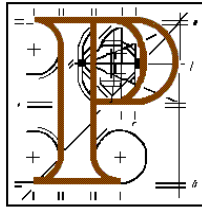


# An Bord Pleanála



## Inspector's Report

**PL06S.ZF2002**

<b>DEVELOPMENT:</b>	Amendments to Adamstown SDZ Planning Scheme.
<b>Development Agency:</b>	South Dublin County Council
<b>Appellants:</b>	Paul Nicholas Gogarty Castlethorn Construction Maplewood Developments John A. McGreevy (Tierra) Chartridge Developments Ltd.
<b>Observers:</b>	Ms. Michelle Uí Bhuachalla Adamstown Community College (Sports Hall Lobbying Committee) Adamstown Residents Board Adamstown Planning Action Group Councillor Gus O'Connell & Councillor William Lavelle Mr. Brian Mercer
<b>Inspector:</b>	Keith Sargeant
<b>Dates of Oral Hearing:</b>	27-30 May and 15 July 2014
<b>Oral Hearing Venue:</b>	An Bord Pleanála Conference Room
<b>Site Inspections:</b>	Various Dates April-July 2014

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## **1.0 INTRODUCTION**

- 1.1** This case arises from five appeals taken against amendments proposed to an existing Planning Scheme prepared under the aegis of the Adamstown Strategic Development Zone (SDZ). The SDZ and original Planning Scheme date from 2003.
- 1.2** The SDZ and the original Planning Scheme date from the early 2000's. South Dublin County Council (SDCC) is the "Development Agency" for the Adamstown SDZ. The Planning Scheme when originally proposed in 2003 was considered on appeal by An Bord Pleanála and approved with modifications in that year. The resulting consolidated Planning Scheme document was subsequently published and development commenced in 2004. There was one later amendment made to the 2003 Planning Scheme. This related to school location and layout changes. That amendment was not the subject of any planning appeal.
- 1.3** The Amendments now proposed total forty-nine in number, of which twenty are deemed by the Development Agency to be material, and the remainder non material. The latter amendments arise mainly as technical amendments necessary to underpin the material amendments proposed. There is a range of issues covered by the Scheme Amendments, but in essence the focus of the amendments may be summarised as following broadly under the headings of:
- reduced residential densities;
  - consequential amendments to phasing and implementation;
  - acceleration in the delivery of community facilities including parks and other essential recreational/community facilities.
- 1.4** There is no legal requirement for a planning authority or a development agency to review an SDZ Planning Scheme once established. However it has been explained in documentation and oral submissions for the Development Agency that, arising from changed economic and policy circumstances since 2003, it has been deemed prudent and timely to undertake the current review. The proposed amendments reflect the outcome of the review.
- 1.5** Specific development proposals brought forward under the aegis of an SDZ, in accordance with a relevant approved planning scheme, are subject to assessment and consent by the Planning Authority, but cannot be subject to appeals to An Bord Pleanála. Permissions granted by the Planning Authority at Adamstown since 2003/2004 have resulted in the delivery of development

including 1250 no. residential units, 3 no. schools, a railway station and certain retail facilities. In considering and proposing the current amendments SDCC as development agency has undertaken statutory and non statutory consultation as part of the overall review process commenced in effect in early 2013.

- 1.6** By Direction dated 2 April, 2014 the Board decided to hold an Oral Hearing (OH) in relation to the appeals.

## **2.0 THE STRATEGIC DEVELOPMENT ZONE**

- 2.1** The designation of lands at Adamstown as an SDZ dates from 2001. Some 223.5 hectares of privately owned land were then designated for the purposes of delivering residential development and associated infrastructure and facilities. The designation of the site was stated at the time to reflect Government priority to increase housing supply in the Greater Dublin Area (GDA).

## **3.0 SITE CONTEXT AND DESCRIPTION**

### **3.1 Site Location**

- 3.1.1** The area of the established Planning Scheme comprises in excess of 200 hectares of land, originally held at time of designation in three main ownerships. The extent of these ownerships is shown in a coloured A3 sized map attached as an appendix to my report – presented at oral hearing stage courtesy Chartridge Developments Ltd. The area is broadly rectangular in shape, lying immediately south of the built up area of Lucan and generally north-west of the Clondalkin area. The eastern and southern boundaries of the area are defined by the R120 Lucan-Newcastle main road and the Dublin – Kildare railway line respectively. The north-western and western boundaries are less clearly defined by existing geographical features. Lucan Golf Club occupies much of the land lying to the north-west. Lands to the west are in agricultural use, as are the lands south of the railway line. To the north the area of the site abuts the existing built-up area of Lucan.

- 3.1.2** The existing strategic road network of the area comprises the N4 Lucan Bypass to the north; the R120 to the east; and the Adamstown Link Road which provides a direct modern road link between the Adamstown area and the Outer Ring Road R136 (N4-N7 orbital route). Further west is the R403

Lucan-Celbridge Road, a future purpose built link to which, from Adamstown, forms part of the requirements of the existing Planning Scheme.

**3.1.3** An existing minor road traverses the lands of the SDZ via a meandering route between the R120 (Newcastle) and R403 (Celbridge) roads. This road is typically less than 5 metres in width but provides direct physical road access to much of the undeveloped lands within the SDZ.

**3.1.4** A modern railway station has been provided at Adamstown on the Kildare-Dublin line in recent years. The railway line is a “4-track” facility in this vicinity. The rail timetable provides currently for four peak hour services between Adamstown and Heuston Station. There is a temporary “park and ride” facility in the vicinity of the railway station, accessed by vehicles from the east via the strategic road network to which I refer above in paragraph 3.1.2.

## **3.2 Site Description**

**3.2.1** Since the establishment of the SDZ Planning Scheme in 2003, the site has been partially developed. There are now two distinct built-up areas, at the northern and southern ends of the SDZ area. The character of these areas, comprising mainly residential development to the north, and mainly residential development with schools to the south, is illustrated in photographs. Both of the developed areas are accessed by purpose built roads linking to/from the R120 (Newcastle/Lucan Road). The number of residential units constructed and occupied is stated to be 1250, housing a population of 3358 people (Census 2011).

**3.2.2** The undeveloped areas present mainly as green fields and – to a lesser extent – secure building sites. It has been stated in submissions on file that the overall SDZ lands are now characterised by extensive water services infrastructure beneath the ground on these lands. The extent of developed infrastructure is indicated on maps on file. New road infrastructure developed on site so far extends mainly to the built up areas, except at the southern fringe of the lands, where there is the purpose built Adamstown Link Road serving and extending west beyond the railway station.

**3.2.3** The railway station itself is a modern structure, a focal point visually in the local landscape. The southern developed area includes the functional heart of the developed Adamstown area, with a developed urban street system and school buildings in particular giving strong character to the physical environment. Several of the multi-storey buildings within the southern developed area contain ground floor areas reserved for retail use. There is

one operational “Londis” store, sited in the vicinity of a junction on the Adamstown Link Road.

#### **4.0 THE EXISTING PLANNING SCHEME**

**4.1** The originally approved Planning Scheme of 2003 is presented in A3 format in a 121 pages document. This document is described in paragraph 13.8 of its text as the consolidated Planning Scheme i.e. incorporating all changes, variations and modifications including modifications made by An Bord Pleanála in September 2003. The document comprises text including tables, maps, diagrams and sketches.

**4.2** The existing Planning Scheme comprises five parts headed Introduction; Proposals for Development; Development and Amenity Areas; Phasing and Implementation and Environmental Appraisal. Some of the significant parameters and features of the existing scheme are set out in sections of my report, below.

**4.3** There has been one formal amendment to the existing Scheme since the publication of the 2003 consolidated document. This 2006 amendment to the Scheme related to certain alterations to location/layout of the schools’ complex at the southern end of Adamstown. The amendment was not the subject of any appeal to An Bord Pleanála. The maps in the 2003 Scheme do not reflect this post 2003 change. However there is now a Book of Maps accompanying the currently proposed amendments, in which the up-to-date schools’ complex location and layout is clearly indicated (for reference please compare for example figure 1.5 in the 2003 Scheme document with figure 1.5 in the Council Decision Book of Maps February 2014).

**4.4** Some of the main features of the 2003 Planning Scheme as finally approved are set out below. For clarity and reference purposes, and to assist in cross referencing the currently proposed amendments to the existing Scheme, the summary of features follows the headings of the five main parts of the Scheme (as noted in my paragraph 4.2 above), and their sequence.

#### **4.5 Introduction to 2003 Planning Scheme**

**4.5.1** Section 1.1 emphasises the holistic approach taken in pursuit of creating sustainable communities as distinct from simple housing developments. The approach seeks to integrate urban design, land use, housing, transportation, ecology/landscape, conservation/energy efficiency and phasing of delivery.

**4.5.2** Section 1.3 notes that the Planning Scheme was finalised following a process involving original drafting of a Scheme; consideration of over 120 no. observations resulting in 96 no. changes to the draft; 62 no. variations and modifications following consideration by elected members; and finally 20 no. appeals considered by An Bord Pleanála.

**4.5.3** Section 1.5 confirms the SDZ area as comprising 223.5 hectares, within which the Planning Scheme area cover 218.8 hectares. Certain protected structures and their attendant grounds and certain established public open space are excluded from the Scheme area. Gross developable area is stated (paragraph 1.7.1) at 213.9 hectares.

**4.5.4** Section 1.6 identifies official planning and related policy of relevance at the time of the original Scheme preparation/adoption, specifically.

- Adamstown Local Area Plan 2001
- South Dublin County Plan 2008
- Strategic (regional) Planning Guidelines for the Greater Dublin Area (GDA) 1999.
- Platform for change (Dublin Transportation Office [DTO]) 2000-2016.
- Residential Density Guidelines 1999.
- Retail Planning Strategy for GDA 2002.

**4.5.5** Section 1.7 explains that the overall scheme area is divided into eleven “development areas” and four “amenity areas”. Five of the development areas are characterised as low density; and three each has either medium density or high density. Reference to figure 1.5 of the Scheme indicates that the designated high density areas are at the southern end of the Planning Scheme area, proximate to the then planned railway halt, while the most peripheral areas are indicated to be low density. The amenity areas are all described as parks, including one urban park.

## **4.6 Development Proposals in 2003 Scheme**

**4.6.1** Section 2.1 indicates the types of development permissible and encouraged in the development areas and in the amenity areas at Adamstown.

**4.6.2** Section 2.2 specifies the extent of development proposed in the Scheme area. Provision is made in the 2003 Scheme for a minimum of 8250 no. residential units and a maximum of 10,150 no. units. The minimum/maximum range for non-residential development – including community, commercial, leisure, retail

office, employment, cultural and civic uses – is stated at 32,600 square metres minimum and 125,500 square metres maximum. Development additional to these guidelines/caps includes the railway station, schools and a fire station.

- 4.6.3** Paragraph 2.2.6 of the Scheme explains that within each development area, there is flexibility in the relationship between quantum of floorspace and maximum permitted number of dwelling units: this allows for variation in dwelling size and type within each development area.
- 4.6.4** Paragraphs 2.2.8 to 2.2.9 provide definition and policy for **Landmark Buildings**. The policy allows up to 1% of floorspace in the net development areas (maximum 10,000 square metres or 100 dwelling units) calculated as 1% of already permitted floorspace throughout the SDZ area.
- 4.6.5 School Sites** are addressed in paragraphs 2.2.10 – 2.2.12. The 2003 Scheme provides for four schools (3 no. primary/1 no. secondary) on three sites.
- 4.6.6** Paragraphs 2.2.13 – 2.2.16 confirm the minimum number of dwelling units at 8250 and the maximum at 10,150 each of which figure must include **15% of all dwelling units provided as social and/or affordable housing including traveller accommodation**. The Scheme establishes the status of certain existing traveller accommodation as halting site bays.
- 4.6.7** Paragraphs 2.2.17 – 2.2.20 specify the maximum area of non-residential development permissible, in the Planning Scheme area, at 125,500 square metres including a minimum of 32,600 square metres devoted to certain community/retail/retail service uses. Non-residential floorspace generally is designed to cater for commercial, retail, community, offices, employment, leisure, civic and cultural activities and uses. There is flexibility on the transfer of certain allowable maximum between development areas (and into amenity areas), all subject to specified limits.
- 4.6.8** Figure 2.4 of the existing Scheme comprises a sketch map summary of the elements of the 2003 Planning Scheme.
- 4.6.9** Section 2.3 of the Planning Scheme addresses the overall design of development, by reference to:
- Design statement
  - Layout



- Block size
- Hierarchy of centres
- Development density
- Residential yield
- Road/Street width
- Building height/type/finishes
- Dwelling type
- Boundary treatments
- Private amenity space
- Electricity supply

Development densities are expressed in terms of plot ratios; residential yield is expressed in terms of the number of dwellings per hectare. Paragraph 2.3.23 acknowledges the three density zones identified from the 2001 Adamstown LAP (transitional/intermediate/urban), arising from which **the area characterisation for each of the SDZ development areas is identified as:** low density; medium density; or high density (Table 2.7 and Figure 2.9 refer).

**4.6.10** Section 2.4 of the 2003 Scheme document outlines Proposals for Transportation under the following headings:

- Road network
- Road improvements
- Suburban rail
- Busway/QBC
- Transport Interchange
- Walking and cycling
- Car parking,
- Bicycle parking

The transportation proposals generally lay great emphasis on discouraging unnecessary through traffic while adequately serving the maximum extent of permitted development, and utilising suburban rail connection with Dublin City. A new station forms part of the Planning Scheme. The Scheme document acknowledges plans for, and the desirability of, future suburban electrification extension and the Dart Interconnector Tunnel, but states that these projects are of such a scale that in capacity terms the development of Adamstown is not dependent on their completion.

**4.6.11** Paragraphs 2.4.29 – 2.4.36 address the matter of car parking provision. It is an objective that Adamstown is designed to accommodate but not be dominated by the car. A range of car parking formats is envisaged including decked underground or basement parking. Standards are summarised in Table 2.13. Bicycle parking is addressed in paragraph 2.4.37 and minimum standards are specified in Table 2.14.

**4.6.12** Section 25 of the existing Scheme covers the matter of Proposals for Services. Starting point in 2003 is stated to be:

- no existing water supply: an existing 150 millimetre diameter watermain runs north-south along the Newcastle Road east of the SDZ area;
- no existing surface water drainage infrastructure: Adamstown is divided into three surface water drainage sub-catchments namely Tobermaclugg (65% of drainage area); north-east Griffeen Tributary (20% of drainage area); south-east Griffeen Tributary (15% of drainage area);
- no existing foul sewerage infrastructure: the Scheme summarises the requirements for the three sub-catchments which crudely follow the surface water sub-catchments described as western (65%), north-east (20%) and south-east (15%); and off-site foul drainage then existing and required.

The Scheme states in paragraphs 2.5.5, 2.5.19 and 2.5.31 that development levies will be required in respect of development in Adamstown served by water services infrastructure undertaken by SDCC.

**4.6.13** Section 2.6 covers the subject of Proposals for Amenities, Facilities and Services for the Community. These are addressed comprehensively under the following subheadings:

- (i) Major Parks and Open Spaces.
- (ii) Historic Buildings and Landscape Features.
- (iii) Education/Schools.
- (iv) Childcare Facilities.
- (v) Community Buildings.
- (vi) Shopping and Retail Services.
- (vii) Health/Emergency/Religious Facilities.

**4.6.14** There are very specific proposals under each heading. Minimum and guideline standards of provision are clearly set out in tables and the Scheme includes maps and illustrations to indicate the networks and standards envisaged.

It may be noted the several of the subject matters of the subheadings (i) – (vii) above are the subject of amendment in the Amended Scheme now before the Board, notably items (i), (iv), (v) and (vi). The sources of controversy under these headings are included in Section 6.0 of my report, below.

#### **4.7 Development and Amenity Areas 2003 Scheme**

**4.7.1** Section 3.0 of the 2003 Planning Scheme is its core and comprises over fifty pages of detail setting out the parameters within which each development and amenity area identified within Adamstown would be permitted to develop. Figure 3.1 identifies the geographical limit of each of the fifteen development and amenity areas on an index map (page 36 of Scheme). There are 11 no. Development Areas and 4 no. Amenity Areas.

**4.7.2** Section 3.1 of the Scheme identifies (i) Statistical Parameters, (ii) Physical Parameters and (iii) Illustrative Layouts for each development area and notes as follows:

- (i) Statistical Parameters seek to:
  - identify gross and net extent of each development area: permissible building and housing density: definition of building height and certain open space requirements;
  - govern land use, detailed requirements for social and affordable housing/community/childcare/shopping facilities and extent of non-residential development;
  - prescriptive but expressed as a range for each area to facilitate flexibility.
  
- (ii) Physical Parameters seek to:
  - identify such as road layout/type/parking/access points and levels of vehicular and pedestrian permeability;
  - lay down expressions of design principle;
  - point to key building frontages;
  - provide physical plan guidance for each area consistent with overall proposals for development in the wider Adamstown SDZ Planning Scheme area.
  
- (iii) Illustrative Layouts seek to present possible development scenarios arising from the statistical and physical parameters detailed for each area.

**4.7.3** Urban design characteristics for each of the 11 no. Development Areas are specified within the body of the description for each individual area. The Development Areas are identified as follows:

- No. 1: Adamstown Castle: 600 dwellings max.
- No. 2: Somerton: 550 dwellings max.
- No. 3: Airlie Stud: 700 dwellings max.
- No. 4: Tobermaclugg Village: 1,050 dwellings max. and up to 10,500 square metres non-residential.
- No. 5: Tubber Lane: 850 dwellings max.
- No. 6: Tandy's Lane Village: 1,025 dwellings max. and up to 10,250 square metres non-residential.
- No. 7: St. Helens: 1,100 dwellings max.
- No. 8: Aderrig: 1,400 dwellings max. and up to 7,000 square metres non-residential.
- No. 9: Adamstown Square: 1,100 dwellings max. and up to 11,000 square metres non-residential.
- No. 10: Adamstown Boulevard: 1,025 dwellings max. and up to 10,250 square metres non-residential.
- No. 11: Adamstown Station: 550 dwellings max. and up to 37,500 non-residential.

**4.7.4** Section 3.2 of the Planning Scheme notes that the 4 no. Amenity Areas are also illustrated by a series of plans and drawings, and states that all amenity areas must be subject to high standards of finished detail. The amenity areas are identified as:

- Amenity Area A: Tandy's Lane Park.
- Amenity Area B: Tobermaclugg Park.
- Amenity Area C: Airlie Park.
- Amenity Area D: Central Boulevard.

**4.7.5** Each Amenity Area section includes a unique description of the park proposed in each area. Amenity Areas A/B/C comprise substantial parks based on natural and some historic features of the area. Amenity Area D comprises the Central Boulevard Park described as a spine of open space linking the major Airlie Park to the central area in the direction of Adamstown Railway Station and the planned District Centre.

## 4.8 Phasing and Implementation of 2003 Scheme

- 4.8.1 This part of the Planning Scheme is set out under the headings of Concept Sequence, Operation, Timing and SDZ Planning Applications.
- 4.8.2 The **Concept** section of this part of the Scheme document highlights the purpose of phasing quite simply: to ensure that infrastructure, services, facilities and amenities are provided together with residential development.
- 4.8.3 The **Sequence** section notes that there are thirteen sequential phases: these are sequential rather than time specific to ensure flexibility. An east-west progression of development is envisaged: paragraph 4.3.2 states that prior to the completion of Phase 7 – or between 5,001 and 5,800 dwelling units – all of the SDZ lands will have been opened up for development and all major transportation, external road links, internal loop roads, and sanitary services infrastructure will have been completed.
- 4.8.4 The **Operation** section of the Scheme explains how the sequential phasing schedule should operate. It states that, prior to any phase of development, a schedule detailing compliance with the requirements of the previous phase or phases of development, shall be submitted to the Planning Authority, the outcome of which shall influence the detailed design of the elements of the phase or phases for which planning permission is to be sought.
- 4.8.5 Paragraph 4.3.2 states that a mid-term review of the Planning Scheme shall be undertaken as part of Phase 6, to ensure that the required infrastructure and facilities detailed in Phase 1 – 5 of the Planning Scheme have been provided and are operational and that the overall Scheme is progressing and continues to progress in a satisfactory manner.
- 4.8.6 Paragraphs 4.3.6 – 4.3.8 acknowledge that certain critical works are outside the direct control of the either the SDZ landowners or the Development Agency. However to ensure phased development in accordance with proper planning and sustainable development it is necessary to programme such critical works into the schedule of phasing.
- 4.8.7 Paragraph 4.3.9 of the Planning Scheme states that it shall be a requirement “...to pursue the development of a Section 49 Planning Scheme...” to support the funding of necessary infrastructure, facilities and amenities to serve Adamstown.

**4.8.8 Page 98 of the Planning Scheme comprises Figure 4.13 which is entitled Planning Scheme Phasing Schedule by Number of Units.**

**4.8.9** Section 4.4 **Timing** repeats the principle that time limits are not applied to Phasing, so as to facilitate flexibility and allow for changing market conditions over time. Paragraph 4.4.2 notes the historic performance of dwelling completions in Lucan over a certain period of time but acknowledges that future expectations of housing output may be compromised "...by one or more peaks or troughs in annual dwelling completions". Against this background 800 dwellings is regarded as a reasonable estimate of the annual average level of dwelling completions.

**4.8.10** Section 4.5 **SDZ Planning Applications** explains that in determining whether planning permission should be refused or granted, development proposals will be assessed principally by reference to phasing, development characteristics and overall design detail. The key planning considerations under each of these headings are summarised in a flow chart in Figure 4.14 on page 99 of the Planning Scheme document.

**4.9 Environmental Appraisal of 2003 Scheme**

**4.9.1** Section 5.0 of the Planning Scheme is the Environmental Appraisal. This is a comprehensive sixteen page section, mainly text but also including some maps relating to baseline considerations and infrastructure proposals.

**4.9.2** Section 5.11.2 sets out a summary of potential environmental impacts. Section 5.11.3 summarises mitigation measures proposed at construction and operation stages. Section 5.12 conclusions and recommendations includes a statement that proposed services provision, road and public transport infrastructure are considered adequate to facilitate the development. The statement adds that development of the SDZ will be progressed in a phased manner to ensure that the appropriate service requirements are in place at each stage. It is stated also that the SDZ framework appraisal does not preclude the requirement for preparation of environmental impact statements for prescribed development.

**4.10 In the context of the appeals currently made to An Bord Pleanála against proposed amendments to the existing Scheme, I draw the attention of the Board to the fact that the Planning Scheme is generally silent on the matter of funding of infrastructure required to underpin and complete development at Adamstown. However as noted elsewhere in this Section 4.0**

of my report herein, there are some specific commitments which I consider should be noted:

- paragraph 2.5.5 notes that development levies will be required in respect of development at Adamstown served by the Lucan/Palmerstown High Level Water Supply Scheme;
- paragraph 2.5.19 notes that development levies will be required in respect of development in Adamstown served by surface water drainage works undertaken by SDCC;
- paragraph 2.5.31 notes that development levies will be required in respect of development in Adamstown served by foul drainage works undertaken by South Dublin County Council;
- paragraph 4.3.9 refers to the requirement for a “Section 49 Planning Scheme” to support the funding of necessary infrastructure, facilities and amenities.

**4.10.1** Regarding development contributions it may be noted that the 2003 SDZ Planning Scheme appears to have pre-dated the adoption by SDCC of its first Development Contributions Scheme under the aegis of the Planning and Development Act 2000 as amended. Section 1.6 of the Scheme notes the provisions of then prevailing County Development Plan of 1998 and the Adamstown LAP of 2001, but there is no reference to any existing DCS in the 2003 Scheme.

## **5.0 PLANNING SCHEME AMENDMENTS**

**5.1** The current appeals now before An Bord Pleanála arise from a suite of 49 no. amendments proposed to the existing 2003 Planning Scheme as amended in 2006. The amendments were adopted by elected members of South Dublin County Council in February 2014, following a review of the existing Scheme as amended and a public consultation process undertaken in 2013.

**5.2** A summary table of the amendments is set out on pages 3-7 of the “Council Decision” document of February 2014. The actual amendments comprise a series of written text, tabular and mapping changes to the 2003 Planning Scheme. Changes follow the sequence of the 2003 consolidated Scheme document. Additions, deletions and other changes to text are shown in a colour coded format in the Council Decision document. Mapping changes are shown in a separate document “Book of Maps” accompanying the Council Decision.



- 5.3** Specific individual amendments to the Planning Scheme are best understood in context by reading each amendment in the A4 Council Decision document 2014 with reference to the A3 Adamstown SDZ Planning Scheme document 2003. For clarity it may be noted that the Book of Maps associated with the Council Decision now under appeal is also in A3 format.
- 5.4** The Council decision document does not provide contextual background information underpinning the spirit and purpose of the Amendments. However in the context of the current appeals, certain documentation presented by South Dublin County Council outlines the background, and approach taken. It notes that there is no legal requirement to review an established SDZ Planning Scheme. However in the case of Adamstown, it was considered timely to undertake a review and update the approved Planning Scheme having regard in particular to the changed economic and policy contexts relative to those prevailing in 2003.
- 5.5** The background information provided by SDCC acknowledges the significant extent of economic adjustment which has occurred in Ireland in recent years. Much residential development at Adamstown undertaken under the aegis of the 2003 Planning Scheme, up to the year 2008, was in multi-storey format. However since 2008 there has been a shift towards the delivery of family focussed “own door” units. SDCC points to work undertaken in 2013 for the National Transport Authority (NTA) which confirmed this trend and further concluded that certain flexibility would be required in the density range of development in the early stages of delivery of residential development in locations where public investment has been most intense.
- 5.6** SDCC has further recognised that the slow down of residential development at Adamstown since 2008 has resulted in a corresponding reduction in the delivery of essential services. This threatens the sustainable growth of the community and the establishment of key links and community facilities needed to sustain the established community into the future.
- 5.7** The amendments proposed are summarised in the Council Decision document of February, 2014. However arising from their examination and the additional information provided by SDCC, the main themes underpinning the amendments may be summarised:
- up to 20% reduction in overall density across the SDZ Planning Scheme area;
  - complimentary amendments to the phasing and implementation strategy for the area;



- acceleration in the delivery of essential community facilities including parks, community centres and associated games/play areas.

**5.8** Forty-nine Planning Scheme amendments have been divided by SDCC into two broad categories, namely material amendments (20 no.) and non-material Amendments (29 no.). Each amendment has a unique code no. (1-49) and each material amendment has a further unique code number (MA1-MA20). For clarity the SDCC Decision Document of February 2014 further highlights material amendments in pale blue in the Summary Table of Amendments.

**5.9** Cross referencing of the Amendments to the existing Planning Scheme document reveals that the bulk of the material amendments are proposed in Chapter 2 Proposals for Development of the existing Scheme i.e. in sections 2.2, 2.3 and 2.6; and in chapter 4 Phasing and Implementation in section 4.2 and 4.4. Other (non-material) amendments – the reasons for which are in most cases to underpin the material amendments – likewise fall within these sections of the existing Scheme document.

## **6.0 APPEALS**

There have been five third party appeals submitted in this case. The first submitted appeal covers a wide range of issues as summarised in Section 6.1 of my report, below. The remainder of the appeals have been submitted by the developer/landowner group of stakeholders and address certain common themes. The salient points of these appeals follow Section 6.1 of my report, below.

### **6.1 First Third Party Appeal**

The first submitted appeal has been made by Paul Nicholas Gogarty of 39 Esker Lawns, Lucan. The appeal comprises a general letter of appeal (1 page dated 7 March 2014, received by An Bord Pleanála on that date); and a more detailed submission (ten pages of text) received by An Bord Pleanála on 7 March 2014. My summary of the grounds of appeal submitted, as set out below, is based on a reading of the two documents to which I refer.

#### **6.1.1 De Novo Assessment of Scheme by Board**

- It is submitted by the appellant that An Bord Pleanála should scrutinise the amended plan in detail, de novo, having regard to the Planning Scheme as originally amended by the Board in 2003. It is incumbent of

the Board to look beyond specific objections submitted in response to the now amended Planning Scheme. Experts including such as groups who made submissions at the original hearing could be consulted by the Board in pursuit of a comprehensive assessment.

### **6.1.2 Extent of Development**

- Density amendments as proposed in section 2.2 of the Amended Scheme would have potential to undermine the evolving “continental” character of residential development at Adamstown, contrary to the original concept.
- Density amendments, allowing too much low density development, may threaten the long term sustainability of Adamstown overall, with consequent final under provision of certain community facilities and public transport services.
- There should be specific provision for a mix of private space and small business incubation units owned by the Local Authority, in any amended provision for employment floorspace proximate to the railway station.

### **6.1.3 Housing Mix**

- Section 2.2.12 of the Amended Scheme should be deleted so as to enable eventual delivery of a desirable social mix for the area.

### **6.1.4 Retail Provision**

- The proposed reduction in retail floor area provision is too great to secure a viable self-sustaining retail mix within Adamstown.

### **6.1.5 Childcare Provision**

- A reduction in the number of units of provision as now proposed would undermine sustainable travel options and potentially reduce the quality of provision by exceeding the “100 places” best practice threshold.

### **6.1.6 Car Parking Provision**

- There should be certain underground car parking, having regard to car ownership levels and visitor parking demand: public transport usage is influenced by the geography of origins and destinations, so that inevitable

car parking demand must be met, failing which excessive surface car parking undermines residential amenity.

#### **6.1.7 Road Integration with Surrounding Areas/Routes**

- A more comprehensive review of road infrastructure provision is needed to minimise “rat running” and extraneous traffic within the Adamstown area including key junctions.

#### **6.1.8 Rail Infrastructure**

- The progress achieved under this heading should not be a basis for modifying crucial phasing elements written into the original Planning Scheme of 2003.

#### **6.1.9 Flooding**

- The proposed amended scheme does not take account of climate change considerations.

#### **6.1.10 Enterprise Centres**

- Paragraphs 2.6.24 and 2.6.25 should be amended to maximise local employment opportunities and provide flexibility in supporting new business start-ups.

#### **6.1.11 Completion of Works**

- Paragraph 4.2.2 should be amended to clarify the scope and meaning of “completed”, viz a viz residential estates, so as to ensure a proper standard of development.

#### **6.1.12 Phasing of Community Facilities**

- Proposed amendments should not be a source of postponing swimming pool provision within Adamstown, the eventual population of which would justify swimming pool provision in its own right.
- Any dilution of specific objectives relating to provision for playing pitches etc. – arising from changes to phasing – should not be allowed.

### **6.1.13 Types of Development**

- Certain further types of development should be specifically acknowledged in the land use zoning matrix for the scheme, notably in respect of a cattery and wind turbines which should be open for consideration; and solar panels should be permitted in principle.

## **6.2 Further Submitted Appeal: Chartridge**

**6.2.1** All of the remaining appeals were received by An Bord Pleanála on 10 March, 2014. However although the Castlethorn appeal is recorded on the An Bord Pleanála database as the second third party appeal, and the Chartridge appeal as the third appeal, I propose to summarise these appeals in reverse order i.e. Chartridge followed by Castlethorn. I propose this because of the unique position of Chartridge in the developer/stakeholder group, as is explained in Section 1.1 of their appeal (pages 4/5). Chartridge is a joint venture company set up by the three major landowners in the area. The other three appeals are in the names of these landowners namely Castlethorn Construction, Maplewood Developments (in receivership) and Tierra Limited. Chartridge has been charged with the delivery of the strategic infrastructure required for the development of the SDZ area. Section 1.1 of the Chartridge appeal (final paragraph) states that the appeal has the full support of these three major Adamstown landowners.

**6.2.2** The appeal runs to some fifteen pages of text, plus appendices in A4 and A3 format. A brief summary is set down in the following paragraphs.

**6.2.3** Proposed amendments fail to take account of the current and medium term residential market and the funding available for infrastructure. As a result, Adamstown development will stall for the foreseeable future. The cost base for residential development at Adamstown – arising from historic investment by Chartridge and additional costs of Amendments – is excessive and not sustainable.

**6.2.4** Re-sequencing and altering the Planning Scheme phasing so as to provide a break in infrastructure roll-out is necessary to allow Adamstown SDZ progress through the current depressed market and later achieve a “sustainable focussed infrastructure” roll-out in the medium and long term.

**6.2.5** There is a need for greater use of “Section 48” development contributions in funding certain infrastructure.

**6.2.6** The text of the Amended Planning Scheme and the SDCC Development Contribution Scheme (DCS) should be amended in line with official guidance contained in the 2013 publication “Development Contributions: Guidelines for Planning Authorities”. Failure to do this is exacerbated by a very unclear reference to the possible introduction of a “Section 49” Development Contribution Scheme at Adamstown.

**6.2.7** Against the background of these summary concerns, Chartridge have put forward certain specific revisions which they request to the Amendments now before An Bord Pleanála. These are in respect of Amendments Nos. 33, 37, 38, 47 and 48. The revisions proposed may be summarised as set down in the following paragraphs.

**6.2.8** Proposed Amendments Nos. 33 and 37 (Material Amendments Nos. 12 and 15) together relate to Major Parks and Public Open Spaces (No. 33) **and** Children’s Play Facilities (No. 37).

**6.2.9 Regarding Amendment No. 33** (M.A No. 12), appellants seek to have this amendment modified so that a new column 4 in amended Table 16 entitled “Guidelines of Requirements for Active Recreational Facilities” is amended to reflect a less prescriptive and restrictive requirement and provide greater flexibility in the delivery of play areas. A significant costly enhancement of proposed facilities between the 2003 and 2014 proposals is highlighted.

**6.2.10 Regarding Amendment No. 37** (M.A No. 15) appellants argue that:

- a more circumspect clause should be introduced at 2.6.16 (understood to mean 2.6.19) to give greater flexibility in delivery of children’s play facilities;
- the SDCC Amended Planning Scheme parks’ specification should be amended to reflect requirements that can be achieved within available or likely prospective funding;
- there should be greater use of “Section 48” funds on projects at Adamstown.

**6.2.11 Proposed Amendment No. 38** (Material Amendment No. 16)

- Appellants welcome the proposal to reduce the number of small community centres and put in place one or two larger viable centres.
- Appellants seek to have school sports hall areas reckonable for calculating floorspace requirements under this heading.

- Appellants seek also to have “Section 48” development levies directed towards funding Adamstown Community Facilities: this could be cross-referenced to the SDCC current DCS indicative commitment to a “civic centre/sports hall”.

#### **6.2.12 Proposed Amendment No. 47 (Material Amendment No. 19) and No. 48 (Material Amendment No. 20)**

These amendments relate to “Phasing and Implementation” and “Operation” respectively.

In essence appellants seek to prevent a recasting of the threshold numbers above which in each phase house building cannot proceed until certain infrastructure has been completed. The appellants’ critique of the implications of the SDCC proposed amendments and their own revised proposals, are illustrated in Sections 5, 6 and 7 of the appeal, comprising Appendices 1, 2 and 3.

### **6.3 Further Submitted Appeal: Castlethorn Construction**

**6.3.1** The concerns of Castlethorn Construction reflect closely those raised by Chartridge. The main text of the Castlethorn appeal runs to some thirty-seven pages. This is supported by eight enclosures (see page 38 of submission) and eight appendices (pages 40 – 47). The enclosures and appendices include copies of certain documents submitted to the Planning Authority in 2013 in connection with the draft Planning Scheme, and also some specially prepared charts in illustration of specific points made in the appeal.

**6.3.2** The main points of the Castlethorn appeal (sections 1-5) are set out in an appendix to my report. Section 6 of the appeal summarises the main modifications sought to the Amended Planning Scheme. As stated these reflect closely the recommendations put forward by Chartridge and may be summarised as below.

**6.3.3 Phasing Arrangements.** Appellants seek a modification of phasing arrangements so that each phase contains 800 residential units, **and** with each phase subdivided into two parts with 400 units each. Appellants also propose certain minor modifications to the SDCC proposed adjustments in phasing of certain items. The Board is referred to the “Gantt Chart” submitted with the appeal.

**6.3.4 Phasing and Implementation.** Appellants seek the insertion of wording in this chapter of the Amended Planning Scheme which would include certain Adamstown projects in the prevailing or an amended DCS Project List. The logic of this is that the projects benefit a wider area than Adamstown, therefore the cost burden of these projects need to be spread more equitably within the SDCC area. Specific projects are listed on page 35 of the appeal under the headings of Roads, Water and Drainage, Community and Parks.

**6.3.5 Planning Guidelines.** Appellants criticise the failure of the proposed Amendments to acknowledge certain official policy outlined in the 2013 published Planning Guidelines entitled “Development Contributions: Guidelines for Planning Authorities”, and specifically the need for the Amended Planning Scheme to recognise Adamstown as a “Priority Area” within the meaning of those Guidelines. Page 35 of the submitted appeal includes specific recommended text (see italics).

**6.3.6 Development Contributions Scheme.** Appellants seek specific insertion of a statement within the Amended Planning Scheme that the SDCC DCS would be amended within six months of the Amended Planning Scheme being approved by An Bord Pleanála; and in the meantime there should be a 50% reduction in the amounts levied for Adamstown development under the aegis of the DCS.

**6.3.7 Commercial Infrastructure.** Appellants seek a formally stated flexibility relating to the delivery of commercial/retail infrastructure where it can be demonstrated to the satisfaction of the Development Agency that a certain piece or pieces of commercial infrastructure would not be viable at a particular time. Page 36 of the appeal includes specific recommended text (in italics).

**6.3.8 Other Modifications.** Appellants regard a requirement for delivery of a sports hall in Phase 2 to be unduly onerous and unrealistic. Appellants recommend the omission of this specific reference under this heading and certain other minor changes to text including in respect of social and affordable housing.

#### **6.4 Further Submitted Appeal: Maplewood Developments (in receivership)**

**6.4.1** This appeal has been submitted by Fenton Associates, Town Planners and Architects.

**6.4.2** The main themes of the appeal are similar to those in the Chartridge/Castlethorn appeals as summarised above. It is submitted that the delivery of infrastructure by developers through Chartridge has come at a

“significant financial cost”. In moving forward due cognisance must be taken of the constraints on landowners/developers at Adamstown and the changed circumstances within which they must now secure funding to deliver further infrastructure, compared to the suite of circumstances which prevailed in 2003. The reality is that the continued provision of infrastructure at Adamstown will be financed by the sale of private housing and this has not been taken into consideration with respect to the phasing requirements for infrastructure provision in the amendments to the Planning Scheme.

**6.4.3** The position regarding the financial logistics of funding the infrastructure is exacerbated by the SDCC proposals to effectively telescope its delivery by reducing the number of houses permitted in each phase of development.

**6.4.4** The appeal seeks greater flexibility in the provision of social/community infrastructure and specifically supports proposal of Chartridge to move towards the concept of “basic specification” parks in certain phases.

**6.4.5** The appeal pages 5 – 9 sets out specific requests relating to:

- Certain Phase 2 amendment requirements to be incorporated into Phase 3.
- Certain Phase 3 and 4 amendment requirements to be incorporated in later phases.
- Road infrastructure should be rolled out on an efficient basis consistent with development proposals for individual areas, so as to ensure that development can be funded and commenced.
- Density amendments **provided for in Amendment No. 14** relating to Airlie Stud/Somerton/Tobermaclugg Village/Tandy’s Lane Village/St. Helen’s require further refinement to give developers the opportunities to respond to market demands at all times until completion of the SDZ Planning Scheme. In essence early tolerance in facilitating lower density may result in significant problems in achieving the overall density targets at a later date.
- **Amendment No. 7** requires refinement to off-set an excess of “Landmark Buildings” within the Maplewood client lands.
- **Amendment No. 10**, relating to social and affordable housing, requires refinement in the tables in Section 3.0 of the Scheme, in the interests of consistency with the welcome intention of the proposed amendment.
- **Amendment No. 37**, as proposed is deemed too onerous: play facilities should be rolled out in tandem with established need.



- **Section 2.3.2** needs amendment to reverse the presumption in favour of on-street/shared parking: the reality is that consumers purchasing residential units prefer within-curtilage parking.
- Section 48 Development Contribution Scheme levies and expenditure should be focused in the interests of benefiting the SDZ area. Moreover reference to a Section 49 Supplementary Scheme should be removed. In addition the Scheme should reflect that – with the arrival of Irish Water – the Development Agency will no longer have control over financing of water services for the area.

**6.4.6** Pages 9 – 10 of the appeal summarise further the priorities of the appellants.

## **6.5 Further Submitted Appeal: John A. McGreevy (Tierra)**

**6.5.1** This appeal has been submitted by John Spain Associates, Planning and Development Consultants, in a letter dated 10 March, 2014.

**6.5.2** The appeal supports the Chartridge and other developer appeals and seeks two additional modifications:

- it is submitted that if Government Guidelines relating to Sustainable Residential Development in Urban Areas are amended – so that the minimum density 35 units per hectare net guideline is lowered in any new guidelines – the Amended Planning Scheme for Adamstown should provide now for the flexibility to facilitate a pro-rata future adjustment in density in the Adamstown SDZ area;
- the Amended Scheme should provide for some direct frontage and vehicular access onto Tubber Lane: such direct frontage would be preferable – for reasons including urban design considerations – to having rear gardens and side elevations onto Tubber Lane, as appears to be indicated in the diagrammatic layout in Figure 2.4.

## **7.0 OBSERVER SUBMISSIONS**

**7.1** There were no valid observer submissions made to An Bord Pleanála within the allowed statutory period following receipt of appeals. However I draw the attention of the Board to the fact that there were many submissions made by stakeholders and other interested persons at various stages of the consultation process initiated by SDCC, prior to its Decision on Amendments in February, 2014. A copy of this material is available on file.

**7.2** At oral hearing stage there were some observer submissions made. Please refer to Section 11 of my report herein, below.

## **8.0 SDCC WRITTEN RESPONSE TO SUBMITTED APPEALS**

**8.1** SDCC responded to the five appeals in a submission dated April 2014, received by An Bord Pleanála on 9 April, 2014. A covering letter for the Director of Planning and Transport Department dated 8 April 2014, explains that the document is set out in three broad sections as a basis for response:

- SDCC Approach to Amendments (Section 1.0).
- Individual Response to Each Appeal (Sections 2.0 – 6.0).
- Clarifications and Omissions (Section 7.0).

**8.2** An Bord Pleanála is requested to confirm the Planning Scheme as amended. This request is set out in the final paragraph of the covering letter and in Section 8.0 of the Submission (Conclusions).

**8.3** The main points in the eight sections of the submission may be summarised as below.

### **8.3.1 Background and Approach**

- The original Planning Scheme was made in 2003. Since then there have been significant changes to the economic and policy context within which the Scheme must operate. Review of the Scheme was considered appropriate, although there is/was no legal obligation to review the Scheme.
- The Amendments as adopted by SDCC followed an extensive consultation process over many months. The residents of Adamstown clearly support the Adamstown model of a mixed use urban district. The economic downturn of recent years, in leading to stagnation of development into the medium term, threatens the sustainable growth of the community "...and the deliverability of key links and community facilities that will be needed to sustain the established community into the future".
- The 20% reduction in overall density now proposed is intended to be a realistic response to the current market and to provide a catalyst for development in the short term.

- SDCC in the 2003 Scheme supported by An Bord Pleanála, and in the Amended Scheme now proposed, has sought to honour the spirit of the original SDZ as set out in S.I. No. 272 of 2001 i.e. the intention of the SDZ is/was not only to provide housing but to provide infrastructure and community facilities to support the community.
- It is acknowledged that much physical infrastructure has been delivered at Adamstown, some ahead of time. However the non-delivery of essential facilities such as parks, community centres and associated games/play areas is now such a serious concern that the phasing of certain elements must be expedited.

### **8.3.2 Response to Chartridge Appeal**

#### **Phasing Bands**

- The original phasing for Adamstown (per 2003 Scheme) was conservative. While much physical infrastructure has been delivered, there is now a resident population awaiting community facilities including parks, community buildings and sports halls. The Amended Scheme seeks to prioritise these facilities. It is submitted that the Chartridge proposal to maintain the original 800 no. unit phasing bands would be counter-productive in achieving the urgent delivery of necessary community facilities.
- SDCC considers tighter (600 no.) phasing bands have the potential to give a better alignment between housing output and delivery of infrastructure and give greater certainty to residents and purchasers.

#### **Phasing and Flexibility**

- Flexibility in the delivery of commercial and community infrastructure, as proposed by Chartridge, would be unworkable in planning terms and would undermine the integrity of the SDZ. Moreover flexibility is in any event core to the implementation of the Scheme, however the degree of flexibility must be proportionate to the overall quantum of development.

#### **Infrastructure and the Development Contributions' Scheme**

- It is not within the remit of the Development Agency to amend a DCS adopted by the elected members of SDCC.

- Development contributions paid by Adamstown developers to date have contributed to a fund used throughout the SDCC area to provide infrastructure including in the Lucan area. As such Adamstown infrastructure does benefit from DCS support. SDCC has amended the Scheme to allow benefit from any or all financial supports available to the Council and to the landowners.

### **Community Facilities**

- SDCC amendments seek to prioritise facilities identified in SDZ legislation and in the recent consultation process.
- The Decision to require a **Swimming Pool** in Phase 4 arises from a resolution adopted by the elected members of SDCC.
- The Development Agency considers it imperative that both the school community and the wider community be provided with the necessary **built community infrastructure** in Phase 2.
- **Parks Provision** and standards at Adamstown must match or exceed the standards of the County Plan. The “basic specification park” proposed by Chartridge is unclear.
- **Children’s play facilities** are planned to be in accordance with the prevailing County Development Plan standards and it is submitted that Chartridge estimated cost of provision appears to be overstated.

### **Roads Issues**

- The Development Agency stands by its overall requirements in relation to roads as reasonable in order to ensure the delivery of essential roads in conjunction with residential development. However it is conceded that the requirement to build any roads in advance of completion to haul road status, is generally no longer required, except in the cases of the Celbridge Link Road and access road (part of Loop Road No. 3).

#### **8.3.3 Response to Castlethorn Submission**

As already noted in my summary of submitted appeals above, the Castlethorn submission echoes much of the Chartridge submission. As a consequence much of the SDCC response to the Castlethorn submission repeats points already made as summarised above. Significant additional points made may be summarised as below.

### **Newcastle Road Study**

- The Development Agency clarifies that it is envisaged Newcastle Road related works will be funded without any additional burden on Adamstown developers.

### **Phoenix Park Rail Tunnel**

- The Development Agency is satisfied that the inclusion of the Tunnel project as a phasing pre-requisite is justified having regard to the commitment of the NTA and Government to deliver this or similar infrastructure.

### **Further Reduction in Residential Densities**

- The appellants (Castlethorn) landholding covers areas in which low, medium and high density developments can be provided, therefore offering a wide range of flexibility and densities within their landholding. The Development Agency considers a further reduction to densities proposed in the Amended Scheme would undermine the integrity of the Scheme.

### **Celbridge Link Road**

- The Development Agency repeats its assertion that the Celbridge Link Road should be constructed to haul road status by a specified stage as provided for in the Amendments.

## **8.3.4 Response to Maplewood Submission**

As the Maplewood appeal repeats many points made in the Chartridge/Castlethorn appeals, I set out below only the key additional points may by SDCC in its response to the appeal.

### **Retail Phasing**

- SDCC defends its position under this heading and highlights the fact that the amended phasing establishes an “**either/or scenario**” which allows due account to be taken on where the next incremental phase of development may occur.

## **Social and Affordable Housing**

- Proposed amendments seek to reflect prevailing official advice regarding the mechanism for achieving social and affordable housing, but there is no agreed policy to reduce the requirement to provide for 15% social and affordable housing.

## **Landmark Buildings**

- Amendments proposed by SDCC do not fundamentally alter the quantum, height or design parameters of Landmark Buildings. It is considered that the provision of minimum and maximum heights for landmark buildings allows for flexibility in design, in which material/textures/design features can achieve desired visual impact.

## **Car Parking**

- SDCC will encourage on-street and off-street parking in accordance with the requirements of DMURS.

### **8.3.5 Response to Tierra Submission**

Here again I propose to confine my summary to additional specific issues raised i.e. not already addressed by SDCC in response to the previous summarised responses, above.

## **Density Reduction**

- SDCC considers there to be considerable room for flexibility across the overall Adamstown site. The minimum density of 35 units/ha, in certain areas is considered reasonable. A further reduction in density could undermine the integrity of the SDZ.

## **Tubber Lane Frontage Development**

- No amendments have been proposed at the location referred. Having regard to detailed design and traffic safety concerns and the location of Tubber Lane outside the SDZ boundary, SDCC does not consider the frontage development option to be an acceptable proposal.

### **8.3.6 Submission of Mr. Paul Gogarty**

Some five pages of text are devoted to this element of the response by SDCC. The main points may be summarised as below.

#### **Completion of Phases**

- There is no amendment to policy under this heading. It remains an imperative of SDCC to secure satisfactory completion of one phase before commencement of the next.

#### **Retail Provision**

- Retail floorspace provision has been adjusted pro rata with the 20% overall reduction in development across the Scheme lands. This approach is considered reasonable and justifiable.

#### **Rail Infrastructure**

- The submission explains that the changes reflect changes in national plans but do not compromise crucial phasing. It is noted that the next Government Capital Programme will not be drawn up until 2015, effective 2016.

#### **Car Parking Provision**

- Noting the reduction in residential density across the SDZ area, and the preference of residents for on-street and in-curtilage parking, basement parking is not considered a necessary pre-requisite for satisfactory visitor parking.

#### **Permitted Development**

- SDCC has no objection to “cattery” or “wind turbines” being specified in the land use matrix as recommended by appellant.

#### **Childcare Provision**

- The justification for amendment under this heading is outlined having regard to emerging trends and the experience at Adamstown to date.

## **Enterprise Centre**

- The justification for amendment is outlined and defended.

## **Flooding**

- SDCC is satisfied with plans and progress including extensive drainage works carried out in the area.

## **Adamstown Boulevard**

- Strategic function and design parameters confirmed and defended.

## **Community Facilities**

- It is agreed that a significant critical mass will be required to facilitate a leisure centre with swimming pool. It is not considered appropriate to stipulate the source of funding in the Planning Scheme.

### **8.3.7 Clarifications and Omissions**

The SDCC Response to Appeals takes the opportunity to clarify, in its Section 7.0, certain matters. These may be read in their entirety and should be seen as forming part of the Amendments covered by the Council Decision of February, 2014. The matters are covered on pages 32 – 34 of the Response Submission, and may be summarised as falling under the following headings.

- (1) **Amendment No. 25**, referring to Busway/QBC. A paragraph proposed for the Amended Planning Scheme, omitted in error from the Decision document, is set out in full.
- (2) **Book of Maps:** reference Celbridge Link Road. The submission explains that an agreement by SDCC – to amend all necessary maps to illustrate the most recently proposed road alignment of the Celbridge Link Road – was not reflected in the Book of Maps with the February 2014 Decision document. The correct indicative road line has been shown on the Scheme maps as amended for An Bord Pleanála with a black dashed line indicating the proposed road line.



- (3) **Phasing Table Phase 5** (Amendment No. 24): The relevant phasing table text is presented to reflect all agreed changes including provision for the delivery of the Phoenix Park Tunnel Link no later than Phase 5 of the Planning Scheme.
- (4) **Phasing Table Phase 6:** Provision of Parks. The relevant phasing table text is presented to reflect a minor error not corrected in the Decision document of February, 2014.
- (5) **Clarification regarding Draft Books of Maps.** The submission explains for clarity, that two versions of maps were presented during consultation on draft amendments. It is explained that an original book of 18 no. maps was superseded by a more concise book of 7 no. maps.

## **9.0 FURTHER SUBMISSIONS TO AN BORD PLEANÁLA**

**9.1** Arising from the cross-circulation of appeals to the parties, there were further submissions received in response from or on behalf of two of the appellant group namely Castlethorn Construction and J. A. McGreevy (Tierra). The contents of these submissions may be briefly summarised as below.

### **9.2 Further Submission of Castlethorn Construction**

**9.2.1** This submission was made by Stephen Little and Associates, on behalf of Castlethorn, under cover of a letter dated 8 April, 2014.

**9.2.2** The submission runs to 14 pages and makes comments on all of the other (four) submitted appeals. The comments may be summarised as below.

**9.2.3** Regarding the appeals of Chartridge/Maplewood/Tierra, it is the submission of Castlethorn that these appeals are supported insofar as they relate to matters of common interest held with Castlethorn. The submission notes that, in addition to matters of common interest, Maplewood and Tierra have raised issues which are particular to their landholdings in the area. Castlethorn has no comment to make in respect of these particular issues.

**9.2.4** Regarding the Gogarty appeal, there are specific reasoned responses made to each of the main criticisms and recommendations in that appeal. In most cases Castlethorn disagree with the proposals put forward by Mr. Gogarty, with the exception of a comment that there may be some merit in the funding proposal for enterprise centre facilities as set out in the Gogarty appeal.

**9.2.5** It may be noted that the Castlethorn submission makes specific comments on the Gogarty suggestions regarding landuse matrix inclusions, which may be summarised:

- it should not be necessary, and would not be appropriate to include “cattery” as an “open for consideration” use in Development Areas;
- as “solar panel” is an ancillary element to building use, but not a land use per se, it would be inappropriate to include it in a schedule of “permitted in principle” developments as proposed;
- the appropriateness of wind turbines within Adamstown parks will be dependent on a wide range of factors and it would be inappropriate to include it in any “open for consideration” schedule.

### **9.3 Further Submission of Tierra**

**9.3.1** This submission was made by John Spain and Associates on behalf of John A. McGreevy (Tierra Limited).

**9.3.2** The submission supports generally the appeal of Chartridge and does not have any concerns to raise in respect of the appeals by the other landowners within Adamstown.

**9.3.3** The submission does respond to the Gogarty appeal, and includes the following observations.

- An Bord Pleanála should not and could not legally consider the SDZ Planning Scheme “de novo”.
- The density and unit types proposed in the Amended Scheme are appropriate.
- The minimum unit size set down in the Amended Scheme exceeds national standards, therefore the Gogarty concerns on size of any apartment or duplex are not well-founded.
- The text of paragraphs in Section 2.2.12 relating to housing mix reflects current uncertainties in relation to the provision of social and affordable housing under Part V of the Planning and Development Act as amended and is appropriate for inclusion as proposed in the Amendment Planning Scheme.

- The perceived reduction in childcare facilities will not materialise in practice and the childcare amendments in the Amended Scheme are appropriate.
- The proposal for some underground parking is unnecessary, moreover such would not be commercially viable in low/medium density areas.
- Detailed design considerations on flood prevention management are a matter best dealt with at planning application stage.
- Landowners and Development Agency are best positioned to advise on the most appropriate phasing and implementation strategy for Adamstown.

**9.4** There have been no further written submissions made to An Bord Pleanála outside the context of the oral hearing and certain related additional information. These are addressed in Sections 11, 12 and 13 of my report, below.

## **10.0 OFFICIAL POLICY CONTEXT**

The 2003 Planning Scheme document acknowledges a suite of official policy documents which were deemed to be relevant to planning policy at the time of preparation of the Scheme. The currently proposed Amendments include an amendment to update this section of the Scheme. It may be noted also that changed and evolved policy since 2003 is indicated to be one of some fundamental reasons for initiating the current review. I shall summarise the most relevant policy/guidance under the headings National/Regional/Local. It may be noted also that Figure 1.3 in the currently proposed Amendment Ref. No. 02 sets in tabular form a complete set of guidance/strategy/policy documents referenced during the review process relating to the current amendments (see page 12 of Council Decision document of February, 2004).

### **10.1 National Planning Policy/Guidance**

Relevant national policy is summarised having regard to that specifically acknowledged in the Scheme and currently proposed Amendments and also certain policy/guidance highlighted in appeals and/or at the oral hearing by parties to the appeal and other stakeholders.

### **10.1.1 National Spatial Policy**

This is not specifically referenced in the existing or proposed amended scheme. However for completion I consider it appropriate to record its existence and acknowledge that it sets down principles which may be considered to have overarching relevance. Moreover national spatial policy provides a backdrop against which more directly relevant regional planning (including transport) guidance has evolved over time.

### **10.1.2 Adamstown SDZ Government Order**

This dates from 2001 and remains the legal basis for establishing the SDZ and drawing up the Planning Scheme in the first instance. The Order is/was underpinned by Part IX of the Planning and Development Act 2000 as amended. I have studied the order and legislation prior to preparing my report in the current appeal case. Paragraph 1.4.3 of the existing Planning Scheme confirms that, in relation to the adopted Planning Scheme, no party may appeal to An Bord Pleanála against the decision of South Dublin County Council on any application for permission in respect of a development within the area subject to the Planning Scheme. The text of this paragraph 1.4.3 remains unchanged within the currently proposed Amendments. However proposed paragraphs 1.3.9 and 1.3.10 seek to incorporate additional text (see Amendment Ref. 02) which records a material amendment to the Scheme made in 2006 (adopted without appeal) and the now proposed material and other amendments which are the subject of the current appeals.

### **10.1.3 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009**

This guidance document was published by the then Department of the Environment, Heritage and Local Government. It replaced the Residential Density Guidelines of 1999 which were referenced in paragraph 1.6.5 of the existing Scheme. This provides very much more comprehensive guidance than its precursor. It is accompanied by a design manual. Proposed paragraph 1.6.8 of the Scheme highlights its scope and focus.

### **10.1.4 Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2007**

The scope and focus of these guidelines is summarised in proposed paragraph 1.6.9 of the Scheme. There were no nationally applicable guidelines prevailing at the time of adoption of the 2003 Scheme, therefore

there was no equivalent reference in the original Scheme, to that now proposed in the Amendments.

#### **10.1.5 Design Manual for Urban Roads and Streets (DMURS) 2013**

This is referenced in proposed paragraph 1.6.7 of the Scheme as proposed for amendment. Here it is noted that SDCC published in 2001 the Adamstown Street Design Guide (ASDG) which acted as a precursor to the nationally published DMURS. Proposed paragraph 1.6.7 summarises the relevance of DMURS and ASDG.

#### **10.1.6 School Travel Toolkits Smarter Travel Workplaces: A Guide to Implementers**

Proposed paragraph 1.6.11 of the Scheme as proposed for amendment references this guidance (NTA).

#### **10.1.7 LAP Guidelines 2013**

This guidance is not currently proposed for reference in the Amendments proposed. However, although the SDZ Planning Scheme is not a LAP and is not subject to the provisions of any LAP, some appellants have highlighted certain features of this officially published guidance. They consider the features to be relevant to good practice for an SDZ Planning Scheme, notably in the manner of clearly identifying responsibility for actions in plan implementation.

#### **10.1.8 Development Contributions Guidelines 2013**

Although matters relating to the funding of elements of an SDZ Planning Scheme fall outside the scope of the scheme per se, appellants in the current appeal have argued that the 2013 Guidance recommends special treatment through such as DCS administration, for priority areas including SDZs.

#### **10.1.9 Action Plan for Jobs 2014**

This document published by the Department of Jobs, Enterprise and Innovation, includes a section on Construction and Property. An appellant has drawn attention in particular to Actions 311, 314 and 315 which should be deemed relevant to kick-starting development at Adamstown.

### **10.1.10 Construction 2020**

This publication has issued since the Decision of SDCC and the submission of appeals. Chapter 3 addresses planning issues and the document includes a Summary of Actions by Quarter commencing 2014.

## **10.2 Regional Policy and Guidance**

### **10.2.1 Regional Planning Guidelines Greater Dublin Area (RPG-GDA) 2010-2022**

This guidance is referenced – in proposed paragraph 1.63 of the proposed Amendments – in replacement for the 1999 GDA Strategic Planning Guidelines. The proposed paragraph notes the focus of the guidance and the role of the Guidelines in translating national strategies to regional level. RPPGDA emphasise the need to consolidate the growth of the metropolitan area and it is noted that Adamstown is designated as a metropolitan area consolidation town.

### **10.2.2 Retail Strategy for GDA 2008 – 2016**

This is noted in paragraph 1.6.4 in replacement for the 2002 Strategy.

### **10.2.3 GDA Transport Strategy 2011 – 2013**

The focus of the Strategy contained in this document is outlined in proposed paragraph 1.6.5 of the proposed amended scheme, in replacement for reference to the Dublin Transportation Office (DTO) Strategy referred in 1.6.4 of the original scheme.

### **10.2.4 Planning and Development of Large Scale Rail Focused Area in Dublin Draft Integrated Implementation Plan 2013 - 2018**

This report is referenced in proposed paragraph 1.6.10 of the Amended Scheme as proposed. It notes the emphasis of the report in encouraging kick-starting development through allowing lower density development in early phases as part of a planned approach to deliver higher densities over the longer term. The principle enunciated in this report underpins the fundamental philosophy of the Amended Planning Scheme as set out in MA No. 2 (Amendment Ref. No. 5) and related amendments.

## **10.3 Local Policy**

### **10.3.1 South Dublin County Development Plan 2010 – 2016**

The current Plan is referenced in proposed paragraph 1.6.6 in replacement for references to the Adamstown LAP (2001) and the SDCC Plan (1998). The text notes that the Planning Scheme for the SDZ sits alongside and forms part of the prevailing Development Plan. It is stated to be the policy of SDCC to ensure that Adamstown is developed in accordance with the existing Planning Scheme.

## **11.0 ORAL HEARING SUBMISSIONS AND DISCUSSION**

**11.1** As noted in Section 1.0 of my report above, An Bord Pleanála decided to hold an oral hearing (OH) for the appeals. The OH was held over five days 27-30 May and 15 July 2014, in the An Bord Pleanála Conference Room. The agendae for the OH are contained in an appendix to my report. The names of those who made oral submissions, and the general order of their appearance, are also on a schedule attached in an appendix to my report.

**11.2** A sound recording of the OH was taken for the full period of the five days. The recording is available for reference. Print outs of the index to the sound recording for each day are contained in an appendix to my report. I have endeavoured on this index to cross-reference proceedings of the OH to the various modules identified on the agendae. Days 1 – 4 on the index relate to the four days 27, 28, 29, 30 of May, 2014 and day 5 relates to 15 July, 2014.

### **11.3 Appellants' Submissions**

At the OH the presentations made by or on behalf of the Development Agency (SDCC) and the five appellants were very substantially detailed elaborations of the submitted written appeals and responses. Written copies of the main presentations were made available and have been placed on the file. These include certain charts which were referred at length by some presenters. Considerable emphases were placed on the contents of the charts presented at the OH and which are contained within the (A4) written copies of presentations. I refer the Board to the contents of these charts particularly those presented by Mr. Stephen Little and Ms. Annette Hughes for Chartridge. They may be read in association with the relevant parts of the sound recording, or viewed generally as self-explanatory illustrations. Many of the illustrations may be cross-referenced also to the (A3) charts attached to some

of written appeals received by An Bord Pleanála in March, 2014 (notably Chartridge/Castlethorn).

#### **11.4 Prescribed Bodies**

**11.4.1** One prescribed body was represented at the OH, namely the Regional Planning Body for the GDA. There was no oral submission made.

**11.4.2** A letter written to the Development Agency by the National Transport Authority (NTA) in the context of the current appeals was tabled by SDCC and read into the record of the OH. The written copy of this record is on file.

#### **11.5 Observer Submissions**

As previously noted in my report, above, there were no formal observer submissions validly received in writing by An Bord Pleanála within the statutory deadline for submissions following receipt of appeals. At least one written observer submission received was out of time. At the oral hearing there were some submissions made on behalf of individuals, organisations and elected representatives. As in the case of appellant submissions, written copies of oral submissions made were provided in most cases. The salient points of other submissions (no written record submitted) are included in some brief summaries below of observer submissions made. I draw the attention of the Board also to one photograph submitted in support of the first observer submission Ms. Michelle Uí'Bhuachalla.

**11.6** I refer the Board to the sound recording of OH proceedings and/or to any written summaries of submissions made at the OH by observers. In addition I wish to highlight some of the salient points of observer submissions notably those where written copies of submissions were not provided at the oral hearing. These are set out below.

##### **11.6.1 Ms. Michelle Uí'Bhuachalla**

This observer presented as an owner/occupier resident of Adamstown. Her main concern was in the matter of proposed reduced residential density. Ms. Uí'Buachalla submitted that the landowners are the only real stakeholders interested in pursuing the reduced density agenda supported by a few outside interests. Ms. Uí'Buachalla submitted two photographs to illustrate how widespread reduced density development might adversely affect the urban form envisaged and part achieved to date at Adamstown. Ms. Uí'Buachalla seriously questions how the investment in major infrastructure to date –



notably rail infrastructure – can ever be justified on a lower residential density model.

**11.6.2 Ms. Sinead Rafferty** presented on behalf of the students/parents/staff of **Adamstown Community College**. A brief summary of her submission was tabled in written form. Ms. Rafferty emphasised the need for urgent delivery of indoor sports/physical education facilities. Quite apart from the absence of physical facilities per se, the logistics of moving personnel and equipment for indoor sports/physical education to locations outside Adamstown is inefficient and highly disruptive. One cohort of children has already completed its cycle in the school and suffered the stress and deprivation associated with missing facilities anticipated before the occupation of 2,600 houses. The revised phasing proposal requires a sports/hall leisure centre by 1,600 houses. This should be tightened up for delivery by 1,400 houses.

**11.6.3 Ms. Folasade Bello** made a submission on behalf of the **Adamstown Residents' Board**.

The main points of this submission:

- Residents feel let down at the lack of community centre development to date: the goodwill of the schools in facilitating meetings has been essential in bridging the long wait for a centre: the original Planning Scheme envisaged a community centre at 1,250 houses.
- Parks are an undelivered promise: parks could help beautify the environment, provide recreational opportunities and entice new buyers into future houses.
- Link road between two developed areas is urgent i.e. between The Paddocks and Castlegate: Castlegate contains the schools for the whole existing Adamstown catchment, therefore access to schools will be enhanced by this link, which when developed should be completed with traffic calming measures incorporated.
- The Board agrees with the submission of Michelle Ui'Bhuachalla and the appeal of Councillor Gogarty that reduced density proposals will not sustain the planned infrastructure: either the infrastructure will not be delivered or it will be wasted.

**11.6.4 Mr. Brian Murray for the Adamstown Planning Action Group**, made a submission to the OH. A summary of the Action Group submission was tabled in written form (signed Sanjeeb Barik and Tom Dowling). Mr. Murray submitted that residents who have paid premium prices for their owner/occupied homes at Adamstown have a vested interest in seeing the

right form of development with facilities for the future. Reduced density proposals are unacceptable. The original plan is/was a good plan and there should not be panic which could undermine long-term sustainability. Mr. Murray drew attention to the current practice of parking in bus lanes at certain times because there is currently such pressure on surface car parking generally. Specific commentary in the Action Group presentation was made in respect of density; crèche spaces; schools; community centres; public pool and leisure centre (PPP proposal outlined); parks and playing pitches; medical centre; lifecycle housing mix; public transport; cycle/paths and footpaths; parking and pedestrian safety; design and streetscape.

**11.6.5 Councillor William Lavelle and Councillor Gus O’Connell made a submission on their own behalf.** The submission is summarised in a written document tabled at the OH. Councillor Lavelle informed the meeting that he and his colleague had been re-elected as public representatives in the recently concluded local elections. The representatives ultimately seek that An Bord Pleanála uphold the decision of SDCC to amend the existing Scheme as proposed. The submission addressed the underlying logic of the amendments as interpreted by elected members notably in respect of kick-starting development, preserving the Adamstown character, delivering community infrastructure and achieving integrated transport and landuse planning. The submission made a particular plea to support the leisure centre/swimming pool for Phase 4; to ensure greater road capacity notably to overcome the Newcastle Road bottleneck; and delivery of the Phoenix Park Rail Tunnel.

**11.6.6 Mr. Brian Mercer** spoke on his own behalf as a resident and owner/occupier at Adamstown. He explained that he had sold his house elsewhere in Lucan to buy in Adamstown. Mr. Mercer expressed concern on an area of space overlooked by his home. This space appeared to be indicated as open space in brochure documentation seen by him before buying into Adamstown. Now the site hosts rusting containers. He understands that a building of height may now be envisaged for the site. He considers a 3/4 storey max. building there could be acceptable, but anything higher unacceptable. In the meantime the site detracts from the amenities of the area in a prominent location.

## **11.7 Oral Hearing Discussion**

**11.7.1** The main parties to the appeal and observers made their presentations generally in the order proposed in the agenda originally circulated prior to the commencement of the OH. For reasons of convenience and availability, one observer submission (Mr. Brian Mercer) was heard on Day 2 of the OH, while

the Chartridge presentation was commenced on the afternoon of Day 1 then broken to facilitate the presentation of Mr. Mercer early in Day 2. On Day 3 Councillor Gogarty made his closing submission because of his then anticipated absence after that day.

**11.7.2** As noted earlier in this Section 11.0 of my report the presentations made by or on behalf of the Development Agency and the five appellants were very substantially elaborations of submissions and responses already made. Towards the close of business on Day 3, and having regard to a considerable number of queries raised and submissions made in relation to past and future funding arrangements for infrastructure at Adamstown, Mr. Hogan for the Development Agency tabled a short (A4) document dated 2004, relating to the subject. This is/was described as the initial proposal of SDCC in 2004 in relation to approved infrastructure requirements for Adamstown vis-à-vis the then planned “Section 48” Development Contribution Scheme. This 2-page document headed Approved Infrastructure Requirements for Adamstown was noted by Chartridge and the other parties to the appeal. Chartridge indicated to the OH that they would study the document (overnight) and expected that it could help discussion relating to funding issues so as to advance the work and progress of the OH.

**11.7.3** Day 3 of the OH concluded with the closing submission of Councillor Gogarty in which he made several main points:

- the financial viability arguments currently being advanced by landowners/developers today sound not dissimilar to arguments advanced by or on behalf of the same parties some 11 years ago;
- the “shovel ready” infrastructure referred at length by developers at the OH, offers no benefit to existing residents at Adamstown;
- if An Bord Pleanála is inclined to accept the lower density development now proposed for the SDZ area, and wishes to respond further to developer concerns, consideration should be given to some reasonable deferral of retail provision subject to a “quid-pro-quo” of prompt delivery of community facilities. Councillor Gogarty indicated that this view was being stated without prejudice to his appeal submission which still stands.

**11.7.4** At the opening of Day 4 Chartridge sought and obtained a brief adjournment to allow completion of their (with other landowner appellants) consideration of the 2004 document tabled the previous day by SDCC to help discussion at the OH. Following this brief adjournment Chartridge tabled an A3 document entitled “Adamstown SDZ Planning Scheme Delivery and Funding Schedule May 2014 (Chartridge proposal)”. This document is on file. On tabling this

document Chartridge drew attention to certain omissions which they wish to add to the document for the record, as follows:

- in column 4 the heading “To be included in S.48” (Roads) should be repeated in the equivalent row for each of the other infrastructure headings Water/Drainage; Community Infrastructure; Parks; Commercial Requirements;
- item 10 under Roads Infrastructure should include the NTA in the final column (additional to Dublin Bus/Irish Rail/SDCC);
- items 2.4.5 (under Community Infrastructure, in column 5) should include SDCC as a party responsible for implementation in associated with developer;
- items 1/2/3/4 under Parks in column 7 should include SDCC as a participating stakeholder/agency.

**11.7.5** In response to the tabling of the A3 “Chartridge Proposal”, Mr. Hogan for the Development Agency indicated that he would not be able to comment on the Chartridge document without some considerable number of working days available and would have to refer back to the Director of the Agency. He observed that his initial reaction is/would be that the “Chartridge Proposal” sought to turn Adamstown into a developer-led proposal to the detriment of the plan-led vision embodied in the original SDZ Scheme. In any event SDCC would need time to respond to the Chartridge Proposal.

**11.7.6** Following consideration of the impasse presented – in respect of a matter central to the appeals of most of the appellants – I moved forward on the agenda to allow appellants confirm for the record the amendments with which they had no substantive objection, and those with which they had substantive concerns. Chartridge and the developer group confirmed their positions for the record.

**11.7.7** I confirmed that the remainder of the OH would be adjourned to a future date, which date would be notified to all parties and other oral hearing participants as soon as possible. I informed the parties that in the meantime there would be revised agenda issued in advance of the reconvened OH.

## **12.0 ADDITIONAL INFORMATION**

**12.1** During the adjournment of the OH certain additional information was sought from the Development Agency, under the following headings:

- Implementation and Funding of Infrastructure.
- Social and Affordable Housing.

An Bord Pleanála letter to SDCC dated 11 June, 2014 refers.

**12.2** SDCC responded to the request in and under cover of a letter dated 26 June, 2014 (initial email submission followed by hard copy submission date-stamped 27 June, 2014). This submission enclosed three documents.

1. Funding and Infrastructure Delivery Schedule.
2. Background Information in Response to the “Chartridge Proposal” submitted to the OH on 30 May, 2014.
3. A Map clarifying development areas to which the requirement for the Celbridge Link Road relates per the proposed Amendments.

**12.3** The submission notes that in the context of the Adamstown Planning Scheme, many infrastructure items have been the subject of past and on-going negotiation between SDCC and Chartridge/Adamstown developers. The submission states that the outcome of negotiations will be dependent on the Board’s determination of the principle of what infrastructure is required in Adamstown and at what stage of the development.

**12.4** Regarding social and affordable housing, the submission puts forward a suggested alteration of MA6 (Amendment No. 10).

**12.5** Prior to the reconvening of the OH, the material received from SDCC was circulated to OH participants as appropriate.

### **13.0 FINAL ORAL HEARING SUBMISSIONS AND DISCUSSION**

**13.1** Day 5 of the OH followed a break of approximately 6 weeks during which time certain additional information was sought and obtained from SDCC. As noted in paragraph 12.5 of my report, above, the information obtained was circulated to OH participants prior to the reconvened OH.

**13.2** At the outset of Day 5 Mr. Hogan for SDCC summarised their position on the “Chartridge Proposal” which had been tabled on Day 4 of the OH. He referred to the single page A3 schedule submitted as part of SDCC further information, entitled **Adamstown Key Outstanding Infrastructure**. He then responded to queries from parties, and took the opportunity to defend the approach of SDCC regarding the 2014 Amended Scheme Requirements.

- 13.3** Mr. Hogan for SDCC then referred to the longer (5-page) schedule entitled **Funding and Implementation Scheme – Adamstown SDZ Planning Scheme 2014**. He wished to record one alteration to the schedule (Item 81) regarding the “Lead Agency”.
- 13.4** Mr. Little for Chartridge welcomed the presentation of the tables in the schedule. For the record he indicated that Chartridge would have some dispute regarding the responsibilities indicated under Items 24, 31, 35, 37, 41, 45, 53, 56, 58, 60, 63, 65, 67, 72, 75, 76, 77, 81, 82 and 85. His main concern with many of the items is that it should be made clear that “Section 48” funding would be available for certain infrastructure via SDCC. Mr. Little concluded with a summary of those items which could and should reasonably be developer responsibility.
- 13.5** Later on Day 5 Mr. John Spain for Tierra submitted that the table submitted by SDCC unduly placed the onus on developers to deliver and be responsible for infrastructure and he made several points in support of this submission. He made a plea for the Board to acknowledge the necessary role of “Section 48” funding administration. He wanted to see at least equal treatment for Adamstown with the areas outside Adamstown. The Amended Scheme should contain appropriate influential reference to “Section 48” funds.
- 13.6** He then summarised the items in respect of which Tierra regards responsibility to be unreasonably loaded towards developer responsibility: these are Items 19, 20, 31, 37, 39, 41, 45, 53, 57, 58, 60, 65, 67, 68, 70, 76, 81, 82, 85. As in the case of the Chartridge/Castlethorn submission by Mr. Little, Mr. Spain highlighted the need for “Section 48” funds via SDCC to be clearly identified as a source of funding for certain projects.
- 13.7** There followed a discussion on matters of social and affordable housing and the phasing of the Celbridge Link Road.
- 13.8** Fenton Associates for Maplewood questioned the efficacy of pursuing the current retail agenda. Delaying housing pending the retail provision is self-defeating because viability depends on population. Meanwhile retail operators seek out the opportunities to maximise catchment which militates against provision of appropriate scale retail development to serve local communities.
- 13.9** There followed some discussion on amendments proposed with implications for dwelling types, notably MA6, MA10, MA13 and MA19. This was followed by discussion on other amendments proposed at MA20/21/23/26.

**13.10** ILTP Consulting (Mr. Christy O’Sullivan) made a further contribution for Chartridge on transport infrastructure. Both he and Councillor Gogarty were in agreement that it is government responsibility to deliver the Phoenix Park Tunnel Link and related infrastructure: its delivery should not be a burden on Adamstown. Mr. Gogarty referred to a debate of the Oireachtas Committee on transport on 25 June 2014, which he said could usefully be heard by An Bord Pleanála at [www.oireachtas.com/committeedebrates.transportandcommunications](http://www.oireachtas.com/committeedebrates.transportandcommunications), and could throw some light on NTA Dublin Area plans and priorities.

**13.11** The Development Agency and the appellants made their closing submissions prior to the closing of the OH on Day 5.

## **14.0 ASSESSMENT**

### **Preliminary Considerations**

**14.0.1** The currently proposed Amendments to the Adamstown SDZ Planning Scheme are set out in the Council Decision (A4) document of February 2014, which should be read in conjunction with the (A3) Book of Maps. In its written response to the submitted appeals in April 2014, the Planning Authority/Development Agency took the opportunity – in addition to commentary on the appeals per se – to clarify certain omissions in the February, 2014 Decision document. In addition, at oral hearing stage, there was some additional information presented, in June, 2014 by SDCC, which offered certain additional text. The Amendments now before the Board for consideration therefore comprise those set out in the Decision document of February 2014, clarifications submitted in April, 2014 and additional information provided during the adjournment of the oral hearing in June, 2014.

**14.0.2** The spirit and purpose of the current review undertaken, which has led to the Amendments now proposed, is set out in various documentation presented by the Planning Authority/Development Agency. SDCC has made it clear that it has no legal obligation to carry out any review of the 2003 Scheme. However it has been considered prudent and appropriate to do so having regard to changed planning policy circumstances since 2003 and changed and evolving economic circumstances since then.

**14.0.3** The Board may note indeed that the relevant legislation does not provide specifically for a review of an SDZ Planning Scheme as now undertaken by SDCC, however such does not appear to be precluded by the legislation. Moreover I draw attention to the fact that the existing 2003 Planning Scheme



as approved with modifications by An Bord Pleanála in that year, includes a paragraph committing the Development Agency, to a review of the Scheme at “Phase 6” stage. The scope of the then signalled review is briefly described in the text of the existing Scheme (paragraph 4.3.2 of the Scheme refers).

**14.0.4** Referring further to the legislation, it is specifically stated that An Bord Pleanála is confined in its role to making minor modifications if it chooses to make any modifications to an SDZ Planning Scheme. The other options are to approve a scheme without modification or to refuse to approve a Scheme.

**14.0.5** Prior to the oral hearing in this case, the appeal parties were specifically requested to address the implications of a “no change” scenario, in which An Bord Pleanála would refuse to approve the amendments. At the oral hearing it was clear that there is consensus by stakeholders that amendments are required. There are however differences of opinion on the implications of the overall suite of amendments proposed. This is the reason there are now appeals before An Bord Pleanála.

**14.0.6** Arising from these considerations I consider it appropriate that An Bord Pleanála should support the spirit of the review undertaken. However I do not consider it to be the role of An Bord Pleanála to adopt a “de novo” approach in the case. Substantial development has been undertaken at Adamstown since 2003, under the aegis of the existing Scheme, in accordance with the vision for Adamstown created at that time.

**14.0.7** There are 49 no. Amendments proposed overall. These Amendments are presented as Material Amendments (20 no.) and the remaining (29 no.) Non-Material Amendments. The Gogarty appeal includes observations on a wide range of the Amendments. The Chartridge and other appeals focus on a lesser number of specific Amendments. However these appeals dwell at length on this lesser number of amendments, as well as matters which appear to fall outside the direct scope of the proposed Amendments per se.

**14.0.8** Against this background, while confirming my view that it is not the role of An Bord Pleanála to undertake a “de novo” assessment of the Scheme as would be amended, the scope of my assessment will endeavour to include consideration of all issues raised in appeals, and formal observations made in the context of the submitted appeals. My consideration of observations will be confined to those formally submitted to An Bord Pleanála, in writing and/or at the oral hearing. However I draw the attention of the Board, for completeness of information, to observations also made in the statutory and non-statutory consultations undertaken, prior to the Council Decision now under appeal.



**14.0.9** As stated above, the main bodies of appeal submissions focus on a limited number of proposed Amendments and matters arising. However for completeness and order, I propose to address each of the Amendments in turn. I shall look firstly at the Material Amendments followed by consideration of Non-Material Amendments.

**14.1 Material Amendment (MA) No. 1 (Amendment No. 3)**

**14.1.1** This amendment removes reference to the Adamstown Local Area Plan (LAP) of 2001. It also facilitates minor amendments to areas in Table 1.1 of the Scheme.

**14.1.2** The appeals have made no criticism of this amendment. The changes to text are essentially technical in nature. The changes to areas in tables are immaterial.

**14.1.3** I see no objection to approving MA1.

**14.2 MA No. 2 (Amendment No. 5)**

**14.2.1** This amendment provides for changes in the extent of development. The change in extent of residential development is significant, that for non-residential development less so, as summarised in the following table.

<b>Type of Development</b>	<b>2003 Scheme</b>	<b>2014 Amendment</b>
Min. Extent Residential	840,000 square metres	726,700 square metres
Max. Extent Residential	1,035,000 square metres	887,725 square metres
Total Dwelling Units Minimum	8,250 units	6,655 units
Total Dwelling Units Maximum	10,150 units	8,145 units
Total Non-Residential Minimum	32,600 square metres	29,185 square metres
Total Non-Residential Maximum	125,000 square metres	125,000 square metres

**Table: Changes Proposed in Extent of Development**

**14.2.2** Additional development now planned is identified as a Primary Health Care Facility.

**14.2.3** School provision is altered with one more primary school in addition to the three originally planned.

**14.2.4** The Gogarty appeal and an observer submission at the oral hearing raise the prospect of a significant diminution in the urban character already achieved at Adamstown, arising from the significant reduction in extent of residential development. The SDCC response to appeal under this heading offers a stout defence. In particular it is submitted that there is no fundamental change in urban form proposed in any area, with features such as building heights maintained. I consider the response credible and soundly based. At the oral hearing an observer queried the potential for lesser quality in building finishes in the context of lower density of development. I consider this to be a matter ultimately to be dealt with in the on-going development management process. The proposed Scheme amendment does nothing to undermine the role of SDCC in this regard.

**14.2.5** The Gogarty appeal questions the implications of a significant reduction in the extent of development for long-term sustainable development at Adamstown. This is a fundamental query on the principles underlying the Amendment. SDCC points to the research work of the NTA and to the fact that the change in extent of development is focused in particular areas as a means of kick starting development without compromising the potential for high density residential development and employment oriented development in the vicinity of the rail transport hub already in place. Having read and listened to the logic applied, I accept the basis for the relevant amendment.

I consider MA2 should be approved.

### **14.3 MA No. 3 (Amendment No. 6)**

**14.3.1** This amendment focuses on the geographical distribution of changes to the extent of development proposed under MA No. 2. As such the amendment should be read in association with MA No. 2, having regard in particular to much of the logic underpinning SDCC approach to changes in the extent of development, as outlined above.

**14.3.2** The amendment has not attracted criticism in the submitted appeals. I consider the amendment should be approved.

#### **14.4 MA No. 4 (Amendment No. 7)**

**14.4.1** This amendment proposes a significant increase in the maximum floorspace allowed in Landmark Buildings. This is in relation to the overall field of landmark buildings and is designed ostensibly to increase potential for future infill development.

**14.4.2** The main objection submitted in submitted appeals is that in the Maplewood appeal. Maplewood submits that the preponderance of landmark buildings indicated for their landholding is disproportionate. It is submitted that the potential problem inherent in the geographical distribution is exacerbated by the likelihood that landmark buildings are likely to be inserted at an advanced stage in the build-out of any area, by which stage development options are necessarily restricted with little flexibility open to developers in complying with the requirements of the Planning Scheme.

**14.4.3** I consider that the principle of the amendment is soundly based. However, consideration should be given to minor modification/addition to text to ensure maximum benefit can be derived from the ultimate roll out of landmark buildings at Adamstown.

**14.4.4** At the oral hearing an observer expressed concern at the management and perceived confusion around the future of a site yet to be potentially developed in the vicinity of/overlooked by his home. A mechanism by which existing residents can have confidence in the management and future of their local environment and landscape would be positive in sustaining the evolving Adamstown community. However I consider this to be inevitably a development management function, and not amenable to inclusion within the scope of the Planning Scheme. The Amendment Scheme Book of Maps forms part of the Amended Scheme as proposed. The locations of landmark buildings on maps are indicative. Planning applications submitted under the aegis of the Planning Scheme are subject to requirements of prevailing Planning Regulations including public notice requirements.

**14.4.5** I consider MA4 should be modified.

#### **14.5 MA No. 5 (Amendment No. 8)**

**14.5.1** This amendment provides for an increase in the potential “employment” floorspace within the Adamstown Boulevard Development Area, in lieu of residential floorspace. The location is intended to be a focal point within the overall Adamstown Planning Scheme area, and is proximate to the railway

station. The amendment is consistent with the general thrust of changes proposed in the extent of development and densities. The amendment would incorporate a new section of text in the Scheme document.

**14.5.2** The Gogarty appeal has submitted that a more prescriptive text would be appropriate to underpin a more proactive approach by the Development Agency in the matter of business start-ups. SDCC has responded to this submission.

**14.5.3** I consider the amendment as proposed should be approved.

#### **14.6 MA No. 6 (Amendment No. 10)**

**14.6.1** This amendment as presented in the Decision document of February 2014, provides mainly for a more generic statement relating to the provision of social and affordable housing. The Gogarty appeal as submitted argues for the deletion of paragraph 2.2.12 of the Scheme. Councillor Gogarty has argued that it has the potential to undermine the social mix imperative of the Adamstown vision. The Maplewood and other appeals by landowners have raised no objection to the general thrust of the amendment, however they highlight the need for all tables in the Scheme to be revised where appropriate to reflect the change of wording proposed in the amendment.

**14.6.2** The response of SDCC in the first instance was to defend the amendment as presented. However at the oral hearing there was considerable discussion around the need for clarity and removal of anomalies. The changes and evolving nature of national policy in relation to social housing policy were noted. Arising from the discussion at the oral hearing, and an invitation to SDCC to submit any revised text appropriate during an adjournment of the hearing in June 2014, SDCC proposed revised text prior to the re-opening of the oral hearing (submission received by An Bord Pleanála on 26 June, 2014).

**14.6.3** At the reconvened oral hearing there was no substantive argument around the revised text proposed. I consider the text as now proposed provides appropriate safeguards to secure the social mix vision for Adamstown while maintaining consistency with the requirements of the prevailing Housing Strategy for the area and the on-going evolution of national policy for social housing.

**14.6.4** The amendment as altered in the further information of June, 2014 should be approved.

## **14.7 MA No. 7 (Amendment No.11)**

**14.7.1** This amendment provides for adjustment in the minimum total extent of non-residential development, consistent with the reductions relating to total extent of development proposed in other amendments.

**14.7.2** There are no objections to this amendment. I consider the amendment should be approved.

## **14.8 MA No. 8 (Amendment No. 14)**

**14.8.1** This proposed amendment relates to development density. As such it is at the core of the overall suite of amendments proposed. In the appeals the principle of reduced density provisions have been generally welcomed by developers, while the Gogarty appeal has signalled caution as outlined in earlier sections of my report, above.

**14.8.2** Notwithstanding the general consensus around the potential of reduced development density to “kick start” further residential development at Adamstown, concerns expressed by developers have included notably:

- Castlethorn submits that the density amendments proposed will result in approximately 16% reduction in the quantum of residential development at Adamstown. This is not a dramatic reduction and there could perhaps be room for further reduction without undermining the Adamstown vision.
- Maplewood submits that if the lowest density development is undertaken first in the areas where allowed, there may be a problem in securing the balancing higher densities in later stages of development.
- Tierra has stated the case for minimum residential densities to shadow national policy, which is under review, failing which Adamstown landowners and developers could be at a disadvantage in bring saleable houses to market in the future.

**14.8.3** SDCC has offered a robust defence to criticisms under this heading. I consider the SDCC case to be soundly based. In its role as Development Agency and Planning Authority, SDCC should have the ability through its development management function to secure the necessary balance and rebalancing to achieve the density objectives for each area.

**14.8.4** I consider the proposed amendment should be approved.

#### **14.9 MA No. 9 (Amendment No. 16)**

**14.9.1** This amendment seeks to secure implementation of the recently adopted national policy relating to road and street widths in newly developing areas, as reflected in the Design Manual for Urban Roads and Streets (DMURS). It is intended to apply DMURS standards and those of the Adamstown Street Design Guide (ASDG) throughout Adamstown, with allowances made to take account of any relevant siteworks already carried out to date.

**14.9.2** In the Gogarty appeal it is submitted that an overall review of roads' plans should be undertaken to eliminate certain "rat-running" of vehicles through residential zones as Adamstown evolves. SDCC responded to the specific concerns expressed in the Gogarty appeal, in its written response to appeals. At the oral hearing technical evidence presented by ILTP Consulting (Mr. Christy O'Sullivan) for Chartridge further elaborated on traffic management considerations deemed appropriate to secure the balance between road transport efficiency, safety and residential amenity.

**14.9.3** Both the Gogarty and Maplewood appeals have raised issues relating to the matter of shared/on-street car parking. On the one hand the Gogarty appeal suggests that some basement car parking will be critical to alleviate pressure for on-street parking arising from visitor parking demand. It is submitted that visitors to Adamstown are and will be mainly car borne visitors generated from the myriad of Dublin area and other family locations from which new homeowners do and will derive.

**14.9.4** On the other hand the Maplewood appeal suggests the generally stated presumption in favour of shared/communal and on-street parking Section 2.3.2 of the Planning Scheme should be removed. Maplewood argues that selling houses will depend on plenty of flexibility towards facilitating in-curtilage parking.

**14.9.5** At the oral hearing ILTP Consulting (Mr. Christy O'Sullivan) emphasised the likely overall car ownership profile of Adamstown residents. He argued that an acknowledgment of relatively high car ownership and parking provision for same, would not be inconsistent with a presumption in favour of encouraging high public transport usage. He submitted that people like access to private cars for general convenience but this does not necessarily result in excessive car usage if good public transport services are available.

**14.9.6** SDCC has put forward a strong defence of its policies and parking provision. SDCC does not propose changes to car parking policy in new development, beyond any incidental impact of the application of DMURS.

**14.9.7** I accept the SDCC position in the context of the amendments proposed. As Development Agency and Planning Authority, SDCC will be in a position to maintain a watching brief on the evolution of car parking provision and preferences. In addition the Planning Scheme provides for a review at Phase 6. In this regard I consider the issue of the need for basement car parking provision could arise in the future in the higher density development areas at Adamstown. However at this time requirements for basement car parking would be a potential impediment to kick starting development, so that the matter would best be reviewed at a future date, for reasons of road safety and efficiency and residential amenity.

**14.9.8** I consider that MA No. 9 should be approved as proposed.

#### **14.10 MA No. 10 (Amendment No. 18)**

**14.10.1** This proposed amendment arises mainly from new dwelling space standards specified in official national planning guidance documents published since the adoption of the 2003 Planning Scheme.

**14.10.2** This proposed amendment has not been the subject of criticism in written appeals. However at the oral hearing there was some discussion seeking clarification that the relevant standards would be correctly reflected in the relevant text and table. SDCC confirmed that the standards would be correctly applied under the aegis of the amendment as now proposed.

**14.10.3** I consider MA No. 10 should be approved.

#### **14.11 MA No. 11 (Amendment No. 32)**

**14.11.1** This amendment provides for a new section on environmental sustainability and drainage design.

**14.11.2** The Gogarty appeal addresses this amendment and queries whether the matter of climate change impact has been sufficiently considered. In its response to appeals SDCC has provided a comprehensive response to the appeal submission. The response includes reference to important drainage works undertaken for the area during the currency of the Scheme to date.



**14.11.3** I consider the SDCC response to be adequate. Other appellants/observers have not commented on or queried this proposed amendment.

**14.11.4** I consider the amendment should be approved.

**14.12 MA No. 12 (Amendment No. 33)**

**14.12.1** This amendment seeks to bring requirements relating to major parks and open spaces into line with the requirements of the current County Development Plan. There is some small change to existing text plus significant addition to the table setting out open space provision by area. The significant addition is a new column in the table entitled Guidelines of Requirements for Active Recreational Facilities.

**14.12.2** Chartridge on behalf of the developer stakeholder group have highlighted the cost burden inherent in adopting the wording of Column 4 in Table 2.16 entitled Guidelines for the Provision of Public Open Space by Development and Amenity Area. Chartridge proposes a less prescriptive wording so that the requirements can be met in a flexible manner in the delivery of play areas. SDCC in its written response to appeals submits that Chartridge is overestimating the financial burden associated with the facilities proposed.

**14.12.3** There was considerable discussion around this subject at the oral hearing. SDCC indicated that the requirements would be flexibly applied having regard to the evolving roll out of development. However SDCC sees no case for having lower standards at Adamstown than in other developing areas.

**14.12.4** On balance I accept the SDCC position on standards. However the Board may wish to facilitate some compromise under this heading in acknowledgement of the unforeseen cost burden for developers. I note that the main body of paragraph 2.6.4 includes a statement – unchanged in amendments – requiring that for each major park a plan to include a detailed schedule of work shall be agreed with SDCC. I consider the fit-out of amenity areas in parks could be negotiated on an on-going basis under the aegis of this statement in the Planning Scheme. However in the case of the development areas not proximate to one of the four major parks, it appears to me that there can be no room for compromise. The standards proposed for these areas should be confirmed while greater flexibility should be available in respect of those areas proximate to parks. Chartridge has signalled strongly its willingness to expedite one or more of the major parks to a “basic specification” standard. This level of specification is not clear but I consider some relaxation in the absolute requirements of Table 2.16 as proposed in the



Amended Scheme would enable a degree of co-operation in progressing a major park or parks as an urgent and vital facility to underpin the Adamstown vision.

**14.12.5** I recommend modification of this amendment MA No. 11. A draft revision is set out in a later section of my report, below.

**14.13 MA No. 13 (Amendment No. 34)**

**14.13.1** This amendment provides for a new section entitled Green Infrastructure. The short additional text has not been the subject of direct commentary in appeals.

**14.13.2** I consider MA No. 13 should be approved.

**14.14 MA No. 14 (Amendment No. 36)**

**14.14.1** This amendment seeks to achieve sustainable development of good quality accessible and early childhood care and education infrastructure in Adamstown. The amendment recognises the balance to be struck between area requirements and market led provision. The proposed Table 2.17 reflects a less prescriptive approach than in the existing Scheme, and takes account of local progress and experience under this heading to date.

**14.14.2** The Gogarty appeal has questioned the efficacy of the approach proposed. SDCC has put forward a comprehensive explanation of its approach. The amendment has not attracted other criticism in the context of the submitted appeal.

**14.14.3** I consider this amendment MA No. 14 should be approved.

**14.15 MA No. 15 (Amendment No. 37)**

**14.15.1** The amendment provides for a new section relating to children play facilities. Each of the developer group have concerns on the cost implications, being seen by them as a further burden on their costs and ability to deliver saleable residential units. Proposed table 2.18 entitled Play Facilities Hierarchy sets out minimum standards for the following:

- YCAP's – young children's areas for play
- LEAP's – locally equipped areas for play
- NEAP's – neighbourhood equipped areas for play

**14.15.2** A footnote to the table states that the Planning Authority can operate discretion in respect of the minimum threshold set out in the Table, to take account of existing provision in the vicinity. Commitment to reasonable flexibility and discretion by SDCC was repeated at the oral hearing.

**14.15.3** Having regard to the likelihood of a varying pace of development in the future dictated by such as the outside forces of economic circumstances and national policy, I consider it very important that existing residents and incoming residents be properly catered for under this heading. Young children have only one opportunity to be young and experience the stimulation of safe and active play. There should be no compromise in provision under this heading save at the discretion of the Planning Authority as proposed in the footnote to Table 2.18.

**14.15.4** I consider the amendment should be approved as proposed.

**14.16 MA No. 16 (Amendment No. 38)**

**14.16.1** This amendment provides for significant changes to existing text, and arises from a review of appropriate community buildings' provision.

**14.16.2** The Gogarty appeal urges a more flexible and focused pro-active approach by SDCC in the provision of enterprise centre facilities. SDCC has put forward a written response to this submission, which I consider to be acceptable.

**14.16.3** At the oral hearing there was considerable discussion on the wording of proposed paragraph 2.6.20, wherein an agreed provision of 1,200 square metres of community centre provision appears not to take account of possible sports' hall provision which could be delivered and made available in lieu of part of the community centre provision. SDCC has stoutly defended the wording of the text of 2.6.20: any or early delivery of a school sports' hall would be a bonus but should not be a replacement for proper community hall provision in the finally completed Scheme.

**14.16.4** At the oral hearing an observer submission made a plea for urgent delivery of indoor sports facilities. It was explained that resident children now in Adamstown must travel outside the area to avail of adequate facilities, and the logistics of constantly transporting equipment as well as personnel represent inefficiencies which diminish the overall recreational experiences being pursued.

**14.16.5** Chartridge and the developer stakeholders have also made a strong plea for “Section 48” (DCS) funding to be directed towards community centre provision.

**14.16.6** Notwithstanding the Chartridge request for DCS funding towards community centre provision and other facilities, it does appear that there is commitment to deliver a community centre facility at an early stage. Insofar as such provision may reasonably be part provided within a school sports’ hall format, and Chartridge may play an active role in such provision, I consider it reasonable that any school sports hall delivered in an early phase to appropriate scale and specification should be reckonable for calculating the 1,200 square metres overall provision. This matter could be further reviewed at Phase 6 stage under the aegis of the then planned review.

**14.16.7** SDCC is concerned that management and community utilisation of facilities may be compromised if provided within a school format. I consider this is a matter which should be amenable to local negotiation as plans proceed. In the meantime some certainty in the maximum financial outlay for Chartridge under this heading should help in the early delivery of the minimum 600 square metres community centre required by the Scheme.

**14.16.8** I consider MA No. 16 should be approved with modification. Draft revised wording is proposed in a later section of my report, below.

#### **14.7 MA No. 17 (Amendment No. 39)**

**14.17.1** This amendment provides for a reduction in gross retail area provision, consistent/pro rata with the reductions in extent of development under the amended Scheme. The overall changes are summarised in the following table.

<b>Adamstown SDZ Planning Scheme Area</b>	<b>2003 Scheme</b>	<b>2014 Amendments</b>
Minimum Retail and Retail Services (Square Metres)	19,950	15,120
Maximum Retail and Retail Services	29,775	24,175

**Table: Min Max Retail Provisions at Adamstown**

- 14.17.2** The Gogarty appeal is critical of the reductions proposed. It is submitted that the reduced thresholds may undermine the potential to achieve a sustainable retail network of facilities for Adamstown long-term. SDCC has responded to the submission. SDCC argues that the pro rata reduction vis-à-vis the extent of overall development is logical and appropriate.
- 14.17.3** It may be noted also that the main focus of retail floorspace remains at the proposed District Centre location of Adamstown Station, where up to 14,625 square metres of retail provision would be permitted. Also in excess of 2,000 square metres of retail provision would be permitted in each of the Tobermaclugg Village and Tandy's Lane Village locations, which are the focus of lower tier retail provision within Adamstown. Significant provision would also be permitted at Somerton in acknowledgement of its location adjacent to the existing Lucan District Centre.
- 14.17.4** The Chartridge and Castlethorn appeals highlight a need for considerable flexibility in the phasing of retail provision. In essence they submit that attracting an "anchor tenant" is key to the success of any significant retail complex development. Viability is key to this from the perspective of the potential retail tenant. The larger the population and/or retail catchment, the greater is the possibility to attract the anchor tenant. Attracting a retail tenant within a deadline is unrealistic because the matter is largely outside the control of the developer.
- 14.17.5** Against this background Chartridge/Castlethorn argues strongly that a clause should be written into the Amended Scheme to facilitate flexibility in the phasing of retail facilities. SDCC is strongly opposed to any such caveat to retail delivery being written into the Scheme. SDCC regards such a proposal to be unworkable in planning terms.
- 14.17.6** I consider ultimate delivery of retail facilities is outside the direct control of developers because of the need for third party operators. I consider this to be especially so in respect of the largest scale facilities envisaged for the proposed District Centre. In the smaller centres proposed it would appear reasonable to insist on some early delivery of retail units capable of prompt occupation by retail operators as and when the necessary viability thresholds are crossed.
- 14.17.7** On balance I accept the thrust of the Chartridge quest for flexibility under this heading. Some variation of the wording proposed by Chartridge – to underpin the flexibility sought while giving the Development Agency the necessary control overall – should be considered by the Board.

**14.17.8** The relevant MA should be approved with modification. A draft wording is proposed later in my report.

**14.18 MA No. 18 (Amendment No. 40)**

**14.18.1** This proposed amendment seeks to enhance and refine provision for health/emergency/religious facilities. The amendment is generally non-controversial and has not attracted adverse criticism in the submitted appeals, or observations formally made to An Bord Pleanála.

**14.18.2** I consider MA 18 should be approved.

**14.19 MA No. 19 (Amendment No. 47)**

**14.19.1** This proposed amendment provides for significant alteration to the Sequence of development at Adamstown. This issue, combined with concerns over the application of the DCS of SDCC at Adamstown, together have been the focus of much of the body of the Chartridge and other developer appeals.

**14.19.2** The amendment as presented is set out in pages 78 – 89 of the Decision document of February, 2014. I have endeavoured to summarise the main points of concern put forward by Chartridge and others in Section 6.0 of my report, above, and in the appendix relating to the Castlethorn appeal submission.

**14.19.3** The matters of phasing/sequencing and development contributions were also the subject of significant elaboration in presentations made at the oral hearing by planning consultants and economic consultants. Written copies of this evidence as submitted at the oral hearing are on file. I draw the attention of the Board to charts and tables in this documentation, and other previously submitted charts, seeking to highlight the significant impact MA 19 would have on the roll out of development at Adamstown. The crucial point of concern relating to the proposed amendment is that while the funding of planned infrastructure will be dependent on future house sales, the number of units permitted for completion and occupation in each phase of the Scheme is suppressed by the provisions of the proposed amendment.

**14.19.4** Notwithstanding the thrust of Chartridge and other developer appeals, the Gogarty appeal has also raised criticisms. Councillor Gogarty submits that originally planned early transport infrastructure phasing and implementation has been reduced. SDCC has responded comprehensively to this criticism.

The Gogarty appeal has also called for a comprehensive definition of “completion” (in each phase) within the Scheme document, so as to prevent residents being burdened with unfinished housing development. SDCC has responded also to this concern. I consider the responses put forward by SDCC to be satisfactory in respect of the Gogarty appeal. I must observe also that significant rail and road infrastructure is in place at this stage serving Adamstown. In addition I do not consider unfinished housing estates to be an issue at Adamstown in the context presented in the Gogarty appeal.

**14.19.5** At the oral hearing Councillor Gogarty submitted that, if the number of houses/density of development is to be reduced as per the proposed amendments, it is essential that the phasing bands are reduced along the lines proposed in MA 19. This comment was made without prejudice to his view that reduced development density at Adamstown may undermine the potential for a sustainable development long-term.

**14.19.6** Having read the appeals and heard all submissions made at the oral hearing, I find the general thrust of the Chartridge and associated appeal arguments to be convincing under this heading. There is a vast infrastructural investment already made at Adamstown, with certain elements originally scheduled up to and including Phase 5, already completed. Chartridge seeks recognition of this investment moving forward. In the absence of some big financial intervention from SDCC or Government in respect of outstanding infrastructure, its funding must depend on future house sales. The cumulative effect of a phase-on-phase reduction in permitted residential units makes the prospect of delivery unworkable and remote in current and reasonably foreseeable market conditions.

**14.19.7** I have noted earlier in my report the existing Planning Scheme provides for a mid-term review as part of Phase 6, to ensure that the required infrastructure and facilities detailed in Phases 1 – 5 have been provided and are operational. This commitment is contained in paragraph 4.3.2 of the existing Scheme. There is no proposal to change this text in the currently proposed amendments. I consider that, having regard to the submission for Chartridge and others that there are elements of infrastructure already developed up to Phase 5, and the mid-term review is planned for Phase 6, the Board should respond to the Chartridge call for flexibility under the aegis of the extant commitment to review as outlined above. To this end developers should be allowed build up to 5,000 dwellings (plus 200 rollover) prior to the commencement of Phase 7 development. The detail of the tables setting out infrastructure, services, facilities and amenities should be modified having

regard to matters addressed in respect of other amendments as already addressed above, or as addressed below.

**14.19.8** A considerable amount of discussion was devoted to Newcastle Road Improvements and to the Celbridge Link Road. Regarding the Newcastle Road, SDCC has indicated that it will find the funding for this. However I accept that it must stand as a crucial phasing item – albeit outside the SDZ – because the road between the Lucan District Centre and the nearby N4 interchange with the Newcastle Road is reported to be a bottleneck at certain times.

**14.19.9** Regarding the Celbridge Road Link, SDCC put forward a stout defence of the sequencing of this project. SDCC has defined clearly the geographic area which cannot be developed (except for an initial 400 houses) pending the delivery of the Celbridge Link Road. At the OH it was explained for SDCC that while the geographic area is large, the planned density of development over much of that area is relatively low, therefore the provision of the Link Road as a haul road at a certain stage should not be an impediment to significant roll-out of housing numbers overall in the short and medium term. I accept the defence of the project sequencing as proposed in the Amendments, subject to my overall conclusions and recommendation on the quantum of residential units (800) which should be allowed in each phase.

**14.19.10** In conclusion I recommend modification to the proposed amendment MA19.

**14.20** MA20 (amendment no. 49).

**14.20.1** This amendment provides for some minor changes to text relating to Timing. The changes to text arise partly from the content of other proposed amendments.

**14.20.2** The proposed amendment does not appear to be the focus of great criticism in submitted appeals. However I draw the attention of the Board to proposed amended paragraph 4.4.2 of the Scheme. This confirms that phases 2-13 will comprise 600 units per phase. If MA19 is modified by the Board, then the wording of MA20 should be revised also, in the interest of clarity.

**14.20.3** I consider MA20 should be modified.



## **14.21 Other Proposed Amendments**

**14.21.1** As previously indicated in my report, the 29 no. amendments deemed “Non Material” by SDCC serve mainly to underpin the “material” amendments. Few of these have attracted specific comment in appeals, however certain of them require consideration for completeness, including certain non-material amendments which have attracted commentary in submitted appeals or otherwise.

**14.21.2** I shall now make observations as appropriate on those amendments which I consider should be specifically noted by the Board and/or which have been specifically identified for comment in submitted appeals and observations made. My observations will be made in the order in which the amendments are presented in the SDCC Decision of February 2014.

## **14.22 Amendments Nos. 22 and 23 (Road Network and Road Improvements)**

**14.22.1** Certain concerns under this heading were raised in the Gogarty appeal. SDCC responded to the concerns raised. I consider the responses to have been adequate. At the oral hearing ILTP Consulting for Chartridge elaborated on current thinking. This submission was in general accord with the submission of SDCC in response to the Gogarty appeal.

**14.22.2** I consider amendments nos. 22 and 23 should be approved as proposed.

## **14.23 Amendment no. 24 (suburban rail).**

**14.23.1** This amendment provides amongst other things for the inclusion of the Phoenix Park Tunnel Link – to bring commuter services directly from the Kildare line into Dublin City Centre and the south-east (Dublin) business districts without the need for interchange – as a Phase 5 prerequisite for the Adamstown Planning Scheme. This new phasing requirement (relative to the 2003 Scheme) has attracted much criticism from Chartridge and the developer group. It is submitted generally that the sustainable development of Adamstown does not depend on the provision of the Tunnel Link, therefore it should not be a phasing prerequisite.

**14.23.2** Matters raised and considered under this heading in written submissions and at the oral hearing have included the following:



- the Tunnel Link is a matter outside the control of the Adamstown developers, albeit that its development and operation would have certain potential advantages for a future growing population at Adamstown;
- the Tunnel Link per se as a physical improvement project would not offer enhanced operational capacity in relation to existing/future Adamstown services unless and until certain major signalling and rolling stock investments have been completed;
- the work of the NTA relating to Adamstown generated journeys to work indicates that there is a very dispersed pattern, so that the rail link to the City Centre and points east need not be regarded as an urgent priority for Adamstown in the short/medium term.

**14.23.3** At the oral hearing ILTP Consulting (Mr. Christy O’Sullivan) for Chartridge argued strongly that no other rail based developments planned for the Kildare Line would be deemed premature or otherwise delayed pending the Tunnel Link, therefore to impose a moratorium on development at Adamstown at phase 5 or any subsequent phase would be inequitable as well as unjustified per se.

**14.23.4** I accept the thrust of the appeals under this heading. I consider references to the Phoenix Park Tunnel Link as proposed should be omitted or amended.

**14.23.5** I consider amendment no. 24 should be modified.

**14.24 Amendment no. 26** (transport interchange).

**14.24.1** Appellants submit generally that the reference in proposed amended paragraph 2.4.15, to enhanced transport interchange to provide for QBC/BRT/LRT and local bus services goes beyond the scope of anything envisaged to date. It is argued that there is no NTA or other commitment to BRT/LRT therefore the provision of physical facilities for same need not be included within the Amended Planning Scheme.

**14.24.2** I consider amendment no. 26 should be modified.

**14.25 Amendment no. 27** (walking and cycling).

**14.25.1** Chartridge has queried the second bullet point text in proposed paragraph 2.4.21. It is argued that in the vicinity of parks and open spaces, there should not be a wasteful duplication of purpose-built cycling routes. At the oral

hearing there was some discussion around the subject, including the matter of evolving parks' management policies etc.

**14.25.2** On balance I agree with the thrust of the Chartridge opposition to duplication which would represent an unnecessary cost burden on development.

**14.25.3** I consider amendment no. 27 should be modified.

**14.26 Amendment no. 46** (amenity areas).

**14.26.1** It may be noted that in pages 76/77/78 of the SDCC Decision document there is reference to "Minimum Requirements" for each major park area. Having regard to issues raised under material amendments in relation to parks, I consider it appropriate that reference to "Minimum Requirements" should be replaced with a wording "Guideline Requirements". This would be consistent with the title wording of table 2.16 and would provide for the flexibility required for agreement on park specifications between the Development Agency and developers. During the adjournment of the oral hearing in June 2014, just such an amendment was put forward in the Further Information received by An Bord Pleanála on 26 June, 2014.

**14.26.2** I consider amendment no. 46 should be accepted as altered in the Further Information Submission to An Bord Pleanála by SDCC in June, 2014.

**14.27 Amendment no. 48**

**14.27.1** This amendment includes revised wording relating to the possibility of "Section 49 Planning Scheme" (proposed paragraph 4.3.9) and a commitment to reflect the willingness of the Development Agency to explore all mechanisms to secure funding for delivery of community facilities in Adamstown (proposed paragraph 4.3.10).

**14.27.2** Chartridge and others are critical of the vague reference to "section 49" and question its place in the Scheme. Here I must observe that there is reference to a "section 49" supplementary development contribution scheme in the original 2003 SDZ Adamstown Planning Scheme. The change in the wording is inoffensive and I believe should be generally maintained. The making of a "section 49" scheme would be a matter for the elected members of SDCC to decide, in accordance with prevailing guidance available at the relevant time.

**14.27.3** In considering the matter of making reference to "Section 48" Fund administration in the Scheme, I draw the attention of the Board to the

submission for Tierra (Mr. John Spain) at Day 5 of the OH. A summary text of Mr. Spain's contribution is included in documentation submitted to the OH.

**14.27.4** Regarding proposed paragraph 4.3.10, I consider it would be appropriate here to insert an additional sentence specifying a commitment to pursuing a review of the DCS having regard to guidance issued in 2013. I do not consider An Bord Pleanála or the Development Agency could make a unilateral commitment to reviewing the DCS in accordance with the spirit of the 2013 guidelines, but reference to DCS review in the context of proposed paragraph 4.3.10 would give focus and I believe would be appropriate in the context of the relatively recent (2013) official guidance issued.

## **15.0 CONCLUSIONS**

**15.1** My conclusions in relation to individual amendments proposed are indicated in Section 14.0 of my report, above. In my recommendation in Section 16.0 below, I shall endeavour to embody appropriate modifications in a draft text in respect of each Amendment recommended for modification.

**15.2** The two most fundamental matters which arise from the proposed Amendments per se are the 20% proposed change to density of residential development, and the phasing of infrastructural elements relative to the roll-out of future development. The principle of reduced density has been opposed in appeals by Councillor Paul Gogarty, and several observers. Concern on the density issue is also reflected in the consultation documentation prior to the February 2014 decision of South Dublin County Council. Chartridge and members of the developer group of appellants, have suggested even lower density might be considered desirable, but on balance the density per se as now proposed in Amendments is not fundamentally opposed by them. In my view having regard to the considered input of the NTA and the deliberations of SDCC, and SDCC submissions to An Bord Pleanála, I consider the reduced density proposals acceptable at this time and Amendments relating to this issue as proposed by SDCC should be generally upheld.

**15.3** Regarding phasing/timing/sequencing I have found the Chartridge and related developer submissions to be generally persuasive in the matter of "kick-starting" development. The "kick-start" will depend on a number of external factors common to many potential development areas. However there is a resident population in the Adamstown SDZ Planning Scheme area seeking amenities and social infrastructure, which are unlikely to happen in the foreseeable future unless the relevant development community and their

funderson can see the prospect of a sustained roll-out of profitable house sales. The final written submission for SDCC in June, 2014 acknowledges that the outcome of on-going negotiations between SDCC and Adamstown developers on the funding and implementation of local infrastructure/community facilities/amenities will be dependent on the determination by An Bord Pleanála of what infrastructure is required in Adamstown and at what stage of the development. The matter is in my view a finely balanced one in which the decision of the Board will be crucial. Subject to continuing commitment to a formal review of the Planning Scheme at Phase 6, as per paragraph 4.3.2 of the Scheme (not proposed for amendment under currently proposed Amendments), I consider the balance should be in favour of facilitating reasonable flexibility to developers. To this end there should be a recognition that certain infrastructure delivery is more reasonably within the control of Adamstown developers than certain other infrastructure.

**15.4** In addition to the two fundamental matters referred above, the other major item of discussion and debate in the current appeals is that of funding arrangements per se. SDCC has made it clear that funding operates separately from the core subject matters of the Planning Scheme. SDCC has highlighted also that the DCS can only be reviewed as a reserved function of the elected members. At the OH representatives for SDCC signalled the difficulty, politically, in achieving special DCS funding status for one area over another, notwithstanding the advice on DCS's under Planning Guidelines of 2013.

**15.4.1** At the final day of the OH there was discussion around the proposed **Funding and Implementation Scheme – Adamstown SDZ Planning Scheme 2014** as presented by SDCC to An Bord Pleanála in June, 2014. The developer group had many misgivings regarding the balance of responsibilities for delivery of projects unless there could be a more realistic approach adopted in relation to DCS Fund administration. They submitted that certain projects should attract funds raised under the “Section 48” DCS, notably parks development, but also several other projects. Also there should be some targeted relief on DCS levies on Adamstown development having regard to 2013 official planning guidance. In my view, the prevailing DCS is not up for review within the scope of the currently proposed Adamstown Amendments. Insofar as there is any room for influencing DCS administration within the scope of Planning Scheme amendments, any substantive intervention by An Bord Pleanála could not be construed as a minor modification as required by law. I consider that the noted Schedule referred to above should be incorporated into the Amended Planning Scheme (following page 98), subject to any modifications [including such as house numbers for each phase]

imposed by An Bord Pleanála. Beyond this I do not consider An Bord Pleanála can intervene further in bringing more certainty to funding for the SDZ in the context of the appeal issues raised on the administration of the DCS vis-à-vis development at Adamstown. Some additional text could be added to that committing the Development Agency to exploring all funding avenues, with specific reference including the potential of “Section 48” funding having regard to the provisions of prevailing official guidance. This matter will be addressed in Section 16.0 of my report, below.

- 15.5** Finally, I have referred already to the commitment to a mid-term review of the Planning Scheme, as per paragraph 4.3.2 of the text of the Scheme. This text should remain and be augmented by a clause to the effect that the review would be undertaken within five years of the date of the Board decision, or as proposed at Phase 6, whichever is the earlier event.

## **16.0 RECOMMENDATION**

My recommendation comprises three main elements:

- Reasons and Considerations
- Recommendations relating to Material Amendments Proposed and Certain Other Amendments Proposed.
- Other Matters Arising

### **16.1 Reasons and Considerations**

Having regard to the following:

- (a) the provisions of Part IX of the Planning and Development Act, 2000 as amended;
- (b) the 2001 SDZ Designation of Adamstown and the subsequently adopted SDZ Planning Scheme;
- (c) national policy as set out in the National Spatial Strategy for Ireland 2002 – 2020, “Smarter Travel a Sustainable Transport Future – a New Transport Policy for Ireland 2009 – 2020” issued by the Department of Transport, and regional policy and guidelines, as set out in the Regional Planning Guidelines for the Greater Dublin Area 2010 – 2022, the “Greater Dublin Area Draft Transport Strategy 2011 – 2030” issued by the National Transport Authority, Guidelines for Planning Authorities on Sustainable Residential Development

in Urban Areas 2009, Sustainable Urban Housing: Design Standards for new Apartments – Guidelines for Planning Authorities 2007, Design Manual for Urban Roads and Streets 2013, LAP Guidelines 2013, Development Contributions Guidelines 2013, Action Plan for Jobs and Construction 2020 Government Publications of 2014, and the Planning and Development of Large Scale Rail Focussed Areas in Dublin Draft Integrated Implementation Plan 2013 – 2018;

- (d) the provisions of the South Dublin County Council County Development Plan including the housing strategy and Policy H22 of the said Plan;
- (e) the contents of the Environmental Report and other accompanying documentation;
- (f) the existing pattern of development in the area;
- (g) the documentation and submissions on file and the record of the proceedings of an oral hearing held;
- (h) the effect the scheme would have on any neighbouring land; and
- (i) the effect the scheme would have on any place which is outside the area of the planning authority;

it is considered that, subject to certain modifications set out below, the proposed amendments in the Council Decision of February, 2014 as clarified in the Planning Authority submission to An Bord Pleanála received on the 8<sup>th</sup>/9<sup>th</sup> day of April, 2014 and as altered by Further Information received by An Bord Pleanála on the 26<sup>th</sup>/27<sup>th</sup> day of June 2014, would be in accordance with the proper planning and sustainable development of the area.

It is further considered that the modifications proposed are minor in nature and would not be likely to have significant effects on the environment or adversely affect the integrity of a European site.

## **16.2 Recommendations on Specific Amendments**

### **16.2.1 Modify MA No. 4 (Amendment No. 7)**

Insert additional text following proposed new paragraph 2.2.9, as set down below.

**At planning application stage it will be a requirement that the site or sites of landmark buildings shall be identified as reserved for future development and the minimum and maximum quantum of such developments specified.**

**16.2.2 Modify MA No. 6 (Amendment No. 10)** so that it reads in accordance with the alteration proposed in Further Information submitted to An Bord Pleanála on 26 day of June, 2014.

Amend tables as appropriate throughout the Scheme document to reflect the said alteration.

**16.2.3 Modify Amendment No. 24**

Delete the text of proposed paragraph 2.4.8 and replace it with the text set down below.

**The Scheme is supported by the key objectives of national rail investment policy including the development of the “Phoenix Park Tunnel Link” and the “Dart Underground” and related works and facilities. These projects, although desirable for the enhancement of public transport facilities, linkages and services at Adamstown in the medium and long term, are of such a scale in capacity terms that the development of Adamstown is not dependent on their completion.**

Delete paragraph 2.4.9

**16.2.4 Modify Amendment No. 26**

In proposed paragraph 2.4.15 delete the final words at the end of the paragraph:

“...and will provide for QBC/BRT/LRT and local bus services to Lucan and Liffey Valley”.

In proposed paragraph 2.4.16 amend the wording so that it reads as set down below.

**The provision of a permanent Park and Ride facility as a phasing requirement will be reviewed at the commencement and completion of each phase of development.**



### 16.2.5 Modify Amendment No. 27

In proposed paragraph 2.4.21, amend the text of the second bullet point so that it reads as set down below.

- **Pedestrian and Cycle Only Routes:** These complement Major Routes and may include routes away from traffic. Duplication will be avoided where routes through or adjoining open spaces can serve a dual purpose of recreational and functional use.

### 16.2.6 Modify MA No. 12 (Amendment No. 33)

Insert the following text as a sentence following the proposed text of paragraph 2.6.4.

**The phased roll-out of active recreational facilities shall be agreed on a case-by-case basis having regard to the location and roll-out of completed residential units.**

### 16.2.7 Modify MA No. 16 (Amendment No. 38)

Amend paragraph 2.6.20 so that it reads as follows:

**At least one community centre with a minimum floor area of 1,200 square metres shall be provided at Adamstown in an early phase. This facility shall incorporate a community sports hall (33 metres by 18 metres), 4 no. multi-purpose meeting rooms, a kitchenette and toilet facilities. Alternative provision in an early phase may comprise a school sports hall available for community use (minimum 600 square metres) plus 600 square metres community centre (4 no. multi-purpose meeting rooms, toilet facilities and kitchenette). The need for further community facilities will be reviewed at the mid-term review in Phase 6, having regard to the physical adequacy and operational experience of community facilities then in place.**

### 16.2.8 Modify MA No. 17 (Amendment No. 39)

Insert additional text following proposed paragraph 2.6.31 as set down below:

**The Planning Authority recognises the key role of the market in influencing the delivery of speculative retail and commercial facilities and in the event of there being a clearly demonstrable and evidential**



**lack of commercial interest or demand for such a facility, the Development Agency is willing to consider, at its sole discretion and on a case-by-case basis, the deferral of such a requirement to a later phase of development and/or its reclassification in terms of nature, scale and/or specification. This option may be exercised in exceptional circumstances only with the onus of demonstrating non-feasibility resting with the Applicant/Developer. Such a relaxation from the terms of the Phasing Programme will only be allowed where it is considered essential in order to facilitate the ultimate delivery of that facility.**

**16.2.9 Modify Amendment No. 46** so that it reads in accordance with the alteration proposed in Further Information submitted to An Bord Pleanála on 26 June, 2014.

**16.2.10 Modify MA No. 19 (Amendment No. 47),** so that:

- each phase of development up to and including Phase 6, has 800 units as proposed in developer submissions at appeal. The roll-out of remaining residential units shall be reviewed at the mid-term review in Phase 6;
- the “Roll-Over” facility in paragraph 4.2.2 is reduced to 200 dwellings as proposed by South Dublin County Council.

Modify all relevant tables and schedules accordingly.

**16.2.11 Modify Amendment No. 48**

Amend proposed paragraph 4.3.10 by the insertion of an additional sentence so that the proposed paragraph 4.3.10 reads as set down below.

**All measures available for the release of funding to provide for the delivery of community infrastructure in Adamstown will be pursued. This shall include a Development Agency review of the future administration of “Section 48” DCS funding having regard to prevailing official guidance relating to priority and special treatment for strategic development zones.**

**16.2.12 Modify MA No. 20 (Amendment No. 49)**

Amend the final proposed sentence of proposed paragraph 4.4.2 so that it reads as set down below.

**Phases 2 – 6 will comprise 800 units per phase. The roll-out of further housing will be reviewed under the aegis of the mid-term review at Phase 6. Facility for ‘roll-over’ is restricted to 200 units per phase.**

### **16.3 Other Matters Arising**

All text, tables and schedules contained in the proposed Amendments shall be consistent with the modifications specified above. Where necessary the text shall be altered to secure the necessary consistency.

All altered and modified text shall be published in a consolidated Planning Scheme reflecting the Decision of An Bord Pleanála.

The Schedule entitled “Funding and Implementation Schedule – Adamstown SDZ Planning Scheme 2014” shall be inserted in the Planning Scheme in replacement for Figure 4.13, subject to modification of the number of units per phase in accordance with the Following Schedule:

- Phase 2 (1,001 – 1,800 dwellings)
- Phase 3 (1,801 – 2,600 dwellings)
- Phase 4 (2,600 – 3,400 dwellings)
- Phase 5 (3,401 – 4,200 dwellings)
- Phase 6 (4,201 – 5,000 dwellings)
- Phase 7/8/9 subject to mid-term review before Phase 7.

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**Keith Sargeant**  
**Senior Planning Inspector**

**3 September, 2014.**

**ym/sg**

## **APPENDIX A: Castlethorn Appeal**

The Castlethorn submitted appeal runs to some 37 no. pages plus enclosures. The substance of the arguments submitted in Sections 1 – 5 of the appeal are summarised below.

**A.1** Sections 1-4 (page nos. 2-11) of the submitted appeal comprise a substantive preamble to the detail of issues raised for consideration. I shall summarise what appear to be the salient points of section 1-4, followed by a summary of the detailed submission.

- In general the appellants regard the now proposed changes in Phasing and Implementation to be so dramatic as to have profound consequences for their ability to continue to deliver on the Adamstown vision.
- Appellants seek to ensure that an appropriate balance is struck between the extent of development permitted and the nature/extent/timing of other facilities.
- The appeal seeks to distinguish between relevant types of development by reference to headings including:
  - physical infrastructure which can be delivered by appellants;
  - physical/social infrastructure where the involvement of others should be reasonably expected;
  - community category facilities such as public parks;
  - commercial category facilities such as retail/crèches etc. i.e. where a commercial end-user is essential to establish and sustain viability.
- A more “flexible and incremental” approach towards the delivery of retailing commercial development and community facilities is considered justified by reference to both current economic realities and to prevailing Government guidance.
- Key infrastructure provided to date by Castlethorn and Chartridge has been put in place on the understanding that credit for this would be reflected in the phasing arrangements of the Planning Scheme in due course. An Bord Pleanála should note that the content of Annual Progress Reports on Adamstown (prepared by the Planning Authority) confirm Castlethorn’s role to date.

- An Bord Pleanála should in its deliberations take account of the evolving economic context of development at Adamstown, in particular the status/potential of Adamstown viz a viz the officially published Action Plan for Jobs 2014, notably specific “2014 Actions” nos. 311/314/315.
- Having regard to the provisions of section 166(1) of the Planning and Development Act 2000 as amended, An Bord Pleanála should recognise that the Amended Planning Scheme must promote and facilitate the development of the Adamstown lands in a manner which is over and above that which would be expected elsewhere.
- The strategic role of the Adamstown SDZ, in contribution towards the “Core Strategy” requirement/objective of the statutory Development Plan, will not obviously be achieved by the Amended Planning Scheme as proposed: there is nothing which outlines the steps the Planning Authority have put in place to ensure Adamstown can deliver on its role.
- Historic performance of house building in Lucan/Clondalkin in the period 2006-2011 shows that areas outside Adamstown have performed better than Adamstown. This indicates that the key intention for Adamstown are not being achieved, for reasons of excessive financial burden imposed on landowners, resulting in an artificial constraint on development.

**A.2** As stated earlier in my report, above, while sections 1-4 of the appeal outline significant contextual considerations as summarised above, section 5 of the appeal addresses more specific issues. The salient points of these specific issues may be summarised as set down below.

**A.2.1 Developer Concerns and Aspirations.** Huge investment in infrastructure has been made at Adamstown to date. Castlethorn has been the biggest contributor to the Chartridge budget, with monies invested borrowed from their funders. Castlethorn remains a going concern. However monies borrowed to date remain a balance sheet cost which must be recouped and repaid by revenues generated from future house sales. The costs that have been incurred represent a major contribution towards the Adamstown vision and should not be seen as simply historic costs. An Bord Pleanála is requested to recognise that the SDZ Review must facilitate some easing and rebalancing of the infrastructural cost burden in the future. This section of the appeal highlights that there are two broad areas in which radical intervention is sought, namely in respect of development contributions and in respect of the Phasing Programme. It is further submitted that the problems under these two broad headings are exacerbated by a general proposed fast tracking of much

infrastructure; also the increased specification and quantum of social infrastructural elements.

**A.2.2 Phasing.** It is submitted that most of the “heavy infrastructure” required has already been delivered at Adamstown including roads, schools, pumping station, railway station and railway upgrade. This infrastructure straddles the existing Planning Scheme Phase 1 – 5. It is submitted accordingly that up to 4,200 houses could be built subject to certain other necessary infrastructural items being put in place by developers in respect of items largely under their own control. Exceptions to this are the first phase of the District Centre in Phase 3 and the second phase of the District Centre in Phase 5, the commercial viability of which will be questionable for the foreseeable future.

**A.2.2.1** The appeal notes that Phase 1 is in effect complete.

**A.2.2.2** The following criticisms apply in respect of **Phase 2** as now proposed in Amendments:

- the existing Scheme would have allowed a total of 1,800 units to be completed on the strength of completion of Loop Road No. 1 and a small community centre;
- the now proposed Amendment Scheme requires the same road plus substantial community centre plus sports hall plus playing pitches to be developed before occupation of more than 1,600 houses;
- 1,250 houses are currently built and occupied: rolling out 550 houses in association with Loop Road No. 1 plus other modest expenditure would be feasible with improved market conditions, however the infrastructure expectation on the back of 350 houses as reflected in the proposed Amendments is unrealistic;
- a further addition “completion of Newcastle Road Study” is unnecessary, unjustified and should be omitted.

**A.2.2.3** The following criticisms apply in respect of **Phase 3**:

- The effect of bringing forward of the timeframe for delivery of speculative retail and commercial floorspace, in a context of 400 residential units less than originally envisaged for that phase, is unrealistic;
- Improvement Works to Newcastle Road has been included as a phasing item with no reason to justification.

Castlethorn indicate their willingness to work towards a first phase delivery of one of the main parks in Phase 3.

**A.2.2.4** The following criticisms apply in respect of **Phase 4** per amendments:

- phasing of Celbridge Link Road through haul road status is unnecessary and inappropriate;
- leisure centre with swimming pool in Phase 4 is unrealistic;
- provision of swimming pool outside Adamstown would have implications for the viability of such a facility within Adamstown in the longer term.

Castlethorn considers swimming pool provision should be a “section 48” funded.

**A.2.2.5** The following criticisms apply in respect of **Phase 5**:

- this phase as now proposed will require substantial fast tracking of required retail and commercial development 800 units earlier than originally planned;
- the inclusion of the Phoenix Park Tunnel (Rail) Link as a crucial phasing element is unnecessary and unjustified.

#### **A.2.2.6 Criticisms of Other Phases**

- On page 17 of the appeal the submission summarises the future cumulative effect of restructuring of phasing bands:
  - Phase 6 infrastructural items would be required 1,000 units sooner than originally planned in the 2003 Scheme.
  - Phase 7 items would be 1,200 units sooner.
  - Phase 8 items would be 1,400 units sooner.
  - Phase 9 items would be 1,600 units sooner.
  - Phase 10 items would be 1,800 units sooner.
- The appeal argues that the stated logic of SDCC in reducing the number of permitted residential units per phase “...with a reduced number of delivery requirements within each phase...”, does not stand up to scrutiny. Indeed the most significant effect of reduced phasing bands is that there is a reduced number of dwellings in each phase with the same or greater than original delivery expectations.
- In essence the appellants accept the case for early delivery of certain items of infrastructure but cannot accept the overall suite of infrastructural delivery amendments put forward by SDCC in the Amended Scheme. The summary alternative proposal put forward by appellants is shown in a

chart entitled “Castlethorn Proposal for Revised Infrastructural Phasing”. The main changes reflected in the chart are summarised in the final paragraph on page 20 of the submitted appeal.

### **A.2.3 Implementation**

**A.2.3.1** Under this heading the case is made for a more proactive approach by the Development Agency in the administration of the SDCC Development Contribution Scheme as it applies to Adamstown. A general thrust of the argument is that – having regard in particular to the amount of Chartridge upfront investment in infrastructure at Adamstown – more is being contributed to the DCS funds by Adamstown development, than is being received into the area. Apart from the financial burden thereby imposed per se on Adamstown developers, the Development Agency has failed to take account of recent Planning Guidelines entitled “Development Contributions: Guidelines for Planning Authorities” (2013). It is submitted for appellants that an SDZ area should be focus of targeted investment and/or relief and that the Amended Scheme for Adamstown should reflect a commitment to such an initiative. A continuation of the status quo would be contrary to the guidelines.

**A.2.3.2** Section 5.3.3 of the appeal details projects relevant to the arguments in respect of the DCS.

**A.2.3.3** Section 5.3.4 of the appeal highlights greater complexity brought to infrastructure funding by the arrival of Irish Water.

### **A.2.4 Residential Density**

Appellants note certain pitfalls possible arising from the limited, geographically targeted reductions in densities. However they express broad satisfaction with the Development Agency initiative to reduce residential densities as proposed.

### **A.2.5 Retail/Commercial/Community Facilities**

**A.2.5.1** It is argued strongly that any commercial facilities which are ultimately dependent on the participation of third party operators, cannot be allowed to cause a moratorium on building residential units because of enforcement of strict phasing requirements. Increased population underpins the viability of commercial facilities, therefore artificial impediments to increased population should not form part of the Scheme. Appellants recommend an addition to the wording in Section 4.2.6 of the Planning Scheme (see text in italics on page 30 of Chartridge appeal).



**A.2.5.2** Appellants are broadly happy with the amended approach towards provision of childcare facilities, however it is suggested that the commercial viability caveat should be included in the Scheme text under this heading as well as in relation to other commercial such as retail facilities (see above).

**A.2.5.3** Regarding community buildings, the appellants agree with an overall provision of 1,200 square metres in one or two buildings. However in the event of a school sports hall of up to 600 square metres being achieved in an early phase of development in addition to 600 square metres of community buildings, this should obviate the need for a further 600 square metres of community buildings in a later phase of development.

**A.2.5.4** Regarding health and civic facilities, the appellants also urge flexibility in relation to phasing so as to prevent an artificial moratorium on house building at any stage.

**A.2.5.5** Regarding parks, play facilities and public open space the appellants accept the need to expedite the first phase of parks development but consider the Amended Scheme imposes such a high specification that there could be failure to deliver on the originally envisaged network. The extent of additional recreational requirement is too much of a “wish list” and some real compromise around this issue will be required.