

Statement of Consistency and Planning Report

In respect of

Proposed Strategic Housing Development

at

**Fosterstown North, Dublin Road / R132,
Swords, Co. Dublin**

Prepared by

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On behalf of

J. Murphy (Developments) Limited

April 2022



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1.0 INTRODUCTION / EXECUTIVE SUMMARY

1.1 On behalf of the applicant, J. Murphy (Developments) Limited of Block B, Bryanstown Centre, Dublin Road, Drogheda, Co. Louth, we hereby submit this Statement of Consistency with Planning Policy to accompany this strategic housing development planning application to An Bord Pleanála under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016 in relation to a proposed development on lands at Fosterstown North, Dublin Road / R132, Swords, Co. Dublin. The site has an area of c. 4.635 ha and is bound by the R132 to the east, the existing Boromhe residential development to the south and west, and the Gaybrook Street and a greenfield site to the north.

1.2 The proposed development is described as follows in the public notices:

“The proposed development comprises a Strategic Housing Development of 645 no. residential units (comprising 208 no. 1 bedroom units, 410 no. 2 bedroom units, and 27 no. 3 bedroom units), in 10 no. apartment buildings, with heights ranging from 4 no. storeys to 10 no. storeys, including undercroft / basement levels (for 6 no. of the buildings). The proposals include 1 no. community facility in Block 1, 1 no. childcare facility in Block 3, and 5 no. commercial units (for Class 1-Shop, or Class 2- Office / Professional Services or Class 11- Gym or Restaurant / Café use, including ancillary takeaway use) in Blocks 4 and 8.

The development will consist of the following:

- *Block 1 comprises 29 no. residential units, within a four storey building (with a pitched roof), including 8 no. 1 bedroom units and 21 no. 2 bedroom units. A community facility (191.8 sq.m) is provided at ground floor level.*
- *Block 2 comprises 23 no. residential units, within a four storey building (with a pitched roof), including 8 no. 1 bedroom units and 15 no. 2 bedroom units.*
- *Block 3 comprises 24 no. residential units, within a four storey building (with a pitched roof), including 6 no. 1 bedroom units and 18 no. 2 bedroom units. A childcare facility (609.7 sq.m) is provided at ground floor level.*
- *Block 4 comprises 93 no. residential units, within a part seven, part eight, and part nine storey building, with an undercroft level, including 34 no. 1 bedroom units, 54 no. 2 bedroom units, and 5 no. 3 bedroom units. 3 no. commercial units (with a GFA of 632.2 sq.m) are provided at ground floor level.*
- *Block 5 comprises 91 no. residential units, within a part six, part seven, and part eight storey building, with an undercroft level, including 34 no. 1 bedroom units, 55 no. 2 bedroom units, and 2 no. 3 bedroom units.*
- *Block 6 comprises 54 units, within a part eight, part nine storey building, with an undercroft level, including 13 no. 1 bedroom units, 38 no. 2 bedroom units, and 3 no. 3 bedroom units.*
- *Block 7 comprises 117 no. residential units, within a part seven, part eight, and part nine storey building height, over a basement level, including 40 no. 1 bedroom units, 76 no. 2 bedroom units, and 1 no. 3 bedroom unit.*
- *Block 8 comprises 94 no. residential units, within a part six, part seven, part eight, and part nine storey building, over a basement level, including 33 no. 1 bedroom units, 58 no. 2 bedroom units, and 3 no. 3 bedroom units. A commercial unit (with a GFA of 698.2 sq.m) is provided at ground floor level.*
- *Block 9 comprises 75 no. residential units, within a part seven, part eight, part nine, and part ten storey building, over a basement level, including 23 no. 1 bedroom units, 48 no. 2 bedroom units, and 4 no. 3 bedroom units.*
- *Block 10 comprises 45 no. residential units, within a part nine, part ten storey building, including 9 no. 1 bedroom units, 27 no. 2 bedroom units, and 9 no. 3 bedroom units.*

The development includes a total of 363 no. car parking spaces (63 at surface level and 300 at undercroft / basement level). 1,519 no. bicycle parking spaces are provided at surface level, undercroft / basement level, and at ground floor level within the blocks / pavilions structures. Bin stores and plant rooms are located at ground floor level of the blocks and at undercroft / basement level. The proposal includes private amenity space in the form of balconies / terraces for all apartments. The proposal includes hard and soft landscaping, lighting, boundary treatments, the provision of public and communal open space including 2 no. playing pitches, children's play areas, and an ancillary play area for the childcare facility.

The proposed development includes road upgrades, alterations and improvements to the Dublin Road / R132, including construction of a new temporary vehicular access, with provision of a new left in, left out junction to the Dublin Road / R132, and construction of a new signalised pedestrian crossing point, and associated works to facilitate same. The proposed temporary vehicular access will be closed upon the provision of permanent vehicular access as part of development on the lands to the north of the Gaybrook Stream. The proposal includes internal roads, cycle paths, footpaths, vehicular access to the undercroft / basement car park, with proposed infrastructure provided up to the application site boundary to facilitate potential future connections to adjoining lands.

The development includes foul and surface water drainage, green roofs and PV panels at roof level, 5 no. ESB Substations and control rooms (1 no. at basement level and 4 no. at ground floor level within Blocks 2, 4, 7 and 8), services and all associated and ancillary site works and development.”

- 1.3 An Environmental Impact Assessment Report and a Natura Impact Statement have been prepared in respect of the proposed development and accompany this application.
- 1.4 The application site has an area of 4.635 ha and is zoned 'Residential Area' under the Fingal Development Plan 2017-2023 and forms the southern part of the Fosterstown Masterplan area, situated to the south of the town centre of Swords, a Key Town in the Metropolitan Area. The site is in an accessible location, with high frequency public transport in close proximity to the site, and further public transport enhancements proposed adjacent to the site including MetroLink and Bus Connects. The site is also in close proximity to several employment areas and Swords town centre.
- 1.5 The proposed development will contribute a high quality residential development along with other complementary uses, including significant public open space provision (including 2 no. playing pitches for use by residents and future use by lands reserved for an education campus to the adjacent lands to the north), a community facility and commercial units.
- 1.6 The adjacent lands to the north are owned by a separate entity. Planning permission was granted (ABP Ref.: 308366-20) on the 3rd of February 2021 for a strategic housing development of 278 no. apartments, childcare facility and associated site works on the adjacent site to the north (Fosterstown), The level of conformity between the development proposals put forward under this SHD Application and the Fosterstown Masterplan is outlined further within this report.
- 1.7 This Statement of Consistency and Planning Report demonstrates the proposed development is consistent with National & Regional Planning Policy and the Ministerial Guidelines, the requirements of the Fingal County Development Plan 2017-2023, and the Fosterstown Masterplan 2019.
- 1.8 The accompanying Statement of Material Contravention provides a justification for a material contravention of the Fingal County Development Plan 2017-2023 (hereinafter

'Development Plan') should the Board be of the view that the proposed development contravenes (i) Objectives SWORDS 27, PM14, PM15 in relation to the preparation and implementation of masterplans, and associated objectives set out in the Swords Masterplans Part C: Fosterstown (hereinafter 'Fosterstown Masterplan') 2019 in relation to road improvements and phasing, building height, density, unit mix and housing typology and vehicular access, (ii) Objective DM113 / Table 12.8 in relation to car parking, (iii) Objective DMS30 in relation to daylight and sunlight analysis, (iv) Map Sheet No. 8 map-based objective in relation to the indicative Metro North route (v) Objectives PM52 and DMS57 in relation to public open space and (vi) Objective NH27 in relation to the protection of existing hedgerows of amenity or biodiversity value of the Development Plan.

- 1.9 This Statement of Consistency addresses the requirement of the Strategic Housing Development application form which requires:

(A) A statement that, in the prospective applicant's opinion, the proposed strategic housing development is consistent with relevant guidelines issued by the Minister under section 28 of the Planning and Development Act 2000.

(B) A statement setting out how the proposed strategic housing development will be consistent with the relevant objectives of the relevant development plan.

- 1.10 There is a general obligation to "have regard" to Ministerial Guidelines. Additionally, Section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act provides:

"(b) Where specific planning policy requirements of guidelines referred to in paragraph (a) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan."

- 1.11 This Statement of Consistency therefore demonstrates compliance with the Apartment Guidelines 2020 and the Building Height Guidelines 2018, particularly in respect to SPPR's which supersede relevant policies, objectives and standards in the Fingal Development Plan. It also includes details in respect of the proposed development in relation to the site location and context, a detailed description of the development, and the relevant planning history.

- 1.12 For greater detail in respect of compliance and consistency with quantitative standards for residential apartment units as outlined within the 2020 Apartment Guidelines, which supersede any conflicting provisions of the Fingal Development Plan 2017-2023, please refer to Section 6 of this report and the Housing Quality Assessment (HQA) prepared by PCOT Architects, architectural drawings and Design Statement prepared by Public Realm Architects Arrow Architects should be referred to. The scheme has been developed to comply fully with the Apartment Guidelines standards for apartment accommodation and is not being applied for as a 'Build to Rent' (BTR) scheme as defined in the guidelines.

- 1.13 The development has been subject of 2 no. Section 247 pre-application consultation meetings with the Planning Authority and a tripartite meeting with An Bord Pleanála and the Planning Authority.

- 1.14 The proposed development as submitted to An Bord Pleanála (ABP), is the product of an analysis of the subject site, its setting and characteristics, planning history, national, regional, local planning policy, the formal pre-application consultation meeting with Fingal County Council (the planning authority), details of which are provided in Section 4 and Appendix 1 of this report, and the tripartite meeting with the Board and subsequent Opinion. The final design of the proposed development responds to the items of specific information identified within the Board's Opinion on the conclusion of the pre-application consultation process. The accompanying Statement of Response report prepared by John Spain Associates should be referred to for a response to the items of specific information required by the Board. The Statement of Response refers to other documents within the application which provide more detailed responses to particular points where relevant.
- 1.15 A seven year permission for the proposed development is sought. This is considered appropriate given the scale and nature of the proposed development, the town centre environment, and the associated complexities of construction in this location. However, it is intended to commence and complete construction in a timely manner, with the duration of construction approximately 24 to 30 months. Furthermore, following new legislation in 2021, Section 42(8) of the Planning and Development Act 2000, as amended, provides that a planning authority shall not extend planning permissions granted that were subject to an EIAR or an appropriate assessment, and accordingly it is considered appropriate to request a duration beyond the typical five year permission for this application.

Change of Applicant

- 1.16 In accordance with Section 17(2)(a) of the Planning & Development (Amendment) (Large-scale Residential) Act 2021, we notified the Board on behalf of the prospective applicant of the intention to proceed with the SHD application within the time period prescribed under Section 17(2)(b) of the 2021 Act.
- 1.17 We note that the applicant at pre-application stage was Murlyn (Investments) Limited, however, the lands were acquired by the applicant, J. Murphy (Developments) Limited, in March 2020 and accordingly this application is made by the current landowner. We understand this approach is acceptable as the issue on whether an application was valid arose in the case of *Pembroke Road Association v An Bord Pleanála* [2021] IEHC 403 where Owens J. rejected a challenge on the basis that the applicant for permission was not the same as the entity which engaged in the pre-application process. The same judge subsequently rejected the application for a certificate for leave to appeal on 19 November 2021 ([2021] IEHC 718) and held that "The identity of a person pursuing a planning application may change during the currency of the process. There is nothing in the legislation which requires the bizarre result that a change in the identity of the person pursuing an application must always lead to a fresh process".
- 1.18 In other words, the applicant for permission was deemed to have sufficient interest to make the application. Therefore, it is appropriate for the application to be made by J. Murphy (Developments) Limited and it obviates the requirement in Article 297 of the Regulations that where the applicant is not the owner of the land concerned, the written consent of the owner to make an application under section 4 of the Act of 2016 in respect of that land must be included with the application.

Summary of Planning Rationale and Key Points

1.19 The planning rationale for the proposed development, and the key details pertaining thereto, can be summarised briefly as follows:

- The principle of the proposed development is considered acceptable and in accordance with national, regional and local policy objectives.
- The application site is zoned 'Residential Area' under the Fingal Development Plan 2017-2023 and forms the southern part of the Fosterstown Masterplan area.
- Variation No. 2 to the current Development Plan aligns the CPD with recent changes in National and Regional planning policy, which identifies Swords as a Key Town in the Metropolitan Area and that having regard to the ongoing delivery of housing, a 15% increase in population is proposed for Swords. The residential capacity of Swords is 14,799 residential units, with 481 ha of lands available to deliver on this residential development. Thus, the proposal for 645 no. residential units, and supporting other uses, will deliver on a portion of the significant planned growth of Swords and fully aligns with the Core Strategy, albeit the residential units will be delivered during the lifetime of the next Plan, when further growth will be allocated to Swords.
- The site is also located within an area subject to the Fosterstown Masterplan (2019), which was adopted by Fingal County Council in May 2019. In respect to the subject site, the Fosterstown Masterplan supports the delivery of residential development. The Fosterstown Masterplan is Part C to the Swords Masterplans prepared in response to Objective SWORDS 27 of the Development Plan.
- The proposed development accords with the vision for Fosterstown to create a residential community that is mixed and balanced and forms a clear nexus with the scale of commercial development anticipated on the nearby Barrysparks and Crowcastle area. The Vision recognises the unique opportunity to utilise new connections that will emerge in Swords via the Metrolink station and Bus Connects, and this is integrated as part of the proposed development.
- The existing site is underutilised and presents a key opportunity site in the Key Town of Swords to provide much needed residential development. The site represents one of the last remaining undeveloped larger scale landbanks zoned for residential use located between Swords and Dublin Airport and the city boundary. The proposed building height ranges from 4 storeys to 10 storeys, with the taller elements located centrally and on the north-eastern part of the site, away from existing residential properties.
- The proposed development is well served by public transport. The proposed development is located adjacent to a QBC, a proposed BusConnects corridor, and within close proximity to Swords Main Street, Pavilions Shopping Centre and the Airside Retail Park which provides for a range of services, shops and restaurants for future residents. Both Pavilions Shopping Centre and Airside Retail Park are significant employment centres. It is therefore considered that the proposed development is suitable for increased heights and densities in accordance with the objectives of the Apartment Guidelines 2020 and the Building Height Guidelines 2018.
- The submitted scheme has been subject to a number of key alterations from that submitted as part of the pre-application consultation. This includes an overall reduction in height, scale and massing, revised elevation treatment ensuring a high quality architectural design, lower building heights, whilst still providing a strong urban edge to the R132, and a revised temporary vehicular access, which

will be closed once when the vehicular access to the lands is made available from the lands to the north.

- The proposed development includes significant public open space, including provision of 2 no. playing pitches for future use for the education campus on the adjoining lands to the north of the Gaybrook Stream.
- The proposed development includes significant public open space, including provision of 2 no. playing pitches for future use for the lands reserved for the school site on the adjoining lands to the north of the Gaybrook Stream.
- The design seeks to ameliorate impacts on surrounding properties, whilst seeking to strike a balance that provides for an appropriate scale and density of development on the subject site in recognition of its strategic and highly accessible location.
- The proposals for a residential led development also accord in principle with the National Planning Framework objectives, in particular the NPF signals a shift towards securing more compact growth and sustainable urban development.
- The provision of residential units in accessible locations and within existing urban areas, such as the subject site, is also supported by the RSES, Apartment Guidelines 2020 and the Rebuilding Ireland Action Plan for Housing and Homelessness to address the ongoing housing and homelessness crisis. The proposed development constitutes an appropriate use of this underutilised site which is strategically located to accommodate residential development.

1.20 The table below provides a summary of the proposed development and how the proposals comply with the key parameters and standards set out in the relevant national, local and planning policy.

Table 1.1: Summary of Key Development Details and Consistency with Planning Policy

Key Parameters	Proposal	Summary Assessment – Compliance with Planning Policy / Adopted Masterplan / Relevant Guidelines
Land Uses / Principle of Development	Residential / Retail / Retail Services / Creche	The subject site is zoned Residential Area within the Fingal County Development Plan 2017-2023, and the proposed uses are consistent with the uses permitted in principle.
Number of residential units / Density	171 uph (net)	Whilst it is recognised the proposed density would be higher than that indicated in the Fosterstown Masterplan, it is considered this is appropriate in the context of National Policy, Apartment Guidelines 2020 and Urban Development and Building Heights Guidelines 2018 objectives to increase residential density on sites within the existing urban areas that are well served by public transport. In accordance with the Masterplan, the density remains respectful towards the residential dwellings to the west and south,

		with higher densities concentrated to central, northern and eastern areas of the subject site.
Mix of units	208 no. 1 Beds (32%), 410 no. 2 Beds 4 Persons (64%) 27 no. 3 beds (5%)	The proposed mix complies with SPPR1, SPPR3 and SPPR4 set out in the Design Standards for New Apartment Guidelines 2018. Whilst the Masterplan suggests a slightly different mix, this is only indicative, and the Masterplan also recognises that an appropriate mix of 1, 2, and 3 bedroom units should be provided in line with the New Apartment Guidelines 2020.
Height	4-10 storeys	The Masterplan indicates that the height should not exceed 2 to 3 storeys fronting the houses at Boroimhe Willows, with overall heights across the subject site not exceeding 9 storeys. However, as above, the proposed heights are considered justified under the 2020 Apartment Guidelines and 2018 Building Heights Guidelines given the sites proximity to the town centre and public transport. There are variation in the proposed heights, with the lower heights proposed recognise the relationship with the adjoining residential areas to the south and west. The Daylight and Sunlight Analysis also demonstrates the development would not have a significant effect to the daylight received by the windows of the neighbouring properties and would have an imperceptible effect to the level of sunlight received by the surrounding gardens.
Green Infrastructure / Open Space	Public open space (excluding riparian strip) 9,779 sq.m = 22% Including riparian strip 13,134 = 30% Communal amenity space 6,100 sq.m	The quantum of open space proposed in the SHD may be considered a material contravention of objectives PM52 and DMS57 of the Fingal Development Plan 2017-2023 in so far as it does not provide 2.55 ha of open space on the basis of population (2.5ha per 1000 people). However, the proposed development significantly exceeds the 10% requirement in Objective DMS57A and Objective DMS57B, providing c. 0.98 ha of public open space (excluding the riparian strip) or 22% of the site area for public open space. This increases to c. 1.3 ha (30%) when the

		<p>riparian strip is included.</p> <p>However, the proposed development significantly exceeds the minimum requirement of 10% public open space set out DMS57A and DMS57B. DMS57A and DMS57B allow for a financial contribution in lieu of remaining open space requirements. This also exceeds the requirements set out in the Sustainable Residential Developments in Urban Areas (2009) for open space, which requires a minimum of 15% of site area for greenfield sites to be public open space. The open space in the proposed development also meets the qualitative criteria set out in the Sustainable Residential Developments in Urban Areas (2009) Guidelines.</p> <p>All the proposed apartment buildings are located within 150m walking distance of the public open space in accordance with objective DMS59, including the public plaza and the public open space to the northern boundary. This is in addition to the communal open spaces which are accessible to each building.</p>
Transport Infrastructure	Proposed temporary new access / left in and left junction to R132, in addition to internal roads, access to adjoining land to the north, and pedestrian and cyclist links.	<p>The proposed access from the R132 will be temporary and can be closed following the completion of the Fosterstown Link Road and associated road infrastructure to service the site via the lands to the north, as identified in the Fosterstown Masterplan. The TIA confirms that the proposed development will have no negative impact on the operation of the local road network, or the delivery of the BusConnect and Metrolink proposals.</p> <p>The provision of pedestrian/cyclist links, in addition to the access/internal road connection to the north are in accordance with the Masterplan objectives.</p>

Car Parking	363 no. car parking spaces for residential and commercial uses. 330 no. spaces in total for the residential accommodation / ratio 0.51 per apartment.	A reduced level of parking is considered acceptable, given the subject site is well serviced by public transport, and being located along the Swords QBC, future BusConnects and Metrolink (as set out in further detail in the TIA and Mobility Management Plan). This is considered acceptable with regards to the Apartment Guidelines 2020, and as encouraged by the Fingal County Development Plan and Masterplan for the site. This is discussed in Section 6 and 7.
Bicycle Parking	1,519 bicycle parking spaces	The total number of bike spaces provided will exceed the Fingal Development Plan and the Apartment Guidelines 2020 requirements.
Adjacent Development to the north	The applicant has undertaken numerous consultations with the landowner (MKN Properties Limited) of the adjoining lands to the north, and a letter of support is provided with the application, which confirms that the proposed roads and pedestrian / cycle infrastructure layout is in line with the indicative layout proposed in the Fosterstown Masterplan, with the emerging proposals for their site (see Murray & Associates Landscape Masterplan) and that the proposed layout does not prejudice the future delivery of the future connectivity between the northern and southern portion of the masterplan area. The applicant and adjoining landowner acknowledge that the road infrastructure to provide the connection between the lands will need to be delivered as part of future phases of development	
School	This does not form part of the proposals, as the school site is reserved as part of the adjoining land to the north. Playing fields are included as part of the Open Space provision and this could form part of the school playing fields at a future date if required.	
Other relevant standards from Design Standards for New Apartments 2020	The proposed development meets all other relevant standards from the Design Standards for New Apartments 2020, including aspect, floor to ceiling height, apartment to stair/lift ratios, storage, private amenity space.	

2.0 **SITE LOCATION & DESCRIPTION**

Strategic Context

- 2.1 The subject site is zoned 'Residential Area' under the Fingal Development Plan 2017-2023 and forms the southern part of the Fosterstown Masterplan area. Prior to the adoption of the Fosterstown Masterplan in 2019, the lands formed the southern section of the Fosterstown Local Area Plan which has now been superseded. Further details on consistency with the Fingal Development Plan and the Fosterstown Masterplan is set out in Section 7 below.

- 2.2 The site is in an accessible location, with high frequency public transport in close proximity to the site, and further public transport enhancements proposed adjacent to the site including Metrolink and Bus Connects. The site is also in close proximity to several employment areas and Swords town centre.
- 2.3 Swords is at the top of the county settlement hierarchy and is designated as a Metropolitan Key Town with the Fingal Development Plan (FDP) (as amended under Variation 2). This reflects the RSES which identified Swords as one of the three 'Key Towns' in the Metropolitan Area Strategic Plan (MASP) area, alongside Bray and Maynooth. These Key Metropolitan Towns are important in a regional and a county context and the FDP identifies they have capacity and future potential to accommodate above average growth in the Region. The FDP sets out that Swords currently provides for a significant employment base, reflecting its location proximate to the M1, M50 and Dublin Airport. The Development Strategy for the town is consolidation, active land management, employment generation and residential development centred around regeneration of the town centre and high quality public transport in the form of Metrolink and Bus connects.

Site Context

- 2.4 The subject site is c. 4.635 hectares (including FCC lands) and it is currently greenfield, surrounded by low hedgerows, trees and boundary fencing. The existing access to the subject site is via the Dublin Road / R132.
- 2.5 The subject site is bounded to the north by additional greenfield lands which are within the overall Masterplan area. The lands to the north are under separate ownership. The land to the north is separated from the subject site by an existing field boundary and an existing stream (Gaybrook Stream) along the northern boundary.
- 2.6 The site is bound to the east by the Dublin Road (R132), with Airside Retail Park adjacent. To the south and the west of subject site is the Boraimhe residential area and public open space, which consists of a range of two storey detached, semi-detached and terraced residential housing units.

Figure 2.1: Site Location Map

Source: Architectural Drawings

- 2.7 The site represents one of the last remaining undeveloped landbank zoned for residential use located between Swords and Dublin Airport and the city boundary. It is exceptionally well located being within 1km of the Swords main street and the Pavilions Shopping Centre and 300m from Airside Retail Park.

Accessibility

- 2.8 The site is within a 10 minute drive of the M1, M50, Dublin Airport and the Port Tunnel. The site is also in close proximity to several employment intensive areas, including Dublin Airport and Airside Business Park.
- 2.9 The site is well serviced by public transport with high capacity, frequent service, and is located directly adjacent to a major public transport corridor being the Swords Quality Bus Corridor (QBC). A number of bus stops located within 30m-450m walking distance to the site, providing for a high capacity and frequent service to the city centre, along with direct links with Dublin Airport, Dublin City Centre, and UCD. This includes the Swords Express bus services (including routes 500, 501, 502, 503, 504, 505, 500X, and 501X), a range of Dublin Bus services and a GoAhead service (including routes the 33, 33a, 41, 41b, 41x and 101).
- 2.10 The Public Transport Capacity Assessment prepared by Waterman Moylan demonstrates the existing bus network in the area has sufficient capacity to accommodate passenger trips generated by the proposed development and it confirms

the peak frequency of bus services is 37 no. buses per hour equivalent to an average frequency of one bus per 1.5 minutes. A copy of the capacity report is included in under separate cover. Future proposals for public transport in the area include Bus Connects and a section of the Core Bus Corridor 2 (Swords to Dublin City Centre) preferred route passes directly by the site to the east, along the R132 / Dublin Road. The site will also benefit from the future MetroLink line, which will run along a corridor linking Swords, Dublin Airport and the City Centre, and will terminate at Charlemont. The preferred route public consultation identified a MetroLink stop is proposed on the opposite side of the R132/Dublin Road, north of and partially within the footprint of Airside Retail Park, and adjacent to the subject site at Fosterstown North.

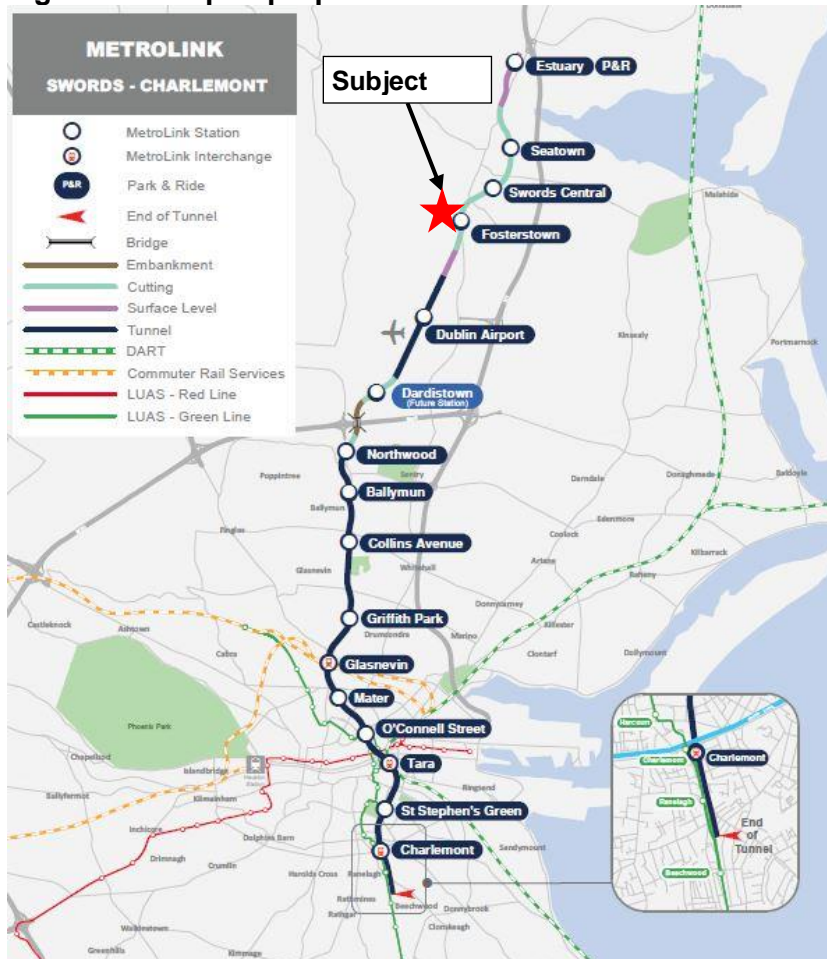
Figure 2.2: Bus Network and Bus Stops



Source: *Public Transport Capacity Assessment*

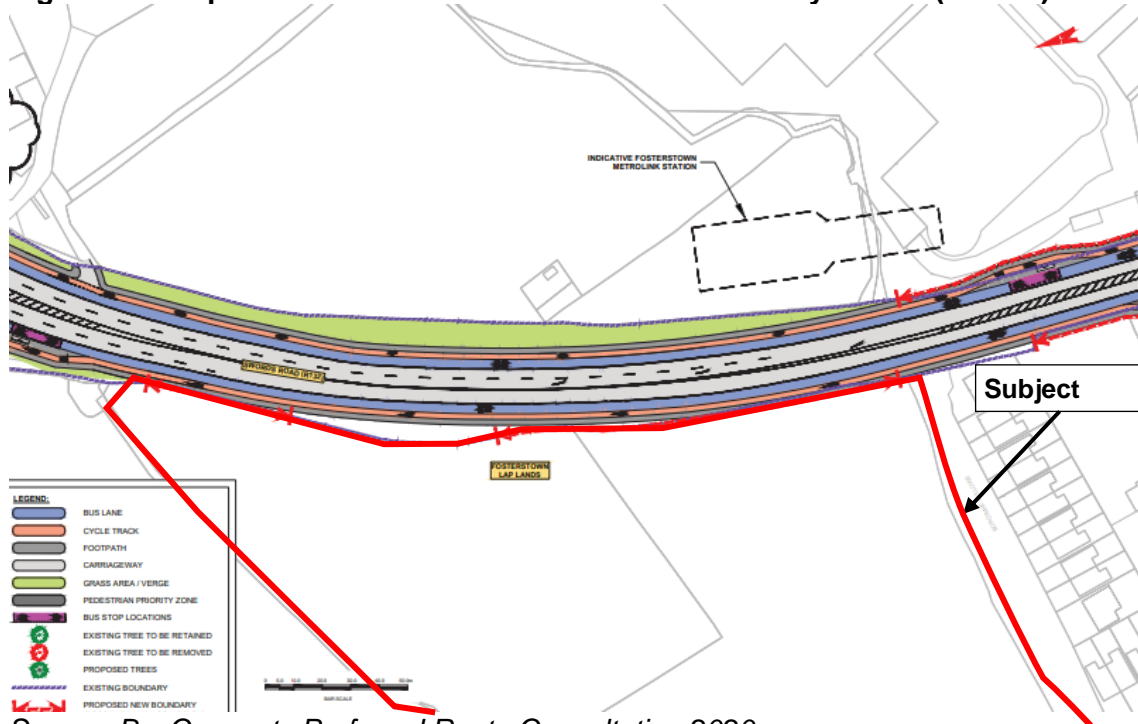
- 2.11 Future proposals for public transport in the area include the MetroLink. The preferred route for MetroLink was published for public consultation on the 26th of March 2019. The MetroLink line will run along a corridor linking Swords, Dublin Airport and the City Centre, and will terminate at Charlemont. A MetroLink stop is proposed on the opposite side of the R132/Dublin Road, north of and partially within the footprint of Airside Retail Park, and adjacent to the subject site at Fosterstown as set out within the preferred route details published. TII provided an update in March 2022 outlining that a Preliminary Business Case for the Metrolink was submitted to the Department of Transport for approval in December 2021. Once confirmed to proceed, the TII expect a Railway Order will be submitted in 2022 based on the current preferred route. Subject to approval, the construction of the project will proceed, however, it is expected this will take a number of years, and therefore the Metrolink will not be delivered in the short term.

Figure 2.3: Map of proposed MetroLink route with site identified



Source: National Transport Authority; MetroLink Preferred Route, March 2019

- 2.12 Bus Connects aims to introduce 'next generation' bus services and corridors in Dublin. With the aim of significantly cutting existing journey times and ensuring that services are predictable and reliable. A section of the Core Bus Corridor 2 preferred route passes directly by the site to the east, along the R132 / Dublin Road. These corridors will have continuous bus priority, along with segregated cycle lanes where possible. The route will run service to the City Centre running every 10-15 minutes. The NTA provided an update on the BusConnects website in March 2022 confirming that following the approval of the BusConnects Dublin Preliminary Business Case, the NTA is commencing the statutory application process which will be progressed on a phased basis. The Swords to City Centre CDC Scheme does not form part of the first six schemes to be progressed, and it is expected an application will be submitted to An Bord Pleanála during the second half of 2022.

Figure 2.4: Map 2 Core Bus Corridor 2 from Swords to City Centre (extract)

Source: *BusConnects Preferred Route Consultation 2020*

3.0 **PLANNING HISTORY**

Subject Site

- 3.1 A planning history search has been conducted for the subject site. The search indicates that there is no relevant planning history on the subject site.

Adjoining Site

ABP. Ref.: 308366-20 – Adjoining lands to the north within the Fosterstown Masterplan Lands

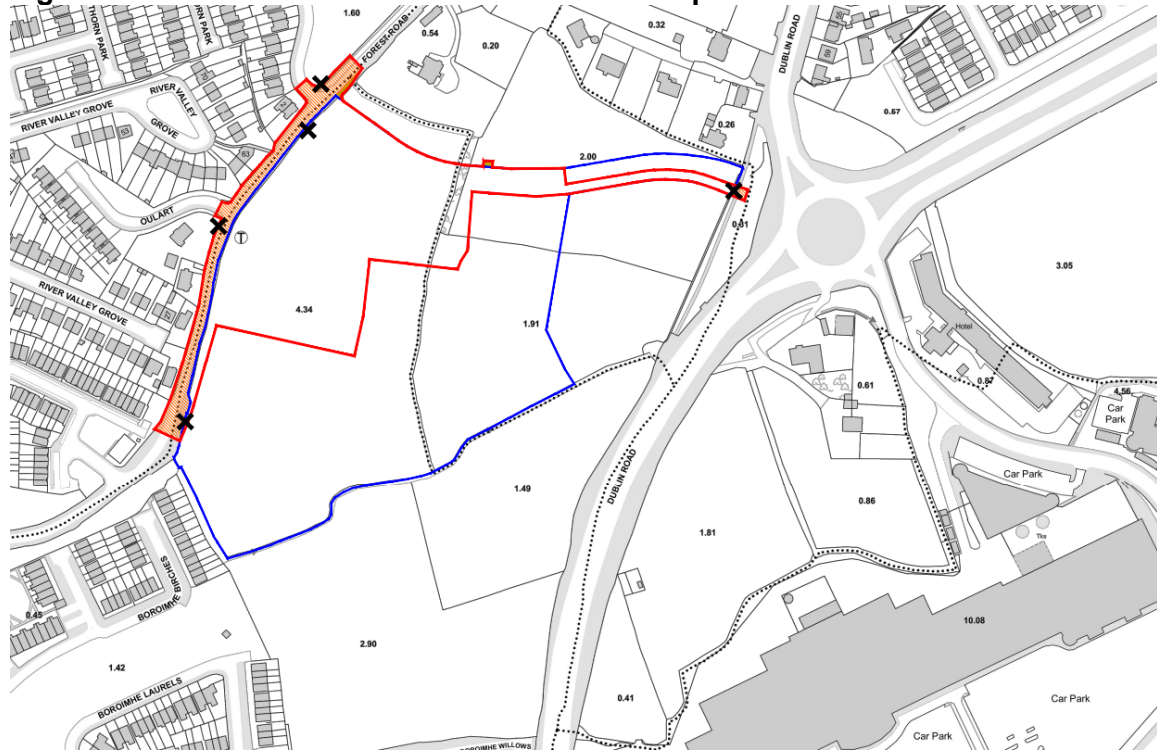
- 3.2 An Bord Pleanála granted planning permission on the 3rd February 2021 for a Strategic Housing Development of 278 no. apartments, childcare facility and associated site works. on site at Fosterstown North and Cremona, Forest Road, Swords, Co. Dublin which is to the north of the subject site and forms the northern edge of the Masterplan lands. The development was described in the public notices as follows:

“The development will consist of:

- *Construction of a mixed-use development ranging in height from 5 no. storeys to 9 no. storeys from street level.*
- *The development will have a total of 278 no. apartment units (125 no. 1 bedroom units, 146 no. 2 bedroom units and 7 no. 3 bedroom units) internal amenity space (218.8 sqm), 1 no. creche facility (354.4 sqm) and 1 no. retail unit (262 sqm);*
- *The proposed development is set out in 3 no. Blocks. Each block will contain the following:*

- *Block A – ranges in height between 6-9 storeys and contains 13 no. 1 bedroom units, 45 no. 2 bedroom units and 7 no. 3 bedroom units and internal amenity space, a retail unit and a creche facility at ground floor level;*
- *Block B – ranges in height between 5-6 storeys (over basement level) containing 56 no. 1 bedroom units and 48 no. 2 bedroom units.*
- *Block C – ranges in height between 6-7 storeys (over basement level) in height containing 56 no. 1 bedroom units and 53 no. 2 bedroom units;*
- *The proposed development will also include the provision of public, communal and private open space including courtyard areas, terraces, balconies and playground areas;*
- *A section of the proposed public open space consists of temporary open space which will be developed on in future phases;*
- *Public realm improvements including the provision of footpaths, road widening, cycle infrastructure and landscaping works to the Forest Road;*
- *Provision of a new link road from the Forest Road to provide access to the proposed development and adjoining lands. The new link road will also include a pedestrian and cycle route to the Dublin Road/ R132;*
- *Parking at basement level for 104 no. cars and at surface level for 102 cars to serve the residential element of the proposed development. 5 no. car parking spaces will be provided at surface level to serve the creche;*
- *214 no. bicycle parking spaces will be provided at basement level and 162 no. external spaces at ground level throughout the site;*
- *All hard and soft landscaping, boundary treatments and all associated site development works, signage, services, substations, green roofs, PV panels at roof level and plant.”*

3.3 The decision was subject to 28 no. conditions. We note Condition 3 requires the reduction in height of Block A to 8 no. storeys and the amendment of Block B to form two distinct blocks. Condition 7(b), the developer is required to “*facilitate the provision of a future road access to the lands south of the proposed development that form part of the Masterplan lands.*” We understand the decision is currently the subject of a Judicial Review.

Figure 3.1: ABP Ref.: 308366-20 Site Location Map

Source: John Fleming Architects, ABP. Ref.: 308366-20 Application drawings

4.0 PRE-APPLICATION CONSULTATIONS

4.1 The evolution of the design for the proposed development has been guided and informed by the planning history of the subject site and surrounding lands as set out above, and the issues and points raised during the pre-application discussions with the Planning Authority and An Bord Pleanála (see below and Statement of Response report for further details). The proposals now submitted to the Board are considered to be in accordance with the proper planning and sustainable development of the area, while responding to the points raised in the preapplication discussions.

S. 247 Pre-Application Consultations

4.2 Two no. formal pre-application meetings under Section 247 of the Act were undertaken with Fingal County Council (the Planning Authority). The first meeting was held on the 25th January 2019. The meeting was attended by Peter Byrne (Senior Planner), Claire Mc Veigh (Senior Executive Planner), Paul O'Brien (Executive Planner), Linda Lally (Senior Executive Planning and Strategic Infrastructure), Paul Carroll (Senior Engineer Planning and Strategic Infrastructure), Sarah Ryan (Executive Planner), Niall McKiernan (Senior Executive Engineer Water Services Planning), Gemma Carr (Senior Executive Parks Superintendent), and Sinead Murphy (Senior Engineer).

4.3 The scheme presented to the Planning Authority related to the construction of 710 no. residential units in 13 no. blocks ranging from 4-10 storeys. The proposal included the provision of a childcare facility, 2 no. retail / retail services units, 1 no. resident amenity facility and open space. A new access and signalised junction was proposed to the site from the R132. The internal roadways of the scheme include facilitating the lands for access to the proposed adjacent development to the north.

- 4.4 A further meeting was undertaken with FCC on the 29th of June 2021 following the appointment of Arrow Architects to the project to assist PCOT Architects in addressing Item 2 of the Board's Opinion and in acknowledgement of the strategic location of the site vis-à-vis the Key Town of Swords, adjacent to a Bus Connects corridor and immediately opposite the planned Metrolink station at Fosterstown. The meeting was attended by David Murray and Hugh O'Neill- Planning, Carmel Brennan- Architect, Niall Thornton- Transport and Gemma Carr- Parks
- 4.5 The main points raised and discussed at the pre-application meetings are summarised in Appendix 1, and the description of the proposed development provided within Section 5 of this report (below) describes the scheme as now submitted for approval.

Masterplan Consultations

- 4.6 In addition, as part of the Fosterstown Masterplan preparation process, a meeting was facilitated by FCC and the consultants engaged to prepare the masterplan prior to the publication of the draft. The proposals for the site were discussed as part of this consultation in the context of the emerging masterplan. Submissions during the consultation process for the masterplan in respect of the subject site were also made, including as part of the pre-draft consultation in September 2018 and a further submission on the draft masterplan in April 2019.
- 4.7 This application demonstrates that the proposals broadly adhere to the requirements of the Fosterstown Masterplan and seeks to provide a justification for aspects of the scheme which differ from those envisaged by FCC for the lands, including building heights, density, phasing and access from the R132, as set out in the Statement of Material Contravention.

Bus Connects and MetroLink Consultations

- 4.8 In relation to BusConnects, submissions were made to the NTA as part of the emerging referred route public consultation in February 2019, and also as part of the Core Bus Corridor Public Consultation in April 2020. This provided additional information to the NTA on the proposals for the land, and confirmed that the proposed access and junction to the lands would not jeopardise the delivery and operation of the proposed core bus corridor.
- 4.9 A meeting was requested with the NTA through the Transport Department of FCC by Waterman Moylan; however, this was not facilitated in advance of lodgement. The current application proposes a temporary vehicular access from the R132, which will be closed on construction of the link road from the north, and the TTA / engineering documentation, demonstrates that the proposals will not prejudice the delivery of Bus Connects or the MetroLink project. The NTA and TII are consultees identified by ABP and will be afforded the opportunity to comment on the scheme.

Tripartite Meeting and Opinion of the Board

- 4.10 Following the tripartite meeting on the 27th of November 2020, the Board's Opinion sets out 3 no. items requiring further consideration by the applicant and design team to ensure that the proposed development and supporting documentation would constitute a reasonable basis for an application for strategic housing development. The 3 no. items relate to the proposed vehicular access, the design and heights of the proposed

buildings and the foul water drainage proposals. In addition, 17 no. items of specific information are requested in the Board's Opinion.

- 4.11 The separate Statement of Response Report prepared by JSA submitted with this SHD application outlines how the issues raised in the Board's Opinion have been addressed in this final application submission.



Figure 4.1: Proposed view from R132 to the southeast of the site

- 4.12 We refer to the Design Statement for further details, but in summary the key alterations to the scheme from that submitted as part of the pre-application consultation, to address items raised in the Board's Opinion, are as follows:

- The layout has developed to broadly reflect the Fosterstown Masterplan 2019, with longer angular blocks to form high quality urban spaces with distinctive environments, each with its own unique identify. It is considered the proposals now provide the optimal urban design and architectural solution with an exceptional variety of high quality materials and a variety of building heights and design elements to create quality architecture, and as a result providing a positive contribution to the character of the subject site and the surrounding area, resulting in improved visual impact and a better quality environment which will improve resident's amenity.
- As part of this, the façade designs and treatments, including materiality, of the proposed buildings have been subject to significant update and reworking, in order to improve the appearance of the scheme, break down the perceived scale and massing of the buildings, and add to the visual interest of the development.
- The proposal provides for revised massing and scale to provide for a greater graduation in the vicinity of neighbouring properties. There has been a change in height for all blocks except Blocks 1 and 2. The blocks along the R132 and Blocks no. 3 and 7 have been reduced in height and these blocks have been segmented so the blocks have different heights to reduce their massing, which is broken down, thereby mitigating visual impacts, overlooking, and overshadowing on the surrounding area.

- Furthermore, the reduction in the scale and massing of Block 3 increases the separation distance from the existing neighbouring properties to the west, and also provides sufficient space to retain and protect the existing hedgerow on the western boundary.
- The proposed civic space has been revised, increasing the space and revising the ground floors of adjoining buildings to ensure they front the space accordingly with 'active' frontages. This includes revisions to Block 4, relocating the commercial parking, the bin storage and access to the undercroft / basement and creating an additional seating area. It is considered that the revised proposals enhance the plaza as a high quality space, and connects with the future Metrolink station, via the proposed pedestrian crossing of the R132.
- The number of car parking spaces is reduced from 500 to 363 no. car parking spaces in total and the access and circulation strategy has been carefully considered with pedestrian and cycle movements along the new access road and within the pedestrian area to the northeast of this road to improve resident safety and experience.
- The wider landscape scheme for the development has also been further developed, with a significant level of consideration given to proposed planting, landscape layout and species.
- Inclusion of a community facility for residents and the surrounding area.
- The site area increased from 4.392 hectares to 4.635 hectares to add a portion of the R132 for proposed improvement and public realm works, including construction of a new temporary left-in, left-out vehicular access to / from the R132.

- 4.13 In addition to the above, the proposed scheme continues to provide a childcare facility and for significant public open space, including the 2 no. playing pitches for the school and it will significantly enhance connectivity and permeability of the site.
- 4.14 In terms of the playing pitches, we note the comments that this should cater for a minimum full sized pitch. The proposed playing pitches accord with the size indicated in the Fosterstown Masterplan (which is approximately 60m long and 50m wide), as illustrated in the M+A Landscape Design Report. The report also demonstrates that the playing pitch dimensions cater for a minimum full sized pitch, which can be divided into two smaller training pitches.
- 4.15 The Statement of Response includes a section which outlines how the matters raised in DCC's Chief Executive's Report on the SHD preapplication submission have been addressed in the final application.
- 4.16 Thus, in summary the proposed scheme reduced from 710 no. units in the first preapplication meeting with FCC, to 705 no. units in the Stage 2 submission to the Board, to now 645 no. units in the final Stage 3 SHD application to the Board.

Other Relevant Consultations

- 4.17 As set out in the application form, the applicant and design team have engaged in the following consultations prior to lodgement of the application:
- Irish Water - As part of the pre-connection enquiry application process with Irish Water, it was confirmed that the existing network has capacity to cater for the

development, subject to local upgrades which are to be delivered by Irish Water. A Statement of Design Acceptance letter has also been received.

- The applicant has also consulted with the adjoining landowner to the north, MK Properties Limited, in respect to the proposed development and obtained a letter confirming the infrastructural proposals align with their proposals for the site.
- In addition, the applicant has met with a local elected representative and local residents on an informal basis prior to lodgement.

4.18 Prior to lodgement of the application, and given the heights of 4 to 10 storeys proposed, the proximity to Dublin Airport and the requirements of SPPR 3 of the Building Height Guidelines, we engaged with the DAA and IAA. The responses received, which are appended to the Statement of Consistency and Planning Report, demonstrates that no concerns in principle are raised in respect to the proposed heights as summarised below.

- Dublin Airport Authority – Email response received confirm no concerns in respect to the proposed heights, subject to details of craneage being agreed as part of the construction process. See attachment to this Statement of Consistency / Planning Report.
- Irish Aviation Authority- Email response received confirm no concerns in respect to the proposed heights, subject to details of craneage being agreed as part of the construction process. See attachment to Statement of Consistency / Planning Report.

5.0 DESCRIPTION OF PROPOSED DEVELOPMENT

5.1 The proposed development comprises a Strategic Housing Development of 645 no. residential units (comprising of 208 no. 1 bedroom units, 410 no. 2 bedroom units, and 27 no. 3 bedroom units), in 10 no. blocks, with heights ranging from 4 no. storeys to 10 no. storeys over an undercroft / basement level. The proposals include 1 no. community facility in Block 1, 1 no. childcare facility in Block 3, and 5 no. commercial units in Blocks 4 and 8 (for Class 1-Shop, or Class 2- Office / Professional Services or Class 11 Gym or Restaurant / Café use, including ancillary takeaway use) in Blocks 4 and 8.

5.2 The proposal contains a total of 363 no. car parking spaces, 63 at surface level and 300 at undercroft / basement level, and 1,519 no. bicycle parking spaces. Bin stores, plant rooms and block cores are located at undercroft / basement level. The proposed development includes private amenity space in the form of balconies / terraces for all apartments. The proposed development will also include the provision of public and communal open space, including 2 no. playing pitches, children's play areas and an ancillary play area for the childcare facility.

5.3 The proposed development includes road upgrades, alterations and improvements to the Dublin Road / R132, including construction of a new vehicular access, with provision of a new left in, left out junction to the Dublin Road / R132, and construction of a new signalised pedestrian crossing point, and associated works to facilitate same. The proposal includes internal roads, cycle paths and footpaths, vehicular access to the undercroft / basement car park, with all infrastructure provided up to the application site boundary to facilitate potential future connections to adjoining lands.

- 5.4 The development includes all associated site and infrastructural works, including foul and surface water drainage, PV panels at roof level, 5 no. ESB Substations, hard and soft landscaping, boundary treatment, and all associated and ancillary site works.

Figure 5.1: Proposed Site Layout Plan



Source: Architectural Drawings

- 5.5 Key details of the proposed development are broken into its constituent parts and presented in Table 5.1 below for ease of reference. For future detailed description of the architectural design please refer to the Design Statement prepared by Arrow and PCOT Architects. For further details in respect of the landscape design proposed please refer to the Landscape Statement and drawing prepared by Mitchell and Associates and for further details on transport and drainage services can be found in the documentation prepared by Waterman Moylan, in addition to the Traffic Impact Assessment prepared by OCSC.

Table 5.1: Proposed Development Details

	Proposed
Application Site Area (red line boundary)	4.635 ha
Land in applicants ownership (excluding FCC lands/R132)	4.405 ha
Net Development Area	3.7592 ha

No. Residential Units	645 no. units (GFA 61,467.3 sq.m)
Non-residential units	Block 1 – Community Facility: 191.8 sq.m Block 3 – Childcare facility: 609.7 sq.m Block 4 – Commercial Units*: 632.2 sq.m Block 8 – Commercial unit*: 698.3 sq.m *Commercial Units: Class 1-Shop, or Class 2- Office / Professional Services or Class 11 Gym or Restaurant / Café use, including ancillary takeaway use
Mix	- 208 no. 1 Beds (32%) - 410 no. 2 Beds 4 Persons (64%) - 27 no. 3 beds (5%)
Floor Areas	- 1 beds: 50.4 sq.m – 69.8 sq.m - 2 beds: 81.3 sq.m – 107.3 sq.m - 3 beds: 98.3 sq.m – 130.1 sq.m
Site Coverage	25% (11,020 sq.m)
Plot Ratio	1.54 (67 864.8/4.405ha)
Density	Gross Site Density (645 units /4.405 Ha): 146.4 u/Ha Net Site Density (645 units /3.7592 Ha): 171.5 u/Ha
Building Heights	10 no. apartment blocks ranging from 4 to 10 no. storeys over an undercroft / basement level
Dual Aspect	69% (447 no. units)
Car Parking	363 no. car parking spaces, including: <ul style="list-style-type: none"> • 300 no. residential parking at undercroft / basement • 30 no. surface residential car parking spaces • 10 no. surface spaces for the childcare facility • 23 no. surface spaces for the commercial units 330 no. spaces in total for the residential accommodation / ratio 0.51 per apartment
Cycle Parking	- 347 no. surface spaces - 244 no. ground floor secure - 100 no. store secure - 828 basement spaces - Total- 1,519 bike spaces
Public Open Space	9,779 sq.m (excluding the Riparian Strip) 22% of the site area (excluding FCC lands) / 30% including riparian strip
Communal Open Space	6,724 sq.m
Riparian Strip	3,355.4 sq.m

Childcare Facility	930 sq.m
Outdoor Area	
Children's Play Area	<p>Playing pitches: 2,506 sq.m</p> <p>Older children play areas:</p> <ul style="list-style-type: none"> • Adj playing pitches: 245 sq.m <p>0-6 years play area:</p> <ul style="list-style-type: none"> • Block 3: 115 sq.m • Upper Podium Courtyard: 115 sq.m • Block 1 and 2: 157 sq.m • Block 10: 113 sq.m • Adj Block 9: 124 sq.m <p>Total play areas (excluding playing pitches): 869 sq.m</p>

Land Zoning and the Fosterstown Masterplan

- 5.6 The subject site is zoned Residential Area (RA) with the objective “Provide for new residential communities subject to the provision of the necessary social and physical infrastructure” in the Fingal County Development Plan 2017 – 2023. This is discussed further in section 7 below.
- 5.7 The site is also located within an area subject to the Fosterstown Masterplan (2019), which was adopted by Fingal County Council in May 2019. In respect to the subject site, the Fosterstown Masterplan supports the delivery of residential development. The Fosterstown Masterplan is Part C to the Swords Masterplans prepared in response to Objective SWORDS 27 of the Development Plan.
- 5.8 The Fosterstown Masterplan is discussed in further detail in Section 7, however in summary the proposed development accords with the vision for Fosterstown to create a residential community that is mixed and balanced and forms a clear nexus with the scale of commercial development anticipated on the nearby Barrysparks and Crowcastle area. The Vision recognises the unique opportunity to utilise new connections that will emerge in Swords via the Metrolink station and Bus Connects, and this is integrated as part of the proposed development. It is considered the proposed development aligns with the key principles of the masterplan, including:
- The proposed development reflects the land use which is envisaged to be residential in nature aligned with the proposed Metrolink station;
 - Open space is provided along the existing stream, with potential for future links to the existing public open space at Boraimhe;
 - Further details on the transport and movement principles are discussed below, however, the proposed development seeks to facilitate strong pedestrian and cyclist connections;
 - Green infrastructure forms a key component of the design, with SUDs features, along with the green corridors providing pedestrian and cyclist linkages, which support biodiversity;
 - The proposed development provides a mixture of unit sizes, with lower density 4 storey apartment blocks incorporated along the southern and south western section

of the site adjoining the existing residential community to the south and west, with higher density dwellings located in the centre and east of the lands;

- The proposed heights take cognisance of existing developments in the surrounding area and the strategic position of the site along the R132 and proximity to Swords town centre. It is recognised the heights exceed that envisaged by the Masterplan and this is discussed further below;
- The building heights and apartment typology is considered compatible with the adjacent communities, The density and height respectfully transition down towards the residential dwellings to the south and west, and the R132 provides an opportunity to develop higher density building types;
- The proposed development is supported by a Flood Risk Assessment, and the SuDS strategy has been informed by the information contained in the Masterplan.

Proposed Layout and Design

- 5.9 The proposed layout and design has evolved and advanced significantly following the pre-application consultation with regard to both the overall site layout design and the massing, fenestration and architectural expression of the blocks and the corresponding facades.
- 5.10 In particular the layout has been developed to reflect the general format as set out in the Fosterstown masterplan, with longer angular blocks to form high quality urban spaces, with distinctive environments, each with its own unique identify.
- 5.11 The key revisions to the scheme are set out in Section 4 above, however it is considered the proposals provide the optimal urban design and architectural solution with the choice of an exceptional variety of high quality materials, building heights and design elements, providing a positive contribution to the character of the site and the surroundings.

Figure 5.2 Visual of the Proposed Layout



Source: Design Statement

- 5.12 We refer to the Design Statement for further details, however in summary, the proposals have evolved with the following key design measures:

- Arrow Architect's were appointed to collaborate with the Lead Architect, PCOT Architects, with regards the enhancement of the public realm, including the elevational and fenestration treatment of the building.
- Provision of lower heights adjoining existing residential area on the periphery of the site, a transition of heights along the riparian strip, and provide a strong urban edge to the R132 to the north of the site, where taller development will be supported and the location is capable of absorbing more scale.
- Ground floor activation and animation of the spaces which links the civic space to the riparian strip by the use of own door residential and commercial units.
- Creating gaps, voids and steps within the apartment blocks to allow light penetration, visual permeability and interaction with glimpses and views from both within and without the courtyard areas.
- Introduction of 3 no. character areas, each with an individual look and feel, whilst also responding to the site's context. In order to emphasis the strategic location of the site and its scale, it is considered a variety in both architectural design and materiality are required.
- Give a strong unique identity to both the overall scheme and the individual urban, public and private spaces created, with each of the areas having their own specific character and identity as different colours, materials and textures are used. There is a variety of scale and architectural treatment including façade articulation but still creating a consistency and uniformity to give the overall scheme a sense of place and identity.
- Design amended with a change in direction in the overall height strategy with Block 10 becoming a landmark building as it is at the northern end of the site and won't directly overshadow the other blocks and the other blocks stepping elsewhere to achieve a roofline profile similar to that in the Masterplan. The proposed development has building heights which are in keeping with the principle of the Urban Development and Building Heights Guideline for Planning Authorities December 2018 and an appropriate density to match. Still achieving the key objective with regard to 'a variety of heights to create visual interest and to facilitate access to light', the various blocks address the street and internal courtyard areas to create unique spaces.
- Placemaking by the creation of a new neighbourhood with a unique character and distinct architecture with the use of varying colours, materials and textures.
- Create a hierarchy of public and private spaces within the develop that are accessible and overlooked, each with their own character and providing a mix of active and passive open spaces
- Density to a scale to reflect the principles and aspiration of the Urban Development and Building Heights Guideline for Planning Authorities December 2018 for brownfield infill sites.

- Creating permeability and connectivity, including future access to the lands to the north and the existing adjoining developments together with the provision of football pitches, a creche and other ancillary community accommodation.

5.13 The proposal provides a much greater attention to detail, materials, colours and how they are integrated into the overall scheme to give a clear design intent and identity while at the same time meeting the ancillary needs of the riparian corridor, playing pitches, public plaza and achieving a high level of permeability and connectivity.

Residential Density

5.14 The proposed development of 645 no. units equates to a net density of 171.5 uph on a net site area of 3.7591 ha. As noted through, the density and building height seek to respond to and respect the adjoining areas, transitioning downwards towards the existing residential dwellings to the south and west. The higher density and greater heights are provided in the north east section of the site, adjacent to the R132 and south of the Riparian corridor, which provides the most appropriate location for the higher density elements, given the characteristics of the site, as recommended in the Masterplan.

5.15 The application site area includes FCC owned lands included within the red line boundary, for which a letter of consent has been provided to deliver upgrades, alterations and improvements to the R132. However, this area is excluded from the net site area for the purposes of calculating density.

5.16 The net development area also excludes the riparian strip along the northern boundary of the site and also the playing pitches (we refer to drawing no. PL-21-08B). This accords with the Sustainable Residential Development in urban Areas Guidelines (2009), where appendix A sets out that open spaces serving a wider area (i.e. the playing pitches will serve the lands for the future school site to the north of Gaybrook Stream) and significant landscape buffer strips is excluded from net density calculations.

5.17 We refer to Sections 6 and 7 for further justification of the proposed density. In summary, the proposed density accords with the location of the subject site on a public transport corridor. The Guidelines for Sustainable Residential Development in Urban Areas provide guidance on the appropriate level of residential density for such sites, with a net residential density of 50 or more units per hectare recommended for such locations. The subject site is also located on the R132 which provides a high level of accessibility with the surrounding area and Dublin City Centre. This also accords with the Apartment Guidelines 2020 and the Building Height Guidelines 2018.

5.18 This complies with the Fingal Development Plan Objective PM41 which encourages increased densities at appropriate locations, and also Objective DMS121 which refers to allowing high density development along the indicative route for the new Metro North Corridor. The proposed development broadly aligns with the Fosterstown Masterplan in respect to the lower density 4 storey apartment blocks incorporated along the southern and south western section of the site adjoining the existing residential community to the south and west, with substantial setbacks included, with higher density dwellings located in the centre and east of the lands. However, it is acknowledged that the Fosterstown Masterplan includes reference to a net density of 105-115 uph. Therefore a justification for the proposed density is set out in the Statement of Material Contravention should the Board be of the view that whilst the Fosterstown Masterplan is a 'non-statutory'

document, given it was prepared pursuant to Objective SWORDS 27 of the FDP, it may be considered that it constitutes a potential material contraventions of key objectives of the Fosterstown Masterplan as Objectives SWORDS 27, PM14 and PM15 refer to 'implementing' the masterplan.

Building Height

- 5.19 The proposed building heights range from part 4 to part 10 no. storeys across the development, with a transition in height and scale to the surrounding properties to the southern and west. Heights range from 4 storeys along the western and southern boundaries of the subject site near the adjacent residential properties of Boroimhe rising to 10 storeys at north-eastern corner of the site.
- 5.20 As set out below, the Fingal Development Plan 2017-2023 does not include a building height strategy document, however it is acknowledged that under Objective SWORDS 27 of the FDP refers to is "*where development immediately adjoins existing residential development, the heights of such development shall be restricted to 2-3 storeys*". Therefore the Board may determine that the proposals represent a material contravention of the key main element set out under Objective SWORDS 27 and the key objectives of the Fosterstown Masterplan in relation to building height, and a justification is set out in the Statement of Material Contravention.
- 5.21 In summary, the proposed building heights have been revised following the pre-application process. The building heights proposed within the scheme are considered to respond positively to the surrounding context, providing an attractive frontage to the R132, whilst also ensuring it provides an appropriate response to the existing residential development to the south and west. It will provide for a high quality contemporary development at an appropriate location.
- 5.22 Whilst it is acknowledged that numerical height caps may not apply where the criteria of the Guidelines are met (SPPR3), good urban design that respects local context will be a key consideration in respect of heights. As such, the proposal represents a design-led approach to height, which responds to the site characteristics and context. We refer to the Design Statement for further details on the improved massing strategy, however in summary, the proposed layout correspondences with the Fosterstown Masterplan, and follows the height principles as per the Masterplan with regards lower heights adjoining the existing residential, with increased heights and variation along the R132.
- 5.23 It is considered that the subject site meets the criteria for increased density and additional height as it is located on an infill site within the built-up area of Swords town, well served by high quality public transport. In this regard, the subject site is also suitable for reduced parking provision, having regard to the Apartment Guidelines areas in 'Central and/or Accessible Urban Locations', "*the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances*".
- 5.24 The application site is located along an existing QBC and a proposed BusConnects corridor on the Dublin Road / R132 and within 500m of the proposed Fosterstown MetroLink station. In terms of private transport, the site is within a very short drive of the M1, M50 & Port Tunnel. The site is thus highly accessible and serviced by a high level of current and proposed public transport facilities.

Apartment Units

- 5.25 The proposed development will have a total of 645 no. apartment units, broken down as follows:
- 208 no. 1 Beds (32%)
 - 410 no. 2 Beds 4 Persons (64%)
 - 27 no. 3 beds (5%)
- 5.26 The apartments are compliant with the Apartment Guidelines 2020 in respect of floorspace, layout, private open space and parking. Please refer to Section 6 for further details and the Housing Quality Assessment prepared by PCOT Architects.
- 5.27 Should the Board be of the view that the proposed unit mix contravenes the Development Plan a Statement of Material Contravention is submitted with the application.

Non-Residential Uses

- 5.28 The proposed development includes a total of 2,132 sq.m of non-residential / other uses, comprising 5 no. commercial units, a community facility and a childcare facility. Further details are set out below, however it is confirmed in accordance with the Planning and Development (Housing) and Residential Tenancies Act 2016 (Part 2, Chapter 1, Section 3) that the quantum of uses are within the acceptable limits for SHD:
- The cumulative gross floor area of the residential accommodation does not comprise less than 85% of the gross floor space of the proposed development. As set out in Question 15 of the application form, the other uses equates to c. 2.8% of the cumulative gross floor space of the proposed development.
 - The other uses do not exceed 15 sq.m gross floor space for each residential unit, equating to only c. 3% sq.m for each residential unit;
 - The total of 2,132 sq.m other uses does not exceed the maximum permitted of 4,500 sq.m

Commercial Units and Community Facility

- 5.29 3 no. commercial units will be provided at ground floor level in Block 4 (632.2 sq.m) and 2 no. commercial units will be provided at ground floor level in Block 8 (698.3 sq.m). Given the location of the application site and the Fosterstown Masterplans outlines the vision is to recreate a residential community, with a civic space / local centre opposite the Metro station, the proposed commercial units are located centred around the public plaza. It is envisaged that these units would be suitable for a range of uses and therefore permission is sought for Class 1-Shop, or Class 2- Office / Professional Services or Class 11 Gym or Restaurant / Café use, including ancillary takeaway use.
- 5.30 The proposed development provides for a community facility to be located on the ground floor of Block 1 (191.8 sq.m). This accords with Objective PM70 of the Fingal Development Plan 201702923 which seeks to include a community facility as part of large scale residential developments. In accordance with Objective PM73, it is intended the community facility will have a multi-functional use and will not be used exclusively by one group. It is envisaged that this space would be offered to the Council for use by the local community or alternatively could be managed by the developer / operator with a

structure in place for use by the local community. This space will contribute to the supporting uses proposed as part of the development, including the childcare facility and commercial units, and the significant public open space.

- 5.31 It is considered that these uses will provide for a level of animation at the ground floor. They have been sized to meet the localised needs of the development itself as the site is located within 200m of a supermarket and Airside retail park, and within a 15 minute walk of Swords main street.

Childcare Facility

- 5.32 The proposed development includes a childcare facility (609.7 sqm) located on the ground floor of Block 3 to be delivered as part of Phase 1 of the proposed development. The proposals accord with objective DMS94 (as discussed in section 7 below) and also include an outdoor play area (930 sq.m) in addition to 10 no. parking spaces (including 5 no. spaces within a drop off zone). The childcare facility has been estimated as being capable of accommodation c. 138 childcare spaces based on the classroom sizes and the requirements of Appendix 1 of the Childcare Facility Guidelines for full-day care childcare services, as illustrated on the ground floor plan for Block 3.
- 5.33 As set out within the Community and Social Infrastructure Audit / Assessment report, this childcare facility will accommodate the estimated demand arising from the proposed development based on the calculation methodology within the 2001 Childcare Facility Guidelines, and will also provide an additional element of additional childcare capacity over and above the estimated demand from the proposed development (c. 22 additional spaces).

Landscape and Open Space

- 5.34 A detailed and comprehensive landscape design for the proposed development has been prepared by Mitchell and Associates, and we refer to the Landscape Statement and accompanying landscape drawings for further details. In summary, provision is made for extensive public and communal open space, and the aim of the landscape design is to create a high quality attractive environment with amenity facilities for the proposed apartments and the surrounding area, taking into account the landscape objectives of the Fosterstown Masterplan, the Fingal Development Plan 2017-2023 and National Guidelines to ensure a strong sense of place.
- 5.35 The landscape scheme protects and enhances biodiversity through the following:
- The inclusion of the riparian corridor along Gaybrook Stream into the open space network
 - Protection of hedgerows and existing trees
 - An appropriate planting pallet selection and landscape planted structure to mitigate loss of habitat and create ecological linkages
- 5.36 The landscape strategy creates a network of external spaces that allows for flexibility in recreation activity, social interaction and active play, as well as spaces that are quiet and calming, and connects to and utilises existing green infrastructure for walking cycling and running. The proposed landscaping has been fully co-ordinated in respect of SUDS and public lighting.

- 5.37 The new tree structure is designed to grow and mature within the context of the proposed development ensuring the creation of a sylvan character of the site into the future. A suite of boundary treatments are proposed, responding to the varying site conditions, surrounding context and the local vernacular. The creation of tree lined avenues along the internal roads and frontage to the apartments. We refer to the Arboricultural Impact Assessment for further details.
- 5.38 All apartments are provided with private amenity spaces in the form of balconies and terraces, The landscape strategy includes provision of a privacy strip planting to ground floor apartments and play facilities, in accordance with the Apartment Guidelines 2020.

Public Open Space and Riparian Zone

- 5.39 The proposed development provides for 9,779 sq.m of public open space (excluding the riparian strip) which equates to 22% of the land in the applicant's ownership (4.405ha ha). This increases to 13,134 sq.m in total when including the riparian strip, equating to c. 30% of the total site area in the applicant's ownership. The linear open space along the edge of the Gaybrook Stream accommodates pedestrian movement as well as recreation use.
- 5.40 The Public Open Space includes provision of 2 no. playing pitches (c. 3,706 sq.m) that will be used by the future school to be delivered on the lands to the north. This accords with the Fosterstown Masterplan objective to '*Provide active open space facilities in the form of playing pitches adjacent to the school site and available for use by local residents outside of school requirements.*' Provision is also made for a basketball hoop and outdoor gym equipment.
- 5.41 The POS also includes a central tree lined route between Blocks 6 and 7, linking the riparian strip to the public plaza. The public plaza provides a flexible use paved area with a raised lawn. Raised planters frame the circulation and seating spaces, in addition to short term cycle parking. The high quality paved areas allow for free pedestrian movements and accommodation of café style seating areas associated with the proposed commercial units. This is located in keeping with the Fosterstown Masterplan and provides a key connection to the future Metrolink station and existing Airside Retail Park with a proposed controlled pedestrian crossing.
- 5.42 In relation to the northern boundary, it is proposed to reprofile the bank of the Gaybrook Stream, with a knee top rail located at the riparian zone. This will be a planted bank, graded into marginal terraces for a variety of habitats capable of withstanding a changing water level and incorporates seating terraces. The knee rail allows for visual permeability to the stream but demarcates the bank and stream environment. Development is kept back by a minimum of 10m from the steam bank.
- 5.43 We note that the Biodiversity section of the NTS of the EIAR states the following:
- "The existing habitats at the Site are largely of low ecological value e.g., arable stubble field. Habitats are limited to this agricultural field and the hedgerows and treelines running along its boundaries. An overgrown drainage ditch containing a small stream, the Gaybrook Stream, is located along the Site's northern boundary. No rare flora were recorded at the Site. Non-native and invasive Butterfly-bush and Himalayan Honeysuckle were recorded in places along these hedgerows. Impacts to habitats of ecological value will be minimal, with sections of the eastern hedgerow to be removed and some reprofiling of the Gaybrook Stream bank proposed. **The majority of***

hedgerow at the Site is being retained and the works to the stream bank and its dense vegetation will open up the Gaybrook Stream and increase its biodiversity value.” (Emphasis added)

Communal Open Space

- 5.44 Provision is made for 6,724 sq.m of communal open space, exceeding the Apartment Guidelines requirement of 4,153 sq.m. This comprises the arrangement of the apartment blocks around courtyard spaces, with lawns, outdoor seating, garden areas, communal dining, play facilities, picnic areas and outdoor gym equipment.

Connectivity and Permeability

- 5.45 The proposed development will significantly enhance the connectivity and permeability of the site and its surrounding area. a pedestrian / cycle way is provided along the northern boundary, and also along the eastern boundary with the R132. The proposals allow for a pedestrian crossing to the future MetroLink station. We refer to the DMURS Consistency Statement prepared by Waterman Moylan which confirms the layout and design reflect the primacy of walking and cycling by providing safe, convenient and direct access to local services, employment and public transport.
- 5.46 The proposed development provides the opportunity for future pedestrian and cycle connectivity to the existing Boroimhe residential estate to the west. However, there is an area of land not in the applicant’s ownership between the subject site and the Boroimhe estate, which militates against providing the connections into this adjoining development. The applicant understands that this area of land is in the ownership of a third party and it is not within their gift to make the connections to Boroimhe. However, the proposed development includes for cycle and footpath infrastructure up to the application site boundary to facilitate potential future connections to the adjoining lands, that will need to be delivered by the Planning Authority through their statutory powers.
- 5.47 The roads layout and pedestrian linkages to the north have been designed in consultation with the adjoining landowner (MKN Properties Ltd) to ensure connections are provided to these lands when that development comes forward, at which time the temporary vehicular access from the R132 can be closed.

Transport Matters

- 5.48 In relation to transport matters we refer to the Engineering Assessment Report, Car Parking Rationale and Mobility Management Plan, and the DMURS Consistency statement prepared by Waterman Moylan. A Traffic Impact Assessment prepared by O’Connor Sutton Conin Multidisciplinary Consulting Engineers is submitted with the application. In summary, this confirms that the proposed development will have a low impact on the operation of the links and junctions in the local network. It concludes that there are no traffic or transportation related reasons that should prevent the granting of planning permission for the proposed development.

Vehicular Access

- 5.49 The proposed vehicular access has been revised following the pre-application stage. As part of the Stage 2 Pre-Application Consultation with An Bord Pleanála, the proposals included a signalised junction to access the subject site which facilitated vehicular movements from all directions. In response to Item No. 1 of the Boards Opinion, the

proposed access has been reconsidered and now comprises construction of a new temporary vehicular access, with provision of a new left in, left out junction to the Dublin Road / R132, and construction of a new signalised pedestrian crossing point, and associated works to facilitate same. The proposed works to the R132 are included within the red line application site boundary, for which a letter of consent has been issued by FCC, and will be implemented by the applicant subject to agreement with the Planning Authority. The proposed temporary vehicular access will be closed upon the provision of permanent vehicular access as part of development on the lands to the north of the Gaybrook Stream, with proposed infrastructure provided up to the application site boundary to facilitate potential future connections to the adjoining lands.

Figure 5.3 & 5.4: Fosterstown Masterplan R132 Proposals and Future Solution for the Application Site



- 5.50 Vehicles exiting the proposed development who wish to travel southbound towards Dublin will be able to turnaround at the Pinnock Hill Roundabout to access the southbound side of the R132. In the event that this junction is upgraded to a signal-controlled junction (currently proposed by Fingal County Council) those wishing to travel southbound can turn right in to airside and travel through Airside to the R132 at Boromihe. Vehicles arriving from the north will turn left at Pinnock Hill roundabout and travel through Airside.
- 5.51 Further details are set out in the Traffic Impact Assessment (TIA) prepared by OCSC / Waterman Moylan, and the Response to An Board Pleanála, and Engineering Assessment Report and associated drawings by Waterman Moylan. The reports demonstrate that the proposed access will operate well within normal capacity limits under a left in / left out junction layout, associated with the pedestrian crossing, and there will be no negative impact on the operation of the local road network or the future BusConnects or Metrolink proposals.
- 5.52 In relation to BusConnects, the preferred route for the Swords to City Centre was subject to a public consultation in March 2020. The NTA provided an update on the

BusConnects website in March 2022 confirming that following the approval of the BusConnects Dublin Preliminary Business Case, the NTA is commencing the statutory application process which will be progressed on a phased basis. The Swords to City Centre CDC Scheme does not form part of the first six schemes to be progressed, and it is expected an application will be submitted to An Bord Pleanála during the second half of 2022.

- 5.53 The proposed roads layout has regard to the Bus Connects preferred route proposals (See Figure 6 of the Waterman Moylan Response to An Bord Pleanála Opinion document), demonstrating only a short break in the bus lane would be required to allow vehicles to continue to enter/exit the development. The TIA confirms the detailed analysis results indicate the access is able to operate with a low estimated queue length on all arms during both peak hours, despite the traffic level increased. It expects the level of traffic volumes will be reduced in the future when the Bus Connects proposals are implemented, and that the access will have no negative traffic impact to the future bus network.
- 5.54 It is noted in the Response to An Bord Pleanála Opinion document by Waterman Moylan, that An Bord Pleanála approved planning permission on the 20th January 2022 (ABP Ref.: 310145-21) for the R132 Connectivity Project by Fingal County Council. This comprises of road alterations works along the R132 between Lissenhall Interchange and Pinnockhill Junction. All of these works, similar to the proposed left in/left out junction and pedestrian crossing, can be incorporated into the BusConnects proposals. Waterman Moylan outline that the application proposals will have less impact on the BusConnects than the R132 Connectivity Project, recently approved by ABP.
- 5.55 The preferred Metrolink route is located to the east of the R132, with Fosterstown Station opposite the subject site. The preferred route was subject to a public consultation in March 2019 and the TII provided an update in March 2022 outlining that a Preliminary Business Case for the Metrolink was submitted to the Department of Transport for approval in December 2021. Once confirmed to proceed, the TII expect a Railway Order will be submitted in 2022 based on the current preferred route. Subject to approval, the construction of the project will proceed, however, it is expected this will take a number of years, and therefore the Metrolink will not be delivered in the short term. However, it is respectfully that the development of the subject lands for much needed residential use should not be dependent on the delivery of MetroLink and this position is supported by the TIA and the Public Transport Capacity Assessment prepared by Waterman Moylan.
- 5.56 In accordance with the Fosterstown Masterplan, a public plaza and an appropriate crossing of the R132, connecting to the future MetroLink station to the east, is included as part of the proposed development. The applicant is proposing to provide a signal-controlled pedestrian crossing on the R132 in order to provide a safe pedestrian crossing at grade, rather than an elevated overbridge, as it facilitates a street level crossing which directly connects the indicated MetroLink station to the proposed plaza. In the short term, prior to the delivery of the MetroLink, the proposed crossing will provide access to the existing Bus Stop on the opposite side of the R132 which provides direct high frequency services to the City Centre. The TIA confirms that the provision of the pedestrian crossing facilities on the R132 will be beneficial to facilitate the potential additional pedestrian movements to the Fosterstown MetroLink Station in a safe and convenient environment.
- 5.57 Prior to submission of the application, Waterman Moylan issued the revised temporary vehicular access for the left in left out junction to FCC Transport Department and

requested them to facilitate a meeting with the NTA / TII to discuss further. This followed from confirmation from the NTA/TII that any engagement would need to be arranged through the Planning Authority. Whilst a meeting was not facilitated, as demonstrated in the application documents, the design team are confident there are no issues in respect of the proposed temporary vehicular access and the strategic function of the R132 in terms of Bus Connects and Metrolink proposals. Both the NTA and TII are statutory consultees on this application and will have the opportunity to make submissions on the application.

5.58 In addition, and as requested in Item 1 of the Board's Opinion, the proposed vehicular access from the R132 will be temporary and can be closed following the completion of the Fosterstown Link Road and associated road infrastructure to service the site via the lands to the north, as identified in the Fosterstown Masterplan (May 2019). The Site Layout Plan includes the internal road to the northern site boundary, which could facilitate future access to the adjoining residential zoned lands to the north. In addition, PCOT drawing PL-21-09A indicates how the vehicular access would be closed in the future, which aligns with the Fosterstown Masterplan, as illustrated in the extracts included in the figures above.

5.59 The above could be secured via a condition of planning permission such as the following:

'On completion of the permanent vehicular access to service the site from the adjoining lands to the north, the temporary vehicular will close in accordance with drawing no. PL-21-09A.'

5.60 The applicant has undertaken numerous consultations with the landowner (MKN Properties Limited) of the adjoining lands to the north, and a letter of support is provided with the application, which confirms that the proposed roads and pedestrian / cycle infrastructure layout is in line with the indicative layout proposed in the Fosterstown Masterplan, with the emerging proposals for their site (see Murray & Associates Landscape Masterplan) and that the proposed layout does not prejudice the future delivery of the future connectivity between the northern and southern portion of the masterplan area. The applicant and adjoining landowner acknowledge that the road infrastructure to provide the connection between the lands will need to be delivered as part of future phases of development, but in the interim, it is respectfully submitted that the Board can grant permission for this proposed development and that Item 1 of the Board's Opinion has been addressed in a satisfactory manner.

5.61 Should the Board be of the view that the proposed vehicular access contravenes the Development Plan a Material Contravention Statement is submitted with the application.

Car parking

5.62 The development proposal contains a total of 363 no. car parking spaces, 300 no. car parking spaces at undercroft / basement and 63 no. car parking spaces at surface level, including 37 no. accessible spaces and 37 no. EV charging spaces.

5.63 Parking at undercroft / basement level is proposed for 300 no. cars to serve the residential element of the proposed development. A parking rate of 0.51 spaces per residential unit is proposed to service the residential units.

- 5.64 23 no. car parking spaces at surface level will be provided to serve the retail / retail services units. Additional parking at surface level includes 10 no. car parking spaces for the childcare facility, and 30 no. car parking spaces for visitors.
- 5.65 The proposed car parking allocation is considered acceptable with regards to the Apartment Guidelines 2020, and as encouraged by the Fingal County Development Plan and Masterplan for the site. This is discussed in Section 6 and 7 below.
- 5.66 Chapter 12 of the Fingal Development Plan 2017 – 2023 sets out objectives and requirements in relation to transportation. In particular, Table 12.8 sets out the parking requirements for various types of developments and requires provision of 657 no. spaces.
- 5.67 However, it is noted the FDP currently includes standards which limit the amount of car parking at new developments, especially places of work and education. Employment-based developments that are close to public transport need fewer car parking spaces. An allowance for a reduction in car parking is given to areas which are within a Zone 1 category, namely:
- Within 1600m of DART, Metro, Luas or BRT, (existing or proposed);
 - Within 800m of a Quality Bus Corridor;
 - Zoned MC Major Town Centre;
 - Subject to a Section 49 Scheme;
- 5.68 The proposed development is well located in terms of public transport and proximity to amenities. In this case, the proposed development is located directly adjacent to a major public transport corridor being the Swords Quality Bus Corridor (QBC) and 10m from Dublin Bus Stops, i.e. within 800m, therefore, this development meets multiple criteria for reasonable grounds to minimise car parking provision for the residential apartments and offices. The proposed development is also located 50m from the proposed MetroLink station across the R132. The preferred Metrolink route is located to the east of the R132, with Fosterstown Station opposite the subject site. The preferred route was subject to a public consultation in March 2019 and the TII provided an update in March 2022 outlining that a Preliminary Business Case for the Metrolink was submitted to the Department of Transport for approval in December 2021. Once confirmed to proceed, the TII expect a Railway Order will be submitted in 2022. Subject to approval, the construction of the project will proceed however it is expected this will take a number of years, and therefore the Metrolink will not be delivered in the short term.
- 5.69 Furthermore, based on the Guidelines for Planning Authorities, Design Standards for New Apartments (March 2020) and due to the close proximity of the site to the existing and future high-frequency public transport and cycling facilities, as well as the high public transport usage of existing similar developments, it is considered reasonable that the car parking ratio for the residential units can be reduced below the ratio provided in the Development Plan. A rationale for the quantum of car parking and future management of same is set in the Car Parking Rationale and Mobility Management Plan prepared by Waterman Moylan.
- 5.70 Should the Board be of the view that the proposed parking provision contravenes the Development Plan a Material Contravention Statement is submitted with the application.

Bicycle Parking

- 5.71 The proposed development provides a total of 1,519 no. bicycle parking spaces. 828 no. bicycle parking spaces will be provided at basement level, 244 no. ground floor secure bicycle parking spaces, 100 no. store secure bicycle parking spaces and 347 no. external spaces at ground surface level throughout the site.
- 5.72 The total number of bike spaces provides for more sustainable travel movements and is greater than the number required under the Fingal Development Plan (809 no. spaces) and the Apartment Guidelines 2020 (1432 no. spaces).
- 5.73 The proposed development will provide for a high quality cycle network throughout the site. The proposed entrance includes the provision of footpath and cycle lane facilities.
- 5.74 Please refer to the Traffic Impact Assessment prepared by OCSC / Waterman Moylan and the Mobility Management Plan prepared by Waterman Moylan.

Site Services

- 5.75 We refer to the Engineering Assessment Report prepared by Waterman Moylan in terms of public drainage and water supply infrastructure.
- 5.76 In relation to foul water drainage, 2 no. proposed foul water connection points are proposed, one to the northeast of the subject site and one to the southeast, separating the foul drainage into 2 no. networks or catchments.
- 5.77 Blocks 1, 2 and 3 (Southern Catchment) will be connected to the east of the development on R132. The remainder of the development (Northern Catchment) will be connected to the same public sewer in the R132 to the northeast of the site. The existing 300mm diameter sewer discharges foul water to the Swords Wastewater Treatment Plant (WWTP).
- 5.78 The Swords WWTP was recently upgraded to increase treatment capacity from a population equivalent of 60,000 to a population equivalent of 90,000. The upgraded treatment plant will protect and improve quality of receiving waters at the inner Broadmeadow Estuary, using tertiary treatment by filtration, and disinfection using ultra-violet treatment.
- 5.79 An updated Confirmation of Feasibility was received from Irish Water on 17 February 2021. Irish Water have confirmed that a foul water connection to serve the proposed development is feasible subject to upgrade works. The upgrade works will be carried out by Irish Water and will be paid for by the applicant. The upgrade works can be delivered in a timely manner as they do not need planning permission and are located within public roads/verges. Following the grant of permission, Irish Water will confirm the cost the applicant is to pay, which is completed as part of the Connection Application process.
- 5.80 In terms of surface water the site currently drains unrestricted into the Gaybrook Stream located to the north of the subject site. the proposed surface water drainage system for this development has been designed as a SUDS system and uses filter drains, green roofs, permeable surfacing, detention basins, and an attenuation tank in the basement together with flow control devices and a petrol interceptor to treat run-off and remove pollutants to improve quality, restrict outflow and control quantity.

- 5.81 In relation to water supply, as part of the COF, Irish Water has stated no further upgrades are required for the water supply network and has no objections to the proposed connection. It is proposed to service the development via a 200mm diameter PE watermain laid in a loop around the building blocks and within the internal road and footpath arrangement. 2 no. connections will be made onto the existing watermain within the R132, one on the south at the entrance to the development, and one on the north. Each connection will include provision for an Irish Water Bulk Meter.
- 5.82 A Statement of Design Acceptance letter has also been received from Irish Water, which confirms that all the water and foul drainage services are designed in accordance with Irish Water standards. Please refer to Waterman Moylan Consulting Engineers application documentation for further information.

Residential Amenity

- 5.83 The proposed development has been designed to ensure it is sympathetic and protects the amenities of neighbouring residential properties to the south and west of the subject site. A range of design solutions ensure minimal impacts, including substantial separation distances and the density and height respectfully transition down towards the existing residential dwellings. This includes:
- Blocks 1 and 2 have a minimum set back of c. 10-13m from the southern boundary of the application site which adjoins Boroimhe Willows, where there is an additional distance of c. 21-24 m to the front elevation of the existing properties. A c. 30 to 45 m separation distance is considered more than reasonable between 2 and 4 storey properties.
 - Block 3 has a minimum set back of c. 26m from the western boundary with Boroimhe Laurels neighbouring properties, which in turn are setback c. 10m plus from the application site.
 - In the north west corner of the subject site, there proposed buildings are considerably set back from the boundary (c. 79m) and therefore will have no undue impact on the neighbouring properties at Boroimhe Birches.
- 5.84 Overall, the separation distances, in addition to the proposed design measures, are sufficient to avoid issues of overlooking and overbearing and result in an appropriate development on this underutilised residential zoned site. The stepped approach to the height and massing minimise impacts on neighbouring properties, and prevents any unacceptable overlooking onto neighbouring properties. The LVIA chapter of the EIAR and accompanying Verified View Montages further demonstrate how the scheme respects the surrounding areas.

Daylight and Sunlight Assessment

- 5.85 A detailed daylight and sunlight analysis of the proposed development, its impact on neighbouring properties and amenity areas, and the level of light which will be enjoyed by the units within the scheme has been undertaken by 3DDB. As outlined in the assessment report, the analysis has been carried out in accordance with the recommendations of BR 209 Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2nd Edition by BRE 2011) and in conjunction with BS 8206-2 Lighting for Buildings and Part 2: Code of Practice for Daylighting. These are the standard documents to comply with for daylight and sunlight assessments, as reflected in the

Fingal Development Plan Objective DMS30, the Apartment Guidelines 2020 and the Building Height Guidelines 2018.

5.86 A summary of the assessment results is outlined below.

Impact on Neighbouring Properties

Effect to Vertical Sky Component:

- 96 no. windows were tested
- 82 no. windows assessed as an Imperceptible level of effect
- 8 no. windows assessed as 'Not Significant'
- 1 no. window with a 'slight' effect.

Effect to Sun On Ground (SOG) in existing neighbouring gardens:

- 13 no. gardens assessed, all with an 'imperceptible' level of effect

5.87 The report states the assessment examined the effect the proposed development would have on the level of daylight and sunlight received by the neighbouring residential properties that are in close proximity to the proposed development and that fall within an area deemed necessary to assess.

5.88 The impact assessment that was carried out indicates that the proposed development will have an imperceptible level of effect on the vast majority (~85%) of existing neighbouring windows. The small number of windows (~15%) that do not achieve the recommendations as per the BRE Guidelines are marginally below the recommended level. They are also localised in a more constrained area adjoining the proposed scheme and are not registering extreme levels of impact.

5.89 Furthermore, the subject site is currently a greenfield site that is zoned for residential use. As such, the impacted windows facing this site currently have little to no obstructions. These windows are likely to sustain some level of effect, should the proposed site be developed to an appropriate level of density.

5.90 The level of effect of sun on the ground was assessed on 13 no. rear existing gardens. 100% of these existing gardens have met the criteria for effect on sunlighting as set out in the BRE Guidelines. The gardens of the neighbouring properties will not suffer any levels of impact by the proposed development, and occupants will continue to receive acceptable levels of sunlight within them.

5.91 Given the density of the proposed scheme, the level of effect on daylight and sunlight to the surrounding existing properties can be considered acceptable. It is the opinion of 3DDB that no existing properties will experience an unacceptable drop in levels of daylight or sunlight as a result of the proposed development.

Scheme Performance Results Overview:

Sun On Ground (SOG) in proposed gardens / amenity areas:

- 8 no. proposed amenity areas were assessment, with all 8 no. proposed amenity spaces meeting the BRE guidelines..

Average Daylight Factor (ADF) of internal proposed development:

- 1753 no. rooms assessed (Total No. across the development is 1753 No.)

- 5.92 A target ADF value of 2.0% has been applied to LKDs within the proposed scheme, however compliance rates have also been calculated for the scheme with a reduced ADF target value for LKDs of 1.5%. This alternative compliance rate is in recognition of the primary function for LKDs being that of a living space, with the kitchens located towards the rear of the room with lower expectation of daylight. Where ADF compliance rates are stated, target values of 2.0% and 1.5% have been considered for LKDs. The compliance rate stated with the recommended minimum ADF target of 2.0% applied to LKDs should be considered the primary study. The compliance rate stated with a reduced ADF target value of 1.5% applied to LKDs should be regarded as supplementary information.

ADF circa compliance rate for the proposed scheme with a ADF of 2% for LKDs:

- 1,610 no. rooms meeting the guidelines
- 143 no. rooms do not meet the guidelines
- Overall compliance rate is 92%

ADF circa compliance rate for the proposed scheme with a reduced target value of 1.5% considered for LKDs:

- 1690 No. Rooms meeting the guidelines
- 63 no. rooms do not meeting the guidelines
- Overall compliance rate is 96%

- 5.93 With regard to the scheme performance, the report outlines that close consultation with the design team throughout the entire project was carried out resulting in many design interventions being implemented, such as amendments to room configuration, increase/maximising of window sizes along with the inclusion of additional windows where possible. This resulted in a level of compliance for ADF of circa 92% for the development when LKDs are considered at the higher target value of 2%. The assessment acknowledges that whilst there are units/rooms falling short of target values, given the location of the site and its suitability for higher density, that there will always be such units/rooms within a large scale scheme like this that will not meet the recommended guidelines.
- 5.94 It is acknowledged that Section 6.7 of the Apartment Guidelines sets out that where the applicant does not fully meet all of the requirements of the daylight provisions, this must be clearly identified and a rationale for any alteration, compensatory design solutions must be set out. It includes *“the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.”*
- 5.95 We refer to Section 15 of the Design Statement which provides a full justification for the scheme in respect to those units which fall below the minimum recommended targets in the BRE Guidelines. The overall configuration of the buildings have been designed to achieve optimum levels of sunlight and daylight penetration into the apartments, along with access to sunlighting to open amenity spaces, while at the same time providing an appropriate density and building height on an infill site in a very accessible location.
- 5.96 Having regard to the Apartment Guidelines 2020, the equivalent paragraphs in Section 3.2 of the Building Height Guidelines 2018 relating to compliance with the BRE guidance, and the recommendations in the Urban Design Manual 2009, there are a

number of considerations, including compensatory design measures and national planning policy, which has informed the layout, height and density of development and support the provision of a number of rooms in apartments which are below the minimum recommended daylighting levels (see 3DDB Daylight / Sunlight Assessment for further details), and justified in the Design Statement.

Summary

- 5.97 Overall, the architects and daylight / sunlight consultants have worked to design a balanced scheme providing future occupants with very good levels of daylight and sunlight, with good quality amenities for residents. Whilst the design constraints have resulted in a number of rooms falling below the minimum BRE targets, compensatory measures have been made in accordance with the requirements of the Apartment Guidelines 2020 and the Building Height Guidelines 2018, and the acknowledgement in National Policy Objective 13 of the NPF that *“In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.”*

Phasing

- 5.98 We refer to the architectural drawing no. PL-21-04B and the Design Statement prepared by Arrow Architects which provides details of the proposed phasing of development on the subject site, which is also discussed in greater detail in the Statement of Response to the Board’s Opinion. In summary, there are 3 no. phases proposed, as set out in the table below. The phases will allow the provision or upgrading of any external infrastructure and services to be provided on a phased basis and provide an appropriate quantum of development and supporting infrastructure within each part of the overall scheme. This will also include any site enabling works. A seven year permission is sought for the development, which has regard to the scale of development, likely timeframe for tendering and construction of each phase.

Key Supporting Infrastructure / Development	
Phase 1	<ul style="list-style-type: none"> • Blocks 1, 2, and 3 (76 no. units) and associated communal open space • Childcare Facility (within Block 3) • Community Facility (within Block 1) • Provision of 2 no. playing fields (for residents and also future use for the school once it is brought forward by the Department of Education) • Road upgrades, alterations and improvements to the Dublin Road / R132, including construction of a new temporary vehicular access, with provision of a new left in, left out junction to the Dublin Road / R132, and construction of a new signalised pedestrian crossing point, and associated works to facilitate same • Proposed infrastructure provided up to the application site boundary to the north and west to facilitate potential future connections to adjoining lands

	<ul style="list-style-type: none"> • Provision of associated site services (off site connections to be delivered by Irish Water prior to occupation - see the Response to An Bord Pleanala Opinion prepared by WM for further details)
Phase 2	<ul style="list-style-type: none"> • Blocks 4, 5 and 6 (238 no. units) and associated communal open space • Access to the undercroft / basement levels, and construction of the undercroft level • 3 no. commercial units (within Block 4) • Provision of the Public Plaza • Provision of associated site services
Phase 3	<ul style="list-style-type: none"> • Blocks 7, 8, 9 and 10 (331 no. units) and associated communal open space • 1 no. commercial unit (within Block 8) • Pedestrian / cycle route • Provision of associated site services

5.99 It is recognised that Section 8 of the Fosterstown Masterplan sets out the Key Phasing and Implementation Objectives including that the Fosterstown Link Road, Bus Connects Service and the Fosterstown Metrolink Station form Phase 1 of the Masterplan area, and states that no more than 25% of the overall quantum of development envisaged shall be constructed and occupied prior to the operation of Metrolink. Within the phasing outlined in the Masterplan, the subject site is partly included in Phase 1, with the remainder predominantly within Phase 3, however, this is reliant on access via the lands to the north of the Gaybrook Stream.

Figure 5.5: Extract Fosterstown Masterplan Phasing Plan



- 5.100 However, Section 8 of the Masterplan notes that the Planning Authority may exercise discretion in terms of permitting future development on potential opportunity sites located within Phase 2 and 3, in order to allow appropriate development to proceed subject to a detailed Traffic Impact Assessment.
- 5.101 We refer to the Traffic Impact Assessment prepared by OCSC which confirms that the proposed development can be accommodated, and there are no traffic or transportation related reasons that should prevent the granting of planning permission for the proposed development. The Fosterstown Link Road, Bus Connects or the Metrolink are not required to facilitate the proposed development, as the site is well-served by existing public transport, as set out in the Public Transport Capacity Assessment Report prepared by Waterman Moylan. Furthermore, it is demonstrated and set out in the supporting application documents, that the proposed development can be facilitated alongside BusConnects and Metrolink and will not prejudice their delivery.
- 5.102 In terms of required social and community infrastructure, the Fosterstown Masterplan identifies that the provision of the school should form part of the Phase 1 essential infrastructure. The Social and Community Infrastructure Audit / Assessment demonstrates that the extra demand created by the proposal for primary and post primary educational facilities will not be significant in relation to current levels of local provision, while increased levels of demand from the scheme is unlikely to result in significant impact on existing services. The school site identified within the landholding to the north of the current application site will be brought forward in due course by the Department of Education, and will help meet the needs of future residents in the area. Therefore, while demand for schools in the area is likely to increase based on permitted and future development in the area, the necessary school's infrastructure will be progressed by the Department to meet increase in demand. Furthermore, the 2 no. playing pitches incorporated in the application site, and proposed within Phase 1, will be available to the school in accordance with the Fosterstown Masterplan objective to 'Provide active open space facilities in the form of playing pitches adjacent to the school site and available for use by local residents outside of school requirements.'
- 5.103 Overall, it is respectfully submitted that the proposed phasing of development is appropriate and ensures the early delivery of essential infrastructure to create a high quality environment for future residents, as follows:
- **Phase 1:** The location and sequencing of Phase 1 is essential in that, as well as 76 no. apartments, it also includes the temporary vehicular access, signalised pedestrian crossing and the internal road network to facilitate future access from the lands north of the Gaybrook Stream. Both the childcare facility and 2 no. playing pitches are included in this phase to allow early delivery and also keep any disruption or impact from construction to a minimum and confine it to the early stages of the development. Landscaping is also included as part of this initial phase. We note this phase broadly accords with the southern portion of the phase 1 lands identified in the Fosterstown Masterplan.
 - **Phase 2:** This phase includes 238 no. apartments, the undercroft level, and delivery of the public plaza together with 3 no. commercial units on the western side of the square. The construction will also allow work to start on the riparian strip.
 - **Phase 3:** This phase is the final phase of the development and will include the remaining 331 no. apartments, construction of the basement level, and the

completion of the riparian strip up to the R132 and the completion of the balance of all of the landscaping.

5.104 The proposed development represents the achievement of high quality residential development on a strategically located site identified for development in the Development Plan which is well served in terms of the necessary facilities, infrastructure, and amenities to facilitate a higher density development such as that proposed. Restricting the delivery of the development at such a location well served by existing and planned public transport would be contrary to Government policy which promotes increased densities at well served urban sites, and which actively seeks to foster stronger regions via the utilisation of existing residential zoned and serviced or serviceable lands such as the subject site.

5.105 Based on the available past development plans online, it is apparent that the subject lands have been zoned for residential development since 2005, and given the surrounding context and services, there seems no reason at this stage why permission should not be granted for a high quality residential development.

5.106 In particular, the SHD process seek to deliver on key government objectives to address the housing supply issue in a sustainable manner, including the following of relevance to the subject lands:

- Delivering housing and achieving compact growth in accordance with National, Regional and Local Planning Policy;
- Delivering higher density development, in Swords, a 'Metropolitan Key Town', on a high frequency public transport corridor, in a development with a very high quality urban, architectural and public realm design;
- Delivering significant housing units, with an appropriate mix which reflects the key needs of the area, and which has regard to recent under provision of apartment units and the existing housing stock in the wider area, which consists primarily of traditional houses;
- Thereby delivering on the compact development objectives, maximising the potential of this infill greenfield site, in an area well served by existing and planned public transport improvements, which in turn supports moves towards more climate friendly urban development.

5.107 Having regard to the above, the assessment provided in the TIA, the availability of other services and the zoning of the land, it is respectfully submitted that the Board should grant a seven year permission for development on the subject site, notwithstanding the phasing requirements of the Fosterstown Masterplan.

6.0 NATIONAL AND REGIONAL PLANNING CONTEXT

6.1 The key provisions of national (including relevant Section 28 guidelines) and regional planning policy as it relates to the proposed development is set out in the following sections. The key policy and guidance documents of relevance to the proposed development are as follows:

- National Planning Framework 2018;
- Regional Spatial and Economic Strategy – Eastern and Midlands Regional Assembly (2019-2031);
- Housing for All;

- Rebuilding Ireland – Action Plan for Housing and Homelessness;
- Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities 2020;
- Urban Development and Building Height Guidelines 2018;
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual;
- Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines – Quality Housing for Sustainable Communities;
- Quality Housing for Sustainable Communities (2007);
- Design Standards for New Apartments (2017);
- Design Manual for Urban Roads and Streets (2013);
- Guidelines for Planning Authorities on Childcare Facilities (2001);
- Smarter Travel – A New Transport Policy for Ireland (2009-2020);
- BusConnects – Transforming City Bus Services (2018);
- The Planning System and Flood Risk Management (2009);
- Birds and Habitats Directive – Appropriate Assessment.

National Planning Framework (NPF) 2018

- 6.2 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.
- 6.3 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.
- 6.4 National investment planning, the sectoral investment and policy frameworks of departments, agencies and the local government process will be guided by these strategic outcomes in relation to the practical implementation of Ireland 2040. 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”*.
- 6.5 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 envelope of existing urban settlements”*. The proposed development is a strategically located underutilised site in the centre of an existing urban settlement adjacent to a quality bus corridor and in close proximity to the M50 and Dublin Airport. The proposed development is therefore compliant with the objective of the NPF.
- 6.6 Objective 4 states *“ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well being”*. The proposed development will provide for a high quality of residential units in accordance with the Apartment Guidelines 2020. The proposed materials and finishes will also be of a high standard in order to create a unique quality urban place. The proposed development will also provide for a community facility, 5 no. commercial units and a childcare facility at ground floor level which will integrate the existing and future residential communities.

- 6.7 It is considered that the proposed development provides for the creation of an attractive, high quality, sustainable new development within existing built up urban area. The provision of the new sustainable development is therefore consistent with the NPF objective.
- 6.8 Objective 11 of the National Planning Framework states that *“there will be a presumption in favour of development that encourages more people, jobs and activity within existing urban areas, subject to development meeting appropriate planning standards and achieving targeted growth”*.
- 6.9 The proposed development will provide for high density residential development in an existing urban area adjacent to existing and proposed public transport facilities. The proposed development will also provide for retail units at ground floor level which will encourage more people, jobs and activity within existing urban areas.
- 6.10 The NPF continues to state that:
- “Although sometimes necessary to safeguard against poor quality design, planning standards should be flexibly applied in response to well designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes.*
- This is in recognition of the fact that many current urban planning standards were devised for application to greenfield development sites and struggle to take account of evolved layers of complexity in existing built-up areas.*
- In particular, general restriction 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 locations e.g. city/ town centre, public transport hub, inner suburban, public transport corridor, outer suburban, town, village etc”*.
- 6.11 The proposed development is located adjacent to one of the main routes into the city centre and is well served by public transport. The existing site is underutilised and presents a key opportunity site as identified in the NPF for the redevelopment of a residential scheme. In fact the site represents one of the last remaining undeveloped landbanks zoned for residential use located between Swords and Dublin Airport and the city boundary. The proposed building height ranges from 4 storeys to 10 storeys. The proposed density and height of the development is considered appropriate for the location of the site and the availability of public transport facilities. The proposed development is therefore in accordance with the objectives of the NPF in this regard.
- 6.12 Objective 13 of the National Planning Framework also 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”*.
- 6.13 The NPF also states that that *“to avoid urban sprawl and the pressure that it puts on both the environment and infrastructure demands, increased residential densities are required in our urban areas”*. Objective 35 states that it is an objective 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”.

- 6.14 The proposed development for a high quality residential development scheme on a masterplan infill site represents an opportunity to provide for increased densities and increased heights in accordance with the NPF policies and objectives. The NPF provides for a strong emphasis on increased building heights in appropriate locations within existing urban centres and along public transport corridors. The proposed development ranging in height from 4 storeys to 10 storeys is therefore considered appropriate in this location and in accordance with the NPF.

Regional Spatial Economic Strategy – Eastern and Midland Regional Assembly (2019-2031)

- 6.15 The Regional Spatial and Economic Strategy for the Eastern and Midlands Region is a strategic plan and investment framework to shape the future development of the region to 2031 and beyond. The principle function of the assembly is the delivery of a Regional Spatial and Economic Strategy (RSES), a new concept in Irish planning where not only the spatial but also the economic factors that go into the future of the region are brought together into one all encompassing strategy.
- 6.16 The primary status of the RSES is to support the implementation of Project Ireland 2040 – the National Planning Framework (NPF) and National Development Plan (NDP) and the economic policies and objectives of the Government by providing a long term strategic planning and economic framework for the development of the region.
- 6.17 The RSES is required under the Planning and Development Act 2000 (as amended) to address employment, retail, housing, transport, water services, energy and communications, waste management, education, health, sports and community facilities, environment and heritage, landscape, sustainable development and climate change.
- 6.18 The RSES supports the consolidation and re-intensification of infill, brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs and in the key metropolitan towns, and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects. Swords has been identified as a Key Metropolitan Town in the RSES.
- 6.19 We note that Swords is identified as a Metropolitan Key Town within the RSES. These towns are large economically active service and/or county towns, with high quality transport links that play an important service role for their catchments and that have the capacity to act as growth drivers to complement Dublin and the Regional Growth Centres. The following Regional Policy Objectives are of relevance to Key Towns:

RPO 4.26 - Core strategies in local authority development plans shall support objectives to achieve a minimum of 30% of housing in Key Towns by way of compact growth through the identification of key sites for regeneration.

RPO 4.27 - Key Towns shall act as economic drivers and provide for strategic employment locations to improve their economic base by increasing the ratio of jobs to workers.

Swords

- 6.20 Swords is located in the Dublin Metropolitan Area, is included in the MASP and is located on the Metrolink Corridor.

Figure 6.1: Dublin Metropolitan Area Strategic Plan (MASP)



Source: *Regional Spatial & Economic Strategy*

RPO 4.28 - Support the continued development of Swords as a vibrant Key Town with a thriving economy; an integrated public transport network; an attractive and highly accessible built environment with the highest standards of housing, employment, services, recreational amenities and community facilities.

RPO 4.29 - Support the regeneration of underused town centre lands along with the planned and sequential infill opportunities to provide for high density and people intensive uses in accessible locations that are accessible to high quality transport, existing and planned, and to support the preparation of a local area plan for the strategic landbank at Lissenhall for the longer-term development of Swords.

RPO 4.32 - Encourage transition towards sustainable and low carbon transport modes in Swords through the provision of high quality walking and cycling permeability offering direct routes to local destination and public transportation hubs.

- 6.21 The RSES supports the consolidation and re-intensification of infill sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs and in the key metropolitan towns, and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- 6.22 The subject lands form part of the sequential infill opportunities to provide for high density development in accordance with the above objectives. The subject development seeks to provide for residential development on a strategically located site thereby delivering a greater mix of uses, increased densities, heights and urban consolidation in an area well served by public transport. The proposed development therefore is compliant with the overall policies and objectives of the RSES in this regard.

Housing for All - a New Housing Plan for Ireland

- 6.23 “Housing for All - a New Housing Plan for Ireland” (hereinafter Housing for All”) is the government’s housing plan to 2030. Launched in September 2021, it is a multi-annual, multi-billion euro plan which will improve Ireland’s housing system and deliver more homes of all types for people with different housing needs.¹ The government’s overall objective is that every citizen in the State should have access to good quality homes:
- to purchase or rent at an affordable price
 - built to a high standard and in the right place
 - offering a high quality of life
- 6.24 The government’s vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system. It is estimated that Ireland will need an average of 33,000 new homes to be provided each year from 2021 to 2030.
- 6.25 The policy has four pathways to achieving housing for all:
- supporting home ownership and increasing affordability
 - eradicating homelessness, increasing social housing delivery and supporting social inclusion
 - increasing new housing supply
 - addressing vacancy and efficient use of existing stock
- 6.26 The proposed development is consistent with the overall aim of Housing for All to accelerate social housing and build more an average of 33,000 homes per annum in the State between and 2030.
- 6.27 The proposed development provides for 645 no. new apartments which will substantially add to the residential accommodation availability of the area and cater to the increasing housing demand. The proposed development will contribute to the quantum of new of

¹ <https://www.gov.ie/en/publication/ef5ec-housing-for-all-a-new-housing-plan-for-ireland/>

social housing units available to the Council through the Part V agreement which is consistent with the objectives of Housing for All.

Rebuilding Ireland – Action Plan for Housing and Homelessness

6.28 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.

6.29 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.

6.30 The proposed development is consistent with Pillars 2, 3 & 4 to accelerate social housing, build more homes and improve the rental sector. The proposed development provides for 645 no. new apartment as part of mixed use development. The provision of the 645 no. residential units will substantially add to the residential accommodation availability of the area and cater to the increasing housing demand. The proposed development will contribute to the quantum of new of social housing units available to the Council through the Part V agreement which is consist with Pillar 2.

Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities 2020;

6.31 The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (Apartment Guidelines 2020) were published in 2018 and updated in 2020. The guidelines provide for updated guidance on apartment developments in response to the National Planning Framework and Rebuilding Ireland.

6.32 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. The guidelines identify locations in cities and town that may be suitable for apartment development as follows:

- Central and/or Accessible Urban Locations
- Intermediate Urban Locations
- Peripheral and/ or Less Accessible Urban Locations

6.33 The subject site is located within a Central and/or Accessible Urban Location and is part of one of the few remaining large scale undeveloped infill sites within the Swords Development Boundary as defined in the Fingal County Development Plan. The Apartment Guidelines note that these locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- *Sites within walking distance (i.e. up to 15 minutes or 1,000- 1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;*
- *Sites within reasonable walking distance (i.e. up to 10 minutes or 800- 1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and*
- *Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/ from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.*

6.34 As set out in section 2 above, the site is well serviced by public transport with high capacity, frequent service, and is located directly adjacent to a major public transport corridor being the Swords Quality Bus Corridor (QBC). A number of bus stops located within 30m-450m walking distance to the site, providing for a high capacity and frequent service to the city centre, along with direct links with Dublin Airport, Dublin City Centre, and UCD. This includes the Swords Express bus services (including routes 500, 501, 502, 503, 504, 505, 500X, and 501X), a range of Dublin Bus services and a GoAhead service (including routes the 33, 33a, 41, 41b, 41x and 101). The Public Transport Capacity Assessment prepared by Waterman Moylan demonstrates the existing bus network in the area has sufficient capacity to accommodate passenger trips generated by the proposed development and it confirms the peak frequency of bus services is 37 no. buses per hour equivalent to an average frequency of one bus per 1.5 minutes.

6.35 The Apartment Guidelines also note that the scale and extent of the development should increase where the site is strategically located near quality public transport hubs, service and urban amenities.

“The scale and extent of apartment development should increase in the relation to proximity to core urban centres and other relevant factors. Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services also particularly suited to apartments.”

6.36 The proposed development is located adjacent to a proposed BusConnects corridor and within close proximity to Swords Main Street, Pavilions Shopping Centre and the Airside Retail Park which provides for a range of shops and restaurants for future residents. Both Pavilions Shopping Centre and Airside Retail Park are considered to be significant employment centres. It is therefore considered that the proposed development is suitable for increased heights and increased densities in accordance with the objectives of the Apartment Guidelines.

SPPR 1 - Unit Mix

6.37 SPPR 1 states the following in relation to apartment mix:

“Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed developments 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)."

- 6.38 The proposed development provides for 208 no. 1 Beds (32%), 410 no. 2 Beds 4 Persons (64%) and 27 no. 3 beds (5%) which is compliant with SPPR 1 of the Apartment Guidelines.

SPPR 2 – Infill Development

- 6.39 The subject site is greater than 0.25 ha and therefore SPPR2 does not apply to the proposed scheme.

SPPR3 – Floor Areas

- 6.40 All of the proposed apartment units meet or exceed the minimum standards set out in the Apartment Guidelines 2020, as set out in the table below.

Apartment	Guidelines Requirement	Range Proposed
<i>1 bedroom (2 persons)</i>	<i>45 sq.m.</i>	50.4 sq.m – 69.8 sq.m
<i>2 bedroom (4 persons)</i>	<i>73 sq.m.</i>	81.3 sq.m – 107.3 sq.m
<i>3 bedroom (5 persons)</i>	<i>90 sq.m</i>	98.3 sq.m – 130.1 sq.m

- 6.41 632 no. units or 98% of all units exceed the minimum floor area by at least 10% required under the Apartment Guidelines 2020 and therefore a high quality of residential development is proposed.

SPPR4 - Dual Aspect Ratios

- 6.42 SPPR 4 of the apartment guidelines states that a minimum of 50% dual aspect apartments should be provided in any development and that a minimum of 33% dual aspect units should be provided in central and accessible urban location, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage.

- 6.43 The proposed development which is located in a central/accessible urban location provides for an overall of 69% dual aspect units in accordance with the apartment guidelines. A Housing Quality Assessment prepared by PCOT Architects is submitted as part of this application which demonstrates compliance with the applicable standards.

- 6.44 In addition, there are no single aspect units north facing. The overall configuration of the buildings have been designed to achieve optimum levels of sunlight and daylight penetration into the apartments, along with access to sunlighting to open amenity spaces, while at the same time providing an appropriate density and building height on an infill site in a very accessible location. The daylight / sunlight assessment prepared by 3DDB has been undertaken in close consultation with PCOT and Arrow Architects and resulted in a number of design iterations to maximise the daylight to individual apartment units. However, it is acknowledged that not all units achieve the minimum targets set down in the BRE Guidelines, and accordingly the Design Statement provides a

- justification for the design approach to the subject site, noting the provisions of the relevant guidelines referenced below. In summary, in respect of the proposed layout, heights and density, the proposed development responds to national, regional and local policy, and it is considered the balancing of the daylight assessment must be considered against the desirability of achieving wider planning objectives. The application site has an area of 4.635 ha and is zoned 'Residential Area' under the Fingal Development Plan 2017-2023 and forms the southern part of the Fosterstown Masterplan area. The site is in an accessible location, with high frequency public transport adjacent to the site, and further public transport enhancements proposed including Metrolink and Bus Connects. The site is also in close proximity to several employment areas and Swords town centre.
- 6.45 The most constrained areas of the proposed massing are in relation to Blocks 4 to 10, where the higher density elements are proposed, which is considered appropriate given the public transport accessibility and proximity to Swords Town Centre and the distances from any existing residential properties. The most constrained elements of these blocks are the lowest floors where blocks face each other. This is typical of any scheme within an urban environment and the layout has sought to provide appropriately scaled urban blocks, with a public plaza area adjacent to the R132 and good quality public open spaces and communal areas.
- 6.46 In order to respond to the above constraints, 3DDB worked with the design team to optimise the daylight and sunlight performance of the proposed development through an iterative process of technical assessment, feedback and design amendments. This included increased fenestration where possible (ensuring to avoid issues with overlooking), redesign of the internal layouts, including reduction of depth of rooms, and evolution of the facades to maximise daylight.
- 6.47 The proposed design and layout also has regard to the Fosterstown Masterplan which requires the provision 2 no. playing pitches in the north west corner of the site, a 10m riparian zone along the northern boundary of the site, along with public open space and pedestrian /cycle connections along the northern boundary of the site. No buildings are therefore proposed in these areas, and the layout of the proposed buildings is generally in keeping with the key objectives / indicative masterplan layout for the site in the Fosterstown Masterplan 2019.
- 6.48 The optimisation process has ensured that the majority of habitable rooms achieve and exceed the minimum levels of daylight and sunlight (2% ADF) as recommended in the BRE Guidelines. Shortfalls are, however, an inevitable consequence of any development within an urban context. A degree of flexibility is recognised in both the Apartment Guidelines 2020 and the Building Height Guidelines 2019.
- 6.49 In accordance with section 6.7 of the Apartment Guidelines 2020, compensatory measures are implemented as part of the design, including the units exceeding the minimum floor area requirements, provision of larger private amenity space, apertures maximised to the living rooms where possible, and very good levels of sunlight for all open areas of amenity at ground, first floor and roof levels. In summary, given the urban context of the site, it is respectfully submitted that the design provides a balanced scheme with very good levels of daylight and sunlight.
- 6.50 Overall, the architects have worked to design a balanced scheme providing future occupants with very good levels of daylight and sunlight, with good quality amenities for residents. Whilst the design constraints have resulted in a number of rooms falling below the minimum BRE targets, compensatory measures have been made in accordance with

the requirements of the Apartment Guidelines 2020 and the Building Height Guidelines 2018, and the acknowledgement in National Policy Objective 13 of the NPF that “*In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.*”

SPPR5 - Floor to Ceiling Height

- 6.51 All apartments at ground floor provide for a minimum of 2.7m floor to ceiling height, with the levels above a minimum of 2.4m.

SPPR6 - Lift and Stair Cores

- 6.52 The proposed building generally limit 3 to 4 no. units per core, with one building (Block 10) having a maximum of 5 units per core. The scheme therefore complies with the requirements under SPPR6, which allows for a maximum of 12 no. apartments per floor per core.

BTR/ Shared Accommodation

- 6.53 SPPR 7, 8 and 9 are not applicable to the proposed development as it is not a BTR nor shared accommodation development.

Other relevant standards from the Apartment Guidelines 2020

Living Dining Kitchen Area

- 6.54 The drawings and HQA prepared by PCOT illustrate how the minimum living, dining, kitchen area requirements are met for all the units as per Appendix 1 of the 2020 Apartment Guidelines.

Bedroom areas

- 6.55 The drawings and HQA prepared by PCOT illustrate how the bedroom area requirements are met for all the units as per Appendix 1 of the 2020 Apartment Guidelines.

Storage Space

- 6.56 The drawings and HQA prepared by PCOT illustrate how the storage area requirements are met for all the units as per Appendix 1 of the 2020 Apartment Guidelines.

Private Amenity Space

- 6.57 As outlined above the proposed units have access to private amenity space which exceeds the minimum requirements as per Annex 1 of the 2020 Apartment Guidelines. Many units exceed the minimum standards by a significant margin.

Communal Amenity Space

- 6.58 The proposed development will provide for external communal spaces. The outdoor communal space is provided within central courtyards and equates to 6,724 sq.m.

Table 6.1: Communal Amenity Space Requirements

Number of units	Type of unit	Requirement per unit	Total requirement
208	1 bed	5 sqm	1,040 sq.m
0	2 bed (3 person)	6 sqm	0 sq.m
410	2 bed (4 person)	7 sqm	2,870 sq.m
27	3 bed	9 sqm	243 sq.m
645		Total	4,153 sqm

- 6.59 The proposed development will provide for external communal spaces. The outdoor communal space is provided within central courtyards and equates to 6,724 sq.m.
- 6.60 Private amenity space is provided in the form of balconies/terraces which all meet or exceed the Apartment Guidelines standards for private open space.
- 6.61 Please refer to the Housing Quality Assessment prepared by PCOT Architects which further details the size of each of the proposed units private open space provision.

Children's Play

- 6.62 The proposed development includes more than 100 units with two or more bedrooms. An adequate area of play space within the communal open space accords with the Guidelines requirement for a younger children and toddler play area (85-100sqm), and an natural play area within the public open space accords with the Guidelines requirement of play areas (200 – 400 sq. metres) for the specific needs for older children and young teenagers, in a scheme that includes 100 or more apartments with two or more bedrooms. The Landscape Design Statement outlines that c. 869 sq.m of play space is provided (excluding the playing pitches), comprising a play area of 624 sq.m for younger children, with 245 sq.m provided for older children and teenagers. It is acknowledged that Objective DMS75 seeks playground facilities at a rate of 4 sq.m, this is discussed further below in section 7.

Cycle Parking

- 6.63 A total of 1,519 no. bicycle parking spaces are provided, including 828 no. spaces at undercroft / basement level, 100 no. spaces within secure stores, 244 no. ground floor secure spaces, and 347 no. surface spaces. This exceeds both the FDP and Apartment Guidelines 2020 requirements.
- 6.64 Table 12.9 of the FDP requires 645 no. long stay cycle spaces and 129 no. visitor spaces for the apartments, in addition to 14 no. spaces for the commercial units and 21 no. spaces for the childcare facility, resulting in a total requirement of 809 no. cycle spaces. In respect of the Apartment Guidelines a total 1,432 no. cycle spaces are required (1,109 no. long stay and 323 no. short stay spaces).

- 6.65 The increased cycle provision, along with a reduction in proposed car parking, will encourage active transit to and from the proposed development and to reduce car usage given the location of the development.

Car Parking

- 6.66 The Apartment Guidelines also note that in Central/Accessible Locations planning authorities must consider a reduced overall car parking standard.

“In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity.”

- 6.67 The proposed development will provide for 363 no. car parking spaces to serve the residential element which results in a car parking ratio of 0.51 spaces per unit. The proposed development will also provide for a substantial amount of bicycle parking (1,518 no. spaces) for the use of the future residents and visitors.

- 6.68 The proposed apartment buildings and units are considered to be suitably located on the subject site, integrated within the landscape and well connected to adjacent facilities including public transport, and will provide a high quality development on the subject site

Bin Storage

- 6.69 A specific Operational Waste Management Plan for the proposed development has informed the quantum of bin storage areas proposed as identified on the architectural drawings. The report illustrates that the proposed bin storage is sufficient to cater for the needs of proposed residents.

Urban Development and Building Height Guidelines 2018

- 6.70 The Urban Development and Building Height Guidelines 2018 (‘Building Height Guidelines’) set out national planning policy guidelines on building heights in urban areas in response to specific policy objectives set out in the National Planning Framework and Project Ireland 2040 and Regional Spatial and Economic Strategy for the Eastern & Midland Region.

- 6.71 The Building Height Guidelines emphasise the policies of the NPF to greatly increase levels of residential development in urban centres and significantly increase building heights and overall density and to ensure that the transition towards increased heights and densities are not only facilitated but actively sought out and brought forward by the planning process and particularly at Local Authority level and An Bord Pleanála level.

- 6.72 Under Section 28 (1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála will be required to have regard to the guidelines and apply any specific planning policy requirements (SPPR’s) of the guidelines in carrying out their function.

- 6.73 Section 9(3) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 provides as follows:

“(3)(a) When making its decision in relation to an application under this section, the Board shall apply, where relevant, specific planning policy requirements of guidelines issued by the Minister under section 28 of the Act of 2000.

(b) Where specific planning policy requirements of guidelines referred to in paragraph (a) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.

(c) In this subsection “specific planning policy requirements” means such policy requirements identified in guidelines issued by the Minister to support the consistent application of Government or national policy and principles by planning authorities, including the Board, in securing overall proper planning and sustainable development.”

- 6.74 SPPRs as stated in the Building Height Guidelines, take precedence over any conflicting, policies and objectives of development plans, local area plans. Where such conflicts arise, Section 9(3)(b) of the 2016 Act, as amended, provides that to the extent that they differ from the provisions of the Development Plan or Local Area Plans, the provisions of SPPRs must be applied instead.
- 6.75 The Guidelines state *‘to meet the needs of a growing population without growing our urban areas outwards requires more focus in planning policy and implementation terms on reusing previously developed ‘brownfield’ land, **building up urban infill sites (which may not have been built on before)** and either reusing or redeveloping existing sites and buildings that may not be in the optimal usage or format taking into account contemporary and future requirements’*
- 6.2 The Guidelines also place significant emphasis on promoting development within the existing urban footprint utilising the existing sustainable mobility corridors and networks.
- “In order to optimise the effectiveness of this investment in terms of improved and more sustainable mobility choices and enhanced opportunities and choices in access to housing, jobs, community and social infrastructure, development plans must actively plan for and bring about increased density and height of development within the **footprint of our developing sustainable mobility corridors”.***
- 6.76 The proposed development, which is located on land zoned for residential uses, consists of a residential led scheme comprising 645 no. residential units with a childcare facility, a community facility, 5 no. commercial units and significant public open space.
- 6.77 As set out in Section 2, the proposed development is located on a strategically located site in close proximity to Swords Town Centre and high quality public transport corridor. The proposed development therefore represents an opportunity to provide for increased building heights and densities at this location.
- 6.78 Under SPPR3 it is a specific planning policy requirement that the Board may approve a development where an applicant demonstrates compliance with development management criteria for height. The assessment of the planning authority or the Board must take account of the wider strategic and national policy parameters set out in the National Planning Framework and the Building Height Guidelines.
- 6.79 SPPR3 of the Building Heights Guidelines 2018 states:

“It is specific planning policy requirement that where:

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and

2. the assessment of the planning authority concurs, taking account of the wider strategic national policy parameters set out in the National Planning framework and these guidelines;

Then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise”.

- 6.80 Compliance with the relevant criteria set out in the Building Height Guidelines is demonstrated in detail below.
- 6.81 The Fingal Development Plan 2017-2023 does not include a specific building height strategy for the County. In addition, it should be noted that Variation 2 of the Development Plan includes an updated objective PM42, seeking to implement the policies and objectives of the Building Heights Guidelines. However, The Material Contravention Statement also includes clear justification for the Board to grant permission for the proposed development in the event that it considers the proposed development materially contravenes Objective SWORDS 27 and the key objectives of the Fosterstown Masterplan in relation to building height.

Compliance with Development Management Criteria

(Note: This text is also included in the Statement of Material Contravention, given the issue of height also arises there)

At the scale of relevant city/ town

- 6.82 The criteria for assessment of developments at the scale of the relevant city/ town are addressed below:

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

Response:

- 6.83 As noted above, the site is well serviced by public transport with high capacity, frequent service, and is located directly adjacent to a major public transport corridor being the Swords Quality Bus Corridor (QBC). A number of bus stops located within 30m-450m walking distance to the site, providing for a high capacity and frequent service to the city centre, along with direct links with Dublin Airport, Dublin City Centre, and UCD. This includes the Swords Express bus services (including routes 500, 501, 502, 503, 504, 505, 500X, and 501X), a range of Dublin Bus services and a GoAhead service (including routes the 33, 33a, 41, 41b, 41x and 101).
- 6.84 The Public Transport Capacity Assessment prepared by Waterman Moylan demonstrates the existing bus network in the area has sufficient capacity to accommodate passenger trips generated by the proposed development and it confirms the peak frequency of bus services is 37 no. buses per hour equivalent to an average frequency of one bus per 1.5 minutes.
- 6.85 Future proposals for public transport in the area include Bus Connects and a section of the Core Bus Corridor 2 (Swords to Dublin City Centre) preferred route passes directly by the site to the east, along the R132 / Dublin Road. The site will also benefit from the

future MetroLink line, which will run along a corridor linking Swords, Dublin Airport and the City Centre, and will terminate at Charlemont. The preferred route public consultation identified a MetroLink stop is proposed on the opposite side of the R132/Dublin Road, north of and partially within the footprint of Airside Retail Park, and adjacent to the subject site at Fosterstown North. However, the proposed development can be supported by the existing high quality public transport serving the area.

“Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape visual assessment, by suitably qualified practitioner such as a chartered landscape architect”

Response:

- 6.86 In addressing the above criteria, the Board should also refer to the following documentation:
- Architectural Design Statement prepared by Arrow Architects
 - Landscape and Visual Impact Assessment Chapter of the EIAR prepared by Mitchell and Associates, and the Verified Views Montages, Presentation and CGI Images Brochure prepared by 3DDB
 - Archaeology and Cultural Heritage Chapter of the EIAR prepared by Archaeological Consultancy Services Unit Ltd
- 6.87 The Archaeology and Cultural Heritage Chapter within the EIAR confirms the site is not located in an architecturally sensitive area. It also confirms the site was subject to a number of archaeological assessments carried out in relation to the site, both invasive and non-invasive. These include Geophysical Survey (19R0011; Murphy, Breen, 2019), Archaeological Assessment (Lyne, 2019) and test trenching (19E0034; Clarke, Lyne, 2020). These did not identify any subsurface archaeological remains within the site
- 6.88 We refer to the Design Statement prepared by Arrow in respect of the design evolution and rationale for the proposals. The proposed scale of the development, at part 4 to part 10 no. storeys, has been designed to maximise the use of the site whilst mitigating impact on the existing residential areas adjoining the site of the proposed development. The height and massing have been designed and positioned to provide an appropriate transition in scale to the lower density residential dwellings with a variety in massing, concentrating the taller elements along the R132, away from the existing lower density residential dwellings, whilst achieving a higher density appropriate for such locations in proximity to existing high capacity, high frequency public transport, and also proximate to further planned high quality public transport infrastructure and given the proximity to the town centre of Swords, a Key Town and the County Town of Fingal.
- 6.89 As noted above, the layout has developed to broadly reflect the Fosterstown Masterplan 2019, with longer angular blocks to form high quality urban spaces with distinctive environments, each with its own unique identify. It is considered the proposals now provide the optimal urban design and architectural solution with an exceptional variety of high quality materials and a variety of building heights and design elements to create quality architecture, and as a result providing a positive contribution to the character of

the subject site and the surrounding area, resulting in improved visual impact and a better quality environment which will improve resident's amenity.



Figure 6.2: CGI View of the Proposed Development along the R132

- 6.90 The visual impacts of the proposals are discussed in greater detail in the accompanying Landscape and Visual Impact Assessment Chapter within the EIAR. This confirms that *‘from the perspective of visual impact on surrounding views, the proposed scheme is well considered, design and detailed, and this is instrumental in eliminating negative impacts and indeed providing a degree of positive impact – this is particularly so for views along the R132.’*
- 6.91 The LVIA Chapter also confirms that the development proposals incorporating increased building height, include proposals which successfully integrate into / enhance the character and public realm of the area, having regard to topography and its cultural context.
- 6.92 In respect of the neighbouring residential properties to the south and west, the LVIA Chapter notes that whilst the context for the existing housing is changed, the proposed larger scheme development to the north, never appears to dominate and the essential qualities of the existing residences remain intact.
- 6.93 Overall, the proposal development is considered to integrates and enhances the character of the surrounding area of the subject site, and the proposals are considered to make a positive contribution, with sufficient variety in scale and form responding to the adjoining developments and creating visual interest in the streetscape.

“On larger urban redevelopment sites, proposed developments should make positive contribution to place making, incorporating new streets and public spaces, using massing and height to achieve the required densities but sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.”

Response:

- 6.94 The site is not considered a larger urban redevelopment site, however, as set out in the Design Statement in more detail, the layout and different scale of the buildings contribute in creating a hierarchy of streets and spaces varying in size and type with opportunities for place making. There is a variety of open spaces provided, with a mix of hard and soft landscaping, including trees, planting and informal play areas. Furthermore, the proposals are considered to make a positive contribution to place-making through a high quality development which incorporates the sites extensive frontage with the R132.



Figure 6.3: CGI of northern boundary of the proposed development

- 6.95 The scale and massing of the higher elements has been carefully considered in terms of width and depth in order to appear in balance within the existing context while appropriately responding to the site context on a R132 corridor. The height of the development steps down and the massing is broken up to a greater degree, in deference to the existing residential development further to the west and south of the subject site.
- 6.96 In this respect, the proposals are considered to be of an appropriate scale, height and massing to complement the existing urban form whilst successfully introducing a high quality element of architecture to the site, making optimal use of the infill lands.
- 6.97 The LVIA chapter of the EIAR also confirms that the *‘proposed development will make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.’*

At the scale of district/ neighbourhood/ street

- 6.98 The criteria for assessment of developments at the scale of district/ neighbourhood / street context are addressed below:

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

Response:

- 6.99 The proposed development is set out in 10 no. blocks and provides for variety and interest in the elevations by providing varying height (ranges from 4 no. storeys to 10 no. storeys) and features to enhance the architectural quality of the buildings. Sections 13.3 to 13.12 of the Design Statement provides further detail on the high quality palette of materials proposed throughout the development. In summary, the materials and finishes of the proposed blocks will be designed to a high architectural standard and will make a positive contribution to the urban neighbourhood and streetscape.
- 6.100 The range in building heights also takes account of the surrounding context of development. The reduced height along the western and southern boundaries at 4 no. storeys responds to the existing residential properties in the area and, coupled with the substantial separation distances, provides for an appropriate transition in heights from the existing 2 no. storey residential dwellings.
- 6.101 The 10 no. storey element towards the north-east also responds to the future development on the adjacent sites to the north of the proposed development and provides for an appropriate context of development for future developments within the masterplan area.
- 6.102 Overall, it is considered the proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.
- 6.103 Further rationale and explanation of how the proposed development responds to its environment and makes a positive contribution to the urban area and streetscapes can be found within the Design Statement, the Landscape Design Report and the LVIA Chapter of the EIAR submitted herewith.

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

Response:

- 6.104 As set out above, the proposed development ranges in height from 4 no. storeys along southern and western boundary, in response to the existing properties surrounding the subject site, increasing to 10 no. storeys along the R132. The variation in the building heights, block layouts and arrangements, provides for visual interest to the development and avoids a monolithic visual appearance.
- 6.105 The proposals provide for the sustainable development of these underutilised infill lands, providing integration with the existing context whilst also introducing high quality landscaping and commercial uses at ground floor level which are accessible to the public.
- 6.106 The Design Statement prepared by Arrow Architects provide details in relation to the proposed materials and finishes, with detailed elevational design drawings included in the architectural drawing pack. The materials and finishes have also been considered with regard to the surrounding existing pattern of development and material palette in the

locality. The proposed height and scale of the development is built on the principles of good urban design and provides for a quality street frontage at these locations.

- 6.107 The layout and siting of the development creates attractive new streetscapes and a greater sense of place. The proposal is not monolithic, with graduation of heights and massing, and has been designed to facilitate appropriate setbacks, where necessary from the neighbouring buildings to negate against any negative impact.

“The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway / marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of the “The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009);”

Response:

- 6.108 The proposal provides for an appropriate scale and urban edge to the R132, the Gaybrook Stream to the north and incorporates a public plaza at the junction with the R132, where existing and proposed public transport nodes meet. All of these existing and proposed site features help support the scale of development proposed.

- 6.109 The proposal has been subject to a Flood Risk Assessment prepared by Waterman Moylan which concludes the ‘*subject site has been analysed for risks from tidal and fluvial flooding from the Gaybrook Stream, pluvial flooding, groundwater and drainage system failures due to human error or mechanical system failure...As the flood risk from all sources can be mitigated, reducing the flood risk to low or very low, the proposed development is considered acceptable in terms of flood risk.*’

“The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrated in a cohesive manner”.

Response:

- 6.110 The proposed development provides for appropriate urban edge to the R132/Dublin Road. The proposal enhances the urban design context, in particular, provision of a public plaza located opposite the Metro station. In relation to the internal / access road the proposed development provides an active street frontage through the presence of commercial units and a community facility centred around the public plaza, in addition to a childcare facility. The proposed height and scale of the development represents good quality urban design principles and provides for a quality street frontage at these locations and will positively contribute the legibility of the area.

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

Response:

- 6.111 As set out in preceding sections, the proposal contains a good mix of 1, 2 and 3 bed units which accord with SPPR 1 of the Apartment Guidelines and has regard to existing provision in the wider need and expected need. The proposal also includes supporting

commercial and community uses to ensure a good quality neighbourhood is delivered on the subject site which enhances the existing area.

At the scale of the site/ building

- 6.112 The Building Height Guidelines also set out the following criteria for developments at the scale of the site / building:

“The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.”

“Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment’s Site Layout Planning for Daylight and Sunlight (2nd Edition) or BS 8206-2:2008 – ‘Lighting for Buildings – Part 2: Code Practice for Daylighting’.

“Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution

- 6.113 As discussed above a Daylight and Sunlight Assessment prepared by 3DDB is submitted with the application as discussed in greater detail above, and which demonstrates the appropriateness of the proposed development in the context of the recommendations of the relevant BRE Guidelines, i.e. appropriate and reasonable regard has been had to same in the preparation of the scheme.

- 6.114 It is acknowledged that the proposals do not fully meet all of the requirements of the daylight provisions, which is relatively standard for higher density urban developments, and accordingly Section 15 of the Design Statement provides a justification for the scheme in respect to those units which fall below the minimum recommended targets in the BRE Guidelines. The overall configuration of the buildings has been designed to achieve optimum levels of sunlight and daylight penetration into the apartments, along with access to sunlighting to open amenity spaces, while at the same time providing an appropriate density and building height on an infill site in a very accessible location.

Specific Assessments

- 6.115 Finally, the Building Height Guidelines set out the following specific assessments to support proposals at some or all the scales outlined above:

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

- 6.116 The application is accompanied by a Microclimate Assessment undertaken by AWN which is included as Chapter 11 of the EIAR. The assessment undertaken has informed

the architectural and landscape design, for example the planting in the courtyard and open space areas will enhance shelter from the wind and the building orientation means that the open spaces between buildings will be sheltered from wind effects. Thus, the assessment concludes that the 'impact of the proposed development on microclimate will be imperceptible' and no specific mitigation measures are required, as they have been incorporated at design stage based on the input into the design process.

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

- 4.118 This application is accompanied by a AA Screening Report and NIS prepared by Enviroguide and Chapter 5 Biodiversity of the EIAR, which demonstrates that the proposed building heights do not have the potential to adversely impact on the biodiversity of the area and which confirms that *'Bird collisions with the proposed buildings are not likely to occur, due to the height of the buildings and the dispersed nature of their glazed components.'*

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

- 6.119 We refer to Section 10 of the Energy Statement prepared by Waterman Moylan. This confirms the height and scale being sought for this new development will not have an impact on any current microwave telecommunication channels in the area. If however, a microwave link is found to be impacted by the proposed development, during the construction stage of this project, mitigation will be employed by engaging with the telecommunication company and organising the re-alignment of their microwave links to a new hop site, which is standard practice in urban areas.

"An assessment that the proposal maintains safe air navigation".

- 6.120 The proposed development is located in proximity to Dublin Airport, but is located outside the Public Safety Zones. A Glint and Glare Assessment prepared by Macro Works is submitted with the application and confirms that *'it is considered that there will not be any hazardous glint and glare effects upon the Dublin Airport aviation receptors identified as a result of the proposed roof-mounted solar PV panels.'*

- 6.121 In addition, the proposed development is located within Noise Zone C and the development has prepared to comply with Objective DA07 of the Fingal Development Plan 2017-2023 in relation to noise insulation, as set out in the Noise and Vibration Chapter of the EIAR which assesses the noise and vibration impacts, and outlines that the recommended internal noise criteria can be achieved through incorporation of mitigation measures in the proposed façade materials as part of the detailed design stage, as is standard practice.

- 6.122 The applicant has also consulted with the Dublin Airport Authority (DAA) and the Irish Aviation Authority (IAA) prior to lodging this application (see Appendix 2 of the Statement of Consistency and Planning Report). The DAA confirmed by email on the 7th of April 2022 and subsequently on the 12th April 2022 that based on a preliminary review of the proposals, an instrument flight procedures assessment would not be necessary and subsequently confirmed no objection following discussions with the IAA ANSP stating:

'...we can confirm there is no objection to the above referenced development and the proposed heights in principle, however once submitted to ABP we would request a condition be applied to any grant of approval requiring consultation/agreement with IAA and daa on cranager prior to commencement.'

6.123 IAA also noted that the Safety Regulation Division – Aerodromes will likely make the following general observation on the planning application for the proposed Strategic Housing Development:

"In the event of planning consent being granted, the applicant should be conditioned to notify daa / Dublin Airport and the Authority of the intention to commence crane operations with at least 30 days prior notification of their erection."

6.124 Thus, subject to construction stage mitigation it is apparent that the proposed heights will not impact on air navigation safety.

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

6.125 As set out above, the application is accompanied by the following documentation of relevance to this requirement:

- Design Statement prepared by Arrow Architects
- Landscape and Visual Impact Assessment and Photomontage Views Brochure, included in Chapter 11 of the EIAR
- Archaeological and Cultural Heritage Chapter included within the EIAR
- Landscape Design Report prepared by Mitchell + Associates

6.126 The subject site is not situated in a historic built environment or near to a protected structure or recorded monument. The proposed development has been designed to respect and enhance the surrounding character of the area. The proposed layout of the building appropriately responds to the site's context and character.

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

6.127 As noted above, this application is accompanied by an AA Screening Report, NIS and Chapter 5- Biodiversity of the EIAR prepared by Enviroguide. These environmental reports demonstrate that the proposed building heights on the subject site does not have the potential to result in adverse environmental impacts on European sites or the local environment.

Summary Response to SPPR3

6.128 Under SPPR 3 of the Building Height Guidelines, it states that where the applicant sets out compliance with the criteria for assessing building height at the scale of the relevant town / city, at the scale of district / neighbourhood / street and at the scale of a site / building that the planning authority or An Bord Pleanála may approve such development even where specific objectives of the relevant development plan, local area plan or planning scheme may indicate otherwise.

6.129 As set out above, it has been demonstrated that the proposed building heights are appropriate within the context of the above development management criteria. The

proposal responds to the natural and built environment and makes a positive contribution to the area. The proposed development has been carefully designed to maximise access to natural daylight and minimise overshadowing and loss of light. Other application reports and the EIAR have demonstrated that no significant environment impacts arise as a result of the proposed development.

- 6.130 It is respectfully submitted that the applicant has demonstrated compliance with the criteria under Section 3.2 of the Guidelines as required under SPPR3. The proposed development complies with such objectives therefore is considered to be in accordance with the provisions of national policy guidelines.

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

- 6.131 The role of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 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.

- 6.132 The Sustainable Residential Development Guidelines also provide guidance on the core principles of urban design when creating places of high quality and distinct identity. The Guidelines recommend that planning authorities should promote high quality design in their policy documents and in their development management process. In this regard, the Guidelines are accompanied by a Design Manual discussed below which demonstrates how design principles can be applied in the design and layout of new residential developments, at a variety of scales of development and in various settings.

- 6.133 These Sustainable Residential Development Guidelines support a plan-led approach to development as provided for in the Planning and Development Act 2000. Section 2.1 of the Guidelines note that *'the scale, location and nature of major new residential development will be determined by the development plan, including both the settlement strategy and the housing strategy'*.

- 6.134 The Sustainable Residential Development Guidelines reinforce the need to adopt a sequential approach to the development of land and note in Section 2.3 that *'the sequential approach as set out in the Departments Development Plan Guidelines (DoEHLG, 2007) specifies that zoning shall extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference, encouraging infill opportunities...'*

- 6.135 Having regard to the above, the subject site is zoned 'Residential Area'. The proposed development is therefore making the most efficient use of the subject land increasing residential development in an existing urban area and providing for high density residential development in key location well served by existing and planned public transport and local services. The proposed development is therefore compliant with the

Sustainable Residential Development Guidelines in terms of the sequential development approach.

- 6.136 Sustainable neighbourhoods require a range of community facilities, and each district/neighbourhood will need to be considered within its own wider locality, as some facilities may be available in the wider area while others will need to be provided locally. The proposed development is located in close proximity to local services such as Pavilions Shopping Centre and within 10 minutes from Swords town centre.
- 6.137 As explained, the subject lands are located adjacent to 'Public Transport Corridors' in the context of the densities required under the Sustainable Residential Development Guidelines.
- 6.138 Section 5.8 of the Sustainable Residential Development Guidelines recommends that '*in general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes*'. The proposed development provides for a net density of 171.5 no. units per hectare. It is considered that given the location of the site in close proximity to a number of surrounding services, including high quality existing and planned public transport services, existing local facilities and education and employment centres, that the proposed density on site is appropriate in this instance.
- 6.139 In addition to recommending appropriate densities, the Sustainable Residential Development Guidelines focus on the provision of sustainable residential development, including the promotion of layouts that:
- *Prioritise walking, cycling and public transport, and minimise car use;*
 - *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; and*
 - *Provide a mix of land uses to minimise transport demand.*
 - *Reduce traffic speeds in housing developments*
- 6.140 The Sustainable Residential Development Guidelines also provide advice 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.

Urban Design Manual – A Best Practice Guide (2009)

- 6.141 The proposed development also has regard to the advice set down in the 'In Practice' section of the Urban Design Manual (2009), which recommends the following approach:
- *Development Brief:* An analysis of the site has been carried out by Arrow Architects. The proposed development has been designed to ensure that the proposed scheme is in keeping with the surrounding area while achieving the most sustainable residential densities. The proposed development has also had regard to the existing residential properties to the west of the subject site.

- *Site Analysis:* The characteristics of the subject lands and surrounding context have been established and potential linkages and vistas to adjoining lands have been analysed.
- *Concept Proposals:* This application is accompanied by a Design Statement which outlines the concept design proposal. The Design Statement outlines the progression of the scheme design in terms of land use and density range, boundary conditions and connections which is discussed in greater detail below.
- *Pre-planning:* A number of informal and formal Pre – Planning discussions were held with Fingal County Council. Details of the formal S.247 meeting are included in Appendix 1 of this Statement of Consistency.

6.142 The Design Manual sets out a series of 12 criteria which it recommends should be used in the assessment of planning applications and appeals. The 12 criteria are discussed in detail below. This application is accompanied by a Design Statement, prepared by Arrow Architects, which demonstrates how the proposed development has regard to and has been developed in accordance with best practice in respect to urban design. The Design Statement should be read in conjunction with this Statement of Consistency and with the plans and particulars accompanying this submission.

Design Manual for Urban Roads and Streets (DMURS) (2019)

6.143 The Design Manual for Urban Roads and Streets (DMURS), 2019 sets out design guidance and standards for constructing new and reconfiguring existing urban roads and streets in Ireland. It also outlines practical design measures to encourage more sustainable travel patterns in urban areas. The DMURS Consistency Statement prepared by Waterman Moylan provides further detail in respect of the compliance of the proposed development with DMURS, which is discussed below also.

6.144 DMURS aims to end the practice of designing streets as traffic corridors, and instead focus on the needs of pedestrians, cyclists, and public transport users. The Manual sets out design guidance and standards for constructing new and reconfiguring existing urban roads and streets in Ireland. Incorporating good planning and design practice and focus on the public realm, it also outlines practical design measures to encourage more sustainable travel patterns in urban areas.

6.145 The principal design guidance of DMURS has been considered in the design of the proposed development. As demonstrated in the DMURS Consistency Statement prepared by Waterman Moylan accompanying this application, the proposed development seeks to prioritise pedestrian and cyclists throughout and around the site in accordance with the policies set out in DMURS.

Guidelines for Planning Authorities on Childcare Facilities (2001)

6.146 Guidelines for Planning Authorities on Childcare Facilities (2001) ('Childcare Guidelines') indicate that Development Plans should facilitate the provision of childcare facilities in appropriate locations. These include larger new housing estates where planning authorities should require the provision of a minimum of one childcare facility with 20 places for each 75 dwellings. The threshold for provision should be established having regard to existing location of facilities and the emerging demography of the area where new housing is proposed. The Childcare Guidelines advise that sites should be identified for such facilities as an integral part of the pre-planning discussions.

6.147 The following definition of Childcare is included in the Childcare Guidelines:

“In these Guidelines, ‘childcare’ is taken to mean full day-care and sessional facilities and services for pre-school children and school-going children out of school hours. It includes services involving care, education and socialisation opportunities for children. Thus services such as pre-schools, naíonraí (Irish language playgroups), day-care services, crèches, playgroups, and after-school groups are encompassed by these Guidelines. Conversely childminding, schools, (primary, secondary and special) and residential centres for children are not covered by these Guidelines.”

6.148 The Section 28 Apartment Guidelines states that:

“Notwithstanding the Department’s Planning Guidelines for Childcare Facilities, which are currently subject to review and recommend the provision of one childcare facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision in apartment scheme should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile for the area”.

6.149 The Apartment Guidelines also states that *“One bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms”.*

6.150 The proposed development provides for 645 units within the scheme. Discounting the number of 1 bedroom units there are 437 no. units which can accommodate families. Taking the above standard into account ($437/75 \times 20 = 116.5$) there is a requirement for 117 no. childcare spaces to be provided within the proposed development.

6.151 The proposed development includes a childcare facility with a GFA of 609.7 sqm located on the ground floor of Block 3 to be delivered as part of Phase 1 of the proposed development. The childcare facility also includes an outdoor play area, with an area of 930 sq.m, in addition to 10 no. parking spaces (including 5 no. spaces within a drop off zone). The childcare facility has been estimated as being capable of accommodation c. 138 childcare spaces based on the classroom sizes and the requirements of Appendix 1 of the Childcare Facility Guidelines for full-day care childcare services, as illustrated on the ground floor plan for Block 3.

Transport Strategy for the Greater Dublin Area 2016 - 2035

6.152 This strategy has been prepared by the National Transport Authority. The Vision of this strategy is for Dublin to be a competitive, sustainable city-region with a good quality of life for all by 2030.

6.153 The Transport Strategy includes five overarching objectives to achieve the vision which are as follows:

- Build and strengthen communities
- Improve economic competitiveness
- Improve the built environment
- Respect and sustain the natural environment
- Reduce personal stress

- 6.154 The Transport Strategy sets out measures to achieve the vision and objectives for the GDA. These include better integration of land use planning and transportation, consolidating growth in identified centres, providing more intensive development in designated town and district centres and control parking supply.
- 6.155 The Transport Strategy builds on previous strategies and investment programmes, and for this reason several major infrastructure schemes that are included in the government's Transport 21 investment framework are included in all of the strategy options.
- 6.156 The proposed residential development, which provides for a net density of 171.5 uph, adjacent to existing quality public transport, in particular Dublin Bus services and the proposed MetroLink, and is considered to be consistent with the vision and objectives of the Transport Strategy for the GDA.
- 6.157 In addition to the above, the draft Transport Strategy for the Greater Dublin Area 2022-2042 was published in 2021. This document states that it is intended to seek planning consent for Metrolink in 2022 and subject to receipt of approval, to proceed with the construction of the project. It also includes for Bus Connects that subject to receipt of statutory consents, it is the intention of the NTA to implement the 12 Core Bus Corridors (including the Swords to City Centre Core Bus Corridor) as set out in the BusConnects Dublin programme.

Guidelines for Planning Authorities on 'The Planning System and Flood Risk Management (November 2009)'

- 6.158 The Planning System and Flood Risk Management Guidelines ('Flood Risk Guidelines') were published by the Minister for the Environment, Heritage & Local Government in November 2009 under Section 28 of the Planning & Development Act 2000 (as amended). The Flood Risk Guidelines require the planning system at all levels to avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere; adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk; and incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.
- 6.159 A Flood Risk Assessment prepared by Waterman Moylan is submitted with the application. This confirms that the proposed development consists of residential buildings which are located in Flood Zone C and are not at risk of flooding and therefore a Justification test is not required for these buildings. A justification test is included only for the section of public open space and footpath to the northeast of the development, located in Flood Zone A. The report notes that the amenity open space is classified as Water Compatible development, which is appropriate in Flood Zone A therefore the Justification test is met.
- 6.160 The report concludes by stating that the subject site has been analysed for risks from tidal and fluvial flooding from the Gaybrook Stream, pluvial flooding, groundwater and drainage system failures due to human error or mechanical system failure. As the flood risk from all sources can be mitigated, reducing the flood risk to low or very low, the proposed development is considered acceptable in terms of flood risk.

Birds and Habitats Directive – Appropriate Assessment

- 6.161 Under Article 6 (3) of the EU Habitat Directive, as transposed by Part XAB of the Planning and Development Act 2000 and S.I. No. 477/2011 any plan or project which has the potential to significantly impact on the integrity of a Natura 200 site (i.e. SAC or SPA) must be subject to an Appropriate Assessment.)
- 6.162 An AA Screening and NIS prepared by Enviroguide has been submitted with this application to the Board. The report concluded that:

“This Natura Impact Statement details the findings of the Stage 2 Appropriate Assessment conducted to further examine the potential direct and indirect impacts of the Proposed Development planning application on lands at Fosterstown North, Dublin Road / R132, Swords, Co. Dublin on the following European Sites:

- *Malahide Estuary SAC [000205]*
- *Malahide Estuary SPA [004025]*

The above sites were identified by a screening exercise that assessed likely significant effects of a range of effects that may arise from the proposed development. The Appropriate Assessment investigated the potential direct and indirect impacts of the proposed works, both during construction and operation on the integrity and qualifying interests of the above European Sites, alone and in combination with other plans and projects, taking into account the site's structure, function and conservation objectives. Where potentially significant adverse impacts were identified, a range of mitigation and avoidance measures have been recommended to offset them. As a result of this Appropriate Assessment, it has been concluded that, with the implementation of the mitigation measures detailed in this report, the Proposed Development at lands at Fosterstown North, Dublin Road / R132, Swords, Co. Dublin, will not adversely affect the integrity of the above European Sites (or any other).”

7.0 LOCAL PLANNING POLICY***FINGAL COUNTY COUNCIL DEVELOPMENT PLAN 2017-2023 (as varied)***

- 7.1 The subject site is located within the administrative boundary of Fingal County Council and is therefore subject to the policies and objectives of the Fingal County Development Plan 2017-2023 ('Development Plan'). We note that 3 no. variations have been made to the County Development Plan. Variation No 1 (Dublin Airport Noise Zones) and Variation 2 (Core Strategy) are of relevance to the subject site.
- 7.2 The site is also located within a designated masterplan area in Fosterstown and it is subject to a number of site specific policies and objectives within the Fingal County Development Plan.

Core Strategy and Settlement Strategy

- 7.3 It is noted that approved Variation No. 2 to the current Development Plan aligns the CPD with recent changes in National and Regional planning policy, which identifies Swords as a Key Town in the Metropolitan Area and that having regard to the ongoing delivery of housing, a 15% increase in population is proposed for Swords. As part of this approved the residential capacity of Swords is 14,799 residential units, with 481 ha of lands available to deliver on this residential development. Thus, the proposal for 645 no.

residential units, and supporting other uses, will deliver on a portion of the significant planned growth of Swords and fully aligns with the Core Strategy, albeit the residential units will be delivered during the lifetime of the next Plan, when further growth will be allocated to Swords.

- 7.4 It is noted that limited large-scale residential development has taken place in Swords during the lifetime of the current Plan and given the subject lands have been zoned for residential use since at least 2005, it is wholly appropriate to grant permission for this development, notwithstanding any potential contrary provisions of the Fosterstown Masterplan.
- 7.5 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 Hinterland to towns and villages in order to discourage dispersed development and unsustainable travel patterns.
- 7.6 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 the Swords and within a designated Masterplan area. Table 2.5 of the Plan lists Swords as a Key Town within the Settlement Hierarchy. The lands occupy an underutilised green-field landholding located in the central area of the County directly adjacent to high quality public transport infrastructure and within close proximity to Dublin Airport. Indeed, the subject lands represent one of last remaining residentially zoned land holdings left available for development within the development boundary of Swords, and provides an unique opportunity redress the imbalance of housing provision in the area, which is dominated by 3-4 bed houses.
- 7.7 The Development Plan sets out the following objectives in relation to the Settlement Strategy which are of relevance to the subject site:

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

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.

Objective SS01b - Consolidate within the existing urban footprint, by ensuring of 50% of all new homes within or contiguous to the built up area of Dublin City and Suburbs and 30% of all new homes are targeted within the existing built-up areas to achieve compact growth of urban settlements, as advocated by the RSES

Objective SS02 - Ensure that all proposals for residential development accord with the County's Settlement Strategy and are consistent with Fingal's identified hierarchy of settlement centres.

Objective SS02a - Development will be permitted in principle on lands where there is a Local Area Plan or Masterplan in place and only when these lands are substantially developed will permission be granted for the development of lands without such a

framework. Should the lands identified within a LAP or Masterplan not come forward for development in the short term, consideration will be given to other lands.

Objective SS12 - *Promote the Key Town of Swords and the Metropolitan Area of Blanchardstown, respectively, as Fingal's primary growth centres for residential development in line with the County's Settlement Hierarchy.*

7.8 The proposed mixed use development provides for a net density of c. 171 units per hectare on a strategically located site in Swords, adjacent to quality public transport infrastructure along the Dublin Road / R132 and provides an appropriate mix of uses, predominately residential, in addition to substantial open space, is considered to be consistent with the objectives outlined above.

7.9 Additional objectives are also identified in Chapter 4 Urban Fingal of the FDP specifically for Swords, including:

Objective SWORDS 6 - *Prioritise the early construction of the following critical infrastructure: including the Fosterstown Link Road.*

Objective SWORDS 11 - *Provide for a comprehensive network of pedestrian and cycle ways, linking housing to commercial areas, to the town centre and to Metro stops and linking the three water bodies (the Ward River Valley, the Broadmeadow River Valley and the Estuary) to each other subject to Screening for Appropriate Assessment if required.*

Objective SWORDS 27 - *Prepare and/or implement the following Local Area Plans and Masterplans during the lifetime of this Plan.* This includes the Fosterstown masterplan.

7.10 The proposed development is located within the adopted Fosterstown Masterplan lands and provides for a network of pedestrian and cycle ways across the site, linking to the immediately adjoining and wider area. Overall, the proposed development is considered to be consistent with the vision and objectives for Swords outlined above.

7.11 It is acknowledged that the Fosterstown Link Road is an objective of the Development Plan (Objective SWORDS 6). However, the access and the location of the Fosterstown Link Road, as outlined in the Fosterstown Masterplan, are located on the adjoining lands to the north, and not in lands in the ownership of the applicant. The Transport Impact Assessment (TIA) demonstrates that the proposed development, with a proposed temporary vehicular access to the R132, does not require the Fosterstown Link Road to facilitate the proposed development for any traffic or transportation related reasons. However, noting that the link road could come forward in the future, consideration was given as part of the TIA to the impact of the proposed Fosterstown Link Road with respect to existing traffic flows and the potential change in travel patterns locally due to the new road creating shorter travel routes.

7.12 In respect of Objective SWORDS 27, it is recognised that the FDP includes a number of main elements to be included in the Fosterstown Masterplan. The Fosterstown Masterplan 2019 is discussed in more detail below, however, in respect of the main elements we note the following:

- The FDP includes the one of the main elements to be included is '*Provide for required road improvements including: the construction of the Fosterstown Link*

Road; realignment and improvements to the R132 (including Pinnock Hill) as part of the phased development of the Masterplan Lands. The Fosterstown Link road and the road improvements do not form part of this application, However, the Masterplan also states that the Planning Authority may exercise discretion in respect of permitting future development on potential opportunity sites located within Phase 2 and 3, in order to allow appropriate development to proceed subject to a detailed Traffic Impact Assessment. The proposed development is supported by a Traffic Impact Assessment prepared by OCSC which demonstrates that there are no traffic or transportation related reasons that should prevent the granting of planning permission for the proposed development, and the Fosterstown Link Road is not required to facilitate the proposed development, nor the delivery of the Metrolink.

- The FDP includes one of the main elements to be included in the Fosterstown Masterplan is “*where development immediately adjoins existing residential development, the heights of such development shall be restricted to 2-3 storeys*”. Whilst the proposed development ensures a transition in heights to respect the adjoining residential development, the proposed development provides for building heights of 4 no. storeys immediately adjoining the residential development.
- It is considered the proposed development is compliant with the main element to ‘*...provide a strong urban edge with attractive elevations which satisfactorily address, overlook and provide a high degree of informal supervision of the R132..*’
- The requirement for provision of a hotel at Cremona does not relate to the subject site. Cremona relates to the adjoining lands to the north.
- The proposed development has regard to the indicative route for the new Metro North. The preferred route is now located on the eastern side of the R132 and does not go through the lands. However an appropriate relationship is provided with the indicative route, with the provision of a public plaza and a signalised pedestrian crossing from the subject site.
- In accordance with the FDP, the existing stream which crosses the lands along the northern boundary will maintained within the riparian corridor. As requested, the majority of the

7.13 In addition to objective SWORDS 27, it is noted that Objective PM14 and PM15 also refer to implementing masterplans prepared in accordance with the Development Plan.

7.14 As discussed further below, it is considered the proposed development is broadly consistent with vision and key objectives of the Fosterstown Masterplan. However should the Board be of the view that the proposed development contravenes Objectives SWORDS 27, and Objectives PM14 and PM15, in relation to the preparation and implementation of masterplan, and associated objectives set out in the Swords Masterplans Part C: Fosterstown (hereinafter ‘Fosterstown Masterplan’) 2019 in relation to road improvements and phasing, building height, density, unit mix and housing typology and vehicular access, a Material Contravention Statement is submitted which provides a justification.

Land Use Zoning

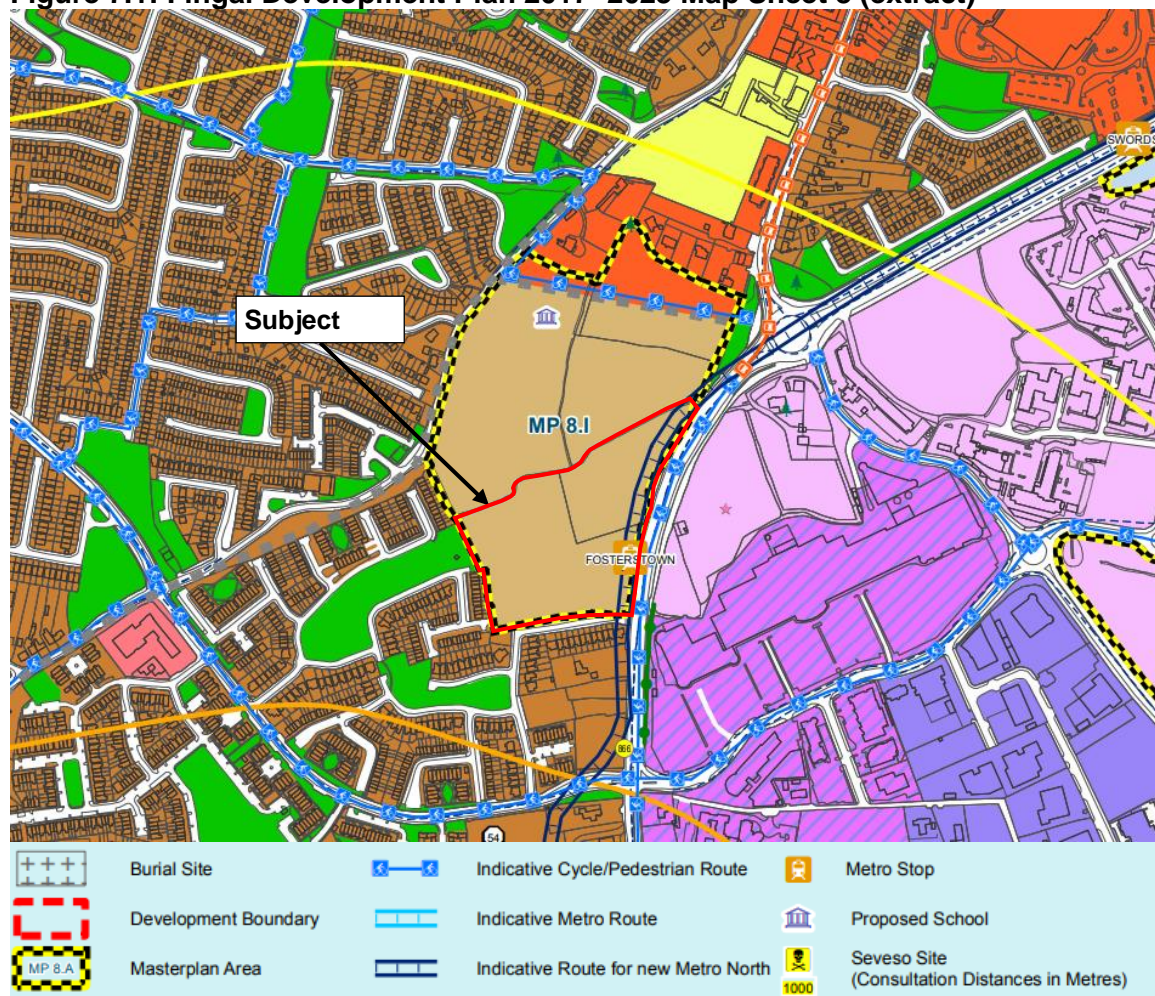
7.15 The subject site is zoned Residential Area (RA) with the objective “*Provide for new residential communities subject to the provision of the necessary social and physical*

infrastructure” in the Fingal County Development Plan 2017 – 2023. The following uses are permitted in principle under this zoning objective:

“Amusement, Arcade, Bed and Breakfast, Betting Office, **Childcare Facilities**, **Community Facility**, Education, Funeral Home/Mortuary, Guest House, Health Centre, Health Practitioner, Hospital, Office Ancillary to Permitted Use, **Office ≤ 100sqm**, **Office > 100sqm and < 1,000sqm**, **Open Space**, Place of Worship, Public House, Public Transport Station, **Recreational Facility/Sports Club**, **Residential**, Residential Care Home/ Retirement Home, **Restaurant/Café**, **Retail - Local < 150 sqm nfa**, **Retail - Convenience ≤ 500 sqm nfa**, **Retail - Comparison ≤ 500 sqm nfa**, **Retail - Supermarket ≤ 2,500 sqm nfa**, Retirement Village, Sheltered Accommodation, Sustainable Energy Installation, Taxi Office, Traveller Community Accommodation, Utility Installations, Veterinary Clinic.” (Emphasis added)

- 7.16 The proposed uses as describe din the public notice are permitted in principle under the zoning objective and the development meets the vision of ensuring the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities as well as an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities

Figure 7.1: Fingal Development Plan 2017- 2023 Map Sheet 8 (extract)



	OS - Open Space	Preserve and provide for open space and recreational amenities
	RA - Residential Area	Provide for new residential communities subject to the provision of the necessary social and physical infrastructure
	HT - HighTechnology	Provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment
	RS - Residential	Provide for residential development and protect and improve residential amenity
	RW - Retail Warehousing	Provide for retail warehousing development

Source: Fingal County Development Plan 2017-2023, Map Sheet No.8-Swords (extract)

- 7.17 The Development Plan notes that Residential Areas should “*Ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities*”.
- 7.18 The proposed development provides for a mixed-use residential led development, that will provide a high quality environment with a good layout and design. The proposed development includes pedestrian and cycle linkages, including future potential links to the north and to the west. The proposed development also includes a number of supporting and complimentary uses, with provision of a community facility, commercial units, a childcare facility and significant public open space (including 2 no. playing pitches). This accords with the objective to provide for new residential communities subject to the provision of the necessary social and physical infrastructure. Furthermore, as set out in more detail below, it is considered the proposed mix, tenure and type meets household needs and promotes a balanced community, meeting the standards set out in the Apartment Guidelines 2020.

Other Zoning Map Based Objectives

- 7.19 There is an indicative cycle / pedestrian route along the eastern boundary of the subject site. This pedestrian/ cycle link has been provided for along the section of R132/ Dublin road.
- 7.20 The indicative route for the new Metro North at Fosterstown is shown on Development Plan Map Sheet No.8 as being located to the western side of the R132 at Fosterstown and within the subject lands. In April 2019, subsequent to the adoption of the Development Plan, the National Transport Authority (NTA) published details of the emerging preferred route for the MetroLink, which included the relocation of the metro corridor and stop to the eastern side of the R132 at Fosterstown, outside the subject lands. This revision was incorporated into the Fosterstown Masterplan with the indicative layouts illustrating the building edges to the R132 with blocks located within the area of the previously proposed indicative metro route. As required under the Masterplan, the proposed scheme includes a strong urban edge to the R132 and therefore the proposed development does not include the indicative route for the Metro North as shown on the Development Plan Map Sheet No. 8.
- 7.21 Given the conflict between the indicative route for new Metro North as illustrated on the adopted Development Plan Map Sheet No. 8 and in the adopted Masterplan, the proposed development may materially contravene the Map Sheet No. 8 map-based objectives in relation to the requirement to facilitate the indicative route for new Metro North as shown on the Map Sheet No. 8 through the subject lands. This is justified in the Statement of Material Contravention.

- 7.22 The zoning map also includes the lands within the masterplan area for Fosterstown. The Fosterstown masterplan is addressed in further detail below.

Placemaking

- 7.23 The following principles are included in the FDP relevant to placemaking:

Energy Efficiency

Objective PM12 *Ensure high standards of energy efficiency in existing and new residential developments in line with good architectural conservation practice and promote energy efficiency and conservation in the design and development of new residential units, encouraging improved environmental performance of building stock.*

Objective PM28 *Improve the efficiency of existing buildings and require energy efficiency and conservation in the design and development of all new buildings within the County.*

Objective PM29 *Promote energy efficiency and conservation above Building Regulations standards in the design and development of all new buildings and residential schemes in particular and require designers to demonstrate that they have taken maximising energy efficiency and the use of renewable energy into account in their planning application.*

Objective PM30 *Encourage the production of energy from renewable sources, such as from Bio-Energy, Solar Energy, Hydro Energy, Wave/Tidal Energy, Geothermal, Wind Energy, Combined Heat and Power (CHP), Heat Energy Distribution such as District Heating/Cooling Systems, and any other renewable energy sources, subject to normal planning considerations and in line with any necessary environmental assessments.*

- 7.24 We refer to the Energy Statement prepared by Waterman Moylan which sets out the overall strategy to achieve energy efficiency targets in accordance with the above objectives and Building Regulations Part L 2021.

Urban Design

Objective PM31 – *“Promote excellent urban design responses to achieve high quality, sustainable urban and natural environments, which are attractive to residents, workers and visitors and are in accordance with the 12 urban design principles set out in the Urban Design Manual – A Best Practice Guide (2009).”*

Objective PM32 – *“Have regard to the joint Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government’s Design Manual for Urban Streets and Roads (DMURS), (2013) and the National Transport Authority’s Permeability Best Practice Guide (2015), in the provision of good urban design.”*

Objective PM34 - *“locate different types of compatible land uses e.g. residential, employment, local retail, tourism and daily service needs close together, so as to encourage a greater emphasis on the use of sustainable transport modes.”*

Objective PM37 – *“Ensure a holistic approach, which incorporates the provision of essential and appropriate facilities, amenities and services, is taken in the design and*

planning of new residential areas, so as to ensure that viable sustainable communities emerge and grow”

- 7.25 We refer to the Design Statement which confirms the proposed development promotes excellent urban design in accordance with the 12 urban design principles set out in the Urban Design Manual – A Best Practice Guide (2009) in accordance with PM32.
- 7.26 The DMURS Consistency Statement prepared by Waterman Moylan and the Traffic Impact Assessment confirms compliance with objective PM32.
- 7.27 In accordance with PM34 and PM37, a Social and Community Infrastructure Audit / Assessment is submitted as a standalone report with the application, and outlines there is a considerable range of existing community and social infrastructure proximate to the subject site, which the residents of the proposed development will be able to avail of. Notwithstanding this, the provision of a childcare facility, community facility and two playing pitches, in addition to the five commercial units, will help meet the needs of the proposed development and surrounding area.

Housing Mix

Objective PM38 - *Achieve an appropriate dwelling mix, size, type, tenure in all new residential developments.*

Objective PM40 - *Ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents.*

- 7.28 The proposal includes a sustainable mix of apartment units which contribute to sustainable communities on the site and respond appropriately to the current market demands. As noted within the NPF, household sizes are declining at present, contributing to an increased need for smaller residential units, particularly in the form of apartments. This situation is reflected in the more recent Apartment Guidelines 2020 and the proposed unit mix accords with SPPR1.
- 7.29 In addition it must be recognised that the subject site is surrounded with housing estates which are principally made up of 3 and 4 bedroom semi-detached and detached houses, and therefore this proposed residential scheme consisting exclusively of apartments will provide a better mix to the housing supply in the area to meet the needs of the existing and future population in Swords.
- 7.30 As discussed further below, Section 6 (Built Form) of the Fosterstown Masterplan, states that residential accommodation shall provide an appropriate mix of 1, 2 and 3 bed room units in line with the unit-mix standards set out in the Design Standards for New Apartment Guidelines and the Development Plan, and includes the following indicative mix:
- 20-25% 1 beds;
 - 45-55% 2 beds;
 - 20-30% 3 beds.
- 7.31 The proposed development does not accord with the indicative mix set out in the Masterplan as it provides for the following mix of apartment units:

- 208 no. 1 Beds (32%)
- 410 no. 2 Beds 4 Persons (64%)
- 27 no. 3 beds (5%)

7.32 It is recognised that the proposed mix would not be consistent with the indicative mix included in the Fosterstown Masterplan. However, notwithstanding this, the proposed mix is consistent and considered to be justified in the context of the Apartment Guidelines 2020.

7.33 Overall, the proposed unit mix is consistent with the guidance set down in SPPR1 of the Apartment Guidelines 2020, as the percentage of 1 bed units does not exceed 50%. There is no requirement for 3 bed units under SPPR1. Having regard to the above, it is considered that even where the proposed unit mix would not be consistent with the indicative mix set out in the Fosterstown Masterplan, the mix is justified under SPPR1 of the Apartment Guidelines (which were issued under Section 28 of the 2000 Act).

Residential Density

7.34 With reference to residential density the Fingal CDP includes the following objective:

Objective PM41 - *Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.*

7.35 The supporting text to objective PM41 refers to regard should be given to Sustainable Residential Development In Urban Areas, which promotes increased residential densities in appropriate locations, including city and larger town centres.

7.36 The proposed scheme seeks to provide 645 no. units on a net site area of 2.876 ha which equates to a net density of 171.5 uph. The scale and density of development proposed is considered appropriate in the context of the proposed Metrolink and the proximity of the site to Swords town.

7.37 However, it is recognised the proposed density exceeds the density range set out in the Masterplan. This is discussed further below.

Apartment Development and Other Residential Development

7.38 The CDP notes that Apartment developments should be of high quality design and site layout having due regard to the character and amenities of the area. All apartment developments shall accord with or exceed all aspects of Government Guidelines in relation to residential development best practice.

Objective PM42 - *Implement the policies and objectives of the Minister in respect of 'Urban Development and Building Heights Guidelines' (December, 2018) and Sustainable Urban Housing: Design Standards for New Apartments (March, 2018) issued under section 28 of the Planning and Development Act, as amended.*

Objective PM43 - *Have regard to 'Sustainable Urban Housing: Design Standards for New Apartments' (2007)*

Objective PM44 - Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

Objective PM45 - Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

7.39 It is acknowledged that the 2018 Apartment Guidelines referred to in Objective PM42 have been superseded by the 2020 Apartment Guidelines. As set out in Section 6 and the accompanying Housing Quality Assessment and Schedule of Accommodation prepared by PCOT Architects notes compliance with the minimum size requirements set out at Appendix 1 of the 2020 Apartment Guidelines.

7.40 The proposals promote the development of an underutilised, infill site with an appropriately scaled residential scheme which integrates with the residential surroundings of the site whilst retaining and consolidating its woodland nature and character.

Open Space Quantity and Quality

7.41 The CDP notes the following objectives in relation to the provision of open space in new developments:

Objective PM52 - 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 PM60 - Ensure public open space is accessible and designed so that passive surveillance is provided.

Objective PM61 - Ensure permeability and connections between public open spaces including connections between new and existing spaces, in consultation to include residents.

Objective PM63 Facilitate the provision of appropriately scaled children's playground facilities within new and existing residential development.

Objective PM64 Protect, preserve and ensure the effective management of trees and groups of trees.

Objective PM65 Ensure all areas of private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements.

7.42 As demonstrated on the architectural drawings, it is proposed to provide c. 9,779 sq.m of public open space as part of the proposed development, including provision of playing fields. This amounts to 22% public open space, exceeding the minimum 10% requirement. This increases to 30% public open space (13,134 sq.m) including the riparian strip. In addition, 6,100 sq.m of communal open space is proposed.

- 7.43 It is acknowledged the quantum of open space proposed in the SHD may be considered a material contravention of objectives PM52 and DMS57 of the Fingal Development Plan 2017-2023 in so far as it does not provide 2.55 ha of open space on the basis of population. This is justified in the Material Contravention Statement.
- 7.44 However, the proposed development significantly exceeds the 10% requirement in Objective DMS57A and Objective DMS57B, providing c. 0.98 ha of public open space (excluding the riparian strip) or 22% of the site area for public open space. This increases to c. 1.3 ha (30%) when the riparian strip is included. This also exceeds the requirements set out in the Sustainable Residential Developments in Urban Areas (2009) for open space, which requires a minimum of 15% of site area for greenfield sites to be public open space. The open space in the proposed development also meets the qualitative criteria set out in the Sustainable Residential Developments in Urban Areas (2009) Guidelines.
- 7.45 In relation to the other objectives, the public open space is acceptable and designed so that passive surveillance is provided with the proposed apartments. The development also facilities play facilities in accordance with the Apartment Guidelines. We refer to the Arboricultural Impact Assessment and the Landscape Design Report which confirms the development protects and ensure the effective management of trees.

Community Infrastructure, Facilities and Services

Objective PM66 *Ensure provision of accessible, adequate and diverse community facilities and services in new and established areas to provide for the well-being of residents.*

Objective PM67 *Ensure community facilities are flexible in their design and promote optimum usage.*

Objective PM68 *Promote the clustering of community, recreational and open space facilities, with community facilities being located in local centres or combined with school facilities as appropriate*

Objective PM69 *Ensure that proposals do not have a detrimental effect on local amenity by way of traffic, parking, noise or loss of privacy of adjacent residents.*

Objective PM70 *Ensure proposals for large scale residential developments include a community facility, unless it can be established that the needs of the new residents can be adequately served within existing or committed community facilities in the area.*

Objective PM73 *Encourage the development of multi-functional buildings which are not used exclusively by any one group.*

- 7.46 As set out in section 5, a number of supporting uses are proposed to provide for the well being of residents, including community facility, a childcare facility, commercial units and significant public and communal open space. The community facility is provided in accordance with Objective PM70, and the design ensures it will be flexible in its use in accordance with Objectives PM6 and PM73.
- 7.47 We refer to the Social and Community Infrastructure Audit which confirms there is a considerable range of existing community and social infrastructure proximate to the subject site, which the residents of the proposed development will be able to avail of.

However, the provision of a childcare facility, community facility and two playing pitches, in addition to the five commercial units, will help meet the needs of the proposed development and surrounding area in accordance with Objective PM68.

- 7.48 In relation to Objective PM69, the proposed development has been designed to ensure no detrimental effect on the local amenity. We refer to the TIA and the engineering inputs in relation to traffic and parking, and there is sufficient separation distance with the adjacent residential units to ensure no loss of privacy, as set out in the architectural drawings. We also refer to the Daylight and Sunlight Assessment which confirms no undue impact in respect of loss of daylight or overshadowing of neighbouring properties.

Childcare Facilities

Objective PM74 *Encourage the provision of childcare facilities in appropriate locations, including residential areas, town and local centres, areas of employment and areas close to public transport nodes.*

Objective PM75 *Ensure that childcare facilities are accommodated in appropriate premises, suitably located and with sufficient open space in accordance with the Childcare (Pre-School) Services) (No. 2) Regulations 2006.*

Objective PM76 *Require as part of planning applications for new residential and commercial developments that provision be made for appropriate purpose built childcare facilities where such facilities are deemed necessary by the Planning Authority.*

- 7.49 As referred to in Section 6, and in accordance with the above objectives, the proposed development includes a childcare facility with a GFA of 609.7 sqm located on the ground floor of Block 3 to be delivered as part of Phase 1 of the proposed development. The childcare facility also includes an outdoor play area, with an area of 930 sq.m, in addition to 10 no. parking spaces (including 5 no. spaces within a drop off zone). The childcare facility has been estimated as being capable of accommodation c. 138 childcare spaces based on the classroom sizes and the requirements of Appendix 1 of the Childcare Facility Guidelines for full-day care childcare services, as illustrated on the ground floor plan for Block 3. It is noted the requirements of the Childcare Facility Guidelines are also reflected in the Childcare (Pre-School) Services) (No. 2) Regulations 2006.

Chapter 7 Movement and infrastructure

- 7.50 The following principles are included in the Fingal CDP relevant to movement and infrastructure:

Objective MT04 *At locations where higher density development is being provided, encourage the development of car-free neighbourhoods, where non-motorised transport is allowed and motorised vehicles have access only for deliveries but must park outside the neighbourhood, creating a much better quality public realm with green infrastructure, public health, economic and community benefits.*

Objective MT05 *Integrate land use with transportation by allowing higher density development along higher capacity public transport corridors.*

Objective MT10 *Facilitate the provision of electricity charging infrastructure for electric vehicles both on street and in new developments in accordance with car parking standards.*

Objective MT19 Design roads and promote the design of roads, including cycle infrastructure, in line with the Principles of Sustainable Safety in a manner consistent with the National Cycle Manual and the Design Manual for Urban Roads and Streets.

- 7.51 We refer to the TIA prepared by OCSC, and Car Parking Rationale and Mobility Management Plan and the DMURS Consistency Statement prepared by Waternman Moylan. In summary, the proposed development accords with the above objectives, locating high density development along higher capacity public transport corridors. In addition the proposed development facilitates the provision of electric charging infrastructure in accordance with the car parking standards.

Noise

Objective NP03 Require all developments to be designed and operated in a manner that will minimise and contain noise levels.

Objective NP04 Ensure that future developments are designed and constructed to minimise noise disturbance and take into account the multi-functional uses of streets including movement and recreation as detailed in the Urban Design Manual (2009) and the Design Manual for Urban Roads and Streets (2013). **Objective NP05** Ensure that development complies with the NRA's design goal for sensitive receptors exposed to road traffic noise or as updated by any subsequent guidelines published by Transport Infrastructure Ireland.

Objective DA07 (as amended by Variation no. 1): "Strictly control inappropriate development and require noise insulation where appropriate in accordance with table 7.2 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the adverse impact of noise on existing housing within the inner and outer noise zone."

- 7.52 The proposed development is located within Noise Zone C and the development has refer to Objective DA07 of the Fingal Development Plan 2017-2023 in relation to noise insulation. We refer to the Noise and Vibration Chapter within the EIAR assesses the noise and vibration impacts, and demonstrates the recommended internal noise criteria can be achieved through consideration of the proposed façade elements at the detailed design stage.

Drainage

Objective WT07 Require all new developments to provide separate foul and surface water drainage systems and to incorporate sustainable urban drainage systems.

Objective WT08 Prohibit the discharge of additional surface water to combined (foul and surface water) sewers in order to maximise the capacity of existing collection systems.

Objective SW04 Require the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks.

Objective SW05 Discourage the use of hard non-porous surfacing and pavements within the boundaries of rural housing sites.

Objective SW06 Encourage the use of Green Roofs particularly on apartment, commercial, leisure and educational buildings. **Objective SW07** Implement the Planning System and Flood Risk Management-Guidelines for Planning Authorities (DoEHLG/OPW 2009) or any updated version of these guidelines. A site-specific Flood Risk Assessment to an appropriate level of detail, addressing all potential sources of flood risk, is required for lands identified in the SFRA.

- 7.53 As set out in Section 5, we refer to the Engineering Assessment Report, the Flood Risk Assessment and the associated engineering drawings which confirm compliance with the above objectives. The the proposed surface water drainage system for this development has been designed as a SUDS system and uses filter drains, green roofs, permeable surfacing, detention basins, and an attenuation tank in the basement together with flow control devices and a petrol interceptor to treat run-off and remove pollutants to improve quality, restrict outflow and control quantity.
- 7.54 A Flood Risk Assessment prepared by Waterman Moylan is submitted with the application. This confirms that the proposed development consists of residential buildings which are located in Flood Zone C and are not at risk of flooding and therefore a Justification test is not required for these buildings. A justification test is included only for the section of public open space and footpath to the northeast of the development, located in Flood Zone A. The report notes that the amenity open space is classified as Water Compatible development, which is appropriate in Flood Zone A therefore the Justification test is met.
- 7.55 The report concludes by stating that the subject site has been analysed for risks from tidal and fluvial flooding from the Gaybrook Stream, pluvial flooding, groundwater and drainage system failures due to human error or mechanical system failure. As the flood risk from all sources can be mitigated, reducing the flood risk to low or very low, the proposed development is considered acceptable in terms of flood risk.

Water Quality

Objective WQ01 Strive to achieve 'good status' in all waterbodies in compliance with the Water Framework Directive, the Eastern River Basin District Management Plan 2009-2015 and the associated Programme of Measures (first cycle) and to cooperate with the development and implementation of the second cycle national River Basin Management Plan 2017-2021.

Objective WQ05 Establish riparian corridors free from new development along all significant watercourses and streams in the County. Ensure a 10 to 15 metre wide riparian buffer strip measured from the top of the bank either side of all watercourses, except in respect of the Liffey, Tolka, Pinkeen, Mayne, Sluice, Ward, Broadmeadow, Corduff, Matt and Delvin where a 30m wide riparian buffer strip from top of bank to either side of all watercourses outside urban centres is required as a minimum.

- 7.56 We refer to Chapter 7 Water of the EIAR which confirms There is an existing watercourse to the north of the subject site, the Gaybrook Stream. The site currently drains unrestricted to this watercourse. The Gaybrook Stream discharges into the Broadmeadows Transitional Waterbody or Malahide Estuary c. 3.7 km to the northeast of the subject site. This waterbody hosts Natura 2000 sites (Malahide Estuary

- SAC/SPA). The Broadmeadow transitional waterbody is the nearest water receptor and is located c. 2.3 Km northeast of the proposed development.
- 7.57 The local hydrological network (Gaybrook Stream) is associated with the WFD surface waterbody Gaybrook_010. The most recent published status (www.epa.ie – River Waterbody WFD Status 2013-2018) of this waterbody is ‘Poor’ and its environmental risk is currently ‘Under Review’ by the WFD. The nearby Sluice and Ward rivers have been classified as having ‘Moderately Polluted’ and ‘Slightly polluted’ pollution status, respectively. It would be expected a similar condition for the Gaybrook Stream based on the similar existing environment during its pathway. There are no hydrological connection to water bodies with ‘Unassigned’ WFD status.
- 7.58 The importance of the hydrological features at this site is rated as ‘Low Importance’. based on the assessment that the attribute has a low quality significance or value on a local scale. However, it should be considered that there would be an indirect hydrological connection between the site and Malahide Estuary protected sites (SAC, SPA, NHA). With the implementation of the mitigation measures detailed in this Chapter, the Proposed Development will not adversely affect the integrity of the above European Sites (or any other).
- 7.59 The potential impacts of construction and mitigation measures proposed have been identified and are included in the CEMP for the proposed development. The implementation of mitigation measures detailed in Chapter 8 of the EIA Report will ensure that the potential impacts on the surface water environment do not occur during the construction phase and that the residual impact will be short-term, imperceptible and neutral.
- 7.60 During the Operational phase, there are limited activities that could potentially impact on the hydrological environment. There are no discharges to any open water courses included in the design. The proposed surface water network has been designed to provide sufficient capacity to contain and convey all surface water runoff associated with the 1 in 100 year event to the attenuation basins without any overland flooding. Discharge flow is restricted to the greenfield equivalent runoff for the catchment area. There will be an increase in hardstanding area associated with the entire development area; however, this will have a minor effect on local recharge to ground; however, the impact on the overall groundwater regime will be insignificant.
- 7.61 In compliance with Objective WQ05, the development establishes a riparian corridor of 10m free from development, as set out in the architectural and landscape drawings.

Climate Change

Objective EN06 *Encourage and facilitate the development of renewable energy sources, optimising opportunities for the incorporation of renewable energy in large scale commercial and residential development.*

Objective EN09 *Require details of the requirements for alternative renewable energy systems, for buildings greater than 1000sq m or residential schemes above 30 units, under SI 243 of 2012 European Communities (Energy Performance of Buildings) to be submitted at pre planning stage for consideration. These should take the form of an Energy Statement or Feasibility Study carried out by qualified and accredited experts.*

- 7.62 As set out above, we refer to the Energy Statement prepared by Waterman Moylan in compliance with objective EN06 and EN09. This report identifies the energy standards with which the proposed development will have to comply and also sets out the overall strategy that will be adopted to achieve these energy efficiency targets. The apartments will be required to minimise overall energy use and to incorporate an adequate proportion of renewable energy in accordance with Building Regulations Part L 2021, Conservation of Energy & Fuel. The childcare facility, Community Facility and Commercial Units will be designed to meet the requirements of Building Regulations Part L 2021, Buildings Other than Dwellings.

Waste Management

Objective WM18 *Ensure that construction and demolition Waste Management Plans meet the relevant recycling / recovery targets for such waste in accordance with the national legislation and regional waste management policy.*

- 7.63 We refer to the Resource and Demolition Waste Management Plan which confirms the proposed development will meet the relevant recycling / recovery targets for such waste in accordance with the national legislation and regional waste management policy.

Light Pollution

Objective LP01 *Require that the design of lighting schemes minimises the incidence of light spillage or pollution into the surrounding environment. New schemes shall ensure that there is no unacceptable adverse impact on neighbouring residential or nearby properties; visual amenity and biodiversity in the surrounding areas.*

- 7.64 We refer to the Outdoor Lighting Report and Public Lighting Plan and report which demonstrates no unacceptable impact on neighbouring residential properties. We refer to the Biodiversity Chapter confirms bat friendly lighting has been incorporated into the design.

Green Infrastructure

Objective GI20 *Require all new development to contribute to the protection and enhancement of existing green infrastructure and the delivery of new green infrastructure, as appropriate.*

Objective GI21 *Require all new development to address the protection and provision of green infrastructure for the five GI themes set out in the Development Plan (Biodiversity, Parks, Open Space and Recreation, Sustainable Water Management, Archaeological and Architectural Heritage, and Landscape) in a coherent and integrated manner.*

Objective GI22 *Require all proposals for large scale development such as road or drainage schemes, wind farms, housing estates, industrial parks or shopping centres to submit a Green Infrastructure Plan as an integral part of a planning application.*

Objective GI24 *Ensure biodiversity conservation and/or enhancement measures, as appropriate, are included in all proposals for large scale development such as road or drainage schemes, wind farms, housing estates, industrial parks or shopping centres.*

Objective GI25 *Integrate provision for biodiversity with public open space provision and sustainable water management measures (including SuDS) where possible and appropriate.*

- 7.65 The proposed development enhances existing green infrastructure where possible and makes a contribution through planting and landscaped spaces, as detailed in the Landscape Design Report and associated drawings prepared by Mitchell and Associates.

Chapter 9 Natural Heritage

Objective NH13 *Ensure that proposals for development do not lead to the spread or introduction of invasive species. If developments are proposed on sites where invasive species are or were previously present, the applicants will be required to submit a control and management program for the particular invasive species as part of the planning process and to comply with the provisions of the European Communities Birds and Habitats Regulations 2011 (S.I. 477/2011).*

Objective NH14 *Protect inland fisheries within and adjacent to Fingal and take full account of Inland Fisheries Ireland Guidelines in this regard when undertaking, approving or authorising development or works which may impact on rivers, streams and watercourses and their associated habitats and species*

Objective NH15 *Strictly protect areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs); also known as European sites) including any areas that may be proposed for designation or designated during the period of this Plan.*

Objective NH24 *Protect rivers, streams and other watercourses and maintain them in an open state capable of providing suitable habitat for fauna and flora, including fish.*

- 7.66 We refer to the Biodiversity chapter of the EIAR for further details in respect of biodiversity. In particular, we note that the Biodiversity section of the NTS of the EIAR states the following:

“The existing habitats at the Site are largely of low ecological value e.g., arable stubble field. Habitats are limited to this agricultural field and the hedgerows and treelines running along its boundaries. An overgrown drainage ditch containing a small stream, the Gaybrook Stream, is located along the Site’s northern boundary. No rare flora were recorded at the Site. Non-native and invasive Butterfly-bush and Himalayan Honeysuckle were recorded in places along these hedgerows. Impacts to habitats of ecological value will be minimal, with sections of the eastern hedgerow to be removed and some reprofiling of the Gaybrook Stream bank proposed. The majority of hedgerow at the Site is being retained and the works to the stream bank and its dense vegetation will open up the Gaybrook Stream and increase its biodiversity value.” (Emphasis added)

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.*

- 7.67 The Arboricultural Report and drawings prepared by Charles McCorkell indicate that hedgerows of amenity and biodiversity value are required to be removed along the R132

(none of which demarcate townland boundaries as confirmed by the Archaeology and Cultural Heritage Chapter of the EIAR). This includes the removal of a low quality hedgerow to the east of the site, and part removal of hedgerows on the western boundary. The loss of these hedgerows, when considered with the design mitigation proposed, is not considered to result in adverse environmental impacts based on the assessment undertaken in the Biodiversity Chapter of the EIAR.

- 7.68 However, this may be considered a material contravention of Objective NH27 which seeks the protection of hedgerows of amenity or biodiversity. Such a contravention is considered justified in the context of the National Planning Framework and the Sustainable Residential Development in Urban Areas Guidelines (2009) in order to deliver an appropriate quality and quantum of residential development on the subject lands. It is also noted that all remaining hedgerows will be protected in accordance with the Arboricultural Report and the proposed development includes significant new tree and hedge planting that will have a positive impact on the surrounding landscape by improving the local canopy cover and the diversity of species.

Landscape Character

Objective NH33 *Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.*

Objective NH34: *Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types, including the retention of important features or characteristics, taking into account the various elements which contribute to their distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity.*

Objective NH36: *Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:*

- *Causes unacceptable visual harm;*
- *Introduces incongruous landscape elements;*
- *Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.*

Objective NH37: *Ensure that new development meets high standards of siting and design.*

Objective NH38: *Protect skylines and ridgelines from development.*

Objective NH39: *Require any necessary assessments, including visual impact assessments, to be prepared prior to approving development in highly sensitive areas.*

- 7.69 The application is accompanied by a Design Statement, prepared by Arrow architects and a Landscape Design Report prepared by Mitchell and Associates, which illustrates how the proposed development will successfully integrate into and enhance the character of the area.
- 7.70 The proposed development does not have the potential to impact on a sensitive landscape character area and it is sited to fit appropriately into its existing context. We refer to the Landscape and Visual Impact Assessment chapter of the EIAR. This confirms the proposed development is consistent with the landscape objectives and ensures that the development will not impinge in any significant way on the character of the area, and the proposed scheme will make a positive contribution to the area.

Archaeology

Objective CH02 *Favour the preservation in situ or at a minimum preservation by record, of archaeological sites, monuments, features or objects in their settings. In securing such preservation the Council will have regard to the advice and recommendations of the National Monuments Service of the Department of the Arts, Heritage, Regional, Rural and Gaeltacht Affairs.*

- 7.71 An Archaeology and Cultural Heritage Chapter is submitted with the EIAR. This confirms the site was subject to a number of archaeological assessments carried out in relation to the site, both invasive and non-invasive. These include Geophysical Survey (19R0011; Murphy, Breen, 2019), Archaeological Assessment (Lyne, 2019) and test trenching (19E0034; Clarke, Lyne, 2020). These did not identify any subsurface archaeological remains within the site. The proposed development will see the preservation of the watercourse, the Gaybrook Stream that forms the townland boundary between Fosterstown North and Cremona townlands. While the townland boundary value is considered low, should the townland boundary be altered in any way, a photographic and written record of it will be required in order to preserve it by record, and should be carried out at the pre-construction phase. No further archaeological mitigation is required.

Compliance with Residential Development Policies of the Fingal County Development Plan

- 7.72 The following table summarises and provides an evaluation of compliance with the relevant policies in the Development Plan for residential development.

Table 7.1 – Evaluation of the proposed development in terms of Common Principles for all Planning Applications

Development Management Objective	Evaluation
<p>Appropriate Assessment Screening Objective DMS01 Ensure that all plans and projects in the County which could, either individually or in combination with other plans and projects, have a significant effect on a European site or sites are subject to Screening for Appropriate Assessment.</p>	<p>The planning application is accompanied by an Appropriate Assessment Screening Report and NIS prepared by Enviroguide Consulting.</p>

Development Management Objective	Evaluation
<p>High Quality Urban Design <u>Objective DMS03</u> Submit a detailed design statement for developments in excess of 5 residential units in urban areas.</p>	<p>This application is accompanied by a Design Statement prepared by Arrow and PCOT Architects which details the rationale and design concept of the proposed development, having regard to the content of the Urban Design Manual and all relevant components of the Development Plan.</p>
<p><u>Objective RF04</u> Submit a detailed statement for developments on land zoned residential or mixed use, in excess of 100 residential units outlining:</p> <ul style="list-style-type: none"> • Compliance with the sequential approach in relation to development of the area, • Potential for sustainable compact growth • The scale of employment provision and commuting flows • Extent of local services provision i.e. administration, education- particularly third level, health, retail and amenities • Transport accessibility • Environmental sensitivities, resources and assets and • Current and planned infrastructure capacity 	<p>The Design Statement, this Statement of Consistency and Planning Report and the accompanying planning application documents also demonstrate compliance with Objective RF04 of the Development Plan, as follows:</p> <ul style="list-style-type: none"> • The subject site provides an opportunity for infill residential development and supporting commercial uses. The proposed development therefore complies with the sequential approach in relation to development of the area. • Chapter 3 'Population and Human Health' of the EIAR considers the scale of employment provision and commuting. • The Social and Community Infrastructure Audit Assessment prepared by John Spain Associates sets out the extent of local services provision. • The Traffic Impact Assessment prepared by OCSC addresses transport accessibility and current and planned infrastructure. • The EIAR addresses environmental sensitivities, resources and assets.
<p><u>Objective DMS05</u> Require new residential developments in excess of 100 units and large commercial/retail developments in excess of 2000 sq.m to provide for a piece of public art to be agreed with the Council</p>	<p>This is incorporated into the proposals, as identified on the Mitchell + Associates Landscape Masterplan. The scheme includes for a piece of art at the intersection of the public north south route through the centre of the scheme and the east west public route along the riparian strip, which can be conditioned subject to be agreed with FCC.</p>

Development Management Objective	Evaluation
<p>Green Roofs & Walls <u>Objective DMS16</u> Promote and encourage the use of green walls and roofs for new developments that demonstrate benefits in terms of SuDS as part of an integrated approach to green infrastructure provision.</p> <p><u>Objective DMS72</u> Encourage the use of green roofs as amenity space.</p>	<p>The proposed development includes a comprehensive landscaping scheme which is fully integrated with the drainage strategy on the site.</p> <p>SuDs proposals for the development incorporate a range of measures, including use of green/blue roofs on the proposed apartment blocks and on the podium level. We refer to the Engineering Assessment Report and the Landscape Strategy for further detail.</p>
<p>Utility Facilities <u>Objective DMS18</u> Locate, where possible, new utility structures such as electricity substations and telecommunication equipment cabinets, not adjacent to or forward of the front building line of buildings or on areas of open space.</p> <p><u>Objective DMS19</u> Require new utility structures such as electricity substations and telecommunication equipment cabinets to be of a high quality design and to be maintained to a high standard by the relevant service provider.</p>	<p>The proposals will ensure compliance with the requirements for substations, in consultation with the relevant parties. We refer to the Energy Statement for further details on the utility provision and the electricity substations.</p>

Residential Development

- 7.73 Table 7.2 sets out relevant county plan development management policies for design criteria for development and an evaluation of the proposed development. This chapter of the Development Plan (pages 419-421 and Tables 12.2 and 12.3 in particular) set out quantitative standards for apartments including minimum floor areas and room dimensions. It is noted that these quantitative standards are superseded by the standards set out within the 2020 Apartment Guidelines in as much as they conflict with the SPPRs within the Guidelines. Compliance with the 2020 Apartment Guidelines has been set out and confirmed previously within this report, however we note below where the proposals continue to meet the relevant objectives of the CDP.

Table 7.2 – Evaluation of the proposed development in terms of relevant Apartment Development Objectives

Development Management Policy	Evaluation
<p><u>Objective DMS20 & DMS 21</u> Require the provision of a minimum of 50% of apartments in any apartment scheme are dual aspect.</p>	<p>The proposed scheme provides 447 no. dual aspect units (69%).</p>

<p><u>Objective DMS22</u> Require a minimum floor to ceiling height of 2.7 metres in apartment units, at ground floor level.</p>	<p>The proposed development exceeds a minimum of 2.7m floor to ceiling heights at ground floor.</p>
<p><u>Objective DMS23</u> Permit up to 8 apartments per floor per individual stair/lift core within apartment schemes</p>	<p>There are no more than 5 apartments per floor per core. Therefore, the proposed development is reasonably compliant with the Development Plan requirement for apartments and is fully compliant with the Section 28 Apartment Guidelines (2020).</p>
<p>Quantitative Standards <u>Objective DMS24</u> New residential units comply with or exceed minimum standards as set out by the CDP Tables 12.1, 12.2, 12.3. <u>Objective DMS25 and DMS26</u> The majority of all apartments in schemes in excess of 100 units exceed minimum floor area standards by a minimum of 10%. <u>Objective DMS27</u> Require that all planning applications for residential development include floor plans for each room indicating typical furniture layouts and door swings.</p>	<p>All apartment units proposed meet or exceed the minimum standards as set out in Appendix 1 of the 2020 Apartment Guidelines which supersede the Development Plan Standards.</p> <p>However, the proposed apartments meet and exceed the minimum floor areas set out in Table 12.2 of the CDP, and exceed the standards by a minimum of 10%.</p> <p>This is detailed within the accompanying Housing Quality Assessment prepared by PCOT Architects.</p> <p>The floor plans for each room includes indicative typical furniture layouts and door swings.</p>
<p>Separation Distances <u>Objective DMS28</u> A minimum separation distance of 22 metres between directly opposing rear first floor windows shall generally be observed. In developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.</p>	<p>As noted by the accompanying architectural drawings and set out in Section 5, the separation distances between apartment blocks and neighbouring in the meets, and exceeds where possible, the minimum separation distance of 22m.</p> <p>In relation to the separation distances between the proposed blocks, in accordance with Objective DMS28, the separation distances of 22m have been generally observed and exceeded where possible, noting the increased heights above 3 no. storeys.</p> <p>Some of the blocks have side gables located in proximity to each other, reflecting the Fosterstown Masterplan for the lands, which is demonstrated in the architectural drawings and justified in the design statement. The separation distances in these secondary locations range from 12 metres to 20 metres, and design ensures</p>

	<p>there is no unacceptable level of overlooking</p> <p>As set out in Section 5, the daylight and sunlight analysis demonstrates that existing units will retain a suitable level of amenity.</p> <p>We note that the Apartment Guidelines 2020, as supported by the National Planning Framework, supports a move away from rigidly applied, blanket planning standards in relation to building design, in favour of performance based standards to ensure well-designed high quality outcomes. It notes that <i>'general blanket restrictions on building height or building separation distance that may be specified in development plans, should be replaced by performance criteria, appropriate to location.'</i></p> <p>Thus, it is submitted that the proposed scheme results in an appropriate layout and relationship between blocks for the subject site.</p>
<p>Daylight, Sunlight & Overshadowing <u>Objective DMS30</u> Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.</p>	<p>The accompanying Daylight and Sunlight and Analysis prepared by 3DDB notes that the proposed development generally complies with the recommended standards of the BRE Guidelines. This confirms that the proposed development would not have a significant effect to the daylight received by the windows of the neighbouring properties and would have an imperceptible effect to the level of sunlight received by the surrounding gardens.</p> <p>The majority of units with the development exceed the recommended standards in the Guidelines. However, some units are below the minimum standards and should the Board be of the view that this contravenes Objective DMS30, a justification is set out in the Statement of Material Contravention in the context of the provisions of the Apartment Guidelines 2020, the Building Height Guidelines 2018 and the Urban Design Manual 2009.</p>
<p>Management Companies & Facilities <u>Objective DMS33</u> Require properly constituted management companies in apartment type schemes are set up and necessary management</p>	<p>The proposed scheme will be professionally managed by an experienced operator which will oversee the upkeep and maintenance of all public spaces and internal amenity within the proposed scheme.</p>

<p>structures are put in place for the benefit of the residents.</p> <p><u>Objective DMS34</u> Provide in high density apartment type schemes in excess of 100 units facilities for the communal use of residents as deemed appropriate by the Council.</p> <p><u>Objective DMS35</u> Require the provision of communal laundry rooms and storage facilities in high density apartment type developments where deemed appropriate.</p>	<p>Provision is made for communal open space in accordance with the Apartment Guidelines. In addition, residents will have use of the community facility.</p> <p>It is not considered appropriate to provide communal laundry rooms and storage facilities, as all units accord with the Apartment Guidelines standards.</p>
<p>Refuse Storage & Bins</p> <p><u>Objective DMS36</u> Ensure all new residential schemes include appropriate design measures for refuse storage areas, details of which should be clearly shown at pre-planning and planning application stage.</p>	<p>We refer to the architectural drawings and the Operational Waste Management Plan prepared by AWN which confirms appropriate design measures are included for refuse storage areas.</p>
<p><u>Objective DMS37</u> Ensure the maximum distance between the front door to a communal bin area does not exceed 50 metres.</p>	<p>It is not considered this is relevant to an apartment scheme, given the reference to 'front' doors. Nonetheless, the collection point for refuse is accessible for both the external collector and to the residents. We refer to the Operational Waste Management Plan for further detail, but in summary a shared communal waste manage area is either proposed at ground floor level of the blocks, or within the undercroft/basement level, in close proximity to the block cores.</p>
<p>Infill Development & Character</p> <p><u>Objective DMS39</u> New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.</p> <p><u>Objective DMS44</u> Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.</p>	<p>The proposed development is considered to constitute infill land with existing residential land use surrounding the site. The development respects the height and massing of existing residential units, stepping down or setting back development to the site boundaries.</p> <p>The proposals seek to protect and enhance a sense of place and urban design of the locality, with the delivery of a compact development that responds sensitively to the site context in terms of the design, layout and materials used within the development. We refer to the Design Statement for further details.</p>

Open Space

- 7.74 Table 7.3 sets out relevant county plan development management policies for open space and an evaluation of the proposed development in terms of each policy.

Table 7.3 – Evaluation of the proposed development in terms of relevant Open Space Objectives

Development Management Policy	Evaluation
<p>Accessibility <u>Objective DMS56</u> Integrate and provide links through adjoining open spaces to create permeable and accessible areas, subject to Screening for Appropriate Assessment and consultation, including the public, as necessary.</p>	<p>The proposed development will significantly enhance the quantum of public open space in the local area and provide high quality communal space to the future residents of the development.</p> <p>An Appropriate Assessment Screening Report and NIS prepared by Enviroguide accompanies this application.</p>
<p>Quantity <u>Objective DMS57</u> Require a minimum public open space provision of 2.5 hectares per 1000 population. <u>Objective DMS57A and Objective DMS57B</u> Require a minimum 10% of a proposed development site area be designated for use as public open space, with the Council has the discretion to accept a financial contribution in lieu of remaining open space requirement under Table. 12.5. <u>Objective DMS59</u> Ensure every home within a new residential scheme is located within 150 metres walking distance of a pocket park, small park, local park, urban neighbourhood park or regional park. <u>Objective DMS60</u> Require the monetary value in lieu of open spaces to be in line with the Fingal County Council Development Contribution Scheme.</p>	<p>The quantum of open space proposed in the SHD may be considered a material contravention of objectives PM52 and DMS57 of the Fingal Development Plan 2017-2023 in so far as it does not provide 2.55 ha of open space on the basis of population (2.5ha per 1000 people).</p> <p>However, the proposed development significantly exceeds the 10% requirement in Objective DMS57A and Objective DMS57B, providing c. 0.98 ha of public open space (excluding the riparian strip) or 22% of the site area for public open space. This increases to c. 1.3 ha (30%) when the riparian strip is included.</p> <p>However, the proposed development significantly exceeds the minimum requirement of 10% public open space set out DMS57A and DMS57B. DMS57A and DMS57B allow for a financial contribution in lieu of remaining open space requirements. This also exceeds the requirements set out in the Sustainable Residential Developments in Urban Areas (2009) for open space, which requires a minimum of 15% of</p>

Development Management Policy	Evaluation
	<p>site area for greenfield sites to be public open space. The open space in the proposed development also meets the qualitative criteria set out in the Sustainable Residential Developments in Urban Areas (2009) Guidelines.</p> <p>All the proposed apartment buildings are located within 150m walking distance of the public open space in accordance with objective DMS59, including the public plaza and the public open space to the northern boundary. This is in addition to the communal open spaces which are accessible to each building.</p>
<p><u>Objective DMS62</u> Areas of open space of less than 500 square metres will not be taken in charge by Fingal County Council for maintenance purposes.</p> <p><u>Objective DMS63</u> The Council will require that open space be provided in a form and layout which facilitates maintenance.</p> <p><u>Objective DMS64</u> The design of areas to be taken in charge as public open space should vary according to the density of the development. More ornate and maintenance intensive designs are not appropriate to low density development</p>	<p>A Taken in Charge drawing is submitted with the application demonstrating the area of open space exceeds 500 sq.m.</p>
<p><u>Objective DMS65</u> Require a minimum open space provision equal to 70% of the open space requirement in addition to intensive recreational/ amenity facilities.</p>	<p>The Development Plan sets out that where the open space standards cannot be achieved or where intensive recreational uses are deemed desirable, the Council may consider arrangements whereby appropriate intensive facilities may be provided in lieu of open space of less utility.</p> <p>The proposed open space comprises landscaping includes intensive recreation amenities including the 2 no. playing pitches and also a basketball hoop.</p>
<p><u>Objective DMS67</u> Ensure open space provision is suitably proportioned and inappropriate narrow</p>	<p>We refer to the landscape drawings for further details, however in summary the open space is suitably proportioned and</p>

Development Management Policy	Evaluation
<p>tracts are not provided.</p> <p><u>Objective DMS68</u> Ensure, where possible, complementary facilities, such as dressing rooms and storage facilities, are provided as part of the open space provision, for new and existing areas.</p> <p><u>Objective DMS69</u> Ensure developers lay out and maintain open space areas to a high standard, until such a time as they are taken in charge and facilitate the early handover of areas of public open space to the Council. The Council, at its discretion, may in certain circumstances accept a financial contribution in order to complete the landscaping and development of these areas.</p> <p><u>Objective DMS70</u> Require properly constituted management companies to be set up and ensure that the necessary management structures are put in place where it is intended that open spaces will be retained in private ownership. Arrangements must be approved by the Council before completion of the project and must be in operation before release of required bonds</p>	<p>does not provide any inappropriate narrow tracts. In particular the public open space is in keeping with the Fosterstown Masterplan.</p> <p>It was not possible or a requirement of the Masterplan to provide complementary facilities to the open space provision.</p> <p>The development will comply with the requirements of Objectives DMS69 and DMS70.</p>
<p><u>Green Corridors</u> <u>Objective DMS71</u> Provide green corridors in all new developments where the opportunity exists.</p>	<p>The proposed development provides for green corridors, with landscaped areas linking through to linear open space along the northern boundary of the site..</p> <p>Please refer to the Landscape Design Statement prepared by Mitchell & Associates for detailed information on the green corridors and the public and communal open space areas.</p>
<p><u>Sustainable Urban Drainage Systems</u> <u>Objective DMS73</u> Ensure as far as practical that the design of SuDS enhances the quality of open spaces. SuDS do not form part of the public open space provision, except where it contributes in a significant and positive way to the design and quality of open space.</p>	<p>The proposed development integrates SUDS elements within landscaped open space on the site. This strategy retains greenfield discharge rates from the site, as detailed within the accompanying Engineering Assessment Report prepared by Waterman and Moylan.</p> <p>SUDS measures have been</p>

Development Management Policy	Evaluation
<p><u>Objective DMS74</u> Underground tanks and storage systems will not be accepted under public open space, as part of a SuDS solution.</p>	<p>incorporated into the public open space where they contribute to the design and quality. However, noting Objective DMS73, a retention basin located to the west of Block 10 is excluded from the POS calculation.</p> <p>No underground tanks are proposed. A permeable playing surface will be used on the playing pitches with a stone reservoir beneath to attenuate surface water before discharging to the stream.</p>
<p>Playground Facilities <u>Objective DMS75</u> 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.</p> <p><u>Objective DMS76</u> 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.</p>	<p>It is considered the proposed development provides for appropriately scaled playground facilities. As set out above, a number of children's play areas are for the proposed development is included within the substantial public and communal open space. This includes 2 no. playing pitches</p> <p>It is acknowledged that the total play areas falls below the requirement under DMS75 for 4 sq.m of playground facilities per residential units. However, the provision accords with the Apartment Guidelines 2020 and it is also noted that the playing pitches combined with the additional play areas equates to 3,706 sq.m which exceeds the requirement under objective DMS75 of 2,580 sq.m. We refer to the architectural and landscape drawings for further details of the play areas and facilities.</p> <p>An equipped formal playground is not included as part of the proposed development, Objective DMS76 does not apply. As noted above, the proposed development complies with the Apartment Guidelines in relation to play provision. However, should the proposed play facilities be not considered acceptable in relation to objectives DMS75 and DMS76, the development plan allows for a contribution in lieu in respect of the</p>

Development Management Policy	Evaluation
	overall open space provision.
<p>Tree Policy</p> <p><u>Objective DMS77</u> Protect, preserve and ensure the effective management of trees and groups of trees.</p> <p><u>Objective DMS78</u> Ensure during the course of development, trees and hedgerows that are conditioned for retention and groups of trees are fully protected in accordance with 'BS5837 (2012) Trees in relation to the Design, Demolition and Construction – Recommendations' or as may be updated.</p> <p><u>Objective DMS79</u> Require the use of native planting where appropriate in new developments in consultation with the Council.</p> <p><u>Objective DMS80</u> Ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of developments.</p> <p><u>Objective DMS81</u> Consider in tree selection the available rooting area and proximity to dwellings or business premises particularly regarding shading of buildings and gardens.</p> <p><u>Objective DMS82</u> Promote the planting of large canopy trees on public open space and where necessary provide for constructed tree pits as part of the landscape specification.</p> <p><u>Objective DMS83</u> Ensure roadside verges have a minimum width of 2.4 metres at locations where large trees are proposed and where necessary provide for constructed tree pits as part of the landscape specification. Road verges shall be a minimum of 1.2 metres wide at locations where small canopy trees are proposed.</p>	<p>The site is mostly devoid of trees, however the site is bound by hedges and groups of mature trees and bushes. The proposals seek to retain the existing trees and hedgerows where possible, in particular along the northern boundary. In addition substantial tree planting is proposed across the site, and in particular along the northern boundary.</p> <p>We refer to the Tree Survey and Arboricultural Impact Assessment Report prepared by Charles McCorkell and the landscape drawings and Landscape Design Report prepared by Mitchell and Associates Landscape documents in relation to planting.</p> <p>We refer to the archaeology and cultural heritage chapter of the EIAR which confirms the existing townland boundary along the northern boundary of the site will be preserved and is incorporated into the proposals.</p>
<p>Private Open Space</p> <p><u>Objective DMS84</u> Ensure trees removed from residential areas are replaced, where appropriate, as soon as resources allow.</p>	<p>As above we refer to the Arboricultural Impact Assessment Report prepared by Dr Charles McCorkell and landscape drawings and Landscape Design Report for further details.</p>

Development Management Policy	Evaluation
<p><u>Objective DMS85</u> Ensure private open spaces for all residential unit types are not unduly overshadowed.</p> <p><u>Objective DMS86</u> Ensure boundary treatment associated with private open spaces for all residential unit types is designed to protect residential amenity and visual amenity.</p>	<p>The Daylight/Sunlight Assessment demonstrates the open spaces are not unduly overshadowed and meet the recommendations of the BRE guidelines in this regard.</p>
<p>Apartment Units</p> <p><u>Objective DMS89</u> Require private balconies, roof terraces or winter gardens for all apartments and duplexes comply with or exceed the minimum standards set out in Table 12.6.</p> <p><u>Objective DMS90</u> Require balconies, ground floor private open space, roof terraces or winter gardens be suitably screened in a manner complimenting the design of the building so as to provide an adequate level of privacy and shelter for residents.</p> <p><u>Objective DMS91</u> Require communal amenity space within apartment developments, in the form of semiprivate zones such as secluded retreats and sitting out areas, complies with or exceeds the minimum standards set out in Table 12.6.</p> <p><u>Objective DMS92</u> Permit in appropriate layouts (e.g. courtyard layouts) the provision of a combination of private and semi-private open spaces.</p>	<p>As outlined above, the proposed apartments comply with the Apartment Guidelines 2020 in terms of private and communal amenity space. However, all units are provided with a roof terrace or balcony and provide an adequate level of privacy.</p> <p>In relation to the communal open space, we note the minimum standards set out in Table 12.6 also correspond with the standards set out in the Apartment Guidelines 2020 of which the development fully complies with.</p> <p>Further details on the landscaping proposals are set out in the Landscape Masterplan and the Landscape Design Report prepared by Mitchell & Associates.</p>
<p>Community Buildings</p> <p><u>Objective DMS93</u> Any application for community facilities such as leisure facilities, sports grounds, playing fields, play areas, community halls, organisational meeting facilities, medical facilities, childcare facilities, new school provision and other community orientated developments, shall have regard to the following:</p> <ul style="list-style-type: none"> • Overall need in terms of necessity, deficiency, and opportunity to enhance or develop local or County facilities. 	<p>We refer to the Social and Community Infrastructure Audit / Assessment which demonstrates the need for a community building.</p>

Development Management Policy	Evaluation
<ul style="list-style-type: none"> • Practicalities of site in terms of site location relating to uses, impact on local amenities, desirability, and accessibility. • Conformity with the requirements of appropriate legislative guidelines. 	
<p>Childcare Facilities <u>Objective DMS94</u> Any application for childcare facilities shall have regard to the following: • Suitability of the site for the type and size of facility proposed. • Adequate sleeping/rest facilities. • Adequate availability of indoor and outdoor play space. • Convenience to public transport nodes. • Safe access and convenient off-street car parking and/or suitable drop-off and collection points for customers and staff. • Local traffic conditions. • Intended hours of operation</p>	<p>We refer to the Social and Community Infrastructure Audit Assessment which demonstrates the suitability of the site for a childcare facility.</p> <p>The proposed development includes a childcare facility with a GFA of 609.7 sqm located on the ground floor of Block 3 to be delivered as part of Phase 1 of the proposed development. The childcare facility also includes an outdoor play area, with an area of 930 sq.m, in addition to 10 no. parking spaces (including 5 no. spaces within a drop off zone). The childcare facility has been estimated as being capable of accommodation c. 138 childcare spaces based on the classroom sizes and the requirements of Appendix 1 of the Childcare Facility Guidelines for full-day care childcare services, as illustrated on the ground floor plan for Block 3.</p> <p>As set out within the Community and Social Infrastructure Audit / Assessment report, this childcare facility will accommodate the estimated demand arising from the proposed development based on the calculation methodology within the 2001 Childcare Facility Guidelines, and will also provide an additional element of additional childcare capacity over and above the estimated demand from the proposed development (c. 22 additional spaces).</p>

Movement and Infrastructure

- 7.43 Chapter 7 of the Development Plan relates to movement and infrastructure. At a high level the Development Plan seeks to promote the integration of land use and transportation in the County, encouraging the location of more trip intensive land uses, and higher density development in close proximity to high quality transport infrastructure. The proposed scheme seeks to provide for a greater density of development on the site,

which is located proximate to existing public transport infrastructure, thereby according with the principle of land use and transport integration.

- 7.44 Table 7.4 sets out relevant county plan development management policies for transport and an evaluation of the proposed development in terms of each policy.

Table 7.4 – Evaluation of the proposed development in terms of Transportation Objectives

Development Management Policy	Evaluation
<p><u>Objective DM113</u> 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</p>	<p>As outlined in Section 3 and 5, the proposed car and cycle parking allocation is considered appropriate for this location in the context of the Apartment Guidelines 2018. The Fosterstown Masterplan allows for the further reduction in parking provision, subject to access to sustainable travel options and when supported by a Mobility Management Plan.</p>
<p><u>Objective DMS117</u> Require new developments to be designed in accordance with DMURS. In particular they shall have layouts and designs which reflect the primacy of walking and cycling by providing safe, convenient and direct access to local services, employment and public transport. The promotion of cycling as a sustainable mode of transport depends on providing sufficient parking at places of employment and education. Bicycle parking standards, which are norms, are set out in Table 12.9.</p> <p><u>Objective DMS118</u> Ensure that all new employment and education developments include adequate, secure and dry bicycle parking, in accordance with the standards set out in Table 12.9.</p>	<p>We refer to the DMURS Consistency Statement for further details. As confirmed the proposed cycle parking exceeds the standards set out in Table 12.9.</p>
<p><u>Objective DMS119</u> Support public transport improvements by reserving the corridors of planned routes free from development. Provide setbacks along public transport corridors to allow</p>	<p>We refer to the engineering drawings which demonstrate the proposed development provides suitable set backs which allow for the future bus connects proposals.</p>

Development Management Policy	Evaluation
for future improvement to enable the provision of a safe and efficient network of public transport infrastructure	
<p><u>Objective DMS120</u> Ensure that the indicative route for new Metro North and its stops are kept free from development. Require that all development alongside the route of the indicative route for New Metro North includes permeability for pedestrians, cyclists and public transport so as to maximise its accessibility. <u>Objective DMS121</u> Allow high-density development along the indicative route for new Metro North corridor, in accordance with the land-use plans of the Council.</p>	As noted above, the preferred route for the Metro North is located to the east of the R132. The proposed development allows for pedestrian and cycle permeability from the subject site to the metro link station.
<p><u>Objective DMS126</u> Restrict unnecessary new accesses directly off Regional Roads. Ensure premature obsolescence of all county/local roads does not occur by avoiding excessive levels of individual entrances. Ensure that necessary new entrances are designed in accordance with DMRB or DMURS as appropriate, thereby avoiding the creation of traffic hazards</p>	We refer to the DMURS Consistency Statement which confirms the new access is appropriate.
<p><u>Objective DMS128</u> Require developers to provide a Traffic Impact Assessment where new development will have a significant effect on travel demand and the capacity of the surrounding transport network.</p> <p><u>Objective DMS130</u> Ensure that new residential developments are designed in accordance with DMURS to create low-speed environments.</p> <p><u>Objective DMS131</u> Seek to provide building setbacks along National Roads and Motorways and their junctions, and along sub-standard Regional and Local Roads to allow for future improvement to enable the provision of a safe and efficient network of National, Regional and Local Roads.</p>	<p>We refer to the TIA and DMURS Consistency Statement submitted with the application in accordance with Objective DMS128 and DMS130.</p> <p>In relation to DMS131, appropriate set backs are provided for along the R132 to allow for future improvement works, including the BusConnects proposals.</p>

Development Management Policy	Evaluation
<p>Car & Bicycle Parking Standards Car Parking Standards are provided in Table 12.8 of the CDP.</p> <p>Bicycle Parking Standards are provided in Table 12.9 of the CDP.</p>	<p>A reduced level of parking is considered acceptable, given the subject site is well serviced by public transport, and being located along the Swords QBC, future BusConnects and Metrolink (as set out in further detail in the TIA and Mobility Management Plan). This is considered acceptable with regards to the Apartment Guidelines 2020, and as encouraged by the Fingal County Development Plan and Masterplan for the site.</p> <p>The proposed development exceeds the bicycle parking standards in Table 12.9.</p>

Infrastructure & Utilities

- 7.45 Table 7.5 sets out relevant county plan development management policies for infrastructure and utilities and an evaluation of the proposed development in terms of each policy.

Table 7.5 – Evaluation of the proposed development in terms of Infrastructure & Utilities Objectives

Development Management Policy	Evaluation
<p>Water & Drainage <u>Objective DMS133</u> Ensure that all developments comply with the requirements of the Council and with the principles of sustainable development. Best management practices, as identified by the Council, shall be implemented.</p>	<p>We refer to the Engineering Assessment Report prepared by Waterman Moylan which confirms compliance with the relevant standards and requirements in respect of water and drainage.</p>
<p>Waste Management <u>Objective DMS146</u> Ensure all new large-scale residential and mixed-use developments include appropriate facilities for source segregation and collection of waste. <u>Objective DMS147</u> Ensure all new developments include well designed facilities to accommodate the three bin collection system. <u>Objective DMS148</u> Ensure all new developments make provision for bring bank facilities where appropriate. <u>Objective DMS149</u></p>	<p>The proposals include suitable provision for waste management. Provision will be made in the residential units to accommodate 3 no. bin types to facilitate waste segregation at source.</p> <p>A Resource and Demolition Waste Management plan and an Operational Waste Management Plan are submitted with the application.</p> <p>It was not considered appropriate to accommodate a bring bank facility, with the closest existing facility c. 890 m to the northwest at the River Valley Shopping</p>

Development Management Policy	Evaluation
<p>Require that construction and demolition waste management plans be submitted as part of any planning application for projects in excess of any of the following thresholds:</p> <ul style="list-style-type: none"> • New residential development of 10 units or more. • New developments other than above, including institutional, educational, health and other public facilities, with an aggregate floor area in excess of 1,250 sq.m. 	Centre.

Archaeology & Architectural Heritage

- 7.46 Table 7.6 sets out relevant county plan development management policies for archaeological and architectural heritage and an evaluation of the proposed development in terms of each policy. An Archaeological report is included as part of this application.

Table 7.6 – Evaluation of the proposed development in terms of Archaeology & Architectural Heritage Objectives

Development Management Policy	Evaluation
<p>Site Assessment <u>Objective DMS152</u> A site assessment should be carried out prior to starting any design work to help inform and direct the layout, form and architectural treatment of the proposed development and identify issues that may need to be avoided, mitigated or require sensitive design and professional expertise. The site assessment should evaluate:</p> <ul style="list-style-type: none"> • Character of the site in its setting (including existing buildings), • Access to the site, • Services, • Protected Designations, • Rare and protected species (such as bats). <p><u>Objective DMS153</u> All development proposals that may (due to their location, size, or nature) have implications for archaeological heritage shall be accompanied by an Archaeological Impact Assessment and</p>	We refer to the Archaeology and Cultural heritage Chapter prepared by ACS which demonstrates that there is limited potential for any impacts on archaeology.

Development Management Policy	Evaluation
Method Statement.	

Natural Heritage

- 7.47 Table 7.7 sets out relevant county plan development management policies for archaeological and architectural heritage and an evaluation of the proposed development in terms of each policy.

Table 7.7 – Evaluation of the proposed development in terms of Natural Heritage Objectives

Development Management Policy	Evaluation
<p>Biodiversity <u>Objective DMS162</u> Ensure all development proposals include measures to protect and enhance biodiversity.</p> <p><u>Objective DMS163</u> Ensure Screening for Appropriate Assessment and, where required, full Appropriate Assessment is carried out for all plans and projects in the County which, individually, or in combination with other plans and projects, are likely to have a significant direct or indirect impact on any European site or sites.</p> <p><u>Objective DMS164</u> Ensure that sufficient information is provided as part of development proposals to enable Screening for Appropriate Assessment to be undertaken and to enable a fully informed assessment of impacts on biodiversity to be made.</p> <p><u>Objective DMS165</u> Ensure that Natura Impact Statements (NIS) and any other ecological impact assessments submitted in support of proposals for development are carried out by appropriately qualified professionals and that any necessary survey work takes place in an appropriate season</p> <p><u>Objective DMS166</u> Ensure planning applications for proposed developments likely to have significant direct or indirect impacts on any European Site or sites are accompanied</p>	<p>We refer to the Biodiversity Chapter, Appropriate Assessment Screening Report and NIS prepared by Enviroguide Consulting.</p>

Development Management Policy	Evaluation
<p>by a Natura Impact Statement prepared in accordance with the Guidance issued by the Department of the Environment, Heritage and Local Government (Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, 2009).</p> <p><u>Objective DMS167</u> Ensure ecological impact assessment is carried out for any proposed development likely to have a significant impact on proposed Natural Heritage Areas (pNHAs), Natural Heritage Areas (NHAs), Statutory Nature Reserves, Refuges for Fauna, Habitat Directive Annex I sites and Annex II species contained therein, or rare and threatened species including those species protected by law and their habitats. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.</p>	
<p><u>Objective DMS171</u> Ensure that no development, including clearance and storage of materials, takes place within 10m – 15m as a minimum, measured from each bank of any river, stream or watercourse in the County.</p> <p><u>Objective DMS172</u> Require that development along rivers set aside land for pedestrian routes that could be linked to the broader area and any established settlements in their vicinity, subject to ecological impact assessment and Screening for Appropriate Assessment as appropriate.</p>	<p>A riparian strip is included as part of the proposals, with no development a minimum of 10m from the bank of the stream.</p> <p>We refer to the Biodiversity Chapter, Appropriate Assessment Screening Report and NIS prepared by Enviroguide Consulting.</p>

Fosterstown Masterplan (2019)

- 7.75 The subject site is located within the Fosterstown Masterplan area. The Fosterstown Masterplan, which was adopted in May 2019, is Part C to the Swords Masterplans prepared in response to Objective SWORDS 27 of the Development Plan.
- 7.76 We note that this Plan is a non-statutory plan. However, we have shown in the below section that the proposed development is largely compliant with the overall objectives of this Masterplan.

- 7.77 The accompanying Statement of Material Contravention provides a justification for a material contravention of the Fingal County Development Plan 2017-2023 (hereinafter 'Development Plan') should the Board be of the view that the proposed development contravenes Objectives SWORDS 27, PM14, PM15 in relation to the preparation and implementation of masterplans, and associated objectives set out in the Swords Masterplans Part C: Fosterstown (hereinafter 'Fosterstown Masterplan') 2019 in relation to road improvements and phasing, building height, density, unit mix and housing typology and vehicular access.
- 7.78 In this regard, we note that the Board is not precluded from granting permission where the proposed development is not compliant with the Masterplan having regard to the provisions of Section 9(6)(a) and (c) of the Planning and Development (Housing) and Residential Tenancies Act 2016 which specifically refer to material contraventions of development plans or local area plans only.

Figure 7.2: Fosterstown Masterplan Indicative Layout with subject site in red



Source: Fosterstown Masterplan

- 7.79 The proposed development accords with the vision for Fosterstown to create a residential community that is mixed and balanced and forms a clear nexus with the scale of commercial development anticipated on the nearby Barrysparks and Crowcastle area, The Vision recognises the unique opportunity to utilise new connections that will emerge in Swords via the Metrolink station and Bus Connects, and this is integrated as part of the proposed development. It is considered the proposed development aligns with the key principles of the masterplan, including:

- The proposed development reflects the land use which is envisaged to be residential in nature aligned with the proposed Metrolink station.
- The majority of the open space is provided along the existing stream, with potential links to the existing public open space at Boraimhe.

- Further details on the transport and movement are discussed below, however the proposed development seeks to facilitate strong pedestrian and cyclist connections;
- Green infrastructure forms a key component of the design, with SUDs features, along with the green corridors providing pedestrian and cyclist linkages and supporting a rich biodiversity;
- The proposed development provides a mixture of unit sizes, with lower density incorporated along the existing residential community to the south and west, with higher density dwellings located through the centre and east of the lands.
- The proposed heights takes cognisance of all existing developments in the surrounding area and its strategic position along the R132. It is recognised the heights exceed that envisaged by the Masterplan and this is discussed further below.
- The building heights and apartment typology is considered compatible with the adjacent communities, The density and height respectfully transitions down towards the residential dwellings to the south and west, and the R132 provides an opportunity to develop higher density building types.
- The proposed development is supported by a Flood Risk Assessment, and the SUDS strategy has been informed by the SuDs strategy prepared in conjunction with the Masterplan.

7.80 An evaluation of the proposed development in terms of the key objectives identified for the Fosterstown Masterplan lands is considered below.

Transport and Movement

7.81 Regarding the subject site, the Masterplan sets out the following objectives in relation to Transport and Movement:

- *Main vehicular access to the Masterplan lands will be achieved via the new Fosterstown Link Road from the R132 to the Forest Road. The detailed design of the Fosterstown Link Road and junction layout will be subject to consultation through the planning consent process;*
- *The Pinnock Hill Roundabout on the R132 will be upgraded to accommodate the new link road;*
- *Secondary access to the site will also be via new entrances to the south of Forest Road;*
- *Smaller grade local link streets will facilitate access throughout the site;*
- *Priority pedestrian connections to the Fosterstown MetroLink station will be created through the emerging new residential developments, as opposed to the established communities of Boroimhe;*
- *Pedestrian and cyclist connections shall be incorporated along the riparian corridor;*
- *Provide cycle links along Forest Road;*
- *Provide appropriate bus priority measures for buses using the Forest Road;*
- *Ensure that pedestrian and cyclist facilities are designed in accordance with Section 5.8.3 of the NTA's Transport Strategy for the Greater Dublin Area 2016-2035."*²

² Fosterstown Masterplan, pg.9

- 7.82 As noted, the proposed access from the R132 will be temporary and can be closed following the completion of the Fosterstown Link Road and associated road infrastructure to service the site via the lands to the north, as identified in the Fosterstown Masterplan (May 2019). The Site Layout Plan includes the internal road to the northern site boundary, which could facilitate future access to the adjoining residential zoned lands to the north. This is also illustrated on the engineering drawing and the landscape masterplan includes details of how the proposals relate to the emerging scheme to the north
- 7.83 The objective in relation to the upgrades to the Pinnock Hill Roundabout on the R132 to accommodate the new link road is not applicable to the subject site.
- 7.84 The objective in relation to the secondary access to the site via new entrances to the south of Forest Road is not applicable to the subject site.
- 7.85 The proposed development provides for a priority pedestrian connections to the Fosterstown MetroLink station via the new access to the R132/Dublin Road, directly across from the proposed Fosterstown Stop.
- 7.86 The proposed development provides for a pedestrian and cyclist route to the Dublin Road / R132 through the public open space along the riparian corridor which includes facilities for both pedestrians and cyclists. All pedestrian and cyclist facilities have been designed in accordance with Section 5.8.3 of the NTA's Transport Strategy for the Greater Dublin Area 2016-2035.
- 7.87 The objective in relation to the provision of cycle links along Forest Road is not applicable to the subject site.
- 7.88 Further details are set out in the Traffic Impact Assessment (TIA) prepared by OCSC and the Engineering Assessment Report and associated drawings by Waterman Moylan. The reports demonstrate that the proposed temporary access will operate well within normal capacity limits under a left in left layout and there will be no negative impact on the operation of the local road network or the future BusConnects or Metrolink proposals.

Green Infrastructure

- 7.89 The masterplan sets out the following objectives in relation to Green Infrastructure:
- *Provide an east-west green corridor along the existing stream encompassing pedestrian and cyclist infrastructure, connecting from existing open space at Boraimhe Birches to the west of the lands with the R132 to the east of the lands.*
 - *Provide a north-south green corridor along the existing stream encompassing pedestrian and cyclist infrastructure connecting from the proposed east-west corridor to the proposed Fosterstown link Road.*
 - *Provide a high quality landscaped space/ square opposite the proposed MetroLink station on the R132.*
 - *Ensure that the proposed Fosterstown Link Road, as well as the proposed local access streets as shown on the road hierarchy, are lined with trees planted in constructed tree pits.*
 - *Provide active open space facilities in the form of playing pitches adjacent to the school site and available for use by local residents outside of school requirements.*

- *Provide an area of high quality landscaped open space to the north-east of the lands, adjacent to the R132, to provide high-quality green space and provide a setback for the proposed hotel from the R132.*
 - *Conserve, protect and enhance existing trees and hedgerows within the Masterplan lands to help foster biodiversity in the area.*
 - *Ensure that new or extended open space networks are designed to facilitate people with a broad range of ability.*
- 7.90 The proposed development will deliver the east-west green corridor along the existing stream and provide for pedestrian and cyclist infrastructure from the existing open space at Boromhe Birches to the west with the R132 to the east in accordance with the Masterplan.
- 7.91 While the objective in relation to the north-south green corridor is not applicable to the subject site, the proposed development provides for a connection to the north-south green corridor to deliver on the objective to provide pedestrian and cyclist infrastructure from the proposed east-west corridor to the proposed Fosterstown link Road.
- 7.92 The proposed scheme includes a large area of high quality public open space immediately west of the proposed site access, across from the proposed MetroLink Fosterstown station on the R132 as illustrated on the various site plans.
- 7.93 It is proposed to provide trees along the length of the new access road and to the eastern site boundary along the R132/Dublin Road.
- 7.94 The proposed scheme makes provision for the playing pitches adjacent to the school site. These are to be delivered in Phase 1 and made available outside of school requirements to for use as active open space facilities for by local residents.
- 7.95 The objective in relation to the area of high quality landscaped open space to the north-east of the lands adjacent to the proposed hotel is not applicable to application site.
- 7.96 Both the public and communal open spaces are designed to facilitate people with a broad range of abilities and provide play areas for children of all ages. Please see Landscape Design Statement prepared by Mitchell & Associates which have been submitted with this application for further details of the proposed landscaping scheme.

Built Form

- 7.97 The masterplan sets out the following objectives in relation to Built Form:
- *Provide residential accommodation at a net density of 105 - 115 units per hectare, with an appropriate mix of houses and apartments to meet the needs of future residents of the area and to diversify Swords' existing housing stock.*
 - *Densities will only be permitted at the higher end of the range where it can be demonstrated that the proposed development contributes substantially toward the achievement of the principles and objectives set out in this Masterplan and will result in a high quality living environment.*
 - *Apartment typologies shall include a range of typologies including duplex over duplex, as well as traditional apartment building forms.*
 - *Provide housing in the form of two-storey/three-storey townhouses or housing over car parking.*

- *Provide a hotel to the north-east of the Masterplan lands to facilitate visitors to the area.*
 - *Development Plan Objective DA07 - Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone, and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the adverse impact of noise on existing housing within the inner and outer noise zone.*
 - *Build to rent units shall be monitored and assessed to ensure that they form an appropriate proportion of the overall development of residential units within the Masterplan area.*
 - *Residential accommodation shall provide an appropriate mix of 1, 2, and 3 bedroom units in line with the unit-mix standards set out in the Design Standards for New Apartment Guidelines, 2018 and the Development Plan. The indicative unit mix is as per the below:*
 - *20-25% 1 bedroom units*
 - *45-55% 2 bedroom units*
 - *20-30% 3 bedroom units*
 - *Provide a 24 classroom school in an appropriate location within the Fosterstown Masterplan lands in consultation with the Department of Education Skills while taking into consideration the need to provide schools adjacent to local communities to ensure sustainable development in appropriate locations.*
- 7.98 The proposed development provides for a net density of 171.5 uph which is above the density set out in the Masterplan. The proposed density is consistent with national policy, namely the National Planning Framework, RSES, the Apartment Guidelines and Urban Development and Building Height Guidelines.
- 7.99 The subject site is located adjacent to both existing and proposed transport corridors as such it is considered an appropriate location for increased densities. Furthermore, the proposed development is consistent with the majority of the objectives outlined in the Fosterstown Masterplan and will provide for a high quality environment, in these circumstances, increased densities may be permitted on the subject site.
- 7.100 The proposed development comprises wholly of apartment units. The Apartment Guidelines state that sites within central/accessible urban locations within close proximity to public transport networks and principal towns may wholly comprise of apartments.
- 7.101 The objective in relation to the hotel is not applicable to the subject site.
- 7.102 We refer to Noise Chapter of the EIAR which confirms compliance with the Development Plan objective DA07.
- 7.103 The proposed development does not provide for any Built-to-Rent units therefore the objective in relation to Build to Rent is not applicable to the subject site.
- 7.104 The proposed housing mix is compliant with the Apartment Guidelines 2020 as shown above in Section 6. It is acknowledged that the proposed development does not comply with the indicative mix, however the mix is indicative and the Masterplan states that the

residential accommodation should be in line with the unit mix standards set out in the Apartment Guidelines. A Material Contravention Statement has been submitted as part of this application which sets out a rationale for the proposed unit mix at this location.

7.105 The objective in relation to the school is not applicable to the subject site. the school will be brought forward when required by the Department of Education. However as mentioned, the subject site makes provision for the playing pitches.

Height

7.106 The masterplan sets out the following objectives in relation to Height:

- *Provide a variety of heights throughout the Masterplan lands to create visual interest and to facilitate access to light, generally in accordance with Figure 6.2.*
- *Provide lower heights adjoining existing residential areas in the form of 2-3 storey development along the Forest Road and Boroimhe.*
- *Provide a strong urban edge to the R132 to the north of the site, where taller development, ranging from 5 - 9 storeys will be supported.*

7.107 The proposed development provides for building heights from 4 no. storeys to 10 no. storeys. It is acknowledged the proposed heights exceed the heights identified, however as noted above the proposed heights takes cognisance of all existing developments in the surrounding area and its strategic position along the R132. The density and height respectfully transitions down towards the residential dwellings to the south and west, and the R132 provides an opportunity to develop higher density building types.

7.108 The proposed development provides for 4 no. storeys adjoining the existing Boroimhe residential development which contravenes the above objective on building height along adjoining Boroimhe which is also stated as an objective in the County Development Plan. A Material Contravention Statement has been submitted as part of this application which sets out a rationale for the increased building heights at this location.

Phasing and Implementation

7.109 The masterplan sets out the following objectives in relation to Phasing and Implementation:

- *Development within the Masterplan area shall be phased in order to manage the impact of the development envisaged on the surrounding area.*
- *No more than 25% of the overall quantum of development envisaged shall be constructed and occupied prior to the operation of Metrolink.*
- *Development within the Masterplan area shall be phased in accordance with Table 9.1 and Figure 9.1 contained herein.*
- *Undertake a 2 yearly progress review of the phasing proposals contained in this Masterplan to ensure that land activation is occurring in a timely manner.*
- *Ensure that residential development does not take place until such time as the developer has undertaken an Educational Needs Assessment which demonstrates to the satisfaction of the Planning Authority that there is adequate school provision for the needs generated by the proposed development*

7.110 Under Table 8.1 of the Masterplan, 240-260 no. residential units and a school are to be delivered in Phase 1, 510-530 no. residential units and a hotel are to be delivered in

Phase 2 and 420-440 no. residential units are to be delivered in Phase 3. The Masterplan provides for up to 1,230 no. residential units over the 3 phases.

- 7.111 The subject site includes both predominantly Phase 1 and Phase 3 Masterplan lands as shown in Figure 5.5. In summary, given that the Fosterstown site represents one of the last undeveloped residentially zoned infill sites within the Swords development boundary, and given the site is already very well served by existing public transport services, it is considered unreasonable to only develop 25% of the subject site pending the operation on the Metrolink. We note a 2 year progress review of the phasing proposals has not been undertaken to ensure that land activation is occurring in a timely manner.
- 7.112 In addition we note the Masterplan includes that *'the Planning Authority may exercise discretion in respect of permitting future development on potential opportunity sites located within Phase 2 and 3, in order to allow appropriate development to proceed subject to a detailed Traffic Impact Assessment.'*
- 7.113 As set out in Section 5, we refer to the architectural drawing no. PL-21-04B and the Design Statement prepared by Arrow Architects which provides details of the proposed phasing of development on the subject site. In summary, there are 3 no. phases proposed, as set out in the table below. The phases will allow the provision or upgrading of any external infrastructure and services to be provided on a phased basis and provide an appropriate quantum of development and supporting infrastructure within each part of the overall scheme. This will also include any site enabling works. A seven year permission is sought for the development, which has regard to the scale of development, likely timeframe for tendering and construction of each phase.
- 7.114 We refer to the Traffic Impact Assessment prepared by OCSC which confirms that the proposed development can be accommodated, and there are no traffic or transportation related reasons that should prevent the granting of planning permission for the proposed development. The Fosterstown Link Road, Bus Connects or the Metrolink are not required to facilitate the proposed development, as the site is well-served by existing public transport, as set out in the Public Transport Capacity Assessment Report prepared by Waterman Moylan. Furthermore, it is demonstrated and set out in the supporting application documents, that the proposed development can be facilitated alongside BusConnects and Metrolink and will not prejudice their delivery.
- 7.115 In terms of required social and community infrastructure, the Fosterstown Masterplan identifies that the provision of the school should form part of the Phase 1 essential infrastructure. The Social and Community Infrastructure Audit / Assessment demonstrates that the extra demand created by the proposal for primary and post primary educational facilities will not be significant in relation to current levels of local provision, while increased levels of demand from the scheme is unlikely to result in significant impact on existing services. The school site identified within the landholding to the north of the current application site will be brought forward in due course by the Department of Education, and will help meet the needs of future residents in the area. Therefore, while demand for schools in the area is likely to increase based on permitted and future development in the area, the necessary school's infrastructure will be progressed by the Department to meet increase in demand. Furthermore, the 2 no. playing pitches incorporated in the application site, and proposed within Phase 1, will be available to the school in accordance with the Fosterstown Masterplan objective to 'Provide active open space facilities in the form of playing pitches adjacent to the school site and available for use by local residents outside of school requirements.'

- 7.116 Overall, it is respectfully submitted that the proposed phasing of development is appropriate and ensures the early delivery of essential infrastructure to create a high quality environment for future residents
- 7.117 Accordingly, we respectfully request that that the Board would not restrict or limit in time the delivery of this proposed development, which not alone will meet the demand for one and two bed housing units for the area, but also ensure the delivery of the playing pitches adjoining the school which is a longstanding objectives of Fingal County Council.

Draft Fingal Development Plan 2023-2029

- 7.118 The Planning Authority is currently preparing a new Fingal Development Plan. This will set out the policies and objectives to guide how and where development will take place over the lifetime of the Plan. The Draft Plan is currently on public display until 12th May 2022.
- 7.119 Therefore, presently it is not finalised nor adopted and will not come into effect until likely April 2023. Accordingly, the subject application will be assessed under the current Plan and the Draft Plan is not a material consideration.

8.0 COMPLIANCE WITH PART V OF THE PLANNING AND DEVELOPMENT ACT REGARDING SOCIAL HOUSING

- 8.1 The applicant has entered into initial discussions with the Housing Department of Fingal County Council and an Approved Housing Body in respect to the Part V provision on site. Subject to receiving a decision to grant permission, the applicant will engage further with Fingal County Council Housing Department prior to commencement of development, which will be a requirement of a condition of planning, to agree the details of the Part V agreement for the development.
- 8.2 The Part V package accompanying this application includes the following:
- JSA Cover Letter;
 - Part V Booklet prepared by PCOT Architects, which includes site layout plans and floor plans, illustrating the location within the scheme of the proposed 65 no. Part V units within Block 7 (10%) (as set out above) and a schedule of areas;
 - Applicant's Estimated Table of Costs, including Estimated Total Cost to the Planning Authority and Estimated Cost Per Unit;
 - A letter from the applicant's solicitor confirming exemption from the additional 10% requirement arising under the Affordable Housing Act 2021, as the applicant acquired the site in March 2020.
- 8.3 The Part V proposals relate to the provision of 65 no. units on site and within Block 7. These proposals are subject to final agreement with Fingal County Council following a grant of permission.
- 8.4 We acknowledge that the Affordable Housing Act 2021, which was commenced on the 3rd September 2021, increases the Part V requirement to 20% from 10%, to provide an additional 10% affordable housing provision, on applications for residential development in respect of sites acquired before 1st September 2015 and after the 31st July 2021. The applicant has confirmed that the site was acquired by the applicant in March 2020 (see letter from B. Vincent Hoey & Co. Solicitors accompanying the Part

V documents) and therefore is not subject to the additional 10% affordable housing requirement.

9.0 **CONCLUSION**

9.1 The statement set out herein demonstrates that the proposed development is consistent with the relevant national, regional and local planning policy context. At a national and regional level, this statement has demonstrated consistency with the following:

- National Planning Framework 2018;
- Regional Spatial and Economic Strategy – Eastern and Midlands Regional Assembly (2019-2031);
- Housing for All: A New Housing Plan for Ireland 2021;
- Rebuilding Ireland – Action Plan for Housing and Homelessness;
- Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities 2020;
- Urban Development and Building Height Guidelines 2018;
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual;
- Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines – Quality Housing for Sustainable Communities;
- Quality Housing for Sustainable Communities (2007);
- Design Standards for New Apartments (2017);
- Design Manual for Urban Roads and Streets (2013);
- Guidelines for Planning Authorities on Childcare Facilities (2001);
- Transport Strategy for the Greater Dublin Area 2016 - 2035;
- BusConnects – Transforming City Bus Services (2018);
- The Planning System and Flood Risk Management (2009);
- Birds and Habitats Directive – Appropriate Assessment;
- Fingal County Development Plan 2017-2023;
- Fosterstown Masterplan 2019

9.2 Consistency is also demonstrated with the policies and provisions of the Fingal County Development Plan 2017-2023, save in respect of the specific objectives for which a separate Statement of Material Contravention has been prepared should the Board be of the view that the proposed development contravenes Objectives SWORDS 27, PM14, PM15 in relation to the preparation and implementation of masterplans, and associated objectives set out in the Swords Masterplans Part C: Fosterstown (hereinafter 'Fosterstown Masterplan') 2019 in relation to road improvements and phasing, building height, density, unit mix and housing typology and vehicular access, and objective DM113 / Table 12.8 in relation to car parking, Objective DMS30 in relation to daylight and sunlight analysis and Map Sheet No. 8 map-based objective in relation to the indicative Metro North route of the Development Plan.

9.3 It is respectfully submitted that the proposed development is in accordance with the relevant planning policy context. Swords is specifically identified as a 'Key Town' in the Settlement Strategy for the County Development Plan 2017-2023. The delivery of an appropriate scale of residential development at this location is therefore entirely in accordance with the confirmed policy approach to the development for this masterplan area.

- 9.4 The subject site and adjoining lands represent one of the last significant infill opportunities in Swords which are zoned for residential use and to redress the imbalance in housing provision in an area which is served by high quality transport.
- 9.5 The proposed development has the potential to provide significant improvements to the connectivity and permeability of the subject site with the surrounding area.
- 9.6 In conclusion, it is respectfully submitted that the proposal is a suitable form, design and scale of development for this strategically located underutilised site, situated adjacent in proximity to high quality public transport which is suited to the scale and nature of development proposed.

APPENDIX 1 – RECORD OF PRE-PLANNING APPLICATION DISCUSSIONS

S.247 pre-planning meeting 25th January 2019

Meeting attendees:

Fingal County Council

- Peter Byrne Senior Planner
- Claire McVeigh Senior Executive Planner
- Paul O'Brien, FCC
- Paul Carroll, FCC
- Sarah Ryan
- Sinead Murphy, FCC Water Services
- Gemma Carr, FCC Parks
- Hugh O'Neill, FCC Senior Executive Planner

Prospective Applicant & Design Team

- Michael Murphy
- Paul O'Toole, PCOT Architects
- Joe Gibbons, Waterman Moylan
- Paul Turley, JSA

The main points raised and discussed during the course of the formal pre-application meeting are summarised below:

- *Access:* further details required how the subject lands could be accessed via a signalised junction from the R132, in particular in the context of roads infrastructure on the northern part of Fosterstown Masterplan and also in relation to the BusConnects proposals;
- *Masterplan:* the Masterplan was in the preparation stage at the time of the meeting, and it was identified that further consideration was required on how matters could be addressed in the context of the emerging Masterplan;
- *Site Layout Plan:* It was identified that the Site Layout Plan should better reflect the masterplan, including a review of the overall density, unit numbers and heights, and further co-ordination in respect of the access and roads infrastructure;
- Further points discussed related to links/connections to adjoining areas, open space provision, location of playgrounds, tree and hedgerow survey, reduced car parking and the need for high quality cycle infrastructure and that cycle parking should not be in the open space.

S.247 pre-planning meeting 29th June 2021

Meeting attendees:

Fingal County Council

- David Murray, Planning
- Hugh O'Neill, Planning
- Carmel Brennan, Architect
- Niall Thornton, Transport
- Gemma Carr, Parks

Prospective Applicant & Design Team

- Michael Murphy
- Paul O’Toole, PCOT Architects
- Joe Gibbons, Waterman Moylan
- Iain Pilkington, Arrow Architects
- Paul Turley, JSA

The main points raised and discussed during the course of the formal pre-application meeting are summarised below:

- *Transport Matters*- It was discussed a temporary solution / longer term option was required for the vehicular access to the subject lands, noting public space is a key driver and priority is crossing to the Fosterstown Metrolink Station. The location of the childcare facility was also discussed and to ensure it avoids clashing with other uses.
- *Architectural / Urban Design Rationale* – The design should be considered in the context of the Masterplan, and stepping down the height northwards. The heights will need to consider the residential amenity internally within the site in respect of daylight and sunlight to courtyards and streets, and it was noted a reduction in height would help address this. Further details required on the entrances, the location of the pavillion building and the impact on open space.
- *Planning* – Reiterated the key issues to be addressed as set out at the Stage 2 Pre-Application with ABP. Further details required on the functionality and viability of retail, the impact on residential amenity of roads / commercial uses, key stands including dual aspect, ensuring no flood risk levels, the interaction with the R132 and phasing linked to access and traffic impacts.
- *Parks* – Reiterated the key issues to be addressed as set out at the Stage 2 Pre-Application with ABP, and noted a full size pitch is required and regard to be given to the width of the riparian strip.

Other Consultation

As set out above, as part of the masterplan process, a subsequent meeting with FCC and the consultants engaged to prepare the masterplan was held and the proposals for the site were discussed further as part of this. Submissions during the consultation process for the masterplan in respect of the subject site were also made, including as part of the pre-draft consultation in September 2018 and a further submission on the draft masterplan in April 2019.

In relation to BusConnects, submissions were made to the NTA as part of the emerging referred route public consultation in February 2019, and also as part of the Core Bus Corridor Public Consultation in April 2020. This provided additional information to the NTA on the proposals for the land, and confirmed that the proposed access and junction to the lands would not jeopardise the delivery and operation of the proposed core bus corridor.

APPENDIX 2 – CORRESPONDENCE WITH IAA / DAA