

DOWNEY

STATEMENT OF CONSISTENCY WITH PLANNING POLICY

**Proposed Strategic Housing Development
on Lands at Back Road and Kinsealy Lane,
Kinsaley, Broomfield, Malahide, Co. Dublin**

Applicant: Birchwell Developments Ltd.

April 2022

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1.0 INTRODUCTION

Downey, Chartered Town Planners, 29 Merrion Square, D02RW64, have prepared this Statement of Consistency with Planning Policy, on behalf of the applicant, Birchwell Developments Ltd. This Statement accompanies a planning application to An Bord Pleanála for a proposed Strategic Housing Development on lands at Back Road and Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin. The proposed development, as per the description contained within the statutory planning notices, provides for:

“We, Birchwell Developments Ltd., intend to apply to An Bord Pleanála for permission for a strategic housing development on lands at Back Road and Kinsealy Lane, Kinsaley, Broomfield, Malahide, Co. Dublin. The northern lands are generally bound by Ashwood Hall to the west, and the southern lands are generally bound by Hazelbrook to the west and Brookfield to the north.

The development will consist of the demolition of the former rugby clubhouse structure on site and the construction of a total of 415 no. residential units (252 no. houses, 135 no. apartments, and 28 no. duplex units); with 1 no. childcare facility and ancillary residential amenity facilities to be provided as follows:

- 252 no. residential houses (192 no. 3 bed units, 48 no. 4 bed units, 12 no. 5 bed units) in detached, semi-detached, mid-terraced and end-terraced houses ranging from two to three storeys in height;*
- Apartment Blocks A & B are connected at ground and first floor level sharing an undercroft car park at ground floor level and a landscaped podium garden at first floor level, and contain a total of 110 no. units in 2 no. buildings ranging from one to five storeys in height, with Apartment Block A containing a total of 54 no. units comprising of 14 no. 1 bed units, 39 no. 2 bed units, and 1 no. 3 bed unit, and Apartment Block B containing a total of 56 no. units comprising of 14 no. 1 bed units, 40 no. 2 bed units, and 2 no. 3 bed units, with all units provided with private balconies/terraces; internal bicycle stores, bin stores and plant rooms at ground floor level; and on-street car parking and bicycle parking. Ancillary residential amenity facilities are also proposed including concierge/reception, meeting room, gym, and multi-purpose room;*
- Apartment Block C containing a total of 25 no. units comprising of 9 no. 1 bed units, 14 no. 2 bed units and 2 no. 3 bed units, with all units provided with private balconies/terraces, in a building four storeys in height; with on-street car parking and bicycle parking; with access to a communal bin store and bike store;*
- Duplex Block D containing a total of 12 no. units comprising of 6 no. 2 bed units and 6 no. 3 bed units, with all units provided with private balconies/terraces, with a communal bin store and bike store; and 1 no. childcare facility with outdoor play area, all in a building ranging from one to three storeys in height; with residential on-street car parking; and childcare on-street drop-off area, car parking and bicycle parking;*

- Duplex Block E containing a total of 8 no. units comprising of 4 no. 1 bed units and 4 no. 2 bed units, with all units provided with private balconies/terraces; in a three storey building; with a communal bin store and bike store, and on-street car parking;
- Duplex Block F containing a total of 8 no. units comprising of 4 no. 1 bed units and 4 no. 2 bed units, with all units provided with private balconies/terraces; in a three storey building; with a communal bin store and bike store, and on-street car parking.

The development will provide for a total of 721 no. car parking spaces within the scheme; a total of 227 no. bicycle spaces serving the apartments, duplexes and childcare facility; proposed use of the existing vehicular access off Back Road (proposed vehicular access via Ashwood Hall and Brookfield) and proposed use of the existing vehicular access off Kinsealy Lane (proposed vehicular access via Hazelbrook); proposed upgrades to public realm including footpaths, landscaping including play equipment, boundary treatments, and public lighting; and all associated engineering and site works necessary to facilitate the development including proposed upgrade of part of the existing foul drainage network in Hazelbrook, and proposed connection and associated works to the existing foul network along Kinsealy Lane which will be upgraded under planning permission Reg. Ref. F21A/0451.”

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 Development Plan 2017-2023”, please refer to the Housing Quality Assessment (HQA) prepared by McCrossan O'Rourke Manning Architects (MCORM 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 2021-2030
- Rebuilding Ireland, An Action Plan for Housing and Homelessness (2016)
- Housing for All: A New Housing Plan for Ireland
- Affordable Housing Act 2021 & Housing Circular 28/2021
- The Housing Agency Statement of Strategy 2022-2024
- Residential Densities in Towns and Villages (Circular Letter NRUP 02/2021)
- 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 (March 2020)
- Urban Development and Building Heights: Guidelines for Planning Authorities (Dec 2018)
- Childcare Facilities: Guidelines for Planning Authorities (2001)
- Childcare Facilities Operating under the ECCE Scheme (Circular PL 3/2016)
- Space for Play; A Play Policy for Fingal
- Smarter Travel: A Sustainable Transport Future
- Design Manual for Urban Roads and Streets (DMURS)
- National Cycle Manual (June 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
- Climate Action Plan 2019

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 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 415 no. residential units proposed, 252 no. houses, 135 no. apartments and 28 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 415 no. residential units proposed i.e. 252 no. houses, 135 no. apartments and 28 no. duplex units with ancillary residential amenity facilities and 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

Project Ireland 2040 National Planning Framework (NPF), which sets the overarching spatial strategy for the next twenty years, includes the National Development Plan, which sets out the ten-year investment strategy. The recent Review of the NDP was led by the National Investment Office in the Department of Public Expenditure and Reform and was structured in two phases with associated outputs. The review was founded upon a strongly evidence-based approach, building upon the extensive data and analyses that have been produced by the NIO and by the work of IGEEES and other policy units across other Government Departments and agencies, including other newly commissioned and targeted research. The NDP sets out funding to underpin key Government priorities. Specifically, allocations will support the realisation of critical goals laid out in Housing for All and will enable a step-change in investment to ameliorate the effects of climate change.

Outlined in the NDP, the key achievements of NPF over 2018-2021 and in relation to housing includes delivery of over 63,000 homes and 26,256 new social housing homes. To underpin NPF population targets, a detailed assessment of structural housing demand identifies demand for almost 400,000 new homes in Ireland between 2020 and 2031, or 33,000 new homes per annum. At city and county

level, this is broken down to form a Housing Supply Target (HST) for each local authority area, to guide planning for future development.

The NPF housing supply target has been refined to reflect recent (2020) ESRI research based on NPF population growth, taking into account both existing demand and a legacy of undersupply to date. There is now a need to accommodate around 600,000 new households by 2040, with the Department of Housing planning to deliver an average of 33,000 homes per annum to 2030 including an average of 10,000 new social homes each year and an average of 6,000 affordable homes each year.

Set out in the NDP, public capital investment must, as a top priority, support the delivery and location of the homes that society will need over the next decade and beyond, while also ensuring that in the future the pattern of housing development underpins the development of more compact higher-density cities, towns, and other areas. It is also a priority to enable infill development, with up to 50% of future housing in our cities and major urban centres and 30% elsewhere to be provided within existing built-up areas serviced by existing facilities and along high-capacity public transport corridors.

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 415 no. residential units (252 no. houses, 135 no. apartments and 28 no. duplex units) with ancillary amenity facilities 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 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 415 no. residential units (252 no. houses, 135 no. apartments and 28 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.

2.4 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. As per, Housing for All provides four pathways to achieving four overarching objectives:

- *Supporting Homeownership and Increasing Affordability;*
- *Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion;*
- *Increasing New Housing Supply; and*
- *Addressing Vacancy and 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 homes must be provided every year between now and 2030. Increased housing output is needed in all sectors - private, affordable, and social - to meet the needs of people in a wide variety of circumstances.

It is submitted that provision of 415 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.

2.5 Affordable Housing Act 2021 & Housing Circular 28/2021

In July 2021, the Affordable Housing Act 2021 was published, aiming to address problems associated with the high cost of housing for the portion of the population that do not qualify for social housing. Coming to effect from 3rd September 2021, the Housing Circular 28/2021, 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. Part 6 of the Affordable Housing Act 2021, which was

enacted on 21 July 2021, gives effect to this commitment. 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 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 considered that the proposed development is consistent with the Affordable Housing Act 2021, Housing Circular 28/2021, and the requirements under Part V of the Act as it is proposed to provide 10% of the housing units for social and affordable housing. For further details, please refer to the enclosed Part V Validation Letter from Fingal County Council with associated indicative costings and layout.

2.6 The Housing Agency Statement of 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 415 no. residential units on an appropriately zoned land under Fingal Development Plan 2017-2023 would help utilising an existing capacity within the built-up area of Malahide south, 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.

2.7 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.

2.8 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.

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 of Malahide. The site is contiguous to existing residential developments at Castleway and Hazelbrook, and Ashwood Hall and Brookfield. 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. 37.4 dwellings per hectare (net developable area is 11.1 hectares when the access road is 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 throughout the site with c.1.35 ha 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, including: Context, Connections, Inclusivity, Variety, Efficiency, Distinctiveness, Layout, Public Realm, Adaptability, Privacy/Amenity, Parking, and Detailed Design, of which Planning Authorities are recommended to assess planning applications.

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 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 neighbouring 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 415 no. residential units (252 no. houses, 135 no. apartments and 28 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 Architectural Design Statement prepared by MCORM Architects.

2.9 Delivering Homes, Sustaining Communities: Statement on Housing Policy (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. Also, 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 pre-application consultation request is accompanied by an Architectural Design Statement and a Housing Quality Assessment (HQA) prepared by MCORM Architects, which demonstrates the proposed development is compliant with the relevant standards in the '*Quality Housing for Sustainable Communities*' document and the Fingal Development Plan 2017-2023.

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

The aim of these Guidelines is to identify principles and criteria that are important in the design of housing and to highlight specific design features, requirements and standards that have been found, from experience to be particularly relevant. The guidelines set out some recommended standards in terms of space provision and room sizes etc. The proposed scheme has been cognisant of the need to

facilitate a high standard of living for future occupants, while representing a proposal that is conducive to complimenting and augmenting the established residential character of the surrounding area. In this regard, it is noted that all of the residential units have been designed to comply with the room standards as set out in these Guidelines, as well as in the County Development Plan. MCORM Architects have also prepared an Architectural Design Statement for this scheme and is submitted under a separate cover. This outlines the rationale behind the design of the scheme and how it will contribute to a positive and attractive residential development. This SHD application is accompanied by a Housing Quality Assessment (HQA) document, which has been prepared by MCORM Architects and illustrates how the proposed development complies with the required standards that have been set out in this assessment.

2.11 Sustainable Urban Housing: Design Standards for New Apartments (Dec 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 state that Ireland is a long way behind European averages in terms of the numbers of households living in apartments, especially in our cities and larger towns. Given the gap between Irish and European averages in numbers of households living in apartments and the importance of addressing the challenges of meeting the housing needs of a growing population in our key cities and towns and by building inwards and upwards rather than outwards, apartments need to become the norm for urban housing solutions.

The Guidelines state that, *"ongoing demographic and societal changes mean that in addition to families with children, the expanding categories of household that may wish to be accommodated in apartments include:*

- *Young professionals and workers generally;*
- *Those families with no children;*

- ‘Downsizers’; and,
- Older people, in both independent and assisted living settings.”

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. 37.4 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 415 no. residential units (252 no. houses, 135 no. apartments and 28 no. duplex units) with ancillary amenity facilities, 1 no. childcare facility and a total of 721 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 MCORM Architects, and a detailed Daylight, Sunlight, and Internal Light Analysis Report prepared by Digital Dimensions, 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 MCORM 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 60% 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.”*

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 KFLA 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 227 no. bicycle spaces in high-quality, safe and accessible locations.

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 721 no. car parking spaces with 217 being provided for the apartment and duplex units (1.25 car parking spaces per unit). In-curtilage parking is proposed for each of the houses. The creche includes 6 no. pickup and drop off spaces and 10 staff parking which also serve as visitor parking for Apartment Block D during off peak times. It is also noted that there are 7 disabled car parking spaces included in the Apartment/Duplex Blocks. This consists of 1 disabled car parking space per blocks C, D and E with 4 disabled car parking spaces for Blocks A and B.

The Development Plan requires that each dwelling to be provided with 2 no. car parking spaces which is being provided within this scheme. The car parking for apartments and duplex units, however, is provided at a ratio of 1.25 car parking spaces per unit. Thus, the overall car parking provision may be considered to potentially materially contravenes the Fingal Development Plan 2017-2023. This item has been further discussed in a Material Contravention prepared by Downey and submitted under a separate cover, which we invite the Board to refer to.

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

Table 1. Compliance with Specific Planning Policy Requirements

2.12 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 inflexibly 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 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 following Special Planning Policy Requirements are contained within the Guidelines and are relevant to the proposed development:

SPPR1: *“In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.”*

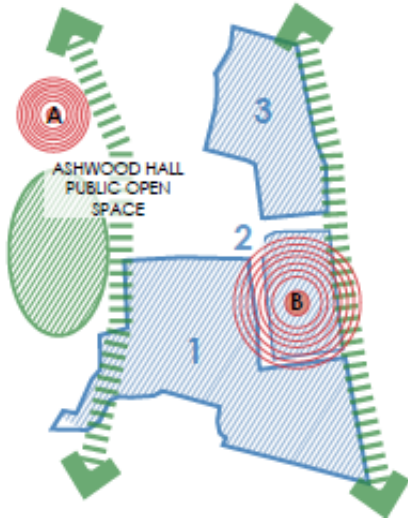


Figure 1. Conceptual Diagram of Character Areas (source: MCORM Architects)

The proposed scheme is situated within the wider Broomfield lands and contributes to the completion of the overall developments in the same lands, and thus, it incorporates the elements of the existing built environment/granted permissions in the area. The scheme is proposed to create 4 individual character areas with three located to the northern portion of the lands, and one in the southern portion. With respect to the neighbourhood centre envisaged in Ashwood Hall, a second focal point is proposed at the heart of the northern quarter of the lands. This is submitted to be a crèche. The plan opposite presents the three character areas envisaged in the northern quarter, along with building heights of the different residential typologies and crèche. These range from 2-storey (houses) to 5-storey (central apartment buildings). The northern apartment block is built to 4-storeys while the linear duplex block is 3-storey, adjoining the 2-storey crèche located in its eastern corner. As illustrated in the Figure 2 below, the higher-density residential typologies (4- & 5-storey apartment buildings) are located within the northern quarter, where there is a closer proximity to the main roads, public transport corridors, and subsequently the Malahide town centre. The southern quarter of the site comprises a mix of 2-storey housing typologies, in addition to two linear duplex blocks 3-storeys in height. The southern quarter corresponds to area no. 4 in the character strategy proposed and provides a lower density character than the northern quarter. The restriction in density at this end of the site is due to the airport public safety zone which limits population in these areas to 60 persons per half hectare maximum. The Aviation Public Safety Zone Assessment Report prepared by Cyrus Ltd., which accompanies this application, dictated the final layout, in compliance with their recommendations.

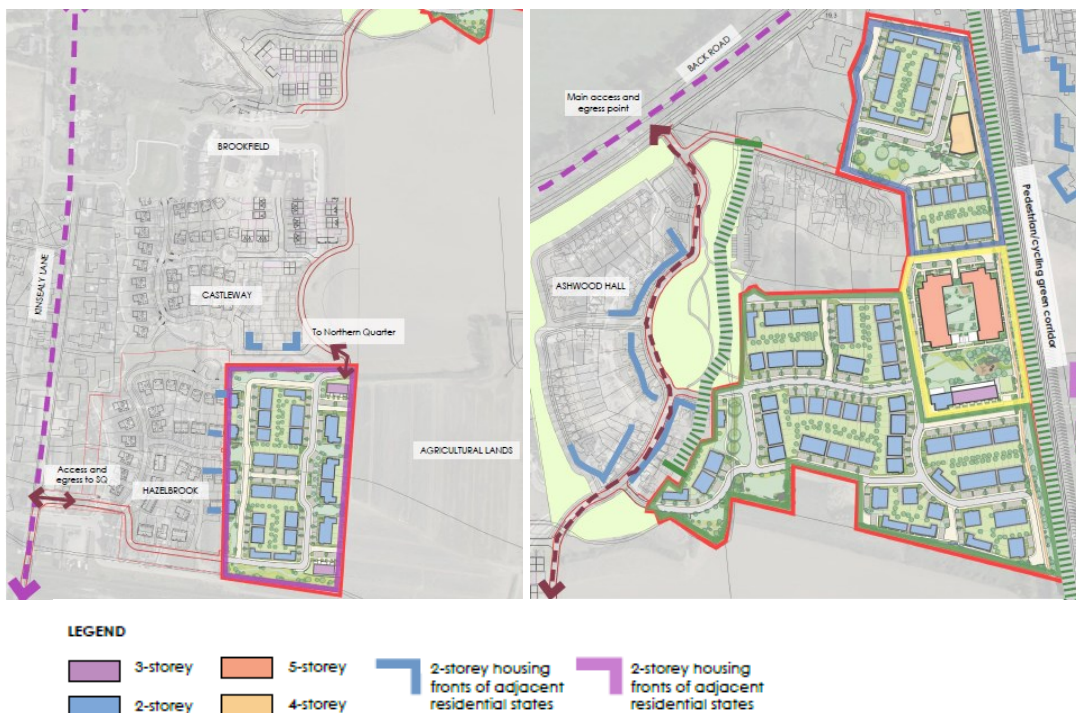


Figure 2. Proposed Building Height across the Scheme (source: MCORM Architects)

With respect to the foregoing, it is submitted that the proposed height of the scheme is consistent with the relevant planning policy and guidelines, while incorporating the locational attributes of the lands and site constraints.

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 the area 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 respectfully submitted that the following document outlines how the proposal is consistent with the relevant national, regional, and local planning policy as it pertains to the site and its environs, and as such the development accords with SPPR 3. As per, this SHD application has adhered to the Development Management Criteria set out within the Guidelines, which outline the specific criteria a planning must meet when proposing increased height. Within section 3.0 Building Height and the Development Process four criteria are set out in 3.2 Development Management Criteria which the applicant must demonstrate to the Planning Authority/An Bord Pleanála when making a planning application, this application satisfies that:

1. At the scale of the relevant city/town

- The site is within the development boundary of Malahide and is served by various public bus routes.

- This development has been carefully modulated to respect the character of the area and residential amenity of neighbouring properties. It successfully integrates and enhances the public realm of the locality having regard to the surrounding area and existing residential developments. All such considerations have been made during the design process which has involved a multi-disciplinary team, which includes Ecologists, Architects, Landscape Architects, Engineers, Archaeologists, etc.
- A positive contribution has been made towards achieving densities within this locality, which is predominantly characterised by low density suburban style development. The unit mix provides a good choice for future residents and caters for a broad range of housing requirements within the housing market, namely first-time buyers, singles, downsizers, and retirees.

2. At the scale of district/ neighbourhood/ street

- The proposed height will help to create and add visual interest in this area, while protecting views in the wider area, as confirmed within the Landscape/LVIA chapter of the EIAR.
- It is respectfully considered that the proposal introduces a high-quality development at an appropriately zoned site. The proposed development responds appropriately to the massing and scale of the residential pattern and scale in the town of Malahide and creates a strong sense of place through the introduction of key buildings at various character nodes within the scheme.
- A positive contribution has been made towards integrated and cohesive house and apartment design in this emerging area of Malahide.

3. At the scale of the site/building

- As submitted within the Specific Site Assessments, the form, massing and height of proposed development has been carefully modulated to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.
- The design of the houses, duplexes and apartments is bespoke for this site in terms of the palette of materials and provision of public and communal open space to create an attractive public realm.

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, which we invite the Board to refer to.

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 252 no. houses (192 no. 3 beds, 48 no. 4 beds, and 12 no. 5 beds), 28 no. duplex units (8 no. 1 beds, 14 no. 2 beds, and 6 no. 3 beds) and 135 no. apartments (37 no. 1 beds, 93 no. 2 beds, and 5 no. 3 beds). This provides for a net density of 37 units per hectare for the proposed scheme (415 units on 11.1 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 terrace houses, 3 storey duplex apartments to 5 storey apartment units. The development is therefore submitted to be in accordance with SPPR 4 of these Guidelines and keep consistent with the aforementioned Guidelines.

Specific Planning Policy Requirement	Compliance
SPPR1 (Building height and density)	In compliance
SPPR2 (Building height and mix of uses)	In compliance
SPPR3 (Assessment of planning applications)	In compliance in light of content of application submission
SPPR4 (Development of greenfield/edge of city/town centre sites)	In compliance

Table 2. Compliance with Specific Planning Policy Requirements

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 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.

2.13 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 319 no. residential units which could be potentially family-occupied. 1-beds and 50% of 2-beds may be excluded from the calculations (45 no. 1-beds + 32 no. as 50% of 2-beds = 98 no. units), and provision is therefore required for c. 85 children. This is calculated as follows:

$$((415 - 98) \div 75) \times 20 = 84.53$$

The proposed development provides for a 476 sqm childcare facility intended to cater for c. 86 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. 86 no. childcare spaces to cater for the proposed residential scheme, which is 12 no. spaces over 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 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.

2.14 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.

2.15 Space for Play; A Play Policy for Fingal

“Space for Play; A Play Policy for Fingal”, the best practice policy guidelines developed by the Council's Parks & Green Infrastructure Division aims to provide a framework for the provision of safe, accessible, inclusive, natural, and engaging play spaces for all children and adolescents up to the age of 17. Fingal County Council currently manages a network of play spaces on Council managed land ranging from playgrounds of various scales in local and regional parks, to Multi Use Games Areas (MUGA), and skate parks. The Play Policy will provide the basis on which the current and future play provision throughout the County will be developed to the highest quality in line with international best practice.

Outlined in the policy guidelines, it is Fingal County Council's policy that Play facilities shall be provided at a rate of 4 sqm per residential unit. All residential schemes in excess of 50 units shall incorporate play facilities clearly delineated on the planning application drawings and demarcated and built, where feasible and appropriate, in advance of the sale of any units.

The proposed development provides for an overall total of 3,010 sqm play area, comprising of 210 sqm of play areas with formal equipment, 800 sqm of informal play areas, along with a minimum of 2,000 sqm useable kickabout space. This is submitted to be consistent with the relevant policy and guidelines. However, out of an abundance of caution, this item is fully discussed by Downey in a Material Contravention Statement should it be considered to potentially materially contravene the Fingal Development Plan 2017-2023 by the competent authority in their assessment of the application, which we invite the Board to refer to.

2.16 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 walking distance of the Malahide DART Station and is serviced by a frequent bus service serving the R107 Malahide Road to the west and the R124/Church Road to the east of the subject site. 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.

Therefore, it is considered that the proposed development is consistent with this national transport policy and will assist in its implementation.

2.17 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.

2.18 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 west.
- 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.

2.19 EIA Directive

The requirements for an Environmental Impact Assessment (EIA) of development proposals (projects) are governed by Directive 2014/52/EU, which amends the previous EIA Directive (Directive 2011/92/EU). The primary purpose of an EIA is to ensure that certain projects that are likely to have significant effects on the environment are subjected to an assessment of their likely environmental impacts. The EIA process itself forms part of the planning consenting process and is carried out by the Competent Authority (An Bord Pleanála in this instance).

An EIAR is prepared by and on behalf of an applicant/developer in respect of development proposal / project that they are seeking planning consent/permission. Therefore, the EIAR becomes a central element that informs the Competent Authority's determination of the planning permission. The EIA Directives list those projects for which an EIA is mandatory (Annex I) and those projects for which an EIA may be required (Annex II). Annex I projects are listed in Part 1 of Schedule 5 of the Planning and Development Regulations 2001 (as amended, 'the Regulations'). The Project is not listed within Part 1 of Schedule 5 of the Regulations and therefore mandatory EIA is not required under Annex 1. With

respect to Part 2 of Schedule 5 (Annex II) Projects, the relevant thresholds relating to the subject proposal are outlined below:

- **Class 10(b)(i) “Construction of more than 500 dwelling units”:** This project (the proposed development) comprises a residential development including the provision of 415 no. new residential dwelling units and a childcare facility. Therefore, the Project falls below the stated threshold, and an EIA is not required on this basis.
- **Class 10(b)(ii): “Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of a development.”:** The project (the proposed development) does not include a car park providing 400 no. spaces or more. Furthermore, all car parking being provided within the project is incidental to the primary purpose of the residential development. Therefore, the car parking element of the project does not fall within this Class of Regulations. An EIA is not required on this basis.
- **Class 10(b)(iv): “Urban development 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, the application site extends to c. 12.5 hectares within what can be considered a built-up area. An EIA is required on this basis and, as a consequence, an EIAR has been prepared to accompany the planning application.

2.20 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). Faith Wilson Ecological Consultants has prepared a report for Screening for Appropriate Assessment for the proposed development. A Natura Impact Statement (NIS) has also been prepared by Faith Wilson Ecological Consultants for the proposed development. For further information in this regard, please refer to the Appropriate Assessment Screening Report and Natura Impact Statement prepared by Faith Wilson Ecological Consultants.

2.21 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 and

attenuation design, setting of floor levels, overland flood routing, damp proof membranes, 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 enclosed Flood Risk Assessment report prepared by Waterman Moylan Consulting Engineers.

2.22 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 KFLA landscape Architects for further details on inclusion of the Plan guidelines within the proposed landscape of the scheme.

2.23 National Adaptation 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.

2.24 Climate Action Plan 2019

Climate disruption is already having diverse and wide-ranging impacts on Ireland's environment, society, economic and natural resources. The Climate Action Plan 2019 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 accounted for 12.7% of Ireland's greenhouse gases 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, including:

- Improving the fabric of buildings
- District heating in commercial buildings
- Switching from oil burners to heat pumps
- Setting new building standards.

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.

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.

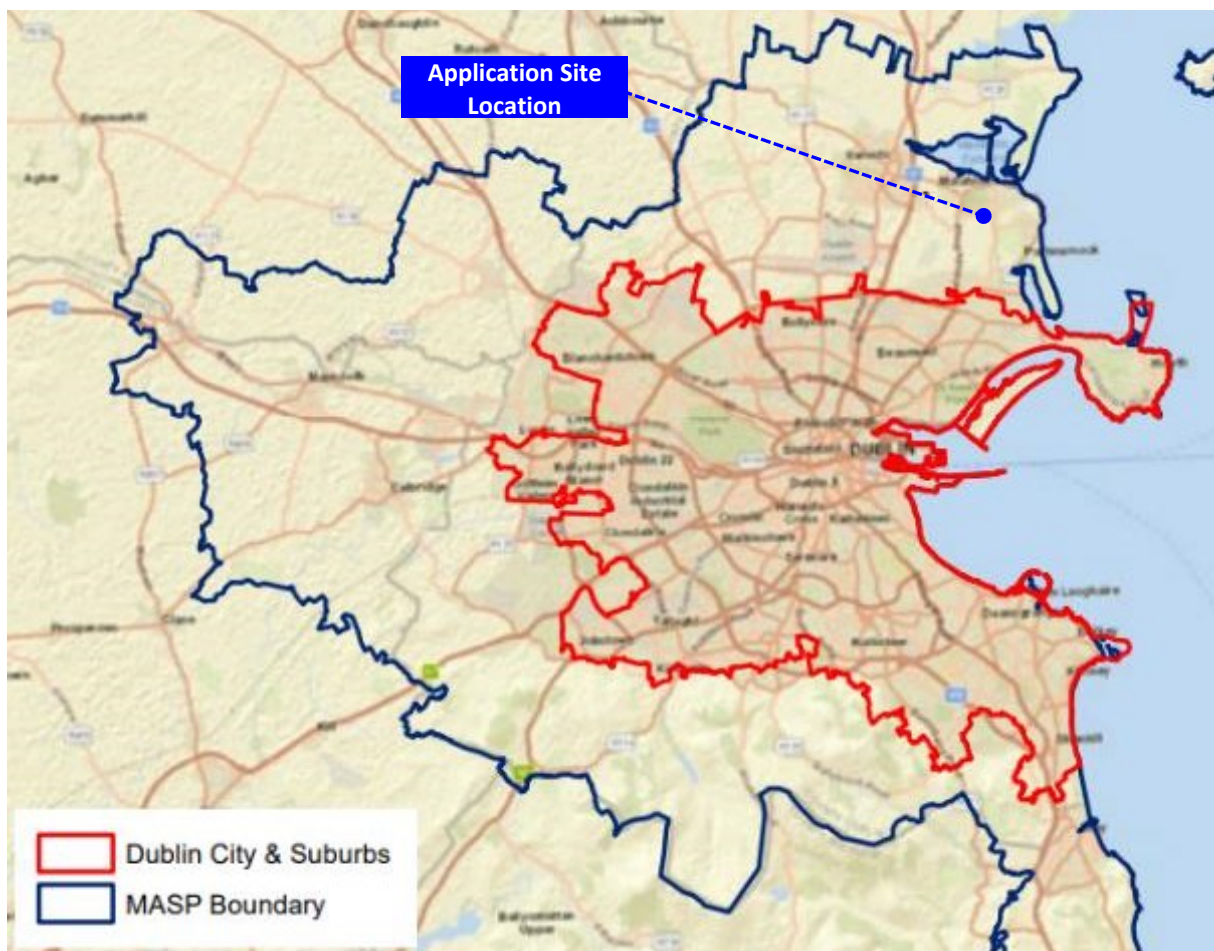


Figure 3. Application Site Location within the Dublin Metropolitan Area Strategic Plan' (MASP) Area under the Regional Spatial and Economic Strategy (Eastern & Midland Regional Assembly)

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 Broomfield 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 415 no. residential units (252 no. houses, 135 no. apartments and 28 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 MCORM 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 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 Broomfield 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 west of the application site and the R124/Church Road to the east of the application site and is located within 1km (closest point) to 2km (furthest point) of 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 Development Plan 2017-2023.

4.1 Fingal 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, innovation-based 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

Fingal Development Plan 2017-2023

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 c. 37.4 dwellings per hectare (net developable area is 11.1 hectares when the access road is 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 R107 Malahide Road to the west of the application site and the R124 Church Road to the east of the application site and is located within 1km (closest point) to 2km (furthest point) of Malahide DART station whilst providing a variety of unit types and mixed tenures for all, in a high-quality, vibrant community setting.

Fingal Development Plan 2017-2023 Variation no. 2

This Variation No. 2 (adopted) to the Fingal Development Plan 2017-23 seeks to respond to the 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 adopted variation, Malahide is listed as a 'Self-Sustaining Town' with a remaining capacity of 956 residential units from the overall 34,806 units envisaged for the county. 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.

Town/Village	Remaining Capacity (hectares)	Remaining Residential Units	Metropolitan Core % Land	Metropolitan Core % Units
Metropolitan Area				
Key Town				
Swords	481	14,799		
Dublin City and Suburbs				
Blanchardstown	260	9,306		
Howth	14	436		
Baldoyle/Sutton	29	1498		
Other Settlements*	66.5	2,320		
Other Metropolitan Areas				
Portmarnock	43	1,116		
Self Sustaining Growth Towns				
Donabate	101	3,532		
Self Sustaining Town				
Malahide	75.5	956		
Towns/Villages	92	844		
Total Metropolitan	1,162	34,806	76%	81%

Figure 4. Residential Capacity under Fingal Development Plan 2017-2023, updated as of September 2019

Set out under **Objective SS02** of the Fingal Development Plan, Fingal County Council seeks to:

“Ensure that all proposals for residential development accord with the County’s Settlement Strategy and are consistent with Fingal’s identified hierarchy of settlement centres.”

With respect to the timing and sequencing of planning applications in the area, there may be a possible material contravention of the proposed scheme with the Core Strategy of the Development Plan. An overview of the applications on housing provision in the area, mainly lodged through the SHD process, expects that an overall total of 646 no. units to be potentially delivered in Malahide up to 2023. This includes Seamount Road SHD providing for 142 no. dwellings (TA06F.305991 - granted permission on 20/03/2020), Auburn House SHD providing for 368 no. dwellings (TA06F.309907 - in the pre-application stage), Lamorlaye, Back Road SHD providing for 102 no. dwellings (TC06F.310125 - in the pre-application stage), and Streamstown Lane development providing for 34 no. dwellings (PL06F.301848 - granted permission on 03/12/2018). Thus, there is still a remaining capacity of 310 no. residential units to be delivered in the area. This is further discussed in the Statement of Material Contravention prepared by Downey and enclosed under a separate cover with the application, which we invite the Board to refer to.

The variation notes that, *“Self-Sustaining Towns are towns that require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery”*. As a Self-Sustaining Town, Malahide has an important role within the Metropolitan Area and should continue to develop as a self-sustaining centre through the provision of a range of facilities to support the existing and new populations. Development in these towns should focus on consolidation and inclusion of policies in relation to improvements in services and employment provision. **Objective ED85** of the variation to the Development Plan seeks to:

“Ensure that settlements and locations within the Metropolitan Area pursue development policies of consolidation, and maximise their economic strengths and competitive advantages such as tourism and marine sectoral activities in Malahide and Howth, while the lands within the southern part of the County maximise their economic potential through the strong functional linkages to the M50.”

As stated in the adopted variation, *“Malahide is considered a Self-Sustaining 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 415 units 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 and indeed are within 1km (closest point) to 2km (furthest point) from Malahide DART Station. The provision of 415 no. units will seek to ensure the objectives for Malahide as a self-sustaining town are achieved, but yet may exceed the remaining capacity of 956 units as set out in the Adopted Variation No. 2 to Fingal Development Plan 2017-2023. This is fully discussed in the Statement of Material Contravention prepared by Downey as part of this SHD application, which we invite the Board to refer to.

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 Broomfield is consistent with these criteria. The proposed residential development which incorporates 1 no. childcare facility that is located in an area which benefits from ease of access to the provisioned road with cycling and walking also taken as a key consideration of the proposed scheme. The influx of population arising from the proposed development will increase the critical mass required to further support public transport infrastructure in the area. There is a range of facilities in the immediate vicinity of the subject lands including community facilities, sports clubs, etc. and within the wider Malahide area. A Community and Social Infrastructure Audit, prepared by Downey, also accompanies this SHD application which provides

detailed information and assessment of the existing services currently supply the Broomfield lands. 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 and assist in the completion of the zoned Broomfield lands.

4.1.4 Movement and Transport

In relation to movement and infrastructure, the Development Plan states that a safe, efficient, effective and sustainable transportation system is essential to the future economic, social and physical development of Fingal. The Development Plan seeks to:

- 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 1km (closest point) to 2km (furthest point) 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 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.”

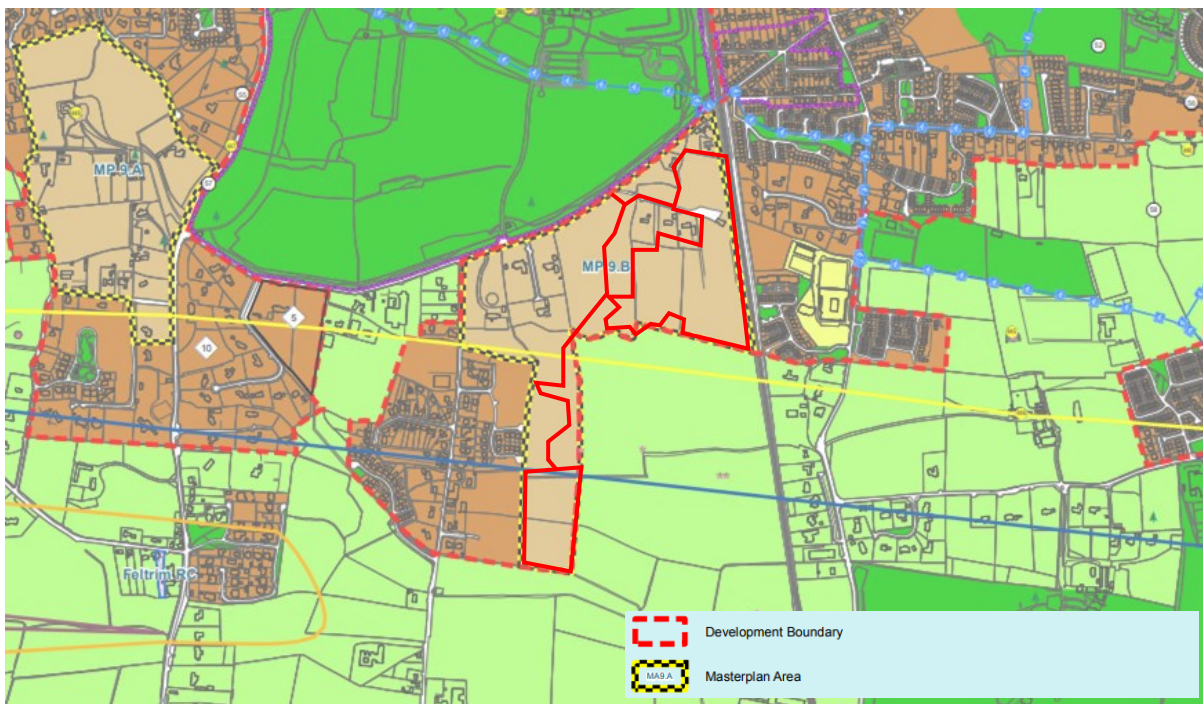


Figure 5. Fingal County Council Land Use Zoning Map, 2017-2023 (Lands outlined in red)

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

Uses Permitted in Principle under the RA Land Use Zoning

Amusement Arcade⁹; Bed and Breakfast; Betting Office⁹; Childcare Facilities; Community Facility; Education; Funeral Home/Mortuary⁹; Guest House; Health Centre; Health Practitioner; Hospital; Office Ancillary to Permitted Use; Office ≤ 100sqm⁹; Office >100sq.m. and, 1,000sqm¹¹; Open Space; Place of Worship; Public House⁹; Public Transport Station; Recreational Facility/Sports Club; Residential; Residential Care Home/Retirement Home; Restaurant/Cafe⁹; Retail-Local < 150 sqm nfa; Retail – Convenience ≤ 500 sqm nfa⁹; Retail – Comparison ≤ 500 sqm nfa⁹; Retail – Supermarket ≤ 2,500 sqm nfa⁹; 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

Table 3. Permitted Uses under the RA Land Use Zoning

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

4.1.6 Site Specific Objectives and Designations

Masterplan

The subject lands at Broomfield, whilst zoned for residential development, are also located in an area marked M.P 9B (Broomfield Masterplan) and therefore are subject to the preparation of a Masterplan. The Fingal 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 non-motorised 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 4 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)*
- *Broomfield Masterplan (see Map Sheet 9, MP 9.B)”*

To date a Masterplan has not been prepared or adopted for the Broomfield lands by Fingal County Council. This provides that the proposed development may be considered to potentially materially contravene Objective PM14 and Objective Malahide 11 of the Fingal County Development Plan in that a Masterplan has not yet been prepared and/or adopted for the Broomfield lands by Fingal County Council. However, the masterplan area is already largely built out and/or approved at this stage with the exception of the subject site. The making of this application effectively constitutes the masterplan lands as the lands comprise the remaining lands available for development under the Broomfield Masterplan designation. Therefore, with respect to the current circumstances of the lands and by matters of planning permission precedent, Downey are of the professional opinion that the foregoing objectives does not reflect real-time policy. To better demonstrate this, the Fingal Development Plan was adopted back in 2017, with Fingal County Council recently commencing the review process of this Development Plan on 12th March 2021. These specific objectives have also been superseded by virtue of planning permission decisions and development that have occurred in the area since 2017. The Statement of Material Contravention enclosed under a separate cover with this application provides the justification for the granting of permission for the development of the lands at Back Road, Broomfield in the absence of the preparation and adoption of the Broomfield Masterplan, which we invite the Board to refer to.

It is also important to note that the layout and supporting documentation enclosed with this application sets out the proposed development’s compliance with the specific objectives for the masterplan which are set out under Objective Malahide 11 including connections to adjoining lands, provision of public open space, etc. The Architectural Design Statement which is enclosed under separate cover sets out the site analysis for the entire masterplan lands. The Masterplan lands include recent development at Ashwood Hall and Brookfield. Since the masterplan was identified in the Fingal Development Plan, many of the sites within the identified masterplan area have already been

developed, are subject to live planning applications, or are currently under construction. Please refer to the enclosed supporting documentation which sets out the design principles for the development of the lands in the context of the specific policies and objectives for the lands as set out in the Fingal Development Plan 2017-2023.

Dublin Airport Noise Zones & Public Safety Zone

The Fingal Development Plan 2017-2023 seeks to minimise the adverse impact of noise without placing unreasonable restrictions on development and to avoid future conflicts between the community and the operation of the airport. Variation no. 1 of the Development Plan introduces three noise buffer zones for Dublin Airport, replacing the previous Inner Noise Zone and Outer Noise Zone, with Noise Zones A, B, and C.

Objective DA07 of the Fingal Development Variation no. 1 seeks:

“Strictly control inappropriate development and require noise insulation where appropriate in accordance with table 7.2 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the adverse impact of noise on existing housing within the inner and outer noise zone.”

With respect to the Dublin Airport Noise Zones and as illustrated in the Figure below, the majority of the subject site is located within the Noise Zone C, and a small portion of the site in the southern ends is located in the Noise Zone B.

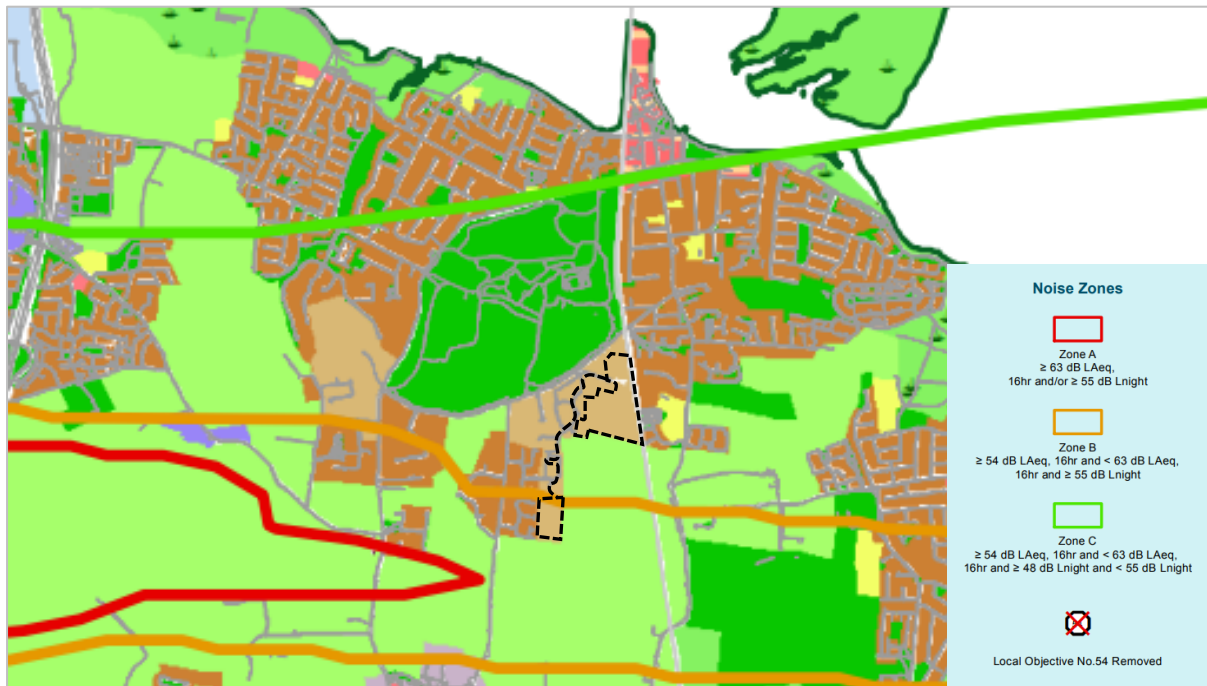


Figure 6. Dublin Airport Noise Zones extracted from the Development Plan (approximate boundaries of the subject site outlined in dashed black line)

It is the Objective of the Fingal Development Plan Variation no. 1 for **Noise Zone C**:

“To manage noise sensitive development in areas where aircraft noise may give rise to annoyance and sleep disturbance, and to ensure, where appropriate, noise insulation is incorporated within the development.

Noise sensitive development in this zone is less suitable from a noise perspective than in Zone D. A noise assessment must be undertaken in order to demonstrate good acoustic design has been followed.

The noise assessment must demonstrate that relevant internal noise guidelines will be met. This may require noise insulation measures.

An external amenity area noise assessment must be undertaken where external amenity space is intrinsic to the development’s design. This assessment should make specific consideration of the acoustic environment within those spaces as required so that they can be enjoyed as intended. Ideally, noise levels in external amenity spaces should be designed to achieve the lowest practicable noise levels.

Applicants are strongly advised to seek expert advice.”

Also, it is the Objective of the Fingal Development Plan Variation no. 1 for **Noise Zone B**:

“To manage noise sensitive development in areas where aircraft noise may give rise to annoyance and sleep disturbance, and to ensure noise insulation is incorporated within the development.

Noise sensitive development in this zone is less suitable from a noise perspective than in Zone C. A noise assessment must be undertaken in order to demonstrate good acoustic design has been followed.

Appropriate well-designed noise insulation measures must be incorporated into the development in order to meet relevant internal noise guidelines.

An external amenity area noise assessment must be undertaken where external amenity space is intrinsic to the developments design. This assessment should make specific consideration of the acoustic environment within those spaces as required so that they can be enjoyed as intended. Ideally, noise levels in external amenity spaces should be designed to achieve the lowest practicable noise levels.

Applicants must seek expert advice.”

On the other hand, the Fingal Development Plan Variation no. 1 outlines Broomfield amongst townlands which **Assessment Zone D** applies to.

“To identify noise sensitive developments which could potentially be affected by aircraft noise and to identify any larger residential developments in the vicinity of the flight paths serving the Airport in order to promote appropriate land use and to identify encroachment.

All noise sensitive development within this zone is likely to be acceptable from a noise perspective. An associated application would not normally be refused on noise grounds, however where the development is residential-led and comprises non-residential noise

sensitive uses, or comprises 50 residential units or more, it may be necessary for the applicant to demonstrate that a good acoustic design has been followed.

Applicants are advised to seek expert advice.”

This Strategic Housing Development application is accompanied by a detailed noise assessment prepared by AWN Consulting Ltd. which is contained within the EIAR. This assessment demonstrates the proposed development is compliant with the relevant standards in the Fingal Development Plan Variation no. 1, and good acoustic design has been followed in the design process. Moreover, it has been recognized that the incidence of aircraft accidents is the highest in the immediate vicinity of busy runways. To address the risk of an aircraft accident to people on the ground, Public Safety Zones (PSZ) are established around the runways. PSZs are areas of land at the end of the runways at the busiest airports, within which development is restricted in order to control the number of people on the ground at risk of death or injury in the event of an aircraft accident on take-off or landing. It is a specific objective to adhere with the following: -

Objective DA14 – “Review Public Safety Zones associated with Dublin Airport and implement the policies to be determined by the Government in relation to these Public Safety Zones.”

Objective DA15 – “Take into account relevant publications issued by the Irish Aviation Authority in respect of the operations of and development in and around Dublin Airport.”

Objective DA16 – “Continue to take account of the advice of the Irish Aviation Authority with regard to the effects of any development proposals on the safety of aircraft or the safe and efficient navigation thereof.”

The blue lines in the Figure below depict the outer PSZ, whereas the yellow lines represent the inner PSZ. The southern portion of the Broomfield development lies within the outer PSZ.

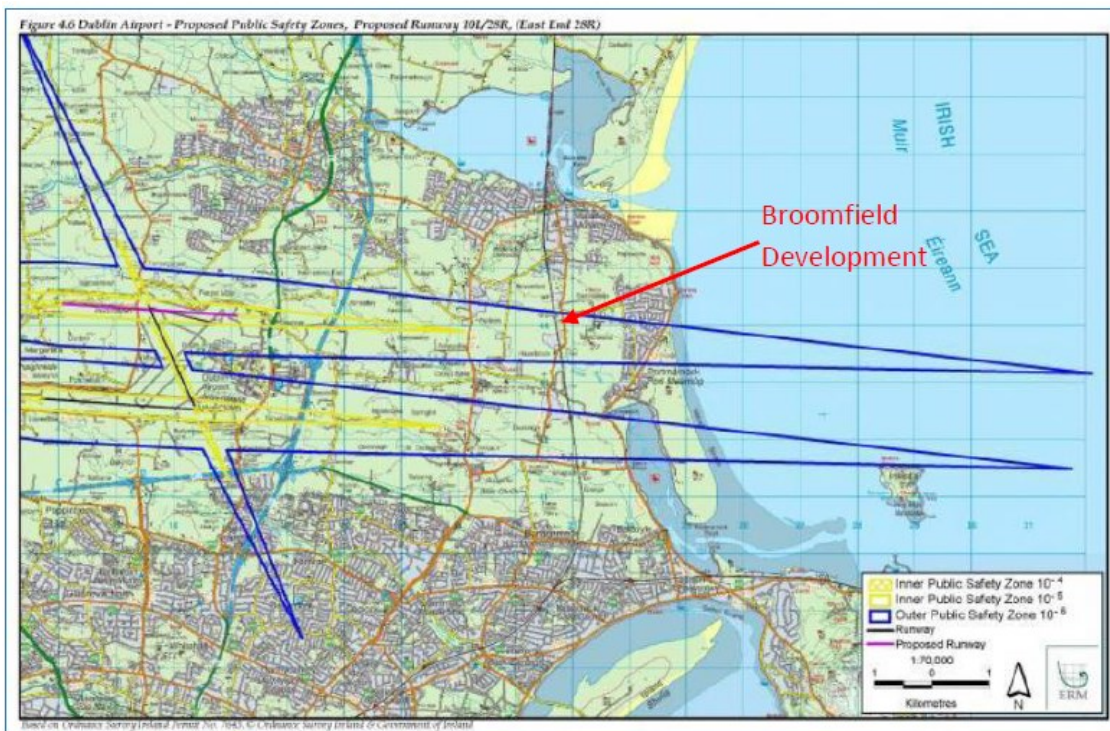


Figure 7. PSZ at Dublin Airport extracted from the Aviation Safety Assessment accompanied by the Application for the Proposed Development

As per the Environmental Resources Management (ERM) Ireland, 2003 *“In some cases, permitted developments are restricted to a maximum density of persons. This density is expressed as the number of persons per half hectare. A half hectare was chosen as this approximates the average maximum aircraft crash area. The maximum density should be applied to any single half hectare within which the proposed development is located.”* And therefore, the southern portion of the Broomfield SHD application site is restricted to a maximum occupancy of 60 persons in any ½ hectare.

This Strategic Housing Development application is accompanied by an Aviation Public Safety Assessment Report prepared by Cyrrus Ltd., which demonstrates:

- The latest layout revision assessed within this report fully complies with the published Aviation Public Safety Zone requirements;
- Of the identified ½ hectare grid squares, none exceed the stated maximum population density of >60 persons per ½ hectare;
- This development does not compromise the population density of pre-existing dwellings;
- Provided that the Fingal Development Plan and Regional Spatial and Economic Strategy (RSES) are implemented as published, the housing occupancy rate in Fingal should decrease over the coming years as more housing stock comes online, thereby ensuring ongoing compliance.

Therefore, Downey are of the professional opinion that the proposed development complies with the requirements of the Aviation Public Safety Zone, and the provisions for the density stipulated in the ERM report, and therefore, is considered to be consistent with the relevant policy and planning framework. For further details in this regard, please refer to the noise assessment prepared by AWN Consulting Ltd. contained within the EIAR and enclosed with the application.

4.1.7 Development Management Standards

Chapter 12 of the Fingal County Development Plan sets out development standards and criteria that form the policies and objectives of the Development Plan to ensure that development occurs in an orderly and efficient manner and that it is in accordance with proper planning and sustainable development. The following section assesses the main set of standards and criteria required for high-quality sustainable development.

Table 4. Compliance with Chapter 12 – Development Management Standards

Criteria	Compliance
12.1 Background	
Pre-Planning	<p>On 25/08/2020, 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 Back Road, Broomfield, Malahide, County Fingal.</p> <p>On 27/04/2021, 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 14/05/2021, An Bord Pleanála issued the notice of</p>

	<p>pre-application consultation opinion for the proposed development, under case reference ABP-308804-20.</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>
<p>12.2 Common Principles for all Planning Applications</p>	
<p>Access for All</p>	<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, 10% of apartments and houses, comprised within 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 MCORM Architects and submitted as part of this application.</p>
<p>Green Infrastructure</p>	<p>The proposed development provides for an overall of c. 1.35 ha public open space, comprising of both Class 1 and 2 public open spaces, as specified within the Fingal Development Plan. With respect to the developable site area of 11.1 ha, this would provide for 12% public open space provision which exceeds the threshold envisaged in the Development Plan. It is noted that this calculation does not include the additional 0.55 ha Green Route/Cycle Link.</p> <p>The proposed scheme would also benefit from green infrastructure conceived for Ashwood Hall, with intuitive and clear connections, which will be a reference as a central open space when the northern lands are developed, and thus generating a strong relationship between the surrounding green systems and the future internal open space network envisaged. Regarding the southern lands, potential clear linkages with Hazelbrook (West) and Brookfield (North) are observed. A completion of neighbouring urban patterns within this southern subject site, with a reliance on linked landscaped open spaces and pocket parks, is envisioned.</p>

	<p>Finally, the natural hedgerow and tree boundary along the Dublin-Belfast railway is a promising opportunity to design a linear park which, in addition, would work as an acoustic barrier against train traffic for the adjacent housing cells.</p> <p>For further information in this regard, please refer to the detailed landscaping proposals prepared by KFLA Landscape Architecture.</p>
<p>Sustainable Design</p>	<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>
<p>Environmental Impact Assessment</p>	<p>Given that 415 no. units are proposed and indeed noting that the application site extends to an overall of c. 12.5 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>
<p>Screening for Appropriate Assessment</p>	<p>An Appropriate Assessment Screening report has been carried out by Faith Wilson Ecological Consultants as part of this SHD application. A Natura Impact Statement has also been prepared. Please refer to the enclosed Screening Report for Appropriate Assessment and Natura Impact Statement prepared by Faith Wilson Ecological Consultants for further details.</p>
<p>12.3 Design Criteria for Urban Development</p>	
<p>High Quality Urban Design</p>	<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 ‘Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’ and ‘Best Practice Urban Design Manual.’ 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>

	<ul style="list-style-type: none"> ▪ <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 MCORM 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 MCORM Architects for further information in this regard. Please also refer to the detailed landscaping proposals prepared by KFLA Landscape Architecture.</p>
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12.4 Design Criteria for Residential Development

<p>Residential Zoning</p>	<p>Under the current Fingal County Council Development Plan, the subject site is zoned “RA – Residential Area” which seeks: <i>“Provide for new residential communities subject to the provision of the necessary social and physical infrastructure.”</i></p> <p>It is also submitted that the proposed development of residential units and 1 no. childcare facility are permitted in principle under the zoning objectives pertaining to the subject lands.</p> <p>The Fingal Development Plan 2017-2023 states that some RA zoning areas, as the case in this instance, will be subject to either a Local Area Plan or a Masterplan. Thus, it is an objective of the Development Plan to prepare/ implement a Masterplan for Broomfield during the lifetime of the Development Plan under ‘Objective Malahide 11’.</p> <p>A layout and supporting documentation have been prepared and accompanies this SHD application. The Architectural Design Statement sets out the design principles for the overall lands at Broomfield. It is important to note that the lands at Broomfield subject to this SHD, represent the final developable lands subject to the Masterplan. Also, please refer to the Statement of Material Contravention for further details.</p>
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<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 provision 415 no. residential units (525 no. houses, 135 no. apartments and 28 no. duplex units) with ancillary amenity facilities and 1 no. childcare facility 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</p>
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	<p>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>It is also noted that the Development Plan requires that Masterplans be prepared by Fingal County Council for the designated lands. The subject lands are designated for the preparation of the Broomfield Masterplan. However, such a masterplan has yet to be prepared for the lands under Objective PM14 and PM15. For further details in this regard, please refer to the enclosed Statement of Material Contravention prepared by Downey.</p>
<p>Apartment Development</p>	<p>The <i>'Design Standards for New Apartments Guidelines for Planning Authorities'</i> have superseded the design standards for apartments as set out in the Development Plan. With regards to Dual Aspect the proposed development provides for 60% dual aspect units within the proposed apartment units in accordance with Objective DMS20 of the Development Plan.</p> <p>The apartment floor areas are also in accordance with the <i>'Design Standards for New Apartments Guidelines for Planning Authorities'</i> as set out in the enclosed Architectural Design Statement and Housing Quality Assessment (HQA) prepared by MCORM Architects. Please refer to the enclosed report for full details on the proposed development's compliance with standards for apartment developments.</p>
<p>Quantitative Standards</p>	<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>

	Please refer to the Accommodation Schedule and Architectural Design Statement prepared by MCORM Architects for compliance in this regard.
Separation Distances	Appropriate separation distances between dwellings have been provided. Furthermore, sufficient separation between side gables has also been provided for in accordance with Objective DMS28 & DMS29 of the Development Plan.
Daylight, Sunlight and Overshadowing	Objective DMS30 of the Development Plan requires that all new residential units comply with the recommendations of ' <i>Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice</i> ' (B.R.209, 2011) and B.S. 8206 ' <i>Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting</i> ' or other updated relevant documents. For further details in this regard, please refer to the Daylight & Sunlight Assessment as provided for by Digital Dimensions accompanying this SHD application.
Acoustic Privacy	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. It is submitted that the proposed development will comply with Objective DMS31 of the Development Plan in this regard.
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	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: - 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> 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> Objective DMS35 - <i>Require the provision of communal laundry rooms and storage facilities in high density apartment type developments where deemed appropriate.</i> The proposed apartments within the scheme will be privately managed by the establishment of a management company. This management company will be responsible for maintaining the external appearance of the apartments, maintaining the internal and external communal spaces, bins management, etc. It is also important to note that the public parks and main roads are proposed to be taken in charge by Fingal County Council.

	For information in this regard, please see the enclosed pertaining drawing prepared by MCORM Architects.
Refuse Storage and Bins	The proposed development provides for convenient and well-designed proposals for the storage of refuse. The proposed development provides for several apartments at ground floor level which have own door access in addition to the two storey houses. For further details, please refer to the Housing Quality Assessment (HQA), Bin Storage Plan, and Architectural Design Statement prepared by MCORM Architects.
12.7 Open Space	
Public Open Space	<p>The proposed development provides for an overall of c. 1.35 ha public open space, comprising of both Class 1 and 2 public open spaces. This includes outdoor play opportunities for children which are accessible to all within the scheme and the wider community. With respect to the developable site area of 11.1 ha, this would provide for 12% public open space provision. It is noted that this calculation does not include the additional 0.55 ha Green Route/Cycle Link.</p> <p>The proposed scheme would also benefit from green infrastructure conceived for Ashwood Hall, with intuitive and clear connections to the park located east side.</p> <p>Malahide Castle and Demesne (Class 1 Open Space Area) is located immediately north of the application site, and this extends to over 260 acres of parkland, woodland, playground, walking trails and botanical gardens.</p> <p>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>
Private Open Space	<p>In accordance with national policy and particularly the Urban Design Manual and new Apartment Guidelines, the proposed development has achieved appropriate separation distances to maintain privacy and protect residential amenity, with design solutions and appropriate landscaping also proposed to protect privacy for residents.</p> <p>It is noted that each residential unit benefits from the provision of adequately sized private open space in the form of gardens, balconies, or patios/terraces (designed in accordance with quantitative and qualitative standards), with the units at ground floor level provided with appropriate boundary treatments to ensure privacy and security whilst also providing visual interest and distinction between spaces.</p> <p>For further information on the private open space proposed as part of this SHD application, please refer to the Architectural Design Statement prepared by MCORM Architects and the landscaping pack for further details.</p>
Playground Facilities	Outlined in the Development Plan, all residential schemes in excess of 50 units should incorporate playground facilities which should be provided at a rate of 4 sqm per residential unit. It is noted that the proposed development provides for 210 sqm of play areas with formal equipment, 800 sqm of informal play areas, along with a minimum of 2,000 sqm useable kickabout space, which are demarcated on the Landscape drawings prepared by KFLA Landscape Architects. With respect to the broad definition of play area, as specified in the Space for Play; A Play Policy for Fingal, the overall play area provision is

	<p>submitted to be consistent with the Management Standards of the Development Plan.</p> <p>However, out of an abundance of caution, it has been included in a Material Contravention Statement should it be considered to potentially materially contravene the Fingal Development Plan 2017-2023 by the competent authority in their assessment of the application, which we invite the Board to refer to.</p>
<p>12.8 Community Infrastructure, Facilities and Services</p>	
<p>Childcare Facilities</p>	<p>All childcare facilities shall be provided in accordance with the <i>'Childcare Facilities: Guidelines for Planning Authorities'</i> (DEHLG). The proposed SHD development will provide for a purpose-built childcare facility to accommodate approximately 86 children within the site with appropriate outdoor play space, drop off facilities, etc.</p>
<p>12.10 Movement and Infrastructure</p>	
<p>Car Parking Standards</p>	<p>The proposed development will be consistent with the standards for car parking with a total of 721 spaces proposed. This includes accessible parking bays, across undercroft and surface level, to serve the overall development (i.e., residents, visitors, and drop-off).</p> <p>The Development Plan requires that each dwelling is to be provided with 2 no. car parking spaces, which is being provided for in this scheme. The car parking for apartments and duplex units is provided at a ratio of 1.25 car parking spaces per unit. This allows for 1 space for each resident and 1 visitor space per 4 dwellings. This is a benchmark given in the Design Standards for New Apartments 2020.</p> <p>In the case of the standalone apartment and duplex buildings, this car parking is accommodated on street broken up by street trees which avoids over dominance of the car in the streetscape. This approach is used at the northern end of the development site and also the southern lands where there is also a combination of standalone duplex and apartments blocks.</p> <p>Please refer to the Traffic and Transport report prepared by Waterman Moylan Consulting Engineers and the Architectural Design Statement prepared by MCORM Architects for further details.</p>
<p>Bicycle Parking Standards</p>	<p>The proposed development provides considerable secure, covered bicycle parking for the apartment and duplex units as part of the development proposal (227 no. spaces in total). 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, please refer to the Traffic and Transport report prepared by Waterman Moylan Consulting Engineers and Housing Quality Assessment, Architectural Design Statement and associated drawings prepared by MCORM Architects.</p>

5.0 CONCLUSION

This Statement of Consistency demonstrates that the proposed development is in compliance with relevant national, regional and local planning policy. The proposed development will provide an appropriate form of development on the subject lands that are zoned for residential and open space and amenity use, where the zoning designation permits in principle complementary land uses such as the proposed creche. The proposed development will provide for an effective, efficient, sustainable use of what is a greenfield site in an accessible location within the development boundary of Malahide.

The nature, form and extent of the proposed development has been informed and guided by the section 5 pre-application consultation with both An Bord Pleanála and the planning authority's internal departments, and additional engagement with the planning authority 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 Broomfield represents a high-quality Strategic Housing Development proposal which is now being submitted to An Bord Pleanála.