



An  
Bord  
Pleanála

## **S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report on Recommended Opinion ABP-305822-19**

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<b>Strategic Housing Development</b>	211 homes and a crèche
<b>Location</b>	Grangend, Dunshaughlin, Meath
<b>Planning Authority</b>	Meath County Council
<b>Prospective Applicant</b>	Loughglynn Developments Ltd.
<b>Date of Consultation Meeting</b>	11th December 2019
<b>Date of Site Inspection</b>	30 <sup>th</sup> November 2019
<b>Inspector</b>	Stephen J. O'Sullivan

## 1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

2.1. The site adjoins the north-eastern edge of the built up area of Dunshaughlin in Meath. That town had a population of 4,035 at the 2016 census, with 1,841 resident workers and 998 jobs indicating that it functions as a commuter settlement. The site has a stated area of 7.46ha. It is mostly pasture beside recently constructed housing. The northern boundary runs along the R125 Ratoath Road. The land falls from west to east across the site.

## 3.0 Proposed Strategic Housing Development

3.1. It is proposed to build 211 residential units. The housing mix is as follows –

	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Houses	-	-	96	22	-	118
Apts	12	75	6	-	-	93
Total	12	75	102	22	-	211

3.2. It is also proposed to build a creche of 396m<sup>2</sup> in a standalone building, and a shop of 67m<sup>2</sup> on the ground floor of one of the apartment buildings. The floor area of the

proposed buildings is given as 24,644m<sup>2</sup>. The proposed development includes the installation of a footpath and cycle land on one side the R125 Ratoath Road and the realignment of a bend, as well as the construction of 250m of a new distributor road from that road leading south.

## 4.0 Planning History

- 4.1. PL17. 233893, Reg. Ref. DA802808 – On 7<sup>th</sup> September 2009 the board refused permission for 50 houses on the current site because the development of this greenfield land would be premature pending the adoption of a local area plan for the town.
- 4.2. ABP-303433-19: On 23<sup>rd</sup> April 2019 the board granted permission under SHD for 913 homes on a site on the southern side of Dunshaughlin on lands zoned residential phase 2 for a period of 10 years.

## 5.0 Policy

### 5.1. National Policy

The government published the National Planning Framework in February 2018. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is to prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

The applicable section 28 guidelines include -

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets'
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2018),
- Childcare Facilities – Guidelines for Planning Authorities
- The Planning System and Flood Risk Management (including associated Technical Appendices).

## 5.2. Local Policy

The Meath County Development Plan 2013-2019 applies. Dunshaughlin is designated as a moderate growth town, the 3<sup>rd</sup> of 5 categories of settlement. The core strategy of the plan allocates it 319 units (in addition to 763 permitted and unbuilt units) for the period of the plan which would require 9.1ha of zoned land. 63ha of zoned land is available. The current site is zoned residential, phase 2 apart from a small piece on its southern boundary that is zoned for open space. The plan states that such land will not be available for residential development until after 2019. There is an indicative roads objective along the R125 to the north of the site and along the line new relief road to the east of the town that passes through the site.

## 6.0 Forming of the Opinion

### 6.1. Documentation Submitted

The prospective applicant submitted extensive documentation including drawings of the proposed development and –

- A Planning Report and Statement of Consistency
- An Environmental Report
- An Architectural Design Statement
- A Housing Quality Assessment
- An Infrastructure Design Report
- A Site Specific Flood Risk Assessment
- An Appropriate Assessment Screening Report
- A DMURS Design Statement
- A Traffic and Transport Assessment

### 6.2. Statement of consistency

The proposed development would provide housing in a town within walking distance of its centre. As such it would be in keeping with various general national and regional policies such as the NPF, Rebuilding Ireland and the RSES for the East and

Midlands. The proposed development would have a mix of housing types between 2 and 4 storeys high and so would be in keeping with the 2018 guidelines on building height. The site is close to various services in Dunshaughlin and 700m from the bus stop. It would be in keeping with the 2009 guidelines on sustainable residential development in urban areas including the recommended density of 35-50 dph on greenfield sites set out at section 5.11 of those guidelines, and the design manual issued with them. It would meet the 2018 guidelines on apartment design, including its SPPRs. Compliance with SPPR 3 is demonstrated by the submitted Housing Quality Assessment. The layout complies with DMURS. A childcare facility with 60 spaces will be provided in line with the guidelines on that topic. The site would be in flood zone C and so the proposed residential development would be in keeping with guidelines on Flood Risk Management..

The proposed development would be on land zoned for residential development in Dunshaughlin which is designated as a moderate growth town. Open space would be provided on the part of the site zoned for open space.. As such it would be in keeping with the principles of the Meath County Development Plan 2013-2019. A distributor road would be provided in a similar position to the indicative roads objective shown on the map of the plan. With regard to phasing, it is noted that the board has recently granted permission for housing in the town on lands in phase 2, ABP-303433-19 refers. All phase 1 lands in the town have been developed or had permission granted upon them and it is anticipated that the current site will be released for development in the plan currently in preparation. The current site is suitable for earlier release than other phase 2 lands due to its proximity to the town centre and the bus stop and other services there, as is acknowledged in the development plan.

### **6.3. Planning Authority Submission**

The site is not in phase 1 of the order of priority for development at Dunshaughlin under the current plan. The current drafts for the next plan do not propose to include the site in phase 1. Permission has been granted for 1,156 units in the town, of which 550 are completed or under construction. The number of permitted units in the town therefore exceeds the allocation to it under the core strategy. The proposed density is consistent with the development plan and the character of the area. The housing mix is good. The development plan requires 15% open space on residential

lands. The proposed development would provide open space on 15.7% of the site but this includes land which is actually zoned for open space. Private and communal open space in line with the requirements of the apartment design guidelines and development plan should be provided. The proposed boundary treatments are acceptable. The Transportation Department has reported that the proposed junction type on the R125 should be clarified. It should be demonstrated that the location of the proposed distributor road would not prejudice its completion. 5 categories of street are proposed. The proposed roundabout should comply with applicable standards. It is unclear how the proposed realignment would affect the properties on the other side of the road. The proposed underground car parking spaces are not big enough. The number of bike parking spaces proposed is not consistent. A special levy should be payable towards the cost of the outer distributor road. Adequate details of surface water drainage shall be provided. The environment section has serious concerns about flooding due to the proximity to the low lying land and flood plain to the east where a high water table may prevent percolation. The treatment of the existing ditch through the site needs to be clarified. The site is in flood risk zone C, but there are deficiencies in the submitted flood risk assessment. A schools needs assessment should be submitted. The Conservation Officer has reported that the house on the site needs to be retained. The site is part of designed site of geological interest.

#### **6.4. Other submissions**

#### **6.5. The Consultation Meeting**

A section 5 consultation meeting took place at the offices of the board at 1430 on Wednesday, 11<sup>th</sup> December 2018 between representatives of the board, the planning authority and the prospective applicants about the proposed development. A record of the meeting was made and is available. The main topics discussed at the meeting were –

- i. The treatment of the R125 Ratoath Road
- ii. The phasing provisions of the development plan
- iii. Design strategy, layout, housing mix, residential amenity, compliance with standards etc.
- iv. Drainage and flood risk

v. Any other issues

In relation to item i) the planning authority recognised the hostile environment on the existing R125 Ratoath Road and the need for its character to be changed if the town is extended on the current site so that the road provided an appropriate transition from the rural to the urban area with suitable pedestrian and cycle facilities. The board's representatives referred to the specifications for urban streets set out in DMURS and to its guidance on appropriate frontage development, both of which would be relevant considerations for any application on the site. Proposed junction types should also have regard to the guidance in DMURS, including its advice against large roundabouts in residential areas, and any cycle facilities should conform with the standards in the National Cycle Manual. The prospective applicant accepted that the Ratoath Road was a dangerous rural road. It proposed to alter it to provide a 6.5m carriageway with a footpath and cycleway. The specifications in DMURS have been met. A priority junction could be considered on the proposed junction on the Ratoath Road. The extant permission for housing on the adjoining land owned by the prospective applicant authorises works to improve the junction of the Ratoath Road with St Seachnaill's to the west of the present site. Any application can include the Ratoath Road within the application site, with the consent of the council, and will address the maintenance of access to existing detached houses on the other side of the road. Consideration will be given to buildings with frontage onto the improved Ratoath Road, possibly in a manner similar to those shown facing the outer relief road on the submitted drawings. The proposed alignment of the outer relief road differs somewhat from that in the development plan but has been discussed and agreed with the council.

In relation to item ii) the council stated that it was about to publish a draft development plan under which the site would be zoned residential without a phasing restriction. The board's representatives stated that it could not contravene the zoning objectives of a development plan and that a material contravention of phasing provisions would have to be justified. The prospective applicant stated that it had been providing houses on its landholding in a consistent manner for several years when little other accommodation was being built, and that the proposed development would be a proportionate and sequential continuation of this sustainable level of

building. It noted that the board had granted permission for other SHD schemes on phase II land in Dunshaughlin. The board's representatives stated that the details submitted with any application should show the proposed development including the proposed part of the outer relief road in relation to the permitted SHD development to the south and the other part of the outer relief road which it contains. The council stated that the submitted details should make it clear that housing was not proposed on land zoned for open space.

In relation to item iii) the council referred to its written submission. The prospective applicant stated that the proposed scheme includes a good housing mix with a proper relationship with the permitted and previous housing on the adjoining land and with the land zoned open space. The proposed alignment of the outer relief road would allow the existing stream to be kept open which would have beneficial impacts in relation to landscaping and drainage. The proposed smaller apartment blocks would meet local needs, particular for those downsizing from larger houses.

In relation to item iv) the council referred to its written submission and stated that it would facilitate further discussion with the prospective applicant on drainage issues. It suggested that the prospective applicant provide it with an amended Flood Risk Assessment with revised modelling that accounts for climate change, critical flood flows and surcharging and clarification on channel no. 2. The prospective applicant stated that it will address these issues, and noted that the site is outside the flood risk zones indicated in the OPW's CFRAMS.

In relation to item v) the board's representatives referred to the archaeological potential of a site close to the historic settlement at Dunshaughlin and the general need for AA screening. The prospective applicant acknowledged these issues. It also stated that the proposed development may involve the construction of a pumping station on the link to the foul sewerage network on the site.

## **7.0 Conclusion and Recommendation**

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the elements that are set out in the Recommended Opinion below.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act:

**requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 8.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issue needs to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

#### **The treatment of the Ratoath Road.**

The submitted documents should demonstrate that the Ratoath Road would be upgraded as part of the proposed development so that it would function as a safe, attractive and comfortable street within the town in accordance with the principles and standards set out in DMURS including those at section 4.2 requiring appropriate streetscapes and frontage along arterial streets, as well as those relating to permeability and connectivity; the alignment and width of carriageways and footpaths; corner radii; block sizes; and junction types. The submitted documents should show that adequate access would be maintained to existing houses on the Ratoath Road and that cycle facilities would be provided on that road and on the proposed part of the outer relief road which would serve cycle movements in both directions and across junctions in accordance with the standards set out in the National Cycle Manual. The submitted documents should refer to specific provisions of DMURS and the National Cycle Manual and demonstrate that the specific characteristics of the proposed upgrades to the Ratoath Road, the proposed outer relief road and the other proposed streets would comply with them. General or unsupported assertions in this regard will not suffice.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby

notified that the following specific information should be submitted with any application for permission:

1. Plans showing the proposed development in relation to the development to the south authorised under ABP-303433-19 and illustrating how the proposed development would be compatible with the completion of the planned outer relief road to the east of the town.
2. A Site Specific Flood Risk Assessment Report. The prospective applicant is advised to consult with the relevant section of the planning authority prior to the completion of this report which should describe this consultation and clarify if there are any outstanding matters on which agreement has not been reached with regard to surface water drainage.
3. An appropriate assessment screening report
4. An archaeological impact assessment report
5. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.
6. Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting.
7. A draft construction management plan
8. A draft waste management plan.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. The Minister for Culture, Heritage and the Gaeltacht,
3. The Heritage Council

#### 4. An Taisce — the National Trust for Ireland

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Stephen J. O'Sullivan  
Planning Inspector,  
21<sup>st</sup> January 2019