



An  
Bord  
Pleanála

## Inspector's Report PL17.249404

---

<b>Development</b>	32 houses and associated works
<b>Location</b>	Williamstown Stud, Clonee, County Meath.
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	RA/170511
<b>Applicant(s)</b>	John Hughes
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Applicant V conditions Third Party V Grant
<b>Appellant(s)</b>	(1) John Hughes (2) Mark Rice and Others
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	2 <sup>nd</sup> February
<b>Inspector</b>	Hugh Mannion

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	5
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.3. Development Plan.....	6
5.4. Natural Heritage Designations .....	7
6.0 The Appeal .....	7
6.1. Grounds of Appeal .....	7
6.2. Applicant Response .....	8
6.3. Planning Authority Response .....	8
6.5. Observations .....	8
6.6. Further Responses.....	8
7.0 Assessment.....	9
8.0 Recommendation.....	15
9.0 Reasons and Considerations.....	15

## 1.0 Site Location and Description

- 1.1. The proposed development has a stated area of 5.414ha and is located about 1.6kms south of Clonee village in County Meath and just outside the M50. The site is irregularly shaped but, generally, the northern boundary adjoins the R149 Clonee/Lucan regional route, the north-western boundary adjoins lands in the ownership of the third party appellant, the south-western boundary adjoins a new housing development Holsteiner Park, the north-eastern boundary adjoins the L2223 Clonee/Clonsilla road, and the south-eastern boundary adjoins Williamstown Gate House. The boundaries are a mix of self-seeded shrubs and trees and post and wire fencing. The site was once part of a larger site which benefitted from a grant of planning permission for 99 houses in 2004. The site is in rough pasture and there are heaps of top soil notably along the eastern boundary with the L2223 Clonee/Clonsilla road. This top soil probably originated on the site because since a grant of planning permission for housing in 2005 the site has been bisected by two water mains running from the Leixlip water treatment plant in County Kildare to the Ballycoolin reservoir east of Clonee.
- 1.2. North of the application site along the R149 is Clonee village. There are no footpaths, cycle paths, pedestrian crossing or public lighting on the road from the intersection of the R149 Clonee/Lucan regional route with the L2223 Clonee/Clonsilla road at the northern corner of the appeal site. This road also links the Holsteiner Park development to Clonee. Likewise these facilities are absent on the road from that intersection along the eastern boundary of the site south to the Clonsilla Road roundabout.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the erection of 32 detached two storey houses, 64 parking spaces, new access onto the L2233 Clonee/Clonsilla road, roads, cycle paths, footpaths at Williamstown Stud, Clonee, County Meath.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority granted permission subject to conditions.

Condition 2:

Prior to commencement of development the applicant shall submit for the written agreement of the planning authority a detailed design for the roundabout on the R149/L2223 intersection. The roundabout shall be designed to meet current standards and shall be shown exclusively within the red line boundary of the site. The revised site layout may require the omission or relocation of a number of houses to facilitate the roundabout. The applicant shall construct the roundabout and all ancillary works, including footpaths, cycleways, public lighting and drainage following the agreement of the road opening licence. These works are required to facilitate the development and shall be completed prior to occupation of the first dwelling.

**Reason:** In the interests of traffic safety.

Condition 20:

The proposed development is inadequately serviced by footpaths and public lighting from Clonee village. In addition, the R147/156 junction in Clonee village has limited capacity and requires upgrading to facilitate the development. The applicant should be requested to pay a special contribution of €70,000 towards the costs of providing the necessary infrastructure.

**Reason:** The provision of such traffic improvements in the area by the Council are necessary to facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing these services.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

Initially the planning authority sought further information in relation to the application as follows:

- The applicant should provide additional details on the R149/L2223 intersection.
- Revisions to surface water drainage plans as requested by the water services section.
- Respond to third party observations.

### 3.2.2. Other Technical Reports:

3.2.3. The **Water Services Section** reported that 'duraflow' bituminous paving is not acceptable in the development, additional manholes for the surface water drainage system should be provided, and, demonstrate that there is sufficient capacity in the network to accommodate additional flow.

3.2.4. The **Road Design Office** (report dated 15<sup>th</sup> June 2017) required that all works on the R149/L2223 intersection be completed within the application lands, the TIA should address the revised R149/L2223 intersection, the applicant should provide public lighting as far as Clonee village, cycleway/footpaths should be provided along site frontage, a turning bay should be provided in the northeast corner of the site.

3.2.5. The DAU of the **Dept of Arts, Heritage, Regional, Rural and Gaeltacht Affairs** requested that predevelopment archaeological assessment should be carried out on site.

3.2.6. **Transport Infrastructure Ireland** reported no objections.

## 4.0 Planning History

Under reference number DA40/501 permission was granted for 99 houses in three phases on lands, including the current site, originally associated with Williamstown Stud. Two phases of this development are complete.

## 5.0 Policy Context

- 5.1. The Sustainable Residential development in Urban Areas (DOEHLG 2009) makes the case that development should satisfy the sequential test whereby development should take place zoned lands in order to avoid haphazard development which is more expensive to provide with social and physical infrastructure.
- 5.2. The Guidelines further emphasise the need to increase density in order to economically provide transport facilities and connectivity and permeability between neighbouring developed areas and the nearest service centres.

### 5.3. Development Plan

The Meath County Development Plan 2013/2019 is the relevant county development plan for the area.

The Dunboyne, Clonee and Pace Local Area Plan 2009-2015 covers the area close to this site and was amended in March 2015 to insert the following:

“to facilitate the completion of 3 phases of the registered ‘unfinished estate’ residential development at Williamstown Stud as originally permitted under Meath County Council planning register reference number D4/40501. The 99 residential units at Williamstown Stud were included in the ‘committed unbuilt units -Rural Houses in table 2.4 and table 2.5 of the core strategy of the Meath County Development Plan 2103 – 2019, as varied. No extension of the duration of any planning permission shall extend beyond the lifetime of the existing County Development Plan, that being 16<sup>th</sup> December 2018’.

#### 5.4. Natural Heritage Designations

See the appropriate assessment section below.

### 6.0 The Appeal

#### 6.1. Grounds of Appeal

Applicant's appeal:

- Condition 2 requires the applicant to provide the roundabout for the R149/L2223 junction on the applicant's lands and all adjoining footpaths/cycleways, public lighting and drainage. This requirement along with the requirement to reduce the number of houses within the development is unreasonably onerous on the application and may make the development unviable.
- Condition 20 requires a financial contribution of €70,000 towards the provision of footpaths and public lighting from the site to Clonee village and the provision of a roundabout at the R149/156 junction in Clonee village. The applicant is prepared to contribute to the infrastructure (footpaths/lighting) connecting the site to Clonee village but to contribute to a roundabout in the village is not reasonable.

Third Party Appeal:

- The present site is part of an earlier application under reference DA40501 which included the third party's lands; these third party lands have now been excluded from the application site. The LAP envisaged 99 houses in three lots; 35 in Kribensis Manor, 32 in Holsteiner Park and 32 on the overall site of the present application and the third party's lands. The present application therefore absorbs the entire quantum of development envisaged in the LAP. The present application is piecemeal and should be deferred until a new LAP is in place.
- The applicant did not deal with the issues raised in the third party's observation to the planning authority.

- The proposed development is contrary to the Williamstown Action Area Plan 2003.
- The application is invalid as it does not provide details of compliance with Part V.

## 6.2. Applicant Response

- The application is a standalone application unrelated to reference DA40501 which has lapsed.
- This application has been designed to accommodate development on adjoining lands.

## 6.3. Planning Authority Response

6.4. The matters raised in the appeal have been dealt within the planning authority's assessment.

## 6.5. Observations

There are no observations.

## 6.6. Further Responses

The applicant responded to the third party appeal;

- The site is traversed by the Leixlip waterworks to Ballycoolin reservoir two 1000mm water mains whose construction delayed the development granted under DA40501 for 99 houses on a larger site.
- The proposed development of 32 houses does not prejudice development of the appellant's site. The site is designated for housing in the Meath County Development Plan and the quantum of housing reflects the core strategy.
- The Williamstown Action Area Plan 2003 is a non-statutory Plan developed in the context of the Meath County Development Plan 2001 to 2007.



- The proposed development will not negatively impact on Williamstown Gate House since the closest proposed house (number 25) is 20m from Williamstown Gate House.

## 7.0 **Assessment**

### 7.1. **Background**

- 7.2. The appeal site benefitted from a permission under reference DA/40501 decided in May 2005 to permit 99 houses in three phases within the original Williamstown Stud lands (see marked up b/w copy drawing SW09 – Site Plan in pouch). It appears that the first two phases have been built out or almost built out; the southern phase accessed from the R149 (Kribensis Manor – a gated housing development) and Holsteiner Park, to the west of the present application site, which also accesses the R149. The permission under reference DA/40501 included a condition requiring the construction of the roundabout on the R149/Clonsilla Road prior to commencement of any of the 99 permitted houses. I take this to mean the roundabout for the R149/L2223 junction the subject of the appealed condition 2. The original permission also included 5 development contribution conditions and a bond condition.
- 7.3. The application site is not zoned for development in the County Development Plan 2013 - 2019 and is located outside the lands zoned for development in Map 3 covering Clonee village in the Dunboyne Clonee Pace LAP 2009-2015. That LAP was amended in March 2015 to provide a new objective - RES OBJ 6 - which states that it is an objective of the planning authority “to facilitate the completion of 3 phases of the registered ‘unfinished estate’ residential development at Williamstown Stud as originally permitted under Meath County Council planning register reference number D4/40501. The 99 residential units at Williamstown Stud were included in the ‘committed unbuilt units -Rural Houses in table 2.4 and table 2.5 of the core strategy of the Meath County Development Plan 2103 – 2019, as varied. No extension of the duration of any planning permission shall extend beyond the lifetime of the existing County Development Plan, that being 16<sup>th</sup> December 2018”.

**7.4. Conditions 2 and 20**

- 7.5. The applicant has appealed conditions 2 and 20. Condition 2 requires the applicant to construct a roundabout at the junction of the R149/L2223 within the red line boundary of the site and to vary the housing layout/number of units if required by the amendments to the road/roundabout layout. Condition 20 requires the payment of €70,000 towards roadworks between the site and the junction of the R149 and the R156 north of the site in Clonee village.
- 7.6. The initial Road Design Office report (dated 15<sup>th</sup> June 2017) makes the point that the road network in the area, and in particular the R149 (Clonee/Leixlip road) and the L2223 (Clonee/Clonsilla) are substandard. The Road Design Office is correct on this point and these roads are heavily trafficked, have no footpaths or cycle paths and in parts both are without effective refuges for pedestrians. The request for further information raised these deficiencies in the roads adjoining the site.
- 7.7. The applicant submitted a revised layout for a three arm roundabout in the north-eastern corner of the site with the additional information (see especially drawing number G053-001B Cronin and Sutton Consulting engineers). The applicant makes the point that this is an improved proposal on a previously proposed light controlled junction. It is unclear if the applicant and the planning authority's roads' section discussed this arrangement before submission of the additional information but the planning authority's Road Design Office commented on the revised roundabout (report dated 20<sup>th</sup> September 2107) that the roundabout design is unacceptable, does not meet the standards set out in Design Manual for Roads and Bridges and that a redesign is necessary which may require the omission of some houses from the proposed development.
- 7.8. The original traffic impact assessment submitted with the application proposed a signalised junction at the R149 (Clonee/Leixlip road) and the L2223 (Clonee/Clonsilla) junction. This was amended to a roundabout in the submission of further information and the planning authority's reports indicated that this is the road authority's the preferred solution. It is relevant that the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DOEHLG 2009) make the case that connectivity between new housing development and town centre/village centres and permeability between new residential development and

adjoining existing development are a key tests for quality and sustainability of new development. In the present case connectivity to Clonee village centre and the residential area south on the appeal site towards Clonsilla should be a priority.

- 7.9. For reasons that are opaque permission was granted for a substantial number of houses on lands served by an inadequate road infrastructure and lacking in pedestrian/cycle way connections to Clone and Clonsilla – the nearest zoned serviced centres. All the conditions of that original permission appear not to have been given effect in that the roundabouts/road improvements appear not to have been carried out. Although there is a footpath/cycle path connection along eastern boundary on the L2223 (Clonee/Clonsilla) the application does not demonstrate that the proposed development will be properly connected to Clonee. The reasonable point made by the applicant's appeal that it is unfair that the present application representing about a third of the original quantum of development should bear the total cost of roundabout provision. Holsteiner Park is more disadvantaged in terms of footpaths/cycle path connectivity. The planning issue at stake is how to link the proposed houses on this site and those in Holsteiner Park to Clonsilla and Clonee.
- 7.10. The R149 from the site to Clonee has a speed limit of 80kph and is without footpaths or cycle paths. The speed limit determines that the standards applicable are those of the Design Manual for Roads and Bridges whereas under 60kph the standards are those set out in the Design Manual for Roads and Streets. The proposed roundabout is about 12m in diameter and DMURS advises that large roundabouts (those with a diameter greater than 15m) are not appropriate to urban areas. Contrariwise it is difficult to characterise the area as rural as stated in the amended LAP objective for the site. A further problem with a roundabout in the present circumstance is that it will not facilitate cycle paths navigating it and likewise pedestrians. The footpaths and cycle paths provided for in the application documents do not link to Clonee or the development in Holsteiner Park. It may be the case that a signal controlled junction would give pedestrians more control over traffic flows at the R149 (Clonee/Leixlip road) and the L2223 (Clonee/Clonsilla) junction. Notwithstanding any traffic management potential of the roundabout provided for in the application documents and/or any roundabout amended to the satisfaction of the planning authority in accordance with condition 20 it remains the case that the

pedestrian/cycleway connections to Clonee for the present application and to Clonee and Clonsilla for housing in Holsteiner Park are unacceptably deficient.

- 7.11. In addition, it may be noted that conditions 21, 22, 23, 24, and 25 impose financial contributions in accordance with the Meath County Council Development Contribution Scheme. Section 48(2)(c) requires that a condition seeking a special contribution in respect of a particular development where specific exceptional costs not covered by the published development contribution scheme are being incurred by the planning authority. Condition 2 does not meet the requirements of Section 48(2)(c) in it does not specify what the specific exceptional costs not covered by the ordinary development contribution scheme arise as a result of this particular development. It may be noted that the planning authority did not specifically address this point in its response to the applicant's appeal.
- 7.12. I conclude that the proposed development would endanger public safety by reason of traffic hazard on an inadequate road network.
- 7.13. **Quantum of Development.**
- 7.14. The third party's lands are bounded by the application site, the R149 and the development at Holsteiner Park and were originally incorporated into the lands covered by application reference number DA/40501. The appellant makes the point that the present application absorbs the total quantum of housing (32 units) envisaged in phase 3 of the permission DA/40501. While this is the case it may be noted that the proposed gross density in the present case is about 6 units per ha but this low density is partly an outcome of the water main wayleaves affecting the site. The net point is that no reliance may be placed on DA/40501 in the absence of the other factors affecting the proper planning and sustainable development and, in particular, traffic safety and pedestrian and cycle connectivity to local service centres.
- 7.15. Therefore, I do not recommend refusal for lack of incorporation of the appellant's lands into this application.

**7.16. Williamstown Action Area Plan 2003**

7.17. The appellant makes the case that the proposed development contravenes the Williamstown Action Area Plan 2003 and encloses a copy of that plan. The statutory plans for the area are the Meath County Development Plan 2013/2019 and the Dunboyne, Clonee and Pace Local Area Plan 2009-2015. The provisions of the non-statutory Williamstown Action Area Plan 2003 have been superseded by these later plans.

**7.18. Part V.**

7.19. The appellant makes the case that the application is deficient for not being sufficient provision for compliance with Part V. It may be noted that the application did include a statement of how it proposed to deal with Part V. The planning authority attached a condition requiring compliance with Part V.

7.20. Section 96(1) of the Planning Act, as amended, provides that where land is zoned for residential use or a mixture of residential and other uses that the provisions of Section 96 (i.e. Part V housing) shall apply. Section 96(2) states that the planning authority shall require the applicant in circumstances where Part V applies to agree the method of compliance with Part V. Since this site is not zoned for residential use or a mixture of residential and other uses Part V does not apply and a condition in relation to compliance with Part V is *ultra vires* the planning authority.

**7.21. Remaining Issues**

7.22. The third party appellant raises the issue of impact on Williamstown gate house. This is a single storey cottage located on the southern edge of the application site accessed from the Clonee/Clonsilla Road and shown as within the ownership of the applicant on the site layout plan. The appeal references proposed house number 16 but the closest proposed house to the gate house is number 24 which is 5.3m off the common boundary at its closest point and about 25m from the rear wall of gate house. Proposed house number 24 a house type "B" which has a single bathroom window on the first floor level which, if the Board were minded to grant a permission the window could be conditioned to be opaque so as not to impact on the amenity of the gate house. I conclude that the proposed development will not impact unreasonably on the residential amenity of the gate house.

7.23. The third party appellant raises the issue of impact on the trees/boundary hedge and lack of a landscape plan. As stated earlier I do not consider that there are significant trees on the site and generally the vegetation on site is of low ecological value because of disturbance during the laying of water mains through the site. If the Board were minded to grant a permission a condition could require the submission of detailed landscaping proposals for the agreement of the planning authority.

**7.24. Appropriate Assessment**

7.25. The application included an AA screening report. The screening report identifies the European sites with potential to be impacted as the Rye Water/Carton SAC (001398) which is 4.4kms distant and the South Dublin Bay SAC (000210) and South Dublin Bay River Tolka SPA (004024) are 15kms distant.

7.26. Since there is no hydrological relationship between site and the Rye Water/Carton SAC (001398) and given the separation distance the screening report concludes that the proposed development is not likely to have a significant effect on that European site. The second two sites; the South Dublin Bay SAC (000210) and South Dublin Bay River Tolka SPA (004024), are within the hydrological catchment of the application site. The conservation objectives and qualifying interests of these sites are set out and considered in the report. The screening report concludes that since there are no streams within the site that there will be no construction phase related surface water discharge. Foul water is ultimately discharged to Ringsend WWTP, surface water will be disposed of on-site. The report addresses the cumulative impacts with other plans or projects and concludes that there are no likely significant effects on the integrity having regard to their conservation objectives.

7.27. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Rye Water/Carton SAC (001398), the South Dublin Bay SAC (000210) and South Dublin Bay River Tolka SPA (004024) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

## 8.0 Recommendation

- 8.1. Having regard to the foregoing I recommend permission be refused for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

1. The proposed development would give rise to additional vehicular, pedestrian and bicycle traffic on a road network which is substandard and deficient in the provision of footpaths, cycle paths, pedestrian crossings and public lighting. The proposed development would be without safe and convenient pedestrian and cycle access to community facilities in nearby centres of Clonee. Therefore, the proposed development would be premature pending the determination by the planning authority of a road layout for the area and would endanger public safety by reason of traffic hazard.

---

Hugh Mannion  
Senior Planning Inspector

19<sup>th</sup> February 2018