



An
Bord
Pleanála

Record of Meeting ABP-307484-20

Case Reference / Description	157 no. residential units (115 no. houses, 42 no. apartments), creche and associated site works. Rathkeale Road, Adare, Co. Limerick.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	26 th November, 2020	Start Time	10:00 am
Location	Via Microsoft Teams	End Time	11:40 am
Chairperson	Rachel Kenny	Executive Officer	Hannah Cullen

Representing An Bord Pleanála:

Rachel Kenny, Director of Planning
Karen Kenny, Senior Planning Inspector
Hannah Cullen, Executive Officer

Representing Prospective Applicant:

Alan Cunniffe, Dwellings Developments
Karen McDermott, Dwellings Developments
Gary Rowan, HRA Planning
Eimear Hanly, Vincent Hannon Architects
Conor McDonagh, DRA Consulting

Representing Planning Authority

Donogh O'Donoghue, Senior Executive Planner
Mary O'Malley, Executive Planner
Trevor McKechnie, Senior Executive Engineer
Robert Gallagher, Senior Engineer

Introduction

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Planning Authority (PA) via Microsoft Teams having regard to the Covid-19 restrictions and introductions were made.

The procedural matters relating to the meeting were as follows:

- The written record will be placed on the pre-application consultation file and will be made public, along with that file, should an application arise following the conclusion of this consultation process,
- ABP received a submission from the PA on **31st July, 2020** providing the records of consultations held pursuant to section 247 of the Planning and Development Act, 2000 as amended and its written opinion of considerations related to proper planning and sustainable development that may have a bearing on ABP's decision,
- The consultation meeting will not involve a merits-based assessment of the proposed development,
- The meeting will focus on key site-specific issues at strategic overview level, and whether the documents submitted require further consideration and/or amendment in order to constitute a reasonable basis for an application.
- Key considerations will be examined in the context of the statutory development plan for the area and section 28 Ministerial Guidelines where relevant,
- A reminder that neither the holding of a consultation or the forming of an opinion shall prejudice ABP or the PA concerned in relation to any other of their respective functions under the Planning Acts or any other enactments and cannot be relied upon in the formal planning process or in legal proceedings.

The ABP representatives acknowledged the letter dated **6th July, 2020** formally requesting pre-application consultations with ABP. The prospective applicant advised of the need to comply with definition of SHD as set out in the (Housing) and Residential Tenancies Act 2016, in relation to thresholds of development. The representatives of ABP advised that the Inspector dealing with the pre-application consultation request would be different to the Inspector who would deal with the application when it was submitted. Recording of the meeting is prohibited.

Agenda

- 1. Local planning policy** – including Objective SS 01 Limerick City and County Development Plan and Objective H2 Adare Local Area Plan.
- 2. Development Strategy** - including the distribution of density and the arrangement of streets, open spaces and car parking.
- 3. Water Services** – Wastewater, Irish Water (IW) submission and Surface Water (PA submission).
- 4. Transportation** – matters raised in the PA submission (inc. matters raised in relation to emergency access).
- 5. Ecology.**
- 6. Any other matters.**

1. Local Planning Policy

ABP sought further elaboration/discussion on:

- CDP Objective SS01 relating to the scale of development in tier 2-6 settlements;
- LAP Objective H2 of the LAP in relation to density.

Planning Authority's Comments:

- Objective SS01 provides that new developments should not increase the housing stock of a settlement by more than 10-15%. The objective seeks to ensure that there is adequate facilities and services for all future occupants within smaller tier settlements. There is a concern that that proposed development would contravene this objective.
- The density is generally in keeping with Objective H2 of the LAP.

Prospective Applicant's Comments:

- Not clear that the proposed development would conflict with local planning policy. Material contravention statement submitted in relation to Objective SS01. Lands zoned for development. Core strategy provides for the quantum of development proposed.

ABP further comments:

- Recommend that all contraventions of local policy are addressed at application stage. Contraventions that are deemed to be material should be addressed within the material contravention statement. Otherwise the Board cannot consider a grant of permission.
- The PA have expressed the view that there is a material contravention of objective SS01.

2. Development Strategy

ABP sought further elaboration / discussion on:

- The development strategy including the distribution of density, arrangement of streets, open spaces and car parking.

Prospective Applicant's Comments:

- Site in PA's ownership and prospective applicant has contract to purchase. Part 8 consent for housing on adjacent lands and for services on the subject site. The PA is to deliver the infrastructure as part of the wider Part 8 development.
- Layout influenced by PA requirements to retain / setback an existing stone wall at the front of the site, to use the existing entrance off the N21 and to adhere to the servicing layout approved under Part 8, detailed on the submitted plans as way leaves.
- Seeking to retain as many mature trees as possible and to create a sense of enclosure. Arborist will be submitted at application stage to detail condition of trees that will be removed.
- A strong rationale for the development strategy will be put in place at application stage.

Planning Authority's Comments:

- Frontage of the development is onto a national primary road. Individual frontage would not be suitable.

- Safe access is a major consideration. Adequate site visibility is essential, therefore, it is important that the current wall be set back.
- Queuing is already an issue on the N21 so looking for a right turn lane into the site.
- The entrance location shown on the site layout is the only appropriate location.

Further ABP Comments:

- The Board will consider the proposed development taking account of national and local planning and urban design policy relating to development in urban areas including guidance in the Sustainable Residential Development in Urban Areas Guidelines and the accompanying Urban Design Manual and DMURS. The roads and car parking layout and way leaves appear to dominate the urban design response and there is no clear justification for this approach. Need for further consideration and / or justification of the layout at application stage having regard to the requirements of national policy, such as the 12 criteria in the urban design manual.
- The PA's requirements for the N21 appear to have a heavy bearing on the access arrangements and frontage. The applicant will need to give further consideration to the planned bypass for the town.

3. Water Services

ABP sought further elaboration / discussion on:

- Matters raised in the submission received from Irish Water in relation to capacity constraints at the Adare WWTP and the need to extend the network to service the site.
- Matters raised in the PA's submission in relation to the timeframe for delivery of surface water infrastructure to service the development and the need to demonstrate that the approved infrastructure has capacity to cater for the proposed development.

Prospective Applicant's Comments:

- Communication on-going between the applicant and IW. Positive feedback has been received in support of the scheme and the relevant documentation will be submitted at application stage.
- Any clarification required will be sought from Irish Water and details provided at application stage.
- Legal agreement puts onus on the PA to service the site.

Planning Authority's Comments:

- Design calculations do not show that the proposed surface water sewer will have sufficient capacity for the proposed scheme.
- Surface water drainage would have to be in place before the proposed development commences.
- The PA have no information regarding the planned commencement date for Part 8 works that would include the servicing of the subject site.

Further ABP Comments:

- Board have previously refused permission where IW could not facilitate a scheme or if there was any doubt on this item. Where upgrade works are subject to 3rd party consent

or works on 3rd party lands this could be an issue if required consents and clear timelines are not in place at application stage.

- Clarity needed at application stage in relation to the timing of Part 8 works to service the site and whether the approved Part 8 infrastructure is adequate to service the development.

4. Transportation

ABP sought further elaboration / discussion on:

- The matters raised in the submission received from the PA.
- Compliance with national standards in DMURS.

Planning Authority's Comments:

- 4.8 meters in width to be too narrow. PA looking for at least 5 meters.
- No significant public transport in the area. Higher parking ratio is acceptable.
- High number of perpendicular parking within the scheme would be a concern.

Prospective Applicant's Comments:

- On-going discussions with the PA in relation to access and road layout.
- Internal site lines spaces that are too close to the junctions will be re-examined.
- The 4.8 m road width is to reduce speeding. An arrangement can be made with the PA on the best solution.
- Turning radii and corners take account of DMURS.

Further ABP Comments:

- DMURS is considered to be the applicable road design document within this urban area. Need for further consideration and / or justification of the roads and car parking layout at application stage having regard to the requirements of DMURS. There are a number of circuitous roads, parallel roads and long straight roads within the scheme that need to be considered in the context of this guidance.
- In addition to road widths and turning radii and car parking, need to consider the level of frontage along key streets within the development.

5. Ecology

ABP sought further elaboration / discussion on:

- Ecological significance of the site and surrounding area.
- Clarification in relation to treatment of existing boundary hedges and tree planting.

Prospective Applicant's Comments:

- Natura Impact Statement (NIS) will be included as part of the application.
- An ecological assessment has been undertaken and the applicant is satisfied there will be no significant impacts on the environment.
- The linear north-south wall is to be retained therefore the assumption is that the planting will also be retained. Further documents will be supplied on this area with the application.

Further ABP Comments:

- May be useful to include Ecological Impact Assessment (EIA) at application stage given the sites proximity to a historic woodland.
- Need to clarify proposals for the boundary hedge and tree planting onsite.
- In considering ecological impact important to consider on and off site impacts including any impacts arising from wastewater.

6. Any other matters**Planning Authority's Comments:**

- Further information is required at application stage from the applicant in relation to public lighting design.

Conclusion:

The representatives of ABP emphasised the following:

- There should be no delay in making the planning application once the public notice has been published
- Sample notices, application form and procedures are available on the ABP website
- Irish Water would like prospective applicants to contact Irish Water at cdsdesignqa@water.ie **between the Pre-Application Consultation and Application stages**, to confirm details of their proposed development and their proposed design.
- The email address to which applicants should send their **applications** to Irish Water as a prescribed body is spatialplanning@water.ie

Rachel Kenny
Director of Planning
January, 2021