

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 1 - DISPOSAL

Motion: Councillor J. Guerin

"It is proposed that this Council agrees to the agenda item regarding the proposed disposal of lands at Ballymastone to Glenveagh Living as per the draft development agreement reached between both parties so that the planning and construction of 1200 much needed residential units can commence without further delay."

Report:

Fingal County Council supports the motion to agree the disposal of Council lands at Ballymastone, Donabate to Glenveagh Living Ltd. in accordance with the terms and conditions set out in the Section 183 and the Development Agreement.

This local authority driven project will deliver a sustainable mixed tenure housing development in Ballymastone which is integrated with the existing village of Donabate and provides an exemplar sustainable housing development in tandem with the community, recreational and educational facilities. The development of the land will be delivered by Glenveagh Living Ltd. on behalf of Fingal County Council.

The Council established the vision for the development and defined the parameters and constraints for the project to ensure that the Council Executive maintains a strong level of oversight and control over the development of the site. The Council commenced a rigorous public procurement process in 2018 to secure a high-quality residential development that fully meets the Council's stated policy objectives, which are:

- the delivery of homes of the right type, quality and cost at the right locations to address housing supply demands
- to leverage the value of the Council's land to provide homes at affordable prices in order to address the issue of housing affordability in the market
- to provide First Time Buyers with an opportunity to purchase a home at an affordable price
- to secure the sustainability of the development with a mixed tenure approach to support strong social integration and cohesion

The two and a half year procurement process, followed best practice and had the advice of expert procurement, legal and financial advisors from specialist advisors that the Council engaged and from the National Development Finance Agency (NDFA) in a process which adhered to all EU, national and Council procurement and statutory requirements. The Council now has a 1,194 housing scheme which, subject to planning, could realise the delivery of the first phase of mixed tenure housing in 2022 and substantially alleviate the housing crisis in both the short and medium term.

Recommendation:

Accept the motion.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

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ITEM 2 – GREEN INFRASTRUCTURE

Motion: Councillor J. Newman

"That the green infrastructure of trees and Hedgerows to be retained at Ballymastone lands be conditioned in any contracts or dealings in relation to the transfer of council lands to Glenveagh Investments."

Report:

The Local Area Plan for Donabate recognises the importance of trees and hedgerows in the area. The retention of trees and hedgerows is critical in protecting the positive attributes of landscape character and heritage features of the plan lands. It is an objective of the LAP to ensure existing trees and hedgerows are preserved and incorporated into the design of future development schemes.

In relation to the subject site, surveys of all trees and hedgerows on the landbank has been carried out by qualified arborist and reviewed by the Parks and Green Infrastructure Section. This information drove the design process and was integrated into the landscape led masterplanning process to ensure retention of 79% of existing trees and hedgerows. These hedgerows, including the treeline adjacent to Priory Woods are integrated into ecological corridors and linear open space which are linked through the character areas and are supported by the strong suite of landscape protection objectives within the Donabate LAP for protection of existing trees/hedgerows which shall be complied with in any future planning application on the lands.

Recommendation:

No change required.

**COMHAIRLE CONTAE FHINE GALL
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ITEM 3 – GREEN INFRASTRUCTURE BOND

Motion: Councillor J. Newman

“That any Green Infrastructure conditioned to be retained at the Ballymastone Lands be assessed and valued to establish a specific bond that should be applied to this development.

The reason for this specific bond is to act as a deterrent and protect our valuable green assets, a substantial bond should be sought to compensate the council should these assets be deliberately removed or accidentally destroyed by the developer or their agents.”

Report:

The Local Area Plan for Donabate recognises the importance of trees and hedgerows in the area. The retention of trees and hedgerows is critical in protecting the positive attributes of landscape character and heritage features of the plan lands. It is an objective of the LAP to ensure existing trees and hedgerows are preserved and incorporated into the design of future development schemes.

Where significant trees and hedgerows are to be retained, the Council may require a developer to lodge a tree bond to cover any damage caused to them either accidentally or otherwise as a result of non-compliance with agreed / specified on site tree-protection measures.

The requirement for a bond of this kind is assessed during the planning consent process.

Recommendation:

No change.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

SPECIAL COUNCIL MEETING

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ITEM 4 – TRANSPORT ROUTE

Motion: Councillor J. Newman

"That the lands proposed to be transferred to Glenveagh Investments should not compromise a route for a sustainable mode of transport that will be required to serve Donabate into the future, and that the route of a mode of transport such as a metro link extension to Lissenhall should be given due consideration in this regard."

Report:

The Development Plan and Donabate Local Area Plan recognise the importance of sustainable transport options within and to Donabate.

For example, Objective DONABATE 6 captures and supports a public transport connection to Donabate.

Objective DONABATE 6

Promote and facilitate the development of a shuttle bus service linking Donabate and Portrane to Donabate Railway Station to the commuter bus services in Swords and to the indicative route for new Metro North.

Furthermore, the intention to make provision for a public transport reservation from Lissenhall to Donabate is considered to be a positive proposal. However, until sufficient analysis has been carried out in relation to the optimum route, it is inappropriate to specify a location and alignment of the same. Nevertheless, Objective MT 26 of the Development Plan states:

Support TII and the NTA in a possible future extension of the proposed new Metro North finishing point to connect with the Northern Line in Donabate, with a view to securing permission from An Bord Pleanála.

It is considered these objectives adequately encompass and advocate for the provision of all sustainable modes of transport to serve Donabate into the future.

Recommendation:

No change.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

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ITEM 5 – DEVELOPMENT AGREEMENT

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

"That the Chief Executive call on the members in the first instance to fully recognise the enormous work on Project Talamh over many years by Fingal County Council led by our Planning & Strategic Infrastructure team with significant inputs from our Housing Department, Architects Department, Economic Department, Parks & Open Space and for the members to fully support this Fingal County Council led partnership and Development agreement with Glenveagh Housing that will ultimately deliver a high quality mixed tenure housing scheme (20% Social, 20% Affordable Purchase 60% Private) that will be underpinned by critical, physical and social infrastructure including the delivery of the Ballymastone Sport and Recreational Campus in phase one. For the Chief Executive to confirm this Development agreement before us this evening will be in full compliance with the Donabate Local Area Plan, commit to the delivery of these homes with a sustainable phased approach of up to 10-12 years for completion and at a density of between 35-45DPH. Most importantly from beginning to end this Local Authority and community focused Project Talamh project in agreeing to this Section 183 land disposal at Ballymastone, Donabate at this evening's special meeting of Fingal County Council will be both led and overseen at all times by Fingal County Council in partnership with Glenveagh Housing."

Report:

Fingal County Council supports the motion to agree the disposal of Council lands at Ballymastone, Donabate to Glenveagh Living Ltd. in accordance with the terms and conditions set out in the Section 183 and the Development Agreement.

This local authority driven project will deliver a sustainable mixed tenure housing development in Ballymastone which is integrated with the existing village of Donabate and provides an exemplar sustainable housing development in tandem with the

community, recreational and educational facilities. The development of the land will be delivered by Glenveagh Living Ltd. on behalf of Fingal County Council.

The Council established the vision for the development and defined the parameters and constraints for the project to ensure that the Council Executive maintains a strong level of oversight and control over the development of the site. The Council commenced a rigorous public procurement process in 2018 to secure a high-quality residential development that fully meets the Council's stated policy objectives, which are:

- the delivery of homes of the right type, quality and cost at the right locations to address housing supply demands
- to leverage the value of the Council's land to provide homes at affordable prices in order to address the issue of housing affordability in the market
- to provide First Time Buyers with an opportunity to purchase a home at an affordable price
- to secure the sustainability of the development with a mixed tenure approach to support strong social integration and cohesion

The two and a half year procurement process, followed best practice and had the advice of expert procurement, legal and financial advisors from specialist advisors that the Council engaged and from the National Development Finance Agency (NDFA) in a process which adhered to all EU, national and Council procurement and statutory requirements. The Council now has a 1,194 housing scheme which, subject to planning, could realise the delivery of the first phase of mixed tenure housing in 2022 and substantially alleviate the housing crisis in both the short and medium term.

The project has met all the requirements of the Public Spending Code, including the requirement for robust governance structures, in the form of the Project Talamh Steering Group chaired by the Chief Executive with representatives from the NDFA and the Department of Housing, Planning & Local Government on the Steering Group. The Governance and Oversight structures were designed to safeguard public monies and achieve value for money for the taxpayer. Such value for money protections for the Council are included in the binding legal contract with Glenveagh Living Ltd.

In addition, provision has been made in the Development Agreement for the Developer to report directly to the Council Executive on the progress of the project and for there to be bi-annual meetings between Fingal County Council and Glenveagh Living Ltd. for oversight purposes.

The Council confirms that Glenveagh Living Ltd.'s development proposals for the Council's lands at Ballymastone are in compliance with the Donabate Local Area Plan and the County Development Plan and that the delivery of the homes will be on a

phased basis over the term of the Development Agreement which is 10 years with an option for the contract to be extended.

Recommendation:

Accept the motion.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

SPECIAL COUNCIL MEETING

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ITEM 6 - APPRENTICESHIPS

Motion: Councillor J. Humphreys

"Considering Fingal Skills Strategy was published in 2019 and highlighted that the construction industry should invest in more apprenticeships to provide skilled trades people. Fingal County Council is committed to working with the developer to ensure apprenticeship opportunities are available to Fingal residents."

Report:

The Fingal Skills Strategy was launched in February 2019 and seeks to identify gaps between the skills of Fingal's workforce and the skills that employers need. The Strategy sets out specific actions such as developing new training courses, increasing course provision, and building relationships and links with employers, educational institutions and other stakeholders.

In order to ensure the execution of the Fingal Skills Strategy, an Implementation Group has been established which is currently reviewing the recommendations and preparing an Action Plan with sectoral stakeholders to address existing and new skills gaps which have been identified post-Covid. The Implementation Group is liaising with the Dublin Regional Skills Forum, a variety of Sectoral Interests and Educational Stakeholders to identify and progress appropriate measures to promote apprenticeships in Fingal.

The Fingal Skills Strategy Implementation Group is the most appropriate forum to advance apprenticeship opportunities in Fingal and the Council will extend an invitation to Glenveagh Living Ltd. to participate in the Implementation Group to represent the interests of the Construction Sector.

Separately, it should be noted that it is not permissible under EU law for the Council to require the developer to provide apprenticeship opportunities limited to Fingal residents. However, Glenveagh is an Irish House Builder, which encourages people consider their long-term career within the company. The company actively creates a team environment that allows people to stay and grow their careers with them. It is

expected that 450 people will be employed locally as a direct result of the proposed development.

Recommendation:

No change required.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

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ITEM 7 - BULK SALE TO REAL ESTATE INVESTMENT TRUST (REIT)

Motion: Councillor P. Mulville

"That the Proposed disposal of land at Ballymastone, Donabate, Co. Dublin to Glenveagh Living Ltd. be amended so as to include the following term / condition:

"The developer shall not enter into any agreement with a Real Estate Investment Trust (REIT) or group REIT or similar company for the bulk sale of any of the 60% private units.""

Report:

The Chief Executive understands that the imposition by the Council of such a substantial modification to the advertised contract would not be permitted under Irish and EU Public Procurement Rules and would require the Council to abandon the current procurement competition and conduct a new competition.

It is important to state, the overriding objective of Fingal County Council with respect of this project is to provide homes of the right type, quality, and cost, in line with the current and future needs of the population to ensure Fingal remains an attractive location to live and to help ease affordability pressures.

While, it is not within the remit of the Council to give the undertaking outlined above discussions with the developer have been ongoing and as a result, the developer has committed to the Council that no houses/duplexes in the 60% private element shall be sold to institutional investors and in this regard Glenveagh Living Ltd. has provided a letter to Fingal County Council which provides a legally binding undertaking that they will not sell houses or duplexes in the private housing element of the development to institutional investors.

The bulk purchase of residential units to institutional investors is a national issue which has recently been regulated by the Government through the new Section 28 Ministerial Guidelines and the introduction of 10% stamp duty to the purchase of the 10th unit.

Recommendation:

No change required.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

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ITEM 8 – PLANNING APPLICATION

Motion: Councillor P. Mulville

"That the Proposed disposal of land at Ballymastone, Donabate, Co. Dublin to Glenveagh Living Ltd. be amended so as amend term / condition 8 will read:

"8. The Developer shall lodge a Planning Application directly to Fingal County Council, and not to An Bord Pleanála under the Strategic Housing Development (SHD) process, or its successor, in accordance with the Development Agreement, and which planning application must be strictly in line with the site specific Housing & Infrastructural Phasing requirements as set out in the local area plan for lands at Donabate 2016, and use all reasonable endeavours to secure planning permission as soon as is practicable."

Report:

The planning consent process is legislated for at a national level. Accordingly, the Minister for Housing, Local Government and Heritage has responsibility for the overall development of national planning policy and legislation. The Planning and Development Act 2000 (as amended) forms the legal foundation for planning in Ireland.

The Act outlines each planning consent process and how they are assessed (i.e. Part VIII, Strategic Infrastructure Development, Section 34 permissions, Strategic Housing Development, etc). Under current legislation any proposal for the development of over 100 units must be submitted to An Bord Pleanála, as per the Strategic Housing Development (SHD) system.

To request the developer only make applications which fall outside the SHD process, would have a significant impact on the phasing and delivery of the development and may be impracticable. This could negatively impact the timeline for the supply of social housing, affordable housing, community facilities and open spaces.

To insert a provision in the Development Agreement requiring the developer to breach the provisions of the Planning Acts could render the Development Agreement void.

Furthermore, this request is unlikely to be favourable considered by the preferred tender and may result in the collapse of the procurement competition.

Recommendation:

No change.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 9 - PUBLIC ACCESS TO BALLYMASTONE LANDS

Motion: Councillor P. Mulville

"That the Proposed disposal of land at Ballymastone, Donabate, Co. Dublin to Glenveagh Living Ltd. be amended so as to include the following term / condition:

"The developer will maintain public access across the Ballymastone lands for recreational use by walkers, along the established walking trails, until construction commences in each character area/ phase.""

Report:

Permeability through and within the Ballymastone lands is a key tenet of the development proposal and Fingal's approach to residential developments across the County. Section 3.5.3 of the Donabate Local Area Plan specifically deals with the concept of Permeability and Legibility and outlines in relation to the Ballymastone area: *The Ballymastone lands will evolve to connect coherently to existing and proposed road infrastructure in the vicinity. Connections will be required between residential areas and the proposed Educational and Recreational Campus including a new Campus Link Road from the west. Street networks that are orthogonal in nature are the most effective in terms of permeability and legibility. Important strategic pedestrian and cycleway connections will be necessary from Ballymastone eastwards to St. Ita's Demesne and westwards to the Spires estate to maximise permeability to the Village.*

During construction, access over the Ballymastone lands for recreational use can be addressed by way of the Development's Construction Management Plan associated with the planning permission. We recognise the strong desire lines between Donabate Village and the Recreational Hub and ensure access across the lands, insofar as possible, during construction. Temporary access routes may be required. The biannual oversight meetings will be the appropriate forum to discuss and agree this issue, if it arises, accordingly, no change is recommended at this point.

Recommendation:

No change required.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

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TUESDAY, 25TH MAY 2021

**ITEM 10 - REPORTING TO LOCAL COUNCILLORS/
DONABATE PORTRANE LIAISON GROUP**

Motion: Councillor P. Mulville

"That the Proposed disposal of land at Ballymastone, Donabate, Co. Dublin to Glenveagh Living Ltd. be amended so as to include the following term / condition:

"The developer will provide quarterly progress reports for local area councillors and the Donabate Portrane Liaison group following agreement of the section 183 disposal."

Report:

The Development Agreement on the Ballymastone Project requires the successful tenderer to report regularly and directly to the Council Executive on the progress of the project over the term of the Development Agreement. The developer is required to submit monthly reports over the term of the project, including progress, Health & Safety, & Assigned Certifier reports.

The Chief Executive will report regularly to the Members and relevant stakeholders on the project as necessary and as the key milestones are reached. The appropriate mechanisms for engagement will also be determined as part of the development management process and the construction management plan.

Furthermore, on a biannual basis Council Officials will meet formally with Glenveagh Living Ltd. to review and discuss the progress of the project.

Recommendation:

No change required.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 11 - MANAGEMENT OF SOCIAL HOUSING

Motion: Councillor P. Mulville

“That the 20% social housing units to be provided as part of the Ballymastone development will be direct council housing owned and managed by the Council’s Housing Department, and not by an Approved Housing Body or similar, nor via utilising the Government’s Enhanced Long Term Social Housing Leasing Scheme.”

Report:

The Approved Housing Body (AHB) sector bring specialist experience, skills and supports to the provision of housing for people with particular needs, for example older persons and those with additional needs. The Rebuilding Ireland Action Plan identifies AHB’s as key delivery partners with local authorities in the delivery of new social housing. The Council will continue to work in partnership with AHB’s where appropriate to deliver social housing projects across the county in accordance with Government Housing Policy.

The social housing dwellings to be provided in the Ballymastone development will be acquired from the developer and will not be leased under any of the leasing schemes.

Recommendation:

No change.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

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ITEM 12 - ROAD FROM LINKS ESTATE

Motion: Councillor P. Mulville

"That the road extending from the Links estate through the Ballymastone lands and on towards the Corballis/Balcarrick/ New Road will be a cycle/pedestrian road only."

Report:

It is noted that the relevant area identified is outside of the red line boundary for the land disposal and cannot be considered within this process.

Movement to and around Donabate was a key consideration in the formulation of the Donabate LAP. Section 3.0 of the LAP, Movement and Transport Strategy, outlines the need for street network which is simple in structure (more legible) and with high levels of connectivity (more permeable), thus reducing travel distances. Section 8.2.3 specifically identifies vehicular access from the Links Access Road southwards and eastwards into the Ballymastone Lands. Streets such as these will play a major role in terms of access and circulation and will connect residential neighbourhoods to local community services (schools, village centre, rail station, recreational facilities) in the Donabate area. It is an objective of the LAP to implement a new standard of design that creates safe, legible and attractive streets which enhance sense of place.

Recommendation:

No change.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

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ITEM 13 - COST / AFFORDABLE RENTAL

Motion: Councillor P. Mulville

"That any future cost / affordable rental homes to be provided as part of the Ballymastone development must be not-for-profit cost / affordable rental."

Report:

A cost rental scheme provides for tenants to pay rent that covers the costs of delivering, managing and maintaining the property only. The Affordable Housing Bill 2021 provides the statutory legislative and policy framework for the provision of a national cost rental scheme aimed at making housing rental more affordable. The Bill caters for different types of providers of cost rental homes, including Approved Housing Bodies, Land Development Agency and Local Authorities. The new legislation will provide for Approved Housing Bodies to fund the provision of dwellings for cost rental purposes.

Recommendation:

No change.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

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TUESDAY, 25TH MAY 2021

ITEM 14 - PRIMARY CARE CENTRE

Motion: Councillor P. Mulville

"That the Chief Executive enter into immediate discussions with the Health Service Executive in order to identify a location for a Primary Care Centre in the Donabate Portrane area."

Report:

This issue is outside the scope of the current procurement competition. However, the Development Plan, aided by the Local Area Plan and Development Management processes, seeks to provide, where possible, the timely and accessible provision of community services and resources, including health care centres. The process for drafting a new Development Plan began in March 2021 and this is the most appropriate forum to consider the location for new health care facilities. Fingal is working with the HSE, as a prescribed body, in this process.

Recommendation:

No change.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

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ITEM 15 - PUBLIC TRANSPORT

Motion: Councillor P. Mulville

"That the Council calls on the Government to outline its immediate plans to improve capacity along the Northern Community rail line, as well as increased direct bus services into Dublin City Centre and other key commuter locations."

Report:

This issue is outside the scope of the current procurement competition. However, the Development Plan promotes and facilitates the necessary policy framework to encourage and facilitate the improvement of public transport across the County with linkages to the City Centre. The Plan provides for an integrated approach to land use and ground transportation, aimed at securing a modal shift to more sustainable modes of transport, i.e. cycling, walking and public transport (local bus, train, Dart, MetroLink). This includes promoting land use patterns which reduce the need to travel and support public transport provision including, where appropriate, higher densities at public transport corridors and nodes. This benefits public transport by providing sufficient numbers of customers within its catchment to sustain the high costs of public transport infrastructure and services.

The Council while not a direct public transport provider liaises with bodies such as the NTA and public transport service providers in the development of improved public transport infrastructure for the County and identify and protect future transport route corridors.

In relation to Donabate, Objective MT30 supports Iarnród Éireann and the NTA in implementing the DART Expansion Programme, including the extension of the DART line to Balbriggan. Objective MT26 also supports TII and the NTA in a possible future extension of the proposed new Metro North finishing point to connect with the Northern Line in Donabate.

Recommendation:

No change.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

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ITEM 16 - HOME WORKING HUBS

Motion: Councillor P. Mulville

"That the Chief Executive identify lands for the provision of local employment and home working hubs in the Donabate Portrane area."

Report:

The importance of flexible work spaces has been highlighted over the last year and there are existing objectives which are associated with co-working units in the existing Fingal Development Plan. For example, Objective ED107 states: Promote the provision of workspace units, including co-working suitable for SMEs and start-up companies and freelancers in general and with particular emphasis on ensuring their provision within large schemes to offer opportunities associated with clustering and networking.

As the process for the new Development Plan continues, this issue of provision of local employment and home working hubs in the Donabate Portrane area will be considered in more detail.

The Council is currently examining the potential of existing Council facilities for adaptation to provide remote-working under new funding streams becoming available from central government which include the Town & Village Scheme 2021 & the Connected Hub Call. Community groups interested in establishing a remote-working hub in their community may be eligible to leverage funding from LEADER to deliver projects and in preparing proposals for funding should consider how to demonstrate demand in the local community and establish the viability and long-term sustainability of the proposition.

Recommendation:

No change.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

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ITEM 17 – FINANCIAL ANALYSIS

Motion: Councillor J. Hopkins

"That the Chief Executive supply detailed financial analysis of the proposed disposal, including site valuations and the monetary value of the provision of recreational space and infrastructure being provided by the developer; given the information is "commercially sensitive" non-disclosure agreements will be signed by Councillors requesting the information."

Reason: A decision of this magnitude which is a reserved function of the elected representatives cannot be made without the full facts to ensure that the tax payers' assets are being fully protected."

Report:

Fingal County Council is engaged in an active procurement process which only concludes, subject to the approval of the Section 183 by the Elected Members, when the contract award notice is published on etenders. The Council is bound by the requirements of EU Procurement Law in respect of maintaining the integrity of the commercially sensitive information provided by tenderers for the purposes of the competition and is required to restrict the commercially sensitive information to the members of the Evaluation Team appointed for the competition only. Representatives of the National Development Finance Agency (NDFA), as the expert financial advisors to Fingal County Council throughout this competition, conducted the financial evaluation of the tender bringing their significant financial and economic expertise and previous experience of major housing development and infrastructure projects across the country to the evaluation.

The NDFA's financial evaluation was performed in three sequential steps:

- 1) compliance and completeness check of each Tender;
- 2) assessment of the financial robustness of each Tender and;

3) marks awarded based on the tendered land contribution and the tendered cost of building social units.

The NDFA's evaluation determined that Glenveagh Living Ltd.'s tender was complete and compliant with the requirements of the tender documentation and that the tender is financially robust and consistent with financial assessments carried out by the NDFA at the Stage 1 Pre-Qualification Questionnaire. The NDFA interrogated Glenveagh Living Ltd.'s funding sources and financial assumptions, the associated terms and returns and also assessed the tax assumptions made for reasonableness and consistency. NDFA evaluated Glenveagh Living Ltd.'s tender submission in accordance with the criteria set out in the Council's Invitation to Submit Final Tenders (ISFT) documents, which the NDFA assisted in formulating, and in their evaluation scored the submission as the most economically advantageous tender.

The Council established the vision for this local authority driven project and defined the parameters and constraints for the project to ensure that the Council Executive maintains a strong level of oversight and control over the development of the site. The Council commenced a rigorous public procurement process in 2018 to secure a high-quality residential development that fully meets the Council's stated policy objectives, which are:

- the delivery of homes of the right type, quality and cost at the right locations to address housing supply demands
- to leverage the value of the Council's land to provide homes at affordable prices in order to address the issue of housing affordability in the market
- to provide First Time Buyers with an opportunity to purchase a home at an affordable price
- to secure the sustainability of the development with a mixed tenure approach to support strong social integration and cohesion

The two and a half year procurement process, followed best practice and had the advice of expert procurement, legal and financial advisors from specialist advisors that the Council engaged and from the National Development Finance Agency (NDFA) in a process which adhered to all EU, national and Council procurement and statutory requirements. The Council now has a 1,194 housing scheme which, subject to planning, could realise the delivery of the first phase of mixed tenure housing in 2022 and substantially alleviate the housing crisis in both the short and medium term.

The project has met all the requirements of the Public Spending Code, including the requirement for robust governance structures, in the form of the Project Talamh Steering Group chaired by the Chief Executive with representatives from the NDFA and the Department of Housing, Planning & Local Government on the Steering Group. The Governance and Oversight structures were designed to safeguard public monies and

achieve value for money for the taxpayer. Such value for money protections for the Council are included in the binding legal contract with Glenveagh Living Ltd.

Subject to planning, homes could be delivered in 2022 in addition to many other benefits including:

- (i) Provision of much needed housing stock in the shortest possible timeframe - noting that any new procurement process will take another 2 years to complete, with a further six months required for the planning process which delays the delivery of housing on the site to at least 2025.
- (ii) A mixed tenure development that meets the policy objectives designed to provide social benefits over the long term
- (iii) Guaranteed delivery of affordable homes to first time buyers at a unit cost of €250,000 to €270,000. As construction costs invariably increases over time due to inflationary pressures the goal of achieving affordability will only increase should the provision of housing be further delayed
- (iv) Locks in current construction costs that are forecast to increase due to inflationary pressures arising from disruptions to supply chains and the labour market caused by COVID – 19 and Brexit
- (v) Project will be delivered in a realistic baseline 10 year timeframe that takes account of the number of houses the local market can absorb at any one time
- (vi) The provision of community facilities including parks, creches, EV charging points, improved transport links etc

Recommendation:

No change.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

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ITEM 19 – NEW PLAN FOR BALLYMASTONE

Motion: Councillor A. Graves

"To ask the Council to note that:

- On 18 May 2021 Dáil Eireann unanimously agreed a motion calling for an 'end the sale or gifting of residential public land to private developers, to ensure that all homes on such land are social, affordable cost rental and affordable purchase'
- The motion defined affordable purchase as homes for sale at prices of €230,000 and below and for rent between €700 and €900'
- The motion further called for a doubling of capital investment by Government in the delivery of public housing on public land to meet social and affordable housing need
- Project Talamh provides Glenveagh a sweetheart deal which would see the transfer of valuable public land for a price significantly below market value
- 60% of the homes to be developed by Project Talamh would be sold for prices unaffordable prices between €330,000 & €450,000 making the unaffordable to the vast majority of working people
- The price of the 20% affordable homes, when the shared equity portion is taken into account, is between €300,000 and €320,000, making these homes unaffordable for many modest income working people
- That the community gain proposed by the Developer in terms of infrastructure and amenity does not adequately compensate the taxpayer whose contribution to the development would include €10million in LIHAF funding, €10 million in Services Sites Fund and the forgone revenue from the transfer of land for a price significantly below market value
- That the proposed timeline for the delivery of Project Talamh, being 10 years, does not reflect the urgency of the housing crisis and the need for delivery of social and affordable homes

That this Council:

- Fully supports the motion agreed by Dáil Eireann on 18 May 2021 and the need for public land to be used for public housing to deliver genuinely affordable homes for working people
- Opposes the Section 183 land disposal proposal to transfer lands at Ballymastone to Glenveagh on the grounds that it is not the best strategic use of this important public asset
- Calls on the Minister for Housing Darragh O'Brien to work with Councillors and Council management to fund a fully public development of 1,200 homes on the Ballymastone lands with an appropriate mix of social, affordable purchase and affordable rental homes alongside the necessary infrastructure and amenity
- Calls on Council Management and the Department of Housing, in consultation with elected members, to design, fund and develop this site in the fastest possible time frame."

Report:

Fingal County Council recommends that the Elected Members agree the disposal of Council lands at Ballymastone, Donabate to Glenveagh Living Ltd. in accordance with the terms and conditions set out in the Section 183 and the Development Agreement.

The Chief Executive understands that the rejection of the proposed disposal would require the Council to abandon the current procurement competition resulting in the loss of 3 years work and costs. It would also require the Council to conduct a new procurement competition in a high-risk environment with construction costs rising. In addition, should the Council be in a position whereby it must collapse the procurement competition on the project, there are substantially increased risks associated with a future tender process on the lands which would negatively impact the deliverability of the Council's objectives and the value for money which could be achieved.

The project as currently structured constitutes a significant step in trying to address the growing housing shortage in the area and includes a combined allocation of 40% for social and affordable housing. This local authority driven project will deliver a sustainable mixed tenure housing development in Ballymastone which is integrated with the existing village of Donabate and provides an exemplar sustainable housing development in tandem with the community, recreational and educational facilities.

The Council established the vision for the development and defined the parameters and constraints for the project to ensure that the Council Executive maintains a strong level of oversight and control over the development of the site. The Council commenced a rigorous public procurement process in 2018 to secure a high-quality

residential development that fully meets the Council's stated policy objectives, which are:

- the delivery of homes of the right type, quality and cost at the right locations to address housing supply demands
- to leverage the value of the Council's land to provide homes at affordable prices in order to address the issue of housing affordability in the market
- to provide First Time Buyers with an opportunity to purchase a home at an affordable price
- to secure the sustainability of the development with a mixed tenure approach to support strong social integration and cohesion

The two and a half year procurement process, followed best practice and had the advice of expert procurement, legal and financial advisors from specialist advisors that the Council engaged and from the National Development Finance Agency (NDFA) in a process which adhered to all EU, national and Council procurement and statutory requirements. The Council now has a 1,194 housing scheme which, subject to planning, could realise the delivery of the first phase of mixed tenure housing in 2022 and substantially alleviate the housing crisis in both the short and medium term.

The project has met all the requirements of the Public Spending Code, including the requirement for robust governance structures, in the form of the Project Talamh Steering Group chaired by the Chief Executive with representatives from the NDFA and the Department of Housing, Planning & Local Government on the Steering Group. The Governance and Oversight structures were designed to safeguard public monies and achieve value for money for the taxpayer. Such value for money protections for the Council are included in the binding legal contract with Glenveagh Living Ltd.

Subject to planning, homes could be delivered in 2022 in addition to many other benefits including:

- (i) Provision of much needed housing stock in the shortest possible timeframe - noting that any new procurement process will take another 2 years to complete, with a further six months required for the planning process which delays the delivery of housing on the site to at least 2025.
- (ii) A mixed tenure development that meets the policy objectives designed to provide social benefits over the long term
- (iii) Guaranteed delivery of affordable homes to first time buyers at a unit cost of €250,000 to €270,000. As construction costs invariably increases over time due to inflationary pressures the goal of

achieving affordability will only increase should the provision of housing be further delayed

- (iv) Locks in current construction costs that are forecast to increase due to inflationary pressures arising from disruptions to supply chains and the labour market caused by COVID – 19 and Brexit
- (v) Project will be delivered in a realistic baseline 10 year timeframe that takes account of the number of houses the local market can absorb at any one time
- (vi) The provision of community facilities including parks, creches, EV charging points, improved transport links etc

Recommendation:

No change.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 20 – SALE OF PRIVATE UNITS

Motion: Councillor R. O'Donoghue

“That Fingal County Council and Glenveagh properties enter into a legally binding agreement that the 718 private homes in the Ballymastone development be sold to individual and first time buyer owner occupiers only.”

Report:

The Chief Executive understands that the imposition by the Council of such a substantial modification to the advertised contract would not be permitted under Irish and EU Public Procurement Rules and would require the Council to abandon the current procurement competition and conduct a new competition.

It is important to state, the overriding objective of Fingal County Council with respect of this project is to provide homes of the right type, quality, and cost, in line with the current and future needs of the population to ensure Fingal remains an attractive location to live and to help ease affordability pressures.

While, it is not within the remit of the Council to give the undertaking outlined above discussions with the developer have been ongoing and as a result, the developer has committed to the Council that no houses/duplexes in the 60% private element shall be sold to institutional investors and in this regard Glenveagh Living Ltd. has provided a letter to Fingal County Council which provides a legally binding undertaking that they will not sell houses or duplexes in the private housing element of the development to institutional investors.

The bulk purchase of residential units to institutional investors is a national issue which has recently been regulated by the Government through the new Section 28 Ministerial Guidelines and the introduction of 10% stamp duty to the purchase of the 10th unit.

Recommendation:

No change.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 21 – HEARSE ROAD UPGRADE

Motion: Councillor R. O'Donoghue

"That Fingal County Council provide a commitment to deliver the upgrade of the Hearse Road within an agreed time period given the projected growth in light of this proposed development."

Report:

The Capital Plan includes provision for the upgrade of the Hearse Rd from the start of the distributor road to the Lissenhall Interchange and this project is being actively advanced by the Planning and Strategic Infrastructure Department with the procurement process to appoint engineering design consultants has commenced.

Recommendation:

No change required.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 22 – ARTS/CULTURAL/CIVIC CENTRE

Motion: Councillor R. O'Donoghue

"That Fingal County Council provide a commitment in writing on the provision of a site and building for an arts/cultural/civic centre."

Report:

Arts, cultural and civic facilities are a key part of a sustainable community and the provision of these facilities are open for consideration within a number of zonings, in the wider Donabate area, subject to normal planning criteria.

The Council continues to support the provision of such facilities where there is an identified need for such centres and, in addition, will support the extension and refurbishment of existing centres.

The Council welcomes and supports the provision of a variety of arts, cultural and civic infrastructure for new and existing residents. There is a need for facilities which cater for all elements of society, children, young people, the disabled and the elderly. All new development should be community focused and development should be on the basis of building communities. The Council acknowledges that social and community infrastructure needs to be provided for both the new and existing communities of Donabate and new facilities should be provided in tandem with residential development.

It is acknowledged that there is a demand for a wide range of community facilities within the Donabate area including those for arts and cultural groups. Whilst the Council may not be in a position to provide such services within the scope of this project, we will support and encourage the provision of uses which provide a gain to the local community and this will be further considered during the ongoing Development Plan process. Fingal will therefore continue to keep the requirement for such amenities under review in the wider Donabate area.

Recommendation:

No change.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 23 – CRECHES

Motion: Councillor R. O'Donoghue

"That Fingal County Council provides a commitment that the two crèches within this development will be constructed as early as possible and be publicly run."

Report:

It is a requirement that the provision of appropriate purpose-built childcare facilities form part of residential developments. The Fingal Development Plan requires that in large developments of residential, community, commercial or retail, the appropriate childcare services are also provided. The document 'Childcare Facilities Guidelines for Planning Authorities' (2001) requires a minimum of 20 childcare places per approx. 75 residential dwellings. Accordingly, childcare facilities shall be provided as part of this development.

The early delivery of creche facilities has been included as part of the phasing arrangements for the development. A creche will be delivered as part of the construction of the first phase of Character Area 1, which will serve existing and future residents of Donabate. The second creche facility will be delivered as part of the first phase of the third Character Area. Both creches are located at appropriate areas of Ballymastone to facilitate ease of access by existing and future residents by sustainable transport modes. Operation of the creches is a matter for private operators.

Recommendation:

No change

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 24 – RETAIL UNIT

Motion: Councillor R. O'Donoghue

"That Fingal County Council give further consideration to a retail unit within this development."

Report:

It is the strategy of the LAP to support the consolidation of the existing village in Donabate as the focus for retail, commercial and services development. The development of the LAP lands and the resultant increase in population will encourage and support the re-development of infill and vacant / undeveloped sites in the Village Centre and the LAP will encourage new retail and economic opportunities to locate in Donabate town centre.

The proposed development of Ballymastone will support and encourage this growth in the retail and commercial offering in the centre of Donabate. This is a key aspect of placemaking, and one which FCC are investing in through the Donabate Urban Framework Plan which will make the village centre a more attractive place to shop, eat in and use for a variety of needs. The strong walking and cycling linkages to the centre of Donabate are a key aspect in ensuring that the economic benefits of the community in Ballymastone are felt in the centre of the village.

It is noted that an existing retail unit/bakery is located on the Portrane Road, while a small neighbourhood centre is proposed in Corballis East. It is considered that further provision of retail facilities in Ballymastone, which is located proximate to the village would dilute the positive impact on the town centre.

Recommendation:

No change.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 25 – CONSULTATIVE COMMITTEE

Motion: Councillor R. O'Donoghue

"That Fingal County Council recommends to the CEO that the current agreement for the development of Ballymastone be amended to include a consultative committee including Fingal County Council, representatives of Glenveagh properties, public representatives and representatives of the adjoining estates such as The Priory/ Priory Woods, Willowbrook, The Links, Donabate Village, The Spires, New Road and St Patrick's Park to ensure meaningful dialogue between all parties during all phases of the construction of this development."

Report:

The Development Agreement on the Ballymastone Project requires the successful tenderer to report regularly and directly to the Council Executive on the progress of the project over the term of the Development Agreement. The developer is required to submit monthly reports over the term of the project, including progress, Health & Safety, & Assigned Certifier reports.

The Chief Executive will report regularly to the Members and relevant stakeholders on the project as necessary and as the key milestones are reached. The appropriate mechanisms for engagement will also be determined as part of the development management process and the construction management plan.

Furthermore, on a biannual basis Council Officials will meet formally with Glenveagh Living Ltd. to review and discuss the progress of the project.

Recommendation:

No change required.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 26 – DENSITY

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

"Density and Height Motion 1. To ask the Chief Executive in light of the recent circular from the Department of Housing, Local Government and Heritage (NRUP02/2021) with regard to housing density, that the development of the Ballymastone Council owned lands shall be developed to a net density of between 35 to 45 DPH and that the Chief Executive ensures the appropriate heights of buildings across all of the council owned lands shall comprise of 2 to a maximum of 3 stories and that the provision of maximum 5 story buildings will be limited to very appropriate locations within the site. Also, in any area where this development will be adjoining neighbouring existing developments the heights of the new development shall not exceed the existing neighbouring heights. Donabate is still a largely rural location that requires significant catch up physical and social infrastructure investment and this particular site is located well outside the town centre of Donabate, which has seen many recent planning decisions where the densities have been well above the recommended 35-50 DPH. While I fully support the need for housing, Donabate requires a balanced approach and while the town centre is the correct location for higher density accommodation this particular site is more appropriate for lower density housing."

Report:

Fingal County Council are obliged under Section 28 of the Planning and Development Acts, as amended, to have regard to the following Ministerial Guidelines in the performance of our functions:

- Guidelines - Sustainable Residential Development in Urban Areas, May 2009: the lands are considered an Outer Suburban / 'Greenfield' site as defined in the Guidelines. The Guidelines recommend net residential densities in the general range of 35-50 dwellings per hectare at such locations.
- Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018: under these Guidelines, the Ballymastone area constitutes an 'edge location' in a Town. The relevant policy for such locations envisages town-

houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). The guidelines state that development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets.

The density of the proposed development of Ballymastone will be 42 units/hectare approximately. The majority of development on the site comprises housing which would be 2 – 2.5 stories, with 3 storey duplex units at key nodes. Use of higher buildings is considered appropriate at gateway locations, such as at points along the DDR.

The density and heights proposed are considered appropriate for the development of a landbank proximate to the town centre and railway station. It is noted that the aim of the recently published Circular is to ensure that a character driven approach informs design and layout of development. The integration of the design with landscape character formed a key aspect of the design review and consideration of the proposal, including the interface with the more sensitive rural zonings in the eastern part of the landbank. It is considered that the contents of the circular are have been fully considered in the process undertaken by Fingal County Council.

Recommendation:

No change.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 27 – BALLYMASTONE SPORTS & RECREATION CAMPUS

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

“That the Chief Executive, in tandem with the development agreement stipulate within the first part of this overall development is the construction of the Ballymastone Sporting and Recreational Campus which provides for a new access point to the campus, car parking, full size floodlit all weather GAA and Soccer Pitches as well as an Olympic standard floodlit 8 lane running track together with a large playground and Skate Park in order to meet the needs of the present and future residents of Donabate Portrane.”

Report:

The area proposed for the Ballymastone Recreational Hub is outside the redline boundary of the site and cannot be considered as a part of the phasing for planning application purposes.

However, it is noted that preparation on the Ballymastone Recreational Hub on the Part 8 has commenced, with design review being undertaken to ensure compliance with the relevant aspects of the Donabate LAP and the Fingal Development Plan prior to presentation to the elected members at ACM. It is envisaged that the public consultation will take place in Q3 2021, with construction in 2022, if approved by the Elected Members.

Recommendation:

No change.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 28 – TREES AND HEDGEROWS

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

“That the Chief Executive carry out a prior assessment of all the existing trees and hedgerows within the full footprint of the Council owned lands in order to preserve and incorporate existing trees and hedgerows as well as planning new hedgerows and tree planting.”

Report:

The Local Area Plan for Donabate recognises the importance of trees and hedgerows in the area. The retention of trees and hedgerows is critical in protecting the positive attributes of landscape character and heritage features of the plan lands. It is an objective of the LAP to ensure existing trees and hedgerows are preserved and incorporated into the design of future development schemes.

In relation to the subject site, surveys of all trees and hedgerows on the landbank has been carried out by qualified arborist and reviewed by the Parks and Green Infrastructure Section. This information drove the design process and was integrated into the landscape led masterplanning process to ensure retention of 79% of existing trees and hedgerows. These hedgerows, including the treeline adjacent to Priory Woods are integrated into ecological corridors and linear open space which are linked through the character areas and are supported by the strong suite of landscape protection objectives within the Donabate LAP for protection of existing trees/hedgerows.

Recommendation:

No change required.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 29 – INFRASTRUCTURE IMPROVEMENTS

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

“That the Chief Executive, within the proposed phasing strategy of this site given the extent of work to be undertaken and the level of housing been delivered will fully commit to the early possible delivery of all Capital programmed works for Donabate Portrane around infrastructure services, facilities and amenities including the upgrade of the Donabate Distributor Road from the Lissenhall interchange to the start of the Donabate Distributor Road.”

Report:

The Capital Plan includes provision for the upgrade of the Hearse Rd from the start of the distributor road to the Lissenhall Interchange and this project is being actively advanced by the Planning and Strategic Infrastructure Department with the procurement process to appoint engineering design consultants has commenced.

Recommendation:

No change.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 30 – EDUCATION

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

“That the Chief Executive ensure as part of the detailed oversight of this development by Fingal County Council will include early and ongoing engagement with the Department of Education to ensure ongoing regular audits of the education requirements for both primary and second level within the Donabate Portrane area to include and ensure the timely delivery of new schools on the reserved educational campus within the Ballymastone Sporting and recreational campus.”

Report:

The Council has reserved lands for the future provision of school facilities adjacent to the mixed tenure residential development which is designated as the Ballymastone Education and Recreation Hub in the Ballymastone Framework Plan. The Council is progressing the delivery of the Recreation Hub and its associated facilities with the benefit of Serviced Sites Funding.

The Council liaises on an ongoing basis with the Department of Education and Skills to identify and provide suitable sites for school development in Fingal under the Memorandum of Understanding between the Department of Education & Skills and the County & City Managers' Association.

The Council will continue to work with the Department of Education and Skills in respect of the education requirements at primary and secondary level in the Donabate Portrane area with a view to the timely delivery of new schools to meet the needs of the area.

Recommendation:

No change.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 31 – PLACE NAMES

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

“That the Chief Executive as part of the overall development agreement engages with both Fingal County Council naming committee and the Donabate Historical Society in order to name the development/ developments which will reflect local history, folklore and/or place names and these names should be in both in the Irish and English languages, or in the Irish language exclusively. ”

Report:

The Development Plan provides a land-use and spatial dimension to promote and protect the linguistic and cultural heritage of the County. Objectives CH53 and CH54 specifically refer to place names.

Objectives CH53

Ensure that the naming of mixed residential and mixed use schemes reflect local history, folklore and/or place names and are stated in the Irish language.

Objective CH54

Encourage the use and promotion of historical and current townland names in the urban and rural environment in both the Irish and English languages, with a view to supporting the provision of townlands' place names markers/signage.

The undertaking of naming and numbering of permitted development will involve the current process of interaction with the Heritage Officer, who utilises approved reference material as part of the agreed process for the whole of the Fingal Area.

Recommendation:

No change.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 32 – ARTS CULTURAL & HERITAGE

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

“That the Chief Executive, through either the Site Services fund or Fingal County Councils Capital programme to provide for the early delivery of a Arts/Cultural Heritage and Community facility including consideration for a possible extension to the existing Donabate Portrane Community Centre in order to accommodate the growing number of existing groups and organisations across the Donabate Portrane Community who are unable to currently access the community centre due to it been at full capacity and this new facility or extension will also accommodate the new residential developments such as this one.

Report:

Arts, cultural, heritage and community facilities are a key part of a sustainable community and the provision of these facilities are open for consideration within a number of zonings, in the wider Donabate area, subject to normal planning criteria.

The Council continues to support the provision of such facilities where there is an identified need for such centres and, in addition, will support the extension and refurbishment of existing centres.

The Council welcomes and supports the provision of a variety of arts, cultural, heritage and community infrastructure for new and existing residents. There is a need for facilities which cater for all elements of society, children, young people, the disabled and the elderly. All new development should be community focused and development should be on the basis of building communities. The Council acknowledges that social and community infrastructure needs to be provided for both the new and existing communities of Donabate and new facilities should be provided in tandem with residential development.

It is acknowledged that there is a demand for a wide range of community facilities within the Donabate area including those for arts, cultural and heritage groups. Whilst

the Council may not be in a position to provide such services within the scope of this project, we will support and encourage the provision of uses which provide a gain to the local community and this will be further considered during the ongoing Development Plan process. Fingal will therefore continue to keep the requirement for such amenities under review in the wider Donabate area.

Recommendation:

No change.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 33 – PHASING

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

“That the Chief Executive strictly enforce the proposed phasing of these lands and from the commencement of house construction on this site a maximum yearly yield of 120-150 homes over a 12 month period is inserted within the development agreement in order to allow for the phased sustainable development of the Donabate Area and also taking into consideration that other land banks within the Donabate local area plan have also been zoned for housing both now and into the future.”

Report:

The phasing of development in an appropriate manner to deliver upon the Council’s requirement for placemaking and sustainable community creation formed a key aspect of the design review and dialogue process. Ensuring that phasing delivered upon creches, open space, play facilities and housing in an orderly and cohesive way formed a part of the process. The submission of the detailed phasing and delivery of housing in conjunction with community infrastructure as a part of any planning application is a key aspect of the delivery, as is construction access off the Donabate Distributor Road. Enforcement of the phasing arrangements forms a part of the submitted documentation, the development agreement and will form a part of the planning application process.

Recommendation:

No change.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 34 – SERVICES

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

“That the Chief Executive, ensures within the development agreement that the open space, playgrounds, muga facilities, walkways and cycle ways, are operational prior to the council taking the development in charge given this development is primarily for families.”

Report:

It was a requirement of the design process outcomes that each Character Area is capable of providing a standalone and self-sufficient mixed tenure housing community in its own right. Phasing of the delivery of housing alongside social infrastructure, including open space, playgrounds and other facilities, also formed a key aspect of the design, dialogue and review process. Agreement of construction details and materials formed an aspect of the ISFT in order to ensure public realm is acceptable for taking in charge. The provision of a large centrally located open space with associated recreational facility is clearly set out in the phasing proposals for each character area.

The methodology and programme for delivery of Ballymastone was a significant part of the quality criteria applied to assessment of the proposal. The phasing documentation submitted sets out the sequenced delivery of roads, trunk mains, SuDS, open space, playgrounds, muga facilities, walkways, character areas, and completion sequence up to taking in charge.

Furthermore, the obligation to develop in the identified phases forms a part of the Development Agreement and would form a key aspect of any planning application on the lands.

Recommendation:

No change.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 35 – LOCAL HOUSING NEEDS

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

"That the Chief Executive, in order to allow for the positive integration of both the social and affordable housing as part of this development will direct the housing department within Fingal County Council to award additional scoring within the social and affordable housing applications into Fingal County Council from individuals and families that are currently living in the Donabate Portrane area."

Report:

The allocation of social housing within the Ballymastone Development will be carried out in accordance with the Allocations Scheme for Social Housing Support.

The Scheme of Priority for Affordable Dwelling Purchase Arrangements as adopted by the Council will determine the order of priority for applicants for affordable housing across the County including the Ballymastone development.

Recommendation:

No change required.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 36 – PARKING AND STORAGE

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

“That the Chief Executive, will allow for bin storage units to be overground without distracting from the overall green space of the development. All semi-detached and detached units will include driveways for parking spaces as well as inbuilt EV charging points. Multi-unit buildings will have adequate parking provision including additional provision for visitor spaces given that Donabate both now and into the future has a very basic transport infrastructure and the reality is this won't improve significantly in the short to medium term.”

Report:

The provision of bin storage, car parking spaces and electric vehicle charging units are all key design points. Design quality formed a significant element of the review process.

It is acknowledged that the storage of refuse bins can be an issue in new residential schemes, where adequate storage, recycling and composting areas, and future expansion of separated waste disposal may have to be accommodated. The Fingal Development Plan 2017-23 includes objectives to ensure all new residential schemes include appropriate design measures for refuse storage areas, details of which should be clearly shown at planning application stage. Fingal requires a high quality of design for the storage areas associated with household waste in new residential developments.

A mix of parking space provision is envisaged throughout the development area in order to achieve appropriate density, and to ensure balance between visual amenity and residential amenity. In this regard the parking to be provided, which include visitor parking will be through in-curtilage parking, on-street parking, surface parking courts and a very limited amount of basement car parking in three locations. Provision for EV

charging points are capable of being accommodated in the differing types of car parking.

Recommendation:

No change.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 37 – BROADBAND

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

“That the Chief Executive within the development agreement requests that the developer provides for Broadband in all units in the same way they provide other important utilities such as gas and electricity.”

Report:

The Developer provides fibre optic broadband to new homes as standard.

Recommendation:

No change.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 38 – CRIME PREVENTION

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

“That the Chief Executive within the development agreement must include a crime prevention through environmental design assessment in order to minimise any opportunities for anti-social behaviour within this overall development.”

Report:

The need to include crime prevention measures through good design is acknowledged. A reduction in crime and anti-social behaviour can be achieved through the careful consideration of the building layout and the environmental design of a development. The Fingal Development Plan includes objectives to ensure that public open spaces should be overlooked and designed in such a way that anti-social behaviour is reduced through passive surveillance.

Furthermore, the Sustainable Residential Developments in Urban Areas Guidelines for Planning Authorities (DoHPLG 2009) identifies urban design and layout as primary response to ensuring safer communities by design. This is formed part of the design review in terms of ensuring defensible spaces, overlooking, avoidance of blindspots, passive observation, defined private and semi-private space, active streets for play, for cycling and walking to ensure that the urban form provides safe communities for differing age groups.

Recommendation:

No change.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 39 – COMMUNICATION

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

“That the Chief Executive, within the development agreement agree to establish a community communications group to include, Fingal County Council, elected members and members of the community and representatives of the developer to ensure open and transparent communication for all stages of this development, this consideration could be given to include this within the terms of reference for the Donabate Portrane Liaison Committee.”

Report:

The Development Agreement on the Ballymastone Project requires the successful tenderer to report regularly and directly to the Council Executive on the progress of the project over the term of the Development Agreement. The developer is required to submit monthly reports over the term of the project, including progress, Health & Safety, & Assigned Certifier reports.

The Chief Executive will report regularly to the Members and relevant stakeholders on the project as necessary and as the key milestones are reached. The appropriate mechanisms for engagement will also be determined as part of the development management process and the construction management plan.

Furthermore, on a biannual basis Council Officials will meet formally with Glenveagh Living Ltd. to review and discuss the progress of the project.

Recommendation:

No change required.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 40 – PERMEABILITY

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

"That the Chief Executive, recommends that the developer of these lands will provide for a comprehensive and high specification network of pedestrian and cycleways linking this large-scale residential development into the Ballymastone Sporting Recreational campus, back into Donabate town centre, Donabate Railway Station, neighbouring residential areas and in the directions of Portrane & Donabate beaches, Newbridge House and Park and the Broadway Meadow/ Coastal Greenway."

Report:

Permeability through and within the Ballymastone lands is a key tenet of the development proposal and Fingal's approach to residential developments across the County. Section 3 of the Donabate Local Area Plan outlines the movement and transport strategy which includes:

Promote an increase in walking and cycling through a network of safe, inter-connecting walkway / cycleways which link residential areas, Donabate village centre, Donabate Rail Station, schools and recreational facilities.

The LAP further sets out that the provision of cycling and walking linkages is a key aspect of the sustainable development of Donabate. Active travel is one of the keystones of placemaking and has driven the design and layout at Ballymastone, which will provide for a highly permeable network of streets and spaces for cyclists and pedestrians of all ages to move safely through, whether to access cycle network on the DDR, the village and train station, the schools and the recreational hub. A temporary pedestrian and access route will be provided through the lands during development to ensure access from the village to the recreational hub.

Recommendation:

No change.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 41 – OVERSIGHT

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

"That the Chief Executive, in the ongoing FCC management of the Development Agreement, Fingal County Council maintain strong oversight of the project through quarterly reports on its oversight / implementation be prepared for the Members of the Area Committee by a dedicated Senior Executive Officer to include; (a) details in relation to compliance with 60%/20%/20% tenure split, and, (b) Progress and implementation of the Donabate Local Area plan in tandem with this particular development. (c) report on resident architect/engineer oversight progress report. (d) Progress reports on the implementation of the Donabate Urban framework plan. (e) Progress reports on the implementation of the strategic objectives for Donabate as contained within the current Fingal County Council Development Plan and the new 2023-2029 Plan."

Report:

The Development Agreement on the Ballymastone Project requires the successful tenderer to report regularly and directly to the Council Executive on the progress of the project over the term of the Development Agreement. The developer is required to submit monthly reports over the term of the project, including progress, Health & Safety, & Assigned Certifier reports.

The Chief Executive will report regularly to the Members and relevant stakeholders on the project as necessary and as the key milestones are reached. The appropriate mechanisms for engagement will also be determined as part of the development management process and the construction management plan.

Furthermore, on a biannual basis Council Officials will meet formally with Glenveagh Living Ltd. to review and discuss the progress of the project.

Updates on the progress of the implementation of the Donabate Urban Framework Plan and objectives of the LAP & the County Development Plan will be provided separately and as appropriate by the Planning & Strategic Infrastructure Department as these will be progressed and delivered by the Council separate to this residential project which will be delivered by Glenveagh Living Ltd. on behalf of Fingal County Council.

Recommendation:

No change required.

COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 42 – NATURAL AMENITIES & HERITAGE

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

“That the Chief Executive, in appointing a dedicated Senior Executive Officer for complete oversight of this project will also ensure that the protection and enhancement of the natural amenities and heritage across the Donabate Portrane peninsula through the phased sustainable development of the council owned land bank in tandem with the development of a vibrant fit for purpose town centre as well as the development of the necessary supporting community, commercial, cultural and social infrastructure that are as equally important as the delivery of new residential developments. This will require regular and ongoing engagement with other key stakeholders including for example the NTA, HSE and An Garda Síochána.”

Report:

The Development Agreement on the Ballymastone Project requires the successful tenderer to report regularly and directly to the Council Executive on the progress of the project over the term of the Development Agreement. The developer is required to submit monthly reports over the term of the project, including progress, Health & Safety, & Assigned Certifier reports.

The Chief Executive will report regularly to the Members and relevant stakeholders on the project as necessary and as the key milestones are reached. The appropriate mechanisms for engagement will also be determined as part of the development management process and the construction management plan.

Furthermore, on a biannual basis Council Officials will meet formally with Glenveagh Living Ltd. to review and discuss the progress of the project.

The protection and enhancement of natural amenities and heritage on this site will be secured through the planning process and any issues arising in this regard will be

addressed through the Project Review Group structure that will be put in place between the Council Executive and Glenveagh Living Ltd. for oversight purposes.

The sustainable development of the Donabate Portrane peninsula will be addressed through the Donabate LAP, which has been extended to 2026, the County Development Plan and the development management process.

The Council has regular ongoing engagement with key stakeholders such as the NTA, HSE and An Garda Siochana and will continue to engage with stakeholders to ensure the sustainable development of the area.

Recommendation:

No change required.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 43 – EQUITY FUNDS

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

“That the Chief Executive outside of the Development agreement obtain a legal commitment in writing from the Developer that under no circumstances will any house/duplex across all of this scheme be sold to a private equity/ Pension fund.”

Report:

Glenveagh Living Ltd. has provided a letter to Fingal County Council which provides a legally binding undertaking that they will not sell houses or duplexes in the private housing element of the development to institutional investors.

Recommendation:

No change required.

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

SPECIAL COUNCIL MEETING

TUESDAY, 25TH MAY 2021

ITEM 44 – HOUSING OLDER PEOPLE AND ADDITIONAL NEEDS

Motion: Councillor A. Henchy on behalf of the Fianna Fáil Councillor Team of Fingal County Council

“That the Chief Executive within the Development Agreement confirm that within the tenure mix, 10% of the Social Housing allocation will be allocated to older persons and/or persons families on our housing list who meet the criteria for additional housing needs/supports.”

Report:

The Council confirms that the Development Agreement provides that 10% of the social housing units in the Ballymastone development are to be provided to meet the needs of older persons and those with additional needs.

Recommendation:

No change required.

