

Board Order ABP-308155-20

## Planning and Development Acts 2000 to 2020

# Planning Authority: Meath County Council

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 11<sup>th</sup> day of September 2020 by Hayfield Homes Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin 7.

#### Proposed Development comprises of the following:

513 number residential units, comprising:

- (a) 304 number houses comprising:
  - 33 number two-storey three-bedroom semi-detached houses 107.2 square metres (Unit Type A),
  - 159 number two-storey three-bedroom terraced houses and semidetached houses 114 square metres (Unit Type C),
  - three number two-storey three-bedroom semi-detached or end of terrace houses 114 square metres (Unit Type C1),
  - 21 number two-storey four-bedroom semi-detached houses 132 square metres (Unit Type B),
  - One number two-storey four-bedroom detached house 132 square metres (Unit Type B1),
  - Nine number two-storey four-bedroom end-of-terrace houses 137.5 square metres (Unit Types D1 & D2),
  - 72 number two-storey four-bedroom mid-terrace or semi-detached houses 137.5 square metres (Unit Type D),

- Two number two-storey four-bedroom mid-terrace houses 137.5square metres (Unit Type D3),
- Four number single storey three-bedroom bungalow 94.4 square metres to 104 square metres (Unit Types E1 & E)
- (b) 161 number Apartments arranged in four number maximum four-storey apartment buildings comprising a total of:
  - 75 number one-bedroom apartments measuring 49 square metres to 59.9 square metres (Unit Types A, A1, A2 & A3),
  - 75 number two-bedroom apartments measuring 77.9 square metres to 81.2 square metres (Unit Types D & B),
  - 11 number three-bedroom apartments measuring 100.8 square metres (Unit Type C)
- (c) 48 number Duplex units comprising
  - 24 number two-bed units measuring 84 square metres to 87.4 square metres (Unit Types F, G, K, L & P)
  - 24 number three-bedroom units measuring 121.2 square metres to 125.2 square metres (Unit Types H, J, M & N).
- (d) A childcare facility (586.6 square metres) is also proposed to serve the development.

The proposed development includes: two number new vehicular points of access onto the Enfield Relief Road (R148) including two right hand turn lanes with ghost islands; upgrades to pedestrian and cycling infrastructure on the Enfield Relief Road including the provision of a footpath, two-way cycle track, a verge and public lighting; 886 number car parking spaces and 368 number bicycle parking spaces; all site and infrastructural works including foul and surface water drainage, attenuation areas, temporary underground wastewater treatment plant, foul pump station, open space, boundary walls and fences, landscaping, lighting, and internal roads; and, cycle paths, footpaths, cycle and pedestrian connections to the Enfield Relief Road, New Road and Newcastle Woods all located at Johnstown, Enfield, County Meath.

## Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

### **Reasons and Considerations**

The proposed development is considered to be located on lands not zoned for release for development during the lifetime of the Meath County Council Development Plan 2012-2019, and as such to grant planning permission for this development would be contrary to the provisions of section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, in that the Board shall not grant permission where the proposed development contravenes materially the Development Plan 'in relation to the zoning of land'.

The Board accepted the Inspector's assessment and recommendation in respect of the potential impacts of the proposed development and agreed in full with her assessment and recommendation in this regard (subject to conditions as recommended). However, the Board, taking into account the findings in the judgement of Justice Denis McDonald delivered on 2<sup>nd</sup> December 2020, between Highlands Residents Association and Protect East Meath Limited (applicants) and An Bord Pleanála, Minister for Culture Heritage and the Gaeltacht and the Attorney General (respondents) and Trailford Limited and Meath County Council (Notice Parties) [2020 No:238 J.R.], considered that under the provisions of section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016, it is precluded from granting permission for development on lands zoned Residential but with the caveat that it would not be 'released during the lifetime of the County Development Plan', as under the Strategic Housing Development legislative provisions section 37(2)(b) was not applicable to the Board 'in relation to the zoning of the land'.

> Paul Hyde Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this day of 2020