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COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

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P.O. Box 174
County Hall
Swords
Fingal
Co. Dublin

Deadline(pubagenda)

To Each Member of the CommitteeName

Dear Councillor

A meeting of the CommitteeName will be held in the MeetingLocation at MeetingTime on MeetingDateLegal to consider the following Agenda:

Yours Faithfully

B. Buckley
Meetings Administrator
Corporate Services Division

.....
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A G E N D A

Comhairle Contae Fine Gall
Fingal County Council

Minutes of Howth Malahide Area Committee (Services B - Strategic & General Matters)

Wednesday, 1st March, 2017

PRESENT

Guerin, Jimmy
Healy, David
Lavin, Anthony
McDonagh, Brian

Ni Laoi, Daire
O'Brien, Eoghan
O'Callaghan, Cian

The Area Chairperson, Councillor Keith Redmond, presided.

OFFICIALS PRESENT

Philip Long (Senior Executive Officer), Liam Burke (Senior Executive Officer), Sinead Murphy (Senior Executive Engineer), Colin Gallagher (Senior Executive Engineer), Caroline Kelly (Administrative Officer), David Murray (Senior Executive Planner), Gemma Carr (Acting Senior Executive Parks Superintendant), George Sharpson (Principal Environmental Health Officer), Rory O'Byrne (County Arts Officer), Gene Griffin (Senior Staff Officer), Hans Visser (Executive Parks Superintendant), Paul Barnes (Events Officer) and Brian Reynolds (Executive Scientist)

HMB/57/17 (Agenda Item No 1)

Confirmation and reaffirmation of Minutes (a) Minutes of the Howth/Malahide Area Committee (Services B - Strategic and General Matters Meeting held on 1st February, 2017.

Minutes of the meeting of Howth/Malahide Area Committee Meetign (Services B) held on 1st February, 2017 which had been circulated were submitted:

It was **PROPOSED** by Councillor Keith Redmond, seconded by Councillor A. Lavin and **RESOLVED**:

“That the recommendations contained in the minutes of the Howth/Malahide Area Committee Meeting (B) 1st February, 2017 be **ADOPTED** and **APPROVED**.

QUESTIONS

It was proposed by Councillor K. Redmond, seconded by Councillor B. McDonagh, and **RESOLVED**:

“That pursuant to Standing Order No. 85 Questions 2 – 7 be **ADOPTED** and **APPROVED**.

HMB/58/17 (Agenda Item No 2)
Councillor D. Healy - Bathing water identification. AI034317

HMB/59/17 (Agenda Item No 3)
Councillor C. O'Callaghan - Derelict sites register. AI035928

(Agenda Item No. 3)
Councillor D. Healy

HMB/60/17 (Agenda Item No 4)
Councillor C. O'Callaghan - Bailey Court Hotel, Howth . AI035927

HMB/61/17 (Agenda Item No 5)
Councillor C. O'Callaghan - Demolition order AI035926

HMB/62/17 (Agenda Item No 6)
Councillor C. O'Callaghan - Baldoyle to Portmarnock walking and cycling route.
AI035929

HMB/63/17 (Agenda Item No 7)
Councillor B. McDonagh - Planning enforcement. AI035944

HMB/64/17 (Agenda Item No 8)
New Works, acceptance of tenders, etc.

It was **NOTED** that there was no business under this heading.

HMB/65/17 (Agenda Item No 9)
Applications for Funding

APPLICATION FOR ARTS FUNDING

Applications for funding under the Council's Community Arts Funding Scheme have been received from the organisations listed below. It is proposed to make funding available to these organisations, in accordance with the conditions of the scheme, up to the amount set out hereunder:-

<u>GROUP</u>	<u>CATEGORY OF FUNDING</u>	<u>AMOUNT</u>
St. Fintan's High School, Sutton	Annual School Musical	€1,500.00

TOTAL: €1,500.00

* The award of funding should represent the difference between income and expenditure for each event, up to the amounts recommended.

“It was proposed by Councillor A. Lavin and seconded by Councillor B. McDonagh:

“That this Committee recommends that the County Council **APPROVE** of the funding in the foregoing report.”

HMB/66/17 (Agenda Item No 10)
New Works, acceptance of tenders, etc.

It was **NOTED** that there was no business under this heading.

HMB/67/17 (Agenda Item No 11)
New Works, acceptance of tenders, etc.

It was **NOTED** that there was not business under this heading.

HMB/68/17 (Agenda Item No 12)
Proposed Disposals:

It was **NOTED** that there was no business under this heading.

HMB/69/17 (Agenda Item No 13)
Update on provision of Baldoyle to Portmarnock Walkway/Cycleway

Mr. Hans Visser, Executive Parks Superintendent gave the meeting an update on progress on the provision of a walking and cycling route between Portmarnock and Baldoyle.

The attached Report was NOTED.

HMB/70/17 (Agenda Item No 14)

Holywell Foul Pumping Station Relocation - Part 8 Presentation

Mr. Colin Gallagher, Senior Executive Engineer gave the meeting an update on the Holywell Foul Pumping Station Relocation.

The attached Report was NOTED.

HMB/71/17 (Agenda Item No 15)

'Building Control Enforcement'

Mr. Colin Gallagher, Senior Executive Engineer gave a verbal presentation to the members on Building Control Enforcement.

Following discussion, it was AGREED to bring this item back as a headed item to the next Area Committee Meeting, with officials from Housing and Building Control in attendance. The Report was NOTED.

HMB/72/17 (Agenda Item No 16)

Applications for Planning Permission and Decision - Files requested by Members:

Applications for Planning Permission and Decision – Files requested by Members:

F17A/0040

Cllr. Cian O'Callaghan

Date Received: 27-Jan-2017
Applicant: Lisa O'Brien & Con O'Connell
Location: 44 Saint Peters Terrace, Howth, Co. Dublin.
Development: Demolition of existing front glazed porch, reconstruction of side gable wall and chimney to match existing, construction of single storey extension to side/rear with flat and pitched roofs incorporating rooflights, construction of detached single storey garage with pitched roof and vehicular entrance from local access road to rear of property, revised boundary treatments and all necessary site works to facilitate the proposed development.

Remarks: Application Lodged 27th January 2017

File NOTED by Cllr. C. O'Callaghan.

F17A/0075

Cllr. Cian O'Callaghan

Date Received: 13-Feb-2017
Applicant: Vincent & Pamela Lawlor
Location: The rear of 'Sound View', Tuckett's Lane,
Development: Howth, Dublin 13, D13 AX99
 The construction of 1 no. 2-storey, 2-bed detached house with 1 no. skylight and 1 no. clerestory window to roof. There will be 62.5sqm of private open space to the rear of the property comprising of both garden and 1 no. roof terrace. New vehicular and pedestrian entrance to Tuckett's Lane and 1 no. car parking space and associated works and landscaping.
Remarks: Application Lodged 13th February 2017

File NOTED by Cllr. C. O'Callaghan.

F16A/0506

Cllr. Cian O'Callaghan

Date Received: 09-Feb-2017
Applicant: Alan & Anne O'Connell
Location: Danesfort, Danesfort Avenue, Old
Development: Carrickbrack Road, Howth, Co. Dublin.
 Development consisting of the (i) conversion of existing 77 sq.m. dwelling to domestic store ancillary to residential use at existing dwelling 'Danesfort'; (ii) construction of a single storey, three bedroom, detached contemporary replacement dwelling; on-site biocycle wastewater treatment system; SuDS drainage, landscaping and access driveway; and all associated site development works necessary to facilitate the development.
Remarks: Response to Additional Information Lodged 9th February 2017

File NOTED by Cllr. C. O'Callaghan.

F17A/0085

Cllr. Brian McDonagh

Date Received: 16-Feb-2017
Applicant: Paul Farrell

Location: 4 Bissets Strand, Malahide, Co. Dublin, K36
Development: D963

The proposed development will consist of the following: 1. Demolition of existing cottage. 2. Construct new 2 bedroom cottage, with reduced ground floor level to rear and new gallery to first floor level. 3. Reduction of ground and site levels to rear of cottage, with new retaining walls fencing, access staircase and patio area. 4. New connections Foul and Surface drainage to existing foul and surface water sewers, and all ancillary associated site works.

Remarks: Application Lodged 16th February 2017

File NOTED by Cllr. B. McDonagh.

F16A/0464

Cllr. David Healy

Date Received: 21-Oct-2016
Applicant: Crekav Trading GP Limited
Location: Kinsaley House (A Protected Structure-RPS
Development: NO. 464), Chapel Road, Kinsaley, Co. Dublin.
 A 10 year permission for development on a site of 6.5ha. (16.06 acres), for the demolition of a 2 storey twentieth century extension (52m²) to the rear of Kinsaley House, 2 storey apartment building (412m²) and related agricultural buildings (2 no. sheds, 2 no. stable blocks and a hay shed totalling 1,038.50m²), and development comprising [1] refurbishment of Kinsaley House consisting of fabric repairs, basement works and provision of a first floor en-suite bathroom; and provision of a 2 storey extension to the rear of Kinsaley House consisting of kitchen, dining and living space, Part M accessible WC and entrance lobby to ground floor (65.4m²) and main bathroom to first floor (12.4m²) [2] construction of 101 no. dwellings consisting of 8 no. 2 storey 2 bed houses, 62 no. 2 storey 3 bed houses, 30 no. 2 storey 4 bed houses, and the renovation of the existing retained stone shed consisting of fabric repairs, addition of a first floor (total area 87m²), new openings within the existing east and west elevations for provision of windows and access door and new slate roof

incorporating conservation type roof lights for use as a 2 bed residential dwelling, and associated in-curtilage parking spaces to all dwellings [3] vehicular access off Chapel Road [4] a 180 sq.m. childcare facility with an outdoor play area and associated staff parking and drop off/pick up spaces [5] 1.6ha. public open space, and [6] ancillary site development works including internal roads, landscape works, boundary treatments, children's play facility, foul, surface water (including SuDS treatment) and water supply works, undergrounding of the existing 10KV overhead power line and 2 new on-site pylons, provision of 1 no. ESB sub station and a temporary construction access route off Chapel Road. This application relates to a Protected Structure and its curtilage.

Remarks: Additional Information Requested 15th December 2016

File NOTED by Cllr. D. Healy.

F16A/0471

Cllr. David Healy

Date Received: 06-Feb-2017
Applicant: Roadstone Ltd.
Location: Feltrim Quarry, Feltrim, Swords, Co. Dublin.
Development: The development will consist of decommissioning of the existing concrete crushing and screening plant and erection and operation of a proposed concrete plant consisting of concrete mixer plant, conveyors, 4 no. aggregate silos, 8 no. cement silos, tip in bin, 2 no. water storage tanks and a control cabin (c. 849.2m²) (with a maximum height of 23.0m), a truck wash out (c. 187.0m²), aggregate storage bays (152.0m²) and ancillary facilities (connections to existing water discharge system, electricity supplies and proposed downward lights) on a hardstanding area with a reduced floor level to 23mOD over c. 0.94 ha of the site and a proposed overburden storage area within the quarry site (c. 0.58ha), with an overall application area of c. 2.25 ha. at the existing quarry landholding (Q/05/005. It is proposed to operate the concrete plant between the hours of 2 a.m. to 10 p.m. Monday to

Saturday and on 20 occasions per year outside these hours with prior agreement from Fingal County Council.

Remarks: Response to Additional Information Lodged 6th February 2017

File NOTED by Cllr. D. Healy.

F16A/0478

Cllr. Cian O'Callaghan, Cllr. David Healy

Date Received: 06-Feb-2017
Applicant: Clondev Properties Ltd.
Location: Ouvane, Greenfield Road, Sutton, Dublin 13.
Development: The demolition of the existing two storey dwelling known as Ouvane, Greenfield Road and the construction of 3 new detached dwelling houses as follows: (A) One three storey, 5 bedroom, detached dwelling with associated roof lights, balcony, roof terrace and solar panels. (B) One two storey, 4 bedroom, detached dwelling with associated roof lights, balcony and solar panels. (C) One two storey, 3 bedroom, detached dwelling with associated roof lights, balcony and solar panels. The development also consists of two new vehicular access onto Greenfield Road and two new pedestrian access onto the beach with new entrance gates, piers and boundary walls/railings, the relocation of the existing vehicle and pedestrian beach entrance to Ouvane, all landscaping works, boundary treatments and associated site works.

Remarks: Response to Additional Information Lodged 6th February 2017

File NOTED by Cllrs. C. O'Callaghan and D. Healy.

F11A/0386/E1

Cllr. David Healy

Date Received: 08-Feb-2017
Applicant: Birchwell Ltd
Location: Kinsealy Lane, Malahide, Co Dublin
Development: A residential development provides for 76 no. dwellings (54 no. two storey and 22 no.

dormer 1.5 storey dwellings). The development also includes landscaped public open space; riparian strips; pedestrian bridges; playground; car pool set down areas; foul and SUDS surface water drainage site development works (including alteration/grading of existing watercourses/drains, foul sewage storage tank and upgrade to Connolly Avenue pumping station); and all other associated site development works, including ESB substations, landscaping and boundary treatments. The development is to be constructed in two phases as follows: Phase 1 (northern lands) 36 no. dwellings Phase 2 (southern lands) 40 no. dwellings. the proposed development provides for pedestrian and cyclist linkages, emergency and agricultural access to the adjoining 'RS1' zoned lands to the east. The development will also be served by a new proposed foul sewer to link the site to the Swords Road, Malahide as follows: 2.2kms of (110mm diameter rising main) sewer from Connolly Avenue pumping station to Back Road, to Malahide Road (R107) and onto Swords Road (R106). The development will be accessed: via 2 no. existing and previously approved vehicular and pedestrian accesses from Kinsealy Lane to be upgraded to provide necessary sightlines; a new footpath to be provided along the eastern side of Kinsealy Lane from the northern Phase 1 entrance and improvements to the Back Road/Kinsealy Lane junction.

Remarks: Lodged 8th February 2017

File NOTED by Cllr. D. Healy.

F15A/0461/E1

Cllr. David Healy

Date Received: 08-Feb-2017
Applicant: Birchwell Developments Ltd.
Location: Hazelbrook, Kinsealy Lane, Malahide, Co. Dublin.
Development: Revisions to previously permitted development Reg. Ref. F11A/0386 (An Bord Pleanála Ref. PL06F.240057). Amendments relate to 30 of the 40 houses in the Phase 2

(7.2 acre portion) of the permitted development now known as Hazelbrook. Amendments proposed are for alterations to the house type mix replacing 6 no. Type A two storey four bed units, 3 no. Type B1 1.5 storey four bed units, 2 no. Type B2 two storey four bed units, 6 no. Type B3 1.5 storey four bed units, 1 no. Type B4 two storey four bed unit, 4 no. Type C3 two storey three bed units, 8 no. Type C4 two storey three bed units, for a new arrangement comprising 6 no. Type B5 four bed dormer units, 4 no. Type B6 four bed dormer units, 5 no. Type C5 two storey four bed units, 3 no. Type C6 two storey four bed units, 10 no. Type E2 two storey four bed units, 2 no. Type F two storey four bed units. The amendments also propose a minor change to a portion of the existing 7m access road from Kinsealy Lane which was constructed under planning F06A/1728 to allow for interface connection to the proposed new 6m internal access road serving the development, plus minor changes to the drainage/attenuation layout and turning head arrangement in the open space area located at the northern portion of subject site and including all associated site development/public utility services works.

Remarks: Lodged 8th February 2017

File NOTED by Cllr. D. Healy.

F16A/0520

Cllr. David Healy

Date Received: 10-Feb-2017
Applicant: Hickey Family
Location: Carrick Court, Portmarnock, Co. Dublin.
Development: The construction of five number detached two storey private dwelling houses (3 no. detached Type A size 159m², 1 no. detached Type B size 152m² and 1 no. detached Type C size 158m²). A new vehicular and pedestrian access from Carrick Court, internal road with turning circle, Footpaths, Landscaping, Boundary Treatments, Lighting, Suds Drainage, piped and other services, ESB substations including re-positioning and all

other ancillary development works necessary to facilitate the development. All on lands with a site area of .2275 Hec located between and adjoining Carrick Court Housing Estate to the north, Church Lane to the west and Suncroft Avenue to the south.

Deemed Significant 20/02/2017

Remarks: Response to Additional Information Lodged
10th February 2017

File **NOTED** by Cllrs. McDonagh & Healy.

Cllrs O'Brien, Lavin, Redmond, Guerin, Ni Laoi and O'Callaghan recommended **REFUSAL**.

HMB/73/17 (Agenda Item No 17)

"Dublin Bay Prawn Festival - Howth"

Mr. Paul Barnes, Senior Staff Officer, Events Unit gave a presentation on the Dublin Bay Prawn Festival.

Following discussion, the presentation was **NOTED**.

HMB/74/17 (Agenda Item No 18)

Files requested by the Manager.

It was NOTED that there was no business under this heading.

HMB/75/17 (Agenda Item No 19)

"Bathing Water Season 2017 and Real-time Monitoring"

Mr. Brian Reynolds, Executive Scientist gave a presentation on the "Bathing Water Season 2017 and Real-time Monitoring".

It was AGREED to circulate the presentation to all the members, the report was NOTED.

HMB/76/17 (Agenda Item No 20)

New Works, acceptance of tenders, etc.

It was NOTED that there was no business under this heading.

HMB/77/17 (Agenda Item No 21)

"Presentation on the Housing Assistance Payment (HAP)"

Mr. Gene Griffin, Administrative Officer and Mr. Liam Burke, Senior Executive Officer gave a presentation on the Housing Assistance Payment (HAP).

It was AGREED to circulate a copy of the presentation to all the members, the report was NOTED.

HMB/78/17 (Agenda Item No 22)
New Works, acceptance of tenders etc.

It was NOTED that there was business under this heading.

HMB/79/17 (Agenda Item No 23)
Proposed Disposals:

It was NOTED that there was no business under this heading.

HMB/80/17 (Agenda Item No 24)
Sketch layouts for proposed dwellings in the Housing Construction Programme -

It was NOTED that there was no business under this heading.

HMB/81/17 (Agenda Item No 25)
"Briefing on forthcoming Parks and Open Spaces bye-laws Public Consultation Process"

Ms. Gemma Carr, Senior Executive Parks Superintendent gave a presentation on the Parks and Open Spaces bye-laws Public Consultation Process.

It was AGREED to circulate a copy of the presentation to all the members, the report was NOTED.

HMB/82/17 (Agenda Item No 26)
Area Chairperson's Business: Councillor K. Redmond

It was NOTED that there was no business under this heading.

HMB/83/17 (Agenda Item No 27)
Councillor E. O'Brien - Enforcement proceedings regarding agricultural shed on Kinsealy Lane. AI035172

It was AGREED that this motion would be placed on the agenda for the Howth Malahide (Services B) Area Committee Meeting to be held in April.

HMB/84/17 (Agenda Item No 28)

Councillor D. Healy - Station Road Portmarnock. AI034248

It was AGREED that this motion would be placed on the agenda for the Howth Malahide (Services B) Area Committee Meeting to be held in April.

HMB/85/17 (Agenda Item No 29)

Councillor C. O'Callaghan - Bailey Court Hotel. AI035924

It was AGREED that this motion would be placed on the agenda for the Howth Malahide (Services B) Area Committee Meeting to be held in April.

HMB/86/17 (Agenda Item No 30)

Councillor A. Lavin - Provision of CCTV for Malahide. AI035937

It was AGREED that this motion would be placed on the agenda for the Howth Malahide (Services B) Area Committee Meeting to be held in April.

HMB/87/17 (Agenda Item No 31)

Councillor B. McDonagh - Lidl Portmarnock. AI035945

The attached Motion was proposed by Councillor B. McDonagh, seconded by Councillor. K. Redmond.

The attached report by the Chief Executive was **AGREED** without discussion.

HMB/88/17 (Agenda Item No 32)

Councillor E. O'Brien - Structure outside Donnybrook Fair Planning Compliant.

AI035173

It was AGREED that this motion would be placed on the agenda for the Howth Malahide (Services B) Area Committee Meeting to be held in April.

HMB/89/17 (Agenda Item No 33)

Councillor D. Healy - feasibility study on cycle routes to Kinsealy. AI034475

It was AGREED that this motion would be placed on the agenda for the Howth Malahide (Services B) Area Committee Meeting to be held in April.

HMB/90/17 (Agenda Item No 34)
Councillor C. O'Callaghan - tree removal AI035925

It was AGREED that this motion would be placed on the agenda for the Howth Malahide (Services B) Area Committee Meeting to be held in April.

HMB/91/17 (Agenda Item No 35)
Councillor A. Lavin - Wheelchair accessible Bus stop at Malahide Tennis Court.
AI035947

The attached Motion was proposed by Councillor A. Lavin, seconded by Councillor. K. Redmond.

The attached report by the Chief Executive was **AGREED** without discussion.

The Meeting concluded at 5.00 pm

AREA CHAIRPERSON

DATED

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5th April 2017

ITEM NO. 2

Howth Tram

Councillor D. Healy - Howth Tram. AI036475

“To ask the Chief Executive when the feasibility study on the Howth Tram will be made available to members of the Howth/Malahide Area Committee?”

Reply

A draft update was presented to the Economic, Development and Enterprise Strategic Policy Committee at their meeting on the 21st February. The report is currently being finalised and will be forwarded to members of the area committee upon completion.

Agenda Item 3

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL, 2017

ITEM NO. 3

FINGAL SOUTH FRINGE STUDY. AI036644

Question: Councillor D. Healy

“To ask the Chief Executive for a copy of the draft terms of reference for any consultancy study in relation to the proposed Fingal South Fringe Study?”

Reply:

Following consultation with the NTA and TII, the terms of reference (brief for consultants) is being finalised. The final brief will be available.

Agenda Item 4

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL, 2017

ITEM NO. 4

SOUTH FINGAL STUDY. AI036645

Question: Councillor D. Healy

“To ask the Chief Executive what consultation has been carried out with Dublin City Council and/or the National Transport Authority in relation to the Fingal South Fringe Study?”

Reply:

The NTA and TII have been consulted on the draft brief and they have suggested that additional runs of the NTA’s Eastern Regional Model (ERM) should be conducted, both to increase the number of land-use and transport scenarios, and to better optimise the output transport solutions. The brief is being finalised taking the NTA’s and TII’s suggestions on board.

The study will be a complex, technical study during which Dublin City Council will be consulted. However, it was not felt to be necessary to consult with the City Council regarding the brief for consultants which is currently being finalised.

Agenda Item 5

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL 2017

ITEM NO. 5

RIGHT OF WAY - GRANGE ROAD & HOWTH JUNCTION TRAIN STATION

Question: Councillor D. Healy - Right of way between Grange Road and Howth Junction Train Station.

“To ask the Chief Executive to report on progress in relation to planning enforcement action in relation to the blocking of the right of way between Grange Road and Howth Junction Train Station?”

Reply:

The matter of the strip of land stretching from the Grange Road Railway Bridge to the rear of the Mylan Factory has been looked at over the last couple of years and no evidence has been found that the strip of land is a Public Right of Way.

Following the Area Committee Meeting in October 2016, it was agreed by Councillors that evidence of usage of this alleged Public Right of Way would be provided. One submission was received stating that the alleged Public Right of Way had been used once possibly in or around 2006/2007 to carry out an inspection of a facility backing onto the alleged Public Right of Way. This does not satisfy the criteria which would prove the existence of a Public Right of Way. It should be noted that public access to Howth Junction Railway Station is available for all rail users through Baldoyle Industrial Estate.

Agenda Item 6

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL 2017

ITEM NO. 6

KINSEALY VILLAGE

Question: Councillor D. Healy – Kinsealy Draft Village Design Framework Plan
“To ask the Chief Executive to supply to members of the Howth/Malahide Area Committee a copy of the Kinsaley Draft Village Design Framework Plan, as supplied to a prospective planning applicant?”

Reply:

The Draft Village Design Framework was discussed with a prospective applicant in order to provide guidance relating to appropriate forms of development on particular lands. A pdf document of the main layout plan of the draft document will be made available to interested Elected Members. It should be noted that this document has no status until such time as a new Local Area Plan is prepared for the lands.

Agenda Item 7

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL, 2017

ITEM NO. 7

KINSEALY LOCAL AREA PLAN. AI036649

Question: Councillor D. Healy

“To ask the Chief Executive when it is intended to bring a draft of the Kinsealy Local Area Plan to the Area Committee for the initiation of public consultation in relation to the plan?”

Reply:

A new County Development Plan came into force on the 16th March 2017. Objectives RF16 – RF18 of the County Development Plan require the preparation and adoption of a Local Area Plan and a Village Design Framework Plan for each of the rural villages, which includes Kinsealy. Additional lands were rezoned in Kinsealy during the process of adopting the Development Plan.

Work had been done on a draft plan under the 2011 Development Plan but the increased zoning for the RV lands will require revised issues papers and studies to be undertaken as preparatory work to any new LAP. The members will be kept informed as to progress on this matter.

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL 2017

ITEM NO. 8

UNAUTHORISED SIGN – THE SPA THERAPY, THE MALL, MALAHIDE.

Question: Councillor A. Lavin - Unauthorised sign at The Spa Therapy The Mall Malahide.

“To ask the Chief Executive to give a full report setting out the actions and time lines of the enforcement action regarding the unauthorised sign being taken by Fingal County Council against The Spa Therapy, The Mall, Malahide?”

Reply:

In July 2015, an Enforcement Notice was issued in relation to alleged unauthorised advertisement signage at The Spa Therapie, Malahide requiring its removal. In December 2015 this enforcement file was referred to our Law Department for legal proceedings to be initiated. Following the transfer of the file to the Council’s Law Department the issue of ownership emerged as a difficulty in initiation proceedings in the case. In April 2016 KPMG were appointed Receivers for this property and following this and information received new Warning Letters were issued in May 2016. As a result of this a valid retention planning application was lodged in August 2016. This application F16A/0340 was refused at the end of September 2016 and no appeal was lodged with An Bord Pleanála. A further inspection was carried out in November 2016 and the situation remains the same in that the signage is still in place. There are a number of issues that the Enforcement Section needs to address before legal proceedings can progress in this matter.

Agenda Item 9

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL 2017

ITEM NO. 9

PLANNING ENFORCEMENT - PORTMARNOCK

Question: Councillor B. McDonagh.

“To ask whether the signage at the Spar on Strand Road, Portmarnock for a take-away restaurant received or required planning permission.

Reply:

Planning Permission Reg. Ref. 92A/0127 was granted by An Bord Pleanála on 31st August 1992 for a hot food take-away facility at existing restaurant at unit 4, The Shopping Mall at the junction of Strand Road and Wendell Avenue Portmarnock.

A site visit was undertaken on the 28th March 2017. At the time of the site inspection no signage in addition to the signage attached to the front of relevant commercial unit, Koba and to a free-standing double sided sign at the entrance to the Mall development was evident.

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL 2017

ITEM NO. 10

PLANNING ENFORCEMENT - PORTMARNOCK

Question: Councillor B. McDonagh - Planning Enforcement Portmarnock.

“To ask the Chief Executive to examine the planning issue raised in the attached document and report on whether any enforcement action is required?”

Reply:

Planning Permission Reg. Ref. F06A/0787 was granted by An Bord Pleanála on 31st May 2007 in relation to the site on the western side of the junction of Strand Road and Carrickhill Road, Portmarnock.

Condition No. 3 of this permission stated as follows:-

“Prior to commencement of development, details of a Management Plan for the operation of the basement car park shall be submitted to and agreed in writing with the planning authority. The Management Plan shall ensure that a minimum of one car parking space is permanently allocated to each residential unit and that measures be put in place to prohibit the use of dedicated residential parking spaces by customers, staff, patrons or visitors to the retail units, coffee shop or other premises.”

Compliance for Condition No 3 was submitted on the 14th December 2009. Accordingly, the Management Company are permitted to restrict use of residential spaces by non-residential users.

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5th April 2017

ITEM NO. 11

Court House Howth

Councillor D. Ni Laoi - Courthouse Howth. AI036653

“To ask the Chief Executive to report on the plans currently being prepared for the Courthouse in Howth?”

Reply

A design team has been commissioned to develop proposals to allow for the relocation of the existing Tourist information office to the old Courthouse building, retaining the large hall for flexible community use.

Upgrades to external spaces to facilitate universal public access and a complete electrical services upgrade of the building are proposed.

The building is a protected structure and it is proposed to bring a scheme to a Part 8 public planning consultation in Summer 2017.

Subject to planning consent and funding it is intended that these works could commence on site later in 2017.

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL 2017

ITEM NO. 12

RIGHT OF WAY – BALDOYLE

Question: Councillor D. Ni Laoi - right of way Baldoyle.

“To ask will the Chief Executive report on whether a warning letter has now been issued to the owner of the land between the railway bridge at Grange Road and the rear of the Mylan factory in respect of the blocking of the right of way, as was agreed at October meeting, and further can the Council confirm that it was not the Building Control section of the Council who blocked this right of way?”

Reply:

It was discussed at the conclusion of the Area Committee Meeting in October 2016 that the Planning Code provides for the issuing of a Warning Letter on foot of a complaint in respect of alleged unauthorised development. However, due to the lack of evidence to date that a public right of way exists between the Grange Road Railway Bridge and the rear of the Mylan Factory, a Warning Letter has not issued.

The Building Control section of the Council were not involved in the blocking of this alleged right of way.

Agenda Item 14

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

Meeting of Malahide - Howth Area Committee
(Services B – Strategic & General Matters)
Wednesday 5th April 2017

Item 14

Applications for Arts Funding

Applications for funding under the Council's Community Arts Funding Scheme have been received from the organisations listed below. It is proposed to make funding available to these organisations, in accordance with the conditions of the scheme, up to the amount set out hereunder:-

<u>GROUP</u>	<u>CATEGORY OF FUNDING</u>	<u>AMOUNT</u>
Baldoyle Musical & Dramatic Society	Production of Musical	€3,000.00
Malahide Music & Dramatic Society	Production of "The Wedding Singer"	€5,000.00
Forget me nots Choir	Afternoon Tea Dance	€1,500.00
Portmarnock Art Group	Annual Exhibition	€1,000.00
	TOTAL:	€10,500.00



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www.dublinbus.ie

Ms. Naomi Weir,
Administrative Officer,
Fingal Co. Council,
P.O. Box 174 County Hall,
Swords,
Fingal,
Co. Dublin.

20th March 2017

Dear Ms. Weir,

Thanks you for your letter of 2nd March requesting that the bus stop at Malahide Tennis Court, Main Street, Malahide is made wheelchair accessible.

Dublin Bus is currently putting together a list of locations where accessibility works are required. Once complete this will be submitted to the National Transport Authority for funding approval and works packages for the relevant Local Authorities. We have included this location on the list.

Yours sincerely,

Ray Coyne,
Chief Executive.



Síúthóirí Directors: Mr U Courtney – Cathaoiríoch Chairman, Prof P Barker, Prof K Rafter, G Joyce, S Madden, J Quinn, T O'Connor.
Bus Átha Cliath-Dublin Bus, a designated activity company, limited by shares, registered in Ireland at 59 Upper O'Connell St, Dublin 1. No 119569
Bus Átha Cliath-Dublin Bus, cuideachta ghníomhaíochta ainmnithe, faoi theorainn scaireanna, cláraithe in Éirinn ag 59 Sráid Uí Chonaill Uachtarach,
Baile Átha Cliath 1. Uimhír 119569

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

MEETING OF HOWTH/MALAHIDE AREA COMMITTEE (SERVICES B – STRATEGIC AND GENERAL MATTERS)

Wednesday, 5th April 2017

BUILDING CONTROL ENFORCEMENT

Item No. 19

“Reports have been presented to the members on Building Control issues in this particular development as follows:

- Monday 12th September 2016 - Full Council Question - Fire Safety risks in this development
- Wednesday 5th October 2016 - Motion at Malahide/Howth ACM - Draft Report on Inspection on Fire Safety Issues.
- Monday 10th October 2016 - Special Council Meeting to discuss fire issues. Meeting suspended due to non-agreement of the members regarding whether it was to be held in camera or not
- Monday 14th November 2016 - resumption of the Special Meeting of the Council which was suspended on Monday, October 10. It discussed the issue of fire safety and other structural deficiencies. Before the suspension of the previous meeting, Council staff had commenced a series of presentations in relation to these matters to give Councillors the context and background into the matters being discussed and these were concluded
- Wednesday 11th January 2017 - Motion at Malahide/Howth ACM - Building Regulations in relation to this development
- Wednesday 1st March 2017 – Headed Item at Malahide/Howth ACM on Building Control Enforcement at this estate.

Following the Special Council meeting, a further meeting was held with representative of residents of this development on Friday 16th December 2016. Fingal County Council is available to provide further assistance with any outstanding concerns. No further matters have been notified to date.

There was a detailed discussion at the Howth/Malahide Area Committee Meeting on 1st March 2017 and further detail was requested with regard to

works undertaken by Councils Housing Dept. Please see the report from housing as follows:

Housing Authority

The role of the Council as Housing Authority is to increase the supply of social housing in the County through the Social Housing Strategy 2020 and Re-Building Ireland Action Plan on Housing and Homelessness. The primary housing legislation governing the provision of social housing is the Housing Acts 1966 – 2015 and housing standards legislation.

Any property acquired by the Council for social housing purposes and any property that becomes available for re-letting is subject to an inspection process, following which a schedule of works is drawn up, priced and works carried out.

In 2009, due to the economic downturn, 44 affordable housing properties remained unsold in this development. Following guidance from the DECLG by Circular Letter dated AHS1 2009, work to make these properties available for social housing purposes commenced in July 2010.

While carrying out remediation works to the 44 properties prior to letting, some structural and fire safety issues were discovered. In December 2011 the Council commissioned a Report on Inspection on Fire Safety Issues which was delivered in March 2012. The Council rectified their own properties and a further 11 private properties which were located in the same block. The 11 private properties were included to allow for access to the 44 Council owned properties.

The primary responsibility of the Council as the Housing Authority in this matter was as owner of the 44 properties to ensure that remedial work was carried out on these properties, as we do in any case where the Council is making properties available for social housing.

Communication took place between Housing Department, Architects Department, Building Control and the developer on matters related to this development until such time as the developer confirmed he had addressed the issues brought to his attention by Building Control.”

COMHAIRLE CONTAE FHINE GALL

FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING

(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL, 2017

ITEM NO. 20

REPORT PURSUANT TO THE PLANNING AND DEVELOPMENT ACTS 2000-2015 AND
PART VIII OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 - 2015 ON
THE PUBLIC CONSULTATION PROCESS FOR CONSTRUCTION OF THE MAYNE ROAD/
HOLE IN THE WALL ROAD JUNCTION UPGRADE , DUBLIN13

INTRODUCTION

PLANNING AND DEVELOPMENT ACTS 2000 - 2016 AND PART VIII OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – 2016.

The Mayne Road/Hole in The Wall Road Junction Upgrade

Part VIII of the Planning and Development Regulations 2001 to 2016 outlines the requirements in respect of certain classes of Local Authority Developments. These regulations apply to the proposed Hole in the Wall Road Junction Upgrade at Belmayne.

Public Notice of the availability for public inspection of plans and particulars of the proposed Scheme was given in the public press on 7th January, 2017.

Submissions or observations with respect to the proposed development dealing with the proper planning and sustainable development of the area in which the development would be situated were invited to be made in writing to the County Council up to Thursday the 9th March, 2017.

Pursuant to the requirements of the Planning and Development Act, 2000 – 2016 and Part VIII of the Planning and Development Regulations, 2001 – 2016, the following report has been prepared.

DESCRIPTION OF THE NATURE AND EXTENT OF THE PROPOSED DEVELOPMENT AND THE PRINCIPAL FEATURES THEREOF

1. Construction of a new road linking the recently upgraded section of Hole in the Wall Road, within the administrative area of Dublin City Council, to a new four-arm signalised junction with the Drumnigh Road (R124) and Mayne Road (R123). Also included is the upgrading of portions of the Mayne Road (R123) and Drumnigh Road (R124).
2. Removal of portion of the existing masonry wall along the northern edge of the Mayne Road & the western edge of the Drumnigh Road and its replacement by the construction of a new flood defence wall along the north side of the upgraded R123 Mayne Road and along the west side of the upgraded R124 Drumnigh Road, along with a new culvert crossing of the Mayne Road and flood relief channel linking the flood defence wall to the Mayne River and associated culverts.
3. Reconfiguration of the existing Hole in the Wall Road/Mayne Road priority junction to allow for "left-out" one-way west bound vehicular traffic movement only on the immediate approach to Mayne Road. Two-way traffic flow will be retained to access the properties and business along the section of the Hole in the Wall Road north of Belmayne Boulevard.
4. Provision of upgraded footpaths, cycle tracks, pedestrian crossing facilities, street furniture, road signage & markings, landscaping & planting and agreed accommodation works as required.

EVALUATION OF THE LIKELY IMPLICATIONS, IF ANY, OF THE PROPOSED DEVELOPMENT WITH RESPECT TO THE PROPER PLANNING AND DEVELOPMENT OF THE AREA IN WHICH THE DEVELOPMENT WOULD BE SITUATED

Introduction:

The Roads Planning Section of the Planning and Strategic Infrastructure Department is the proposing Department for a development by Fingal County Council of an upgrade to the junction at the Hole in the Wall Road.

Site Location & Description:

The site currently comprises two north – south roads, being the Drumnigh Road from the north and the Hole in the Wall Road from the south along with two east-west roads, being the Mayne Road and Belmayne Boulevard. The Drumnigh Road intersects at a ‘T-junction’ with the Mayne Road. The northern part of the Hole in the Wall Road intersects with the Mayne Road at another ‘T-junction’ 240m to the west of the Drumnigh Road. The Hole in the Wall Road continues southwards, intersecting at a ‘T-junction’ with Belmayne Boulevard. Approximately 90m to the east, Belmayne Boulevard intersects with the southern part of the Hole in the Wall Road, which forms the western boundary to Father Collins Park.

The character of the lands around the southern part of the Hole in the Wall Road, and Belmayne Boulevard is in transition as a result of significant urban development. The northern part of the Hole in the Wall Road is rural to the east and under transition to urban to the west. A line of single houses, in place for many years is located along the western side of the Hole in the Wall Road.

The Mayne Road provides a busy link between the Malahide Road and the Strand Road. The western part of the road interfaces with urban development, while the northern and eastern sections of the Mayne Road are undeveloped and rural in character. A limestone wall is located along the northern boundary of the road, along with a narrow footpath. The southern boundary is a mature hedgerow.

The Drumnigh Road provides access to Portmarnock and is rural in character with open views over fields. The roads in question are utilised for a significant amount of north-south directional traffic, from Drumnigh Road to the southern Section of the Hole in the Wall Road. The southern part of the Hole in the Wall Road is wide, with

approximately 2 lanes of traffic in each direction. The road connects to the busy roundabout junction at Grange Road.

The administrative boundary between Fingal County Council and Dublin City Council is approximately half-way along the northern section of the Hole in the Wall Road.

Planning History:

F06A/1877: Construct two 12m 38kV line termination masts at a location adjacent to the northern edge of the Mayne Road between its junctions with the Hole in the Wall Road and the Drumnigh Road.

Decision:- Grant permission subject to conditions.

Applicant: ESB

Condition 2 states:-

The applicants shall comply with the requirements of the Transportation Department. In particular:

- i. The set back/location of the 2 no. masts, submitted as additional information, and as detailed on Titled: Grange to Malahide and Grange to Montgorry 38Kv line Diversions Route Design Drawing, Sept. 2006 shall be agreed and marked out on site with the Road Design Transportation Section, Fingal County Council prior to the commencement of development.

Nature of Development:

Construction of a new road linking the recently upgraded section of Hole in the Wall Road, within the administrative area of Dublin City Council, to a new four-arm signalised junction with the Drumnigh Road (R124) and Mayne Road (R123). Also included is the upgrading of portions of the Mayne Road (R123) and Drumnigh Road (R124).

This will involve the following works.

Removal of portion of the existing masonry wall along the northern edge of the Mayne Road & the western edge of the Drumnigh Road.

Construction of a new 1.2m high flood defence wall along the north side of the upgraded R123 Mayne Road and along the west side of the upgraded R124 Drumnigh Road,

Construction of three culverts, 1) beneath the upgraded Mayne Road serving a flooding channel, 2) beneath the new section of the north-south road connecting Hole in the Wall Road south with the Drumnigh Road serving a flooding channel and 3) beneath the new section of the north-south road connecting Hole in the Wall Road south with the Drumnigh Road to culvert the Mayne River.

Removal of existing culvert located on northern side of Mayne Road which serves the Cuckoo Stream through Balgriffin Park to the south.

Realignment of aforementioned stream along northern side of Mayne Road, crossing via culverts southwards along new re-aligned Hole in the Wall Road link to discharge into the Mayne River.

The existing Hole in the Wall/ Mayne Road 'T-junction' is to be retained as a left-in, left-out junction.

Works are to be undertaken to set back a boundary wall along the bypassed Hole in the Wall Road to serve an existing commercial enterprise.

Relocation of agricultural access from field to north of Mayne Road to Drumnigh Road.

New Mayne Road layout would generally comprise single carriageways in each direction with a central marked ghost median. A grassed verge, 2m off road cycle path and 2m footpath is proposed to each side of the carriageway. The off road cycle path becomes on-street prior to meeting the crossroad junction with Drumnigh Road/New Hole in the Wall Road. The width of the works corridor would be 18.5m - 19.75m in the area east of the cross-road junction with Drumnigh Road and from 16.5m to 25m to 40m in the area to the west of the junction. It is noted that this width includes a banked slope and 'flood channel' which significantly increases the land take.

The Drumnigh Road layout would generally comprise a single lane of traffic in each direction, with a grass verge, 2m off-road cycle path and 2m footpath on the western side. A footpath with an on-street cycle lane is proposed along the eastern side. The width of the works would generally be from 13.65m in the northern part of the road to 19.75m proximate to the crossroad junction with Mayne Road.

The New Hole in the Wall Road would generally comprise a single carriageway northbound, with two carriageways southbound, one of which would be a bus-lane. The southern section of this route would contain a 2m off-road cycle path and 2m footpath to each side of the carriageway. The northern section of the route would contain the same with a grassed verge located between the carriageway and the cycle path.

The crossroad junction between Mayne Road, Drumnigh Road and the New Hole in the Wall Road would provide for a right-turning lane at each arm. Cross carriageway cycle markings are proposed. Four pedestrian crossing areas are proposed.

Zoning:

Fingal County Development Plan 2017 - 2023

The lands surrounding the application site are affected by the Zoning Objective GB, 'Protect and provide for a Greenbelt.'

Relevant Objectives.

Objective – Balgriffin/Belcamp 4.

Promote green infrastructure linkages, in particular ensuring permeability between the lands at Belcamp, Balgriffin, Belmayne and the Regional Park at Racecourse Park, facilitating access to the Finglal Coastal Way.

Objective MT43 Implement a programme of road construction and improvement works closely integrated with existing and planned land uses, taking into account both car and non-car modes of transport whilst promoting road safety as a high priority. Major road construction and improvement works will include an appraisal of environmental impacts.

Objective MT42 Seek to implement the Road Improvement Schemes indicated in Table 7.1 within the Plan period, subject to assessment against the criteria set out in Section 5.8.3 of the NTA Transport Strategy for the GDA, where appropriate and where resources permit. Reserve the corridors of the proposed road improvements free of development.

Development Plan Table 7.1 Road Schemes states:- R123 Moyne Road Alignment.

Objective WQ01 Strive to achieve 'good status' in all waterbodies in compliance with the Water Framework Directive, the Eastern River Basin District Management Plan 2009-2015 and the associated Programme of Measures (first cycle) and to cooperate with the development and implementation of the second cycle national River Basin Management Plan 2017-2021.

Objective WQ05 Establish riparian corridors free from new development along all significant watercourses and streams in the County. Ensure a 10 to 15 metre wide riparian buffer strip measured from the top of the bank either side of all watercourses, except in respect of the Liffey, Tolka, Pinkeen, Mayne, Sluice, Ward, Broadmeadow, Corduff, Matt and Delvin where a 30m wide riparian buffer strip

from top of bank to either side of all watercourses outside urban centres is required as a minimum.

Objective GI04 - Seek a net gain in green infrastructure through the protection and enhancement of existing assets, through the provision of new green infrastructure as an integral part of the planning process, and by taking forward priority projects including those indicated on the Development Plan green infrastructure maps during the lifetime of the Development Plan.

Objective GI06 – Resist development that would fragment or prejudice the County's strategic green infrastructure network.

Objective GI22 - Require all proposals for large scale development such as road or drainage schemes, wind farms, housing estates, industrial parks or shopping centres to submit a Green Infrastructure Plan as an integral part of a planning application.

Objective NH14 - Protect inland fisheries within and adjacent to Fingal and take full account of Inland Fisheries Ireland Guidelines in this regard when undertaking, approving or authorising development or works which may impact on rivers, streams and watercourses and their associated habitats and species.

Objective NH20 - Maintain and/or enhance the biodiversity of the Nature Development Areas indicated on the Green Infrastructure maps.

Objective NH23 - Protect the ecological functions and integrity of the corridors indicated on the Development Plan Green Infrastructure Maps.

Objective NH24 - Protect rivers, streams and other watercourses and maintain them in an open state capable of providing suitable habitat for fauna and flora, including fish.

Objective NH24

Mapped Objectives.

Sheet no. 15 - Green Infrastructure 2 indicates that the lands between the Mayne River and the Mayne Road are a Nature Development Area while the Mayne River is an identified 'Ecological Corridor along a River'.

Sheet no. 9. A Road Proposal is generally indicated in the location of the proposed junction works.

Local Area Plans

The Hole in the Wall Road Upgrade is required as part of the phasing of development in both the Portmarnock Local Area Plan and the Baldoyle Stapolin Local Area Plan.

Fingal Biodiversity Action Plan – Action 42 – Protection of the Mayne River Corridor and implementation of a masterplan for a linear park (also noted in the DCC Clongriffin – Belmayne LAP)

F15A/0609 – under the planning permission for significant residential development at Belcamp Hall, a large riparian zone was retained alongside the Mayne River, forming a section of the Linear Park from Belcamp to Racecourse Park.

Dublin City Development Plan 2016 - 2022

Fig 13 – Strategic Green Network – River Mayne.

15.1.1 Strategic Development and Regeneration Areas

15.1.1.1 SDRA1 North Fringe (Clongriffin-Belmayne)

- To develop the amenity potential of the Mayne River in the creation of a linear park

Clongriffin – Belmayne LAP (Dublin City Council)

Fig 6.2 Smarter Travel Map indicates the Mayne River Corridor as a 'Potential Greenway', a 'Potential Cycling Route' and a 'Walking Route to Connect Communities'.

Policy MT07 states:- To develop a pedestrian route along the River Mayne and access the potential to connect with amenity lands in Baldoyle Estuary and further amenities along the coastal routes.

Section 7.3 River Mayne Corridor – provision of a riparian buffer zone.

Policy UD05: To design park spaces and all open spaces linkages to be part of the larger green network in particular from Father Collins Park to the surrounding area and along the River Mayne incorporating a dedicated network of cycle paths and pedestrian routes.

Policy EOSP3: To protect the natural habitats and protected status of Baldoyle Estuary by ensuring protection of water quality and habitats along the riparian

corridor of the River Mayne and ensure appropriate set back of developments, surface water management and park design along its course.

Policy EOS03: To co-ordinate with Fingal County Council and other stakeholders on the completion of a phased plan and delivery of a linear park along the course of the River Mayne and enhancement of the biodiversity value of the riparian corridor.

Fig 10.1 Existing Parks, Amenity and Recreation Areas in DCC Local Area:-

2: Phase 1 River Mayne Linear Park

Phase 1 of a multi phased linear park incorporating a walkway route adjacent to the River Mayne on the north boundary of the developing area is complete to the north of Belmayne and adjacent to Marrsfield. The park combines protection of a riparian corridor and enhancing natural habitats with footpaths, new planting and seating areas. The route of the linear park has significant potential to provide a green route connection into Fingal and connect with the Racecourse Park and the amenities of Baldoyle Estuary.

Figure 10.2 Planned but not yet completed Public Open Space Areas
10- River Mayne Linear Park – Racecourse Park, Baldoyle to Belcamp.

Policy CT01:- To support the development and sustainable location of cultural and tourism related facilities within the area in particular the flagship Father Collin's Park and greenway connections to the coast, that is accessible by all.

Policy IS02: To seek the rehabilitation of the Mayne River to good water status, its restoration as a natural amenity and protection of the riparian corridor through the LAP area.

Phasing of the LAP – Interim Priorities – Item 6:- Promote the development of high profile amenity and tourist projects such as the planned (Mayne River) greenway connecting the developing area to Baldoyle Estuary and promoting the use of the flagship Fr. Collins Park.

Phase 1 Infrastructure Requirements - Section of Linear Park along the River Mayne.

Phase 2 – Completion of the Hole in the Wall junction upgrade in conjunction with FCC.

Protection of the Mayne River through provision of a riparian strip is noted numerous times within the SEA and AA for the Clongriffin - Belmayne LAP, with the policies previously stated, being noted within the SEA and AA as being effective

mitigation against the impact of roads projects on the Mayne River and as having positive impacts on identified Natura 2000 sites.

Screening for Appropriate Assessment

A document for the purposes of screening for Appropriate Assessment was undertaken prior to public consultation stage. The most significant effect would be on works crossing the Mayne River. Adherence to the requirements of Inland Fisheries Ireland Guidance on works crossing rivers should be adhered to.

Environmental Impact Assessment

Transport Infrastructure Ireland's (TII) (formerly NRA) 'Environmental Impact Assessment of National Road Schemes – A Practical Guide (2008)' was utilised as guidance in this matter. An EIA was not required under any of the mandatory requirements of the Planning Acts or Roads Acts. An EIA was determined as not being required under sub-threshold guidance due to the characteristics of the proposal not being likely to result in significant effects on the receiving environment. An Environmental Report was undertaken prior to the public consultation stage. The report contains the following information:-

Section 2.1 deals with Air Quality and notes the relevant air quality standards, details local air quality, along with providing assessment of the impact of the proposed development on identified local receptors. The study indicated that local pollution is not caused by traffic and that the proposed development would reduce traffic emissions due to provision of more controlled movements. Measures to reduce dust emissions, including preparation of a Construction Dust Management Plan during construction are recommended in Section 2.16.

Section 2.2 and 2.3 deals with Noise & Vibration and refers to the TII document 'Guidelines for the Treatment of Noise and Vibration in National Road Schemes'. A noise assessment, including the existing baseline and generation of noise levels maps is undertaken. Noise mitigation was indicated as being required at the junction of Drumnigh Road and Mayne Road and this has been incorporated into the design. Section 2.2.11 and 2.3.5 details construction noise and vibration mitigation measures.

Section 2.4 deals with Flora and Fauna and details the existing habitat baseline, with specific reference to the Mayne River and associated riparian strip. The use of the lands by various fauna is detailed. It is noted that otters utilise the Mayne River and

riparian strip. Water quality is stated as being poor, with species present reflecting this. Bird species are present, mostly being field birds. The potential for the Mayne River culvert to be a barrier to river animals is noted. Mitigation in the form of landscape planting and timing of works is noted.

Section 2.5 deals with **Hydrogeology** and establishes the baseline for soils, rock, groundwater.

Section 2.6 deals with **Socio-economic and Community Effects / Impacts** and examines changes in traffic, severance, public and non-motorised transport in addition to local facilities. Consultation with members of the community are detailed. It is noted that severance for traffic or for inhabitants of the existing houses along Hole in the Wall Road from the wider road network would not occur. The improved road network is considered to provide more effective use of public and non-motorised forms of transport. It is noted that severance in the form of provision of a walking link along the Mayne River as per Objective Balgriffin/Belcamp 4 has not been addressed.

Section 2.7 deals with **Climate** and establishes the baseline, with specific regard to rainfall and wind. The proposal is not expected, in itself to have an effect on local climatic conditions.

Section 2.8 deals with **Landscape and Visual Impact Report** establishes the existing baseline and details the impact of the proposal. It is noted that the wider landscape character of the area is subject to change from development. The removal of 555m of stone wall along Mayne Road/Drumnigh Road is noted, as is the removal of 50m of broad riverside hedgerow and 230m of moderate value hedgerow along the southern side of Mayne Road. These works are stated as being of moderate (riverside) to major (stone wall removal) local significance. The level change associated with the road is also indicated, while the increased urban character as a result of the road works is noted. Mitigation takes the form of planting. It is noted that a project ecologist is to be retained during the project.

Section 2.9 deals with **Traffic** and establishes the baseline. Predicted traffic growth is set out as is a modelling exercise of the proposed junction. The results indicate that the proposed junction would operate effectively for transport movements.

Section 2.10 deals with **Archaeology** and establishes the baseline. There are no recorded archaeological monuments along the route. A series of tests are proposed to 'field 2' to investigate an area of interest.

A Flood Risk Assessment was undertaken by Halcrow Barry prior to the public consultation stage. The assessment was of the existing and future situation including accounting for climate change, with and without the proposed project in place. 1/100 year predicted flooding to the fields to the north of the Mayne Road and to residences along the Hole in the Wall Road and Balgriffin Park estate informed the design rationale, including the provision of a flooding route and attenuation in lands to the north of the Mayne Road with an associated flooding swale from the attenuation area alongside and beneath the road to discharge to the Mayne River. The FRA also informed the size and scale of the culvert to serve the road over the Mayne River.

Planning Assessment

The proposed works would remove an existing bottleneck to north-south movement within the southern fringe of Fingal and would fulfil a significant part of the objective of the Fingal Development Plan 2017 – 2023 with regard to the provision of works to the Mayne Road (table 7.1 refers) and the requirement for such an upgrade as part of phasing requirements of the Portmarnock South and Baldoyle-Stapolin Local Area Plans in addition to the DCC Clongriffin – Belmayne LAP. In addition controlled crossing movements would be introduced to journeys along the Mayne Road and new Hole in the Wall Road/Drumnigh Road junction. Currently all movements in this area are uncontrolled with traffic volumes and speeds being of concern, especially when exiting from the existing Hole in the Wall Road and Drumnigh Road.

In addition, the proposal would provide for hard and soft flood defences in the form of a new wall and associated flooding channel, discharging into the Mayne River. This would have benefits for the residential developments to the west.

The works proposed would have a number of impacts, ranging from moderate to significant. These include the removal of existing old stone walls along the Mayne Road and Drumnigh Road and the culverting of a 40m section of the Mayne River and removal of adjoining riparian planting as a part of the overall works area in addition to the potential for works to impact on the river during construction, with environmental consequences downstream within Baldoyle Bay SAC and SPA.

While the provision of the Hole in the Wall upgrade is an objective of the Development Plan, there are numerous other objectives relevant to the important role played by the Mayne River as a part of the Green Network within the area. Objectives indicate that the riparian zone to either side of the river are to be

maintained intact, that fragmentation of the network is to be resisted and that ecological and walking/cycling potential of the Green Network is to be improved. The proposed 40m long culvert design to the Mayne River would not facilitate these objectives as it would fragment the riparian zone, would not appear to aid fish and mammal movements, would remove tree planting and the existing riverbed, would not facilitate the provision of a riverwalk, part of which has been provided in Dublin City Council's area from Red Arches Bridge along the southern bank of the river and for which there are numerous objectives to continue to the coast as part of the Regional Racecourse Park as adopted in the Baldoyle-Stapolin LAP and within the DCC Clongriffin - Belmayne LAP. Protection of the riparian habitat of the River Mayne was assessed as a mitigation measure within the Clongriffin - Belmayne LAP Appropriate Assessment and Strategic Environmental Assessment. It is noted however that the proposed culvert would be 3m in height and 6m wide. It is considered that amendment to the culvert design is possible through extension of width southwards into the Dublin City Council area on the southern side of the bank to allow for a pathway to be provided alongside and at a higher level than the riverbed to link to the existing pathway further east. In addition and to maintain biodiversity, a mammal shelf should be provided along the northern side of the culvert. Lastly, the width of the proposed culvert is significantly wider than the existing Mayne River, which could result in a constant flow of shallower water, with potential for drying out in summer. The bed of the culvert should have a lower level runnel or rill, which reflects the existing width of the riverbed and would maintain existing river depths, thereby aiding fish movements.

Summary

The proposed scheme is generally in line with transport policy in the Development Plan. In order to be fully compliant with the Development Plan with the following recommendations:

- Revision of the culvert to allow for the following:-
 - i) Widening southwards to provide for a pedestrian/cycle walkway along the southern side.
 - ii) Provision of a mammal shelf along the culvert.
 - iii) Provision of a runnel/rill within the base of the culvert to be the same width as the existing river to provide for maintenance of the existing river depth.

- That all development within the River Mayne be carried out strictly in accordance with the Inland Fisheries Ireland document 'Guidelines on protection of fisheries during construction works in and adjacent to waters'.
- An Ecological Clerk of works be appointed for all works relating to the Mayne River crossing.

Having regard to the provisions of the development plan, it is considered that the proposed development is consistent with the proper planning and sustainable development of the area subject to the recommendations listed above.

LIST OF PERSONS OR BODIES WHO MADE SUBMISSIONS OR OBSERVATIONS WITH RESPECT TO THE PROPOSED DEVELOPMENT

Nine submissions were received within the statutory period as follows:

- I. Patrick McGuirk, reference no: CVQ-5166;
- II. Mark Geraghty, reference no: CVQ-5180;
- III. Cllr David Healy, reference no: CVQ-5219;
- IV. Cllr Alison Gilliland, reference no: CRQ-5222;
- V. Dublin City Council, reference no: CVQ-5223;
- VI. Deirdre Murphy, on behalf of North Central Area Committee, reference no: CVQ-5224;
- VII. National Transport Authority, reference no: CVQ-5225;
- VIII. Geraldine Brennan, reference no: CVQ-5226;
- IX. Inland Fisheries Ireland;

SUMMARY OF THE ISSUES WITH RESPECT TO THE PROPER PLANNING AND DEVELOPMENT OF THE AREA RAISED BY PERSONS OR BODIES WHO MADE SUBMISSIONS OR OBSERVATIONS AND THE RESPONSE OF THE LOCAL AUTHORITY THERETO

Observation 1:

Observations regarding the provision of alternative junction designs.

Council's Response:

The proposed junction design is in accordance with the design criteria set out by the NTA in its National Cycle Manual, for provision of such facilities in Ireland.

Observation 2:

Observations regarding the provision of the scheme over alternative projects.

Council's Response:

The staggered junction, linking the Hole in the Wall Road and the Drumnigh Road with the Mayne Road is regarded as sub-optimal from a road safety point of view due to inadequate sight lines. To improve safety and to better regulate traffic flows, it is proposed to replace the staggered junction with a four armed traffic signalled junction. The provision of this upgrade is listed as a precursor to provision of housing within the Baldoyle-Stapolin LAP area.

Observation 3:

Observations regarding traffic impacts of the proposed scheme on the Hole in the Wall Roundabout.

Council's Response:

It is considered that there may be some additional traffic onto the Hole in the Wall Roundabout as a result of the proposal. However this additional traffic is considered not to have a significant adverse impact on the roundabout as it is already operating at capacity during peak traffic periods.

Observation 4:

"The upgraded junction/road layout will enhance vehicular safety, provide dedicated controlled pedestrian/ cycle crossing locations and facilitate the upgrade of the public transport services by way of extensions to the current bus lane layouts in the Belmayne/ Clongriffin/ Donaghmede areas."

Council's Response:

Noted.

Observation 5:

Routes for Vulnerable Road Road Users in the Area, including safe routes to school, routes from the wider area, upgrading of cycling and pedestrian facilities.

Council's Response:

The proposed works would generally improve upon the existing pedestrian and cycling facilities in the area. It is noted that a number of policies within the Fingal Development Plan, The Clongriffin – Belmayne LAP (Dublin City Council) and the Baldoyle Stapolin Local Area Plan provide for a walking and cycling green link along the Mayne River. It is considered appropriate to amend the design of the proposed culvert to facilitate pedestrian and cycling access along the Mayne River, which would improve alternative routes in the area and ensure future provision of local routes as an alternative to the car.

Observation 6:

"It is considered that there may be some additional traffic onto the Hole in the Wall Roundabout as a result of the proposal. However this additional traffic is not considered to have a significant adverse impact on the roundabout as it is already operating at capacity during peak traffic periods. This additional traffic is likely to be temporary and it is likely that it will redirect onto the R123. In addition DCC Traffic has received representations regarding pedestrian facilities at the existing Hole in the Wall Roundabout and is seeking funding to upgrade the facilities at the roundabout."

Council's Response:

Noted.

Observation 7:

Request for preventative or mitigation measures to be put in place to avoid negative water quality impacts on the Mayne River during the construction and operational phases of the project

Council's Response:

As part of the preliminary design of the scheme, an Appropriate Assessment Screening Report was carried out. There are a number of mitigation and

preventative measures included in this report that will be implemented as part of the construction and operation of the scheme including treatment of runoff during the construction phase and use of detention ponds etc. for the permanent scheme. The implementation of the recommended measures will avoid negative effects to the water quality along the Mayne River.

A Construction Management Plan will be agreed with the contractor prior to commencement of works.

Observation 8:

Requirement for storm water from the scheme to pass through petrol/oil interceptors.

Council's Response:

Oil/petrol interceptors will be adequately sized and incorporated into the final storm water drainage design prior to construction of the works, taking into account the Guidelines published by Inland Fisheries Ireland.

Observation 9:

Observations regarding the removal of the existing masonry wall and the requirement for a flood defence wall along the boundary of Drumnigh Road/ Mayne Road.

Council's Response:

To prevent flood water from an event with a 1% annual exceedance probability (or 1 in 100-year flood) from flooding the road and a number of properties in Castlemoyne, the flood defence wall is required. The existing masonry wall might prevent some flood water from getting on to the road/properties for a period of time but it may become undermined or damaged and be at risk of collapse. Therefore, it is to be replaced with a purpose-built flood defence wall. It is intended to reuse the existing stone in the new wall in so far as possible.

Observation 10:

Observation seeking upgrade works to the existing Hole in the Wall Road, in particular the replacement of the Hole in the Wall roundabout by a signalised junction

Council's Response:

Congestion does exist at points more southerly than this upgrade, within the administrative area of Dublin City Council. Road layouts and junctions may merit further attention and assessment.

Observation 11:

Concerns regarding the proposed access to the steel works yard.

Council's Response:

Discussions to set out a series of accommodation works at this location will be held with all property owners impacted by the scheme.

Observation 12:

Concerns regarding anti-social behaviour on the existing Hole in the Wall Road.

Council's Response:

It is not expected that any inappropriate behaviour occurring on this road is attributable to the proposed upgrade. However, a note will be prepared for forwarding to Coolock Garda Station, advising of the changed layout and access to Hole in the Wall road.

Observation 13:

Concerns regarding illegal dumping on the existing Hole in the Wall Road

Council's Response:

All instances of illegal dumping should be reported to the FCC litter warden for action.

Observation 14:

Observations regarding the long-term plans for the severed land as a result of the scheme.

Council's Response:

The construction of the proposed upgrade will require land to be acquired. The use of lands remaining outside the requirement of the Council is a matter for the owners involved.

Observation 15:

Concerns regarding the impact of works on all adjoining properties.

Council's Response:

As part of the works, discussions will be held with all parties in close proximity with a view to ensuring that impacts caused by the works are minimised.

Observation 16:

Request that the grass verge on the existing Hole in the Wall Road opposite No. 3 Balgriffin Park be repaired.

Council's Response:

Noted.

Observation 176:

"The Authority has no issue with the upgrade proposal, which is in line with the policies of Section 5.8.3 of the NTA Transport Strategy for the Greater Dublin Area, and is compliant with the design criteria of the NTA National Cycle Manual."

Council's Response:

Noted.

CONSULTATION PROCEDURE

Following consideration of a number of issues raised during the consultation process it is proposed to amend the scheme as follows.

Revision of the culvert at the river Mayan to allow for the following:-

- Widening southwards to provide for a pedestrian/cycle walkway along the southern side.
- Provision of a mammal shelf along the culvert.
- Provision of a runnel/rill within the base of the culvert to be the same width as the existing river to provide for maintenance of the existing river depth.

INDICATION OF THE MANNER IN WHICH IT IS PROPOSED TO PROCEED


This report is submitted in compliance with the requirements of the Planning & Development Acts 2000 – 2016 and Part VIII of the Planning and Development Regulations 2001 – 2016.

It is recommended that the proposed scheme be adopted as outlined and shown in the display documents and incorporating the amendments outlined in Section 6 of this report. The proposed scheme will provide upgraded pedestrian, cyclist and public transport facilities in the area, while also delivering an improved safety regime and a more regulated traffic flow for all users.

It is proposed to bring the above report to the next meeting of the full Council with a recommendation that it approve the proposed Upgrade Scheme

Appendix 1:
Copy of Newspaper Advert

**Comhairle Contae
Fhine Gall
Fingal County
Council**



**PLANNING & DEVELOPMENT ACTS 2000 – 2015
PART 8 OF THE PLANNING & DEVELOPMENT REGULATIONS
2001 – 2015
MAYNE ROAD/HOLE IN THE WALL ROAD JUNCTION UPGRADE**

Pursuant to the requirements of the above, notice is hereby given of Fingal County Council's intention to carry out the Mayne Road and Hole in the Wall Road Junction Improvement Scheme.

The proposed works will comprise of the following:

- Construction of a new road linking the recently upgraded section of Hole in the Wall Road, within the administrative area of Dublin City Council, to a new four-arm signalised junction with the Drumnigh Road (R124) and Mayne Road (R123). Also included is the upgrading of portions of the Mayne Road (R123) and Drumnigh Road (R124).
- Removal of portion of the existing masonry wall along the northern edge of the Mayne Road & the western edge of the Drumnigh Road and its replacement by the construction of a new flood defence wall along the north side of the upgraded R123 Mayne Road and along the west side of the upgraded R124 Drumnigh Road, along with a new culvert crossing of the Mayne Road and flood relief channel linking the flood defence wall to the Mayne River and associated culverts.
- Reconfiguration of the existing Hole in the Wall Road/Mayne Road priority junction to allow for "left-out" one-way west bound vehicular traffic movement only on the immediate approach to Mayne Road. Two way traffic flow will be retained to access the properties and business along the section of the Hole in the Wall Road north of Belmayne Boulevard.
- Provision of upgraded footpaths, cycle tracks, pedestrian crossing facilities, street furniture, road signage & markings, landscaping & planting and agreed accommodation works as required.

Plans and Particulars of the proposed development may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy from **Thursday 12th January 2017 to Thursday 23rd February 2017** at

- Fingal County Council, County Hall, Main Street, Swords, Co. Dublin
Monday Friday 9.00am – 4.30pm (open through lunch) and
- Fingal County Council, Civic Offices, Grove Road, Blanchardstown, Dublin 15
Monday – Friday 9.00am – 4.30pm (open through lunch) and.
- Dublin City Council, Northside Civic Centre, Bunnratty Road, Coolock, Dublin 17
Monday – Friday 9.30am – 4.00pm (open through lunch)

They are also available to view or download from our website Consult.fingal.ie

Written submissions or observations with respect to the proposed development, dealing with the proper planning and sustainable development of the area in which the development is situated, may be made, in writing, to the Senior Executive Officer, Planning & Strategic Infrastructure Department, Fingal County Council, County Hall, Main Street, Swords, Co. Dublin to arrive no later than **Thursday 9th March 2017**. **Submissions can also be made on line at Consult.fingal.ie**

**Senior Executive Officer,
Planning & Strategic Infrastructure Department**

All comments, including the names and address of those making comments, submitted to the Council in regard to this development will form part of the statutory report to be presented to the monthly meeting of Fingal County Council. Accordingly they will also be included in the minutes of that meeting and consequently will appear on the Council's website.

Northside People East 11th January 2017

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL, 2017

ITEM NO. 21

SOUTH FINGAL STUDY

By way of background, it should be noted that:

- there are significant zoned lands in the Fingal South Fringe and at Dublin Airport,
- the M50, other roads and the public transport system are approaching or over-capacity,
- new Metro North will not be delivered until 2026/2027, and
- the NTA and TII have raised concerns over future development in the Fingal South Fringe without a suitable transport strategy.

The Council has therefore decided to commission consultants to study the transport requirements of future development in the Fingal South Fringe. The study will use the NTA's multi-modal transport model of the Eastern Region (the ERM) to assess different land-use scenarios and different potential transport solutions. The ERM is extremely complex and requires specialist transport consultants to run it. Each run takes approximately one week (including time to prepare inputs and examine outputs). The model inputs are land-uses (i.e. the nature, scale and location of future development), transport supply (i.e. new roads and public transport), and demand management measures (e.g. parking restraint or tolling). The model outputs are mode-splits, highway traffic flows, public transport line flows, journey times and levels of congestion. These outputs can be used to decide on a land-use and transport strategy, which would prioritise areas for development and prioritise transport infrastructure for investment. It should be noted that the study may identify areas which are zoned, but which cannot be developed sustainably.

A draft brief requires the consultants to use the ERM for the following runs:

- the NTA's Strategy (which has been approved by the Minister) and
- the Fingal County Development Plan.

The NTA and TII have been consulted on the draft brief and they have suggested that additional runs of the ERM should be conducted, both to increase the number of land-use and transport scenarios, and to better optimise the output transport solutions. The brief is being finalised taking the NTA's and TII's suggestions on board.

It is hoped to finalise the brief this week.

Agenda Item 22

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL, 2017

ITEM NO. 22

**UPDATE ON PROVISION OF BALDOYLE TO PORTMARNOCK
WALKWAY/CYCLEWAY**

The tenders submissions for this project have been reviewed and FCC is currently working on the grant application to the NTA to cover these works.

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5th APRIL, 2017

ITEM NO. 23

PLANNING FILES

F16A/0412

Cllr. Cian O'Callaghan

Date Received: 27-Mar-2017
Applicant: c/o Simon Coyle & Tom O'Brien,, Joint Statutory Receivers
Location:
Development: The Coast, Baldoyle, Dublin 13
550 no. residential units (379 no. apartments and 171 no. houses) and a village centre comprising C.1,585sq. m. of commercial floor space laid out in 13 no. blocks (Blocks A1, A2, A3, B1, B2, B3, B4, C1, C2, C3, C4, C5 and D1) ranging in height from two storeys to six storeys as follows:

Blocks A1, A2 and A3 will consist of 3 no. six storey buildings (c. 30.05m OD to roof level with an overall height of c. 33.90 OD to include lift overrun) comprising 195 no. residential units (5 no. 1-bed apartment, 162 no. 2-bed apartments, and 28 no. 3-bed apartments) at first to fifth floor level, c.1,585 sq.m. of commercial floor area at ground floor level comprising a convenience outlet (c. 493sq.m.), cafe (c. 200sq.m.), 4 no. retail units (c. 88sq.m., 99sq.m., 99 sq.m. and 90sq.m.), a crèche (c. 516sq.m.) with outdoor play area (c. 183sq.m.) and shared car park also at ground floor level with two associated communal courtyard areas at first floor level above a podium.

Block B1 will consist of a four storey building over basement car park (c. 21.6m OD to roof level with an overall height of c. 25m OD to include lift overrun) comprising 82 no. residential units (3 no. 1-bed apartments, 75 no. 2-bed apartments, and 4 no. 3-bed apartments); Blocks B1 and B2 include a shared central communal courtyard area over a shared basement car park and a community room (c. 78sq.m.) in the entrance pavilion to the basement.

Block B2 will consist of 3 no. three storey terraces over basement car park comprising 24 no.

residential units (12 no. own door 2-bed apartments and 12 no. own door 2-bed duplex apartments).

Block B3 will consist of 1 no. two storey terrace and 3 no. three storey terraces comprising 32 no. residential units (11 no. 3-bed terraced houses and 21 no. 4-bed terraced houses).

Block B4 will consist of 2 no. two storey terraces and 1 no. three storey terrace comprising 25 no. residential units (16 no. 3-bed terraced houses and 9 no. 4-bed terraced houses).

Block C1 will consist of 3 no. three storey terraces comprising 32 no. residential units (16 no. 2-bed own door apartments and 16 no. 2-bed own door duplex apartments).

Block C2 will consist of 1 no. two storey terrace and 2 no. three storey terraces comprising 35 no. residential units (9 no. 2-bed own door apartments, 9 no. 2-bed own door duplex apartments, 10 no. 3-bed terraced houses and 7 no. 4-bed terraced houses).

Block C3 will consist of 1 no. two storey terrace and 2 no. three storey terraces comprising 29 no. residential units (11 no. 3-bed houses and 18 no. 4-bed houses).

Block C4 will consist of 2 no. two storey terraces and 2 no. three storey terraces comprising 47 no. residential units (5 no. 1-bed own door apartments, 2 no. 2-bed own door apartments, 5 no. 2-bed own door duplex apartments, 2 no. 3-bed own door duplex apartments, 24 no. 3-bed terraced houses and 9 no. 4-bed terraced houses).

Block C5 will consist of 2 no. two storey terraces and 2 no. three storey terraces comprising 37 no. residential units (5 no. 1-bed own door apartments, 2 no. 2-bed own door apartments, 5 no. 2-bed own door duplex apartments, 2 no. 3-bed own door duplex apartments, 14 no. 3-bed terraced houses, and 9 no. 4-bed terraced houses).

Block D1 will consist of 12 no. two storey 3-bed semi-detached houses.

All apartments and duplex apartments have private terraces or balconies and private communal amenity areas. The proposed development will also include 896 no. residential (including visitor) car parking spaces, 62 no. commercial car parking spaces, 551 no. residential bicycle spaces and 13 no. commercial bicycle spaces; pedestrian, vehicular and bicycle access will be via the existing Longfield Road and Red Arches Road and the proposed internal road

network comprising Stapolin Avenue, Ireland's Eye Avenue and smaller access roads; construction access will be via existing haul road from the Coast Road; landscaping works including Stapolin Square (c. 0.4ha) which will provide access to Clongriffin Train Station via a series of terraces, steps and slopes, a range of public open spaces including pocket parks and amenity spaces, the largest of which will be Stapolin Haggard (c. 1.57ha); public lighting; a wetland area (c. 0.4ha.) for water quality treatment associated with the proposed development; all associated ancillary facilities including 8 no. ESB substations, switch rooms, refuse storage, water storage tanks and plant; and all associated site development works including the removal of existing roads and infrastructure where required and demolition of existing temporary lift and stair enclosure and associated infrastructure to Clongriffin Train Station. The subject site of C 15.89ha comprised Growth Area 1 of the Baldoyle-Stapolin Local Area Plan 2013-2019. This application is accompanied by an Environmental Impact Statement (E.I.S.)

Remarks: Additional Information Response lodged 27th March 2017. Decision due 18th May 2017

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL 2017

ITEM NO 24

RIGHT OF WAY - CAREY'S LANE STREAMSTOWN MALAHIDE – UPDATE

It was agreed at a previous meeting of this Committee that a report would be brought back on the effect of Section 207 of the Planning and Development Acts 2000-2015 on the right of way at Carey's Lane Streamstown Malahide.

As was highlighted previously the location is a 200 metre long strip of land has evidence of use by pedestrians. The entrance is blocked by large concrete bollards with a gate while at the far end there is a locked gate with a "drop" steel bollard. There is a gap at the side of this gate which exits into Abington Estate. There is evidence of use by pedestrians at this end on the lane, but not as to the extent, manner and period of usage of the access at this location. The land in question is not in the ownership of this Council and as far as the Council is aware the lands are in fact unregistered. What is contended is that there is an established right of way over Carey's Lane Streamstown, Malahide. In that regard it has been represented that individuals wish to exercise this right, and apply for registration of that right in the PRAI.

Section 207 of the Planning Act 2000-2015 permits a planning authority to make an order creating a public right of way, where it appears that there is a need for a public right of way over any land. In that context it cannot be said that there is a need for the creation of such a right where it claimed that there is an established right of way and to embark on that process could defeat the existing rights accrued by members of the public utilising the right of way. Furthermore this could have a negative impact on the registration of such rights as may have been applied for by such individuals and the costs incurred in making such application.

Whilst it is contended that a public right of way exist over the lane public rights of way must distinguish from private rights of way, albeit there are areas of similarity and cross-influence. The private right arises in a more limited and defined manner as to the extent, nature and purpose of the right and is dependent on the means by which the right is created. e.g. a deed, if one exists, will set out the terms and the benefit of the private right which will only be for property in whose favour the right was created. A public right of way is available to every member of the public and not limited a particular section of the public, is not dependent on any interest in land, will be over a defined route and be used "as of right".

It is well established that nobody other than the Attorney General can bring civil proceedings to enforce a public right.¹ Further where the Attorney General enforces a public right and succeeds, the resulting declaration is good as against the whole world as set out in the Walsh judgement. This is in contrast a personal right attached to a specific person and binds only the litigants in the action. An

individual could assert a public right if it can be shown that he has concern particular to himself and to rely on damage to him which is greater than to the general public or where that individual as a user of right is sued for trespass and raises the right as a defence. However if successful the decision is binding only on the parties to the proceedings. Statutory functions conferred upon a local authority do not displace that of the Attorney General and the established procedure is to apply to the Attorney General for consent to bring the action

Jurisdiction to assert or protect public rights of way is conferred on the Attorney General by way of the Ministers and Secretaries Act 1924. Where a member of the public wishes to enforce a public right of way the appropriate procedure would be to apply to the Attorney General to join in legal proceedings for the purpose of enforcing the public right of way. An individual would be required to establish as a matter of fact the existence of an established right of way and its nature at this location and to indicate the nature and strength of evidence in support of the public right alleged to have been infringed. Amongst other matters to be considered, regard would be had as to the rights which are alleged to be infringed the extent of the infringement, the consequences to the public, the strength of the case both legal and evidential and costs. Further information and documentation may be required to determine the application and any consent will be subject to conditions. Where consent is granted, the Attorney General becomes the plaintiff and in charge of the conduct of the case but the invariable practice is that the case will be handled by the individual's solicitor once the Attorney General is satisfied as to the basis and manner of the action. Members of the public are required to obtain their legal advice should they wish to enforce public rights.

ⁱ Moore and others –v- Attorney General and others [1930] IR 471; The Incorporated Law Society of Ireland –v- Carroll [1995] 3 IR 145; Walsh –v- Sligo County Council [2013] IR 417

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

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ITEM NO 25

Marketing Suite at Racecourse Park Baldoyle

At the February Area Committee Meeting members requested an update report on the acquisition of the Marketing Suite at Racecourse Park Baldoyle and a report on what options were available to the Council to expedite this transfer. As was reported previously the Council has been making every effort to complete this acquisition, however the delay lies with the property owner. The following report sets out the up to date position with regard to trying to resolve this matter.

Enforcement

Planning Permission F08A/0854 was granted on the 9th October 2008 for the retention and continued temporary use of permitted changing rooms and associated car parking as a marketing suite for a period of 5 years. Temporary permission was previously granted under Reg. Ref. F05A/0108.

On the 6th April 2011 agreed a motion requesting the Council enter into negotiations with the developers of The Coast, Baldoyle with a view to achieving an immediate transfer of the Marketing Suite building for local sports club use and particularly to meet the needs of Na Dubh Ghall GAA Club. This motion was agreed by the Members. The temporary retention planning permission expired in October 2013.

At the Area Meeting on the 8th January 2014 the committee were advised that the developer had agreed to made arrangements for the transfer of the Marketing Suite to the Council and discussions were on-going and in the circumstances enforcement action was not deemed necessary.

This permission expired over three years ago and up to now no enforcement action has been initiated as the Council were in negotiations to secure the transfer of this property.

The Enforcement Department have never been requested to take action in relation to condition number 2 of F08A/0108 which expired in 2013 and to do so now, taking into account that the developer in question is in receivership, would likely be a long and protracted process with little certainty on the ultimate outcome. The considered view of the Planning Enforcement Section is that the appropriate course to take would be to arrange the transfer of this property by agreement.

Marketing Suite Building Survey

The building as Members will be aware has been the target of vandals over the last number of years despite the best efforts of the owners to secure the property. The Council's Architects Department carried out a recent inspection of the property to ascertain its condition. Following this preliminary assessment the decision was taken to engage a specialist structural engineer given the concerns identified in this preliminary inspection as to the buildings structural integrity and safety. This report is awaited however, the Consultant Engineers Fitzsimons Doyle and Associates in their interim assessment have stated that the structure could be rehabilitated for reuse. The structural frame of the building retains integrity despite evidence of extensive fire damage in the building. They have noted that the building would require a complete strip back to the structural frame involving significant demolition and clearance works. A complete replacement of electrical, water and heating systems is required. It can be assumed that the fabric is not in compliance with recent building regulations especially in relation to Conservation of Fuel and Energy Part L. The cost of providing a functional building will be determined by extensive upgrades to the exterior envelope, a reconfigured interior layout and services fit out, and upgrades to achieve a level of compliance with updated building regulations and BCAR.

Community

It should be noted that the Community Development Officers are in contact with a number of groups from the Baldoyle area that have expressed interest in using the property. However, until such time as an assessment of the condition of the building is completed and the cost and time line for any works is available a community consultation would be premature. As soon as the acquisition is complete and the required information available the Community Department will undertake a community consultation and an expression of interest process.

Legal Position

The Council's Law Agent has been in regular correspondence with solicitors acting on behalf of the receivers on this matter. Members will be aware the previous offer from the developer involved the building and a cash sum to carry

out remedial works required to bring it into use. In light of the damage that has been done to the building and without the benefit of the detailed structural survey it is considered that the financial offer would not be adequate to carry out the necessary remedial works. A meeting took place in Blanchardstown with all the various parties and the relevant Council staff early in March. This was to progress this matter and other related development issues. It should be noted that the Council has at all times linked this proposal with compliance matters at another development being carried out by this developer. The matter of the release of funds and handover is further complicated by the developer's requirement to get approval from the Board of NAMA to any final agreement. Prior to the March meeting the Council indicated that an alternative proposal could be made by the Developer in lieu of the cash sum previously agreed. That proposal has since been received and involves the provision of a house in lieu of the cash sum. The Council's Housing Department is currently assessing the condition of the proposed property before final consideration is made on its acceptability or adequacy.

The matter is still not concluded and there are a number of issues still outstanding which can only be resolved when the condition survey on the marketing suite building is completed and also the assessment of the Council's Housing Department on the condition of the house offered by the developer. Members will continue to be updated on this matter over the coming weeks and months.

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL 2017

ITEM NO. 33

ENFORCEMENT PROCEEDINGS

Motion: Councillor E. O'Brien

“That the Chief Executive report on enforcement proceedings regarding the former agricultural shed on Kinsealy Lane currently being used for car sales and servicing and outline the timeline for the conclusion of same.”

Report:

A Warning Letter issued to the owners of this property in June 2016 pursuant to Section 152 of the Planning and Development Act 2000, as amended. Submissions were received on behalf of Malahide Motors who are operating from this location. All matters raised by the complainants and the respondents submissions have been considered by the Enforcement Section. An inspection was carried out on the 19th January 2017 by the Planning Inspector who recommended that an Enforcement Notice be issued and this recommendation was endorsed by the Senior Executive Planner. An Enforcement Notice issued on the 8th February 2017 and the owners / occupiers of this property have two months to comply with the notice.

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL, 2017

ITEM NO. 34

STATION ROAD PORTMARNOCK

Motion: Councillor D. Healy

“That the Chief Executive report on the intended final design of Station Road Portmarnock including how pedestrians and cyclists will use the redesigned Road and how it will link to Portmarnock Village and the Baldoyle-Portmarnock Greenway, and indicate how the work to the road included in the current planning permission near the station fits into the overall intended final design.”

Report:

Station Road Portmarnock is a County Road, which is intended to cater for local trips, as opposed to a Regional Road which would have a more strategic function. Strategic East-West movements are catered for on the Mayne Road, which is a Regional Road (R123). While the Mayne Road currently has a low bridge, an upgrade of Mayne Road is identified in both the current, and the recently adopted, County Development Plans.

The intended final design of Station Road east of the railway bridge is a 5.5m - 6m carriageway, 1.5m off-road cycle lane each side, and 1.5m footpath each side. This will be sufficient for motorised vehicles, bicycles, and pedestrians. The design of Station Road to the west of the railway bridge has not been decided. It should be noted that cycling catchment and the cycle parking in the railway station are on the east side of the railway. Consequently, the demand for cycling facilities to the west of the railway will be less than the demand to the east.

The current planning permission for 102 dwellings (F13A/0248) is the first part of the development of the lands covered by the Portmarnock LAP. The LAP includes “indicative priority ped/cycle routes” along Station Road, and through the development to Mayne Road, and to the Coast Road towards Baldoyle. The current permission includes various cycle paths: along its Spine Road, adjacent

to the railway line, and along Station Road. The details of the tie-ins to adjacent cycle routes / greenways is a matter for detailed design. The cycle path along Station Road will be off-road. The existing development at The Links includes an off-road cycle path along its frontage.

In summary, the intended design for Station Road is to provide off-road cycle paths and footpaths along Station Road east of the railway bridge. The current permission, and future permissions under the Portmarnock LAP, will link in to Portmarnock Village and the Portmarnock-Baldoyle Greenway, subject to detailed design.

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5th APRIL 2017

ITEM NO. 35

BAILEY COURT HOTEL

Motion: Councillor C. O'Callaghan - Bailey Court Hotel.

“That the Chief Executive take effective action under the Derelict Sites Act and Sanitary Services Act with respect to the former Bailey Court Hotel, Main Street, Howth and place the building on the derelict sites register.”

Report:

The Bailey Court Hotel site has been monitored by the Council since 2011. There have been a number of instances when the site has become unsightly due to litter, debris, hoardings coming loose and rubbish. Once the ownership of the property was established letters were sent to the registered owners stating that the Council viewed the lands as being in breach of the Derelict Sites Act 1990 and requiring that the site be restored to a non-derelict state.

In all cases the registered owners have taken action and the site has been cleaned up to the satisfaction of the Council and the site has been deemed not derelict within the meaning of the Derelict Sites Act 1990. Consequently the property has not been entered onto the Derelict Sites Register.

The site is also the subject of planning permission F15A/0072 granted on 25th May 2015. This is an amendment to F13A/0110 which was granted on appeal by An Bord Pleanála on 25th February 2014.

A recent inspection on the 27th March 2017 revealed that the situation remains unchanged and in addition the front of the building has been repainted.

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

MEETING OF HOWTH/MALAHIDE AREA COMMITTEE
(SERVICES B – STRATEGIC AND GENERAL MATTERS)

Wednesday, 5th April 2017

PROVISION OF CCTV FOR MALAHIDE

Item No. 36

Motion: Councillor A. Lavin – Provision of CCTV for Malahide

“That the Chief Executive will engage with the Department of Justice to apply for funding to assist in the provision of a CCTV system to help improve security in the centre of Malahide.

Report:

A working group has been established by the Joint Policing Committee to review current arrangements and recent Government proposals.

A meeting of the Working Group is scheduled to take place shortly to agree terms of reference and set out a programme to make recommendations to the JPC on the issues involved in any provision of CCTV in the County.

The initial focus of the Working Group will be an assessment of the current Pilot Project in Corduff, Dublin 15.”

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL 2017

ITEM NO. 37

EDROS SITE, HOWTH

Motion: Councillor D. Ní Laoi

“That the Chief Executive inspect the old Edros site in Howth with a view to taking action under the Derelict Sites Act.”

Report:

A recent inspection of the lands and buildings at the Edros site revealed that the site is overgrown and there is graffiti on the building.

A Warning Letter has been issued to the owners of the site requesting them to remove the weeds from the site and the graffiti from the building. They have also been requested to keep the site in a clean and tidy condition at all times.

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5th APRIL 2017

ITEM NO. 38

STRUCTURE OUTSIDE DONNYBROOK FAIR

Motion: Councillor E. O'Brien - Structure outside Donnybrook Fair
Planning Compliant.

"That the Chief Executive report on whether the structure enclosing the outdoor area of Donnybrook Fair, Malahide is planning compliant."

Report:

The Enforcement Section received a complaint in relation to the structure enclosing the outdoor area of Donnybrook Fair, Malahide on the 14th February 2017. Donnybrook Fair Ltd was issued with a Warning Letter, under Section 152 of the Planning & Development Act 2000, as amended on the 15th February 2017. No reply or submission has been received in relation to the Warning Letter issued. This file has now been given to the Planning Inspector to carry out a site inspection. This matter will be further investigated and you will be informed of the outcome in due course.

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL, 2017

ITEM NO 39

FEASIBILITY STUDY ON CYCLE ROUTES TO KINSEALY

Motion: Councillor D. Healy

“That in light of the NTA’s indicated interest in funding a feasibility study into the proposed cycle routes to Kinsealy from Portmarnock, Kettle’s Lane, and Balgriffin, the Chief Executive bring forward draft terms of reference for such a study for discussion at the Area Committee.”

Report:

The Council is currently seeking expressions of interest from firms of Consulting Engineers to carry out various design tasks.

It is anticipated that the successful panel of firms will be in place in approximately five months.

Should funding for the tasks sought within this motion be available, the panel will be asked to submit a quotation for the work and the successful firm will be asked to carry out the requested feasibility studies.

The terms of reference for the requested study will be prepared at a time closer to the formation of the panel.

Agenda Item 40

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY 5TH APRIL, 2017

ITEM NO. 40

TREE REMOVAL

Motion: Councillor C. O'Callaghan

"That the Chief Executive provide a detailed update on the revised plans for tree removal and tree replacement at the Coast, Baldoyle and report on any changes that the Council are seeking to the landscaping plan that formed part of the conditions of the original planning permissions for the estate."

Report:

A meeting was held with residents from The Coast, Baldoyle in February to discuss proposed tree removal from the open space at Myrtle and grass margins in Red Arches estate.

The number and location of these trees which are proposed to be removed in The Coast, Baldoyle are as follows:

No. of trees to be removed	Location	Estate
3 out of a total of 14 street trees	Cul de sac with Houses 54-57, Red Arches Road	Red Arches
8 out of a total of 20 street trees	Cul de sac with Houses 37-43, Red Arches Road	Red Arches
9 out of a total of 30 street trees	Red Arches Road	Red Arches
13 of out of total of 151 street trees	Red Arches Road	Red Arches

The trees which were ear marked for removal on the large open space in Myrtle have been excluded from this list, as the removal of trees from open spaces is not permitted during the nesting season in accordance with the Wildlife Act. (The Wildlife Act prohibits the cutting of vegetation on uncultivated land between March 1st and August 31st. The National Parks and Wildlife service has informed the Council that it will accept that street trees are cultivated.)

There are two diseased Ash trees on an area of open space opposite Stapolin Avenue. It is proposed to reduce the height of these two trees in order to make them safe. This will be subject to an inspection by the developer's arborist.

In order to compensate for the loss of these trees, an area in the Racecourse Park has been identified for the planting of c. 50 trees in the next planting season.

In relation to the landscape plans which were submitted as part of the original planning permission, the applicant did not provide an acceptable compliance submission in relation landscaping of the site.

COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

HOWTH/MALAHIDE AREA COMMITTEE MEETING
(Services B – Strategic & General Matters)

WEDNESDAY

ITEM NO. 41

UPGRADE SWORDS RD MALAHIDE. AI036610

Motion: Councillor Anthony Lavin

“That the Chief Executive will upgrade the busy Malahide Swords Road from Estuary Road to Waterside, with proper footpaths and cycle ways.”

Report:

Works to upgrade the Malahide Swords Road are not part of the Capital Works Program for 2017. Subject to funding the works may form part of the 2018 Capital Works Program.

