

**Statement of Response to ABP's Pre-Application  
Opinion under ABP Ref.: 307260-20**

*In respect of*

**Proposed Strategic Housing Development**

*at*

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

*Prepared for*

**J. Murphy (Developments) Limited**

**April 2022**



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### DOCUMENT CONTROL SHEET

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## 1.0 INTRODUCTION

This Statement of Response report seeks to address individually the issues / items raised within the Opinion of An Bord Pleanála, issued on the 3<sup>rd</sup> of December 2020, following the tripartite pre-application consultation in respect of the proposed development.

This statement also has regard to the points of discussion and issues raised during the course of the tripartite SHD pre-application meeting in respect to ABP Ref.: 307260-20 held on the 27<sup>th</sup> of November 2020, FCC's Chief Executive's Report on the SHD Pre-Application submission and the Section 247 meetings undertaken with the Planning Authority.

This Statement will refer to other documentation which forms part of the final SHD application pack and will direct the reader to the relevant information within the application documentation, which demonstrates that the issues raised during the course of pre-application consultation have been fully and satisfactorily dealt with prior to the submission of this final Strategic Housing Development application.

## 2.0 RESPONSE TO AN BORD PLEANÁLA OPINION

The Opinion of An Bord Pleanála on the pre-application stage for the proposed development was issued on the 3<sup>rd</sup> of December 2020. The Opinion sets out three specific items requiring further consideration by the applicant and design team. The Board consider that these items need to be addressed in the final documentation submitted to the Board in order to ensure that the proposed development and supporting documentation would constitute a reasonable basis for an application for strategic housing development.

The three items raised within the Opinion are set out below, and a response is provided thereto, referring to other documentation or sections within documents which provide a more detailed or technical response where relevant.

The Board also set out seventeen items of further specific information which were to be provided as part of the final planning application. Documentation has been prepared or updated in response to this request to ensure that the Board will have all the information it requires to come to a reasoned decision on the proposed development. A summary of the responses provided to each of these specific points is also set out within this section.

### 2.1 Item 1 – Vehicular Access

Item No. 1 of the Board's Opinion relates to the proposed vehicular access for the subject lands and reads as follows:

***“1. Further consideration and justification of the documents as they relate to the provision of vehicular access from the proposed development onto the R132 having regard to, inter alia, the policies and objectives of Fingal County Council as set out in Fosterstown Masterplan 2019 and the implications for the strategic function of the R132 in terms of Bus Connects and Metrolink crossings which are continuing to be advanced. The justification should include, inter alia, alternatives considered/deliverable if applicable. Should the proposed entrance off the R132 be maintained at application stage then a full Traffic and Transport Impact Assessment should be submitted indicating, inter alia, impact assessment on existing and possible future:***

- ***pedestrian infrastructure;***

- ***cycle infrastructure;***
- ***bus infrastructure;***
- ***the Metrolink station, and***
- ***vehicular movement on, and in the vicinity of, the R132.***

***In addition, proposals to provide an interim temporary access from the R132 may wish to be investigated/considered. Any such temporary entrance proposal should include proposals for the closure of the vehicular access and the provision of appropriate public realm works following 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). It is advisable that any entrance proposal off the R132 be subject of detailed design consultation with Fingal County Council in conjunction with the NTA and TII.”***

## **Response**

The proposed vehicular access has been revised following the pre-application stage in response to Item no. 1 above. 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, 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.

A detailed response to this item has been prepared by Waterman Moylan, which is provided in their Response to An Bord Pleanála Opinion relating to Transportation & Drainage document accompanying the application, and supported by the Traffic Impact Assessment prepared by O’Connor Sutton Cronin. In summary, this confirms that the proposed development, including the temporary vehicular access, is acceptable and it will not have a negative impact on the operation of the local road network, and it will have no implications in terms of the delivery of the BusConnects and MetroLink projects as they relate to the subject site.

It is recognised that Section 4 of the Fosterstown Masterplan (2019) includes the Key Transport and Movement Objectives which requires that the main vehicular access to the Masterplan lands will be via the new Fosterstown Link Road from the R132 to the Forest Road and a secondary access to the site via new entrances to the south of Forest Road. The accesses 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.

Section 8 of the Fosterstown Masterplan also 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 development within the Masterplan area, and states 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.

As set out by Waterman Moylan in their Response to An Bord Pleanála's Opinion document, the new Fosterstown Link Road and the access via the lands to the north are not yet delivered and whilst the applicant has engaged with the adjoining landowner, it is respectfully submitted that the delivery of residential development should not be precluded until such time as the infrastructure to the north is delivered, particularly given the 'RA- Residential' zoning within a 'Metropolitan Key Town', the location adjacent to a public transport corridor, the proximity to Swords town centre and the need for housing in the area.

This position is supported by Section 8 of the Fosterstown Masterplan which 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.

The Response to An Bord Pleanála Opinion document prepared by Waterman Moylan confirms that the proposed left-in, left-out temporary junction will not have any implications for the strategic function of the R132, in terms of the current road layout, or in terms of the planned BusConnects or MetroLink crossing. The left in / left out junction will be an uncontrolled junction which will not allow right turning vehicles so it will not obstruct the flow of traffic. Access to the proposed development will only be permitted from the northbound lane of the R132. Vehicles exiting the proposed development to travel southbound will be able to use the Pinnock Hill Roundabout to access the southbound side of the R132. To facilitate the left in / left out access, this only requires a break in the bus lane (in both the existing road layout and the future Bus Connects proposals) and to install plastic bollards along the existing central reservation, to prevent right turning.

This is supported by the Traffic Impact Assessment (TIA) prepared by OCSC which assesses the impact of the proposed development on the R132, having regard to the existing and possible future pedestrian infrastructure; cycle infrastructure; bus infrastructure; the Metrolink station, and vehicular movement on, and in the vicinity of, the R132.

In particular, the proposed temporary vehicular access is designed to ensure it will not prejudice the future BusConnects or Metrolink proposals and the TIA confirms that *'the proposed temporary site entrance is able to operate well on R132 and will have no negative impact on the future public infrastructure in the short and long term.'*

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.

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.

It is noted in the Response to An Bord Pleanála Opinion document by Waterman Moylan, that An Bord Pleanála approved planning permission on the 20<sup>th</sup> 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.

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.

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.

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.

In addition, and as requested in this Item 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 as Figure 1 & 2 below.

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.'*

**Figure 1 & 2: Fosterstown Masterplan R132 Proposals and Future Solution for the Application Site**



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.

## 2.2 Item 2 – Design and Heights of the Proposed Buildings

Item No. 2 of the Board’s Opinion relates to design and heights of the proposed buildings and states the following:

***“2. Further consideration of the documents as they relate to the design and heights of the proposed buildings. In addition to the local statutory plans, the submitted documentation should have regard to the Guidelines for Planning Authorities on Building Heights and Urban Development, 2018 including its specific planning policy requirements, and the need to provide a sufficient density of development on the site and a high standard of architectural and urban design and residential amenity particularly with respect to adequate amenity areas and sunlight/daylight access. If it is proposed to materially contravene the provisions of the local area plan, then a statement justifying the contravention is required to be submitted.”***

## Response

In order to address the above concern of the Board and following detailed consideration by the client and design team, and having regard to the size of the site and its strategic location, Arrow Architects were engaged by the applicant to assist PCOT Architects in delivering a scheme of an architectural, urban design and public realm quality appropriate for the subject site.

Accordingly, the proposed development has been significantly revised following the pre-application stage in response to the above request. A detailed response to this item has been prepared by Arrow Architects and summarised in Section 1, and referenced in other sections, of their Design Statement accompanying the application.

In summary, the proposed application is now for 645 no. residential units compared to 705 units at pre-application stage. The proposals include 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.

As summarised below, a series of design alterations have been made to respond to the concerns raised, and the evolution and quality of the proposed architectural design is discussed in greater detail in the supporting application documents. In particular to support the proposed scale, massing and residential amenity of the proposed development, we refer to the following reports:

- Design Statement prepared by Arrow Architects and accompanying architectural drawings
- Landscape and Visual Impact Assessment Chapter of the EIAR prepared by Mitchell and Associates, including Verified Views Montages, Presentation and CGI Images Brochure prepared by 3DDB
- Landscape Design Report prepared by Mitchell and Associates
- Daylight and Sunlight Assessment prepared by 3DDB

## Summary of Design and Layout Alterations

The proposals for the subject site have been refined through the pre-application process to align more closely with the Fosterstown Masterplan 2019. 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.



**Figure 3: Proposed view from R132 to the southeast of the site**

The key design and layout alterations to the scheme, when compared to that submitted at pre-application stage can be summarised as follows (please refer to the Design Statement for previous and proposed visuals to illustrate these points):

- 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.

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.

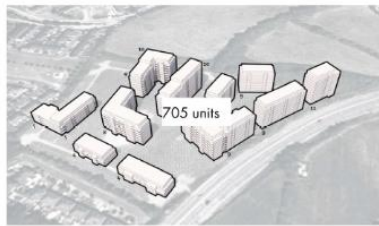
The extracts below from the Design Statement provide an example of the process that Arrow Architects went through with the design team to deliver the optimal solution for the site in the context of the requirements of the Fosterstown Masterplan, ABP’s Opinion, and national planning objectives of relevance to the area.

**Figure 4: Extract from the Architectural Design Statement illustrating the consideration of the Fosterstown Masterplan and Scheme Evolution**



Fingal County Council Masterplan massing (485 units)

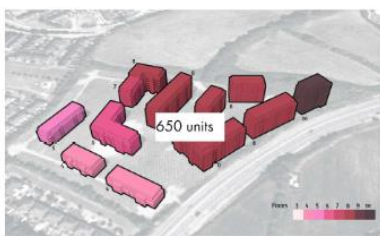
Significant density reduction and value evaluation.



Initial scheme’s massing (705 units) (As submitted in 2020)

## 2.6 Improved massing strategies

2.6.1 Based on the initial massing studies and analysis of the masterplan further opportunities to improve the scheme have been investigated. Building heights have been carefully considered to respond to both the masterplan and project’s objectives.



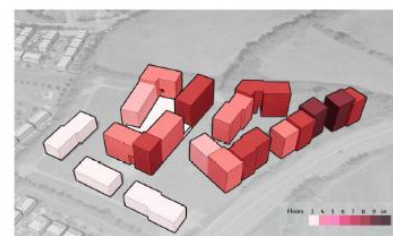
1. First scheme alteration- reduced heights (650 units).

Number of levels have been reduced throughout all buildings. The extra units could be achieved by filling some gaps and extending some buildings.



2. Second scheme alteration- revised heights and massing (650 units)

This study seeks to break the scale of the largest blocks and revise the location of the lowest/ highest buildings on site.

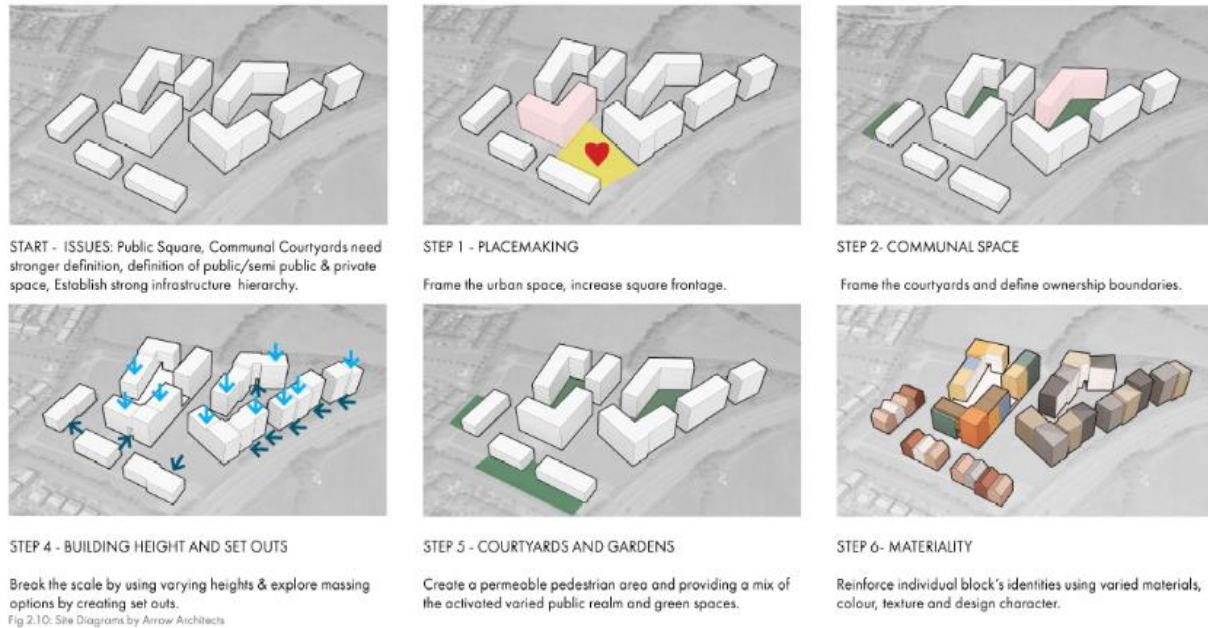


Following the heights principle shown as per Fingal County Council Masterplan (2019), while maintaining the current massing and layouts it is possible to achieve around 650 units.

Ground Floor is to be animated by the series of both Commercial and Amenity spaces.

**Figure 5: Extract from the Architectural Design Statement illustrating the consideration of the Fosterstown Masterplan and Scheme Evolution**

## 2.7 Further Design Evolution



In addition, the Statement of Consistency and Planning Report prepared by John Spain Associates has been updated significantly from the pre-application stage in order to address the issues raised in the item above, including more detailed justification having regard to the Fingal Development Plan 2017-2023, the Fosterstown Masterplan 2019, and relevant guidelines, including the Guidelines for Planning Authorities on Building Heights and Urban Development, 2018.

It is recognised that Objective SWORDS 27 of the FDP provides that it shall be an objective to 'Prepare and/or implement the following Local Area Plans and Masterplans during the lifetime of this Plan...' and it includes Fosterstown Masterplan. The FDP includes a number of main elements to be included in the Fosterstown Masterplan as part of the supporting text for Objective SWORDS 27, including that "where development immediately adjoins existing residential development, the heights of such development shall be restricted to 2-3 storeys". The proposed development provides for building heights from 4 no. storeys to 10 no. storeys, with heights of 4 no. storeys proposed adjoining the existing Boromimhe residential development, to the south and west. Thus, the heights are broadly in line with the Masterplan which envisaged heights of 3 to 8 storeys on the subject lands. However, it is acknowledged that 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.

A full justification is provided in the Statement of Material Contravention for the proposed heights, which in summary are considered appropriate within the context of SPPR3 and the development management criteria set out in the Building Height Guidelines 2018. The proposed density and height of the development are considered appropriate for the location of the site and the availability of public transport facilities in close proximity to the site. The proposed development



is therefore considered to be in accordance with the objectives of the NPF in this regard. Restricting the building height of development at such a location which is well served by public transport would be contrary to Government policy which promotes increased densities at well served urban sites, and discourages universal height standards in certain urban areas, such as the subject site.

### 2.3 Item 3 – Foul Water Drainage Proposals

Item No. 2 of the Board's Opinion relates to the foul water drainage proposals to service the development and states the following:

***“3. Further consideration of the documents as they relate to foul water drainage proposals to service the development. The documents should provide details of necessary upgrade works required to facilitate the development to include, inter alia: plans and particulars, having regard to the significant wastewater network constraints raised by Irish Water in their report dated 3<sup>rd</sup> July 2020.*”**

***Clarity is to be provided concerning who is to deliver the works; the status of any planning and other consents required to deliver the infrastructure; the timelines involved in the delivery of the required infrastructure in the context of the proposed strategic housing development.”***

#### Response

In response to this item, we refer to the Response to An Bord Pleanála's Opinion relating to Transportation & Drainage, the Engineering Assessment Report and accompanying drawings prepared by Waterman Moylan Consulting Engineers.

The applicant, and the project Consulting Engineer Waterman Moylan have undertaken consultation with Irish Water prior to the lodgement of this application. An updated Confirmation of Feasibility was received from Irish Water on the 17th February 2021, which confirmed that a connection is feasible for water and feasible subject to localised upgrades to the local wastewater network. The proposed development will discharge to the Swords Wastewater Treatment Plant (WWTP) and the WWTP was recently upgraded with treatment capacity rising from a population of 60,000 to 90,000 on completion.

As set out in Waterman Moylan's Response to ABP'S Opinion relating to Transportation and Drainage, Irish Water have confirmed that the local upgrade works, which are within the public roads, will be carried out by Irish Water and will be funded by the applicant. The connection to the public sewer together with the upgrade of the existing pipework will be carried out by Irish Water under the Connection Agreement that will be entered into with Irish Water.

The upgrade works can be delivered in a timely manner as they are to be delivered by or on behalf of Irish Water under their exempted development rights, but do not form part of this application. In this regard the normal procedure for any works within the public roadways in respect of Irish Water infrastructure (proposed or existing) is undertaken by Irish Water. The costs for the upgrade works or extension of the public sewers is calculated by Irish Water when the Connection Application is submitted to Irish Water and these costs are then added onto the Irish Water "Standard Charges" by Irish Water in the Connection offer. They would appear in the Connection Offer as "Quotable Charges".

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.

In conclusion, 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.

## 2.4 ABP REQUEST FOR SUBMISSION OF SPECIFIC INFORMATION

The Board's Opinion set out requirements for further specific information to be provided by the applicant under seventeen items, which are outlined below, with a summary response to each provided with reference to accompanying application documentation.

### 1. *Visual Impact/ CGIs and photomontages, sections and continuous elevations where relevant, of the main elevation treatment including but not restricted to the following:*

- *The interface of the development with the R132:*
- *Relationship with the riparian corridor along northern site boundary,*
- *Public plaza addressing and connecting with future Metrolink station,*
- *Relationship between the ground floor and undercroft parking and the treatment along the internal access road*

### Response

In response to the above, we refer to the architectural drawings and the Design Statement (particularly Section 14) prepared by PCOT Architects and Arrow Architects, the Verified Views Montages, Presentation and CGI Images Brochure prepared by 3DDB, the Landscape and Visual Impact Chapter of the EIAR prepared by Mitchell + Associates, and the landscape drawings and Landscape Design Report prepared by Mitchell and Associates.

In particular for each of the items listed, the following is noted:

- ***The interface of the development with the R132-***
  - The LVIA Chapter considers the impact of the development with the R132 having regard to Views 3, 4, 6 and 10 of the Verified View Montages. It confirms that *'from the perspective of visual impact on surrounding views, the proposed scheme is well considered, designed 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.'*
  - The landscape sections and the Landscape Design Statement illustrate the proposed cycle path and pedestrian path, with a grass verge including large scale trees. A secondary line of trees is located meandering in an informal pattern between the path and the building line. The planting of a native hedgerow mitigates against the removal of the existing hedgerow in this location.
  - The interface with the development is also illustrated in the architectural drawings, in particular the Contiguous Elevation – East (Drawing no. FOS-ARW-A-00-DR-A-00-3001), and additional visuals are also provided within the Design Statement and the Presentation View P1 and CGI no. 1 included in the VV Montages, Presentation View and CGI Images Brochure.

- ***Relationship with the riparian corridor along northern site boundary-***
    - The relationship with the riparian corridor along the northern site boundary is included in the Contiguous Elevation (Drawing no. FOS-ARW-A-00-DR-A-00-3001), Site Sections (Drawing no. FOS-ARW-A-00-DR-A-00-3002 and Drawing no. FOS-ARW-A-00-DR-A-00-3003), CGI No. 2 in the VV Montages, Presentation View and CGI Images Brochure and Section 14.3 of the Design Statement.
    - Further detail is also provided in the Riparian Zone Detail Area landscape drawing no. 103 and the Landscape Design Report prepared by Mitchell and Associates.
  
  - ***Public plaza addressing and connecting with future Metrolink station-***
    - The public plaza is illustrated in the Presentation View and CGI Images No. 1 and 3 within the VV Montages, Presentation View and CGI Images Brochure
    - Entrance Plaza Detail Area landscape drawing no. 102 demonstrates that the public plaza location and design references the Fosterstown Masterplan outline design (see Figure 1 and 2 above). It is located to provide a key connection to the future MetroLink station and the existing Airside Retail Park, with a proposed controlled pedestrian and cycle crossing. The scale of the public open space is comparable to other plazas.
    - WM drawing 'Details Illustrating the Left In Left Out Junction to be removed in the Future' illustrates how the proposed public plaza, pedestrian crossing and pedestrian and cycle infrastructure will interface with the MetroLink and the BusConnects proposals along the R132. The public plaza addresses and provides for potential connections with the future MetroLink station.
  
  - ***Relationship between the ground floor and undercroft parking and the treatment along the internal access road-***
    - The relationship between the ground floor and undercroft parking and the treatment along the internal access road is illustrated on the CGI Images No. 4 in the VV Montages, Presentation View and CGI Images Brochure, Figure 12.1 and Section 14.5 of the Design Statement, and Site Section Sheet 1 (Drawing no. FOS-ARW-A-00-DR-A-00-3002). It is considered that the design team have developed a scheme design that has regard to the site topography and features and provides high quality public spaces and realm, with residential and commercial units fronting onto key streets and spaces, or where not possible, for example along parts of the northern boundary, imaginative architectural and landscape solutions are employed to ensure a high quality development is delivered.
- 2. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements.***

## Response

A Housing Quality Assessment prepared by PCOT Architects is submitted with the application, and demonstrates compliance with the various requirements of the Sustainable Urban Housing: Design Standards for New Apartments (2020), including its specific planning policy requirements.

In addition, Section 6 of the Statement of Consistency and Planning Report sets out how the proposed development complies with each of the relevant SPPR's and standards in the Apartment Guidelines.

**3. A building life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020)**

**Response**

A Building Lifecycle Report prepared by the applicant with input from the design team is submitted with the application in accordance with Section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments (2020). The Building Lifecycle Report provides an assessment of the long term running and maintenance costs associated with the proposed development and demonstrates the measures incorporated into the scheme design which will help reduce maintenance and management costs for the benefit of residents.

**4. A comprehensive daylight and sunlight analysis addressing existing residential units in proximity to the site and proposed units and open spaces within the development.**

**Response**

A Daylight and Sunlight Assessment prepared by 3DDB is submitted with the application. 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.

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

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.

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.

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.

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.

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.)

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%

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 it's 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.



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.”*

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.

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**

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.”*

### **5. Submission of a Taking in Charge Map**

#### **Response**

We refer to the Taking in Charge drawing no. PL-21-06 Rev B submitted with the application which clearly indicates the areas proposed to be taken in charge by the Local Authority. This includes the proposed playing pitches, the internal access road, the public open space (including the riparian strip), and the cycle / pedestrian route along the R132. It excludes the public open space located over the undercroft / basement area, and communal open space areas, which will be managed by a management company.

### **6. Comprehensive Flood Risk Assessment**

#### **Response**

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.

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.

#### **7. Details of Part V provision clearly indicating the proposed Part V units**

##### **Response**

Details of the Part V provision clearly indicating the proposed Part V units are set out in the following documents:

- JSA Part V 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; and
- A letter from the applicant's solicitor confirming exemption from the additional 10% requirement arising under the Affordable Housing Act 2021.

The above documentation satisfies the requirements of the Planning and Development Regulations 2001-2021. In addition, the applicant has engaged with the Housing Department in respect to Part V prior to lodgement and has also engaged with an Approved Housing Body, which informed the proposals for inclusion of all units in one block. It is acknowledged that a revised proposal may be required to satisfy the requirements of the Planning Authority. Accordingly, the Part V details for the subject site will be subject to agreement with the Planning Authority prior to commencement of development and which will be reflected in a condition of planning, should the Board be minded to approve the development.

#### **8. Childcare demand analysis, including but not restricted to the justification for size of the proposed crèche, having regard to the existing childcare facility in the vicinity of the site, the likely demand and use for childcare places and the accommodation of additional requirement resulting from the proposed development.**

##### **Response**

A childcare demand analysis has been completed and forms part of the Social and Community Audit / Assessment prepared by John Spain Associates and submitted with the application. This includes the justification for the size of the proposed childcare facility, having regard to the existing childcare facilities available in the vicinity of the site, the likely demand and the accommodation required.

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.

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).

**9. Inclusion of a Social and Community Audit of the schools in the vicinity in particular school going children and the accommodation of additional requirement resulting from the proposed development.**

**Response**

A Social and Community Audit / Assessment has been prepared by John Spain Associates and accompanies this SHD application. The Report is submitted in accordance with national policy, Fingal Development Plan 2017-2023 objectives PM70, PM76 and PM87, and also in accordance with the Fosterstown Masterplan 2019 which identifies a number of social and community infrastructure requirements.

As set out within the Social and Community Infrastructure Audit / Assessment submitted as a standalone report with the application, 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. 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.

A 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. The subject site accommodates the 2 no. playing pitches on the north western part of the site, which will be available to the school, as required in the Fosterstown Masterplan which includes an 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.'* Therefore, while demand for schools in the area is likely to increase based on permitted and future development in the Masterplan area, the necessary school's infrastructure will be progressed by the Department in order to meet the increase in demand.

The Social and Community Infrastructure Audit / Assessment also demonstrates that the extra demand created by the proposed development for primary and post primary educational facilities will not be significant in relation to current levels of local provision, and increased levels of demand from the scheme is unlikely to result in a significant impact on existing services.

Overall, the Social and Community Infrastructure Audit / Assessment report prepared by John Spain Associates confirms that the area within which the proposed development is situated has the necessary community and social infrastructure to support the proposal, as supplemented by the proposed community infrastructure and facilities included within the proposed development itself.

**10. A landscape and permeability plan of the proposed open space within the site clearly delineating public, semi-private and private spaces, areas to be gated, treatment of interface areas and provision of future connections to adjoining lands.**

**Response**

We refer to the Landscape Report, the Landscape Masterplan (drawing no. 100) and Permeability Plan (drawing no. 109) prepared by Mitchell + Associates Landscape Architecture which addresses the above item. This delineates the public, semi private and private spaces, treatment of interface areas and provision of future connections to adjoining lands. The PCOT drawing PL-21-07B - Site Plan - Open Space, illustrates the different areas of open space proposed and the area of each, which has been prepared in consultation with Mitchell + Associates.

The proposed development provides the opportunity for future pedestrian and cycle connectivity to the existing Boraimhe residential estate to the west. However, there is an area of land not in the applicant's ownership between the subject site and the Boraimhe 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 Boraimhe. 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.

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.

The public realm strategy also focuses on prioritising pedestrians and cyclists throughout the site.

**11. The landscape masterplan shall also identify existing/future pedestrian and cycle path connections to Swords to the north of the site and lands to the south to include Airside Retail Park, in particular, with regard to Bus Connects.**

**Response**

We refer to the Landscape Report, the Landscape Masterplan (drawing no. 100) and Permeability Plan (drawing no. 109) prepared by Mitchell + Associates Landscape Architecture for further details. This demonstrates the connections to the north of the site, and connections linking to the wider area. As noted above, 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.

In addition, Figure 7.4 of the Engineering Assessment Report and Waterman Moylan drawing 'Details Illustrating the Left In Left Out Junction to be removed in the Future' illustrates how the proposed public plaza, pedestrian crossing and pedestrian and cycle infrastructure will interface with the MetroLink and the BusConnects proposals along the R132. The public plaza addresses and provides for potential connections with the future MetroLink station.

**12. Submission of a Traffic and Transport Assessment to include car parking and cycle parking rationale.****Response**

The application is accompanied by a Traffic Impact Assessment (TIA) prepared by O'Connor Sutton Cronin Multidisciplinary Consulting Engineers and a Car Parking Rationale and Mobility Management Plan prepared by Waterman Moylan which provide a justification for the quantum, design and location of the car and cycle parking within the development, which aligns with the requirements of the Apartment Guidelines 2020. This documentation demonstrates that there are no traffic or transportation related reasons that should prevent the granting of planning permission.

**13. Statement of compliance with the applicable standards set out in DMURS, and a mobility management plan which justified the proposed provision of parking for cars and bicycles.****Response**

A DMURS Statement of Consistency prepared by Waterman Moylan Consulting Engineers Limited confirms that the proposed development has been designed in accordance with and is compliant with the requirements of the Design Manual for Urban Roads and Streets (DMURS).

A Car Parking Rationale and Mobility Management Plan prepared by Waterman Moylan Consulting Engineers Limited is also submitted with the application, which provides a justification for the quantum of car and cycle parking proposed. The details of the cycle parking provision are illustrated on PCOT and Arrow's drawings and in the Architectural Design Statement, and includes basement / undercroft, ground level, pavilion structure and surface space provision provided in different locations throughout the scheme.

**14. Details to include plan and cross-section drawings of the proposed reprofiling of Gaybrook Stream.****Response**

We refer to the Landscape Report, the Landscape Masterplan (drawing no. 100), Riparian Zone Detail Area (drawing no. 103) and Landscape Sections (drawing no. 110) prepared by Mitchell + Associates Landscape Architecture for plan and cross section drawings of the proposed reprofiling of the Gaybrook Stream.

In summary, it is proposed to reprofile the southern 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 set back by a minimum of 10m from the stream bank.

The Landscape Design Report confirms the design proposals have been developed with reference to the document '*Planning for Water Courses in the Urban Environment: A Guide to the Protection of Watercourses through the use of Buffer Zones, SuDs systems, Instream Rehabilitation, Climate/Flood Risk and Recreational planning.*

The re-profiling works of the banks of the Gaybrook Stream are also assessed in the Biodiversity Chapter of the EIAR which confirms that the stream is considered to be of low biodiversity value

in its present state. It states that whilst the re-profiling does have the potential for impacts during the works, that the proposed landscaping of the bank will have a positive, permanent, significant impact through the opening up of the stream providing some habitat for the aforementioned species while also providing new potential foraging habitat for bats. 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)

**15. A phasing scheme for the development having regard to the provisions of the Fosterstown Masterplan 2019.**

**Response**

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.

Key Supporting Infrastructure / Development	
Phase 1	<ul style="list-style-type: none"> <li>• Blocks 1, 2, and 3 (76 no. units) and associated communal open space</li> <li>• Childcare Facility (within Block 3)</li> <li>• Community Facility (within Block 1)</li> <li>• 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)</li> <li>• 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</li> <li>• Proposed infrastructure provided up to the application site boundary to the north and west to facilitate potential future connections to adjoining lands</li> <li>• 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)</li> </ul>

<b>Phase 2</b>	<ul style="list-style-type: none"> <li>Blocks 4, 5 and 6 (238 no. units) and associated communal open space</li> <li>Access to the undercroft / basement levels, and construction of the undercroft level</li> <li>3 no. commercial units (within Block 4)</li> <li>Provision of the Public Plaza</li> <li>Provision of associated site services</li> </ul>
<b>Phase 3</b>	<ul style="list-style-type: none"> <li>Blocks 7, 8, 9 and 10 (331 no. units) and associated communal open space</li> <li>1 no. commercial unit (within Block 8)</li> <li>Pedestrian / cycle route</li> <li>Provision of associated site services</li> </ul>

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 6: Extract Fosterstown Masterplan Phasing Plan**



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.

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.

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.*'

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.

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.

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.

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.

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.

***16. The inclusion of all works to be carried out, and the necessary consents to carry out works on lands, within the red line boundary.***

**Response**

A Letter of Consent for the works to be carried out on lands in FCC's control, which are included in the red line, accompanies the SHD application form. The extent of works are located along the R132 frontage of the site and are illustrated on the proposed site layout plan with an orange hatching, within the red line, and also on the engineering drawings accompanying this application. The proposed works on Council lands / the public road consist of the following:

- Construction of a temporary vehicular access, with provision of a new left in left out junction to the Dublin Road / R132. The works will include the removal of part of the existing footpath, provision of a break in the existing bus lane, and installation of plastic bollards within the existing chevroned centre reservation on the R132 to prevent right turning vehicles;
- Construction of new signalised pedestrian crossing point, and associated works to facilitate the same;
- Provision of a footpath and cycle path along the extent of the eastern boundary of the subject site.

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

## Response

A Statement of Material Contravention prepared by John Spain Associates is submitted with the application. This 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 the following objectives of the Development Plan:

- (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.

Please refer to the Statement of Material Contravention for further details and justification for contravening these objectives of the Plan, which the Board may consider to be material. The Statement of Consistency and Planning Report demonstrates compliance with other relevant policies, objectives and standards of the Development Plan.

### 3.0 RESPONSE TO FCC PRE-APPLICATION OPINION

The report of the Planning Authority on the pre-application documentation submission was issued to the Board in accordance with section 6(4)(b) of the Act. In the interests of thoroughness, a summary of the key issues identified in the Fingal County Council Opinion report is set out below, with responses to issues raised therein set out as required, a number of which have been addressed in preceding sections of this Statement.

We note that the Planning Authority acknowledge this location is one that can support sustainable development having regard to the NPF's National Policy Objective 33 (NPO 33) to "*Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location*" and provided for in the Fosterstown Masterplan 2019.

The following are the relevant extracts from the Conclusion of the CE'S Report which requests that the following issues be addressed in advance of submission and response to each:

- ***"This large urban development site, at such a prominent and well-connected location, requires a differentiated approach in order to establish itself as a new part of Swords and make a positive contribution to place-making, especially given its***

***location at the entrance into the area of Swords earmarked for compact development on greenfield sites and regeneration lands as set out in the Fingal Development Plan, the Masterplans at Fosterstown, Barryparks/Crowcastle and Estuary West and the other identified masterplans to be provided on brownfield sites proximate to the R132 and Metrolink.***

***Given the lack of sufficient variety in scale and form, further revisions are required to establish appropriate character in line with the principles of the masterplan. The proposed development does not provide for an appropriate transition down towards the residential dwellings to the south and west and provisions for excessive scale along the R132 and the Gaybrook Stream, without responding effectively to topography or context in this location. As such, it is considered that the current proposal does not represent an appropriate scale relative to location specifically adjacent to existing residential properties within Boroimhe.”***

- ***Furthermore, the urban block forms require significantly greater attention to detail, materials, pattern and grain along with clear design intent to strengthen the scheme. It is considered that the proposed development would not contribute substantially toward the achievement of the principles and objectives set out in the Fosterstown Masterplan and will not result in a high-quality living environment to justify the increased density and height as proposed.***

**Response:** This has been addressed under Item 2- Further Consideration above relating to architectural and urban design. As set out under this item and demonstrated in Arrow Architects Design Statement the proposals for the subject site have been refined through the pre-application process to align more closely with the Fosterstown Masterplan 2019. 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 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 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. 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.

Please refer to the Design Statement and visuals for further details and illustrations of the quality of the proposed development.

- ***Strategic transport analysis carried out for Swords and the southern area of Fingal and which provided direction for the masterplan process determined the most appropriate and efficient access point to the lands. There are significant concerns that a new junction on the R132 at this location would negatively impact on the strategic function of the R132, in particular in relation to the operation of the Swords-City Centre Core Bus Corridor currently being progressed through the design stage. Furthermore, the junction would undermine projects being progressed by FCC in conjunction with the NTA for junction upgrades and crossing points of the R132 as well as the future public realm proposals for the Metrolink. An additional vehicular access onto the R132 is not acceptable.***

**Response:** These concerns have been addressed under Item 1- Further Consideration above relating to access and traffic and transport impacts.

The original pre-application proposals included a signalised junction to access the subject site which facilitated vehicular movements from all directions. In response to Item No. 1, 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 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.

A detailed response to this item has been prepared by Waterman Moylan, which is provided in their Response to An Bord Pleanála Opinion relating to Transportation & Drainage document accompanying the application, and supported by the Traffic Impact Assessment prepared by O'Connor Sutton Cronin. In summary, this confirms that the proposed development, including the temporary vehicular access, is acceptable and it will not have a negative impact on the operation of the local road network, and it will have no implications in terms of the delivery of the BusConnect and Metrolink proposals.

In particular, the proposed temporary vehicular access is designed to ensure it will not prejudice the future BusConnects or Metrolink proposals and the TIA confirms that *'the proposed temporary site entrance is able to operate well on R132 and will have no negative impact on the future public infrastructure in the short and long term.'*

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.

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.

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.

In addition, and as requested in this Item 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 as Figure 1 below.

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.'*

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.

- ***Further information is required in respect to the riparian corridor, communal and public open space provision, location of SuDs storage tanks, separation distances between apartments and apartment terraces/balconies.***

**Response:** In relation to the above we refer to the following:

- The Landscape Design Report and accompanying drawings provide further information in respect of the riparian corridor, communal and public open space provision. The landscape proposals have been developed in consultation with the project ecologist and arborist, both of which provide assessments of the scheme which are positive in respect

to the impacts of the proposed development, having regard to the design mitigation incorporated into the scheme.

- The landscaping is fully co-ordinated in relation to SUDs and we refer to the Waterman Moylan Engineering Assessment Report and accompanying drawings for further detail.
- The architectural drawings, including the Site Layout Plans and sections, in addition to the Architectural Design Statement, provides further details on the separation distances between apartments and apartment terraces/balconies.

#### **4.0 CONCLUSION**

In conclusion, it is respectfully submitted that all the issues raised by An Bord Pleanála in their Opinion on the pre-application have been comprehensively and successfully addressed prior to the submission of this final application to the Board. This statement of response should be read in conjunction with the comprehensive documentation accompanying this SHD application.

The key measures undertaken to address the Board's concerns are set out in Section 2 above and can be summarised as follows:

- 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 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.

A detailed response to this item has been prepared by Waterman Moylan, which is provided in their Response to An Bord Pleanála Opinion relating to Transportation & Drainage document accompanying the application, and supported by the Traffic Impact Assessment prepared by O'Connor Sutton Cronin. In summary, this confirms that the proposed development, including the temporary vehicular access, is acceptable and it will not have a negative impact on the operation of the local road network, and it will have no implications in terms of the delivery of the BusConnect and MetroLink proposals.

- The urban design, architectural and public realm proposals for the subject site have been refined through the pre-application process to align more closely with the Fosterstown Masterplan 2019, whilst providing a higher density of development in line with Government policy and guidelines for such strategically located residential zoned lands.

The layout has been 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. A variety of architectural designs, high quality materials and a variety of building heights and design elements will help deliver a quality architectural solution for the site, providing a positive contribution to the character of the subject site and the surrounding area. 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.

- Irish Water have confirmed that a foul water connection to serve the proposed development is feasible subject to upgrade works. The upgrade works have been identified and will be carried out by Irish Water under their exempted development rights

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.

The proposed a strategic housing development on lands at lands at Fosterstown North, Dublin Road / R132, Co. Dublin, represents an opportunity to deliver an increased density of residential development on lands zoned for such purposes under the Development Plan.

The proposed scheme is considered to be in accordance with national and local planning policy and provides an appropriate design and layout, having regard to the proximity to surrounding development, and does not result in any unacceptable adverse impacts in respect to residential amenity, transport, drainage, heritage, trees, and ecology, which have informed the development proposals.

The SHD process seek to deliver on key government objectives to address the housing supply issue in a sustainable manner, and the development of residential zoned lands in Swords (which have been zoned since at least 2005), 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, is considered to fully align with Government policies and objectives. 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 the proposed development on the subject site.

It is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and is consistent with all relevant national, regional and local planning policies and guidelines and therefore should be granted planning permission in this regard.