

Statement of Material Contravention

In respect of

**Proposed Residential Development at Hacketstown, in the
Townlands of Townparks, Milverton & Hacketstown,
Skerries,
Co. Dublin.**

Prepared by

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On behalf of

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1 INTRODUCTION

- 1.1 This statement outlines the justification in relation to the proposed residential development at Hacketstown, in the Townlands of Milverton, Townparks and Hacketstown, Skerries, Co. Dublin. This statement provides a justification for potential material contraventions the Fingal Development Plan 2017-2023 in relation to car parking, playground equipment/space and quantum of open space provision.
- 1.2 It is noted that it is ultimately the decision of An Bord Pleanála as to whether the proposed development represents a material contravention of the Fingal Development Plan 2017-2023 and if minded to do so, it may grant permission for the proposed development by specific reference to the provisions of Section 37(2)(b) of the Planning and Development Act 2000 (as amended).

Legislative Context

- 1.3 This statement is submitted having regard to section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 which provides that where the proposed development materially contravenes the relevant Development Plan or Local Area Plan other than in relation to the zoning of the land, the applicant for strategic housing development shall submit 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”*.

- 1.4 Section 9 of the Planning and Development (Housing) and Residential Tenancies Act, 2016, confers the power on An Bord Pleanála to grant permission for a development which materially contravenes a relevant Development Plan or Local Area Plan, other than in relation to the zoning of land. It provides 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 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 part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of 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’.

- 1.5 Section 37(2)(b) of the Planning and Development Act 2000 states:

(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 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'. (Emphasis added).

- 1.6 It is submitted that current national planning policy, as set out in the Statement of Consistency, provides for residential development on appropriately zoned and serviced lands adjacent to the existing built area of Skerries and provided for in the Fingal Core Strategy.
- 1.7 Having regard to the analysis set out below of the compliance with the proposed development with national planning policy and guidelines and having considered the pattern of development in the area since the making of the development plan it is considered that there is sufficient justification for An Bord Pleanála to grant permission for the proposed development, notwithstanding any material contravention of the County Development Plan, by reference to sub-paragraphs (i) and (iii) of Section 37(2)(b) for the reasons set out below.

Summary of Material Contravention

- 1.8 The proposed development falls within the definition of strategic housing set as out in the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. Section 2 of this Material Contravention Statement demonstrates how the proposed development is of strategic or national importance in accordance with sub-paragraph (i) in the context of the Government's policy to provide more housing set out in the National Planning Framework, and Housing For All – Ireland's New Plan for Housing.
- 1.9 Sub-paragraph (iii) is addressed in Section 3 in respect of car parking and in Section 4 in respect of Open Space deal with each respective material contravention in more detail. In particular, it is submitted that permission for the proposed development should be granted, notwithstanding the material contraventions, having regard to the following objectives:

Car Parking

- 1.10 The proposed quantum of car parking is less than the number of parking spaces required based on the Fingal Development Plan 2017-2023 standards, but is in accordance with national guidance, specifically the NPF, the Apartment Guidelines 2020 and the Sustainable Residential Developments in Urban Areas Guidelines (2009) which makes provision for a reduced car parking standard in suburban/intermediate locations close to town centres and public transport networks which provide for increased densities. The proposed development is also compliant with DMURS which seeks a reduced rate of a maximum 1.5 per dwelling in densities of 40-50 u/ha. The subject site is located in proximity to existing high quality public transport networks (train and bus) and Skerries town centre.

Public Open Space

- 1.11 The quantum of open space proposed in the SHD contravenes objective PM52 and DMS57 of the Fingal County Development Plan 2017-2023 in so far as it does not

provide 2.1 ha of open space on the basis of population. However, it is in accordance with Objective DMS57A, which requires a minimum of 10% of site area to be Public Open Space, the proposed scheme provides 25% of the site area for public open space and exceeds requirements set out in the Sustainable Residential Developments in Urban Areas (2009) for open space, which requires a minimum of 15% of site area to be public open space. The proposed development also meets the qualitative criteria set out in the Sustainable Residential Developments in Urban Areas (2009) guidelines.

Playground Equipment

- 1.12 The quantum of both playground space and play equipment proposed in the application, although substantial and capable of serving the needs of the residents of the proposed housing scheme, is less than the standard set out in the Development Plan under Objectives DMS75 & DMS76.

Removal of Hedgerows

- 1.13 The proposed removal of a number of existing hedgerow along field boundaries, none of which demarcate townland boundaries, to be replaced by extensive compensatory planting of open space areas and around the site perimeter, is justified in the context of the National Planning Framework and the Sustainable Residential Development in Urban Areas (2009).

2 DEVELOPMENT IS OF A STRATEGIC IMPORTANCE

2.1 The section below demonstrates how the proposed development is justified by reference to sub-paragraph (i) of Section 37(2)(b) for the reasons set out below in the context of current National Planning Policy, which seek to increase the output of residential development on zoned serviced lands which will meet anticipated market demand residential development in the area.

- The proposed development falls within the definition of strategic housing set as out in the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended.
- The proposed development will deliver 345 no. residential units and thus will support the achievement of Government's policy to provide more housing set out in the National Planning Framework, Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Housing For All – Ireland's New Plan for Housing.

2.2 It is submitted that the proposed development is of strategic and national importance on the basis of the clearly identified need in the country.

2.3 The full title of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended ("the 2016 Act") is as follows:

"An Act to facilitate the implementation of the document entitled "Rebuilding Ireland – Action Plan for Housing and Homelessness" that was published by the Government on 19 July 2016, and for that and other purposes to amend the Planning and Development Acts 2000 to 2015, the Residential Tenancies Acts 2004 to 2015 and the Housing Finance Agency Act 1981, to amend the Local Government Act 1998 in relation to the Local Government Fund and to provide for connected matters."

2.4 Due to the strategic importance of larger housing developments designated as SHDs, the Government moved to introduce legislation under the 2016 Act, which would see such developments assessed in a similar manner to Strategic Infrastructure Developments.

2.5 The proposed development falls within the definition of strategic housing as set out in 2016 Act. The proposed development comprises of the provision of 345 no. residential units on a vacant site, which is zoned for residential purposes and located within the urban extent of Skerries, within walking and cycling distance of public transport, the proposal therefore falls within the definition of a Strategic Housing Development as set out under Section 3 of the 2016 Act. On this basis it is submitted that the proposed development is, by definition, strategic in nature and of strategic importance.

2.6 Due to the strategic importance of larger housing developments designated as SHDs, the Government moved to introduce legislation under the 2016 Act, which would see such developments assessed in a similar manner to Strategic Infrastructure Developments.

2.7 The Fingal Development Plan Settlement Strategy embraces the strategic approach advocated by the RSES to physically consolidate the majority of future growth into the strong and dynamic urban centres of the Metropolitan Area while directing development in the Core Areas of towns and villages in order to discourage dispersed development and unsustainable travel patterns. The Strategy seeks to focus higher density development in suitable strategic nodes along existing or planned public transport corridors. The subject lands are located within the development boundary of

Skerries. The Development Plan lists Skerries as a Core Area. The lands occupy an underutilised green-field landholding located in a coastal area of the County directly adjacent to high quality railway transport infrastructure and within close proximity to Skerries Town Centre. Indeed, the subject lands represent one of last remaining residentially zoned land holdings left available for development within the development boundary of Skerries.

- 2.8 The significant shortfall in housing output to address current and projected demand is a national problem, having social and economic ramifications for sustainable national growth. We note data provided by the CSO (Q3 2021¹) and Economic Commentary by the ESRI (Q3 2021²) which highlight the exact nature of this shortfall. Owing to public health related restrictions on construction housing completions have fallen Since Q3 2020. The ESRI note that in 2020, 20,353 dwelling completions were reported by the CSO, which is marginally down on 2019 (21,075). As set out in Housing for All it is estimated that Ireland will need an average of 33,000 new homes to be provided each year from 2021 to 2030.
- 2.9 Having regard to this legislative and policy context, the proposed Strategic Housing Development at Hacketstown is considered to be of strategic importance for the purposes of section 37(2)(b) of the 2000 Act.
- 2.10 Furthermore, increasing housing output is seen as a key priority for Government in response strategic policy documents have been prepared to specifically address this concern, these include:
- Housing for All, A New Housing Plan for Ireland (effectively replacing ‘Rebuilding Ireland’)
 - Project Ireland: National Planning Framework 2040

Housing for All, A new Housing Plan for Ireland

- 2.11 Launched in September 2021, ‘Housing for All, A new Housing Plan for Ireland’ is the Government’s new plan (which in effect replaces ‘Rebuilding Ireland’) to boost the supply of housing to 2030, to increase availability and affordability of housing, and to create a sustainable housing system into the future.
- 2.12 The aim of the plan is that everyone 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.
- 2.13 The plan contains a range of actions and measures to ensure over 300,000 new social, affordable, cost rental and private homes are built by 2030. The actions outlined in the Plan are backed by over €4 billion in annual guaranteed State investment in housing over the coming years, including through Exchequer funding, the Land Development Agency and Housing Finance Agency investment. The plan commits to over €20 billion in State investment in housing over the next five years. The plan is set out across four pathways to address the pressing housing challenges facing the State:
- *“Pathway to supporting homeownership and increasing affordability*
 - *Pathway to eradicating homelessness, increasing social housing delivery and supporting social inclusion*
 - *Pathway to increasing new housing supply*

¹<https://www.cso.ie/en/releasesandpublications/er/ndc/newdwellingscompletionsq32021/>

² https://www.esri.ie/system/files/publications/QEC2021AUT_0.pdf

- *Pathway to addressing vacancy and efficient use of existing stock”*

- 2.14 These pathways are underpinned by long-term actions to address systemic challenges. It aims to create a housing system which has environmental, social and economic sustainability at its heart and which meets the needs of all.
- 2.15 The proposed development will support the achievement of this Plan by providing housing at an appropriate scale and location including social housing. While the detail of this plan has yet to be fully developed, this application is in accordance with the intention and ambition of the plan.
- 2.16 The significant shortfall in housing output to address current and projected demand is a widely documented national issue, and this is particularly evident in Fingal. The proposed development consists of 345 new dwelling units, supplied with a mix of dwelling houses, apartments and duplexes which could help alleviate the demand for housing within Fingal. We would therefore submit that the proposed development is of strategic and national importance.

Rebuilding Ireland – Action Plan for Housing and Homelessness

- 2.17 Rebuilding Ireland was launched in 2016 with the objective to double the annual level of residential construction to 25,000 homes and deliver 47,000 units of social housing in the period to 2021, while at the same time making the best use of the existing stock and laying the foundation for a more vibrant and responsive private rented sector.
- 2.18 Rebuilding Ireland is set around 5 no. pillars of proposed actions summarised as follows:

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.

- 2.19 The proposed development is consistent with Pillars 2 and 3 to accelerate social housing and build more homes. Provision of the 345 no. residential units will substantially add to the residential accommodation availability in the area and cater for the increasing housing demand. The proposed development will contribute to the quantum of new social housing units available.

National Planning Framework (NPF) 2040

- 2.20 The National Planning Framework is the Government’s plan to cater for the extra one million people that will be living in Ireland, the additional two thirds of a million people working in Ireland and the half a million extra homes needed in Ireland by 2040.

- 2.21 As a strategic development framework, Ireland 2040 sets the long-term context for our country's physical development and associated progress in economic, social and environmental terms and in an island, European and global context.
- 2.22 The compliance of the proposed development with specific criteria of the NPF is detailed below, with responses provided for each objective.
- National Policy Objective 3a aims: *"Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements."*
- 2.23 The proposed development is considered to be in accordance with Objective 3c of the National Planning Framework, which states the aim to;
- "Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints."*
- 2.24 National Policy Objective 5 aims to:
- Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity*
- 2.25 The proposed development is an ideally located site, within the urban extent of Skerries. We also note Objectives 32, 33 and 35.
- 2.26 NPO 32 aims to:
- 'To target the delivery of 550,000 additional households to 2040'.*
- 2.27 NPO 33 aims to:
- "Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location"*
- 2.28 NPO 35 aims to:
- Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.*
- 2.29 Furthermore, NPO 36 states:
- "New statutory guidelines, supported by wider methodologies and data source, will be put in place under Section 28 of the Planning and Development Act to improve the evidence base, effectiveness and consistency of the planning process for housing provision at regional, metropolitan and local authority levels. This will be supported by the provision of standardised requirements by regulation for the recording of planning and housing data by local authorities in order to provide a consistent and robust evidence base for housing policy formulation"*
- 2.30 It is envisaged that this National Policy Objective will allow for the housing provision to meet varying housing needs at regional and local authority levels.
- 2.31 The proposed development for a residential scheme on this underutilised site contiguous to the built up area represents an excellent opportunity to provide for much

- needed housing development in the urban extent of Skerries in accordance with National Policy Objectives set out in the NPF.
- 2.32 The proposed development is an ideally located site, within the urban extent of Skerries. We also note Objectives 32, 33 and 35.
- 2.33 NPO 32 aims to:
- ‘To target the delivery of 550,000 additional households to 2040’.*
- 2.34 NPO 33 aims to:
- “Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”*
- 2.35 NPO 35 aims to:
- Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.*
- 2.36 Furthermore, NPO 36 states:
- “New statutory guidelines, supported by wider methodologies and data source, will be put in place under Section 28 of the Planning and Development Act to improve the evidence base, effectiveness and consistency of the planning process for housing provision at regional, metropolitan and local authority levels. This will be supported by the provision of standardised requirements by regulation for the recording of planning and housing data by local authorities in order to provide a consistent and robust evidence base for housing policy formulation”*
- 2.37 It is envisaged that this National Policy Objective will allow for the housing provision to meet varying housing needs at regional and local authority levels.

Fingal County Development Plan 2017-2023

- 2.38 As part of the Development Plan the subject site has been suitably zoned for housing and clearly earmarked for development for some time.
- 2.39 We note the following provisions of the Fingal Development Plan. The Strategic Vision as set out in Chapter 1 includes the following relevant objective:
- “Consolidate urban areas to provide a vibrant, attractive environment for living and working, facilitating efficient movement by sustainable modes of transport throughout the County...”*
- 2.40 The emphasis of this 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.
- 2.41 The Fingal Settlement Strategy embraces the strategic approach advocated by the RSES to physically consolidate the majority of future growth into the strong and dynamic urban centres of the Metropolitan Area while directing development in the Core Area to towns and villages in order to discourage dispersed development and unsustainable travel patterns.

- 2.42 The Strategy seeks to focus higher density development in suitable strategic nodes along existing or planned public transport corridors. The subject lands are located within the settlement boundary of Skerries. The lands occupy an underutilised green-field landholding located in the central area of the County directly adjacent to existing and planned high quality public transport infrastructure.

“Objective SS01a - Support the implementation of and promote development consistent with the National Strategic Outcome of Compact Growth as outlined in the NPF and the Regional Strategic Outcome of Compact Growth and Regeneration as set out in the RSES.”

- 2.43 The above objectives set out a clear direction for development in the County and align with National and Regional policy in regard to the pattern of development for the County.

Consideration Under Section 37 (2)(b)

- 2.44 The proposed development for a residential scheme on this underutilised site within the built-up area of Skerries represents an excellent opportunity to provide for much needed housing development in the urban extent of an existing settlement as required by the Core Strategy of the Fingal Development Plan.
- 2.45 Further the proposed development is in accordance with National Policy Objectives set out in the NPF. In the context of current National Planning Policy, which seek to increase the output of residential development on zoned serviced lands which will meet anticipated market demand residential development in the area and address identified housing shortages in County Fingal. In summary, the argument for consideration of the proposed development as of strategic importance can be summarised as follows:
- 2.46 The proposed development falls within the definition of strategic housing set as out in the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended.
- 2.47 The Government's policy to provide more housing set out in the National Planning Framework, Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Housing For All – Ireland's New Plan for Housing.
- 2.48 The proposed development addresses identified housing need in the area and meets key housing delivery objectives in the Fingal Development Plan 2017-2023 as varied to align with the NPF and RSES.
- 2.49 Having regard to the foregoing, it is considered that the proposal is of both national and strategic importance, although it should be noted that it is only necessary for the purposes of the statutory provision that it is of strategic or national importance. The application site has the potential to contribute 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 and Housing for All, A New Housing Plan for Ireland.

3 CAR PARKING

Policy Provision

3.1 The car parking standards set out for each land use is set out in Table 12.8 of the Development Plan. The requirements for residential development set out in Table 12.8, which are noted as normal standards relative to different unit sizes are as follows:

3.2 We note Objective DM113 aims to:

Limit the number of car parking spaces at places of work and education so as to minimise car-borne commuting. The number of car parking spaces at new developments will be in accordance with the standards set out in Table 12.8. Where demand can be managed by pricing, i.e. retail developments, the pricing should favour shoppers, who generally stay for shorter times, over employees, who generally stay for longer times

3.3 Development Plan text also states:

“Car parking standards provide a guide as to the number of required off-street parking spaces acceptable for new developments. The principal objective of the application of car parking standards is to ensure that, in assessing development proposals, consideration is given to the accommodation of vehicles attracted to the site within the context of existing Government policy aimed at promoting modal shift to more sustainable forms of transport.

The following will be part of the parking standards:

- 1. In the case of any use not specified, the Planning Authority will determine the parking requirements, based on similar uses and first principles.*
- 2. Zone 1 relates to developments within 800m of a QBC or high quality bus service, or 1600m of an existing or planned Luas/DART/Metro/Rail station or within an area covered by a Section 49 Scheme, or in lands zoned Major Town Centre. **Zone 2 relates to all other areas in the County.***
- 3. In mixed use developments, the car parking requirement will take account of different uses having peak parking demands at different times of the day and week.*
- 4. **One space or more per 100 spaces should be reserved for disabled parking bays.***
- 5. **One space or more per 100 spaces should be reserved for electric vehicles with charging facilities.***

Car parking spaces proposed to serve apartment/duplex residential development shall not be sublet or leased to non-residential owners or non-occupiers. Parking spaces provided within the general circulation of a development should not be assigned individually or to a group exclusively in a manner that would impede those areas being taken in charge as public roads.” (JSA Emphasis added).

Land use	Criterion	Proposed	Notes	Category	Norm or Max
Apartment, townhouse bedroom 1	Unit	1	Plus 1 visitor space per 5 unit	Residential	Norm
Apartment, townhouse bedroom 2	Unit	1.5	Plus 1 visitor space per 5 unit	Residential	Norm

Apartment, townhouse bedroom 3+	Unit	2	Plus 1 visitor space per 5 unit	Residential	Norm
House urban/suburban 1 or 2 bedrooms	Unit	1-2	Within Curtilage	Residential	Norm
House urban/suburban 3 or more bedrooms	Unit	2	Within Curtilage	Residential	Norm
Pre-School Creche	Classroom	0.5	--	Education	Maximum

Standard per unit	Unit No.'s	Residential Space	Visitor Space
1	84	84	16.8
1.5	93	139.5	27.9
2	167	334	66.8
Required Total Residential and Visitor Spaces			669

- 3.4 The above car parking standards would equate to a requirement for 669 no. spaces for the residential element of the scheme including 112 no. visitor car parking spaces. Based on the 4 No. classrooms proposed, this equates to a requirement for 4 no. spaces to serve the crèche facility which is provided for within the development.
- 3.5 The proposed development provides a total of 414 no. on-site car parking spaces as shown in Figure 5.3. This level of provision is considered to be appropriate to accommodate the demand for both residents and visitors in accordance with the planning requirements. The Development Plan standards equate to a maximum of 617 no. on-site car parking spaces within the residential development (476 no. long stay spaces for the apartment/duplex units, 78 no. spaces for the houses and 2 no. spaces at the creche unit) comprising 556 residents spaces and 61 no. visitor spaces. The proposed development's car parking provision equates to 1.2 spaces per residential unit on average.
- 3.6 The proposed 414 no. parking spaces are summarised as follows;
- 368 no. residents spaces comprising:
 - 307 no. standard residential bays,
 - 19 no. disabled bays of which 6 are provided with EV charge points,
 - 42 no standard sized bays with EV charge points
 - 40 no. resident visitor spaces
 - 5 no. creche parking spaces (which can also be used as additional visitor parking at times when the creche is closed e.g. night time and weekends) comprising:
 - 2 no. spaces allocated to staff (and provided with EV charge points) and
 - 3 no. drop-off / set-down spaces.
 - 1 no. Dedicated Car Share (GoCar) bay
- 3.7 In terms of apartment and houses the following ratios are proposed:
- 1.75 spaces per house
 - 1.13 paces per apartment

Justification

- 3.8 The following section shall demonstrate how the quantum of car parking proposed is justified under Section 37 (2)(b)(iii) in the context of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020, the National Planning Framework, the National Planning Framework, the Sustainable Residential Development in Urban Areas and Design Manual for Urban Roads Streets, which seeks to reduce car parking standards in intermediate urban locations.
- 3.9 In relation to the proposed apartments, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020 state at 4.18 that:
- “The quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria.”*
- 3.10 A key inclusion in the guidelines is the acknowledgement of the importance of strategic sites in existing urban areas in close proximity to existing public transport facilities, and other social and community facilities. The following car parking ratios have been used to determine the level of car parking provision required to service the needs of the apartments and duplex residents.
- 3.11 The subject site is located within an Intermediate Urban Location. The Design Standards for New Apartments (2020) describe such locations as follows:
- *“Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;*
 - *Sites within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided;*
 - *Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services.”*
- 3.12 The subject site is located within 850 – 1.5km. to Skerries train station. As part of the proposed development a new pedestrian linkage will be provided to the north-west corner of the subject site which greatly improves the accessibility to the train station, in tandem with currently pending application Reg. Ref. F21A/0287; ABP Reg. Ref. ABP 312189-21. As such, the site is within 850 m of Skerries train station which is served by commuter trains. Therefore, it is considered that the site falls into the intermediate urban locations category and is therefore suitable for lower car parking provision.
- 3.13 The Guidelines state at 4.21 that in Intermediate Urban Locations planning authorities must consider a reduced overall car parking standard stating:
- “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 (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.”*
- 3.14 The proposed development will provide for 414 no. car parking spaces to serve the development. This is below the normal car parking standard set out in the Fingal

County Development Plan 2017-2023 but is considered appropriate in the context of the Apartment Guidelines. This is described further in the Mobility Management Plan prepared by DBFL Consulting Engineers.



Figure 3.1: subject site in urban context with public transport and key employment centres highlighted (Source: Google Earth, 2021).

- 3.15 In regard to car parking provision, Objective 13 of the National Planning Framework states that:

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

- 3.16 The NPF further states that,

“In particular, general restrictions on building height or universal standards for car parking or garden size may not be applicable in all circumstances in urban areas and should be replaced by performance-based criteria appropriate to general location, e.g. city/town centre, public transport hub, inner suburban, public transport corridor, outer suburban, town, village etc.”

- 3.17 The subject site for the development proposal is located in Skerries. The RSES for recognises Skerries as a ‘Self Sustaining Town’. As set out in the following sections given the site’s physical context, the provision of cycling and public transport

infrastructure the proposal is well suited to a lower provision of car parking than the Development Plan standard having regard to national policy. As highlighted the car parking provision proposed only requires a partial reduction from the Development Plan standards.

3.18 In relation to the parking provision for the proposed houses, the goal of the Sustainable Residential Development in Urban Areas Guidelines (2009) is to ensure the sustainable delivery of new development throughout the country. The Guidelines focus on the provision of sustainable residential development, including the promotion of layouts that:

- *Prioritise walking, cycling and public transport, and minimise the need to use cars;*
- *Are easy to access for all users and to find one's way around;*
- *Promote the efficient use of land and of energy, and minimise greenhouse gas emissions;*
- *Provide a mix of land uses to minimise transport demand.*

3.19 The Guidelines also provide guidance on the core principles of urban design when creating places of high quality and distinct identity. The Guidelines are accompanied by a Design Manual 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 Design Manual is considered in detail in the Statement of Consistency and within the Architectural Design Statement.

3.20 Further, in this regard we note the provisions of the Design Manual for Urban Roads and Streets (2019) in relation to car parking which states:

- *On-street parking alone can generally cater for densities up to 35-40 dwellings per ha (net).*
- *Once densities reach 40-50 dwellings per ha (net) the street will become saturated with parking and reduced parking rates (a max of 1.5 per dwelling) and/or supplementary off-street parking will be required.*
- *For densities over 50 dwelling per hectare, large areas of off-street parking, such as basements, will generally be required.*
- *...*
- *Perpendicular parking should generally be restricted to one side of the street to encourage a greater sense of enclosure and ensure that parking does not dominate the streetscape.*

3.21 Given the nature and scale of the proposed development, it is in compliance with the DMURS.

Public Transport Provision

3.22 In this context it is important to note the provision of public transport options in the area:

3.23 Dublin Bus operate route numbers 33, 33e, 33n and 33x that serve the subject site locale. The nearest bus interchange opportunities to the subject site are located on Holmpatrick Rd (R128) and is situated east of the site (approx. 850m). Bus stops on this corridor are approximately 10 minutes walking distance from the site which include stops no. 3793 and 3824. Route 33e is a north/south service that departs from Abbey St Lower, Dublin and terminates in Mourne View, Skerries. Route 33n continues northbound towards Balbriggan via Skerries departing from Westmoreland St. in Dublin City Centre. Route 33x provides a two-way connection from Custom House Quay to Skerries. Go-Ahead also operates route number 33 and 33a in conjunction

with Dublin Bus. Route 33 provides a connection from Balbriggan to Dublin City Centre via Skerries. Route 33a provides a link from Skerries to Dublin Airport via Rush Rd (R128) interchanges which are a 850m walk from the northern end of the subject site. Fingal Express operated by Sword Express offer route 533 and which connects Skerries to UCD via Dublin City Centre. This route travels on Holmpatrick and Rush Rd and serves stop no. 3824.

- 3.24 The subject development site is located approximately 650m (850m walking distance) to the south-east of Skerries Railway Station at its northern end. Skerries has an established rail infrastructure that provides linkages to Dublin in the south, and Drogheda to the north (15 services daily on average) from where further onwards connections can be made to other regional and strategic destinations. Irish Rail also includes other local intermediate destinations as part of its Regional and Dublin commuter services. Figure 3.2 below presents a summary of rail services available at Skerries Railway Station.

Route	Monday – Friday	Saturday	Sunday
Skerries to Dublin	31	20	15
Dublin to Skerries	30	21	15
Skerries to Drogheda	29	21	15
Drogheda to Skerries	30	20	15
Skerries to Dundalk	8	5	2
Dundalk to Skerries	7	5	1
Skerries to Rush & Lusk	29	19	15
Rush & Lusk to Skerries	27	21	15
Skerries to Malahide	30	19	15
Malahide to Skerries	27	21	15
Skerries to Balbriggan	30	21	15
Balbriggan to Skerries	31	20	15
Skerries to Laytown	29	21	15
Laytown to Skerries	29	19	15

Table 2.2: Rail Services to and from Skerries (No. of Services)

Figure 3.2: extract from TTA Table 2.2: Rail Services to and from Skerries (No. of Services) (Source: DBFL, 2022).

Summary in Relation to Section 37 (2)(b)(iii)

- 3.25 The provision of car parking spaces proposed is justified in the context of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020*, the *National Planning Framework*, the *National Planning Framework*, the *Sustainable Residential Development in Urban Areas* and *Design Manual for Urban Roads and Streets*, which seek to reduce car parking standards subject to key criteria. By virtue of the site's accessible nature by public transport and the close proximity of many essential services in Skerries such as education, healthcare and employment, the proposed development is well positioned to minimise car parking provision.

- 3.26 The enclosed Community Facilities Audit prepared by John Spain Associates fully sets out the provisions of community facilities, healthcare, education and open space in Skerries.
- 3.27 The proposed development will provide a number of sustainable transport options and facilities such as an electric car charging spaces and spaces for a car sharing club through which a number of car parking spaces will be allocated to operate the shared vehicle scheme; 30% of the overall car parking spaces be allocated for charging points for EV cars; and, facilities for other electric vehicle charging points (scooters and bicycles).
- 3.28 We also refer the Board to the Traffic Impact Assessment and the Parking Strategy prepared by DBFL Consulting Engineers which sets out in further detail the car parking rationale for the proposed development.

4 OPEN SPACE

Policy Provision

- 4.1 We note the following objectives in relation to provisions of Open Space set out in the Fingal Development Plan.

- 4.2 Objective PM52 states

“Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.”

- 4.3 In Chapter 3 of the Development Plan, section 3.5 in the accompanying text it states:

“Provide sufficient quantities of open space and recreational facilities. For all developments with a residential component, the overall standard for public open space provision is a minimum 2.5 hectares per 1000 population. In general this shall be provided at a ratio of 75% Class 1 and 25% Class 2. In order to provide existing and future communities with adequate recreational and leisure opportunities, the Council will employ a flexible approach to the delivery of public open space and more intensive recreational/amenity facilities. It is the intention of the Council, however, to ensure, except under exceptional circumstances, public open space provision exceeds 10% of a development site area. The development site area cannot include lands zoned RU, GB, OS or HA.”

- 4.4 In Chapter 12 of the Development Plan, section 12.7 states:

“For all developments with a residential component, the overall standard for public open space provision is a minimum 2.5 hectares per 1000 population. In order to provide existing and future communities with adequate recreational and leisure opportunities, the Council will employ a flexible approach to the delivery of public open space and more intensive recreational/ amenity facilities. It is the intention of the Council, however, to ensure, except under exceptional circumstances, public open space provision exceeds 10% of a development site area. The development site area cannot include lands zoned RU, GB, OS or HA.”

Objective DMS57 – *Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space*

requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Objective DMS57A - Require a minimum 10% of a proposed development site area be designated for use as public open space. The Council has the discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities outside the development site area, subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5.

The Council has the discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities is not achievable. This is subject to the Regional Park meeting the open space 'accessibility from homes' standard specified in Table 12.5

Objective DMS57B Require a minimum 10% of a proposed development site area be designated for use as public open space. The Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5, such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5. The Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities is not achievable, subject to the Regional Park meeting the open space 'accessibility from homes' standard specified in Table 12.5. Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of the open space.

- 4.5 The requirement of public open space for the subject site under Objective PM52 and Objective DMS57 equates to 2.1 ha ($2.5 \times [(177 \times 1.5) + (168 \times 3.5)] = 850 / 1000$). The provision of open space of this scale would not result in a satisfactory urban design response to the site in terms of density and site coverage.
- 4.6 The proposed development provides for 1.67 ha of Open Space (25% of the total site area). This is in addition to the linear park which is 2,427 sqm of the site size, and is not included in this calculation. The development also connects with the proposed open space associated with the advance infrastructure application, which includes open space. This was permitted by FCC but is now under appeal to the Board.
- 4.7 The public open space provision of 1.67 ha. is less than that required by Objective PM52 and Objective DMS57. The provision of public open space significantly exceeds the 10% requirement in Objective DMS57A and Objective DMS57B. However as set out above falls short of the required for 2.1 ha as set out in Objective DMS57A and Objective DMS57B provide for a discretion in respect of the shortfall.

Justification

- 4.8 The following section shall demonstrate how the quantum of public open space is justified under Section 37 (2)(b)(iii) in the context of the National Planning Framework and the Sustainable Residential Development in Urban Areas 2009.
- 4.9 The proposed open space has been designed in proportion to the scale of the development, the site context and the needs of future / existing residents. The proposed development will result in the provision of high quality open space which has been designed as part of the urban design strategy. Additional open space would provide a poor urban design response to the site resulting in a sub-optimal use of land and would reduce the proposed density below an acceptable standard.
- 4.10 The proposed development provides for 1.67 ha (25% of the total site area) of public open space. This is in addition to the linear park which is 2,427 sqm in size, and is not included in this calculation.
- 4.11 The development also connects with the proposed open space which included passive open space (permitted by FCC but is now under appeal) associated with the advance infrastructure application.
- 4.12 The proposed layout will create a sense of place through the creation of new spaces while respecting the existing fabric of the site and responding to the changes to come. The scheme creates people friendly streets and spaces through legible new public open spaces that connect the distinct character areas within. Key to these are a sequence of interconnected shared courtyards providing secondary 'outdoor rooms' leading to the riparian strip green link. The riparian strip itself forms the basis of a linear park linking the sites north and south and extending to the east, and allows the creations of a shared SUDS strategy. The sharp 6m fall to the gully is unsuited to conventional housing forms, so in order to ensure that all open spaces are overlooked by nearby homes and provide safe amenity for users, built forms in this location adopt a duplex typology to better enclose and supervise the route.
- 4.13 The landscape strategy considers a hierarchy of public, communal and private spaces throughout the development offering a variety of amenity for this mixed tenure and dynamic development. A 'ground-up' landscape-led neighbourhood organisation is proposed, structured by a clear hierarchy of primary and secondary street networks designed with reference to DMURS. Connections to local amenities - including the existing parade of shops c.400m north-east on Shenick Ave. and Skerries Railway Station to the north-west- and the wider context have been considered with regard to pedestrian, cyclist and vehicular networks. Routes within the site and beyond follow desire lines through public open spaces and connect the key local amenities such as nearby playing fields via improved secondary networks centred on pedestrian and cycle use.
- 4.14 The proposed open space has been designed in proportion to the scale of the development, the site context and the needs of future / existing residents. The proposed development will result in the provision of high quality open space which has been designed as part of the urban design strategy. Additional open space would provide a poor urban design response to the site resulting in a sub-optimal use of land and would reduce the proposed density below an acceptable standard.



Figure 4.1 overview of open space provision and calculation. (Source: BSLA, 2022).

- 4.15 The NPF sets out the importance of development within existing urban areas by “making better use of under-utilised land including ‘infill’ and ‘brownfield’ and publicly owned sites together with higher housing and job densities, better services by existing facilities and public transport”. Objective 3a of the NPF states that it is a national policy objective to “deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements”. The proposed development is a strategically located underutilised site within close proximity to Skerries train station and adjacent to the urban extent of the town. The proposed development is therefore compliant with the objective of the NPF.
- 4.16 The proposed public open space represents an appropriate level of provision in this area, and complies with the Section 28 guidance on Sustainable Residential Development in Urban Areas (2009). The Development is in compliance with the qualitative standards set out for open space, as set out in BSLA Landscape Design Rationale and associated drawings.

- 4.17 The proposed development will provide for a high quality of open space in accordance with the guidelines on Sustainable Residential Development in Urban Areas (2009). The Guidelines recommend the following quantitative standard: *“In green-field sites or those sites for which a local area plan is appropriate, public open space should be provided at a minimum rate of 15% of the total site area. This allocation should be in the form of useful open spaces within residential developments and, where appropriate, larger neighbourhood parks to serve the wider community;”*
- 4.18 The proposed development proposes 1.67 ha. of public open space which equates to 25% of the site area and thus is well above the minimum 15% requirement.
- 4.19 Further detail in regard to the compliance of the scheme with Sustainable Residential Development in Urban Areas (2009) are set out in OMP’s Design Statement and further addressed on the open space provision as set out within Green Infrastructure Report and associated drawing prepared by AECOM.
- 4.20 While the proposed development does not meet the quantitative standards set out within the Development Plan, the proposed development will provide for a high quality of open space in accordance with the guidelines on Sustainable Residential Development in Urban Areas (2009), we refer to the qualitative standards contained within these guidelines:
- **Design:** *The layout and facilities – particularly in larger parks –should be designed to meet a range of user needs, including both active and passive recreation, as identified in the city/county strategy referred to above. Users should feel safe at all times within parks; adequate supervision, passive surveillance, boundary treatment and public lighting contribute to creating a sense of security. Public open spaces should be suitably proportioned; narrow tracts or ‘left over spaces’ which are difficult to manage should not be acceptable. Materials should be chosen for their durability.*
 - **Accessibility:** *Local parks should be located to be within not more than 10 minutes’ walk of the majority of homes in the area; district parks should be on public transport routes as well as pedestrian/cycle paths. Playgrounds should be carefully sited within residential areas so that they are both easily accessible and overlooked by dwellings, while not causing a nuisance to nearby residents.*
 - **Variety:** *A range of open space types should be considered having regard to existing facilities in the area and the functions 15 With particular relevance to Section 48 schemes 33 Planning Guidelines the new spaces are intended to provide. A balance will be required between the provision of active and passive recreational facilities.*
 - **Shared use:** *The potential for maximising the use of open space facilities (such as all-weather pitches) should be explored, for example, by sharing them with nearby schools.*
 - **Biodiversity:** *Public open spaces, especially larger ones, should provide for a range of natural habitats and can facilitate the preservation of flora and fauna.*
 - **Sustainable Urban Drainage Systems** (see para 4.29) *are often used to reduce the impact of urban runoff on the aquatic environment.*
 - **Provision for allotments and community gardens:** *Allotments are small plots of land which are let (usually by a local authority) to individuals for the cultivation of vegetables and plants. They are of particular value in higher density areas.*
- 4.21 We note Section 4.21 of the Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities (May 09) state: *It will be necessary for planning authorities to take a more flexible approach to quantitative open space standards and put greater emphasis on the qualitative standards outlined above. Where residential developments are close to the facilities of city and town centres or in proximity to public*

parks or coastal and other natural amenities, a relaxation of standards could be considered. Alternatively, planning authorities may seek a financial contribution towards public open space or recreational facilities in the wider area in lieu of public open space within the development.

- 4.22 The proposed development is close to existing and planned public parks in the area in. Please see JSA Community Audit for full details of public parks within the vicinity of the subject site. Indeed the proposed development is close to Skerries which has many coastal walks
- 4.23 Further detail in regard to the compliance of the scheme with Sustainable Residential Development in Urban Areas (2009) are set out in OMP's Design Statement and further addressed on the open space provision as set out within Green Infrastructure Report and associated drawing prepared by BSLA.
- 4.24 Further the proposed development provides a high quality landscape. Key elements of landscaping proposals include:
- 4.25 The proposed public open space represents an appropriate level of provision in this area, and complies with the Section 28 guidance on Sustainable Residential Development in Urban Areas (2009) and with the NPF The Development is in compliance with the qualitative standards set out for open space in the Fingal Development Plan 2017-2023, as set out in BSLA's Design Statement.

Summary in Relation to Section 37 (2)(b)(iii)

- 4.26 The proposed provision of open space is justified in the context of the National Planning Framework and the Sustainable Residential Development in Urban Areas (2009). The proposed open space has been designed in proportion to the scale of the development, the site context and the needs of future / existing residents. The proposed development will result in the provision of high quality open space which has been designed as part of the urban design strategy. Additional open space would provide a poor urban design response to the site resulting in a sub-optimal use of land and would reduce the proposed density below an acceptable standard.
- 4.27 As set out above the Council has discretion to accept a financial contribution in lieu. As part of Pre-application discussion, FCC have indicated that a contribution in lieu is appropriate as such the Applicant is willing to accept a Condition relating to a financial contribution in lieu of open space.

5.0 PLAYGROUND PROVISION

Policy Provision

5.1 We also note the following objectives in relation to play space

Objective DMS75 Provide appropriately scaled children's playground facilities within residential development. Playground facilities shall be provided at a rate of 4 sq m per residential unit. All residential schemes in excess of 50 units shall incorporate playground facilities clearly delineated on the planning application drawings and demarcated and built, where feasible and appropriate, in advance of the sale of any units.

5.2 Objective DMS76 aims:

"Ensure that in the instance of an equipped playground being included as part of a specific facility, it shall occupy an area of no less than 0.02 hectares. A minimum of one piece of play equipment shall be provided for every 50 sq m of playground."

5.3 The proposed development provides 163m² area of a formal playground, while a further 3,656m² of informal play area is proposed. This is less than the development plan standard which requires 4 sqm per each of the 345 No. units proposed which would require 1,380 sq.m. of playground space.

5.4 On this basis the proposed development would require 28 No. pieces of play equipment. The proposed development falls short of this requirement instead providing 5 pieces of play equipment (+ 6 pieces of gym equipment). The proposed play areas meet the minimum size threshold of 0.02 ha.

Justification in Relation to Section 37 (2)(b)(iii)

5.5 The proposed development provides extensive active recreation areas for a range of ages. As illustrated in Figure 5.1 below. High quality formal and informal play space has been provided as part of the overall landscape strategy throughout the development including:

- Formal play within this development comprises 1,63m²
- Informal play within this development comprises 3,656m²

5.6 As referenced above we note Section 4.21 of the Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities state: *"It will be necessary for planning authorities to take a more flexible approach to quantitative open space standards and put greater emphasis on the qualitative standards outlined above. Where residential developments are close to the facilities of city and town centres or in proximity to public parks or coastal and other natural amenities, a relaxation of standards could be considered. Alternatively, planning authorities may seek a financial contribution towards public open space or recreational facilities in the wider area in lieu of public open space within the development."*

5.7 As noted above the site is well located in terms of proximity to Skerries, as well as to a number of existing and planned extensive areas of public open space. As part of the agreed framework with Noonan Construction, additional MUGA and play space is to be provided to the north of the development adjacent to Ballygossan Phase 1.

5.8 Therefore, it is considered that the derogation in qualitative standards for public open space provided for under section 4.21 of the Sustainable Residential Development in

Urban Areas (2009) applies to this proposed development, and thus a justification for a Material Contravention is provided for under Section 37(2)(b)(iii) of the 2000 Act, as amended.

5.9 On the basis of the high quality recreational spaces provided as described in detail above and illustrated below, we submit that the proposed development will provide for the play needs of its future population.

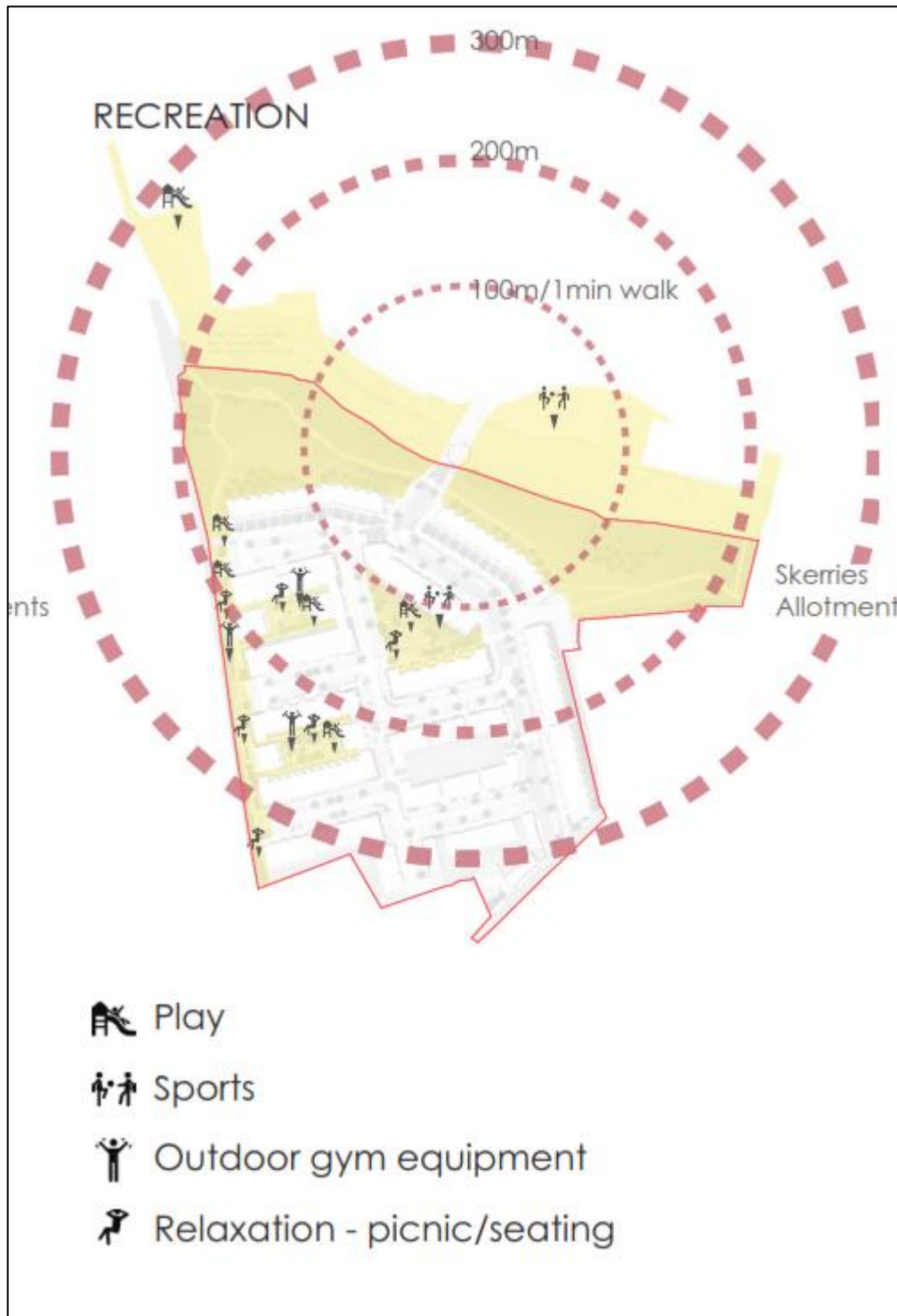


Figure 5.1: Overview of play space provision and accessibility. (Source: BSLA, 2022)

1 Double springer - KOMPAN Robinia

Item no. NRO103-0401
 Dimensions LxWxH 20x96x65cm
 Age Group 3+
 Play Capacity 2 children



2 Balance Posts with Rope - KOMPAN Robinia

Item no. NRO821
 Dimensions LxWxH 316x59x120cm
 Age Group 4+
 Play Capacity 3 children



3 Double somersault - KOMPAN Robinia

Item no. NRO808-1001
 Dimensions LxWxH 224x72x150cm
 Age Group 4+
 Play Capacity 2 children



4 Mule springer - KOMPAN Robinia

Item no. NRO101-0001
 Dimensions LxWxH 44x75x65cm
 Age Group 3+
 Play Capacity 1 child



5 Playhouse - KOMPAN Robinia

Item no. NRO402-0601
 Dimensions LxWxH 271x162x260cm
 Age Group 6month+
 Play Capacity 5 children



1 Flex wheel



2 Free runner



Figure 5.2: Overview of play equipment provided. (Source: BSLA, 2022)

6.0 REMOVAL OF HEDGEROWS

Policy Provision

6.1 Objective DMS80:

“Ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of developments”

6.2 Objective NH27

“Protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character and ensure that proper provision is made for their protection and management”.

6.3 The site currently has number of hedgerows and planting. As part of development number of existing hedgerows will need to be removed, however the most valuable planting along the site perimeter is proposed to be retained and complemented with biodiversity friendly species as per National Pollinator Guide. Furthermore, no hedgerows which form part of any townland boundary are proposed to be removed.

6.4 As set out in BSLA’s landscape strategy a large quantity of planting is proposed as part of the development including native species where appropriate. Native species have been proposed where suitable. Landscape proposal aims to retain the existing hedgerows where possible and integrate them into the design. Hedgerows which form the perimeter boundaries are being retained and complemented with new planting to retain the existing character of the site. Newly proposed trees include native species which enhance the value of wildlife and biodiversity.

6.5 Arborist assessment has been carried out by John Morris Arboricultural Consultancy whom summarised the approach in this regard:

“The aim has been to include those arboricultural features that are capable of providing a substantial future contribution in terms of their amenity, landscape, and ecological value, including those that contribute to the landscape character of the local area. These include mature boundary hedgerows and mature self-sown hedgerow trees that help to provide screening and enclosure to the Site.

To mitigate the removal of eleven low quality category C arboricultural features from central areas of the Site, a landscape plan submitted as part of the application proposes a diverse mix of new trees and vegetation across the site to function in harmony with the existing natural and new built environment. This new planting will include species rich native hedgerows and individual specimen trees that will increase species diversity and canopy cover in the local landscape. To mitigate the removal of a single moderate quality category B Ash it is proposed to plant three semi mature Scots Pine in its place.

The location of new and supplementary planting has been strategically positioned to enhance and complement existing features, providing connectivity to trees and hedgerows and green corridors in the wider local landscape for both visual amenity and ecological value. The new planting will include pollinator friendly species in recognition of Fingal County Councils partnership status in the All-Ireland Pollinator Plan, offering benefits in terms biodiversity and to local wildlife. The aim should be to ensure the benefits provided by new planting will increase year on year, therefore reducing the magnitude of impact and creating an improvement on the pre-development baseline. To accelerate the timeframe over which these benefits are realised and to provide an

immediate impact, it is proposed to use a mixture of extra heavy standard and semi mature trees, and a variety of rich native mixed species hedgerow planting.”

- 6.6 Due to the nature of the site which comprising a series of agricultural fields it would not be practical or desirable to retain all the existing hedgerows located within the site.
- 6.7 The LVIA Chapter of the accompanying EIAR prepared by Modelworks provides a detailed landscape and visual assessment of the proposed development. As described in the LVIA: *“The site can be considered to be a ‘site with natural boundaries’, being defined by the railway line to the west, Golf Links Road to the east and south, and the stream valley to the north. There are adjacent buildings (houses and a farm along Golf Links Road) with which development on the site can be ‘clustered’. While the internal field boundary hedgerows are required to be removed to make the site developable, there is potential for retention and supplementation of the vegetation along the railway embankment, and the AI Works proposes tree planting in the valley to the north of the site. These trees to west and north would ‘contain’ the new development as required by the Development Plan policy.”*

Summary in Relation to Section 37 (2)(b)(iii)

- 6.8 The Design Manual linked to the Sustainable Residential Development in Urban Areas Guidelines 2009, sets out a series of 12 criteria which it recommends should be used in the assessment of planning applications and appeals. The 12 no. criteria are assessed within the Statement of Consistency (also addressed in the Architectural Design Report prepared by OMP).
- 6.9 In particular Criteria 12 states:
- Detailed Design: How well thought through is the building and landscape design?***
- 6.10 Response: The design of the development has been subject to pre-application consultation between the design team, An Bord Pleanála and Fingal County Council. Details of pre-application consultation with FCC are attached as Appendix 1 of this report.
- 6.11 The Architectural Design Statement sets out a comprehensive design rationale for the proposed development. A Landscape Design Statement is also submitted with this Pre-Planning application prepared by BSLA. The proposed landscape strategy will ensure appropriate boundary treatments are provided as well as a well designed landscape strategy for the communal courtyards and the public open spaces as to ensure the use of these spaces is maintained throughout the year.
- 6.12 The Site strategy has two main conceptual components. The first is the use of a shared garden courtyard typology to achieve more sustainable densities while employing more standard dwelling types. The second is the culmination of the massing strategy in a four storey duplex typology to edge the riparian strip linear park. This allows an appropriately scaled architectural response to the dramatic local topography while retaining a lower scaled edge within the streetscape. There are three character areas within the scheme, including 1: Parkland, 2: Shared Gardens, 3: Avenues and Streets.
- 6.13 The proposed layout will create a sense of place through the creation of new spaces while respecting the existing fabric of the site and responding to the changes to come. The scheme creates people friendly streets and spaces through legible new public open spaces that connect the distinct character areas within. Key to these are a sequence of interconnected shared courtyards providing secondary ‘outdoor rooms’ leading to the riparian strip green link. The riparian strip itself forms the basis of a linear park linking

the sites north and south and extending to the east, and allows the creations of a shared SUDS strategy. The sharp 6m fall to the gully is unsuited to conventional housing forms, so in order to ensure that all open spaces are overlooked by nearby homes and provide safe amenity for users, built forms in this location adopt a duplex typology to better enclose and supervise the route.

- 6.14 The landscape strategy considers a hierarchy of public, communal and private spaces throughout the development offering a variety of amenity for this mixed tenure and dynamic development. A 'ground-up' landscape-led neighbourhood organisation is proposed, structured by a clear hierarchy of primary and secondary street networks designed with reference to DMURS. Connections to local amenities - including the existing parade of shops c.400m north-east on Shenick Ave. and Skerries Railway Station to the north-west- and the wider context have been considered with regard to pedestrian, cyclist and vehicular networks. Routes within the site and beyond follow desire lines through public open spaces and connect the key local amenities such as nearby playing fields via improved secondary networks centred on pedestrian and cycle use.
- 6.15 We note Section 4.21 of the Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities (May 09) state: *It will be necessary for planning authorities to take a more flexible approach to quantitative open space standards and put greater emphasis on the qualitative standards outlined above. Where residential developments are close to the facilities of city and town centres or in proximity to public parks or coastal and other natural amenities, a relaxation of standards could be considered. Alternatively, planning authorities may seek a financial contribution towards public open space or recreational facilities in the wider area in lieu of public open space within the development.*



Figure 6.1: Summary of trees and hedgerows to be removed / retained (Source: BSLA, 2022).

Summary in Relation to Section 37 (2)(b)(iii)

6.16 The proposed removal of a number of existing hedgerow along field boundaries, none of which demarcate townland boundaries, to be replaced by extensive compensatory planting of open space areas and around the site perimeter, is justified in the context of the National Planning Framework and the Sustainable Residential Development in Urban Areas (2009). The NPF policy of seeking to achieve a more compact urban form, and the promotion of higher densities of well connected sites could not be achieved in this context in a reasonable manner without the removal of some internal field boundaries. The Landscape Design Statement prepared by BSLA provides the more detailed rationale to the landscape design, which seeks to maintain and enhance the biodiversity potential of these lands,

7.0 CONCLUSION

- 7.1 It is respectfully submitted, that should An Bord Pleanála consider the proposed development a material contravention of the Fingal Development Plan, an appropriate justification is set out within this statement demonstrating that the proposed development is consistent with National Planning Policies and Section 28 Guidelines and is an appropriate proposal for the subject site.
- 7.2 The proposed car parking is consistent with the Design Standards for New Apartments (2020) which allows for a reduced car parking standard in large scale developments at intermediate locations. The subject site is located adjacent to high quality public transport as well as key services such as employment, education and healthcare.
- 7.3 The proposed provision of open space is justified in the context of the National Planning Framework and the Sustainable Residential Development in Urban Areas (2009). The proposed open space has been designed in proportion to the scale of the development, the site context and the needs of future / existing residents. The proposed development will result in the provision of high quality open space which has been designed as part of the urban design strategy.
- 7.4 The proposed removal of a number of existing hedgerow along field boundaries, none of which demarcate townland boundaries, to be replaced by extensive compensatory planting of open space areas and around the site perimeter, is justified in the context of the National Planning Framework and the Sustainable Residential Development in Urban Areas (2009).
- 7.5 It is respectfully requested that An Bord Pleanála have regard to the justification set out within this statement and permit the proposed development. There is ample justification for An Bord Pleanála to permit a material contravention of the Development Plan in terms of open space, play provision, and the quantum of car parking having regard to Section 37(2)(b) (i) and (iii) of the Planning and Development Act, 2000 (as amended).