

DOWNEY

29 Merrion Square, D02RW64



Statement of Consistency with Planning Policy

**Lands at Auburn House (a Protected Structure), Little
Auburn and Streamstown off the R107 Malahide
Road/Dublin Road and Carey's Lane, Malahide, Co.
Dublin**

Applicant: Kinwest Ltd

April 2022

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D C W N E Y

1.0 INTRODUCTION

Downey, Chartered Town Planners, 29 Merrion Square, D02 RW64, have prepared this Statement of Consistency with Planning Policy, on behalf of the applicant, Kinwest Ltd, to accompany a planning application to An Bord Pleanála for a proposed Strategic Housing Development on lands at Auburn House, Malahide Road, Streamstown, Malahide, Co. Dublin.

The proposed development, as per the description contained within the statutory planning notices, provides for:

“We, Kinwest Limited, intend to apply to An Bord Pleanála for permission for a strategic housing development on lands at Auburn House (Protected Structure), Little Auburn and Streamstown off the R107 Malahide Road/Dublin Road and Carey’s Lane (accessed via Streamstown Lane), Malahide, Co. Dublin. The lands are generally bound by the R107 road to the east, ‘Beech Lodge’ to the south, Clairville Lodge to the south (off Carey’s Lane), by dwellings known as ‘The Coop’, ‘Halstead’ and ‘Rockport House’ to the south west (off Carey’s Lane) and Abington to the west, north and north east.

The proposed development will consist of the preservation and protection of the existing Protected Structure of Auburn House and its stables as 1 no. residential dwelling; the conversion of the existing stables of Auburn House to provide for storage space for the main Auburn House and the construction of 368 no. new residential dwelling units (comprising 87 no. houses, 239 no. apartments & 42 no. duplex units) for an overall total of 369 no. residential units, including Auburn House. The development shall consist of 135 no. 1-bedroom apartments and duplex apartments, 138 no. 2-bedroom apartments and duplex apartments, 8 no. 3-bedroom apartments and duplex apartments, 47 no. 3-bedroom houses, 34 no. 4-bedroom houses, 6 no. 5-bedroom houses and the existing 11-bedroom Auburn House along with 1 no. childcare facility and 1 no. ancillary resident facility. The proposed development shall also provide landscaped public open space, car parking and all associated ancillary site development infrastructure including foul and surface water drainage, internal roads, cycle paths and footpaths, and boundary walls and fences. Vehicular access to the proposed development is to be via a new entrance at the R107 Malahide Road/Dublin Road entrance, with the existing entrance to Auburn House acting as a pedestrian/cyclist entrance and access to existing properties outside the application site, there will be a secondary entrance comprising modifications of the existing vehicular entrance off Carey’s Lane to the south west of the development, the closure of the existing vehicular entrance to Little Auburn, the provision of 4 no. ESB substations, 1 no. new foul pumping station, public lighting; proposed foul sewer works along Back Road and Kinsealy Lane and all associated engineering and site works necessary to facilitate the development. The building heights range from 2 storey to 5 storey buildings with balconies or terraces being provided to the apartments and duplex units.

The proposed development will comprise of:

- 1) The preservation of the existing three storey 11-bedroom residential dwelling of Auburn House (Protected Structure). The main house is to remain in single residential use (i.e. 1 no. 11 bedroom, three storey over basement detached dwelling).*
- 2) The conversion of the existing stables to the rear of Auburn House for storage use associated with Auburn House.*

- 3) *Internal and external alterations to the stables of the Protected Structure including minor demolition works are proposed to accommodate same.*
- 4) *The preservation and protection of the existing woodland of Auburn House.*
- 5) *The preservation of existing follies and walls associated with the 'walled garden' with amendments to the garden proposed to accommodate the proposed development.*
- 6) *The demolition of the modern bungalow dwelling known as 'Little Auburn' and associated outbuildings.*
- 7) *The demolition of detached stable/shed building off Streamstown Lane.*
- 8) *The construction of 87 no. residential houses (47 no. three bed units, 34 no. four bed units and 6 no. 5 bed units) in detached, semi-detached and terraced dwellings ranging from 2, 2.5 and 3 storey in height.*
- 9) *The construction of 239 no. apartments/duplex apartments (135 no. 1-bedroom units, 138 no. 2-bedroom units, 8 no. 3-bedroom units) all provided with balconies/terraces as follows:*
 - (a) *Apartment Block 1 consisting of a total of 46 no. units in a 4-storey block (26 no. 1 bedroom units and 20 no. 2 bedroom units).*
 - (b) *Apartment Block 2 consisting of a total of 49 no. units in a 5-storey block (26 no. 1 bedroom units; 21 no. 2 bedroom units; 2 no. 3 bedroom units).*
 - (c) *Apartment Block 3 consisting of a total of 42 no. units in a 4-storey block (22 no. 1 bedroom units and 20 no. 2 bedroom units).*
 - (d) *Apartment Block 4 consisting of a total of 28 no. units in a 4-storey block (10 no. 1 bedroom units; 17 no. 2 bedroom units; 1 no. 3 bedroom units) along with childcare facility, ancillary resident amenity facilities, plant, waste storage, ESB substation, car parking and bicycle parking at ground floor/undercroft level.*
 - (e) *Apartment Block 5 consisting of a total of 28 no. units in a 5-storey block (6 no. 1 bedroom units and 22 no. 2 bedroom units) along with plant, waste storage, car parking and bicycle parking at ground floor/undercroft level.*
 - (f) *Apartment Block 6 consisting of a total of 21 no. units in a 4-storey block (5 no. 1 bedroom units; 14 no. 2 bedroom units; 2 no. 3 bedroom units) along with plant, bin store, bicycle parking and maintenance/cleaner's stores at ground floor level.*
 - (g) *Apartment Block 7 consisting of a total of 25 no. units in a 5-storey block (14 no. 1 bedroom units; 10 no. 2 bedroom units; 1 no. 3 bedroom unit) along with bin store, plant, cleaning store and bicycle parking at ground floor level.*
 - (h) *Duplex Apartment Block 1 consisting of a total of 6 no. units in a 3-storey block (1 no. 1 bedroom units; 3 no. 2 bedroom units; 2 no. 3 bedroom units) along with bin store at ground floor level.*
 - (i) *Duplex Apartment Block 2A consisting of a total of 8 no. units in a 3-storey block (6 no. 1 bedroom units; 2 no. 2 bedroom units) along with bin store and car and bicycle parking at ground floor/undercroft level.*
 - (j) *Duplex Apartment Block 2B consisting of a total of 11 no. units in a 3-storey block (8 no. 1 bedroom units; 3 no. 2 bedroom units) along with bin store and bicycle and car parking at ground floor/undercroft level.*
 - (k) *Duplex Apartment Block 2C consisting of a total of 9 no. units in a 3-storey block (7 no. 1 bedroom units; 2 no. 2 bedroom units) along with bin store and bicycle and car parking at ground floor/undercroft level.*
 - (l) *Duplex Apartment Block 2D consisting of a total of 8 no. units in a 3-storey block (4 no. 1 bedroom units; 4 no. 2 bedroom units) along with bin store and bicycle parking at ground floor/undercroft level.*
- 10) *The provision of 1 no. childcare facility and 1 no. residential amenity facility (located within the ground floor of apartment Block 4);*

- 11) *Single level basement below Apartment Blocks 1, 2 & 3 comprising car parking (153 no. spaces), bicycle parking (270 no. spaces), refuse storage, plant rooms, comms room, maintenance room, water storage tanks and services; and 97 no. car parking spaces and 182 no. bicycle parking spaces at undercroft level to Apartment Blocks 4 & 5 and Duplex Blocks 2A, 2B, 2C & 2D. A total of 500 no. residential car parking spaces shall be provided across surface, undercroft/podium and basement level, and 5 no. drop-off car parking spaces serving the childcare facility, providing an overall total of 505 no. car parking spaces and a total of 692 no. bicycle parking spaces across surface, undercroft/podium and basement level.*
- 12) *The construction of 1 no. new vehicular entrance off the R107 Malahide Road (providing for a new signalised junction with Back Road and Malahide Road) and adaption of the existing vehicular entrance off Carey's Lane.*
- 13) *Utilisation of existing Auburn House vehicular entrance access and road for pedestrian and cycle route only with vehicular access retained solely for existing residential use.*
- 14) *Closing of the existing vehicular entrance at the R107 Malahide Road serving Little Auburn.*
- 15) *Landscaping including provision of public, communal and private open spaces, playspaces and boundary treatments.*
- 16) *4 no. ESB substations, 1 no. new foul pumping station, public lighting; proposed foul sewer works along Back Road and Kinsealy Lane and all associated engineering and site works necessary to facilitate the development."*

This Statement of Consistency with Planning Policy has been prepared in accordance with Section 8 (1)(a)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and in accordance with the requirements of the Planning and Development Regulations 2001-2017 (as amended by Planning and Development (Strategic Housing Development) Regulations 2017) and the "Strategic Housing Development: Section 4 Applications to An Bord Pleanála – Guidance for Applicants" issued by An Bord Pleanála.

This Statement demonstrates that the proposed development is consistent with the relevant national, regional and local planning policy and guidelines issued under Section 28 of the Planning and Development Act, 2000 (as amended). This Statement should be read in conjunction with the accompanying detailed documentation prepared by the design team.

For details of compliance with the quantitative standards for residential units of adopted "Sustainable Urban Housing: Design Standards for New Apartments", "Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities" and the Fingal County Council Development Plan 2017-2023, please refer to the Housing Quality Assessment prepared by CCK Architects which is included as part of the architectural planning pack.

2.0 NATIONAL POLICY AND GUIDELINES

The key provisions of the national planning policy, including Section 28 Guidelines, as it relates to the proposed development are now set out in the following sections. The key national policy and guidance documents of relevance include:

- Project Ireland 2040: National Planning Framework
- Project Ireland 2040: National Development Plan 2018-2027
- Housing For All – a New Housing Plan for Ireland (2021)
- Affordable Housing Act 2021 & Housing Circular 28/2021

- The Housing Agency Statement of Statement 2022-2024
- Residential Densities in Towns and Villages (Circular Letter: NRUP 02/2021)
- Rebuilding Ireland, An Action Plan for Housing and Homelessness (2016)
- Sustainable Residential Development in Urban Areas and Best Practice Urban Design Manual Guidelines (2009)
- Delivering Homes, Sustaining Communities: Statement on Housing Policy (2007)
- Quality Housing for Sustainable Communities (2007)
- Sustainable Urban Housing: Design Standards for New Apartments (December 2020)
- Childcare Facilities: Guidelines for Planning Authorities (2001)
- Design Manual for Urban Roads and Streets (DMURS)
- Urban Development and Building Heights: Guidelines for Planning Authorities (December 2018)
- Smarter Travel: A Sustainable Transport Future
- National Cycle Manual (2011)
- EIA Directive
- Birds and Habitats Directive – Appropriate Assessment
- The Planning System and Flood Risk Guidelines (2009)
- All-Ireland Pollinator Plan 2021-2025
- National Adaptation Framework: Planning for a Climate Resilient Ireland (January 2018)
- Climate Action Plan 2021
- Architectural Heritage Protection Guidelines for Planning Authorities

2.1 Project Ireland 2040: National Planning Framework

The National Planning Framework is “the Government’s high-level strategic plan for shaping the future growth and development of our country out to the year 2040”. It is a Framework to guide public and private investment, to create and promote opportunities for our people, and to protect and enhance our environment- from our villages to our cities and everything in between. It is stated within the National Planning Framework that “a major new policy emphasis on renewing and developing existing settlements will be required, rather than continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages”. It is also stated that there will be an ongoing shift in population and jobs to the east and to the counties around Dublin in particular. The NPF will support the future growth and success of Dublin as Ireland’s leading global city of scale, by better managing Dublin’s growth to ensure that more of it can be accommodated within and close to the city.

According to the National Planning Framework, Dublin needs to accommodate a greater proportion of the growth it generates within its metropolitan boundaries and to offer improved housing choice, transport mobility and quality of life. Dublin’s continued performance is critical to Ireland’s competitiveness.

The NPF states that “the long-term vision for Ireland’s housing future aims to balance the provision of good quality housing that meets the needs of a diverse population, in a way that makes our cities, towns, villages and rural areas good places to live now and in the future.”

It is outlined within the Plan that future homes are required to be located where people have the best opportunities to access a high standard quality of life. In Ireland, the location of housing has taken on a dispersed and fragmented character which has led to people living further away from their jobs and often being at a sizeable remove from important services such as education and healthcare. It is stated that it is important to, “prioritise the location of new housing provision in existing settlements as a means to maximising a better quality of life for people through accessing services, ensuring a more efficient use of land and allowing for greater integration with existing infrastructure”.

In terms of Dublin City and the Metropolitan Area, the National Planning Framework 2040 states that;

“Dublin needs to accommodate a greater proportion of the growth it generates within its metropolitan boundaries and to offer improved housing choice, transport mobility and quality of life. Dublin also needs to become a greener, more environmentally sustainable city in line with international competitors. At a metropolitan scale, this will require focus on a number of large regeneration and redevelopment projects, particularly with regard to underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development.”

The NPF has a number of national policy objectives which are relevant to this application, which include:

“National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.”

“National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.”

“National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.”

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

“National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”

“National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

The National Core Principles contained within the National Planning Framework set out the standards for the delivery of housing to be implemented over the period to 2040. The Core Principles are stated as the following:

“Ensure a high standard quality of life to future residents as well as environmentally and socially sustainable housing and placemaking through integrated planning and consistently excellent design.

- *Allow for choice in housing location, type, tenure and accommodation in responding to need.*
- *Prioritise the location of new housing provision in existing settlements as a means to maximising a better quality of life for people through accessing services, ensuring a more efficient use of land and allowing for greater integration with existing infrastructure.*
- *Tailor the scale and nature of future housing provision to the size and type of settlement where it is planned to be located.* • *Integrate housing strategies where settlements straddle boundaries (county and/or regional).*
- *Utilise existing housing stock as a means to meeting future demand”.*

It is envisaged that all future residential developments will be required to provide multiple housing and accommodation types in order to meet the challenges of providing for an increasing population where the composition of households is to be comprised of smaller family units and an increased age dependent population are both expected to grow by 2040. Downey Planning are of the considered opinion that the proposed residential development adheres to the core principles of the National Planning Framework and will provide multiple accommodation types for specific housing needs.

Out of the total 369 no. residential units proposed (368 new build housing plus the existing Auburn House), 239 no. apartments, 88 no. houses (including Auburn House) and 42 no. duplex units are to be delivered as part of the development. The National Planning Framework 2040 envisages increased apartment provision to be provided as part of residential proposals, particularly in urban areas. It is stated that; *“to more effectively address the challenge of meeting the housing needs of a growing population in our key urban areas, it is clear that we need to build inwards and upwards, rather than outwards. This means that apartments will need to become a more prevalent form of housing, particularly in Ireland’s cities.”* The National Planning Framework also states that *“this is underpinned by ongoing population growth, a long-term move towards smaller average household size, an ageing and more diverse population, greater mobility in the labour market and a higher proportion of households in the rented sector.”*

In addition to encouraging sustainable residential development within settlement boundaries, it is evident that there is a strong emphasis placed on increased building heights in appropriate locations within the Dublin Metropolitan Area. As such it is respectfully submitted that the proposed building heights in this case ranging from 2 storeys to 5 storeys through the introduction of houses, apartments and duplex units is in line with Government guidance and evolving trends for sustainable residential developments within the Dublin Metropolitan Area. The proposed residential development is located

on appropriately zoned lands, within the development boundary of Malahide and is located within the Dublin Metropolitan Area.

The National Planning Framework also states that *“while apartments made up 12% of all occupied households in Ireland and 35% of occupied households in the Dublin City Council area in 2016 (census data)”*, it is evident that Ireland is a long way behind European averages in terms of the numbers and proportion of households living in apartments, especially in our cities and larger towns. It is stated within the Project Ireland 2040 plan that *“in many European countries it is normal to see 40-60% of households living in apartments.”*

Apartment developments have become an increasingly attractive and desirable housing option for a range of household types and tenures, building on and learning from experience to date, and that the economic and regulatory conditions are such that apartment development attracts investment that will result in greater delivery of apartments in Ireland’s cities and towns and other appropriate locations. It is evident that apartment developments are required in urban areas to meet the current demand for housing, particularly in Dublin. It is therefore considered that the provision of 369 no. residential units of which 239 no. units are apartments, 88 no. units are houses and 42 no. units are duplex units with 1 no. childcare facility on the subject site will assist in achieving the objectives of the National Planning Framework.

2.2 Project Ireland 2040: National Development Plan 2021-2030

The National Development Plan sets out the investment priorities that will underpin the successful implementation of the National Planning Framework (NPF). This will guide national, regional and local planning and investment decisions in Ireland over the next two decades to cater for an expected population increase of over 1 million people.

Resolving the systemic factors underlying the current housing crisis is at the heart of the NPF and reflecting this, housing and sustainable urban development is a priority for the National Development Plan. In this regard, the NDP states that there is a *“need to provide in excess of half-a-million more homes over the period to 2040 corresponds to a long-term trend of 25,000 new homes every year. A higher level of output is needed in the short to medium-term to respond to the existing deficit that has given rise to the housing crisis.”*

Furthermore, the NDP states that *“the continuation of existing patterns of development accentuates the serious risk of economic, social and environmental unsustainability through, for example, placing more distance between where people work and where people live, and increasing energy demand. The NPF highlights the urgent requirement for a major uplift of the delivery of housing within the existing built-up areas of cities and other urban areas. It has a particular focus on brownfield development, targeting derelict and vacant sites that may have been developed before but have fallen into disuse.”*

There are a number of strategic outcomes identified within the NDP which support the proposed development. Such outcomes include:

National Strategic Outcome 1: Compact Growth – *“This outcome aims to secure the sustainable growth of more compact urban and rural settlements supported by jobs, houses, services and amenities, rather than continued sprawl and unplanned,*

uneconomic growth. This requires streamlined and co-ordinated investment in urban, rural and regional infrastructure by public authorities to realise the potential of infill development areas within our cities, towns and villages. This will give scope for greater densities that are centrally located and in many cases publicly owned, as well as bringing life and economic activity back into our communities and existing settlements. Creating critical mass and scale in urban areas with enabling infrastructure, in particular increased investment in public and sustainable transport and supporting amenities, can act as crucial growth drivers. This can play a crucial role in creating more attractive places for people to live and work in, facilitating economic growth and employment creation by increasing Ireland's attractiveness to foreign investment and strengthening opportunities for indigenous enterprise."

National Strategic Outcome 4: Sustainable Mobility – *"The expansion of attractive and sustainable public transport alternatives to private based car transport will reduce congestion and emissions and enable the transport sector to cater in an environmentally sustainable way for the demands associated with longer term population and employment growth envisaged under the NPF. Furthermore, the provision of safe alternative active travel options such as segregated cycling and walking facilities can also help alleviate congestion and meet climate action objectives by providing viable alternatives and connectivity with existing public transport infrastructure."*

The proposed development will provide for a sustainable residential development on appropriately zoned lands, in a highly accessible location within the development boundary of Malahide which promotes compact urban growth and a good quality of life. It is therefore considered that the provision 369 no. residential units (239 no. apartments, 88 no. houses and 42 no. duplex units (including Auburn House)) and 1 no. childcare facility on the subject site will assist in achieving the objectives of the National Development Plan 2018-2027. Malahide is an attractive, vibrant urban centre for people to live and work in, supported by high-quality physical and social infrastructure as well as vast recreational amenities such as Malahide Castle and the various sports clubs and centres within the area.

2.3 Housing For All – a New Housing Plan For Ireland

The Housing for All: A New Housing Plan for Ireland states that Ireland's housing system is not meeting the needs of enough of our people, and therefore, it needs to increase new housing supply to an average of at least 33,000 new units per year over the next decade. This will include over 10,000 social homes each year over the next five years, with 9,500 of these being new-builds, and an average of 6,000 affordable homes for purchase or rent. The plan also includes measures to support availability of the land, workforce, funding, and capacity to enable both the public and private sectors to meet the targets. The plan is based on four pathways, leading to a more sustainable housing system:

- Support home ownership and increase affordability;
- Eradicate homelessness, increase social housing delivery, and support social inclusion;
- Increase new housing supply and;

- Address vacancy and make efficient use of existing stock.

Outlined in the Plan, the State must act decisively to increase supply of both private and public housing. An average of 33,000 new units, on average, per annum up to and including 2030. This will include, on average, 10,000 social housing units, 4,000 homes for Affordable Purchase, 2,000 Cost Rental homes and 17,000 private homes over the lifetime of the plan (to the end of 2030) the 300,000 required homes are expected to consist of: 90,000 social homes; 36,000 Affordable Purchase homes, 18,000 'Cost Rental' homes and approximately 156,000 private homes. One of the key measures in achieving this is to use vacant and underutilised land.

The proposed development is in line with the ambitious goals within Housing For all. This National Policy Document has recognised the need to cater for a broad range of buyers within the market, in order to achieve a sustainable housing system. The residential mix provides a good choice for future residents and caters for a broad range of housing requirements within the market, including first-time buyers, young families, singles, downsizers, and retirees. The choice of housing typologies within this proposed scheme, better supports a mix of age & tenure.

It is submitted that provision of 369 no. residential units on the subject site will help the Government to achieve the objectives of the Housing for All Plan in increasing the housing output. Therefore, it is considered that the proposed development is consistent with the development framework in this regard.

2.4 Affordable Housing Act 2021 & Housing Circular 28/2021

In July 2021, the Affordable Housing Act 2021 was enacted, aiming to address problems associated with the high cost of housing for the portion of the population that do not qualify for social housing. Part 6 of that Act was commenced on 3rd September 2021, and amends Part V of the Planning and Development Act 2000. The Programme for Government contained commitments in relation to expanding Part V to encompass affordable purchase and cost rental units and introducing affordable homes requirements to Part V.

The principal change to Part V made by these amendments is to increase the Part V contribution for new housing developments from 10% social housing, affordable & cost rental to a mandatory 20% requirement, at least half of which must be applied to social housing provision and up to half of which may be applied to affordable and cost rental housing. It is noted that these changes to Part V primarily apply to land purchased on or after 1 August 2021. Any new planning permissions for housing development on that land will have a 20% Part V requirement. However, a 10% Part V requirement will apply where land already has planning permission or was purchased between 1 September 2015 and 31 July 2021 and planning permission is granted before 31 July 2026.

It is proposed to provide 10% of the housing units for social and affordable housing, i.e., a total of 37 units; as the land was acquired between 1st September and 31st July 2021. For further details, please refer to the enclosed Part V Validation Letter from Fingal County Council with associated indicative costings and layout.

2.5 The Housing Agency Strategy 2022-2024

Launched in late January of 2022, the Housing Agency's Statement of Strategy, outlines how more affordable housing, increasing the supply of social and private homes and addressing social inclusion issues such as homelessness and ageing will be the priorities for the work of The Housing Agency over 2022-2024. The Statement of Strategy frames the work of The Housing Agency under three broad themes:

- Being a centre for housing knowledge;
- Bridging housing supply and demand; and,
- Building capacity for housing.

It also outlines how, over the coming years, the Housing Agency will use research, informed policy insights and data to work *"to achieve a housing system that meets the housing needs of the nation and promotes viable, sustainable communities"*.

The Housing Agency's Strategic Plan 2022-2024 has been framed in the context of supporting Housing for All, the Government's housing plan for Ireland and key trends in the housing system including:

- Diverse and changing housing needs for people living in Ireland.
- Long-term government policy and strategic planning for the Irish housing system.
- A continuing focus on building inclusive, sustainable communities.

It is submitted that provision of 369 no. residential units on an appropriately zoned land under Fingal Development Plan 2017-2023 would help utilising an existing capacity within Malahide and the Kinsale Electoral Division, and facilitate meeting the housing target for the area and the overall County. Therefore, it is considered that the proposed development is consistent with the foregoing Strategy in this regard.

2.6 Residential Densities in Towns and Villages (Circular Letter: NRUP 02/2021)

The purpose of this Circular, issued on 21st April 2021, is to provide clarity in relation to the interpretation and application of current statutory guidelines, in advance of issuing updated Section 28 guidelines that will address sustainable residential development in urban areas, later in 2021. It is considered important to address this matter in the context of both the need for significantly increased and more sustainable housing supply throughout Ireland, and national recovery from the Covid-19 pandemic.

Outlined in the Circular, while the *Sustainable Residential Development Guidelines* clearly encourage net densities in the 35-50 dwellings per hectare range within cities and larger towns, net densities of 30-35 dwellings per hectare may be regarded as acceptable in certain large town contexts and net densities of less than 30 dwellings per hectare, although generally discouraged, are not precluded in large town locations.

These "outer suburban" provisions apply to cities and larger towns, and the *Sustainable Residential Development Guidelines* define larger towns as having a population in excess of 5,000 people. Large towns therefore range from 5,000 people up to the accepted city scale of 50,000 people. Given the very broad extent of this range and variety of urban situations in Ireland, it is necessary for An Bord

Pleanála and Planning Authorities to exercise discretion in the application and assessment of residential density at the periphery of large towns, particularly at the edges of towns in a rural context.

Accordingly, the full range of outer suburban density, from a baseline figure of 30 dwellings per hectare (net) may be considered, with densities below that figure permissible subject to Section 5.12 of the Sustainable Residential Development Guidelines. It is also clarified that in certain circumstances, the neighbourhood or district referred to in Section 5.12, may comprise a significant portion of a rural town.

Considering that the Census 2016 recorded a population of 16,550 people for Malahide, the town stands within the larger towns category, contributing to consolidation of Dublin Metropolitan Area. Accordingly, the proposed development of the subject lands is submitted to strengthen the urban role of Malahide and reinforcing the vital role of Malahide in the settlement's hierarchy of the County, and therefore, is considered to be consistent with the foregoing Circular.

2.7 Rebuilding Ireland, An Action Plan for Housing and Homelessness (2016)

'Rebuilding Ireland, an Action Plan for Housing and Homelessness', provides a multi-stranded, action-oriented approach to achieving many of the Government's key housing objectives. The overarching aim of the Plan is to ramp up delivery of housing from its current undersupply across all tenures to help individuals and families meet their housing needs, and to help those who are currently housed to remain in their homes or be provided with appropriate options of alternative accommodation especially those families in emergency accommodation.

The Action Plan comprises of 5 key pillars which are: addressing homelessness, accelerating social housing, building more homes, improving the rental sector and utilising existing housing. The Action Plan sets ambitious targets to double the annual level of residential construction to 25,000 homes and deliver 47,000 units of social housing in the period to 2021, while at the same time making the best use of the existing housing stock and laying the foundations for a more vibrant and responsive private rental sector.

Achieving the aim of accelerated delivery will contribute to the following core objectives:

- Addressing the unacceptable level of households, particularly families, in emergency accommodation;
- *Moderating rental and purchase price inflation, particularly in urban areas;*
- *Addressing a growing affordability gap for many households wishing to purchase their own homes;*
- *Maturing the rental sector so that tenants see it as one that offers security, quality and choice of tenure in the right locations and providers see it as one they can invest in with certainty;*
- *Ensuring housing's contribution to the national economy is steady and supportive of sustainable economic growth; and,*
- *Delivering housing in a way that meets current needs while contributing to wider objectives such as the need to support sustainable urban and rural development and communities and maximise the contribution of the built environment to addressing climate change.*

The provision of 369 no. residential units (239 no. apartments, 88 no. houses and 42 no. duplex units) with 1 no. childcare facility on the application site will help the Government to achieve the objectives of the Housing Action Plan. Thus, it is submitted that the proposed development is consistent with the policy in this regard.

2.8 Sustainable Residential Development in Urban Areas and Best Practice Urban Design Guidelines (2009)

This document reviews and updates the Residential Density Guidelines (1999), and its aim is to assist both planning authorities and developers in meeting certain standards in the design of residential development. The main objective of the Sustainable Residential Development in Urban Areas Guidelines is to produce high-quality sustainable developments through providing:

- *Quality homes and neighbourhoods;*
- *Places where people actually want to live, to work and to raise families; and*
- *Places that work - and will continue to work – and just for us, but for our children and for our children's children.*

The Guidelines state that sustainability is about the integration of schools, community facilities, employment, transport and amenities with the housing development process in a timely, cost-effective way.

Plan-Led Location of Development

The aim of the Guidelines is to set out the key planning principles which should be reflected in development plans and local area plans and which should guide the preparation and assessment of planning applications for residential developments in urban areas. The Guidelines support a plan-led approach to development in accordance with the Planning and Development Act, 2000 (as amended) and state:

“The scale, location and nature of major new residential development will be determined by the development plan, including both the settlement strategy and the housing strategy”.

In this regard, the subject site is zoned for new residential development under the ‘RA – Residential Area’ zoning designation of the Fingal Development Plan 2017-2023 where both residential and childcare facilities are a permitted in principle land use.

Section 2.3 of the Guidelines promote a sequential approach to the zoning of residential lands. In this regard, the Guidelines state that:

“zoning shall extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference, encouraging infill opportunities, and that areas to be zoned shall be contiguous to existing zoned development lands and that any exception must be clearly justified in the written statement of the development plan”.

The subject site is located on appropriately zoned lands to the south west of Malahide. The site is contiguous to existing residential developments at Abington and Auburn Grove to the north, and Clairville Lodge and Streamstown Wood to the south of the site. In light of this, the zoning and future development of the subject site is in accordance with these Guidelines.

The Guidelines also support increased residential densities particularly for sites located in 'Outer Suburban / Greenfield' sites, particularly for such sites on the periphery of cities or larger towns, as it states:

'The greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally.'

In addition to the above, the guidelines go on to further state the following in terms of residential development in 'Outer Suburban/Greenfield' sites;

'Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.'

The application site will achieve an overall net density of c.38 dwellings per hectare (the net developable area is 9.879 hectares when the areas of Auburn House, woodland and existing entrance avenue have been omitted). It is considered that the site is classified as an outer suburban / greenfield site noting its location within the development boundary of Malahide Town and its setting along the periphery of the existing urban area which will form a natural extension to the suburbs of the town within a highly accessible location on appropriately zoned lands.

In terms of planning for sustainable neighbourhoods, there is focus on "planning at the district or neighbourhood scale within larger towns and cities, whether on brownfield or green-field sites". The Guidelines state that, "*national policy makes it clear that sustainability is not confined to the physical environment. Sustainability also includes the concept of stable, integrated communities, and planning for such communities must embrace both tangible issues – such as the timely provision of school places – and the intangible, such as people's perception of what constitutes an attractive, secure environment in which to rear children. Planning objectives at the district / neighbourhood scale can thus be grouped under four main themes:*

- (a) Provision of community facilities;*
- (b) Efficient use of resources;*
- (c) Amenity / quality of life issues; and*
- (d) Conservation of the built and natural environment."*

The document goes on to state that, "sustainable neighbourhoods require a range of community facilities, and each district/neighbourhood will need to be considered within its own wider locality, as some facilities may be available in the wider area while others will need to be provided locally". It then outlines the importance of the provision of schools, community centres, healthcare facilities and

district/neighbourhood centres use to the sustainability of communities. The subject site is located within Malahide, immediately adjoining the Malahide Demesne and in proximity to the range of services provided within Malahide Village as set out in the Community Infrastructure Audit submitted under separate cover.

In relation to amenity/quality of life issues, “public open space can have a positive impact on physical and mental well-being as it provides spaces to meet, interact, exercise and relax. It needs to be appropriately designed, properly located and well maintained to encourage its use. It is one of the key elements in defining the quality of the residential environment. Apart from the direct provision of active and passive recreation, it adds to the sense of identity of a neighbourhood, helps create a community spirit, and can improve the image of an area (especially a regeneration area). Well-designed open space is even more important in higher density residential developments”. The proposed development provides for a high level of amenity space with the significant protection of existing trees and woodlands throughout the site with c 2.909ha of public open space provided. This is in addition to Malahide Demesne, a regional park which provides an additional 109 hectares of high quality public open space to serve the residents of the wider Malahide area.

The design of the proposed development has placed considerable emphasis on the context of the site and location as well as the surrounding built environment. The proposed development successfully incorporates the criteria of the ‘Urban Design Manual – A Best Practice Guide’ and its 12 criteria, of which Planning Authorities are recommended to assess planning applications, including:

- Context;
- Connections;
- Inclusivity;
- Variety;
- Efficiency;
- Distinctiveness;
- Layout;
- Public Realm;
- Adaptability;
- Privacy/Amenity;
- Parking; and,
- Detailed Design.

It is evident that the form, layout, and architectural and landscaping design of the proposed development have been informed by the development’s place and time. Well-designed homes in the right locations are fundamental to building strong, sustainable communities. Such communities will ensure Ireland’s continued success in attracting and generating investment and improving the quality of life for residents.

Downey, Chartered Town Planners, are of the considered opinion that the proposed development represents a development that has been carefully and appropriately designed, giving full consideration to its historic setting and neighboring lands and would integrate successfully with its environs. The proposed development has had regard to the surrounding environment and carefully

assesses the proposal in light of same. The development positively contributes to the character and identity of the surrounding vicinity. The proposed scheme is also considered to be of an appropriate density which will help to support the efficient use of serviceable lands within the existing settlement boundary. Downey are of the considered opinion that the provision of 369 no. residential units (239 no. apartments, 88 no. houses and 42 no. duplex units) with 1 no. childcare facility would be a positive addition to the surrounding built environment of Malahide and to the identity of the locality. Furthermore, it is considered that the proposed new homes will meet the aspirations of a range of people and the design and layout of such allows easy access by all. For further detailed information on the proposed development's consistency with the Urban Design Manual, please refer to the Architect and Urban Designer's Statement prepared by CCK Architects.

2.9 Delivering Homes, Sustaining Communities Best Practice Guidelines – Quality Homes for Sustainable Communities (2007)

The Department's policy statement 'Delivering Homes, Sustaining Communities' provides the overarching policy framework for an integrated approach to housing and planning. The statement notes that demographic factors will continue to underpin strong demand for housing, which in turn will present considerable challenges for the physical planning of new housing and the provision of associated services. The quality of the housing environment is recognised as being central to creating a sustainable community.

Sustainable neighbourhoods are areas where an efficient use of land, high-quality design and effective integration in the provision of physical and social infrastructure combine to create places people want to live in.

The 'Delivering Homes, Sustaining Communities' policy statement is accompanied by Best Practice Guidelines entitled 'Quality Housing for Sustainable Communities'. The purpose of these Guidelines is to promote high standards in the design and construction and the provision of residential units and services in new housing developments. Best use of land is encouraged and optimal utilisation of services and infrastructure in the provision of new housing; point the way to cost effective options for housing design that go beyond minimum codes and standards; promote higher standards of environmental performance and durability in housing construction; seek to ensure that residents of a new housing scheme enjoy the benefits of first-rate living conditions in a healthy, accessible and visually attractive environment; and provide homes and communities that may be easily managed and maintained.

This Strategic Housing Development application is accompanied by the Architect and Urban Designer's Statement and a Housing Quality Assessment (HQA) prepared by CCK Architects, which demonstrates the proposed development is compliant with the relevant standards in the 'Quality Housing for Sustainable Communities' document and the Fingal County Development Plan 2017-2023.

2.10 Sustainable Urban Housing Guidance: Design Standards for New Apartments (December 2020)

The '*Sustainable Urban Housing: Design Standards for New Apartments*' build on the content of the 2015 apartment guidance, much of which remains valid, particularly with regard to design quality

safeguards such as internal space standards for apartments, internal storage and amenity space. The Guidelines state that, *“in the longer term to 2040, the Housing Agency has identified a need for at least 45,000 new homes in Ireland’s five cities (Dublin, Cork, Limerick, Galway and Waterford), more than 30,000 of which are required in Dublin City and suburbs, which does not include additional pent-up demand arising from under-supply of new housing in recent years”*. It is also stated that it is *“critical to ensure that apartment living is an increasingly attractive and desirable housing option for a range of household types and tenures.”*

The Guidelines also state that, *“aspects of previous apartment guidance have been amended and new areas addressed in order to:*

- *enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;*
- *make better provision for building refurbishment and small-scale urban infill schemes;*
- *address the emerging ‘build to rent’ and ‘shared accommodation’ sectors; and*
- *remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduces costs.”*

The Guidelines identify types of locations that may be suitable for apartment developments. In this regard, it is considered that the proposed development falls within ‘(2) Intermediate Urban Locations’ as it meets the criteria for this location in that the site is located approximately within 1km (closest point) to 2km (furthest point) of Malahide Town Centre, is located within the town’s development boundary, and within walking distance of high capacity urban public transport stops (i.e. Malahide DART station) and frequent bus services, and as such is suitable for a net density of c. 38 units per hectare (net developable area is 11.1 hectares when the access road is omitted).

The Guidelines also have specific planning policy requirements (SPPRS), which include:

Specific Planning Policy Requirement 1 – *Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).*

Specific Planning Policy Requirement 3 – *Minimum Apartment Floor Areas:*

- *Studio apartment (1 person) 37 sqm*
- *1-bedroom apartment (2 persons) 45 sqm*
- *2-bedroom apartment (4 persons) 73 sqm*
- *3-bedroom apartment (5 persons) 90 sqm*

In this regard, the proposed development at Malahide (subject to this application) provides for 369 no. residential units (88 no. houses, 239 no. apartments and 44 no. duplex units) with ancillary amenity facilities (gym and concierge), 1 no. childcare facility and a total of 504 no. car parking spaces, open space and communal open space. The development provides residents with the required level of

amenity as outlined within the Guidelines. Downey are of the professional opinion that the proposed development complies with the SPPRs of the 'Sustainable Urban Housing: Design Standards for New Apartments'.

This SHD application also includes a Housing Quality Assessment and Building Lifecycle prepared by CCK Architects, and a detailed Daylight, Sunlight, and Internal Light Analysis Report prepared by Digital Dimensions, and submitted in accordance with Chapter 6 of the Guidelines. The proposed development will help to meet the current demand for apartment type developments. For further information in this regard, please refer to the enclosed architectural drawings and detailed Architectural Design Statement and Housing Quality Assessment prepared CCK Architects, which provide confirmation that the proposed development is consistent with the design standards of these Guidelines.

The Guidelines also note the following with regard to aspect of units under Specific Planning Policy Requirement 4 which states:

"In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

- i. A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.*
- ii. In suburban or intermediate locations, it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.*
- iii. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects."*

The proposed development in this instance is located in a suburban location on appropriately zoned lands in a highly accessible location within the development boundary of Malahide. In this regard, the minimum requirement for dual aspect units is 50%. The proposed development provides for 59.94% dual aspect units across the proposed apartment blocks and therefore accords with the guidelines.

In terms of Children's Play areas, the proposed development has considered the recreational needs of children and incorporates children play equipment as part of the communal amenity space within the scheme. As stated within the Guidelines,

"Children's play needs around the apartment building should be catered for:

- within the private open space associated with individual apartments;*
- within small play spaces (about 85-100 sqm) for the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building, in a scheme that includes 25 or more units with two or more bedrooms; and,*

- *within play areas (200-400 sqm) for older children and young teenagers, in a scheme that includes 100 or more apartments with two or more bedrooms.”*

The provision of children’s play equipment with the proposed development is also consistent with Objective DMS76 of the County Fingal Development Plan 2017-2023, which required that a minimum of one piece of play equipment shall be provided for every 50 sq m of playground. Overall, there is a total of 1,008 sq.m of playground with the provision of with 37Nr pieces of equipment; equal to 1Nr per 40 sq.m.

As such, it is submitted that the proposed development is consistent with the Guidelines in this instance. Please refer to the enclosed landscape drawings and accompanying report prepared by TBS Landscape Architects for further information in this regard.

In relation to bicycle and car parking requirements, the Guidelines state that it must be ensured that, *“new development proposals in central urban and public transport accessible locations and which otherwise feature appropriate reductions in car parking provision are at the same time comprehensively equipped with high quality cycle parking and storage facilities for residents and visitors”*. The proposed development subject to this SHD has provided a total of 692 no. bicycle spaces, in high-quality, safe and accessible locations; in accordance with the requirements of *Table 12.9 - Bicycle Parking Standards* of the Fingal County Development Plan 2017-2023.

As stated within the Guidelines, *“the quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria”*. The proposed development is situated in a suburban location on appropriately zoned lands in a highly accessible location within the development boundary of Malahide.

In this regard, the proposed development provides for a total of 504 no. car parking spaces (153 under-croft spaces, 97 under podium & 255 surface level spaces) and a total of 692 no. bicycle spaces, in high quality, safe and accessible locations throughout the scheme. This is considered to be acceptable and in accordance with the requirements of the Guidelines and the pertaining Development Plan standards.

Table 1: Compliance with Specific Planning Policy Requirements

Specific Planning Policy Requirement	Compliance
SPPR1 (Housing Mix)	In compliance
SPPR2 (Building Refurbishment and Urban Infill Development on sites up to 0.25ha)	Not Applicable; SPPR1 applies to the entire development
SPPR3 (Minimum Apartment Floor Areas)	In compliance with the standards
SPPR4 (Dual Aspect Ratios)	In compliance with the requirements
SPPR5 (Floor to Ceiling Height)	In compliance with the requirements
SPPR6 (Lift and Stair Cores)	In compliance with the required quantum

SPPR7 (Specific BTR Developments)	Not Applicable
SPPR8 (Qualified as BTR Developments)	Not Applicable

2.11 Urban Development and Building Heights Guidelines for Planning Authorities (Dec 2018)

The “*Urban Development and Building Heights, Guidelines for Planning Authorities*” are intended to set out national planning policy guidelines on building heights in relation to urban areas, building from the strategic policy framework set out in the National Planning Framework 2040 (NPF). This document recognises that in recent years local authorities, through the statutory plan processes, have begun to set generic maximum height limits. However, such limits if inflexibility and unreasonably applied, can undermine national policy objectives to provide more compact urban forms as outlined in the National Planning Framework and instead can continue unsustainable patterns of development.

These Guidelines reinforce that, “*a key objective of the NPF is therefore to see that greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels.*”

The document states that it is critically important that development plans identify and provide policy support for specific geographic locations or precincts where increased building height is not only desirable but a fundamental policy requirement. Locations with the potential for comprehensive urban development or redevelopment (e.g. brownfield former industrial districts, dockland locations, etc.) should be identified where, for example, a cluster of higher buildings can be accommodated as a new neighbourhood or urban district or precinct.

In light of the above, the guidelines go on to further state that “*newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Such developments deliver medium densities, in the range of 35-50 dwellings per hectare net.*”

Section 1.11 of the Guidelines states, “*these guidelines therefore set out national planning policy that:*

- *Expand on the requirements of the National Planning Framework; and*
- *Applies those requirements in setting out relevant planning criteria for considering increased building height in various locations but principally (a) urban and city-centre locations and (b) suburban and wider town locations.*”

The proposed development at Auburn House, Malahide Road is submitted to be in line with the foregoing development policies and with the physical and social infrastructure already in place which can easily accommodate the proposed apartment heights of 5 storeys.

The proposed scheme is situated within the wider Auburn House lands and contributes to the completion of the overall developments in the same lands and is considered capable of supporting taller buildings and increased density.

SPPR2: *“In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy. Mechanisms such as block delivery sequencing in statutory plans could be utilised to link the provision of new office, commercial, appropriate retail provision and residential accommodation, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities.”*

The proposed development seeks to provide for a residential development that is surrounded by a wide range of uses. As part of the scheme, a childcare facility is also proposed. There are numerous retails, health, community, and commercial facilities within the vicinity of the subject site, as well as exceptional recreational/leisure amenities including Malahide Castle and Demesne and its coastal environment. A Community and Social Infrastructure Audit has been prepared by Downey, enclosed with this SHD application which provides an overview and assessment of existing social infrastructure and facilities within Oldtown that ensures compliance with the aforementioned specific planning policy.

SPPR3: *“It is a specific planning policy requirement that where;*

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

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

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

It is submitted that this SHD application contains sufficient reports, documentation, plans and justification to support the proposed development and outlines how the development is in accordance with the relevant planning policies and guidelines pertaining to the area. Such documents include architectural plans and elevations, Design Statement (Architects Report), DMURS statements, Traffic Assessment, EIAR report, planning reports, and engineering reports. Furthermore, the development is compliant with the specific criteria set out within Section 3.2 of the Build Height Guidelines which set out development management principles and criteria that proposals for higher buildings are to be assessed against, as follows;

1. At the scale of the relevant city/town:

- *The subject site is well served by existing public transport, particularly DART and Dublin Bus. The application site is also located within walking distance of a Dublin Bus stop located along the R107 Malahide Road/Dublin Road to the south east of the application site and is located within 2km of Malahide train station.*
- *The building height proposed has been carefully modulated for the character area, particularly with regard its setting and relationship with Auburn House and the historic*

woodland. Comprehensive arborist, built heritage, landscape and visual assessments have been completed and submitted as part of the application.

- Overall, the proposed development makes a positive contribution to place-making within the Auburn lands by incorporating new public spaces, pedestrian wayfinding, children's play equipment and residential development. The newly proposed apartments and houses successfully sit within the character area and tree retention has been optimised the landscape design which maximises use of already open space allows for the retention "as is" of large areas of tree supporting ground.

2. At the scale of the district/neighbourhood/street:

- The heights proposed respond well to the overall natural environment, with apartment blocks setting well below the tree line.
- It is respectfully considered that the proposal is broken up and successfully sits within the lands, the proposal avoids uninterrupted walls of building in the form of slab blocks with materials and the building fabric of Auburn House is well considered. The palette of materials is durable and robust ensuring that they will not deteriorate over time and thus will maintain the integrity the scheme.
- The proposal makes a positive contribution to the improvement of legibility through the site; the existing pathways through the woodland will be maintained and redressed for pedestrian use, providing an attractive pedestrian route around the estate. Furthermore, a road/street hierarchy has been developed throughout the subject lands to reinforce the character areas and to encourage appropriate traffic speeds for cycling and pedestrians.
- The proposal positively contributes to the mix of dwelling typologies available in the area. Particularly with regard the provision of 1-bedroom and 2-bedroom homes as well larger family homes; overall this makes a positive contribution towards the age, tenure and social mix of the proposed development.

3. At the scale of the site/building:

- Appropriate assessment of daylight, sunlight, annual probable sunlight and overshadowing have been undertaken as part of this application. The results and conclusions of the Daylight Assessment report, which are set out in section 8 of that report, confirm that living areas across the scheme demonstrate 100% compliance with the BRE daylighting levels.
- The proposed building heights of 2 to 5 storeys successfully responses to the ridge height of Auburn House and the historic tree line.
- The development will not result in overlooking or overshadowing of adjoining properties.

4. Specific Assessment:

- The site and design assessments have been carefully undertaken by a multi-disciplinary design team, including CCK Architects and TBS Landscape Architects providing a high-quality design response and they have been supported by Downey Planning, Waterman Moylan Engineers, CORA Engineers, Sheehan and Barry Conservation, and 3D Design Bureau.
- The use of such a strong and multi-disciplinary design team has meant that every aspect of the built, historic and natural environment has been appropriately

considered and incorporated into the proposed development. To support this development proposal the following have been submitted;

- *For full details on the assessments and documentation submitted as part of this application, the Board are invited to refer to the List of Documents, Maps, Plans and Drawings prepared by Downey as part of this application.*

Downey, will provide a summary of the positive outcomes of key specific assessments as follows:

- The Daylight/Sunlight Assessment submitted as part of this application which shows that across the scheme, 100% of the spaces analysed demonstrate compliance with the BRE daylighting levels.
- The Arborist Report found that notwithstanding some tree losses, many individual trees, tree lines and tree groups will be retained. These will include the major woodland and tree features associated with the Auburn demesne, including the main woodland to the rear of Auburn House, the belt associated with the entrance drive and much of the belt associated with the Dublin Road boundary of the site, will be retained.
- The Architectural Assessment & Conservation Report found that the retention of the main house as a single dwelling, the stable yard as attendant structures to the main dwelling and the walled garden are regarded as a positive conservation impact. Furthermore, the report states that *in the context of the relevant zoning, the design of the development has been given careful and due consideration of the heritage character, context and value of the house and lands at Auburn.*
- The findings of the AA and NIS reports show that no negative effects to Natura 2000 sites in Dublin Bay are likely to arise, however that effects to the Baldoyle Bay SAC could not be ruled out. Specifically, this may arise from the impact to intertidal habitats from pollution during the construction phase. Mitigation measures pollution prevention during construction were outline; with the implementation of these measures the adverse effects to the integrity of the SAC will not occur.
- The Invasive Species Report concluded that *Allium triquetrum* and *Hyacinthoides hispanica* were in the woodlands, additionally *Acer pseudoplatanus* and *Prunus laurocerasus* have established and will need treatment.

It is important to emphasise that the height of the development is within the parameters set down in the Fingal County Development Plan and does not rely on these Guidelines to justify its height.

In particular, the proposed development is in accordance with SPPR 4 of the Guidelines, which state that:

SPPR4: *“It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:*

1. *The minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act, 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;*

2. *A greater mix of building heights and typologies in planning for the future development of suburban locations; and*
3. *Avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more."*

The proposed development provides for 88 no. houses (47 no. 3 beds, 34 no 4 beds and 6 no. 5 beds and the restoration of Auburn House) 42. No duplex units (26 no. 1 beds, 14 no. 2 beds & 2 no. 3 beds) & 239 no. apartment units (109 no. 1 beds, 124 no. 2 beds & 6 no. 3 beds). This provides for a net density of 38.3 units per hectare for the proposed scheme (368 new units on 9.6 hectares of developable lands on the application site), which is in accordance with relevant local and national policy guidelines. Additionally, there is an appropriate mix of housing typologies and heights ranging from 2 storey houses, 3 storey duplex apartments to 5 storey apartment units. The development is therefore in accordance with SPPR 4 of these Guidelines, keep consistent with the aforementioned Guidelines.

In light of the above, it is considered that the proposed development is consistent with the requirements of these guidelines on building heights for urban developments. The proposed development steps in height from 2 to 5 storeys with cognisance given to existing built environment in the vicinity of the subject site and the provision of appropriate separation distances. The existing lands at Auburn House are zoned for development and are serviced with road and public transport infrastructure. Therefore, the proposed residential development can be achieved on the lands in accordance with the aforementioned policy guidelines.

2.12 Childcare Facilities: Guidelines for Planning Authorities (2001)

Government policy on childcare is to increase the number of childcare places and facilities available and to improve the quality of childcare services for the community. These Guidelines for Planning Authorities on Childcare Facilities provide a framework to guide both local authorities in preparing development plans and assessing applications for planning permission, and developers and childcare providers in formulating development proposals.

The following definition of Childcare is included in the Guidelines:

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

For housing schemes, the Guidelines provide a benchmark provision of 1 no. 20 space childcare facility per 75 dwellings. The threshold for provision should be established having regard to existing location of facilities and the emerging demography of the area where new housing is proposed. The recommendations provided within the Guidelines must be considered in the context of the 'Sustainable Urban Housing: Design Standards for New Apartments' (2018), which state that:

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

As recommended in the Guidelines, 1 no. childcare facility may be required as part of the proposal to cater for the influx of population arising from the proposed scheme. It is worth noting that as stated within the apartment guidelines, *“one-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms”*.

With respect to the average household size in the area, which stood at 2.8 in Census 2016, and regarding the household size mix, it is suggested that not all the 2-bedroom dwellings are to be family-occupied. To provide for a more accurate estimation, therefore, the 1-bed units and half of the 2-bed units were excluded from the calculations on the basis that these will not be occupied by families, instead these are foreseen to be occupied by young professionals or singles. As such, the proposed development comprises a total of 369 no. residential units. When calculating childcare demand, 1-beds and 50% of 2-beds may be excluded from the calculations (135 no. 1-beds + 69 no. as 50% of 2-beds = 204 no. units), as such, the proposed development comprises a total of 165 no. residential units which could be potentially family-occupied - and provision is therefore required for c. 44 children. This is calculated as follows:

$$((369 - 204) \div 75) \times 20 = 44$$

The proposed development provides for a 90 sqm childcare facility intended to cater for c. 35 no. children which exceeds by 1 no. child regarding the Guidelines requirement. A Childcare Provision Assessment Report is being prepared by Downey and will accompany the planning application in due course, thus providing a detailed assessment of the existing childcare facilities within the subject area and assessing the current capacity of the surrounding environs as well as whether the proposed childcare facility would be sufficient to cater for the proposed development.

The Childcare Provision Assessment Report provides a detailed assessment of the existing childcare facilities within the subject area, thus assessing the current capacity of the surrounding environs as well as whether the proposed childcare facility would be sufficient to cater for the proposed development. The report confirms that the proposed development generates a requirement of 74 no. childcare spaces with regards to the demographic trends in the area. The proposed childcare facility would provide c. 35 no. childcare spaces to cater for the proposed residential scheme, which is 9 no. spaces below the required level of the proposed scheme. It is considered that given the demographics of the area within which the subject site is located, as well as the current characteristics and trends as per data from the CSO results and the childcare facilities survey as set out within the report, the construction of 1 no. childcare facility of this scale on site is justified in this instance. Please refer to the enclosed report for further details.

In light of the above, and noting the provision of a childcare facility within the scheme, it is submitted that the proposed development is consistent with the Childcare Facilities Guidelines.

2.13 Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme (Circular Letter: PL 3/2016)

The purpose of this Circular, issued on 31st March 2016, is to revise the Childcare Facilities Guidelines for Planning Authorities 2001, and having regard to the extension of the ECCE scheme and the associated increased demands on childcare facilities with effect from September 2016, planning authorities are hereby requested to:

- Expedite all pre-planning application consultation requests from Childcare facility providers in relation to proposals to extend opening hours, to increase capacity or to provide new facilities.
- Expedite, insofar as is possible, consideration of all planning applications or Section 5 declaration submissions in respect of childcare facilities in order to facilitate the expansion of required capacity as appropriate.

The Childcare Facilities Guidelines for Planning Authorities 2001 outline general planning related standards for childcare facilities. Planning Authorities are advised that the Child Care (Pre-School Services) Regulations 2006 set out a range of childcare related standards for childcare facilities as stipulated by the Department of Children and Youth Affairs. The Child and Family Agency, also known as TUSLA, is responsible for inspecting pre-school services under, and enforcing compliance with, the afore-mentioned 2006 Regulations.

In light of the foregoing, planning authorities are requested to exclude matters relating to childcare facility standards outlined in Appendix 1 of the Childcare Facilities Planning Guidelines 2001 - including the minimum floor area requirements per child - from their consideration of planning applications relating to childcare facilities and to solely focus on planning related considerations that fall within the remit of the Planning and Development Act 2000, as amended, in the determination of such planning applications.

It is submitted that the scheme would bring the proposed childcare facility at a central location within the northern portion of the subject site, providing for full accessibility. The childcare would also benefit from the adjacent main public open space to the north, which will be activated by the activity of the childcare facility and can be used as a complementary outdoor space, in addition to its own playground. The neighbouring apartments and duplex blocks will also enhance activity within the surrounding public realm, which would also contribute positively to achieve a safe and dynamic bounding public realm for the creche.

It is submitted that the proposed childcare facility provides for adequate capacity to cater for the influx of population arising from the proposed development. Therefore, it is suggested that the proposed development is consistent with Circular PL 3/2016.

2.14 Smarter Travel: A Sustainable Transport Future

In summary, 'Smarter Travel: A Sustainable Transport Future' states that, "to achieve the vision of a sustainable transport system, individual lifestyles will have to change and collectively we will have to

work progressively on a range of solutions which deal with apparently conflicting goals: economic growth, reduced emissions, less use of motorised transport and better accessibility.”

The 5 key goals of this transport policy are as follows:

- *Improve quality of life and accessibility to transport for all and, in particular, for people with reduced mobility and those who may experience isolation due to lack of transport;*
- *Improve economic competitiveness through maximising the efficiency of the transport system and alleviating congestion and infrastructural bottlenecks;*
- *Minimise the negative impacts of transport on the local and global environment through reducing localised air pollutants and greenhouse gas emissions;*
- *Reduce overall travel demand and commuting distances travelled by the private car; and,*
- *Improve security of energy supply by reducing dependency on imported fossil fuels.*

It is considered that the proposed development complies with “*Smarter Travel: A Sustainable Transport Future*”.

It is considered that the proposed development complies with ‘*Smarter Travel: A Sustainable Transport Future*’. The subject site is strategically located within cycling distance of the Malahide DART Station and is serviced by a frequent bus service at the R107 Malahide Road. The proposed development is to provide considerable secure, covered bicycle parking for future residents and visitors, particularly to residents of the apartment blocks, where it will encourage use of sustainable modes of transportation. There are also proposals to include improved pedestrian and cycle connections to the public park. Therefore, it is considered that the proposed development is consistent with this national transport policy and will assist in its implementation.

2.15 Design Manual for Urban Roads and Streets (DMURS)

The ‘*Design Manual for Urban Roads and Streets*’ (DMURS) 2013 and as updated in 2019, sets out design guidance and standards for constructing new and reconfigured existing urban roads and streets. It also sets out practical design measures to encourage more sustainable travel patterns in urban areas. The transport documentation prepared by Waterman Moylan Engineering Consultants provide further details in respect of the compliance of the proposed development with the provision of DMURS. Please refer to the pertaining documents prepared by Waterman Moylan Engineering Consultants for further information in this regard.

2.16 National Cycle Manual (June 2011)

The ‘*National Cycle Manual*’ 2011 embraces the Principles of Sustainable Safety as this will offer a safe traffic environment for all road users including cyclists. It offers guidance on integrating the bike in the design of urban areas. The Manual challenges planners and engineers to incorporate cycling within transport networks more proactively than before.

Outlined in the Manual, many residential and access streets already offer a high quality of service to cycling. Cycling two-abreast on quiet, interesting, well-surfaced streets and roads can be attractive to

cyclists. In many cases there is no physical infrastructure involved, other than the self-evident and self-enforcing nature of the environment.

The Manual also gives guidance on the minimum number of spaces which should be provided initially at new private and public facilities in urban areas. For housing developments, this is stated to be:

- 1 no. private secure bicycle space per bed space (note - design should not require bicycle access via living area), minimum 2 spaces; and
- 1 visitor bicycle space per two housing units.

The following gives an overview of the varying characteristics of parking at residential areas that should be considered in determining the most appropriate parking facility.

- Convenience is essential for frequently used bicycles, and preferably not via living areas;
- Private parking should accommodate residents and visitors; and,
- Shared parking facilities can be suitable for multiple dwellings (e.g. apartment complex).

It is submitted that connections in the proposed development have been addressed by developing an integrated site strategy having full regard to cycle and pedestrian movement, in addition to efficient vehicular access points, including:

- Two vehicular access points are proposed. The northern lands will be accessed from Back Road along the Ashwood Hall open space. The southern lands, which are connected with the northern portion of the site by a link street along Ashwood Hall and Brookfield developments, will also benefit from an entrance connection from Kinsealy Lane, from the east.
- The consideration of surrounding landscape amenity enables the provision of pedestrian and cycling links to proximate green and heritage features, including Ashwood Hall open space or Malahide Demesne, in addition to Malahide town centre, in line with Fingal County Council sustainable mobility objectives at this location.
- The Dublin-Belfast railway infrastructure has been taken as an opportunity to propose an adjacent linear park adjacent with a continuous pedestrian and cycle link along its length. This provides a strong amenity feature, enhances permeability, and also creates an attractive landscaped buffer between the buildings proposed and the railway line, which acts as an acoustic barrier and improves the urban image in this edge of the scheme.

Furthermore, Permeability through the site has been reinforced by the proposed pedestrian/cycle routes across the scheme and at its northern and southern borders, which ensures that the site remains well connected to its surroundings. Future permeability and connections to adjacent lands have also been provided for which would allow shorter pedestrian and cycle journey times to the village centre. Please refer to the enclosed Traffic and Transport drawings and documentation prepared by Waterman Moylan Engineering Consultants for further details in this regard.

2.17 EIA Directive

The EIA Directive 85/337 EEC, as amended, is the key legislation in EU Environmental Policy. The EIA Directive aims to determine the likely significant effects of a project on the environment. Screening is the first stage in the EIA process required by Article 4 of the EIA Directive and this process determines

whether an EIA is required for a specific project. The Directive outlines in Article 4(1) 24 Annex 1 projects that require a mandatory EIA. Article 4 (2) outlines Annex 2 projects that require consideration for EIA further to a case by case examination or through thresholds and criteria set out by Member States. In an Irish context, projects requiring a mandatory EIA or consideration for EIA further to a case by case examination or thresholds are listed in Schedule 5 of the Planning and Development Regulations.

Development projects requiring an Environmental Impact Assessment Report (EIAR) are set out in Schedule Five of the Planning and Development Regulations, 2001 (as amended). Part 1 of this schedule lists those projects that require a mandatory EIA irrespective of size in any EU Member State whereas Part II identifies the threshold limits for projects that require a mandatory EIA in Ireland. Article 10(b) (i) of Part II 'Infrastructure Projects' indicates that an EIA is required for the construction of more than 500 dwellings.

Another threshold is the size of the development site and in this regard, Article 10(b)(iv) requires that an EIAR be prepared for urban developments which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

In this instance, given the nature of the lands with ecological and woodland sensitivities, that 369 no. units are proposed and indeed noting that the application site extends to c. 13.55 hectares within what can be considered a built-up area, an Environmental Impact Assessment Environmental Impact Assessment has been prepared undertaken as part of the proposed application. In this regard, an EIAR has been prepared and is enclosed with this planning application. Please refer to the enclosed EIAR which assesses the overall development and is enclosed with this SHD application for the consideration of the Board.

2.18 Bird and Habitats Directive - Appropriate Assessment

The proposed development has been screened for Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive (92/32/EEC). OPENFIELD Ecological Services has prepared a report for Screening for Appropriate Assessment for the proposed development. The screening report has evaluated the proposed development at Malahide to determine whether or not significant negative impacts on Natura 2000 sites are likely to arise by virtue of its construction and use.

The screening report concludes that this proposed development is not located within or directly adjacent to any SAC or SPA but pathways do exist to a number of these areas. An assessment of the aspects of this project has shown that significant negative effects are not likely to occur to these areas either alone or in combination with other plans and projects.

Surface hydrological pathways exist to Baldoyle Bay; significant effects cannot be ruled out to the Baldoyle Bay SAC. It is considered that the potential for large quantities of sediment or other construction pollutants to be washed into the bay, due to the proximity of works to open water courses, means that significant effects to habitats within the SAC cannot be ruled out at this stage.

Accordingly, a Natura Impact Statement (NIS) has been prepared by OPENFIELD Ecological Services for the proposed development. The NIS contains an analysis of the proposed project and its relationship with areas designated under the Habitats and Birds Directives. Pathways exist between the development site and two such areas and these have been described in detail. Following this analysis, it is concluded that significant effects to the Baldoyle Bay SAC could not be ruled out. Specifically, this may arise from the impact to intertidal habitats from pollution during the construction phase. Arising from this assessment, mitigation has been proposed. With the implementation of these measures, adverse effects to the integrity of the SAC will not occur. This conclusion is based on best scientific knowledge.

For further information in this regard, please refer to the Appropriate Assessment Screening Report and Natura Impact Statement prepared by OPENFIELD Ecological Services. It is also noted that Brian Keeley has undertaken a bat and badger survey of the site which are included as part of this planning application to An Bord Pleanála.

2.19 The Planning System and Flood Risk Guidelines (2009)

These Guidelines require the planning system at all levels to avoid developments in areas at risk of flooding, particularly floodplains, except where there are no suitable alternative sites available in areas at lower risk that are consistent with the objectives of proper planning and sustainable development. Where such development has to take place, in the case of urban regeneration for example, the type of development has to be carefully considered and the risks should be mitigated and managed through location, layout and design of the development to reduce flood risk to an acceptable level. Applicants are advised to carefully examine their development proposals to ensure consistency with the requirements of these Guidelines including carefully researching whether there have been instances of flooding or there is the potential for flooding on specific sites and to carry out a site-specific flood risk assessment.

In accordance with these Guidelines, Waterman Moylan Consulting Engineers have carried out a flood risk assessment of the subject site. The site has been assessed in accordance with the Flood Risk Management Guidelines, with appropriate mitigation measures proposed such as SuDs design, green roofs, appropriate floor levels, and regular inspections. Therefore, it is considered that the proposed development is consistent with the requirements of this national flood risk management policy. For further information in this regard, please refer to the Flood Risk Assessment report prepared by Waterman Moylan Consulting Engineers which accompanies this application.

2.20 All-Ireland Pollinator Plan 2021-2025

The All-Ireland Pollinator Plan is a shared plan of action which is to bring about a landscape where pollinators can flourish over 2021-2025. To achieve this, the Plan sets out six objectives; (1) Making farmland pollinator friendly, (2) Making public land pollinator friendly, (3) Making private land pollinator friendly, (4) All-Ireland Honeybee Strategy, (5) Conserving rare pollinators, and (6) Strategic coordination of the Plan.

With respect to the aforementioned, the proposed development has taken into consideration the All-Ireland Pollinator Plan, reflecting the relevant guidelines and proposed measures by providing for an

internal network of landscaped open-spaces. Moreover, these high quality landscaped areas retain the existing trees and hedgerows where possible, which will enhance the scheme by providing mature sylvan areas as a foil to the new streetscapes and buildings now proposed. Please refer to the Landscape drawings and report prepared by TBS landscape Architects for further details on inclusion of the Plan guidelines within the proposed landscape of the scheme.

2.21 National Adaption Framework: Planning for a Climate Resilient Ireland

In accordance with the ‘*Climate Action and Low Carbon Development Act 2015*’, this National Adaptation Framework (NAF) specifies the national strategy for the application of adaptation measures in different sectors and by local authorities in their administrative areas in order to reduce the vulnerability of the State to the negative effects of climate change and to avail of any positive effects that may occur. This NAF and its successors will set out the context to ensure local authorities, regions and key sectors can assess the key risks and vulnerabilities of climate change, implement climate resilience actions and ensure climate adaptation considerations are mainstreamed into all local, regional and national policy making.

The ‘Built Environment and Spatial Planning’ section within this Framework recognises that, “*climate change considerations need to be taken into account as a matter of course in planning-related decision making processes and that the deepening of adaptation considerations in the planning and building standards processes is considered the most appropriate way of increasing the resilience of the built environment*”.

Furthermore, “*effective planning reduces vulnerability to the negative effects of climate change by integrating climate considerations into decision making in order to avoid inappropriate forms of development in vulnerable areas and promoting compact development in less vulnerable areas*”. It is important to mention that this Framework envisions ‘flood resilience’ and ‘access to wildlife and green space’ as no-regret benefits of effective adaptation which would continue to be worthwhile regardless of future climate scenarios.

As such, the proposed development has taken into consideration the context of the site and it can be noted that an assessment of Flood Risk has been prepared by Waterman Moylan Consulting Engineers, with appropriate mitigation measures proposed such as SuDS design attenuation ponds, overland flood routing, etc. Thus, the proposed development with access to high-quality green communal space and introduction of best practice energy efficiency measures as required to meet the Energy Strategy and Building Regulations, and promoting a compact urban form for ‘less vulnerable areas’ is consistent with this national framework.

2.22 Climate Action Plan 2021

Climate disruption is already having diverse and wide-ranging impacts on Ireland's environment, society, economic and natural resources. The Climate Action Plan 2021 sets out an ambitious course of action over the coming years to address this issue. The Plan clearly identifies the nature and scale of the challenge.

It outlines the current state of play across key sectors including Electricity, Transport, Built Environment, Industry and Agriculture and charts a course towards ambitious decarbonisation

targets. The Plan sets out governance arrangements including carbon-proofing policies, establishment of carbon budgets, a strengthened Climate Change Advisory Council and greater accountability to the Oireachtas.

The Plan clearly recognises that Ireland must significantly step up its commitments to tackle climate disruption. The leadership role both the Government and public bodies can play in taking early action on climate is fundamental to achieving our decarbonisation goals. The Plan notes that the built environment (residential and commercial) accounted for 12.7% of Ireland's greenhouse gases in 2018; an increase from 11.7% in 2017. It is important that we improve the energy efficiency of our buildings, including our homes, workplaces, and schools by meeting higher energy performance standards and by increasing retrofit activity. This will not only reduce Ireland's dependence on fossil fuels, but will also improve our living standards by making our buildings more comfortable, healthier, safer, and less costly to heat.

Our buildings are 70% reliant on fossil fuels, including oil fired boilers; over 80% of our homes and other buildings assessed for their BER have a rating of C or worse; and the current annual retrofit activity for existing stock is far too limited (approximately 23,000, mainly shallow, retrofits). A hierarchy of the most cost effective investments underpin this, in addition to those already committed to in the 2019 Climate Action Plan, including:

- Improving the fabric and energy efficiency of our existing buildings.
- Rolling out zero-carbon heating solutions, predominantly heat pumps and district heating networks
- Planning for the full phase out of fossil fuels in buildings by 2050
- Progressive strengthening of building standards for all types of buildings
- Promoting the use of lower carbon alternatives in construction.
- Promoting behavioural change in how households use energy.

A total of 18,400 home retrofits were completed in 2020. However, just 4,000 were to a B2 standard and 1,600 installed a heat pump. We need to greatly increase the depth and volume of retrofits as well as the number of heat pumps installed in order to deliver the required emissions reductions.

As such, the proposed development has taken into consideration the Climate Action Plan and measures have been included within the design of the development to reduce carbon emissions in line with the requirements of the Action Plan.

2.23 Architectural Heritage Protection Guidelines for Planning Authorities

These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52 (1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives: a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and b) for preserving the character of architectural conservation areas.

The Guidelines note that as indicated in the 2001 Regulations, a planning application for works to a protected structure or proposed protected structure must include (in addition to the normal

requirements to supply maps and drawings) “such photographs, plans and other particulars as are necessary to show how the development would affect the character of the structure.”

Auburn House is designated as Protected Structure No. 0448 and described as a late 18th or early 19th century house, outbuildings and walled garden.

In order to assist the Board and the Planning Authority in assessing the proposals to the Protected Structure, Sheehan & Barry Conservation Architects have prepared a comprehensive Architectural Assessment/ Conservation Report which includes an architectural assessment, impact assessment and conservation and Methodology assessment with a photographic survey and fully detailed existing and proposed drawings with regards to the preservation of the Main House as a single residential use and to continue the use of the stables as ancillary to the main Auburn House. Please refer to the documentation prepared by Sheehan & Barry Conservation Architects for further details. A report on the current condition, proposed repair and advice on conservation-based alterations for re-use of the walled garden for Auburn House is also submitted as part of this planning application. Please refer to the ‘The Walled Garden Walls and Corner Bastions’ report prepared by CORA Consulting Engineers. It is submitted that the proposed development has taken into consideration the requirements of the guidelines and has been designed to provide a long term sustainable and viable use for the Protected Structure with as minimal impact as possible on Auburn House, furthermore this addresses the previous reasons for refusal.

3.0 REGIONAL POLICY AND GUIDELINES

The key provisions of the regional planning policy as it relates to the proposed development are now set out in the following sections. The key regional policy of relevance includes:

- Regional Planning Guidelines for the Eastern & Midland Region 2019-2031; and,
- Transport Strategy for the Greater Dublin Area 2016-2035.

3.1 Regional Spatial & Economic Strategy for the Eastern & Midland Region

The ‘*Regional Spatial and Economic Strategy*’ (RSES) was published by the Eastern and Midland Regional Assembly. The RSES outlines the long-term regional level strategic planning and economic framework in support of the National Planning Framework for the period 2019-2031.

The RSES identifies regional assets, opportunities, pressures and constraints and provides a framework for investment to better manage spatial planning and economic development throughout the Eastern & Midland Region. The RSES is tasked with the development of planning policy for future housing needs in the region upon consideration of the availability of land, resources, environment and infrastructure capacity.

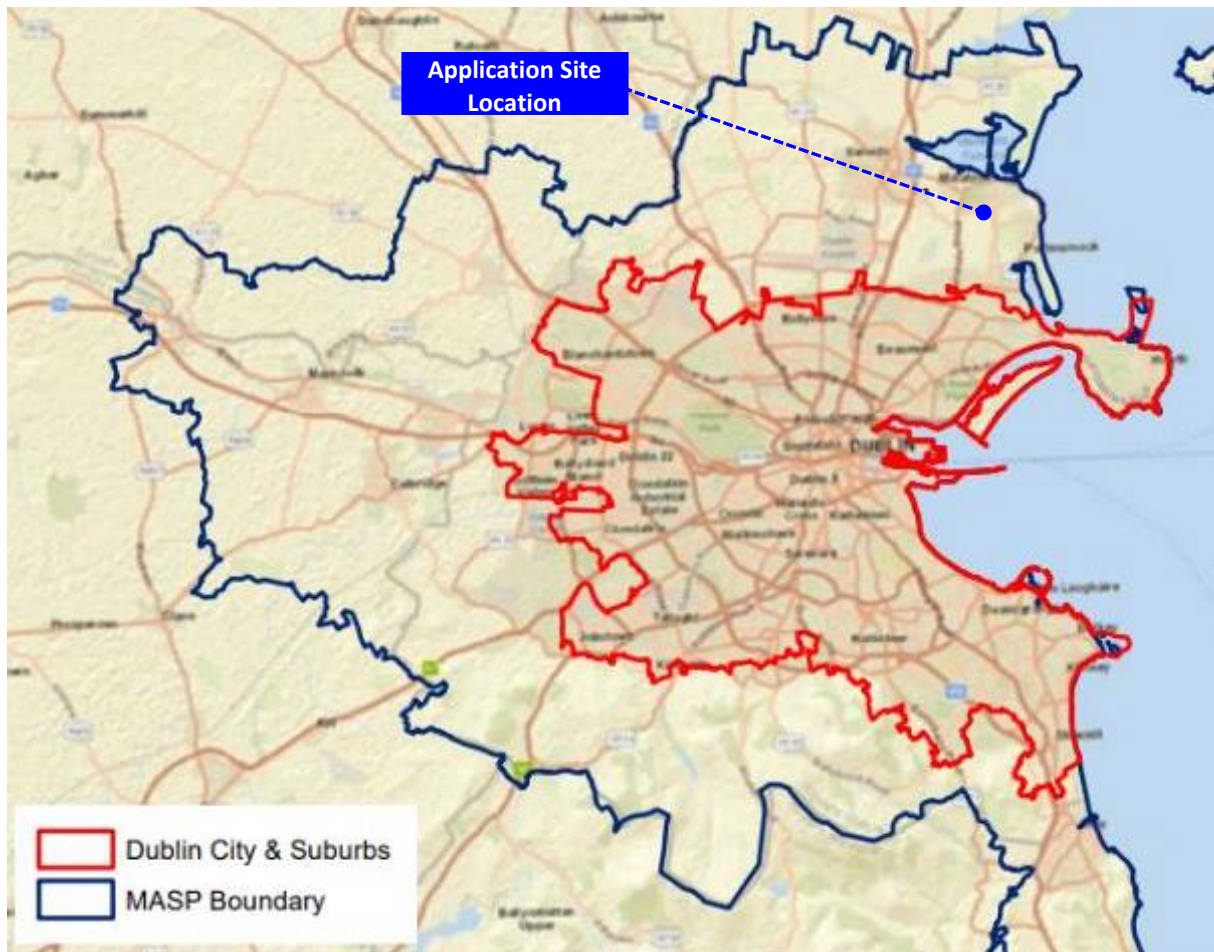


Figure 1: Application Site Location within the Dublin Metropolitan Area Strategic Plan' (MASP) Area under the Regional Spatial and Economic Strategy (Eastern & Midland Regional Assembly)

In conjunction with the NPF, the RSES predicts the Dublin Metropolitan Area under 'Dublin Metropolitan Area Strategic Plan' (MASP) to experience continued population growth over the period 2019-2031 with a predicted increase of 250,000. The NPF targets 50% of all housing to be provided within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other metropolitan settlements, with a focus on healthy placemaking and improved quality of life. In order to combat and provide for compact residential development, the RSES outlines a number of key Regional Policy Objectives that pertain to the NPF targets. The key Regional Policy Objectives applicable to the development proposal are the following:

Regional Policy Objective (RPO) 4.3 – “Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.”

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

Regional Policy Objective (RPO) 5.5 – *“Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.”*

The RSES seek to deliver strategic development areas identified in the MASP, located within existing settlement development boundaries including locations where there an excellent provision of public transport services. The proposed development at Auburn House will provide for a sustainable residential development on appropriately zoned lands, in a highly accessible location within the development boundary of Malahide which promotes compact urban growth and a good quality of life. It is submitted that the provision of a high quality and medium density residential development consisting of 369 no. residential units (88 no. houses, 239 no. apartments and 42 no. duplex units) with 1 no. childcare facility will assist in achieving the aforementioned objectives and it also complies with the pertaining policies and standards. For further details on how the proposed development is in accordance with these policies, please refer to the Housing Quality Assessment and Architectural Design Statement prepared by CCK Architects which is included as part of the architectural planning packs.

In relation to Settlement Strategies, Regional Policy Objectives (RPO) 4.1 and 4.2 of the RSES set out the rationale and basis for preparing these strategies. RPO 4.1 states:

“In preparing Core Strategies for development Plans, Local Authorities shall determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES, within the population projections set out in the National Planning Framework to ensure that towns grow at a sustainable and appropriate level, by setting out a rationale for land proposed to be zoned for residential, employment and mixed-use development across the Region. Core strategies shall also be developed having regard to the infill/brownfield targets set out in the National Planning Framework, National Policy Objectives 3a-3c.”

RPO 4.2 states:

“Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES. All residential and employment developments should be planned on a phased basis in collaboration with infrastructure providers so as to ensure adequate capacity for services (e.g. water supply, wastewater, transport, broadband) is available to match projected demand for services and that the assimilative capacity of the receiving environment is not exceeded.”

It is submitted that the proposed development on appropriately zoned lands will adhere with the policies and objectives of the Regional Spatial and Economic Strategy for the Eastern & Midland Regional Assembly area and will contribute to providing additional housing units within the existing envelop of Dublin Metropolitan Area.

3.2 Transport Strategy for the Greater Dublin Area 2016-2035

This transport strategy provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA). The purpose of the Strategy is:

“To contribute to the economic, social and cultural progress of the Greater Dublin Area by providing for the efficient, effective and sustainable movement of people and goods.”

The core of the strategy seeks the better integration of land use planning and transport planning. This can be achieved through the consolidation of development into higher order centres. In terms of the provision of housing, the strategy seeks to directly enable the sustainable development of strategically important residential sites, particularly in Metropolitan Dublin, where demand is highest.

The proposed development at Auburn seeks to develop on appropriately zoned lands, in a highly accessible location within the development boundary of Malahide. The application site is also located within walking distance of a Dublin Bus stop located along R107 Malahide Road to the east of the application site and the and is located within 2km (closest point) to 2.5 km (furthest point) via road to Malahide DART station. It is considered that the proposed application will represent an appropriate form of development in the context of supporting the vision and objectives of the Transport Strategy for the Greater Dublin Area 2016-2035.

4.0 LOCAL PLANNING POLICY

This section of the report provides an account of the relevant local planning policy framework pertaining to the application site and proposed development, all of which is contained within the Fingal County Development Plan 2017-2023.

4.1 Fingal County Council Development Plan 2017-2023

4.1.1 Overarching Considerations

The subject site is located within the functional area of Fingal County Council. The development of the site is therefore informed by the policies and objectives of the Fingal County Council Development Plan. The policies and objectives of the Development Plan are underpinned by the following vision:

“Within the next 25 to 30 years, Dublin will have an established international reputation as one of Europe’s most sustainable, dynamic and resourceful city regions. Dublin, through the shared vision of its citizens and civic leaders, will be a beautiful, compact city, with a distinct character, a vibrant culture and a diverse, smart, green, innovationbased economy. It will be a socially inclusive city of urban neighbourhoods, all connected by an exemplary public transport, cycling and walking system and interwoven with a quality bio-diverse green space network. In short, the vision is for a capital city where people will seek to live, work, experience, invest and socialise, as a matter of choice”.

4.1.2 Core Strategy & Housing Strategy

The purpose of the Core Strategy is to articulate a medium-to-longer term quantitatively based strategy for the spatial development of the area of the Planning Authority and in doing so, to

demonstrate that a Development Plan and its policies and objectives are entirely consistent with national and regional policies and strategies.

Malahide has been identified as a Moderate Sustainable Growth Town in the Development Plan. The County Plan notes that Malahide has experienced population growth in recent years and is served by high capacity public transport links to Dublin City.

The vision of the Fingal Development Plan is to grow the county in a long-term sustainable way as it enters a period of economic and population growth. The plan states, *“the emphasis of this Plan is to continue to consolidate the existing zoned lands and to maximise the efficient use of existing and proposed infrastructure. In this way the Council can ensure an integrated land use and transport strategy in line with national and regional policy. [...]. The development of larger areas of residential or mixed-use lands will only take place subject to the necessary infrastructure being available and to this end will be subject to a Local Area Plan. It is through the LAP process that, within the towns and villages, the detailed phasing and distribution of housing will be determined in line with the population and housing targets established at a strategic level.”*

In this instance, the subject site is located on appropriately zoned lands within the development boundary of Malahide ensuring the development of these lands is consistent with development plan policy. The Development Plan estimates that 1,114 residential units can be produced within Malahide. The proposed development provides for an overall net density of 38.32 dwellings per hectare (Net developable area is 9.879 hectares when the areas of Auburn House, woodland and existing entrance avenue have been omitted), in accordance with the objectives of the Development Plan and national policy guidance.

With regards to the housing strategy as set out within the Development Plan, there are three core principles which inform and guide the core strategy which are as follows:

- *“To ensure Fingal County Council provides for the development of sufficient housing to meet its obligations as set out in the Regional Planning Guidelines. - To identify the existing and likely future need for housing in the area of the Development Plan.*
- *To ensure that sufficient zoned lands are provided to meet the needs of the different categories of households.”*

It is submitted that the proposed development at Malahide is consistent with the housing strategy as it will assist in the delivery of housing, of a sustainable density on appropriately zoned lands, in a highly accessible location within the development boundary of Malahide. The application site is also located within walking distance of a Dublin Bus stop located along Malahide Road (R107) to the south east of the application site and is located within 2km of Malahide train station whilst providing a variety of unit types and mixed tenures for all, in a high-quality, vibrant community setting.

Variation No. 2 of Fingal County Development Plan 2017-2023

Variation No. 2 to the Fingal Development Plan 2017-23 responds to the recent changes in National and Regional planning policy, namely the publication of the National Planning Framework (NPF) in 2018 and the Eastern and Midland Regional Assembly (EMRA) Regional Spatial and Economic Strategy

(RSES) in 2019. The NPF includes a National Strategic Outcome (NSO) to achieve compact growth and consolidation of Ireland's cities as a top priority.

Under the variation, Malahide is listed as a self-sustaining growth town with the remaining capacity for residential units of 956 units (Table 2.8) of the potential 43,104 units for the county as a whole. The key tenet of the overall Settlement Strategy is the continued promotion of sustainable development through positively encouraging consolidation and densification of the existing urban built form – and thereby maximising efficiencies from already established physical and social infrastructure.

The variation notes that in the Metropolitan Area, Self-Sustaining Growth Towns are positioned at the sub-county town level in the settlement hierarchy and have a moderate level of jobs and services with good transport links and capacity for continued commensurate growth to become more self-sustaining.

As Self-Sustaining Growth Towns Donabate and Malahide will continue to play an important role within a consolidated Metropolitan Area. Development in these towns should be linked to the capacity of high-quality public transport connections and the provision of social and community infrastructure such as schools and leisure facilities. Objective SS17 of the variation to the Development Plan seeks to:

“Manage the development and growth of Malahide and Donabate in a planned manner linked to the capacity of local infrastructure to support new development of the area and taking account of the ecological sensitivity of qualifying features of nearby European Sites.”

With regards to Malahide, the variation notes that Malahide is a Moderate Sustainable Growth Town within the RPGs. considered a Self-Sustaining Growth Town within the RSES definitions. It is a coastal town with a high quality built and natural environment. Integral to its character and its exceptional amenity offer is Malahide Castle and Demesne and its coastal environment, the tourism offer being enhanced by excellent public transport accessibility. It is envisaged that Malahide will develop as a self-sustaining centre through the provision of a range of facilities to support the existing and new populations. In order for this to be achieved, it is vital that the urban role of Malahide be strengthened, and development consolidated within the town. There is a strong built heritage with four Architectural Conservation Areas (ACAs) in the town. The natural heritage of Malahide Estuary, a European Site, is designated through a Special Area of Conservation (SAC) and a Special Protection Area (SPA) and future development must respect the natural heritage sensitivities.

The Development Strategy for Malahide seeks to promote the planned and sustainable consolidation of the existing urban form and the sensitive promotion of amenities. The need to upgrade and support the development of the core as a town centre will be balanced with the need to conserve its appearance as an attractive, historic village settlement and to retain the existing amenities of the area, being cognisant of its proximity to an ecologically sensitive coastline including European Sites.

It is submitted that the proposed development of 369 units including the protection and preservation of the existing Auburn House, complies with the objectives of the variation to promote sustainable development through densification of the existing urban form. In this regard the lands are served by existing bus stops which serve Malahide Dart Station, which is with 2.5km of the site. The provision of 369 no. units will seek to ensure the objectives for Malahide as a self-sustaining growth town are achieved and do not exceed the remaining capacity of 956 units as set out in Variation No. 2 to Fingal County Development Plan 2017-2023.

4.1.3 Sustainable Neighbourhoods and Communities

In terms of sustainable communities and urban design in residential developments, the Development Plan states that “successful areas are places where people want to live, work and visit”. The Development Plan emphasises several characteristics that attractive places have in common:

- *“Include a range of facilities focused in a consolidated area with a critical mass of attractions and make best use of the already established investment in the built environment; these attractions include a mix of shops as well as a wide range of financial, professional and government services together with cultural, entertainment and leisure facilities.*
- *Include a thriving local residential population which adds to the vitality and vibrancy of the area as it ensures activity outside of standard retail and office opening hours.*
- *Are easily accessible by a range of transport modes including cycling and walking, have sufficient good quality short stay car parking close to the core area, have good transport linkages within the centre, and have efficient arrangements for delivery of goods.*
- *Present an attractive amenity in terms of the built environment and streetscape, streets and public spaces which are considered clean and safe, and have a sense of local identity and character, all of which greatly enhances the attraction of the centre.*
- *Have the vision and mechanisms in place to build on these existing assets, can overcome problems, adapt to both market and consumer needs and can secure appropriate and necessary improvements where required.*
- *Encourage and facilitate sustainable lifestyles and livelihoods.”*

It is submitted that the proposed development at Malahide is consistent with these criteria. The proposed residential development which incorporates 1 no. childcare facility is located in an area which benefits from ease of access to a range of transport modes (including bus) with cycling and walking also a key consideration of the proposed development. The influx of population arising from the proposed development will increase the critical mass required to further support public transport infrastructure. There is a range of facilities in the immediate vicinity of the subject lands including community facilities, sports clubs, etc. within Malahide Demesne as well as the Garden House Gardening Centre and Café within easy walk of the proposed development. A community and social infrastructure audit, prepared by Downey Planning, also accompanies this Strategic Housing Development application which provides detailed information and assessment on the existing

infrastructure currently serving the lands at Auburn. The design of the proposed development provides for an attractive development with a sense of character and place that will integrate the proposed development with the surrounding area.

4.1.4 Movement and Transport

In relation to movement and transport, the Development Plan states that it will:

- Promote and facilitate movement to, from, and within the County of Fingal, by integrating land use with a high quality, sustainable transport system that prioritises walking, cycling and public transport.
- Provide an appropriate level of safe road infrastructure and traffic management, in particular to support commercial and industrial activity and new development.
- Work with all relevant stakeholders to seek a reduction in greenhouse gas emissions from transport.

Some of the policies and objectives in this regard include:

Objective MT01 – *“Support National and Regional transport policies as they apply to Fingal. In particular, the Council supports the Government’s commitment to the proposed new Metro North and DART expansion included in Building on Recovery: Infrastructure and Capital Investment 2016-2021. The Council also supports the implementation of sustainable transport solutions.”*

Objective MT02 – *“Support the recommendations of the National Transport Authority’s Transport Strategy for the Greater Dublin Area 2016-2035 to facilitate the future sustainable growth of Fingal.”*

Objective MT03 – *“Implement Smarter Travel – A Sustainable Travel Future policy and work to achieve the Key Goals set out in this policy.”*

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

It is submitted that the proposed development at Malahide is consistent with these policies and objectives. This additional development in Malahide will ensure walking and cycling are viable options for the community, with the area also very well served by existing public transport infrastructure (Dublin Bus Stop & DART station located within 2km of application site), all of which will ensure that the future population utilise sustainable public transport and active travel options rather than car transport.

4.1.5 Cultural Heritage

Heritage is defined as including monuments, archaeology, heritage objects, architecture, flora, fauna, wildlife habitats, landscapes, seascapes, wrecks, geology, heritage gardens and parks and inland

waterways. It is the duty of the Planning Authority to protect Fingal's heritage in the interest of the proper planning and sustainable development of the area.

Architectural Heritage

Protected Structures – Auburn House is categorised as a Protected Structure (Ref. 448). The Council's Register of Protected Structures specifically includes the following as being protected:

"Late 18th or early 19th century house, outbuildings & walled garden".

It is a specific objective of the Development Plan for all development proposals to adhere to the following key specific objectives that apply to Protected Structures:

Objective CH20 – *Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, is compatible with the special character, and is appropriate in terms of the proposed scale, mass, height, density, layout, materials, impact on architectural or historic features, and junction with the existing Protected Structure.*

Objective CH21 – *Seek that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or designed views or vistas from or to the structure is conserved.*

Objective CH22 – *Encourage the sympathetic and appropriate reuse, rehabilitation and retention of Protected Structures and their grounds including public access seeking that the Protected Structure is conserved to a high standard, and the special interest, character and setting of the building preserved. In certain cases the relaxation of site zoning restrictions may be considered in order to secure the preservation and conservation of the Protected Structure where the use proposed is compatible with the existing structure and this will only be permitted where the development is consistent with conservation policies and the proper planning and sustainable development of the area.*

Objective CH25 – *Ensure that proposals for large scale developments and infrastructure projects consider the impacts on the architectural heritage and seek to avoid them. The extent, route, services and signage for such projects should be sited at a distance from Protected Structures, outside the boundaries of historic designed landscapes, and not interrupt specifically designed vistas. Where this is not possible the visual impact must be minimised through appropriate mitigation measures such as high quality design and/or use of screen planting.*

Objective CH26 – *Prevent the demolition or inappropriate alteration of Protected Structures.*

Objective CH27 – *Demonstrate best practice in relation to the management, care and maintenance of Protected Structures by continuing the programme of commissioning Conservation Plans for the principal heritage properties in the Council's ownership and*

implementing the policies and actions of these Conservation Plans where they already exist.

Objective CH29 – *Ensure that measures to up-grade the energy efficiency of Protected Structures and historic buildings are sensitive to traditional construction methods and materials and do not have a detrimental physical, aesthetic or visual impact on the structure. They should follow the principles and direction given in the Department of Arts, Heritage and the Gaeltacht’s publication Energy Efficiency in Traditional Building.*

The proposed development provides for the preservation of Auburn House as one residential dwelling and the continued use of the stable yard to the rear of the main dwelling for ancillary use to Auburn House. The proposed development has been informed by a conservation architect with Sheehan & Barry Conservation Architects providing advice on the existing Protected Structure. A conservation report accompanies this application. The purpose of the report is to examine the house, outbuildings and walled garden in detail and to report on the architectural features and general architectural qualities of the building in the context of its status as a Protected Structure within the definition of the Planning and Development Act 2000 and to assess the impact of the proposed planning application. The report notes that as the present proposal is to retain the house in single residential use, this must be regarded as a positive conservation impact whilst the conversion of the buildings into four dwellings does not overwhelm the present buildings in terms of scale or large additions. It retains the key conservation elements and character of the most important design elements i.e. the picturesque treatment of the elevations within the yards. It conserves the materials and finishes. There is a clear change of character from the historic use of the buildings for coach house use and equestrian use to residential use. The conservation impacts, in the context of the zoning of these lands for residential use may be reasonably seen as neutral in terms of the conservation impacts on these curtilage structures.

For further details on the conservation objectives of the proposed development and compliance with conservation objectives, please refer to the enclosed Conservation Report and Architectural drawings prepared by Sheehan & Barry Conservation Architects which are enclosed as part of this planning application. A report on the current condition, proposed repair and advice on conservation-based alterations for re-use The walled garden for Auburn House is also submitted as part of this planning application. Please refer to the ‘The Walled Garden Walls and Corner Bastions’ report prepared by CORA Consulting Engineers. It is submitted that the proposed development has taken into consideration the requirements of the guidelines and has been designed to provide a long term sustainable and viable use for the Protected Structure with as minimal impact as possible on Auburn House.

4.1.6 Land Use Zoning

Under the current Fingal County Council Development Plan, the subject site is zoned “RA – Residential Area” which seeks:

“Provide for new residential communities subject to the provision of the necessary social and physical infrastructure.”

The vision for the “RA – Residential Area” seeks to:

“Ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.”

The proposed development represents an opportunity to create a high-quality residential environment. Firstly, the proposed site’s layout & landscaping measures create a distinctive neighbourhood and residential character within a site of high amenity potential & existing heritage value. Features of high amenity value that are key elements of the proposed development include the Frontfield open space, the Avenue Greenway, the restoration of Auburn House and children’s play elements. Wayfinding and pedestrian routes through the site will offer residents and visitors “breathing space” within an open and unique setting. Furthermore, the provision of children’s play equipment exceeds the standards in the Fingal County Development Plan 2017-2023.

Secondly, the residential mix facilitates a balanced community which contribute to the scheme’s variety of ages and tenures; thus creating a high-quality and more socially inclusive residential development. This is achieved through the provision of 1-bed & 2-bedroom units as well as 3-bedroom, 4-bedroom and some 5-bedroom dwellings. This is in line with the goals within Housing For All (2021) which has recognised the need to cater for a broad range of buyers within the market, in order to achieve a sustainable housing system. The residential mix provides a good choice for future residents and caters for a broad range of housing requirements within the market, namely first-time buyers, young families, singles, downsizers, and retirees.

Under the RA zoning, the following uses are permitted in principle.

Table 2: Permitted Uses under the RA Land Use Zoning

Uses Permitted in Principle under the RA Land Use Zoning
Amusement Arcade ⁹ ; Bed and Breakfast; Betting Office ⁹ ; Childcare Facilities; Community Facility; Education; Funeral Home/Mortuary ⁹ ; Guest House; Health Centre; Health Practitioner; Hospital; Office Ancillary to Permitted Use; Offices≤100sq.m. ⁹ ; Office>100sq.m. and, 1,000sq.m. ¹¹ ; Open Space; Place of Worship; Public House ⁹ ; Public Transport Station; Recreational Facility/Sports Club; Residential; Residential Care Home/Retirement Home; Restaurant/Cafe ⁹ ; Retail-Local < 150 sq.m. nfa; Retail - Conveniences≤ 500 sq.m. nfa ⁹ ; Retail – Comparison ≤ 500 sq.m. nfa ⁹ ; Retail – Supermarket ≤ 2,500 sq.m. nfa ⁹ ; Retirement Village; Sheltered Accommodation; Sustainable Energy Installation; Taxi Office; Traveller Community Accommodation; Utility Installations; Veterinary Clinic.
⁹ In a local centre only
¹¹ Only located in a local centre and of a scale appropriate to that centre

Therefore, the proposed development of 369 no. residential units and 1 no. childcare facility are permitted in principle under the zoning objectives pertaining to the subject lands.



Figure 2: Fingal County Council Land Use Zoning Map, 2017 – 2023 (Lands outlined in red)

4.1.7 Site Specific Objectives and Designations

Masterplan

The subject lands at Auburn House, whilst zoned for residential development, are also located in an area marked M.P 9A (Streamstown Masterplan) and therefore are subject to the preparation of a Masterplan.

The Fingal County Development Plan 2017 – 2023 notes that the policies of the Plan will be further developed at a local level through the preparation of Masterplans with further elaboration in relation to the roles of masterplans noting that:

‘Masterplans are assigned to particular areas to ensure the best policy response is in place to facilitate development in a planned, coordinated and sustainable manner’.

Section 11.3 of the Development Plan sets out that:

“The preparation of Masterplans will assist in achieving quality developments in terms of, inter alia, urban design, structure, delivery of community/amenity facilities and permeability. The Fingal Development Plan will identify large or key sites that will require the preparation of approved Masterplans and subsequent planning applications will be required to adhere to the approved Masterplans. Masterplans will be subject to a public consultation process and presentation to the Elected Members of the Planning Authority for agreement. The use of Masterplans has not been confined to residentially zoned lands; Masterplans have also been sought for lands intended for other land uses. The Planning Authority considers Masterplans as an

effective means of guiding new development and providing essential social and physical infrastructure in a phased and sustainable manner.”

Objective PM14 of the Fingal County Development Plan 2017 -2023 seeks to:

‘Prepare Masterplans for areas designated on Development Plan maps in co-operation with relevant stakeholders, and actively secure the implementation of these plans and the achievement of the specific objectives indicated.’

Chapter 3, Section 3.2 of the Development Plan sets out the following guidance on the form that Masterplans should take:

Each Masterplan shall consist of a written statement and a plan or series of plans indicating the objectives in such detail, as may be determined by the Planning Authority for the proper planning and sustainable development of the area to which it applies to include, inter alia, the following details:

- *Proposals in relation to the overall design of the proposed development including house types and mix of housing units, maximum heights, external finishes of structures and the general appearance and design, including that of the public realm.*
- *The types and extent of any proposed development indicating how these uses integrate with surrounding development and land uses.*
- *Proposals in relation to transportation including public transportation and nonmotorised modes, vehicular roads layout and access arrangements, loading / unloading provision, the provision of parking spaces and traffic management.*
- *Proposals in relation to the provision of services in the area including the provision of waste and sewerage facilities and water, electricity and telecommunications services, oil and gas pipelines, including storage facilities for oil and gas.*
- *The element of residential development shall include proposals relating to the provision of amenities, facilities and services for the community including crèches and other childcare services, community and resource centres.*
- *The facilitation of public access to the proposed amenity areas located within the Plan boundaries and beyond.*
- *To make provision for sport and recreational infrastructure commensurate with the needs of the development as an integral element of their proposals.*

Objective Malahide 11 in Chapter Four of the Development Plan states that it is an objective to:

“Prepare and/or implement the following Masterplans during the lifetime of this Plan:

- *Streamstown Masterplan (see Map Sheet 9, MP 9.A)”*

The Development Plan sets out the following main elements to be included within the Streamstown Masterplan:

- *Facilitate low density residential development reflective of the character of the area.*

- *Protect and preserve trees, woodlands and hedgerows within the Masterplan area.*
- *Preserve the tree lined approach to Malahide along the Dublin Road.*
- *Facilitate high quality sustainable development that protects and enhances the sensitive historic and natural setting of Auburn House and integrates new development with the conservation and preservation of the Protected Structure, its curtilage and protected trees.*
- *Retain visual corridors to/from Auburn House through the establishment of a visual buffer to the east of Auburn House.*
- *The area for development north of Auburn House is considered a sensitive development zone, whereby a maximum ridge height of 6m should be applied.*
- *Provide for a pedestrian / cycle route along the Auburn House Avenue to Malahide Road.*
- *Ensure pedestrian connectivity between Auburn House Avenue and Abington/Gaybrook/ Castleheath.*
- *The lands will be the subject of a detailed flood risk assessment.*

To date a Masterplan has not been prepared or adopted for the Streamstown lands by Fingal County Council. Therefore, the proposed development materially contravenes objective PM14 and Objective Malahide 11 of the Fingal County Development Plan in that a Masterplan has not yet been prepared or adopted for the Streamstown lands by Fingal County Council. The material contravention statement enclosed with this application provides the justification for the granting of permission for the development of the lands at Auburn House, Little Auburn and Streamstown in the absence of the preparation and adoption of the Streamstown Masterplan. It is important to note that the masterplan area is already largely built out and/or approved at this stage with the exception of Auburn House and a handful of high-end individual houses on big plots. The making of this application effectively means that the requirement for a masterplan is redundant as the application lands comprise the remaining lands available for development under the Streamstown Masterplan.

Local Objectives

The following Local Objectives apply to the adjoining Malahide Road (R107).

L.O. 55 – “Preserve the tree lined approach to Malahide”.

L.O. 57 – “New or widened entrances onto the Dublin Road between Streamstown Lane and the Swords Junction will be restricted, to ensure the protection of the mature treelined approach along the Dublin Road to Malahide”.

The proposed development complies with Objective LO 55. The proposed development has been significantly set back from Dublin Road/Malahide Road (R107) to preserve the significant band of trees to the south of the site along the Malahide Road. Whilst it is proposed to provide a new entrance onto the Malahide Road, the siting and location of the access and internal road has been carefully considered to ensure least impact on trees. The Board are also invited to refer to the Development Access Assessment Report, which details and is submitted under separate cover.

Tree Preservations

It is a map-based objective of the Development Plan to protect and preserve trees, woodlands and hedgerows within Streamstown, which also pertains to the lands at Auburn House.

The proposed development has been carefully considered and designed to protect and preserve the trees, woodlands and hedgerows within Auburn. Please refer to the Arboricultural Report and associated drawings and Woodland Management Plan prepared by The Tree File for further information. Downey respectfully submits to the Board that *“Objective PM64 Protect, preserve and ensure the effective management of trees and groups of trees”* has been met as part of this application.

4.1.8 Development Management Standards

Criteria	Compliance
12.1 Background	
Pre-Planning	<p>On 24/09/2021, Downey and the applicant engaged in a pre-application consultation meeting with representatives of Fingal County Council regarding the proposed Strategic Housing Development on lands at Auburn House, Malahide Road, Streamstown, Malahide, Co. Dublin.</p> <p>On 25th January 2022, Downey and the applicant engaged in a pre-application consultation meeting with representatives of An Bord Pleanála and Fingal County Council regarding the proposed development as part of a Stage 2 consultation meeting. On 02/02/2022, An Bord Pleanála issued the notice of pre-application consultation opinion for the proposed development, under case reference ABP-311843-21.</p> <p>For the detailed response to this opinion and to source the requested information within the application documentation, please refer to the “Statement of Response to An Bord Pleanála’s Pre-Application Consultation Opinion” prepared by Downey.</p>
12.2 Common Principles for all Planning Applications	
Access for All	<p>It is noted that the design of the proposed development has taken cognisance of people with reduced mobility through the provision of universally accessible dwelling units as well as readily adaptable dwellings.</p> <p>It is submitted that inclusivity and access have fully influenced the design of the scheme, as follows:</p> <ul style="list-style-type: none"> - The development will be fully Part M compliant with easy access. Physical and visual barriers have been avoided and full passive surveillance has been designed into overlook all public realm areas. Street layouts, footpath arrangements, street and verge planting combine to allow pedestrians and cyclists easily navigate the scheme through the different character areas proposed and connecting into the adjacent Ashwood and Brookfield schemes currently under construction. - The provision of 1 to 5-bed units in a proportioned mix will include a wide diversity of households, bringing a new inclusive community at Malahide. - An adequate compliance with Part V, delivering over a 10% of affordable apartments and houses, 37 units in total, comprised within the first phases of the development and including both duplexes and houses, responding to 1-bed, 2-bed and 3-bed typologies. Please refer to architectural drawings for further detail on the Part V plan.

	<p>The proposed development is also submitted to be designed in accordance with the recommendations of 'Buildings for Everyone' 2002 published by the National Disability Authority and Technical Guidance Document M Access and Use of the Building Regulations 2010.</p> <p>For further details in this regard, please refer to Universal Access Statement prepared by CCK Architects, which is included within their Design Report submitted as part of this application.</p>
Green Infrastructure	<p>The proposed development seeks to retain as much of the existing green infrastructure at the site as is possible, while at the same time facilitating a residential development at an appropriate density. A detailed Ecological Impact Assessment Report of the development has been prepared by Openfield Ecological Services and is submitted under separate cover as part of this planning application to An Bord Pleanála.</p> <p>As part of the landscape proposals and design by TBS Landscape Architects it is proposed to maximise the retention of existing trees, hedgerows and boundary treatments within the site, particularly the existing woodland setting and grounds around Auburn House, the tree lined avenue and the tree band along Malahide Road.</p> <p>For further information in this regard, please refer to the Architect and Urban Designer's Statement prepared by CCK Architects. Please also refer to the detailed landscaping proposals prepared by TBS Landscape Architecture.</p>
Sustainable Design	<p>Efficiency through design has been achieved in the macro scale in terms of layout and site configuration with good attention to detailing of the individual dwelling plan forms providing energy efficiency and reduced lifetime running costs of the overall scheme. Efficient planning and design have also been brought into the layouts of the individual dwelling units planned, along with apartments and duplex units.</p> <p>The design brief was set to create an exemplar of sustainable design to ensure all new development can be delivered in a manner that protects and enhances the biodiversity of the local environment, mitigates climate change and delivers high energy efficiency in accordance with NZEB strategies.</p>
Environmental Impact Assessment	<p>Given that 369 no. units are proposed and indeed noting that the application site extends to an overall of c. 13.28 hectares within what can be considered a built-up area, an Environmental Impact Assessment Report has been prepared as part of the proposed application. Please refer to the enclosed EIAR which assesses the overall development and is enclosed with this SHD application for the consideration of the Board.</p>
Screening for Appropriate Assessment	<p>The Fingal Development Plan 2017-2023 states that all plans and projects are to comply with Article 6 of the Habitats Directive and adhere with the following development plan objectives;</p> <p>Objective DMS01 – Ensure that all plans and projects in the County which could, either individually or in combination with other plans and projects, have a significant effect on a European site or sites are subject to Screening for Appropriate Assessment.</p> <p>Objective DMS02 – Ensure Local Authority development proposals are subject to environmental assessment, as appropriate, including Screening for Appropriate Assessment and Environmental Impact Assessment.</p> <p>An Appropriate Assessment Screening report and NIS have been carried out by Pádraic Fogarty of Openfield Ecological Services as part of this Strategic Housing Development Planning Application which indicate that surface hydrological pathways exist to Baldoyle</p>

	<p>Bay and significant effects cannot be ruled out for the Baldoyle Bay SAC. It was considered that the potential for large quantities of sediment or other construction pollutants to be washed into Baldoyle Bay, due to the proximity of works to open water courses, means that significant effects to habitats within the SAC cannot be ruled out at this stage. All other European sites were screened out.</p> <p>A Natura Impact Statement has also been prepared with mitigation measures proposed. An assessment of the aspects of this project has shown that significant negative effects are not likely to occur to these areas either alone or in combination with other plans and projects. Please refer to the enclosed Appropriate Assessment Screening Report and Natura Impact Statement prepared by Openfield Ecological Services for further details.</p>
12.3 Design Criteria for Urban Development	
High Quality Urban Design	<p>The Development Plan defines several objectives to support high quality urban design. It will allow the creation of accessible places where people want to live, work and spend time. It is the policy of the Council to ensure all development is of a high-quality design and promotes the achievement of accessible, safe and sustainable built and natural environments, which reflect the special character and heritage of the County and its varied townscapes and landscapes. Design principles are based on the <i>'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities'</i> and <i>'Best Practice Urban Design Manual'</i>. Which contains twelve design principles to be applied to all developments with Objective DMS03 requiring:</p> <p><i>"Submit a detailed design statement for developments in excess of 5 residential units or 300 sqm of retail/commercial/office development in urban areas. The design statement is required to:</i></p> <ul style="list-style-type: none"> ▪ <i>Explain the design principles and design concept.</i> ▪ <i>Demonstrate how the twelve urban design criteria (as per the 'Urban Design Manual - A Best Practice Guide') have been taken into account when designing schemes in urban areas. Each of the twelve criteria is of equal importance and has to be considered in an integrated manner.</i> ▪ <i>Outline how the development meets the Development Plan Objectives, and the objectives of any Local Area Plan, Masterplan, Urban Centre Strategy, Framework Plan or other similar Plan affecting the site.</i> ▪ <i>Include photographs of the site and its surroundings.</i> ▪ <i>Include other illustrations such as photomontages, perspectives, sketches.</i> ▪ <i>Outline detailed proposals for open space and ensure the provision of open space is designed in from the beginning when designing a new scheme.</i> ▪ <i>Outline a detailed high-quality open space and landscape design plan including specifications, prepared by suitably qualified professionals.</i> ▪ <i>Outline how Green Infrastructure integrates into the scheme."</i> <p>In accordance with the aforementioned objective, an Architectural Design Statement has been prepared by CCK Architects which sets out the proposed development's compliance with the 12 Urban Design criteria and how the proposed development accords with the requirements of Objective DMS03. Please refer to the enclosed Architectural Design Statement and associated drawings prepared by CCK Architects for further information in this regard. Please also refer to the detailed landscaping proposals prepared by TBS Landscape Architecture.</p>
12.4 Design Criteria for Residential Development	
Residential Zoning	<p>The Fingal Development Plan 2017-2023 states that some RA zoning areas will be subject to either a Local Area Plan or a Masterplan.</p>

	<p><u>Masterplan:</u></p> <p>It is an objective of the Development Plan to prepare/implement a Masterplan for Streamstown during the lifetime of the Development Plan under 'Objective Malahide 11'.</p> <p>The main elements that are to be included within the Streamstown Masterplan are outlined below. The Development Plan states that the list is not intended to be exhaustive.</p> <ul style="list-style-type: none"> • Facilitate low density residential development reflective of the character of the area. • Protect and preserve trees, woodlands and hedgerows within the Masterplan area. • Preserve the tree lined approach to Malahide along the Dublin Road. • Facilitate high quality sustainable development that protects and enhances the sensitive historic and natural setting of Auburn House and integrates new development with the conservation and preservation of the Protected Structure, its curtilage and protected trees. • Retain visual corridors to/from Auburn House through the establishment of a visual buffer to the east of Auburn House. • The area for development north of Auburn House is considered a sensitive development zone, whereby a maximum ridge height of 6m should be applied. • Provide for a pedestrian / cycle route along the Auburn House Avenue to Malahide Road. • Ensure pedestrian connectivity between Auburn House Avenue and Abington/Gaybrook/ Castleheath. • The lands will be the subject of a detailed flood risk assessment. <p>A Masterplan has been prepared and accompanies this Strategic Housing Development Application. The Masterplan sets out the design principles for the overall lands at Streamstown. It is important to note that the lands at Auburn House subject to this SHD, represent the development lands subject to the Masterplan noting the built-up nature of the surrounding lands and indeed the recent permissions in the area.</p>
<p>Mix of Dwelling Types</p>	<p>The Development Plan states that the dwelling mix in any residential scheme should provide a balanced range of dwelling types and sizes to support a variety of household types. In this regard, the proposed development provides for 368 no. new residential units with ancillary amenity facilities and 1 no. childcare facility. This provides for a variety of unit types encompassing a mix of one, two and three bed apartments, two, three, four and five bed houses, one, two and three bed duplex units, all of which provide for a mix and variety of units types in accordance with the Development Plan and indeed the mix requirements as set out within the '<i>Design Standards for New Apartments Guidelines for Planning Authorities</i>' and the '<i>Delivering Homes, Sustaining Communities: Statement on Housing Policy</i>'.</p> <p>Whilst there are different apartment unit types and different house unit types provided, in terms of bedroom provision, it is also important to note that within these units, there is a significant amount of diversity in terms of size, layout, storage, aspect, room dimensions, etc. This ensures that the proposed development provides for the various needs of potential future residents and that it is a sustainable form of residential development which can cater for all age demographics and is adaptable and flexible for their future needs, be it, single professionals, young couples, small young families, older families, the elderly, those looking to downsize, etc.</p>

<p>Residential Density & Height</p>	<p>The Development Plan provides that the number of dwellings to be provided on a site should be determined with reference to the ‘<i>Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities</i>’ (2009). As a general principle and to promote sustainable forms of development, higher residential densities will be promoted within walking distance of town and district centres and high capacity public transport facilities. In this regard, the proposed development provides for a sustainable development with an overall net density of c. 37.4 dwellings per hectare (net developable area is 11.1 ha when the access road is omitted), on appropriately zoned lands, in a highly accessible location within the development boundary of Malahide and therefore accords with the density requirements of both the Development Plan and national guidelines.</p> <p>Under the Fingal Development Plan 2017-2023, the lands are subject to the specific objectives under ‘Objective Malahide 11’ which seeks to prepare and/or implement the Streamstown Masterplan. The main elements to be included in the Streamstown Masterplan are to,</p> <p><i>“Facilitate low density residential development reflective of the character of the area.”</i> and;</p> <p><i>“The area for development north of Auburn House is considered a sensitive development zone, whereby a maximum ridge height of 6m should be applied.”</i></p> <p>However, the Development Plan has another specific objective, ‘Objective PM41’, which aims to,</p> <p><i>“Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.”</i></p> <p>Section 5.0 below will now demonstrate that restricting the height of development through these specific local objectives at such a well-served location under the Fingal Development Plan 2017-2023 is a direct contravention of National Policy which promotes increased densities at well served sites and discourages general blanket height standards in certain urban areas, such as the subject site. Please also refer to the Material Contravention Statement prepared by Downey Planning for further information in this regard.</p> <p>It is also noted that the Development Plan requires that Masterplans be prepared by Fingal County Council for designated lands. The subject lands are designated for the preparation of the Streamstown Masterplan. However, such a masterplan has yet to be prepared for the lands under Objective PM14 and PM15. In the absence of a masterplan for the lands, the proposed development materially contravenes Objective PM14 and PM15 of the Development Plan. However, the proposed development lands which are subject to the Masterplan, represent the remaining lands available for development at Streamstown and are in the ownership of the applicant. A masterplan has been prepared by the applicant for the Streamstown lands illustrating how the proposed development predominantly complies with the objectives for such a masterplan. The proposed development does materially contravene the objectives for density (low density) and height (6m) as set out in the Development Plan. However, the justification for materially contravening the density and height for the Masterplan is set out in full within the Material Contravention Statement prepared by Downey Planning, which is submitted under separate cover.</p>
<p>Apartment Development</p>	<p>The ‘Design Standards for New Apartments Guidelines for Planning Authorities’ have superseded the design standards for apartments as set out in the Development Plan. However, the Fingal Development Plan contains a specific objective to support apartment development with the following objectives.</p>

	<p>Objective DMS20 – Require the provision of a minimum of 50% of apartments in any apartment scheme are dual aspect.</p> <p>Objective DMS21 – Allow a reduced percentage of dual aspect apartments only in circumstances where it is necessary to ensure good street frontage and subject to high quality design. In no instance will the provision be less than 33% of the number of apartments in the scheme.</p> <p>Objective DMS22 – Require a minimum floor to ceiling height of 2.7 metres in apartment units, at ground floor level.</p> <p>With regards to Dual Aspect, the proposed development provides for 56.94% dual aspect units within the proposed apartment and duplex units in accordance with Objective DMS20 and DMS21 of the Development Plan. The proposed development provides for 2.7 metres in apartment units, at ground floor level in accordance with Objective DMS22 of the Development Plan.</p> <p>Objective DMS23 – Permit up to 8 apartments per floor per individual stair/lift core within apartment schemes.</p> <p>With regards to permitting up to 8 apartments per floor per individual stair/lift core within apartment schemes, the proposed apartments conflict with Objective DMS23 of the Development Plan.</p> <p>Apartment Block 1 (Level 0, Level 1 Level 2, Level 3) Apartment Block 2 (Level 0, Level 1, Level 2, Level 3) Apartment Block 3 (Level 0, Level 1, Level 2, Level 3) Apartment Block 4 (Level 1/Podium, Level 2)</p> <p>However, the apartment floor and core areas are also in accordance with the ‘Design Standards for New Apartments Guidelines for Planning Authorities’ as set out in the enclosed Architect and Urban Designer’s Statement prepared by CCK Architects. Please refer to the enclosed report for full details on the proposed development’s compliance with standards for apartment developments.</p>
Quantitative Standards	<p>The development proposal adheres with the Quality Housing for Sustainable Communities; Best Practice Guidelines for Delivering Homes and Sustaining Communities (DEHLG, 2007) and Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DEHLG, 2018) when assessing proposals for apartment development.</p> <p>Please refer to the Accommodation Schedule and Architectural Design Statement prepared by CCK Architects for compliance in this regard.</p>
Separation Distances	<p>The Development Plan contains a specific objective where the minimum between opposing windows will apply. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. Any relaxing of standards will be assessed on a case-by-case basis.</p> <p>Objective DMS28 – A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.</p> <p>Objective DMS29 – Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semidetached and end of terrace units.</p> <p>In this regard, the proposed development achieved various levels of separation distance between opposing windows. The development plan in certain cases does facilitate development having regard to the layout, orientation, and location of the units proposed</p>

	as they are in areas where there will be little to no impact on existing or proposed housing units, i.e., end house locations. It is viewed that the proposed development is designed in accordance with Objective DMS28 & DMS29 of the Development Plan.
Daylight, Sunlight and Overshadowing	<p>Objective DMS30 of the Development Plan requires that all new residential units comply with the recommendations of 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (B.R.209, 2011) and B.S. 8206 'Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting' or other updated relevant documents.</p> <p>For further details in this regard, please refer to the Daylight & Sunlight Assessment as provided for by Waterman Moylan accompanying this SHD application.</p>
Acoustic Privacy	<p>Objective DMS31 of the Fingal County Development Plan requires that sound transmission levels in semi-detached, terraced, apartments and duplex units comply as a minimum with the 2014 Building Regulations Technical Guidance Document Part E or any updated standards.</p> <p>Objective DMS31 – <i>Require that sound transmission levels in semidetached, terraced, apartments and duplex units comply as a minimum with the 2014 Building Regulations Technical Guidance Document Part E or any updated standards and evidence will need to be provided by a qualified sound engineer that these levels have been met.</i></p> <p>Downey Planning submits that the proposed development intends to comply with the 2014 Building Regulations Technical Guidance Document Part E or any updated standards.</p> <p>For full details please refer to the Noise Impact Statement which has been submitted as part of the application under a separate cover letter.</p>
Open Plan Estates	The removal of the exempted development rights is subject to agreement with the Planning Authority and An Bord Pleanála as part of a condition to the granting planning permission.
Gated Communities	Objective DMS32 of the Fingal County Development Plan prohibits proposals that would create a gated community for any new residential developments. It is viewed that the proposed development is not a 'gated community' and will adhere with Objective DMS32 of the Development Plan in this instance.
Management Companies and Facilities for Apartment Developments	<p>Outlined in the Development Plan, higher-density apartment type development will require a management company to maintain communal areas. It is a specific objective to adhere with the following: -</p> <p>Objective DMS33 - <i>Require properly constituted management companies in apartment type schemes are set up and necessary management structures are put in place for the benefit of the residents.</i></p> <p>Objective DMS34 - <i>Provide in high density apartment type schemes in excess of 100 units facilities for the communal use of residents as deemed appropriate by the Council.</i></p> <p>Objective DMS35 - <i>Require the provision of communal laundry rooms and storage facilities in high density apartment type developments where deemed appropriate.</i></p> <p>The proposed design provides for a high-quality development of purpose-built residential dwellings and apartment units. The public and communal open spaces areas together with new local amenities will afford a high standard of residential environment to future residents. The development will also include a proposed community room and a creche facility together with a high quality public open space area which utilises the sylvan setting of Auburn House and surrounding areas. It is envisaged that the open spaces, apartment</p>

	schemes and communal areas will be controlled by a management company at a later post planning stage.
Refuse Storage and Bins	<p>The proposed development provides for refuse storage areas in accordance with Objective DMS36 and DMS37 of the Development Plan.</p> <p>Objective DMS36 – Ensure all new residential schemes include appropriate design measures for refuse storage areas, details of which should be clearly shown at pre-planning and planning application stage. Ensure refuse storage areas are not situated immediately adjacent to the front door or ground floor window, unless adequate screened alcoves or other such mitigation measures are provided.</p> <p>Objective DMS37 – Ensure the maximum distance between the front door to a communal bin area does not exceed 50 metres.</p> <p>The proposed development provides for convenient and well-designed proposals for the storage of refuse within the apartment schemes. The storage of refuse is proposed at basement level to the Blocks 1, 2 and 3, and the remaining apartment blocks are situated in enclosed spaces ensuring that refuse storage and bins are in accordance with objectives of the Development Plan.</p> <p>In addition, the proposed development provides for a number of apartments and dwellings at ground floor level which have own door access in addition to the two storey houses.</p> <p>For further details, please refer to the Housing Quality Assessment and Architect and Urban Designer's Statement prepared by CCK Architects.</p>

12.7 Open Space

Hierarchy and Accessibility

Table 12.5 of the Fingal Development Plan outlines the public open space hierarchy and accessibility standards. The standards allow the provision of a wide variety of accessible public open spaces to meet the diverse needs of the County’s residents. For all developments with a residential component a mix of public open space types should be provided where achievable.

Table 12.5 Open Space Hierarchy and Accessibility			
Type of Public Open Space	Areas	Accessibility from homes	Note
Pocket Parks (Class 2 as per Development Contribution Scheme) Facilities for smaller children, but not necessarily formal play facilities. Have an important visual and social function also. Pocket parks must not be to the side or back of houses and must be adequately overlooked.	Between 500 sq m – 0.2 hectares	Every home within 150m walking distance	Provide pocket parks in all cases. No contributions in lieu
Small Parks (Class 2 as per Development Contribution Scheme) Depending on their size, these will accommodate playground facilities, kick about areas, and passive recreation.	Between 0.2 – 2 hectares	Within 400m walking distance of homes	
Local Parks (Class 1 as per Development Contribution Scheme) Accommodate playground facilities and a number of playing fields. Passive recreational and biodiversity areas will also be accommodated in these parks.	Between 2 hectares – 20 hectares.	400 metres.	
Urban Neighbourhood Parks (Class 1 as per Development Contribution Scheme). A wide variety of facilities and uses can be provided here due to their size. Biodiversity areas will also be accommodated in these parks.	Between 20 hectares – 50 hectares	Within 1km	
Regional Parks (Class 1 as per Development Contribution Scheme) Provide for a large range of uses. Formal and informal play areas, passive recreation areas, biodiversity areas and often a distinct attraction will be available on site.	Over 50 hectares	Within 5km	

A detailed landscape plan has been prepared by TBS Landscape Architects. The proposed development provides for c.2.846 ha of the total site area for open space which includes outdoor play opportunities for children in the form of a playground which are accessible to all within the scheme and the wider community. The design of the development has been carefully considered with the public open space integrated as part of the development proposal that encompasses the Auburn House Garden area and grounds which will provide for a substantial green space area that will cater for the residents of the

	<p>subject site and the immediate local area. It is submitted that the provision of public open space is appropriate in this instance as the development utilises the historical setting of Auburn House and grounds as part of the public open space area. Malahide Castle and Demesne (Class 1 Open Space Area) is located within 250 metres east of the application site which extends to over 260 acres and contains a large castle surrounded by parkland, woodland, playground, walking trails and a botanical garden. It is submitted that given the proximity of the application site to Malahide Castle and Demesne, the provision of public open space is appropriate in this instance given the excellent provision of public open space facilities in the locality.</p>
Quantity	<p>The Fingal Development Plan states that the minimum public open space should be carefully considered as part of new residential developments.</p> <p>Objective DMS57 – <i>Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.</i></p> <p>The public open space requirement for the proposed development is therefore considered to be c. 2.1 hectares. The proposed development provides for 2.846 hectares of the total site area for open space which includes outdoor play opportunities for children in the form of a playground which are accessible to all within the scheme and the wider community. The proposed development provides for open space which includes outdoor play opportunities for children in the form of a soft play area (i.e., playground) which are accessible to all within the scheme and the wider community. For further information on the children's playground facility proposed as part of this Strategic Housing Development application, please refer to the Housing Quality Assessment, the Architect and Urban Designer's Statement and associated drawings prepared by CCK Architects. Also, please refer to the enclosed landscape drawings and reports prepared by TBS Landscape Architects for further information in this regard.</p>
Design of Public Open Space	<p>The proposed development provides for public open space in accordance with Objective DMS66 – DMS70 of the Development Plan.</p> <p>Objective DMS66 – <i>Ensure open spaces are not located to the side or the rear of housing units.</i></p> <p>Objective DMS67 – <i>Ensure open space provision is suitably proportioned and inappropriate narrow tracts are not provided.</i></p> <p>Objective DMS69 – <i>Ensure developers lay out and maintain open space areas to a high standard, until such a time as they are taken in charge and facilitate the early handover of areas of public open space to the Council. The Council, at its discretion, may in certain circumstances accept a financial contribution in order to complete the landscaping and development of these areas.</i></p> <p>Objective DMS70 – <i>Require properly constituted management companies to be set up and ensure that the necessary management structures are put in place where it is intended that open spaces will be retained in private ownership. Arrangements must be approved by the Council before completion of the project and must be in operation before release of required bonds.</i></p> <p>The proposed development provides for 2.846 hectares of the total site area for open space which includes outdoor play opportunities for children in the form of a playground</p>

	<p>which are accessible to all within the scheme and the wider community. The design of the development has been carefully considered with the public open space integrated as part of the development proposal that encompasses the Auburn House garden area and grounds which will provide for a substantial green space area that will cater for the residents of the subject site and the immediate local area. It is submitted that the provision of public open space is appropriate in this instance as the development utilises the historical setting of Auburn House and grounds as part of the public open space area. For further information in this regard, please refer to the Architect and Urban Designer's Statement prepared by CCK Architects. Please also refer to the detailed landscaping proposals prepared by TBS Landscape Architects.</p>
Green Corridors	<p>The Development Plan states that green corridors should be incorporated into all new large developments, as part of Green Infrastructure provision, linking large areas of open space and linking with areas outside the development site.</p> <p>Objective DMS71 – <i>Provide green corridors in all new developments where the opportunity exists.</i></p> <p>The proposed development will retain and utilise the sylvan setting of Auburn the Malahide Road entrance where the development will form a 'green corridor' in the open spaces and tree lined linear paths and will provide opportunities for walking and cycling and informal recreation in areas where biodiversity is abundant. It is also submitted that the development will provide a green corridor linkage to Malahide Demesne and Castle grounds.</p>
Sustainable Urban Drainage Systems	<p>The Development Plan encourages properly designed and located SuDS features can be incorporated within and can complement the amenity and aesthetic value of open spaces.</p> <p>Objective DMS73 – <i>Ensure as far as practical that the design of SuDS enhances the quality of open spaces. SuDS do not form part of the public open space provision, except where it contributes in a significant and positive way to the design and quality of open space. In instances where the Council determines that SuDS make a significant and positive contribution to open space, a maximum 10% of open space provision shall be taken up by SuDS. The Council will give consideration to the provision of SuDS on existing open space, where appropriate.</i></p> <p>Objective DMS74 – <i>Underground tanks and storage systems will not be accepted under public open space, as part of a SuDS solution.</i></p> <p>Please refer to the pertaining documents and drawings prepared by Waterman Moylan Consulting Engineers for further information in this regard.</p>
Playground Facilities	<p>Objective DMS75 of the Development Plan requires that children's playground facilities within residential development be incorporated as part of a new residential developments.</p> <p>Objective DMS75 – <i>Provide appropriately scaled children's playground facilities within residential development. Playground facilities shall be provided at a rate of 4 sq m per residential unit. All residential schemes in excess of 50 units shall incorporate playground facilities clearly delineated on the planning application drawings and demarcated and built, where feasible and appropriate, in advance of the sale of any units.</i></p> <p>Objective DMS76 – <i>Ensure that in the instance of an equipped playground being included as part of a specific facility, it shall occupy an area of no less than 0.02 hectares. A minimum of one piece of play equipment shall be provided for every 50 sq m of playground.</i></p>

	<p>The proposed development provides for open space which includes outdoor play opportunities for children in the form of a soft play area (i.e., playground) and play equipment which are accessible to all within the scheme and the wider community which is in accordance with objectives of the Development Plan;</p> <p>Northern Residential Area – 264 sq.m. with 9Nr pieces of equipment</p> <p>Central Area –326 sq.m. with 12Nr pieces of equipment.</p> <p>Southern Residential –123 sq.m. with 4Nr pieces of equipment</p> <p>Walled Garden –295 sq.m.. with 12Nr Pieces of equipment.</p> <p>Total: 1,008 sq.m. with 37Nr pieces of equipment (1Nr per 40 sq.m.)</p> <p><u>Total Units: 369 x 4sq.m.= 1,472 sq.m.</u></p> <p>For further information on the children’s playground facility and outdoor play equipment proposed as part of this Strategic Housing Development application, please refer to the associated drawings prepared by TBS Landscape Architects for further information in this regard.</p>
Tree Policy	<p>Trees provide both valuable amenity and wildlife habitat. Fingal County Council sets out the Council’s policy for street tree planting, management and maintenance under the following objectives.</p> <p>Objective DMS77 – <i>Protect, preserve and ensure the effective management of trees and groups of trees.</i></p> <p>Objective DMS78 – <i>Ensure during the course of development, trees and hedgerows that are conditioned for retention are fully protected in accordance with ‘BS5837 (2012) Trees in relation to the Design, Demolition and Construction – Recommendations’ or as may be updated.</i></p> <p>Objective DMS79 – <i>Require the use of native planting where appropriate in new developments in consultation with the Council.</i></p> <p>Objective DMS80 – <i>Ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of developments.</i></p> <p>Objective DMS81 – <i>Consider in tree selection the available rooting area and proximity to dwellings or business premises particularly regarding shading of buildings and gardens.</i></p> <p>Objective DMS82 – <i>Promote the planting of large canopy trees on public open space and where necessary provide for constructed tree pits as part of the landscape specification.</i></p> <p>Objective DMS83 – <i>Ensure roadside verges have a minimum width of 2.4 metres at locations where large trees are proposed and where necessary provide for constructed tree pits as part of the landscape specification. Road verges shall be a minimum of 1.2 metres wide at locations where small canopy trees are proposed.</i></p> <p>Furthermore,</p> <p>Objective MALAHIDE 2: <i>Retain the impressive tree-lined approach along the Dublin Road as an important visual element to the town and, specifically, ensure the protection of the mature trees along the Malahide Road at the Limestone Field and property boundary walls which create a special character to the immediate approach to Malahide.</i></p>

	<p>The retention of the existing woodlands, trees and hedgerows are a priority of the landscape strategy as they strongly contribute to semi-rural and mature setting of the development and will assist in screening the proposed structures from the adjoining lands and road, as well as providing visual amenity and biodiversity benefits.</p> <p>The design of the development has where possible followed the pattern of exiting field boundaries to ensure retention of existing woodland and mature hedgerows where possible and to retain the historical patterns of the landscape. The existing hedgerows that are to be retained will be pruned, tidied and replanted with native species where the hedgerow is of poorer quality. During the construction phase the existing trees and hedgerows that are to be retained will be protected from construction traffic, material storage, ground level changes and any other disturbances, in accordance with the recommendations set out in and detailed in the arborist's report.</p> <p>For further information on the private open space proposed as part of this Strategic Housing Development application, please refer to the enclosed landscape drawings and reports prepared by TBS Landscape Architects and the Arborist's report and Woodland Management Plan for further information in this regard.</p>
Private Open Space	<p>The Development Plan requires that all residential units be they traditional type housing or apartments are to be provided with private open space.</p> <p>Objective DMS84 – <i>Ensure trees removed from residential areas are replaced, where appropriate, as soon as resources allow.</i></p> <p>Objective DMS85 – <i>Ensure private open spaces for all residential unit types are not unduly overshadowed.</i></p> <p>Objective DMS86 – <i>Ensure boundary treatment associated with private open spaces for all residential unit types is designed to protect residential amenity and visual amenity.</i></p> <p>For further information on the private open space proposed as part of this Strategic Housing Development application, please refer to the Housing Quality Assessment, the Architect and Urban Designer's Statement and associated drawings prepared by CCK Architects. Also, please refer to the enclosed landscape drawings and reports prepared by TBS Landscape Architects for further information in this regard.</p>
Houses	<p>The development plan requires that all dwelling houses are provided with private open space in accordance with Objective DMS87 and Objective DMS88.</p> <p>Objective DMS87 – <i>Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:</i></p> <ul style="list-style-type: none"> • 3 bedroom houses or less to have a minimum of 60 sq m of private open space located behind the front building line of the house. • Houses with 4 or more bedrooms to have a minimum of 75 sq m of private open space located behind the front building line of the house. Narrow strips of open space to the side of houses shall not be included in the private open space calculations. <p>Objective DMS88 – <i>Allow a reduced standard of private open space for 1 and 2 bedroom townhouses only in circumstances where a particular design solution is required such as to develop small infill/corner sites. In no instance will the provision of less than 48 sq m of private open space be accepted per house.</i></p>

	<p>Downey Planning notes that the majority of houses comply with the requirements of the Development Plan. However, House Type A, A1, A2, A3, A4, A5, A6, A7 & A8 which refer to the courtyard style houses, fall slightly below the standards but they are in compliance with DMS88. The specific design approach of these houses was to ensure the protection of the setting of Auburn House and to ensure they are provided with dedicated open space to ensure that they are provided with sufficient amenity space. Furthermore, any shortfall in garden space in cluster houses is made up in communal area.</p> <p>For further information on the private open space proposed for the dwelling houses as part of this Strategic Housing Development application, please refer to the Housing Quality Assessment, the Architect and Urban Designer’s Statement and associated drawings prepared by CCK Architects. Also, please refer to the enclosed landscape drawings and reports prepared by TBS Landscape Architects for further information in this regard.</p>															
Apartment and Duplex Units	<p>The Development Plan requires that all apartment and duplex units contain private open space and communal amenity space.</p> <p>Objective DMS89 – <i>Require private balconies, roof terraces or winter gardens for all apartments and duplexes comply with or exceed the minimum standards set out in Table 12.6.</i></p> <p>Objective DMS90 – <i>Require balconies, ground floor private open space, roof terraces or winter gardens be suitably screened in a manner complimenting the design of the building so as to provide an adequate level of privacy and shelter for residents.</i></p> <p>Objective DMS91 – <i>Require communal amenity space within apartment developments, in the form of semiprivate zones such as secluded retreats and sitting out areas, complies with or exceeds the minimum standards set out in Table 12.6.</i></p> <p>Objective DMS92 – <i>Permit in appropriate layouts (e.g. courtyard layouts) the provision of a combination of private and semi-private open spaces.</i></p> <p>Table 12.6 – Open Space requirement for Apartment and Duplex Units</p> <table><tr><th></th><th>Private amenity space</th><th>Communal amenity space</th></tr><tr><td>Studio</td><td>4 sqm</td><td>4 sqm</td></tr><tr><td>One bed</td><td>5 sqm</td><td>5 sqm</td></tr><tr><td>Two bed</td><td>7 sqm</td><td>7 sqm</td></tr><tr><td>Three bed</td><td>9 sqm</td><td>9 sqm</td></tr></table> <p>In this regard, it is evident that the private open space and communal amenity space to serve the proposed development complies with both the Fingal Development Plan 2017 – 2023 and the Design Standard for New Apartments (December 2020) requirements. For further details, please refer to the Housing Quality Assessment and Architect and Urban Designer’s Statement prepared by CCK Architects.</p>		Private amenity space	Communal amenity space	Studio	4 sqm	4 sqm	One bed	5 sqm	5 sqm	Two bed	7 sqm	7 sqm	Three bed	9 sqm	9 sqm
	Private amenity space	Communal amenity space														
Studio	4 sqm	4 sqm														
One bed	5 sqm	5 sqm														
Two bed	7 sqm	7 sqm														
Three bed	9 sqm	9 sqm														
12.8 Community Infrastructure, Facilities and Services																
Childcare Facilities	<p>All childcare facilities shall be provided in accordance with the ‘Childcare Facilities: Guidelines for Planning Authorities’ (DEHLG). The proposed SHD development will provide for a purpose-built childcare facility to accommodate 35 children within the site with appropriate outdoor play space, drop off facilities, etc.</p>															
Community Buildings	<p>The Fingal Development Plan encourages the location and provision of community facilities is a pre-requisite to the creation and enhancement of viable, sustainable and successful local communities.</p>															

	<p>Objective DMS93 – Any application for community facilities such as leisure facilities, sports grounds, playing fields, play areas, community halls, organisational meeting facilities, medical facilities, childcare facilities, new school provision and other community orientated developments, shall have regard to the following:</p> <ul style="list-style-type: none"> • Overall need in terms of necessity, deficiency, and opportunity to enhance or develop local or County facilities. • Practicalities of site in terms of site location relating to uses, impact on local amenities, desirability, and accessibility. • Conformity with the requirements of appropriate legislative guidelines. <p>The proposed development will provide for a purpose-built 2-storey detached community building within the walled garden, for use as part of the overall ancillary residential facilities.</p>
12.10 Movement and Infrastructure	
Car Parking Standards	<p>Objective DM113 of the Fingal County Development Plan states that the number of car parking spaces at new developments will be in accordance with the standards set out in Table 12.8.</p> <p>Objective DM113 – Limit the number of car parking spaces at places of work and education so as to minimise car-borne commuting. The number of car parking spaces at new developments will be in accordance with the standards set out in Table 12.8.</p> <p>Where demand can be managed by pricing, i.e. retail developments, the pricing should favour shoppers, who generally stay for shorter times, over employees, who generally stay for longer times.</p> <p>The car parking standards for both residential and non-residential land uses are set out in Table 12.8 of the Development Plan. The relevant standards are as follows:</p>

Table 12.8 - Car Parking Standards

Land Use	Criterion	Proposed	Notes	Category	Norm or Max
House - urban/suburban 1 or 2 bedrooms	Unit	1-2	Within curtilage	Residential	Norm
House - urban/suburban 3 or more bedrooms	Unit	2	Within curtilage	Residential	Norm
House - rural	Unit	2-3	Within curtilage	Residential	Norm
Apartment, townhouse 1 bedroom	Unit	1	Plus 1 visitor space per 5 units	Residential	Norm
Apartment, townhouse 2 bedrooms	Unit	1.5	Plus 1 visitor space per 5 units	Residential	Norm
Apartment, townhouse 3+ bedrooms	Unit	2	Plus 1 visitor space per 5 units	Residential	Norm
Sheltered housing	Unit	0.5	Plus 1 visitor space per 5 units	Residential	Norm
Caravan / mobile home park	Stand	1		Residential	Norm
Hotel, Motel, Motor Inn, Guest House	Bedroom	1		Residential	Norm
Pre-school facilities / creche	Classroom	0.5		Education	Maximum

Based on the car parking standard set out in the Fingal Development Plan, the total car parking required to serve the proposed development within the Streamstown Masterplan is 667 spaces, 603 spaces for residents, 62 spaces for visitors and 3 spaces for the Creche, as shown below.

Car Parking Required (Calculated Using the Standards in of Table 12.8 of the Development Plan)

Land Use	Units	FDP Standard	Required Car Parking Spaces
House – Urban / Suburban (3 or more bedrooms)	88 (including Auburn House) 87 (Excluding)	2 spaces within the curtilage	176 (including Auburn House) 174 (Excluding)
Apartment / Duplex (1 Bedroom)	135	1 space per unit plus 1 visitor space per 5 units	135 spaces for residents + 27 spaces for visitors
Apartment/ Duplex (2 bedrooms)	138	1.5 spaces per unit plus 1 visitor space per 5 units	207 spaces for residents + 27spaces for visitors
Apartment/ Duplex (3 bedrooms)	8	2 spaces per unit plus 1 visitor space per 5 units	16 for residents and + 2 spaces for visitors
Creche	3 Classrooms	0.5 space per classroom	1.5 Classrooms

The Development Plan requires that each dwelling house be provided with 2 no. car parking spaces, which is being provided for in this scheme.

Further to the above, it is evident that the car parking provision is below the Development Plan requirement of 667 no. spaces. However, the 'Design Standards for New Apartments – December 2020' does facilitate the relaxation of car parking standards for apartment developments where it states the following;

	<p><i>“In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.”</i></p> <p>It is proposed to provide a total of 505 car parking spaces (excluding creche parking) as part of the development proposal. The reduced provision of 1 car parking space per apartment / duplex unit reflects the location of the development in relation to public transport services. Parking will also be provided for visitors and for the Childcare Facility. This is in line with the Design Standards for New Apartments as outlined above and is considered adequate to serve the proposed development. For further information, please refer to the Architect and Urban Designer’s Statement prepared by CCK Architects and Traffic and Transport Assessment report prepared by Waterman Moylan Consulting Engineers for further details.</p>
Bicycle Parking Standards	<p>The proposed development provides considerable secure, covered bicycle parking for the apartment and duplex units as part of the development proposal (a total of 692 spaces in total).</p> <p>A single level basement car park is also proposed for apartment blocks 1, 2 and 3 and will accommodate 270 no. bicycle parking spaces.</p> <p>This ensures that future residents and visitors are encouraged to use sustainable modes of transportation. It is considered that the bicycle parking provision as part of the proposed development is consistent with Table 12.9 - Bicycle Parking Standards of the Development Plan.</p> <p>For further information on the bicycle parking as part of this Strategic Housing Development application, please refer to the Housing Quality Assessment, the Architect and Urban Designer’s Statement and associated drawings prepared by CCK Architects.</p>
Roads	<p>The Fingal Development Plan states that the County is very reliant on its road infrastructure for intra-and-inter-county movement and access. For new developments, securing access onto the road network is a key issue and where new entrances are necessary, the relevant road design standards will be applied (DMRB in rural situations and DMURS in urban situations).</p> <p>Objective DMS126 – <i>Restrict unnecessary new accesses directly off Regional Roads. Ensure premature obsolescence of all county/local roads does not occur by avoiding excessive levels of individual entrances. Ensure that necessary new entrances are designed in accordance with DMRB or DMURS as appropriate, thereby avoiding the creation of traffic hazards.</i></p> <p>Objective DMS127 – <i>Presume against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car parking spaces.</i></p> <p>Objective DMS128 – <i>Require developers to provide a Traffic Impact Assessment where new development will have a significant effect on travel demand and the capacity of the surrounding transport network.</i></p> <p>Each proposed access/egress point to a public road will have regard to the NRA DMBRAS and DRMB Road Geometry Standards. A Traffic Impact Assessment (TIA) and Road Safety Audit have been prepared for the development by Waterman Moylan Consulting</p>

	Engineers, in accordance with the Development Plan's requirements on traffic and transportation.
Waste Management	<p>Objective DMS146 requires that all new large-scale residential and mixed-use developments include appropriate facilities for source segregation and collection of waste.</p> <p>Objective DMS146 – <i>Ensure all new large-scale residential and mixed-use developments include appropriate facilities for source segregation and collection of waste.</i></p> <p>The proposed development provides for convenient and well-designed proposals for the storage of refuse within the apartment schemes. The storage of refuse is proposed at basement level to the Blocks 1, 2 and 3, and the remaining apartment blocks are situated in enclosed spaces ensuring that refuse storage and bins are in accordance with objectives of the Development Plan.</p> <p>In addition, the proposed development provides for a number of apartments and dwellings at ground floor level which have own door access in addition to the two storey houses.</p> <p>For further details, please refer to the Housing Quality Assessment and Architect and Urban Designer's Statement prepared by CCK Architects.</p>
12.11 Archaeological and Architectural Heritage	
Architectural Heritage	<p>Under Objective DMS154 it is a requirement that all planning applications for works to a Protected Structure shall have regard to the information outlined in Table 12.10 of the Fingal County Development Plan 2017-2023:</p> <p>Objective DMS155 also recommends that where necessary, the Planning Authority shall require a detailed Architectural Heritage Impact Assessment for an application for works to a Protected Structure. This shall be carried out in accordance with Appendix B of the Department of the Arts Heritage and Gaeltacht's Architectural Heritage Protection Guidelines for Planning Authorities.</p> <p>It is viewed that the proposed development is consistent with objective DMS154 and DMS155 of the Fingal Development Plan 2017-2023. For more information on this, please refer to the Architectural Assessment/ Conservation Report prepared by Sheehan & Barry Conservation Architectures for further details.</p>
Record of Protected Structures (RPS)	<p>Each Local Authority has a legal responsibility to compile a Record of Protected Structures (RPS). Structures, or parts of structures, can be added to the Record if they are deemed of special architectural, archaeological, historical, cultural, artistic, scientific, social and/or technical interest.</p> <p>Objective CH20: Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, is compatible with the special character, and is appropriate in terms of the proposed scale, mass, height, density, layout, materials, impact on architectural or historic features, and junction with the existing Protected Structure.</p> <p>Objective CH21: Seek that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or designed views or vistas from or to the structure is conserved.</p> <p>It is viewed that the proposed development is consistent with Objective CH20 and Objective CH21 of the Fingal Development Plan 2017-2023. For more information on this, please refer to the Architectural Assessment/ Conservation Report prepared by Sheehan & Barry Conservation Architectures for further details.</p>

<p>Designed Landscapes – Historic Gardens, Demesnes & Country Estates</p>	<p>It is a requirement under Objective DMS159 for all development proposals within ‘Historic Gardens, Demesnes & Country Estates’ to adhere to the following specific objective:</p> <p><i>“A Designed Landscape Appraisal should accompany any development proposal for an historic demesne and/or designed landscape, to include:</i></p> <ul style="list-style-type: none"> <i>• Identification and description of the original development, history, structures, features and boundaries of the designed landscape Ecological assessment, including identification of any protected habitats or species.</i> <i>• Evaluation of the significance of the historical landscape.</i> <i>• Determination of the carrying capacity of the lands which should not be exceeded, to be agreed with the Council.</i> <i>• Assessment of the development proposal and its impact on the designed landscape.</i> <i>• Recommendations for mitigation and management of the built and natural heritage.”</i> <p>It is viewed that the proposed development will adhere with objective DMS159 of the Fingal Development Plan 2017-2023. For more information on this, please refer to the Historic Landscape Report prepared by TBS Landscape Architects and the report prepared by Sheehan and Barry Conservation Architects.</p> <p>Please refer to the documentation prepared by Sheehan & Barry Conservation Architects for further details. A report on the current condition, proposed repair and advice on conservationbased alterations for re-use the walled garden for Auburn House is also submitted as part of this planning application. Please refer to the ‘The Walled Garden Walls and Corner Bastions’ report prepared by CORA Consulting Engineers for further information. It is submitted that the proposed development has taken into consideration the requirements of the guidelines and has been designed to provide a long term sustainable and viable use for the Protected Structure with as minimal impact as possible on Auburn House.</p>
<p>Biodiversity Conservation in Fingal</p>	<p>It is a specific objective of the Development Plan to ensure Screening for Appropriate Assessment and, where required, full Appropriate Assessment is carried out for all plans and projects in the County together with the necessary information to enable a fully informed assessment of impacts on biodiversity to be made.</p> <p>Objective DMS163 – <i>Ensure Screening for Appropriate Assessment and, where required, full Appropriate Assessment is carried out for all plans and projects in the County which, individually, or in combination with other plans and projects, are likely to have a significant direct or indirect impact on any European site or sites.</i></p> <p>Objective DMS164 – <i>Ensure that sufficient information is provided as part of development proposals to enable Screening for Appropriate Assessment to be undertaken and to enable a fully informed assessment of impacts on biodiversity to be made.</i></p> <p>Objective DMS165 – <i>Ensure that Natura Impact Statements (NIS) and any other ecological impact assessments submitted in support of proposals for development are carried out by appropriately qualified professionals and that any necessary survey work takes place in an appropriate season.</i></p> <p>Objective DMS166 – <i>Ensure planning applications for proposed developments likely to have significant direct or indirect impacts on any European Site or sites are accompanied by a Natura Impact Statement prepared in accordance with the Guidance issued by the</i></p>

	<p><i>Department of the Environment, Heritage and Local Government (Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, 2009)</i></p> <p>Objective DMS167 – <i>Ensure ecological impact assessment is carried out for any proposed development likely to have a significant impact on proposed Natural Heritage Areas (pNHAs), Natural Heritage Areas (NHAs), Statutory Nature Reserves, Refuges for Fauna, Habitat Directive Annex I sites and Annex II species contained therein, or rare and threatened species including those species protected by law and their habitats. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.</i></p> <p>Objective DMS168 – <i>Ensure that proposals for developments involving works to upstanding archaeological sites and features or works to the historic building stock include an assessment of the presence of bats in any such sites or structures and, where appropriate, ensure that suitable avoidance and/or mitigation measures are proposed to protect bats in consultation with the National Parks and Wildlife Service.</i></p> <p>The proposed development has been screened for Appropriate Assessment in accordance Objective DMS163. OPENFIELD Ecological Services has prepared a report for Screening for Appropriate Assessment for the proposed development. The screening report has evaluated the proposed development at Malahide to determine whether or not significant negative impacts on Natura 2000 sites are likely to arise by virtue of its construction and use.</p> <p>The screening report concludes that this proposed development is not located within or directly adjacent to any SAC or SPA but pathways do exist to a number of these areas. An assessment of the aspects of this project has shown that significant negative effects are not likely to occur to these areas either alone or in combination with other plans and projects.</p> <p>In accordance with Objective DMS165, a Natura Impact Statement (NIS) has been prepared by OPENFIELD Ecological Services for the proposed development. The NIS contains an analysis of the proposed project and its relationship with areas designated under the Habitats and Birds Directives. Pathways exist between the development site and two such areas and these have been described in detail. Following this analysis, it is concluded that significant effects to the Baldoyle Bay SAC could not be ruled out. Specifically, this may arise from the impact to intertidal habitats from pollution during the construction phase. Arising from this assessment, mitigation has been proposed. With the implementation of these measures, adverse effects to the integrity of the SAC will not occur. This conclusion is based on best scientific knowledge.</p> <p>With regards Objective DMS167, an Environmental Impact Assessment has been prepared undertaken as part of the proposed application Please refer to the enclosed EIAR which assesses the overall development and is enclosed with this SHD application for the consideration of the Board.</p> <p>For further information in this regard, please refer to the Appropriate Assessment Screening Report Natura Impact Statement and the Biodiversity chapter of the EIAR prepared, by OPENFIELD Ecological Services. It is also noted that Brian Keeley has undertaken a bat and badger survey of the site which are included as part of this planning application to An Bord Pleanála.</p>
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In this regard, the proposed development will provide for a high-quality residential development on appropriately zoned lands within the existing development boundary of Malahide Town. The

development will represent a sustainable form of residential development with existing connections to the urban centre where the site will form the sequential development of the town and will provide a total of 369 no. residential units (239 no. apartments, 87 no. houses & 42 no. duplex units & the refurbishment of Auburn House) with 1 no. childcare facility that adhere with key development plan objectives and requirements of the Fingal County Development Plan 2017-2023.

Under the Fingal Development Plan 2017-2023, the lands are subject to the specific objectives under 'Objective Malahide 11' which seeks to prepare and/or implement the Streamstown Masterplan. The main elements to be included in the Streamstown Masterplan are to,

"Facilitate low density residential development reflective of the character of the area,"
and;

"The area for development north of Auburn House is considered a sensitive development zone, whereby a maximum ridge height of 6m should be applied."

However, the Development Plan has another specific objective, '**Objective PM41**', which aims to,

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

Section 5.0 below will now demonstrate that restricting the height of development through these specific local objectives at such a well-served location under the Fingal Development Plan 2017-2023 is a direct contravention of National Policy which promotes increased densities at well served sites and discourages general blanket height standards in certain urban areas, such as the subject site. Please also refer to the Material Contravention Statement prepared by Downey Planning for further information in this regard.

5.0 MATERIAL CONTRAVENTION OF DEVELOPMENT PLAN

A Material Contravention Statement has been prepared pursuant to Section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016 which outlines the justification of the proposed development on lands at Auburn House, which materially contravenes objectives of the Fingal County Development Plan 2017-2023. It is respectfully submitted that the justification set out within the Material Contravention Statement clearly demonstrates that the proposed development at Auburn House should be considered for development in the absence of the masterplan and for increased density and height due to the application sites location within appropriately zoned lands, in a highly accessible location within the development boundary of Malahide and the policies and objectives set out within the Section 28 Guidelines. Such justification includes:

- Objectives within Fingal County Development 2017-2023 which requires the preparation of a Masterplan which has not yet been formerly prepared and adopted and the timeline for which is not available contradicts national policy which seeks to ramp up the delivery of housing on suitable zoned lands;
- The Government's guidelines on Development Management specifically deal with this issue in paragraph 7.16.1 and state 'development which is premature because of a commitment in

a development plan to prepare a strategy, Local Area Plan or framework plan not yet completed should only be used as a reason for refusal if there is a realistic prospect of the strategy or plan being completed within a specific stated time frame’.

- There are conflicting objectives in the Development Plan with regards to Masterplans. The Development Plan notes that Masterplans are subsidiary to their parent plan (i.e. Local Area Plan, County Development Plan) and their associated zoning strategies and objectives. The masterplan is not a statutory plan under the Planning and Development Act 2000. Masterplans are subsidiary to the Development Plan and would not typically have a statutory process albeit the current Fingal Development Plan provides for same. Conflicting objectives exist within Fingal County Development Plan 2017-2023 insofar as the proposed development is concerned.
- The making of this application effectively constitutes the masterplan lands as the lands comprise the remaining lands available for development under the Streamstown Masterplan.
- The subject application complies with the majority of the specific objectives for the Masterplan as set out in the Fingal County Development Plan 2017-2023 and the making of this application does not prejudice the objective of the Development Plan to prepare a masterplan for the overall lands as the subject application ensures that the nature and form of the development does not prejudice the development of the surrounding lands into the future.
- There is planning precedent on surrounding lands to permit development in the absence of the preparation of a Masterplan by the Council (please refer to the Material Contravention Statement for details).

The justification for the contravention of specific objectives of the Development Plan for the Masterplan lands in terms of low density and height of 6m to the north of the lands is set out as follows:

- Objectives within Fingal County Development Plan 2017-2023 which restrict the height and density at the application site contradict National Planning Policy and Section 28 Guidelines;
- The application site is on appropriately zoned lands, in a highly accessible location within the development boundary of Malahide;
- A frequent bus service is located within 100 metres of the application site on the Malahide Road which provides a bus connection to Malahide and Dublin City Centre, i.e. Bus Stop No. 3579 on R107;
- National Policy promotes and encourages increased densities in the range of 35-50 dwellings per hectare on zoned lands in accessible suburban locations within existing settlement development boundaries. The current proposed development provides for a net density of 38 units per hectare;
- The National Planning Framework and its pertaining objectives place a strong emphasis on increased building heights in appropriate locations within existing urban centres and accessible suburban locations such as the application site;
- The proposed development is consistent with the ‘Urban Development and Building Heights, Guidelines for Planning Authorities’;

The justification set out within the Material Contravention Statement clearly demonstrates that there is definitive Local and National Policy guidance that outlines the appropriateness to develop the Auburn House lands without the formal adoption of a masterplan noting that the lands subject to this masterplan represent the majority of available lands for development and that the proposed development adheres to the main objectives for such a plan as set out in a masterplan prepared by CCK Architects.

In light of the foregoing, it is respectfully requested that An Bord Pleanála have regard to the justification set out within the Material Contravention Statement and permit the proposed contravention of the Fingal County Development Plan 2017-2023, having consideration to section 37(2)(b)(i) and (iii) of the Planning and Development Act, 2000 (as amended), specifically the conflicting objectives within Fingal County Development Plan 2017-2023 insofar as the proposed development is concerned, the policies and objectives set out within the Section 28 Guidelines and noting the national importance of delivering housing given the current housing crisis.

6.0 CONCLUSION

This Statement demonstrates that the proposed development is in compliance with relevant national, regional and local planning policy. The proposed development is being submitted in the absence of a statutory Masterplan being adopted for the Streamstown lands under Objective PM14 of the Fingal County Development Plan and as such the proposed development contravenes materially the Development Plan relating to the area. However, a non-statutory masterplan has been prepared by CCK Architects & Urban Designers in support of this application. In this regard, it is considered that restricting the development of the subject lands in the absence of a Masterplan is a direct contravention of National Policy which promotes increased housing supply, increased densities and increased heights at appropriate locations. It is respectfully submitted that the justification set out above clearly demonstrates that the proposed Strategic Housing Development at Auburn House should be considered for development noting that the lands subject to this SHD are within one land ownership and represent the remaining development lands at Streamstown and that the proposed development has been designed in light of the requirements of the masterplan and set out within the Development Plan. The proposed development contravenes two specific objectives for the masterplan noting that low density development and restricted heights are elements to be contained within such a masterplan. However, the location of the subject site on appropriately zoned lands in an accessible suburban location within Malahide's town development boundary, and the policies and objectives set out within the Section 28 Guidelines is such that medium density (a net density of 38 units per ha) and a height of 2-5 storeys is in accordance with national planning policy. For further information in this regard, please refer to the Material Contravention Statement which is submitted as part of this Strategic Housing Development Application.

It is submitted that the proposed development will provide an appropriate form of development on the subject lands that are zoned 'RA-Residential Area', a zoning designation which permits in principle residential use. The proposed development will provide for an effective, efficient, sustainable use of what is a residential zoned lands site in a highly accessible location which is well served by public transport (Dublin Bus Stop No. 3645).

The nature, form and extent of the proposed development has been informed and guided by preapplication consultation with both An Bord Pleanála and the planning authority's internal departments prior to the finalisation of this Stage 3 Strategic Housing Development application.

In light of the above, it is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area in which it is located as expressed in national, regional and local planning policy and Guidelines issued under Section 28 of the Planning and Development, 2000 (as amended), and as such, it is considered that the proposed development at Auburn represents a high-quality Strategic Housing Development proposal which is now being submitted as part of this Strategic Housing Development application to An Bord Pleanála.