



The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

25th August, 2022

RE: Strategic Housing Development Application to An Bord Pleanála

Demolition of the existing structure, the construction of 127 no. residential units, 1 no. childcare facilities and all associated site and development works to facilitate the development on lands at Flemington Lane, Balbriggan, Co. Dublin.

ABP Reference: 312261-21

Dear Sir/Madam

We, CWPA Planning and Architecture, Unit 10 North Street Business Parks, Seatown West, Swords, Co. Dublin, K67C992 have been instructed by our client, Kinvara Properties Ltd., 17 Mount Street Lower, Dublin 2, to prepare and lodge this planning application to An Bord Pleanála under the Strategic Housing Development application process. The proposal relates to the proposed construction of c. 127 no. residential units on lands at Flemington Lane, Balbriggan, Co. Dublin.

The proposed development consists of the following;

'Kinvara Properties Limited intend to apply for permission for a strategic housing development with a total planning application site area of c. 44,365m² (4.4Ha) with a developable Area of 34,135m² (3.4Ha) with a substantive residential site development area of c.7.2 ha. The subject property is located off Flemington Lane, approximately 150m East of the junction with Flemington Road and approximately 4km North-west of Balbriggan Town Centre. The proposed development consists of the removal of an existing derelict structure of 134sqm and the construction of 127 no. residential units (14 no. 2-bed dwelling units of 93sqm, 47 no. 3-bed dwelling units of 109sqm, 4 no. 4-bed dwelling units of 145sqm and 31 no. 2-bed ground floor duplex units with 31 no. 3-bed duplex units over, of 204sqm), surface car parking (211 no. spaces in total, including accessible spaces); car sharing provision; electric vehicle

charging points; bicycle parking (long and short stay spaces for duplex) including visitor spaces; internal roads, pathways and cycle paths, including connections to adjoining lands; hard and soft landscaping and boundary treatments; temporary pumping station; plant; revised entrances and tie-in arrangements to Flemington Lane including new cycle lane and footpath; solar panels; attenuation tank and related SUDS measures; signage; public lighting; and all site development and excavation works above and below ground. The development also includes a two storey creche of 528sqm with 9no. dedicated car parking (including 2no. disabled persons spaces) and secure open play space; public open space of 4130m² and communal open space of 681sqm, provision of public open space in Zoned OS "Open Space" of 10,230sqm including children's play area and public artwork, provision of a new access roadway from Flemington Lane and future road connection to adjoining lands to the south-eastern boundary) and all associated site works, landscaping and boundary treatments to facilitate the development. The total gross area of the development is 13,869sqm with a unit density of 37.4 units per hectare.'

This application is made pursuant to a Notice of Pre-Application Consultation Opinion issued by the Board dated the 6th of May 2022. This correspondence identifies the following documentation and information submitted with this application:

1. The documentation submitted in compliance with articles 297 and 298 of the Planning and Development Regulations 2001 as amended; and,
2. This information submitted pursuant to the Boards Notice of Pre-Application Consultation Opinion dated the 6th of May 2022, as required under article 297(3) of the Planning and Development Regulations 2001 as amended.

Article 297 & 298 Requirements:

The documentation that is required under article 297 is as follows:

- ▶ **297(1)** – The planning application for us submitted herewith.
- ▶ **297(2)(a)** – Letters of consent from Fingal County Council are submitted herewith.
- ▶ **297(2)(b)** – A copy of the newspaper notice published with the *Irish Daily Mail* on the 23rd of August 2022 attached herewith.
- ▶ **297(2)(c)** – Reddy Architecture Dwg. No. 17305-P1-Z-Z-ZZZ-DR-RAU-AR-1001 provides a Rural Place Map at 1:2,500, Reddy Architecture Dwg. No. 17305-P1-Z-Z-ZZZ-DR-RAU-AR-1000 provides a Record Place Map at a scale of 1:10,560 incorporating the requirements of parts (i) and (iv) is submitted herewith.

- ▶ **297(2)(d)** – Evidence from Irish Water that it is feasible to provide services is included in the Engineering Services Report prepared by CS Consulting Engineers, with a letter of Irish Water Design Acceptance at Appendix 1.
- ▶ **297(2)(e)** – It is proposed to connect to a public sewer. As such there is no requirement to submit documentation under this provision.
- ▶ **297(2)(f)** – A full Schedule of Drawings and Documents required under sub-article (4) and submitted with the application is provided on a separate sheet.
- ▶ **297(2)(g)** – Details of the Part V compliance including the location of units, calculations and methodology for calculating costs, have been subject to consultation with the Housing Department and are included herein this application.
- ▶ **297(2)(j)** – The appropriate statutory fee of € 20,361.60 being the fee payable, is attached herewith.
- ▶ **297(3)** – Sections 1.0 and 2.0 below provides a statement of proposals to address the matters set out in the Board’s Notice of Pre-Application Consultation Opinion dated 6th of May 2022.

1.0 Statement of Proposals to Address Issues Raised in the Board’s Notice of Pre-Application Consultation Opinion

As denoted within the Board’s Opinion dated the 6th of May, 2022, *‘An Bord Pleanála has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.’*

As such, this application is being submitted pursuant to a Notice of Pre-Application Consultation Opinion issued by the Board dated the 6th of May, 2022 in respect of the following development;

Proposed Development: *The construction of 127 no. residential units (65 no. houses, 62 no. duplexes), creche and associated site works.*

Lands along Flemington Lane, Balbriggan, Co. Dublin.

Having considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the Planning Authority, An Board Pleanála were of the opinion

that the documents submitted with the request to enter into consultations with required further consideration and amendment to constitute a reasonable basis for an application for Strategic Housing Development, as defined in Section 3 of the Planning and Development (Housing) & Residential Tenancies Act 2016, as amended. As such, the following issues have been addressed in the documents submitted enclosed in this application;

- 1. *A detailed statement of consistency and planning rationale should be provided clearly outlining how, in the prospective applicant's opinion, the proposed development is in compliance with local zoning objectives having specific regard to the location of elements of this development within lands zoned Public Open Space in the Fingal County Development Plan. Regard should also be had to the provisions of section 9(6)(b) of the Act in this regard. This may require amendment to the documents and/or design of the proposals submitted.***

Response: Having regard to Item 1 of the Opinion issued by ABP please find submitted herewith, a "Planning Statement & Statement of Consistency" outlining how, in the applicants opinion, the proposed development is compliant with the Land Use Zoning Objectives pertaining to the subject site as set out in the Fingal Development Plan 2017 – 2023.

Particular regard has been given to the location of elements within this developments on the lands zoned OS – Open Space to ensure compliance with all Land Use Zoning Objectives pertaining to the site. No residential development is permissible or proposed thereon the lands Zoned Open Space within this development proposal. Please refer to the Planning Statement & Statement of Consistency and associated architectural drawings prepared and submitted enclosed in this application for more information.

- 2. *Further consideration of, and possible amendment to the documentation submitted, having regard to the lack of public transport, and safe and convenient pedestrian and cycle connections between the proposed development site and services and amenities in the local area. Consideration should provide a detailed planning rationale/ justification for development at this location and may include specific proposals to overcome such deficiencies/ improve connectivity and reduce dependency on private car journeys.***

Response: Please find submitted herewith a "Planning Statement & Statement of Consistency" prepared by CWPA Planning & Architecture outlining how the proposed development has provided for links to adjoining park lands to the south as means of direct links to Balbriggan town centre connecting the proposed development to the existing bus network services at Hamlet Lane in addition to linking the proposed development to services and amenities in the local area. Careful consideration has been afforded to ensuring good pedestrian and cycle connectivity to Balbriggan

town centre in accordance with the provisions of the Development Plan Objective BALBRIGGAN 11 which seeks to 'ensure a safe and convenient road, pedestrian and cycle system promoting permeability, accessibility and connectivity between existing and new developments within the town.'

It is intended to provide for pedestrian connections with public park lands to the south of the subject site as demonstrated in the Figure below. It is envisaged that these pedestrian connections will provide direct access back to Balbriggan town centre safely and efficiently further integrating the proposed development with the surrounding land uses.

Pedestrian linkages to the south of the subject lands will provide connections to the nearest bus stop c. 470m from the subject site and Castlemill Shopping Centre/ Balbriggan Town Centre, and c. 600m from the site. This distance is considered to be a reasonable walking distance for Intermediate Urban Locations under the Sec. 28 Ministerial Guidelines, 'Design Standards for New Apartments, 2020'. Providing for connections to the south of subject lands provides for appropriate levels of connectivity, permeability and integration with the surrounding land uses.





For further information on the proposed links to existing public transport, safe and convenient pedestrian and cyclist connections between the proposed development site and services and amenities in the local area, please refer to the enclosed “*Planning Statement & Statement of Consistency*” prepared by CWPA Planning & Architecture, the Traffic & Transport Assessment (TTA) prepared by CS Consulting as part of this planning application.

2.0 The Board’s Opinion – Specific Information to be Submitted with Application

The Board’s Opinion has identified specific information to be submitted with any application for permission. This information has been included in the documents submitted herewith. To assist the Board and any interested parties in assessing the application, the following sections provide a summary of the information submitted to address the matters raised in the Boards Opinion.

3.1 ***Plans Clearly identifying areas intended to be taken in charge by the planning authority and proposals for the management of public open space.***

Response: Please refer to Drawing no. 17305-P1-Z-Z-ZZZ-DR-RAU-AR-3110 prepared by Reddy Architecture and submitted herewith the drawings being submitted to An Bord Pleanála for this proposed Strategic Housing Development.

3.2 ***A phasing plan for the proposed development, which should include the delivery of associated road and drainage infrastructure and public open spaces.***

Response: Please note the required Phasing Plan has been prepared and submitted by Reddy Architecture as part of this planning application for the consideration of ABP.

3.3 ***Details of permitted development including active recreational spaces, on adjoining lands and their relationship with the proposed development. The application should describe how continuity in respect of landscaping, uses, pedestrian and cycle routes and connectivity can be achieved.***

Response: Section 3.0 of the “*Planning Statement & Statement of Consistency*” Report submitted herewith outlines the relevant planning applications and recreational spaces that have been granted within the vicinity of the subject site. The table below lists the

relevant planning history and decisions within the vicinity of the subject site. A detailed review together with accompanying graphics for each application is set out within this enclosed report.

Details of Permitted Development		
Reg. Ref.	Brief Description	Decision
FCC Reg. Ref. F08A/1329	532 residential units, C-ring road, and boulevard, a major regional class 1 public park and urban square/ civic space.	Grant Permission
FCC Reg. Ref. F15A/0550	The construction of 148 no. dwellings, 4 no. part 3 storey/part 2 storey boulevard blocks containing 20 no. dwellings, 127 no. 2 storey semi-detached dwelling and 1 no. single storey detached dwelling, public open space, children's play area, class 1 public park consisting of a full size all weather GAA playing field, full size soccer pitch, full size Gaa Pitch, dog training and exercise area and associated development.	Grant Permission
FCC Reg. Ref. F17A/0372	Alterations to previously approved application Reg. Ref. F01A/1249 for the omission of sections of previously approved to provide for c. 233 no. dwelling units.	Grant Permission
FCC Reg. Ref. F19A/0001	Alterations to previously approved F15A/0550 to provide for 98 residential units and increased floor area in the creche facility.	Grant Permission
ABP-308475-20	528 residential units (comprising of 444 no. houses and 138 no. apartments), childcare facilities and all other associated site works.	Requires further consideration/amendment
FCC Reg. Ref. F21A/0055	Phase 3A including roads, services and public space relating to the overall phase 3.	Grant Permission

3.4 The application shall clearly describe the relationship with adjoining residential properties and any potential impacts thereon in terms of overlooking or overshadowing. Detailed section drawings should be provided in this regard, indicating both existing and proposed ground levels.

Careful consideration has been afforded by the Design Team to ensure the proposed development successfully responds to the subject site ensuring the avoidance of overlooking and overshadowing and the protection of residential and visual amenity.

A Daylight & Sunlight Report has also been prepared by Digital Dimensions which demonstrates the proposed development will be acceptable for the area. Please refer to this report for further information.

Reddy Architecture were responsible for preparing the architectural drawings enclosed and submitted herewith. They have provide detailed section drawings indicating the existing and proposed ground levels within the site. Please refer to the table below which identifies the relevant drawings as per the Drawings Register.

Site Information			
17305-P1-Z-Z-ZZZ-DR-RAU-AR-3200	Proposed Site Elevation (Flemington Lane) & Site Section19	1:200	A1
17305-P1-Z-Z-ZZZ-DR-RAU-AR-3201	Proposed Site Sectional Elevations - Part 1	1:200	A1
17305-P1-Z-Z-ZZZ-DR-RAU-AR-3202	Proposed Site Sectional Elevations - Part 2	1:200	A1
17305-P1-Z-Z-ZZZ-DR-RAU-AR-3203	Proposed Site Sectional Elevations - Part 3	1:200	A1
17305-P1-Z-Z-ZZZ-DR-RAU-AR-3204	Proposed Site Sectional Elevations - Part 4	1:200	A1
17305-P1-Z-Z-ZZZ-DR-RAU-AR-3205	Proposed Site Sectional Elevations - Part 5	1:200	A1

3.5 In relation to access and transportation, the following should be submitted:

- a. A response to the matters raised in the report of Fingal County Council Transportation Planning Section dated 14/01/2022.**
- b. A Quality Audit in accordance with Advice Note 4 of the Design Manual for Urban Roads and Streets (DMURS) to include a Road Safety Audit.**
- c. A detailed Transport Impact Assessment, which should include a justification for any assumptions made regarding modal split.**
- d. A Travel Plan/ Mobility Management Plan and a statement describing how the proposed development will contribute to sustainable travel patterns and a reduced dependency on private car journeys.**

- e. ***Proposal for secure cycle parking provisions which have regard to the provision of the guidelines for Sustainable Urban Housing: Design Standards for New Apartments (2020).***

Response: We wish to confirm that the above mentioned requirements have been prepared by CS Consulting Group and are incorporated as part of this SHD application.

3.6 *A report addressing the matters raised in the report of Fingal County Council Water Services section dated 13/01/2022.*

Response: The above-mentioned request has been addressed by CS Consulting Engineers and is submitted herewith as part of this application for a Strategic Housing Development. Please refer to this documentation for further information.

3.7 *Documentation clearly demonstrating that the proposed development can connect to the water and waste networks of Irish Water. In particular, the application should provide evidence of any third-party consent/ agreement necessary to connect to, or through, third-party infrastructure or lands.*

Response: The above-mentioned request has been addressed by CS Consulting Engineers and is submitted herewith as part of this application for a Strategic Housing Development. Please refer to this documentation for further information.

3.8 *A complete tree survey including an Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement in accordance with BS 5837: 2012, Trees in relation to Design, Demolition and Construction – Recommendations.*

Response: A complete tree survey including an Arboricultural Impact Statement, Tree Constraints Plan, Tree Protection plan and Arboricultural Method Statement in accordance with BS 5837:2012 has been prepared by ArborCare. Please refer to these plans and documentation submitted herewith for further information.

3.9 **An assessment of the site for the presence of bats and or bat roosting sites.**

Response: As per the request of the Board and in accordance with Objective DMS168 of the Development Plan, A 'bat assessment of the site at Flemington Lane Balbriggan, Dublin' has been completed by Wildlife Surveys Ireland. The results of this survey found that 'three species of bat were found feeding and commuting. No roosts were found on site. The trees and building on site have low roosting potential. Bat activity on site over two nights was low, with most bat activity being of Leisler's Bats'.

The recommendations of this survey state:

- (1) *Bats may suffer loss of feeding or shelter. Native trees and shrubs must be used within the new development. Where other climbers and shrubs are required, they should be taken from the approved lists from the All-Ireland Pollinator Plan – <http://www.biodiversityireland.ie/wordpress/wp-content/uploads/Pollinator-friendly-planting-code-temporary-draft.pdf>*
- (2) *If bats are discovered at any stage of the development, building work must cease and myself and the wildlife ranger must be contacted.*
- (3) *All bats are intolerant of light. A dark sky area must be designated within the development to provide commuting and feeding corridors, and light spillage and pollution must be kept a minimum with the use of cowls, caps, and low level bollard lighting where possible.*

Lighting design will be in accordance with:

Bats and Lighting – Guidance Notes for Planners, Engineers, Architects, and Developers (Bat Conservation Ireland, 2010)

Bats and Lighting in the UK – Bats and the Built Environment Series (Institute of Lighting Professionals, September 2018)

Guidance Notes for the Reduction of Obtrusive Light GN01 (Institute of Lighting Professionals, 2011)
- (4) *Six 2FN Schwegler bat boxes must be in place. These should be placed on trees or posts, at least 3m high, with a clear drop below (as bats need to drop to start their flight). These can be purchased from <https://www.veldshop.nl/en/bat-box-2fn-custom-built.html>. They must be placed in a dark area.*
- (5) *Fascia on the house must be removed by hand prior to demolition. If the house is not demolished within 18 months, it must be resurveyed for bats prior to demolition.*

3.10 An archaeological impact assessment report.

Response: A Archaeology Study of the site was commissioned by the Client and undertaken by Archaeological Projects Ltd. The Suggested Mitigation Actions/ Conclusion states:

'Permission was granted, subject to conditions, on the earlier development in January 2008. The archaeological condition for mitigation was issued as condition 8. It stated that the applicant should engage the services of a suitably qualified archaeologist to monitor all topsoil stripping associated with the development. Should archaeology be found during the course of construction the archaeologist may have work on the site stopped pending a decision on how best to deal with the archaeology. The Department (now part of the Department of Housing Local Government and Heritage) shall be issued with a report describing the results of the monitoring on completion.'

For the full report prepared by Archaeology Projects Ltd. please find it enclosed herewith this application for Strategic Housing Development being submitted to An Bord Pleanála.

3.11 A report that specifically addresses the proposed materials and finishes to the scheme, including specific detail of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.

Response: Please refer to the Materials & Finishes Report prepared by Reddy Architecture and submitted herewith. This report addresses the proposed materials with particular regard to provide high quality, durable and sustainable finishes which have regard to the context of the site.

3.12 The prospective applicant should satisfy themselves in relation to whether the proposed development represents a material contravention of the Development to satisfy and subsequent submissions requirements in relation to this regard.

Response: The proposed development represents a minor material contravention of the Development Plan. The items of the Development Plan being contravened refer to car

parking and SuDS provisions. Please refer to the Material Contravention Statement prepared by CWPA Planning & Architecture and submitted herewith this application for a Strategic Housing Development.

3.13 *The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001 – 2018 unless it is proposed to submit an EIAR at application stage.*

Response: Please note an EIAR Screening Report has been prepared by CWPA Planning & Architecture and submitted enclosed herewith this application for a Strategic Housing Development. The conclusion of this report has stated that:

'This EIA Screening Report has been carried out in accordance with the methodology that is based on the Environmental Impact Assessment (EIA) (2018), Guidance for Consent Authorities regarding sub-threshold Development (EPA, 2003) and Guidelines on the information to be contained in Environmental Impact Assessment Reports (May, 2022).

The proposed development does not exceed any of the thresholds outlined in the Planning and Development Regulations 2001, as amended that would trigger a mandatory requirement to prepare an EIAR. The proposed development is sub-threshold and therefore is assessed in accordance with Article 27 of the European Communities EIA Regulations, 2018.

As discussed herein this report, the majority of the impacts will be at the construction stage and will be temporary and reversible in nature overall. The probably impacts associated with the operational stage of the proposed development are anticipated to be mainly visual and increased traffic. These nuisances are considered to be minor and will not exceed the capacity of the road network.

Furthermore, this Strategic Housing Development has been designed to prevent undue impact on third party properties including overlooking, overshadowing and loss of daylight/sunlight and in this regard any potential impact is expected to be slight as set out in the accompanying reports of this application.

The Appropriate Assessment has confirmed that the proposed development will not give rise, neither by itself or in combination with other development, to any significant effect on any designated and/ or protected sites and the Ecological Impact Assessment prepared by

Moore Group also concluded that there will be no significant residual effects likely to arise to biodiversity from the proposed development.

In light of the foregoing, the proposed Strategic Housing Development is not likely to have significant effects on the environment and a full Environmental Impact Assessment Report (EIAR) is not required to be prepared as part of this SHD planning application.'

Yours Sincerely,



Director of Planning
Joseph Corr MSc MRPII MIPI

