



Balrothery Community Council

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Senior Executive Officer,
Planning Department,
Fingal County Council,
County Hall,
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13th January 2015

Observation on Planning Application Reg. Ref. No.F14A / 0488

Re:- Development of 42 no Houses .

Site Location:- Darcystown Road, Balrothery, Co. Dublin.

Applicant;- Crescent Park Properties.

The Planning Heritage & Tourism sub-committee of Balrothery Community Council has reviewed the proposed plans and particulars that have been submitted as part of this application and following a meeting of the full Community Council it has been agreed to make the following observations with respect to the proposed development.

We will make specific observations on the current planning application in part 2 of this submission but we would like to firstly make some general observations regarding the planning & development of Balrothery village & include some references to sections of planning documentation & guidelines that are relevant :-

Part 1 :- General Planning of Balrothery Village :-

Balrothery , is listed as 'Other Hinterland Towns / Villages' in the current Fingal Development Plan 2011-2017. Balrothery Community Council regard Balrothery as a rural Village as opposed to a Hinterland Town. There has been a significant increase in residential development in Balrothery during the period 1999-2014 which saw the no.of houses increase from 84 (2000) upto 620 (2011) bringing the population increase from 279 (2000) upto 1858 (2011). These figures are as listed in 2011 census and will have increased in the intervening 4 years. The village is currently under stress due to a lack of infrastructure to accompany the recent residential development and provide for the increased population. The roads , footpaths, sewers and open space that catered for a village of 279 people in 2000 is struggling to cater for 1858 people.

We enclose Ordnance Survey High Flown Orthography Maps of Balrothery Village taken in 1995, 2000, 2005 & 2014 which clearly show the residential expansion over the past 20 years.

We feel that further residential developments on the outskirts of Balrothery village should not take place at the present time and if they are to be permitted despite the feelings of the community then we can only ask that the development densities are respectful of the location i.e. on the periphery of a village on a rural road bordering agricultural, greenbelt & high amenity zoned lands.

Densities should decrease as the distance from the village centre increases (subject site 1km from centre on edge of village) and no sensible planning strategy would even consider permitting to increase densities as currently proposed. This would be a housing density more in keeping with Urban towns

Balrothery Community Council must question the logic applied to re-zone an area of agricultural land which acts as a natural floodplain , protecting the village below from rainwater run-off by acting as a natural attenuation tank for the water running from the rising agricultural lands to the east of Balrothery known locally as the 'Blackhills'.

While our preference would be to de-zone this land back to Agricultural to avoid likely flooding of the village, we realise that this is not possible now & we must accept it is zoned residential in principle. We would however ask that Fingal County Council takes cognisance of all the issues we will raise in this submission and refuses planning permission for this excessive development proposal.

Relevant Planning References :-

National Spatial Strategy 2002-2020 (NSS)

The NSS categorises the Irish countryside into five Rural Area types, Areas that are Strong, Areas that are changing, Areas that are Weak, Areas that are remote and Areas that are Culturally Distinct. The rural area of Fingal is considered to be an 'Area that is Strong', where pressure for development, "is high and some rural settlements are under stress". Development Plan objectives need to be consistent with NSS direction to support agriculture, strengthen the rural villages and reduce urban sprawl.

Above text Extracted from section 8.1 of Fingal Development Plan 2011-2017.

Balrothery Community Council fully concur with this statement and feel Balrothery Village is a fitting example of a rural area under pressure for development. We do not want to see further urban sprawl in Balrothery and we trust Fingal County Council will abide by its own Development Plan and prevent further urban sprawl in Balrothery Village.

Current Fingal County Council Development Plan 2011-2017– Balrothery Objectives.

The current Development Strategy & Objectives for Balrothery are contained on page 56 of the current Development Plan and are as follows:-

Development Strategy

Protect and enhance the unique physical character and environment of this historic village and consolidate and strengthen the urban form. Maintain Balrothery's separation from Balbriggan and promote the development of village services and amenities.

Objective BALROTHERY 1 :- Protect and enhance the unique physical character and environment of this historic village.

Objective BALROTHERY 2 :- Maintain the physical & visual separation of Balrothery from Balbriggan.

Objective BALROTHERY 3 :- Facilitate & encourage improved village facilities, both commercial & community, to meet the needs of the existing and expanding village community.

Objective BALROTHERY 4 :- Protect and preserve the historic core of Balrothery including the Zone of Archaeological potential.

Balrothery Community Council would note that it is not part of the current Development Strategy nor is it an objective of the current Development Plan to provide further Residential Development in Balrothery.

2002 Balrothery LAP

A Local Area Plan for Balrothery was prepared in 2002 & the current application lands were included within the Boundary of the Local Area Plan. There was a density of 12 houses per hectare shown on these lands as part of the LAP.

The single Objective of the 2002 LAP was as follows:-

Objective A1 :- To provide for new residential communities in accordance with approved action area plans and subject to the provisions of the necessary social and physical infrastructure.

While Balrothery Community Council acknowledges that the lifetime of the LAP has passed since 2007, we feel it is important that the objectives of this LAP that were never delivered to Balrothery (e.g. cycle ways, crossing points, extension of 30km/ph zone on Darcystown & Iusk roads , traffic calming on Darcystown Road , accessibility for pedestrians & cyclists to existing class 1 open space) are not forgotten about as they are undoubtedly more urgent now, in an expanded village than they were , when promised, 12 years ago.

Darcystown Road

The Darcystown road links Balrothery to Ardgillan Park and onwards to Skerries and can be used as a route to Loughshinny also. Traffic volumes have increased substantially over recent years. Unfortunately there has been no physical traffic calming measure introduced (a sign showing speed of oncoming vehicles on the approach to Balrothery had worked previously but has been broken for almost 18 months). There have been 3no. recent accidents on this road over the past 6 months each involving a schoolchild on a bicycle being hit by a passing vehicle. Balrothery Community Council are extremely concerned about the existing volume and permissible speeds of traffic on this road. We obviously would not support the resultant additional cars from an additional 42 houses using this road daily as it will only increase the likelihood of more accidents. Balrothery Community Council are hopeful that the Castlelands link road will be completed by Fingal County Council in the near future which would help reduce the traffic on the Darcystown Road especially at peak times.

We would ask that physical traffic control measures are introduced along with a reduction in speed limit to 30km/ph and a controlled crossing point to enable the Ringfort and Balruddery Fields and Balruddery Woods residents access and return from the Village safely.

Summary of Part 1

As mentioned, significant residential communities have been provided since 2000 including Rosepark (97 houses), Cill Choirneal (58 houses) ,Balruddery Fields & Balruddery Woods (123 houses) & Ringfort (157 houses). however at a public meeting held by Balrothery Community Council in November 2014, there was an overwhelming opinion from the public that the necessary upgrading and additional social & physical infrastructure to cope with this increase in population in Balrothery Village has not been provided. Therefore, It is now necessary to avoid adding further residential communities until the necessary infrastructure e.g. footpaths, safe crossing points, traffic calming measures, public open-space is put in place to adequately serve the existing population.

It is our view that to proceed with new residential development on this particular site does not meet any of the current Development Plan Objectives for Balrothery. Balrothery Village is currently struggling to sustain the increase in population since 2000 and to keep increasing the population without regard for infrastructure & facilities makes this proposal a clear example of unsustainable development.

Part 2 :- Specific Observations on Submitted Drawings & Documentation

While this is an application for 42 houses on the Darcystown road, the site area submitted and shown in red includes the site of a previously permitted development of 10houses (reg. Ref. No.F13A/0322). We would maintain that this is duplication and that the specific site for this application should have been shown in red and separate to the previous site and that the landholding should be shown in blue as per normal practice. This application is referred to as Garrai Linn (Phase 2). F13A/0322 was the permitted Phase 1 application and in order to properly assess the current application it is necessary to first refer back to the submitted & approved documentation of application F13A/0322 which made various references to ‘the remainder of the lands’ and it is upon these lands that the current planning application is situated:-

Relevant extracts from F13A/0322 submission :-

1.2 Relevant Planning History

“...The intent is to provide a development which provides an appropriate transition from the relatively dense ‘ringfort’ development, while being mindful of the likely lower rise development format on the remainder of the landholding due to the increase prominence of this area due to the site topography”

1.3 Proposed Development

“...The site represents a lower pocket of lands than the remaining holding is considered suitable the house types proposed. However it is likely that a lower rise dormer house type will be more appropriate for the remaining lands.”

4.1 Fingal Development Plan 2011-2017

“The proposed development will accordingly have no effect on these protected views. The applicant is conscious that the remainder of the landholding is visible on approach to

Balrothery from the south east and expects that low rise format of development will be most appropriate for the remainder of the lands.

Compliance with Urban Design Manual (i) context

"The development sits comfortably in its surroundings and provides an appropriate scale and density.."

Extracts from Additional Information submitted in F13A/0322 application (Phase 1)

Point 4 (a)

"..the applicant proposes that playground facilities will be provided within the Class 2 public open space are to be provided in the second phase of the development on zoned 'RS' to the south of the subject site. This is considered a preferable location as it would allow the facility to be accessible to the greater number of residents within the development to be located on the applicants lands.."

Although, not part of the current submission we feel it is important to recall what the applicant considered to be appropriate development on the subject site when requesting planning permission for Phase 1. It is unfortunate that the current 'Phase 2' proposal shows that the applicant has disregarded previous commitments and arguably has mis-represented the overall intention for development of these lands, a previous intention that may well have influenced the planning departments previous decision.

Phase 2 - Density

The proposed housing density is not indicated anywhere on the submitted documents or drawings. The proposed site area is also not indicated as the site area shown on the application form is inclusive of the previous permitted site (F13A/0322). The site area shown in red on the site plan submitted dwg. No.133051-1100 is indicated as being 2.81 acres (1.1353 Hectares). However this appeared to be a small area for the propose site so we checked back and it transpires this was the site area for phase 1.

Obviously the area was not changed on the drawing to represent the current proposed site so we went about calculating the site areas and resultant densities ourselves and below is our interpretation of the densities the current proposal , F13A/0322 is also shown for comparative purposes :-

| Current Application F14A/0488 F13A/0322 | Permitted | Application |
|--|------------------|------------------------------|
| Site Size – 2.4811 hectares (see note a) | | 1.1353 Hectares |
| No of Houses: 42 | 10 | |
| Area per unit: 0.0590 sq/m | | 0.1135 sq/m |
| Density 17 per hectare / 7 per acre | | 9 per Hectare / 3.5 per acre |

The above calculations show that the density has increased from 3.5 houses per acre in Phase 1 upto 7 per acre in the current proposal. If 3.5 houses per acre was deemed to be

"an appropriate density in the" F13A/0322 submission then , by interpretation, to double the density is upto 7 per acre is inappropriate.

Balrothery Community Council feel this is a totally unacceptable approach to development on these lands on the outskirts of a Village. Density should, under no circumstances be increased by 100%. The existing bungalow shown on the site plan is located 0.8km from the village centre and the frontage of this site should be the natural break from urban type housing to rural type housing i.e one-off houses. The 7 'urban type' houses currently proposed on Darcystown Road should be reduced to 2 or 3no. houses on sites with a frontage site area & house type to match those on the opposite side of the road. This would then form the gradual step back into the rural area which is most appropriate. Planting of mature Trees along a new grass verge would also help to further improve the transition from Village to rural setting which is also a very important route to Ardgillan Park.

Densities on the main bulk of the site should be revised to a much more appropriate level and in particular the proposal to have 2 no. link roads which suggest a further phase bounded by an even higher density of semi-detached houses is nothing more than providing for further 'urban sprawl' at even higher densities again. As the adjoining lands are in '3rd party ownership' and have access to the Darcystown Road, we see no reason why the current proposal should be anticipating or facilitating a 3rd party by constructing 2 link roads over to the site boundary and adding a higher density of houses just beside the boundary. The orientation of the semi-detached houses adjacent to the south-eastern boundary of this site could be considered as an attempt to set a precedent for future development in 3rd party lands. If so we seem to be planning higher densities as the land rises which is the opposite of what was considered as appropriate in the planning report.

Development Density dictates all and when densities are too high other important requirements get pushed off site .i.e. Open Space. Ultimately, should houses be built on this site, let they be at an acceptable density considering the site location & topography which in turn will leave adequate open space for natural drainage and provide the required Class 1 open space on site.

Note a :- Area calculated as 3.6164 Hectares (shown on application form) minus the phase 1 site 1.1353 Hectares which is equal to – 2.4811 hectares

Open Space

Balrothery Community Council were shocked to read the following proposal as contained in the current application documents in section 4.1.1 – Public Open Space Provision.

'The location of Class 1 Open Space has been the subject of pre submission discussions with Tom Hussey, Park Department in relation to Phase 1 of the development and is proposed to be located in the Class 1 public park indicated in the North West Balbriggan Local Area Plan 2005 and the Fingal Development Plan 2011-2017, which have designated and zoned an area in the western section of the overall Crescent Park Properties Balbriggan lands as a public park.'

The very principle of providing open space ,the requirement of which is generated by a development in Balrothery i.e 182 persons x 18sq/m = 3276sq/m on a promised park in Northwest Balbriggan is totally unacceptable and frankly, a disgraceful planning practice. Local residents asked , were children in Balrothery expected to travel to Balbriggan to play. One remarked that we are lucky Crescent Park Properties did not have unused land in Russia as the price of flights would be unsustainable for a family.

It is necessary to again refer back to the previous application to get an accurate timeline on how the Class 1 open-space issue has been handled.

Below extract from F13A/0322-original Planning report dated 27th August 2013

'Immediately prior to lodgement of the application on 27th August 2013, the arrangements for provision of Class 1 open space were discussed and agreed with Tom Hussey of the park Department. The applicant proposes to provide the Class 1 open space to serve the development on lands at North West Balbriggan as it was agreed that there is adequate provision of Class 1 POS in Balbriggan'.

Thankfully the planning officer did not hold the same view as the Parks Department and queried this arrangement in Point 5 of the additional information request. The applicants response to the query was as follows

Below extract from F14A/488- Planning report submitted with AI - dated 8th November 2013

'A substantial class 1 public park was approved by Fingal County Council under reg. Ref. F07A/1249 on lands owned by the current applicants. However there is an insufficient requirement for Class 1 public open space within the various planning permissions secured by the applicants to facilitate the transfer of the full extent of their 'OS' zoned lands at NW Balbriggan to provide this public park. This application does not seek permission to provide the public park but facilitates the attachment of a condition requiring the transfer of lands at NW Balbriggan. An identical approach was agreed in respect of Reg.Ref.F11A/0442 where the transfer of lands was agreed in lieu of the payment of a financial contribution.'

This statement is very worrying. Basically we interpret it in simple words to mean .. the applicants have proposed a large park in Balbriggan but to date have not built enough houses in Balbriggan to justify a park of this size. Therefore the applicants are now going to build houses in Balrothery and instead of providing open space in Balrothery they are asking Fingal County Council to accept part of a park that they will be providing in NorthWest Balbriggan. They have done this before instead of paying a financial contribution so lets do the same again.

Incidentally the planning precedent referred to was for 4 no. houses in Balbriggan and is not comparable with a housing development in Balrothery. The map submitted indicates an area of land immediately to the East of the recently completed Flemington reservoir which is not yet developed as a public park and is inaccessible.

The Planning officer did not accept this proposed and instead included a condition asking for a financial contribution of €31,138 be paid in lieu of open space provision based on a shortfall of 630sq/m Class 1 Open Space.

Ultimately , Balrothery did not gain any Class 1 open space resultant from the previously permitted development of 10 houses. Fingal County Council stand to gain €31,138.

Current Application F14A/0488 – Class 1 Open Space

By the applicant yet again proposing what is now an even larger allocation (3276 sq/m) of required Class 1 open space on their lands in Northwest Balbriggan they have shown complete disdain for the planning departments previous ruling and are simply yet again trying to avoid :

- 1) providing Class 1 open space in Balrothery
- 2) Having to pay a financial contribution in lieu.

It should also be noted that in the current application the previous allocation of Class 1 open space has been included again which if accepted will mean the previous financial contribution is not-applicable.

Financial Contributions in lieu of Class 1 Open Space

Balrothery Community Council are not confident that the financial contributions accepted in lieu will result in a benefit to the area of development. Technically, the current guidelines allow for this money to be spent upgrading a Regional park within 5km of Balrothery e.g Ardgillan Park.

Therefore it is possible and indeed very likely that there will be no net increase in Class 1 Open Space within the village or within a reasonable walking distance of Balrothery Village. We would ask that Fingal county council insist on Class 1 open space being provided on site or within 1km of the subject site so that the local community can use this open space without having to use a car to access it.

Class 2 Open Space

We have also calculated the provision of Class 2 open space provided on site as a percentage of the overall site size and our results are as follows:-

Current application – Class 2 area provided 2426 sq/m i.e 10% of site area / 57sq/m per house

Previous application–Class 2 area provided 1875sq/m i.e.40% of site area./ 187 sq/m per house

Balrothery Community Council have concerns regarding the proposed location and gradient of eth Class 2 open space.. It is not 'centrally' located as stated by the applicant. It runs along the Western site boundary which is the lowest lying land and is very likely to be constantly wet and this combined with the gradient indicated on the site sections would deem it to be unusable.

A recent site visit indicated a much higher ground level adjacent to the existing 'Ringfort' housing development than is indicated on the drawings. In order for the proposal to be properly assessed we feel that the applicant should be requested to provide existing site sections and proposed site sections which will clearly indicate what cut & fill is proposed. Indicate if any retaining walls are necessary along the western boundary.

Unfortunately, in housing Estates throughout Balrothery with the worst examples being Rosepark, Balruddery Fields & Balruddery Woods, developers have been allowed to create large embankments with soil and call it 'landscaped' open space. It is not level and usable for any games particularly ball games which leads to children playing on the roadways as they are the only level areas available. Perhaps this is also a problem in other areas of Fingal but we would like to highlight it because it seems to have only been allowed over recent years. In traditional housing estates built in the 70's 80's and 90's open space was always level , well drained & playable upon.

Drainage

Foul Water. Balrothery Community Council are concerned that the existing foul sewers are not large enough to cater for additional loading. We are not aware of any upgrade works having taken place in recent years. We are aware of other areas of Fingal where it has not been permitted to make any connections to existing sewers until upgrade works have been completed.

Surface Water

In the DBFL Report submitted with this application, it refers to surface water sewer design calculations (Appendix 4). These calculations have all been based on a site investigation report that was carried out by digging 3 no. trial holes on the adjacent site i.e Site subject of application F13A/0322.

We would have expected trial holes on the lands subject of the current application to have been carried out to ascertain the percolation values of these lands. It is important that it is assessed whether the recently constructed dwellings roadways etc have had any impact on the water table or percolation values of the subject site.

Notwithstanding the validity of the surface water calculations & report, it is extremely worrying that of the 3 trial pits previously assessed on the adjacent site. 2 of these pits referenced as P1 & P3 resulted in "*insufficient soakage in the trial pit to enable calculation of the soil infiltration rate*"

Therefore only one of the 3 pits assessed , reference P2 was capable of draining water. The fact that the surface water basins proposed as part of the SUDS on the adjacent site are shown in the same areas as P1 & P3 and that there is now a house built on the location of P2 which was the only area that drained naturally really adds to our concerns.

Taken all of the above into account, it is evident that there has been fundamental errors and oversights regarding surface water treatment and this would explain the recent increase in the water run-off along the Darcystown road , past Ringfort & Rosepark and down into the village. One resident has sent the community council a picture of a typical scenario where the rainwater is 'a constant river running down the hill' and we enclose same.

Balrothery Community Council have previously outlined our concerns regarding building on this floodplain and as a minimum the applicant should be asked to dig new trial pits across these lands and properly ascertain their capability of coping with existing demand from the hills above and increased demand from roofs and roadways. Fingal County Council Water Services Engineers will then no doubt make their own decision as to whether this site and the existing sewers in Balrothery can cope with any increased demand.

Summary of Part 2

Balrothery Community Council welcomed the quality of houses & density of Phase 1 , however, the current proposal for 42 houses on these lands is extremely excessive for this location on the edge of a rural village. The density level on these lands should be lower than the permitted 10 houses F13A/0322 & should also further reduce in any future proposals for the remainder of the residential zoned lands. We are also extremely concerned about no Class 1 open space and possible flood risk as explained herein. The applicants feel it is appropriate, Balrothery Community Council feel it is not, we now await the opinion of Fingal County Councils Planning Department & ultimately ,if appealed by either parties, the decision of An Bord Pleanala.

We enclose the required fee of €20 and we await the decision of the planning department in due course.

Yours Sincerely,

Kevin Tolan
Planning Heritage & Tourism Sub-Committee
Balrothery Community Council

Brendan McCormack
Planning Heritage & Tourism Sub-Committee
Balrothery Community Council

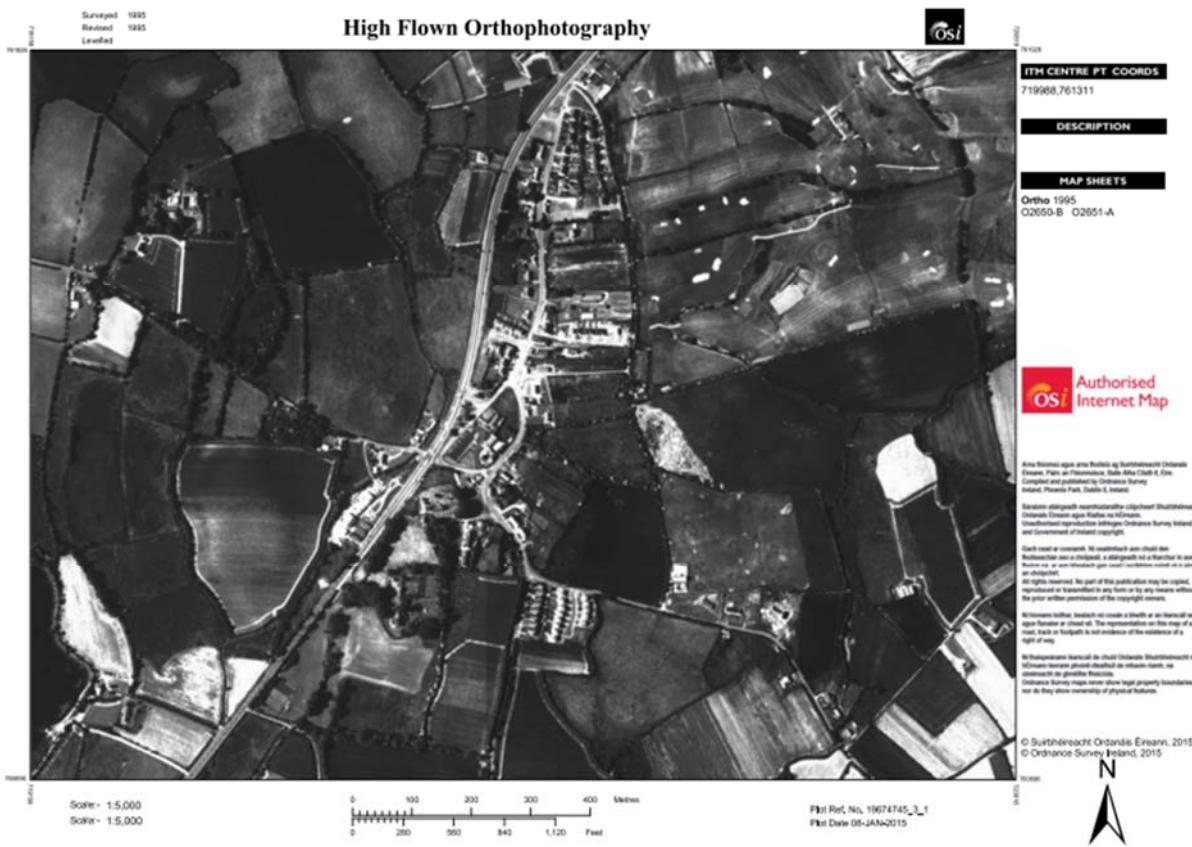
Gerry Andrews
Planning Heritage & Tourism Sub-Committee
Balrothery Community Council



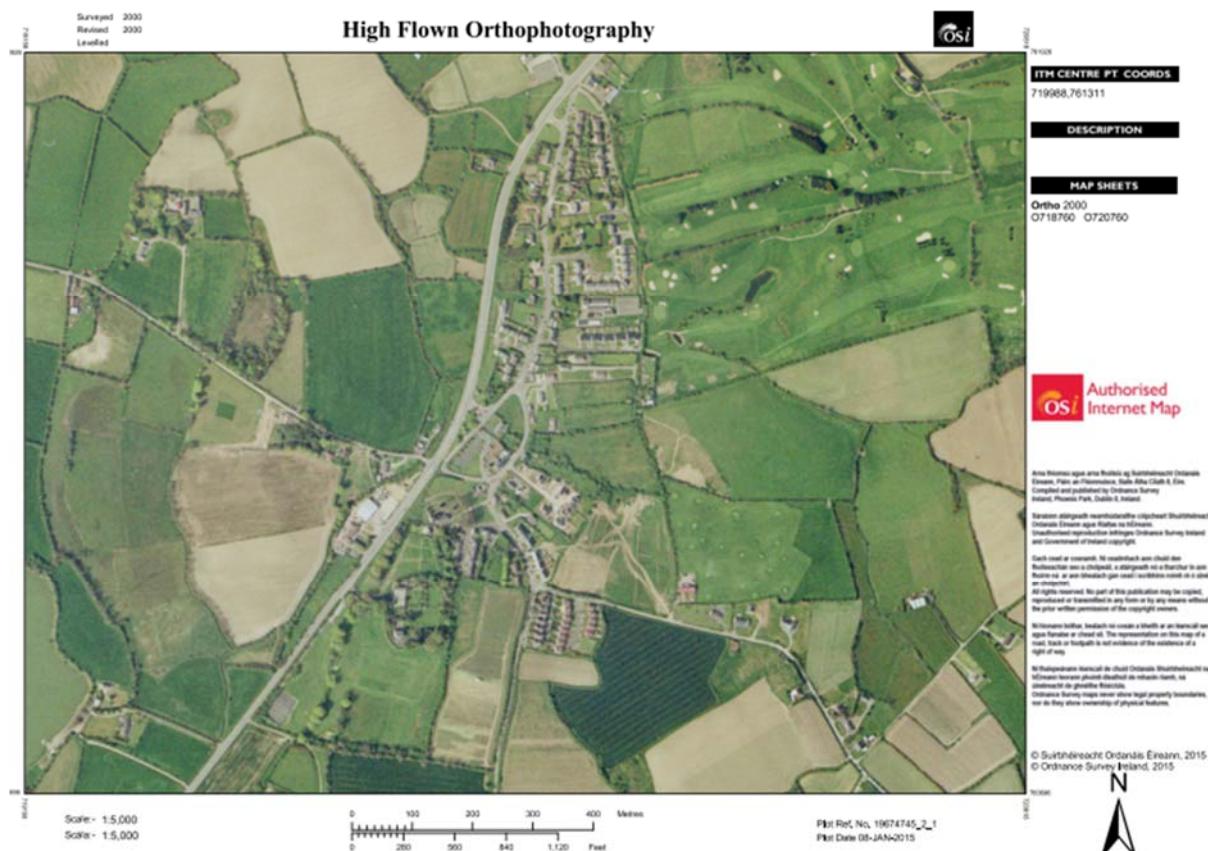
Surface Water flowing on Darcystown Road past 'Ringfort'



Surface Water flowing onto footpath and freezing to form ice at bottom of Darcystown Road.



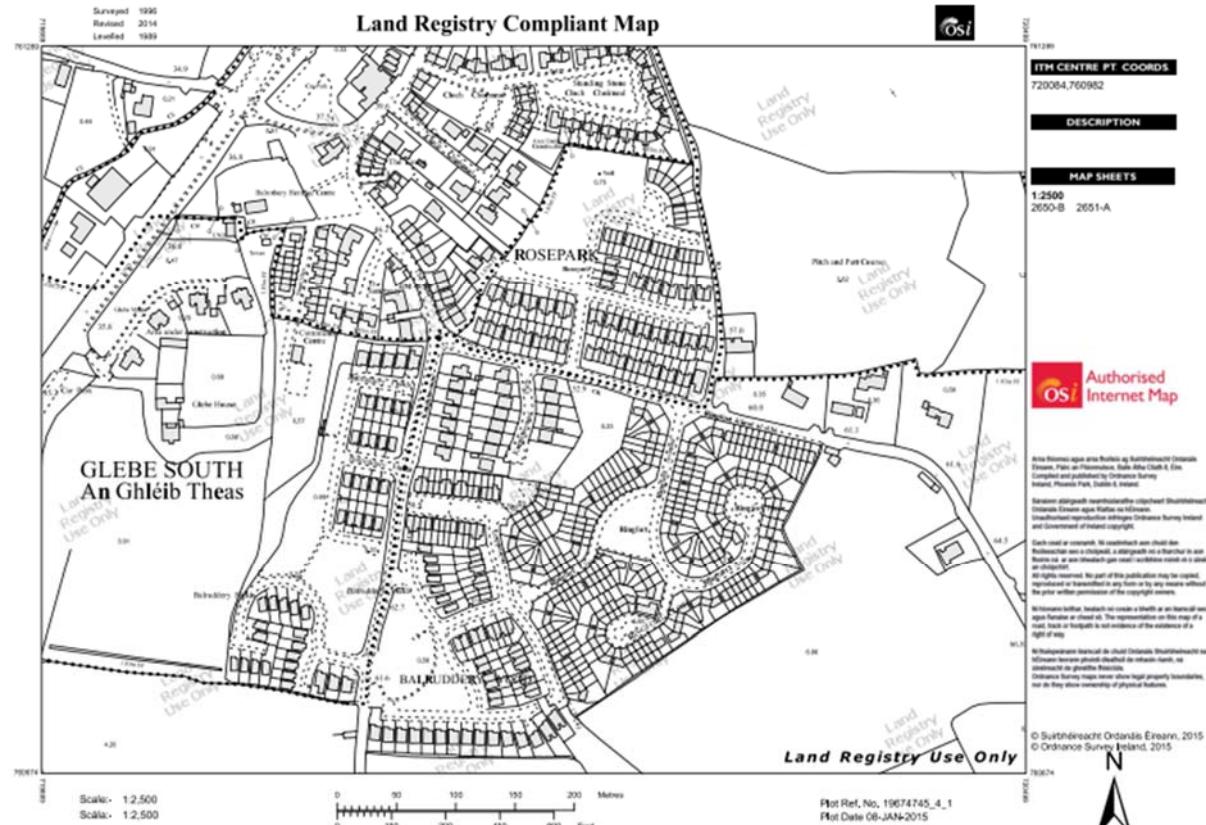
Balrothery Village - 1995



Balrothery Village - 2000



Balrothery Village - 2005



Balrothery Village - 2014