

Material Contravention Statement

Barnhill Garden Village: Strategic Housing Development at Barberstown, Barnhill & Passifyoucan, Clonsilla, Dublin 15
on behalf of Alanna Homes and Alcove Ireland Four Ltd.

July 2022



BARNHILL
GARDEN VILLAGE



McCUTCHEON HALLEY
CHARTERED PLANNING CONSULTANTS

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1. Introduction

McCutcheon Halley Chartered Planning Consultants are appointed by Alanna Homes and Alcove Ireland Four Ltd. to prepare a Material Contravention Statement to accompany their proposed Strategic Housing Development application at Barberstown, Barnhill & Passifyoucan, Clonsilla, Dublin 15.

The planning application red-line boundary extends marginally outside the LAP boundary, along a public road and there is a small section of footpath located just outside the LAP boundary. However, the development is practically and for the most part contained within the boundary of the Barnhill LAP 2019.

The development proposes the construction of 1,243 residential units, a creche, a medical centre, a café, one convenience retail unit and five retail / retail services units, a community centre, an office hub, access to Hansfield Station via a railway plaza, land set aside for a primary school of a minimum of 16-classrooms, a public park of approximately 5.6 hectares and a series of pocket parks throughout the development. The proposed development includes the demolition of an existing farmyard/industrial complex and provision for the development of a cycle/pedestrian priority route along part of the existing Barberstown Lane North (L-7010-0), the Barnhill SHD development).

The Planning and Development (Housing) and Residential Tenancies Act, 2016 makes the provision for An Bord Pleanála to grant permission for a development which materially contravenes the Development Plan and Local Area Plan, other than in relation to the zoning of the lands.

The Fingal Development Plan 2017 – 2023 (Fingal DP), and the Barnhill Local Area Plan, February 2019 (Barnhill LAP) provides the relevant objectives for the Barnhill SHD development.

This report details where it is considered that the proposed Barnhill SHD development materially contravenes, or potentially materially contravenes, objectives of the Fingal DP or the Barnhill LAP.

This report details the justification for the proposed, or potential, material contraventions, setting out grounds on which the Board may consider granting permission under the provisions of section 37(2)(b) of the Planning and Development Act 2000 (as amended), hereafter referred to as 'the Act'.

2. Site Context

The application site is located at Barberstown, Barnhill and Passifyoucan, Clonsilla, Dublin 15 and is situated approximately 3 km west of Blanchardstown and approximately 18 km by road to O’Connell Street, Dublin. The site is bound to the north by the Dunbooyne to Clonsilla Rail Line and Hansfield train station and to the east by the Royal Canal and Dublin-Maynooth Railway Line.

To the west of the application site is the R149 Clonee-Lucan Road and to the south is Barberstown Lane South. Barberstown Lane North runs through the northern section of the site, providing local access, and linking with the R149 to the west and the Barberstown Lane South to the east. Within the southern portion of the lands, a stream runs in a west to east direction. The stream is named as the Barnhill Stream in the Barnhill Local Area Plan 2019 but is also known as the Rusk Stream.

The existing site comprises of a number of parcels of land that are demarcated by hedgerow and trees. The overall lands are characterised by relatively flat terrain and the majority of the application site is predominantly used for agricultural purposes. An industrial /farmyard building complex is situated to the south of Barberstown Lane North, Within the Barnhill LAP lands but falling outside the proposed application site, are seven existing houses to the north of Barberstown Lane North and one existing house, which is accessed from the R149.

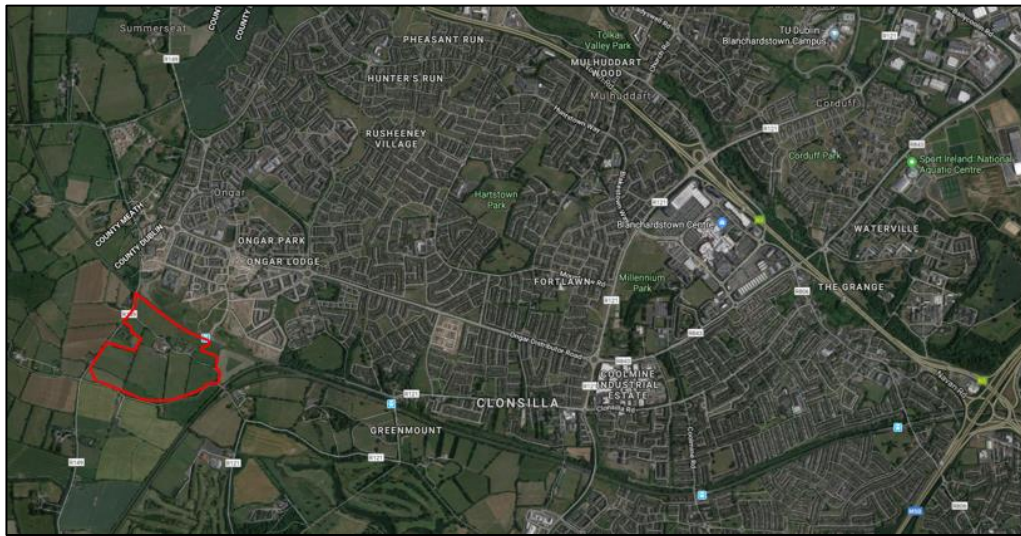


Figure 1: Site Context Map

3. Legislative Context

Under Section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, where a proposed development is considered to materially contravene the relevant Development Plan or Local Area Plan (other than in relation to the zoning of the land), then the application must include a statement:

“(I) setting out how the proposal will be consistent with the objectives of the relevant development plan or local area plan, and

(II) where the proposed development materially contravenes the said plan other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000”

Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016, confers power on An Bord Pleanála to grant permission for a development which is considered to materially contravene a Development Plan or Local Area Plan, other than in relation to the zoning of land, as follows:

“(6) (a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.

(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development. and demonstrate that the Board should support this SHD application, as the proposal addresses the matters specified in Section 37(2)(b)(iii) and (iv) of the Planning and Development Act 2000 (‘the Act’).”

In this regard, Section 37(2) of the Planning and Development Act 2000 (as amended) [PDA] provides for the Board to grant permission where the proposed development materially contravenes the development plan, subject to paragraph (b) where it considers:

(i) the proposed development is of strategic or national importance,

On determining that point (i) is applicable, it must be determined that one of the subsections set out below is relevant.

- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

The Planning Report and Statement of Consistency which accompanies the planning application sets out how the proposed development will be consistent with the objectives of the Fingal Development Plan 2017 – 2023 and the Barnhill Local Area Plan, February 2019. This report sets out how the proposed development materially contravenes, or potentially materially contravenes, the said plans and indicates why permission should be granted having regard to the provisions of section 37(2)(b) of the Act.

4. Strategic or National Importance

Section 37(2)(a) of the PDA provides for the Board to grant permission where a proposed development materially contravenes the development plan if the proposed development is of strategic or national importance.

The proposed Barnhill Garden Village SHD will provided for 1,243 new homes, a new village centre (including creche, primary health care centre, community space, café, and retail units) and land set aside for a primary school. The full development description is provided in Chapter 2 of the Environmental Impact Assessment Report which accompanies the application.

The lands at Barnhill form part of the future expansion area of Blanchardstown. Blanchardstown is designated as a Metropolitan Consolidation Town in the Fingal County Development Plan 2017. The EMRA RSES identifies 'Dublin 15 lands' as part of its Strategic Development Areas and Corridors, in Table 5 and 5.1 of the Dublin Metropolitan Area Strategic Plan (DMASP). The 'Dublin 15 lands' are described as providing for the:

"...continued development of Hansfield linked to the future development of Barnhill and Kellytown landbanks to the south and east." (Table 5.1 – Strategic Development Areas and Corridors, Capacity Infrastructure and Phasing).

These lands are seen as strategic to the delivery of the north-west transport corridor of Maynooth / Dunboyne commuter line and the DART. The entire corridor (including Leixlip, Maynooth and Dunboyne) is identified as having the following population capacity:

▪ Short term	24,000
▪ Medium term	10,000
▪ Long term	3,000
▪ Total	37,000

The Barnhill Garden Village development has capacity to accommodate a population in the region of 3,480 to 3,700, which is in the region of 10% of the population projected to be delivered along the strategic north-west transport corridor.

The identification of the Barnhill lands in the EMRA RSES indicates that the lands are of strategic importance. The contribution of 10% of the projected population of the 'Dublin 15' lands is significant in the context of achieving compact growth along the strategic north and west transport – corridor. The NPF aims to provide structure and a framework for the future growth of Ireland to 2040, which is reflected in Regional Spatial Strategies. The provision of development in compliance with the strategic objectives of the EMRA RSES therefore contributes to national policy objectives.

As the Barnhill lands form an important part of the spatial and economic strategy for the Eastern & Midlands' Region, they are both of strategic and national importance.

5. Policy Context

5.1 National Planning Framework

The National Planning Framework (NPF) makes provision for population growth of an additional 475,000 to 500,000 people in the Eastern Midlands Region by 2040, with around 330,000 additional jobs over the same period. The majority of growth in the Eastern & Midlands' region is to be focused on Dublin City and its suburbs.

The NPF places a focus on achieving compact growth and sustainable mobility and targets a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas.

The promotion of development that supports sustainable mobility including public transport, walking, and cycling is a key objective of the NPF and identified as a core requirement to address urban population and responding to climate change policies.

The NPF advocates densification and greater building height as measures to grow our cities and towns in a more sustainable manner and achieve the objectives of consolidation and compact growth.

The NPF provides several National Planning Policy Objectives (NPOs) to deliver the framework. NPO 28 is of specific relevance to discussion in section 6 of this report and provides to:

Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

The accompanying Statement of Consistency provides an assessment of how the proposed development complies with the objectives of the NPF.

5.2 Regional Spatial and Economic Strategy for the Eastern & Midlands Region (RSES)

The Regional Spatial and Economic Strategy for the Eastern & Midlands Region 2020 (EMRA RSES) translates the NPF objectives to the regional level. EMRA RSES is a strategic document, which identifies high-level requirements and policies for the Eastern Midlands Region, setting out the statutory framework to empower each local authority to develop Development Plans and Local Area Plans (LAPs) that are coordinated with regional and national objectives.

The Dublin Metropolitan Area Strategic Plan (DMASP) identifies strategic residential and employment corridors along key public transport corridors, including the development in Blanchardstown. Dublin 15 lands, consisting of the continued development of Hansfield linked to the future development of Barnhill and Kellytown landbanks to the south and east, are identified in Table 5 of the DMASP as a Strategic Development Area.

It is a principle of the EMRA RSES to inform the integration of land use and transport planning by ensuring that development:

- Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects. (RPO 4.3)
- Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists. (RPO 5.3)
- Future development strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing; Design Standards for New Apartments Guidelines' and 'Urban Development and Building Heights Guidelines for Planning Authorities' (RPO 5.4)

The accompanying Statement of Consistency provides an assessment of how the proposed development complies with the objectives of the EMRA RSES.

5.3 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, May 2009 (SRDUA)

The SRDUA guidelines set out key planning principles for the local planning policy framework and for the assessment of residential development and indicate that net densities of less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency. On public transport corridors, the guidelines state that, in general, a minimum net density of 50 dwellings per hectare should be applied.

It is noted that on public transport corridors minimum densities should be specified in Local Area Plans and that maximum (rather than minimum) parking standards should be detailed to reflect proximity to public transport facilities.

The Guidelines note that the 12 criteria set out in the companion Best Practice Urban Design Manual (UDM) should be used in both pre-application consultations and in assessing applications. These criteria are:

1. Context: How does the development respond to its surroundings.
2. Connections: How well connected is the new neighbourhood.
3. Inclusivity: How easily can people use and access the development.
4. Variety: How does the development promote a good mix of activities.
5. Efficiency: How does the development make appropriate use of resources, including land?
6. Distinctiveness: How does the proposal create a sense of place?
7. Layout: How does the proposal create people-friendly streets and spaces?
8. Public Realm: How safe, secure and enjoyable are the public areas?
9. Adaptability: How will the buildings cope with change?
10. Privacy and Amenity: How does the scheme provide a decent standard of amenity?
11. Parking: How will parking be secure and attractive?
12. Detail Design: How well thought through is the building and landscape design?

The accompanying Planning Report and Statement of Consistency provides an assessment of how the proposed development complies with the SRDUA Guidelines and the 12 criteria set out in the UDM.

5.4 Urban Development and Building Height Guidelines

The Urban Development and Building Heights (UDBH) Guidelines for Planning Authorities (2018) highlight the positive contribution that taller buildings can make to our cities and towns. The guidelines also call for an increase in density to support the implementation of the National Planning Framework.

In paragraph 1.9 of the Guidelines, it is stated that:

"...these guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development Plan and development management levels.

In paragraph 2.4 it states that:

"... the development plan must include the positive disposition towards appropriate assessment criteria that will enable proper consideration of development proposals for increased building height linked to the achievement of a greater density of development."

In paragraph 2.5 it states that:

"...increased building height is a key factor in assisting modern place making and improving the overall quality of our urban environments".

The Urban Development and Building Height Guidelines sets out the following Specific Planning Policy Requirements (SPPRs), which are mandatory for planning authorities to implement:

SPPR 1: *In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly in town / city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Frameworks and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitation on building height.*

SPPR 2: *In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy. Mechanisms such as block delivery sequencing in statutory plans could be utilised to link the provision of new office, commercial, appropriate retail provision and residential accommodation, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities.*

In addition to the SPPRs which are mandatory for Planning Authorities in terms of plan policy, SPPR 3 sets out the context in which higher building heights may be considered in the context of development proposals. SPPR 3 states that

SPPR 3: *It is a specific planning policy requirement that where:*

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

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

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

The Guidelines note that, in proposals involving taller buildings, applicants shall demonstrate that the proposed development satisfies relevant criteria:

- At the scale of the relevant city / town
- At the scale of district / neighbourhood / street
- At the scale of the site / building

Table 6.1 of this Material Contravention Statement considers how the proposed development meets the criteria set out at each relevant scale within the Guidelines.

5.5 Fingal County Development Plan

The Fingal Development Plan 2017 – 2023 (Fingal DP) sets out several policy objectives and development management standards against which development proposals are to be assessed.

The accompanying Planning Report and Statement of Consistency provides an assessment of how the proposed development is consistent with the relevant policies and objectives of the Fingal DP.

Having reviewed the Fingal DP it is considered that there is a material contravention of the following objective:

- Car Parking Standards detailed in table 12.8.

Section 6 of this statement provides an assessment of the identified material contravention and demonstrates why the Board should support this SHD application, in the context of the matters specified in Section 37(2)(b)(iii) of the Act.

5.6 Barnhill Local Area Plan (LAP)

The Barnhill Local Area Plan 2019 (Barnhill DP) sets out several policy objectives and development management standards against which development proposals are to be assessed.

The accompanying Planning Report and Statement of Consistency provides an assessment of how the proposed development is consistent with the relevant policies and objectives of the Barnhill LAP.

Having reviewed the Barnhill LAP it is considered that there is a material contravention of the following objectives:

- Height Strategy (Objective BH1)

In addition to the material contraventions identified, there is a slight divergence between the development proposals and the specifics of the following objectives

- Unit Numbers & Density (DHM2, Section 7.4 and Section 8)
- Unit Mix (Objective DHM1 and section 7.4)
- Phasing (Section 9)

While the proposed development is not fully consistent with the details for these objectives as set out in the Barnhill LAP, it is considered that they do not constitute material contraventions, as the LAP provides parameters rather than limits and / or the divergence from policy objectives are marginal.

Nonetheless, for completeness, a justification for each divergence is included in the assessment should the Board consider there to be a Material Contravention on any of these matters.

6. Proposed Material Contravention

This section:

- Details the objectives of the Fingal DP or Barnhill LAP, which will be materially contravened by the proposed development.
- Outlines the relevant proposals for the Barnhill SHD Development which will, or may be considered to be materially contravened by the proposed development and
- Demonstrates why the Board should support the proposal in the context of the matters specified in Section 37(2)(b) of the Act.

The following issues are considered in this section:

- 6.1 Car Parking Standards
- 6.2 Height Strategy
- 6.3 Unit Numbers and Density
- 6.4 Housing Mix
- 6.5 Phasing

6.1 Car Parking Standards – Fingal Development Plan 2017

Relevant Objective	Table 12.8 of the Fingal Development Plan Sets out the following car parking standards.		
Fingal Development Plan 2017, Table 12.8	Unit	Parking	Notes
	1-2 bed house	1 to 2	Within Curtilage
	3+ bed house	2	Within Curtilage
	1 bed Apt	1	Plus 1 Visitor for 5 units
	2 bed Apt	1.5	Plus 1 Visitor for 5 units
	3+ bed Apt	2	Plus 1 Visitor for 5 units
	Crèche	0.5	per classroom
	Primary School	1.5	per classroom
	Retail (varies)	c. 1 per 30 sqm	Maximum
Barnhill SHD Proposal	Based on the standards set out in the Fingal DP, the total car parking requirement for the mix of units proposed would be in the region of 2,300 spaces, including provision for the creche, commercial area and lands set aside for the school.		
Material Contravention	The proposed Barnhill SHD provides for 1,593 car parking spaces, which is below the guidelines set in the Fingal DP.		

Justification for proposed Material Contravention

National and Regional Planning Policy and Guidelines call for the promotion of development that supports sustainable mobility including public transport, walking, and cycling. NPO 28 of the NPF provides to:

Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

The Barnhill Garden Village development is consistent with NPO 28 as it prioritises walking and cycling. Due to the proximity of the site to the Hansfield Train Station it is considered that a reduced number of car parking spaces is justified and consistent with the provisions of NPO 28.

RPO 5.3 of the EMRA RSES states that:

Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.

The SRDUA Guidelines note that on public transport corridors minimum densities should be specified in Local Area Plans and that maximum (rather than minimum) parking standards should be detailed to reflect proximity to public transport facilities. The parking standards in the Fingal Development Plan, Table 12.8, do not specify whether they are maximum or minimum.

It has not been feasible to achieve the level of car parking standards set out in the current Fingal CDP 2017 in the context of the density levels sought by the Barnhill LAP 2019. However, what is of note is that the draft Fingal County Development Plan 2023-2029 proposes much reduced car parking standards for residential developments within 800m of an existing or planned LUAS / DART / Metro Rail station. The car parking proposed within the Barnhill Garden Village development is broadly in line with the standards proposed in the draft Fingal County Development Plan. There is more design consistency between the parking levels set out in the draft Fingal Development Plan and the density levels sought by the Barnhill LAP.

The proposed development at Barnhill is adjacent to the Hansfield train station and is designed to accommodate excellent public bus connectivity. It is considered that lower car parking is appropriate as the site is on a public transport corridor and consistent with the SRDUA guidelines to restrict the level of car parking on public transport corridors.

A total of 3,337 bicycle parking spaces are provided within the development, which is in excess of the standards required and will help to promote sustainable mobility. This bicycle parking provision is consistent with NPO 28 to prioritise walking and cycling accessibility within developments. It is also consistent with RPO 5.3 of the EMRA RSES.

It is considered that the proposed material contravention in terms of a reduced number of car parking spaces in the Barnhill Garden Village development is justified because:

- The proposal is consistent with NPO 28 to prioritise walking and cycling.
- The proposal is consistent with RPO 5.3 of the RSES for the Eastern & Midlands Region.
- The proposal is consistent with SRDUA Guidelines to minimise parking provision in areas close to public transport corridors.

The provisions of section 37 (2)(b)(iii) of the Act therefore apply.

6.2 Height Strategy – Barnhill Local Area Plan 2019

<p>Relevant Objective</p> <p>Barnhill Local Area Plan 2019</p>	<p>Section 8 of the Barnhill LAP sets out general heights to be achieved in each of the development areas, as follows.</p> <ul style="list-style-type: none"> ▪ Development Area 1 (Railway Edge): 4-6 storeys ▪ Development area 2 (Centre) is 2-3 storeys ▪ Development Area 3 (West – Southern): max building height of 2.5 ▪ Development Area 4: no target heights <p>Objective BH 1 states that:</p> <p style="text-align: center;"><i>Building height will primarily range between 4-6 storeys (or greater subject to high quality design and visual impact) along the rail line and canal and between 2-3 storeys elsewhere on the LAP lands.</i></p> <p>Objective BH 2 states that the LAP will:</p> <p style="text-align: center;"><i>Accept local landmark and feature building elements over the stated building heights at key locations, where they contribute to the visual amenity, civic importance, quality design and legibility of the area. The locations are to be agreed with the Planning Authority at application stage and will be subject to relevant government guidelines.</i></p>
<p>Barnhill SHD Proposal</p>	<p>The proposed Barnhill SHD provides for the following building heights in each of the development areas:</p> <ul style="list-style-type: none"> ▪ Development Area 1 (Railway Edge): 3-9 storeys ▪ Development Area 2 (Centre): 2-5 storeys with two landmark buildings at 9 storeys and 12 storeys. ▪ Development Area 3 (West – Southern): 2 and 3 storeys. ▪ Development Area 4 – Not part of this planning application.
<p>Material Contravention</p>	<p>Some building heights in Development Areas 1, 2 and 3 are higher than the maximum specified in the Barnhill LAP.</p> <p>The tall buildings include local landmark and feature buildings at key locations, which are consistent with Objective BH2.</p>

Justification for proposed Material Contravention

The Urban Development and Building Height Guidelines set a new framework for acceptable building heights, focused on the positive contribution that taller buildings can make to our cities and towns.

SPPRs 3 states that:

It is a specific planning policy requirement that where:

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

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

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

The discussion in Table 6.1 considers how the proposed development complies with the criteria referred to in SPPR3.

Table 6.1: Compliance with Criteria of SPPR 3, UDBH Guidelines.

Criteria	Development Compliance
At the scale of the relevant city / town	
The site is well serviced by public transport with high capacity	The site is adjacent to Hansfield Rail Station which has a high capacity. The development has also been designed to facilitate excellent public bus access.
Development proposals should successfully integrate into / enhance the character and public realm of the area.	Hansfield SDZ is located to the north of the site and establishes the area as a new urban centre. The development includes a 5.6 ha public park, which will enhance the public realm available to the wider area.
Proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with the sufficient variety in scale and form to respond to the scale of the adjoining developments and create visual interest in the streetscape.	The proposed development provides for nine-character areas, with connectivity focused on prioritising pedestrian, cycling and public transport movements. The massing and heights proposed complement the development within Hansfield SDZ. Varied height is provided throughout the development, with taller buildings located closer to the railway station and at key landmark areas. Tall buildings have been designed to reduce impact on the existing residential units in the area, by the provision of reduced or graduated heights at direct interfaces with the existing units.
At the Scale of the District / Neighbourhood / Street	
Makes a positive contribution to the urban neighbourhood and streetscape.	Barnhill Garden Village will create a new urban district, complementing Hansfield SDZ to the north. The development has been designed so that each of the nine-character areas have their own sense of place but have been designed to provide strong connections between each area. A comprehensive landscape masterplan provides unity to the new urban area, while maintaining diversity between areas.

Criteria	Development Compliance
<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<p>The creation of nine-character areas, with different building typologies within and between each area ensures that the proposal is not monolithic. Long uninterrupted walls of building are avoided and each of the materials and building fabric of each of the unit types has been well considered.</p>
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway / marine frontage and complies with the requirements of 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities 2009'</p>	<p>The development proposal has prioritised ensuring that there is effective connectivity to the Hansfield Train Station and the new Village Centre as the key destination points within the new urban area. Pedestrian and cycling priority routes are provided from all parts of the development to the future Royal Canal Greenway, which will enhance its use.</p> <p>Tall buildings within the site have been located to respond to key destination points and thoroughfares.</p> <p>In compliance with the Planning System and Flood Risk Management Guidelines, all development, including access roads is located outside any lands identified as of current or future risk flooding.</p>
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area.</p>	<p>As a new urban area, the proposed development will define the legibility of the area. The tall buildings within the development act as key landmarks within the development and will provide strong legibility throughout the site.</p>
<p>The proposal positively contributes to the mix of uses and / or building / dwelling typologies available in the neighbourhood.</p>	<p>The proposed development provides a mix of uses, with the village centre providing the focus for commercial and community uses. A range of dwelling types is proposed within the development, including 1 to 4 bed apartments, 1 to 3 bed duplex units and 3 to 4 bed houses.</p> <p>The provision of taller buildings provides the opportunity to positively contribute to the range of mix of uses and dwelling types proposed in Barnhill Garden Village.</p>
<p>At the scale of the site / building</p>	
<p>The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and</p>	<p>The form, massing and height of each of the tall buildings has been carefully modulated to maximise the access to natural daylight, ventilation and views of individual units.</p>

Criteria	Development Compliance
views and minimise overshadowing and loss of light.	A Daylight and Sunlight Assessment Report has been prepared by 3D Design Bureau and accompanies the application. This report concludes that the design of the proposed buildings levels to access to good levels of daylight and sunlight in most cases.
Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision	As noted above, Daylight and Sunlight Assessment Report has been prepared by 3D Design Bureau and accompanies the application. This report concludes that the design of the proposed buildings levels to access to good levels of daylight and sunlight in most cases.
Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out.	<p>Approximately 2% of the apartment units do not meet the guideline standard for daylight and sunlight set out in the BRE 209 Guidelines (3rd Edition)¹.</p> <p>The Architectural Design Statement which accompanies this application provides a rationale and details compensatory solutions for each of these units.</p>

The UDBHG guidelines note that specific assessments may be required to support proposals and may include an assessment of micro-climate effects, urban design statement, and relevant environmental assessment requirements. The following relevant documents accompany the application:

- Architectural Design Statement for Barnhill Garden Village, June 2022.
- Daylight and Sunlight Assessment Report 2022, prepared by 3D Design Bureau.
- Wind Microclimate Assessment 2022, prepared by AECOM

It is considered that the proposed material contravention in terms of a proposed height in the Barnhill Garden Village development is justified because:

- The proposal is consistent with SPPR 3 of the Urban Development and Building Height Guidelines.

The provisions of section 37 (2)(b)(iii) of the Act therefore apply.

¹ Building Research Establishment's Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 209)

6.3 Unit Numbers / Density in Barnhill LAP

<p>Relevant Objective</p> <p>Barnhill Local Area Plan, DHM2, Section 8 and Section 7.4</p>	<p>DHM2 of the Barnhill LAP is to <i>“Support the development of between 900-1,150 residential units or greater on the lands.”</i></p> <p>Section 8 of the Barnhill LAP sets out unit numbers and density to be achieved in each of the development areas, as follows.</p> <ul style="list-style-type: none"> ▪ Development Area 1 (Railway Edge): 467 +/- units at a density of 84 +/- units per ha. ▪ Development area 2 (Centre): min 398 / max 569 units at a density of 35 min / 50 max units per ha. ▪ Development Area 3 (West – Southern): 45 units at a density of approximately 24 units per ha. ▪ Development Area 3 (West – Northern): 25 units at an approximate density of 50 units per ha. <p>For the Village Centre the Barnhill LAP calls for well-designed, mixed-use development. No target number of residential units are given for the Village Centre.</p> <p>A density Map is also provided in section 7.4 of the Barnhill LAP noting areas of high density (c. 84 units/ha), medium density (range of 35-50 units/ha), and lower density (c. 24 units / ha).</p>
<p>Barnhill SHD Proposal</p>	<p>The proposed Barnhill SHD provides for the following unit numbers and density in each of the development areas:</p> <ul style="list-style-type: none"> ▪ Development Area 1 (Railway Edge): 468 units at a density of 85 units per ha. ▪ Development area 2 (Centre): 571 units at a density of 50 units per ha. ▪ Development Area 3 (West – Southern): 65 units at a density of 27 units per ha. ▪ Development Area 3 (West – Northern): 21 units at a density of 42 units per ha. <p>In addition to the units in the identified Development Areas, the Village Centre design provides for 118 residential units.</p> <p>Drawing reference PLA – 08 provides details of the density proposed in the development as per the boundaries defined by the density map in section 7.4 of the Barnhill LAP. This indicates that the densities proposed by the development are as follows:</p> <ul style="list-style-type: none"> ▪ High Density Area: Total units 468 @ a density of 85/ ha. ▪ Medium Density Area: Total units 710 @ a density of 51/ha ▪ Low Density Area: Total units 65 @ a density of 27/ha <p>The total number of units proposed in the Barnhill Development is 1,243. The total number of units is greater than the guide figure in DHM2, but this is not considered a material contravention as the policy objective allows for a greater number.</p>
<p>Material Contravention</p>	<p>Proposals in Development Areas 2 and 3 are not entirely consistent with the unit numbers and density range given in Section 8 and Section 7.4 of</p>

	<p>the Barnhill LAP. The divergence from the standards set out in the Barnhill LAP is marginal and for Development Area 1 no maximum number or density of units is proposed. Objective DHM2 set a target of between 900 – 1,150 units within the development but also allows for a greater number. There is therefore no material contravention with DHM2.</p> <p>The contravention of unit numbers set out in Section 8 is considered to be non-material, as there is only a marginal difference between units set out in the LAP. However, a justification for the proposals is provided, should the Board consider there to be a material contravention.</p>
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Justification for Potential Material Contravention

The RSES for the Eastern & Midlands Region and UDBH Guidelines call for higher density development to promote sustainable development. RPO 5.4 of the RSES states that:

Future development strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for New Apartments Guidelines’ and ‘Urban Development and Building Heights Guidelines for Planning Authorities’

Barnhill is a strategic residential development area within the Dublin Metropolitan area, falling within the ‘Dublin 15’ lands of strategic areas identified in Table 5.1 of the RSES.

Barnhill SHD is located on a public transport corridor with immediate access to the rail network and capacity for excellent public bus service. The proposed number of units is the development is slightly above the target for some of the Development Areas detailed within the Barnhill LAP. This slight increase in number will support further patronage of Hansfield train station, leveraging greater value from the future state investment in Dart+.

The northern section of the Link Road West character area coincides with Development Area 3 (West – Northern) of the Barnhill LAP. There are four fewer units proposed in this character area than the LAP target. This marginal difference is due to the design constraints of the site, which includes pylons and embankments. The difference is not considered to be material.

The overall slight increase in numbers proposed within the development, as compared with the LAP is also not considered to be a material contravention. The LAP recognised that there may be potential for a greater number of units on the lands. The total number, distribution of and density of development proposed is appropriate given the national planning policy context for increasing density levels, and RPO 5.4 of the RSES which seeks higher densities within strategic residential areas.

The Planning Report and Statement of Consistency which accompanies the planning application demonstrates how the proposed development at Barnhill SHD complies with the qualitative standards as set out in the SRDUA and the UDBHG.

It is considered that the deviation from the unit and density targets set out in the Barnhill LAP are non-material, as differences are marginal. However, should the Board consider the contravention material it is considered justified because:

- The proposal is consistent with RPO 5.4 of the RSES to provide for higher densities within strategic residential development areas within the Dublin Metropolitan area.

The provisions of section 37 (2)(b)(iii) of the Act therefore apply.

6.4 Housing Mix

<p>Relevant Objective</p> <p>Barnhill Local Area Plan, DHM1 and section 7.4</p>	<p>DHM1 of Barnhill LAP is to: <i>"Promote a sustainable mix of housing types and sizes and tenures to reflect the diversity of needs in an expanding community set in a high-quality well-designed environment."</i></p> <p>The LAP states that the overall house-type mix for the development will be broadly within the following parameters.</p> <table data-bbox="587 443 997 568"> <tr> <td>1 bed units</td> <td>3-10%</td> </tr> <tr> <td>2 bed units</td> <td>25-45%</td> </tr> <tr> <td>3 bed units</td> <td>30-52%</td> </tr> <tr> <td>4 plus bed units</td> <td>5-12%</td> </tr> </table>	1 bed units	3-10%	2 bed units	25-45%	3 bed units	30-52%	4 plus bed units	5-12%
1 bed units	3-10%								
2 bed units	25-45%								
3 bed units	30-52%								
4 plus bed units	5-12%								
<p>Barnhill SHD Proposal</p>	<p>The proposed development at Barnhill provides for the following housing mix:</p> <table data-bbox="587 640 981 768"> <tr> <td>1 bed units</td> <td>12.3%</td> </tr> <tr> <td>2 bed units</td> <td>49%</td> </tr> <tr> <td>3 bed units</td> <td>35.5%</td> </tr> <tr> <td>4 plus bed units</td> <td>3.2%</td> </tr> </table> <p>It is considered that the proposed housing mix does not represent a material contravention of the Barnhill LAP, as the LAP provides broad parameters, rather than hard targets. Nonetheless, a justification for the proposed mix is provided, should the Board deem that there is a material contravention.</p>	1 bed units	12.3%	2 bed units	49%	3 bed units	35.5%	4 plus bed units	3.2%
1 bed units	12.3%								
2 bed units	49%								
3 bed units	35.5%								
4 plus bed units	3.2%								

Justification for Potential Material Contravention

The UDBH Guidelines state that proposed developments shall satisfy various criteria, including positively contributing to the mix of uses and / or building dwelling typologies available in the neighbourhood.

As noted in the accompanying Planning Report and Statement of Consistency the proposed mix of residential housing and apartment types will support a variety of different household needs. The broad range of housing typology & size will add to the variety of home choice within the immediate area and within the site itself.

There is a higher proportion of smaller units (1 and 2 bed) than the broad parameters of the Barnhill LAP. These units will cater for different demographics, including single people, small households and provide opportunities for future residents to down-size.

The EMRA RSES, page 16, notes that the age profile of the Region is young and that by 2031 there will be a significant increase in the number of people in the 15-24 age cohort, resulting in a strengthening of the demand for smaller housing units in the short to medium term. It is considered that the proposed housing mix in Barnhill is appropriate, given emerging age profile in the Region and the need to provide opportunities for downsizing.

It is considered that the deviation from the unit mix set out in the Barnhill LAP are non-material, as the LAP provides broad parameters, rather than hard targets. However, should the Board consider the contravention material it is considered justified because:

- The proposed development provides a mix of units suited to the age profile of the Region identified on page 16 of the RSES.

- The mix of units will support a variety of different household needs and contribute to a mix of building dwelling typologies, as sought by the UDBH Guidelines.

The provisions of section 37 (2)(b)(iii) of the Act therefore apply.

6.5 Phasing

<p>Relevant Objective</p> <p>Barnhill Local Area Plan, Section 9</p>	<p>The key principles of the phasing strategy detailed in section 9 are that development should extend outwards from the railway station, with undeveloped land closest to the station and public transport routes given preference.</p> <p>Three primary phases are identified in the Barnhill LAP:</p> <p>Phase 1: Includes all the zoned land to the north of Barberstown Lane North and east of the new Ongar Barnhill Road and includes the development of this new road. This initial phase includes those areas adjacent to the existing residential areas located centrally on the lands.</p> <p>Phase 2: Includes all the remaining lands to the east of the Ongar Barnhill Road and is the location for the primary school reservation, local centre, café / interpretative centre and the majority of own door housing. It is recognised in this Phase that the requirement for the school may not coincide with residential development. The school site reservation will remain unless confirmation is received from the DES that it is no longer needed. It is also recognised that the café type use in Development Area 4 may not coincide with the general phasing of the lands. The development of this café type / interpretative use can occur at any stage of the phasing.</p> <p>Phase 3: Relates to all lands to the west of the Ongar-Barnhill Road and comprises of development primarily consisting of low-density residential housing.</p> <p>Detailed phasing requirements for each of the phases as set out in Section 9 of the LAP are summarised in Table 6.2. Table 6.2 also summarises the phasing of infrastructure proposed by the Barnhill SHD.</p>
<p>Barnhill SHD Proposal</p>	<p>The proposed development is to be provided in 5 main phases as detailed in Table 2.4 of Chapter 2 of the EIAR. Figure 48 of the Architectural Design Statement illustrates the phasing details.</p> <p>Phase 1 of the proposed development is the area north of Barberstown Lane North, and east of the Ongar – Barnhill Road. This is consistent with Development Area 1 as detailed in the Barnhill LAP.</p> <p>Phase 2 of the proposed development consists of the village centre and part of the Station Quarter South Character area. This area falls entirely within Development Area 2, as detailed in the Barnhill LAP.</p> <p>Phase 3 of the proposed development consists of Barnhill Cross Character area. This falls entirely within Development Area 2, as detailed in the Barnhill LAP.</p> <p>Phase 4 of the proposed development consists of Barnhill Crescent and the eastern portion of Station Quarter South. This falls entirely within Development Area 2, as detailed in the Barnhill LAP.</p> <p>Phase 5 of the proposed development consists of the lands to the west of the Ongar-Barnhill Road (Parkside and Link Road West character areas) and Barnhill Stream Character area. These lands fall within Development Area 2 (south-western portion) and Development Area 3.</p>
<p>Material Contravention</p>	<p>The proposed development provides a more detailed breakdown of phasing compared with that detailed in the Barnhill LAP. However, the proposed phasing is consistent with the key principle that development</p>

	<p>should extend outwards from the railway station with undeveloped land closest to the station and public transport routes given preference.</p> <p>Table 6.2 demonstrates that phasing of the infrastructure requirements within the proposed development is entirely consistent with the Barnhill LAP.</p> <p>It is considered that the proposed phasing does not represent a material contravention of the Barnhill LAP, rather it is a more detailed phasing arrangement in line with construction and commercial requirements. Nonetheless, a justification for the proposed phasing is provided, should the Board deem that there is a material contravention.</p>
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Table 6.2: Barnhill LAP Phasing Requirements and Phasing of Proposed Development.

Enabling Infrastructure	Phase Requirements	Development Response
Phase 1		
Delivery of road infrastructure	No residential units shall be commenced until such time as the appropriate road infrastructure is in place to serve the development.	The development is due to commence on completion of the new Ongar-Barnhill Road
New entrance and plaza to train station	Delivery with first development.	To be provided as part of the enabling works.
Green Infrastructure Masterplan for all of the LAP lands	Delivery of masterplan.	A green infrastructure masterplan accompanies the application. The main park is to be provided in phase 1 and all pocket parks associated with areas to be developed will also be provided.
Provision of waste-water facilities, including pumping station.	Delivery to align with each stage of development.	The foul pumping station and associated works is to be delivered as part of the enabling works. All other waste-water infrastructure will be delivered to align with each stage of development.
Pedestrian and cycle links to train station and Hansfield and a network of pedestrian and cycle links with the lands	Delivered in tandem with development ensuring that all development includes appropriate access / links to station.	Railway station access is to be provided as part of the enabling works. All pedestrian and cycling links will be delivered in tandem with residential development.

Enabling Infrastructure	Phase Requirements	Development Response
Construction of a wetland pond as part of SUDS management train and water quality infrastructure.	Required size to serve the wider development to be delivered as part of Phase 1.	The wetland pond and SUDS associated with the parkland area is to be delivered in Phase 1 of the development.
Public Open Space	Park/wetland/wildflower areas and playing fields to be provided in tandem with the relevant phases of development.	The main parkland area is to be provided in Phase 1 of the development. Other areas to be delivered in tandem with relevant phases.
School	Site to be made available to the DES as per their requirements.	Site has been set-aside for the primary school and will be available to the DES from commencement of the development.
Phase 2		
Pedestrian and cycle links to train station and Hansfield and a network of pedestrian and cycle links with the lands	Delivered in tandem with development ensuring that all development includes appropriate access / links to dation.	Railway station access is to be provided as part of the enabling works. All pedestrian and cycling links will be delivered in tandem with residential development.
Civic Area at Local Centre	To be delivered as part of development in phase 2.	The village centre and associated commercial and community uses are to be delivered in Phase 2 of the development.
Provision of waste-water facilities, including pumping station.	Delivery to align with each stage of development.	The foul pumping station and associated works is to be delivered as part of the enabling works. All other waste-water infrastructure will be delivered to align with each stage of development.
Green Infrastructure Masterplan for all of the LAP lands	Delivery of masterplan.	A green infrastructure masterplan accompanies the application. The main park is to be provided in phase 1 and all pocket parks associated with areas

Enabling Infrastructure	Phase Requirements	Development Response
		to be developed will also be provided.
Public Open Space	Park/wetland/wildflower areas and playing fields to be provided in tandem with the relevant phases of development.	The main parkland area is to be provided in Phase 1 of the development. Other areas to be delivered in tandem with relevant phases.
Public Open Space	Park/wetland/wildflower areas and playing fields to be provided in tandem with the relevant phases of development.	The main parkland area is to be provided in Phase 1 of the development. Other areas to be delivered in tandem with relevant phases.
Phase 3		
Pedestrian and cycle links to train station and Hansfield and a network of pedestrian and cycle links with the lands	Delivered in tandem with development ensuring that all development includes appropriate access / links to station.	Railway station access is to be provided as part of the enabling works. All pedestrian and cycling links will be delivered in tandem with residential development.
Provision of waste-water facilities, including pumping station.	Delivery to align with each stage of development.	The foul pumping station and associated works is to be delivered as part of the enabling works. All other waste-water infrastructure will be delivered to align with each stage of development.
Green Infrastructure Masterplan for all of the LAP lands	Delivery of masterplan.	A green infrastructure masterplan accompanies the application. The main park is to be provided in phase 1 and all pocket parks associated with areas to be developed will also be provided.
Public Open Space	Park/wetland/wildflower areas and playing fields to be provided in tandem with the relevant phases of development.	The main parkland area is to be provided in Phase 1 of the development. Other areas to be delivered in tandem with relevant phases.

Justification for proposed Material Contravention.

As noted, it is considered that the proposed phasing does not represent a material contravention of the Barnhill LAP, rather it is a more detailed phasing arrangement in line with construction and commercial requirements.

The Barnhill LAP provides broad phasing requirements, in line with the key principle that development should extend outwards from the railway station, with undeveloped land closest to the station and public transport routes given preference.

Phasing within the LAP is structured into 3 large Development Areas, along the lines of the key principles. There is a lack of more detailed phasing to take account of landownership, construction, and commercial requirements of a development of the scale of Barnhill Garden Village.

It is therefore considered that the provisions of s.37(2)(ii) apply in that "... *the objectives are not clearly stated, insofar as the proposed development is concerned*", as it does not provide for further sub-division of phasing within large development areas.

It is considered that the deviation from the phasing strategy set out in the Barnhill LAP is non-material, as the proposal is consistent with the key principles and provides for all infrastructure requirements in line with the requirements of the LAP. However, should the Board consider the contravention material it is considered justified because:

- The phasing objectives of the Barnhill LAP are not clearly stated to allow for sub-division of phasing within large development areas.

The provisions of section 37 (2)(b)(ii) of the Act therefore apply.

7. Conclusion

It is considered that the proposed development is a material contravention of the Fingal DP 2017 and the Barnhill LAP 2019 in relation the following elements:

1. Car Parking provision set out in the Fingal DP 2017
2. Height Strategy set out in the Barnhill LAP 2019

A justification for why permission should be granted having regard to the provisions of section 37(2)(b) of the Act is provided in this Material Contravention Statement.

In addition to the material contraventions identified that there is a slight divergence between the development proposals and the specifics of the following objectives in the Barnhill LAP 2019

3. Unit Numbers & Density in specified Development Areas (DHM2, section 7.4 & section 8)
4. Unit Mix (Objective DHM1 & Section 7.4)
5. Phasing (Section 9)

For completeness a justification for each divergence is also included in the assessment should the Board consider there to be a Material Contravention on any of these matters.

In this regard, Section 37(2)(b) of the Planning and Development Act 2000 (as amended) provides for the Board to grant permission where the proposed development materially contravenes the development plan, subject to paragraph (b) where it considers:

- (i) the proposed development is of strategic or national importance,*

The proposed development is at a scale which is to be considered under the Strategic Housing Development planning process which, in itself, confirms the strategic importance of the current application, in accordance with Section 372(b)(i). The proposal is within Barnhill which forms part of the strategic 'Dublin 15 lands; as identified in Table 5.1 – Strategic Development Areas and Corridors, Capacity Infrastructure and Phasing of the RSES for the Eastern & Midlands Region. As the Barnhill lands form an important part of the spatial and economic strategy for the Eastern & Midlands' Region, they are of both strategic and national importance.

On determining that point (i) is applicable, it must be determined that **one** of the sub-sections set out below is relevant.

- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*

- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*

- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

In respect of each of the material contraventions or potential material contraventions identified within this statement it is considered that:

Car Parking Provision:

The proposed material contravention in terms of a reduced number of car parking spaces in the Barnhill Garden Village development is justified because:

- The proposal is consistent with NPO 28 to prioritise walking and cycling.
- The proposal is consistent with RPO 5.3 of the RSES for the Eastern & Midlands Region.
- The proposal is consistent with SRDUA Guidelines to minimise parking provision in areas close to public transport corridors.

The provisions of s. 37(2)(b)(iii) therefore apply.

Height Strategy

The proposed material contravention in terms of a proposed height in the Barnhill Garden Village development is justified because:

- The proposal is consistent with SPPR 3 of the Urban Development and Building Height Guidelines.

The provisions of s. 37(2)(b)(iii) therefore apply.

Unit Numbers & Density

The potential material contravention in terms of unit numbers and density are justified because:

- The proposal is consistent with RPO 5.4 of the RSES to provide for higher densities within strategic residential development areas within the Dublin Metropolitan area.

The provisions of s. 37(2)(b)(iii) therefore apply.

Unit Mix

The potential material contravention in terms of unit mix is considered justified because:

- The proposed development provides a mix of units suited to the age profile of the Region identified on page 16 of the RSES.

The mix of units will support a variety of different household needs and contribute to a mix of building dwelling typologies, as sought by the UDBH Guidelines.

The provisions of s. 37(2)(b)(iii) therefore apply.

Phasing

The potential material contravention in terms of phasing is considered justified because:

- The phasing objectives of the Barnhill LAP are not clearly stated to allow for sub-division of phasing within large development areas.

The provisions of section 37 (2)(b)(ii) of the Act therefore apply.

In summary, it is submitted that the permission should be granted in accordance with the provisions of s. 37(2) of the Planning and Development Act 2000 (as amended) as the proposed development is of strategic and national importance, and the provisions of s.37(2)(b)(ii) or s.37(2)(b)(iii) apply to the proposed or potential material contraventions.