

DOWNEY

29 Merrion Square, D02RW64

STATEMENT OF RESPONSE TO LRD OPINION

**Proposed Modifications to Permitted SHD
(via LRD process)**

**Lands to the East of Kinsealy Lane
& to the South of Back Road,
Kinsaley, Broomfield, Malahide, Co. Dublin**

Applicant: Birchwell Developments Ltd.

July 2025

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1.0 INTRODUCTION

DOWNEY, Chartered Town Planners, 29 Merrion Square, Dublin 2, D02 RW64, have prepared this Statement of Response to Fingal County Council's LRD Opinion, on behalf of our client and the applicant, Birchwell Developments Ltd. This statement is to accompany a proposed Large-scale Residential Development (LRD) on lands to the south of Back Road and to the east of Kinsealy Lane, Kinsale, Broomfield, Malahide, Co. Dublin. The proposed development subject to this LRD application provides for proposed modifications to House Type C, C1, C2 & D which were previously permitted under the Strategic Housing Development of 87 no. residential units (permitted under Ref. ABP-313361-22) and all associated site works necessary to facilitate the development. This development is now under construction.

Following consultation with Fingal County Council under Section 247 of Planning and Development Act, 2000 (as amended) on 9th January 2025, a Section 32(B) Stage 2 LRD Pre-Planning Meeting Request was submitted to the Council, with the pre-application LRD consultation meeting held remotely via Microsoft Teams on 8th April 2025. On 30th April 2025, Fingal County Council issued their notice of pre-application consultation LRD Opinion on the proposed development, under case reference LRD0061/S2.

The Opinion Letter states that *"it is the opinion that the documentation submitted with the consultation request under Section 32B of the Act constitutes a reasonable basis on which to make an application for permission for the proposed Large-Scale Residential Development"*.

The Statement now sets out a response to Fingal County Council's LRD Opinion. This statement of response should be read in conjunction with all drawings and documentation submitted as part of this Large-scale Residential Development (LRD) planning application.

2.0 REQUESTED SPECIFIC INFORMATION

Section 10 of the LRD Opinion details the information the Design Team is recommended to address in their final submission. Below is an overview of the Design Team's responses, prepared in tandem with relevant drawings and documentation to be included in the LRD application pack.

The following sections present the Council's opinion regarding the recommendations in italic text, followed by the Applicant's response.

2.1 RECOMMENDATION 1

FCC Opinion: *"The applicant shall provide sufficient plans, elevations, sections, cross sections, contiguous elevations".*

Applicant's Response: MCORM Architects have provided updated and accurate plans, elevations, sections, cross sections and contiguous elevations as a part of the LRD application for proposed modifications to House Types C, C1, C2 & D. Please refer to the architectural pack prepared by MCORM Architects in this regard, and the accompanying Design Statement which includes a section responding specifically to the LRD Opinion.

2.2 RECOMMENDATION 2

FCC Opinion: *"Covered all technical information (given to us)".*

Applicant's Response: All technical information included in the submission of the Stage 2 LRD meeting request has been included within the submission of the formal LRD planning application. The technical information provides all relevant information and details regarding the proposed modifications to House Type C, C1, C2 & D.

2.3 RECOMMENDATION 3

FCC Opinion: *"The onus shall be on the applicant to ensure that all conditions are met and to ensure that the development accords with all conditions of the relevant permission they are proposing to amend e.g. water, transportation, parks (none of these form part of the proposed development)."*

Applicant's Response: Compliance in relation to the granted permission under ABP-313361-22 will be appropriately implemented and complied with during all stages of development from Prior to Commencement to Occupation conditions. Any additional conditions as a result of the proposed modifications to House Types C, C1, C2 & D will be appropriately adhered to and incorporated into the development. At this juncture, it must be noted that the proposed modifications solely and specifically concern modifications to some of the permitted house types. All other aspects of the parent permission which is now under construction will be delivered in accordance with that parent permission i.e. the approved footprint, positioning, amenities (such as car parking, bin and bicycle storage, and private gardens), vehicular access, boundary treatments, and essential infrastructure like drainage, public lighting and landscaping.

2.4 RECOMMENDATION 4

FCC Opinion: *"The applicant shall clarify how the development takes account of the Airport Noise Zones and Outer Public Safety Zone."*

Applicant's Response: Regarding the Airport Noise Zone, it is considered that the development as previously permitted is consistent with the policies and objectives outlined in Chapter 8 of the Fingal Development Plan, where the health of residents from aviation noise is protected and reduced through effective levels of insulation and glazing within the dwellings of the development. The proposed modifications to House Types C, C1, C2 & D will remain consistent with that previously permitted and achieve the policies and objectives outlined above with the same level of insulation and glazing considered acceptable under permission **ABP-313361-22**, with appropriate conditions.

Regarding the Outer Public Safety Zone of the Airport, it is considered that the development as previously permitted, with the proposed modifications to House Type C, C1, C2 & D, remains/is consistent with the appropriate land use within the Outer Public Safety Zone of Dublin Airport as considered acceptable under permission **ABP-313361-22**. A report produced by Cyrrus for Aviation Public Safety Zone Assessment was submitted as part of the parent permission. The proposed modifications are considered minor in nature and essentially non-material changes to the overall development. Changes are being proposed to these house types for ease of construction by extending

the first floor over the permitted ground floor rear single storey to omit the lean-to extension to provide for a flush rear elevation, resulting in only a minor increase to the internal floor area of each house ranging between c.8sq.m.-10sq.m depending on the house type.

At this juncture, it must be noted that the proposed modifications solely and specifically concern modifications to some of the permitted house types. All other aspects of the parent permission now under construction will be delivered in accordance with that parent permission i.e. the approved footprint, positioning, amenities (such as car parking, bin and bicycle storage, and private gardens), vehicular access, boundary treatments, and essential infrastructure like drainage, public lighting and landscaping. Fingal County Council are respectfully invited to refer to the Aviation Public Safety Zone Assessment submitted and approved under the parent permission for this development.

2.5 RECOMMENDATION 5 & 6

FCC Opinion: *"The applicant shall provide clear site layout plans in the interest of clear legibility."*

FCC Opinion: *"These should clearly mark out the permitted and proposed development. It would be useful if both plans could use the same unit number ordering."*

Applicant's Response: MCORM Architects have provided updated site layout plans in the interest of clear legibility that appropriately reflect the proposed modifications. Both the permitted and proposed site layout plans use the same number ordering. Please refer to the architecture pack prepared by MCORM Architects in this regard.

3.0 CONCLUSION

DOWNEY, Chartered Town Planners, 29 Merrion Square, Dublin 2, D02 RW64, have prepared this Statement of Response to LRD Opinion on behalf of our client and the applicant, Birchwell Developments Ltd., to accompany a proposed modification application on lands at to the south of Back Road and to the east of Kinsealy Lane, Kinsale, Broomfield, Malahide, Co. Dublin. The proposed modifications subject to this LRD application propose changes to House Type C, C1, C2 & D which were previously permitted under the Strategic Housing Development of 87 no. residential units (permitted under Ref. ABP-313361-22) and all associated site works necessary to facilitate the development. This development is now under construction.

The proposals incorporated into the final scheme are considered to result in a high-quality development being presented to Fingal County Council for approval. It is considered that the proposed modifications to the development under the parent permission, provide for a sustainable residential development on appropriately zoned lands, in an accessible location within the development boundaries of Malahide, which promotes compact urban growth and a good quality of life, further supporting compact growth of the town itself and assisting in meeting the increasing demand for residential accommodation in Malahide and the overall County.

In light of the above, it is submitted that the proposed development is consistent with the proper planning and sustainable development of the area in which it is located as expressed in national, regional and local planning policy and Guidelines issued under Section 28 of the Planning and

Development, 2000 (as amended), and as such, it is considered that the proposed development represents a high-quality residential development which is now being submitted for the consideration of Fingal County Council.

It is therefore respectfully submitted, on behalf of our client and the applicant, Birchwell Developments Ltd., that Fingal County Council grant permission for the proposed modifications to this permitted development.