apartments.*

3.1.2 The Board is referred to Section 4.12.2 of the CCH Architects Design Statement that has been prepared by CCH Architects and Section 2 Landscape Design Statement of the Landscape Architect's Report prepared by Murray & Associates that accompany this application. These sections set out the rationale and justification for the proposed materials and finishes for the building, open spaces, and paved areas. It is proposed to match the boundary treatment to proposed Racecourse Park to that approved by the Board in GA3 application and it is proposed to remove the existing boundary at the southern end of the application site – see Drg. No. 1819\_PL\_P\_07\_IFP Boundary Treatment Plan.

3.1.3 A Building Lifecycle Report and Property Management Strategy Report have been prepared by Aramark and accompany this application. The Building Lifecycle Report addresses long term running and maintenance costs associated with the development in accordance with Section 6.13 of the 2020 Guidelines on Design Standards for New Apartments. The Property Management Strategy Report addresses the long term management of the proposed development.

#### 3.2 Item 2: Residential Amenity

3.2.1 The following is the text under item 2 of the Board's opinion:

*A report which addresses existing and future residential amenity and which includes matters such as daylight/sunlight analysis, micro-climate/wind impacts and noise impacts, together with proposals to address any such impacts, if necessary. A daylight/sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, should include details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. A month-by-month assessment of average daylight hours within the public open space should be provided within the daylight and sunlight analysis document to allow for a full understanding of the year round level of overshadowing of the primary outdoor recreation areas for the development should be submitted.*

3.2.2 The BRE Group were commissioned to undertake daylight/sunlight analysis, and micro-climate/wind impacts of the proposed development. Separate reports are enclosed with this application in respect of daylight/sunlight analysis, and wind/micro-climate. These are also addressed in Chapters 10 and 11 of the Environmental Impact Assessment Report (EIAR) prepared by AWN Consulting.



3.2.3 The potential for noise impacts is addressed in Chapters 12 of the EIAR prepared by AWN Consulting.

**3.3 Item 3: Housing Quality Assessment**

3.3.1 The following is the text under item 3 of the Board’s opinion:

*A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements. This should also include a schedule of floor areas for all proposed units, clearly setting out the aspect (single, dual, triple) of each unit and include justification for the unit mix.*

3.3.2 A Housing Quality Statement has been prepared by CCH Architects and it demonstrates full compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments. These have been prepared on a sector by sector basis and are enclosed with this application.

3.3.3 The issue unit mix is addressed under Item 5 below of the Board’s statement of opinion.

**3.4 Item 4: Traffic and Transport Assessment**

3.4.1 The following is the text under item 4 of the Board’s opinion:

*A Traffic and Transport Assessment including, inter alia, a rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes and a mobility management plan.*

3.4.2 A Traffic and Transport Assessment (TTA) and Residential Travel Plan (mobility management plan for residential development) have been prepared by JB Barry and Partners and are included with this application. Section 7 of the TTA sets of the rationale for the car parking provision of 0.6 spaces per residential unit, which is slightly above the approved provision of 0.54 spaces per unit for GA1 and GA3.

3.4.3 Details of the proposed car share scheme and car parking management strategy are set out in section 4.1.4 of the Residential Travel Plan prepared by JB Barry and Partners, and in section 6 of the Property Management Strategy Report prepared by Aramark.

**3.5 Item 5: Proposed Housing Mix**

3.5.1 The following is the text under item 5 of the Board’s opinion:

*A report that addresses and provides a justification for the proposed housing mix.*

3.5.2 The housing mix in the proposed development is as follows:

- 58 no. studio units (38.1 – 52.3 sq.m.) [6%]
- 247 no. 1 bedroom units (48.9 – 79.7 sq.m.) [25%]
- 94 no. 2 bedroom 3 person units (67.3 – 80.42 sq.m.) [9%]
- 563 no. 2 bedroom 4 person units (77.7 – 106.1 sq.m.), and [56%]
- 45 no. 3 bedroom units (93.5 – 130.66 sq.m.), [4%]

3.5.3 With the exception of sector 8C, there is a full mix of studio, 1 bed, 2 bed and 3 bed units in each sector - there are no studio units proposed in sector 8C. There is a further mix of unit types within the 2 bed units through the provision of 94 no. 2 bed 3 person units spread through each sector of the proposal with the exception of sector 8C. The following table details the apartment types per sector within the proposed development:

Sector	Studio	1-Bed Apt.	2-Bed Apt.	3-Bed Apt.	Totals
6A & 6B	9	106	203	17	335
7	28	60	236	9	333
8A	10	44	83	7	144
8B	11	24	83	7	125
8C	-	13	52	5	70
<b>Totals</b>	58	247	657	45	1,007

3.5.4 There is a broad mix of apartment types within the proposal and that mix is provided throughout the scheme on a sector by sector basis. Further, there is significant variation in apartment layout within each sector, for example, there are 34 no. types of apartments within Sector 6A/6B that would aid the creation of mix of occupancy types from individuals in a studio or 1 bed units to young families in the large 3 bedroom apartments.

3.5.5 The mix of units have been prepared to comply with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2020) which notes “Ireland is a long way behind European averages in the numbers of households living in apartments, especially in our cities and larger towns” and to address the Government’s shift in policy, it “will necessitate a significant and sustained increase in housing output and apartment type development in particular”. As a result, the proposed unit mix is based on compliance with Specific Planning Policy Requirement 1 (SPPR1) in relation to dwelling mix as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2020). SPPR1 states as follows:

*Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).*

3.5.6 SPPR1 contrasts with the Baldoyle-Stapolin Local Area Plan 2013 (as extended) that was prepared at a time when the provision of apartment was not being actively encouraged and accordingly it included the following objectives in respect of housing mix:

*Objective RS 1 Require that a suitable variety and mix of dwelling types and sizes are provided in developments to meet different needs, having regard to demographics, social changes and the human life cycle patterns.*

*Objective RS 2 Ensure that one bedroom dwellings are kept to a minimum within the development and are provided only to facilitate choice for the homebuyer. In any event, no more than 5% of units in any application or over the whole development, shall be one bedroom units.*

3.5.7 The 2020 Apartment Guidelines take precedence over the provisions of the 2013 local area plan. The proposed mix of units is compliant with the 2020 Guidelines in respect of the percentage of studio and 1 bedroom units being not more than 50%. Further, the provision of 2 bedroom 3 person units is not more than 10% of the total number of units and thus also complies with the 2020 Apartment Guidelines. Finally, it should be noted that the Council's Housing Department had a preference for 1 bed units for compliance with 20% Part V housing provision.

3.5.8 Housing mix (% of 1 Bed Apartments) is also considered in the Planning Report and the Material Contravention Statement that accompanies this application.

**3.6 Item 6: Community Audit**

3.6.1 The following is the text under item 6 of the Board's opinion.

*A Community Audit*

3.6.2 A Community Audit has been prepared by Kieran O'Malley & Co. Ltd. and is included with this application.

**3.7 Item 7: School Demand Report**

3.7.1 The following is the text under item 7 of the Board's opinion.

*School Demand Report, which identifies demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand*

3.7.2 A School Demand Report has been prepared by Kieran O'Malley & Co. Ltd. and is included with this application.

**3.8 Item 8: Phasing Plan**

3.8.1 The following is the text under item 8 of the Board's opinion.

*A phasing plan for the proposed development, includes the phasing arrangements for the delivery of the public open spaces, Part V provision and or any other physical or social infrastructure required for the proposed development. A report which addresses the phasing requirement in the Baldoyle-Stapolin Local Area Plan 2013 shall accompany the phasing plan.*

3.8.2 CCH Architects Drawing No. Drg. No. BALN5-CCH-00-ZZ-DR-A-009 shows the phasing for the proposed development. It is envisaged that there will be 5 residential phases of development commencing at sector 8C, 8B, 8A, 6A and B, and 7 i.e. working westwards around Stapolin Haggard. The communal open space within each sector will be delivered in conjunction with the development of the respective sectors. The delivery of public open space is addressed under Section 2 above and in sections 1.3 and 4.4 of the Planning Report.

3.8.3 A Part V agreement, in principle, has been made with the Council's Housing Department and details are enclosed. The proposed Part V housing is spread throughout the scheme and will be delivered in tandem with the construction of the proposed development.

3.8.4 Compliance with the Baldoyle-Stapolin Local Area Plan 2013 including it's phasing plan is addressed in sections 4.8 and 6.2.31 - 6.2.37 in the Planning Report that accompanies this application.

**3.9 Item 9: Taken In Charge**

3.9.1 The following is the text under item 9 of the Board’s opinion.

*A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority, and the phased delivery of such public open spaces.*

3.9.2 The Board is referred to CCH Architects Drawing No. BALN5-CCH-00-ZZ-DR-A-008 that shows the areas proposed to be taken in charge by the planning authority.

**3.10 Item 10: Appendix C of Planning Authority Report**

3.10.1 The following is the text under item 10 of the Board’s opinion.

*Response to issues raised in Appendix C of Planning Authority Report, which includes the internal reports of the Drainage Dept. relating to the SUDS hierarchy, and the Park Department relating, inter alia, design approach and protection of trees.*

3.10.2 These are addressed in section 5 of the Water Services Report prepared by JB Barry and Partners and included with this application.

**3.11 Item 11: Construction Management Plan**

3.11.1 The following is the text under item 11 of the Board’s opinion.

*A Construction Management Plan*

3.11.2 An Outline Construction Environmental Management Plan has been prepared by AWN Consulting and is included with this application.

**3.12 Item 12: Flood Risk Assessment**

3.12.1 The following is the text under item 12 of the Board’s opinion.

*A Flood Risk Assessment*

3.12.2 A Flood Risk Assessment has been prepared by JBA Consulting and is included with this application.

**3.13 Item 13: Material Contravention Statement**

3.13.1 The following is the text under item 13 of the Board’s opinion

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

3.13.2 A Material Contravention Statement has been prepared and included with this application. That statement set outs the planning justification for the material contraventions of the Fingal County Development Plan 2017-2023 and the Baldoyle-Stapolin Local Area Plan 2013 (as extended) in respect of the following:

- Core Strategy
- Density
- Mix of Units
- Car Parking
- Building Heights
- Construction Phasing

3.13.3 Having regard to section 37(2)(b) of the Planning and Development Act 2000 (as amended), it is submitted to the Board that there is sufficient justification to grant permission for the proposed development notwithstanding the proposed material contraventions of the Fingal County Development Plan 2017 – 2023 and the Baldoyle-Stapolin Local Area Plan 2013 (as extended).

**4. CONCLUSION**

It is submitted that the issues identified by An Bord Pleanála in its statement of opinion on the pre-application consultation proposed development have been addressed above and in the accompanying professional reports submitted with this SHD application.