



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-301099-18

Strategic Housing Development	783 residential units and a neighbourhood centre including residential/commercial units, a community facility, and a childcare facility on a site of 28.1 hectares.
Location	North of R-147 Dublin Road, Dunshaughlin, Co. Meath
Planning Authority	Meath County Council
Prospective Applicant	Rockture 1 Limited
Date of Consultation Meeting	13 th April 2018
Date of Site Inspection	19 th March 2018
Inspector	Joanna Kelly

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 proposed development is located in Dunshaughlin, a designated moderate growth town located in south County Meath. There is an existing permitted phase of residential development 'The Willows' under construction to the front portion of the landholding along the R-147 (former N3). There are a handful of housing units which appear to be occupied within the permitted scheme.
- 2.2 The site itself consists of agricultural fields which are characterised with hedgerows to the field boundaries. The lands are generally undulating rising towards the north. The business park and Maelduin housing estate bounds the northern portion of the site. There is a substantially complete housing development abutting the northern perimeter of the development lands, known as 'Kenneth's Grove'. These residential developments are accessed from the Lagore road, a local road which links back to the R-147 within the town centre area.
- 2.3 There are existing playing grounds which are within the applicant's landholding to the west of the development lands that are currently accessed via the business park. A pedestrian/cyclist access is proposed through these playing pitches to the development site.
- 2.4 There is a pumping station located in close proximity to the current temporary entrance to the permitted housing scheme. The entrance to the scheme is located

within the section of road that falls within the 60kph speed limit although actual speeds are in excess of this. The permanent access to the permitted phase of development will be via the outer relief road, part of which is currently under construction. There are no footpaths on either side of the R-147 at this location. There is a bus-stop located further south close to the junction of the L-2209 with the R-147. There is also a bus stop and shelter located north-west of the site along the frontage of the business park.

3.0 Proposed Strategic Housing Development

3.1 It is proposed that the overall site of c. 28.1 hectares will be developed to accommodate a total of 783 residential units consisting of 500 houses, 80 no. duplex units and 203 apartments.

Figure 1:

House Unit Mix	No of units	Duplex/Apartment Unit Mix	No. of Units	Cumulative no. of units mix
2 bed	39	2 bed	179	218
3 bed	313	3 bed	104	417
4 bed	148			148
Total	500		283	783

The proposal consists of 382 semi-detached residential units, 101 terraced units, 3 detached units and 14 no. bungalows. In addition 283 apartments are proposed.

4.0 Planning History

History associated with site

There is extensive planning history with the development site outlined in the documents submitted by the prospective applicant and the planning authority. The following is a brief synopsis of the more recent and pertinent history files:

File Ref. No. DA 60537 Permission granted for a residential development consisting of 282 residential units. The proposal is the first phase of an overall masterplan for lands within the applicant's landholding. 3 no. semi-detached units will serve as crèches on a temporary basis for a period of 5 years until the application and granting of permission of future phases, which will include a purpose-built crèche. The development will be serviced by 2 no. wells and an on-site water treatment plant, comprising of a control building of 50.2m² and an underground storage tank. In addition, 5.055ha is to be ceded to the Local Authority for the benefit of community/leisure facilities. The application site extended to 17.26 hectares.

File Ref. No. DA 101330 Permission granted for elevational changes to units 40-51, 54-61, 71-76, 226-229 and 236 and 237 previously permitted under File Ref. DA60537.

File Ref. No. DA 110002 and File Ref. No. DA110462 refer to permissions granted for alterations and amendments to house types permitted under the DA60537 parent permission.

File Ref. No. DA 120619 Extension of duration granted in relation to DA60537 extending the permission until 11 October 2017.

File Ref. No. DA 130709 Permission granted to amend condition no. 3 granted under DA60537 to limit the liability for the main Distributor/Outer relief road to the extent of planning permissions granted on the land in the ownership of G, J & R Stanley and also to change the entrance location for the first 87 houses (phase 1) to the residential development off the main distributor road to that shown on drawing

no. D1371 D1 revision B.

File Ref. No. DA 130840 Permission refused for part of the lands included in “The Willows” (planning permissions granted DA60537; DA120619) consisting of revisions to development granted under DA60537 and DA120619 by the temporary removal of permitted units 238-245 (not built) to accommodate 1 no. temporary access road onto R147 road. The development will consist of the construction of a residential development of 30 no. dwellings, 2 no. parking spaces per dwelling, landscaping and Esb substation. The decision was appealed and refused by ABP for the following reasons:

1. The proposed development would contravene materially specific objective CS OBJ 1 of the Meath County Development Plan 2013 – 2019 which seeks ‘To ensure that planning applications for residential development on greenfield lands (i.e. ‘A’ zonings) in the urban centres detailed in Table 2.1 will be considered premature until such time as the relevant Town Development Plan or Local Area Plan has been made, varied or amended to make it consistent with the settlement strategy and core strategy, particularly Table 2.4, of the said Development Plan’. It is considered, therefore, that the proposed development would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would contravene the objectives of the planning authority, as set out in the County Development Plan 2013 – 2019, to avoid the premature obsolescence of identified national primary and secondary routes, regional roads and important county link roads through the creation of excessive levels of individual entrances and to secure the investment in non-national roads by restricting unnecessary access points, which would prejudice the carrying capacity and ultimately the function of the road. Having regard to the site’s location accessed off the important R147 Regional Road it is considered that the proposed development would endanger public safety by reason of traffic hazard.
3. The proposed development would contravene materially a condition attached to an existing permission for development namely, condition number 2

attached to the permission granted by Meath County Council under planning register reference DA60537.

Condition 2 of the File Ref. No. DA60537 required a revised Action Area Plan to be submitted.

File Ref. No. RA170407 Permission granted for Phase 1B consisting of 92 residential units. The development includes all associated site works including the first section of the link road from the Dublin Road which will provide a permanent vehicular access for the development (the permitted temporary access to Phase 1A will be removed when this permanent access is provided). The proposed development amends and will supersede elements of the development permitted under Reg. Ref. No. DA60537 as subsequently amended by Reg. Ref. No. DA130709 on this site which has been partly implemented/is under construction as Phase 1A. The subject application is proposed as Phase 1B of the overall development of these lands. Vehicular access for the residential units will be provided via the adjoining permitted residential development currently under construction. The subject application is proposed as Phase 1c of the overall development of these lands.

File Ref. No. RA 171416 Current application on further information for construction of 96 residential units. The proposal also includes the construction of a childcare facility including a separate vehicular access from the Dublin Road/R147.

5.0 National and Local Planning Policy

5.1 National

5.1.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- 'Project Ireland 2040: Building Ireland's Future', 2018.
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- Design Standards for new Apartments, Guidelines for Planning Authorities, 2018
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘Childcare Facilities – Guidelines for Planning Authorities’

5.2 Local

5.2.1 The Meath County Development Plan 2013-2019 is the statutory plan. The plan designates Dunshaughlin as a moderate growth town. A footnote in the plan provides that “Dunshaughlin will become a Moderate Sustainable Growth Town following the granting of permission of a railway order for the Navan Rail Line Phase II, including a station at Dunshaughlin.”

5.2.2 Chapter 3 deals with the settlement strategy and housing for the County. Relevant objectives include:

SS OBJ 1 To secure the sustainable development of County Meath in accordance with the settlement hierarchy set out in Table 3.2. In doing so, development will be primarily directed towards the identified Large Growth Towns. In towns and villages, development will facilitate in the first instance, the consolidation of settlements and the integration of land use and transport. The expansion of urban areas where it is necessary to facilitate growth as set out in the Development Plan shall promote mixed use development and be guided by the sequential approach in order to create a compact urban form and facilitate sustainable modes of transport.

SS OBJ 2 To ensure that throughout the county, growth takes place concurrent with the provision of necessary services and infrastructure, including water services. Planning permission shall only be granted where the Planning Authority is satisfied that there is adequate capacity available to serve development.

SS OBJ 6 To have regard to capacity in social infrastructure, when assessing applications for residential development. Planning applications for 200 or more dwelling units must be accompanied by a report identifying the demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand and an audit of the social infrastructure and community facilities available to serve the proposed development.

SS OBJ 11 To ensure that Moderate Sustainable Growth Towns develop in a self-sufficient manner with population growth occurring in tandem with physical and social infrastructure and economic development. Development should support a compact urban form and the integration of land use and transport.

6.0 **Forming of the Opinion**

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting. I will provide a brief detail on each of these elements hereunder.

6.1 **Documentation Submitted**

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed application form; cover letter, Confirmation of feasibility from Irish Water, Planning report and Statement of Consistency, Appropriate Assessment Screening Report, letter of consent, waste management plan, utility and sustainability statement, soil type assessment report, construction and environmental management plan, environmental report,

engineering services, flood risk assessment, draft traffic and transport assessment, tree survey report, landscape design report, masterplan/design statement, development details brochure, drawings.

6.1.3 I have reviewed and considered all of the documents and drawings submitted.

6.2 Planning Authority Submission

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Meath County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 29 March 2018.

6.2.2 The planning authority's opinion included a record of the section 247 consultations and planning history and relevant policies associated with the site. It also included reference to the following issues:

Principle of development proposal and planning policy – it is set out that while residential development is permitted on A2 New Residential Lands, the planning authority is precluded from the consideration of residential development on A2 New Residential/Residential Phase II (post 2019) lands within the current development plan. Having regard to the potential of the settlement the planning authority, in its draft Meath CDP 2019-2025 due for publication shortly, proposes to move lands on the subject site from Phase II release into the Phase I release. This is in order to recognise the town's potential for future expansion based on the Navan-Dublin rail line and significant service capacity.

Design, Layout, Residential Amenity, Density and Fire Safety – it is recommended that the applicant submit a Design Statement and a Masterplan for the overall lands given the extent of same and articulate the overall density for the entire landholding. It is noted that the masterplan proposal submitted to MCC under Phase 1C has been altered for the SHD pre-app consultation with the central character area now omitted. Need to provide a minimum of 15% of usable and functional public open space which incorporates active and passive play areas both formal and informal. Neighbourhood centre proposals have been omitted. With regard to density, the

proposal is for 35.1 units per/ha net. With regard to phasing, roads infrastructure should be delivered early in the life of any permission.

Open Space, Landscaping, Green Infrastructure, Play Areas – Passive supervision is paramount. Proposals for boundary treatments should comply with CDP. The proposed ‘post and panel’ fencing is not acceptable. The applicant should be requested to provide a cross section through each public open space so ABP is clear on the layout and proposed structures to be contained within each area. Applicant should clarify the total quantity of proposed hedgerow and tree removal within the landholding.

Traffic Impact, Access and Parking, Public Lighting – Recommends application is referred to TII and NTA. Construction of the distributor road is an objective of the CDP. The applicant submitted a draft TTA however this does not provide sufficient detail to facilitate a technical assessment of the application. Design of the distributor road should comply with DMURS. Black Bull junction south of the development lands has limited spare capacity and may have to be upgraded to facilitate the proposed development. The applicant should be requested to pay a special levy as a contribution towards the costs to upgrade this junction.

Water services, wastewater services and surface water treatment and disposal – Attention is drawn to the request from Irish Water for the applicant to determine if any break in the watermain occurs along the R-147 and that this work is to be funded by the applicant. It is recommended that prior to commencing construction that the applicant submit results of the ground water level monitoring at each of the proposed attenuation sites. The water table level shall be clearly indicated relative to the proposed attenuation system invert levels and appropriate measures implemented to ensure the attenuation system does not become inundated with ground water.

Waste Management/Environmental Protection – ABP is requested to seek the provision of recycling facilities. Applicant proposes crushing C & D waste on site and its reuse within the site. While these wastes may fall within engineering limits they do not have end of waste status and therefore must be treated as a waste and require appropriate authorisation for use.

Part V – Applicant is proposing 63 no. units. The Housing Section has reached an ‘agreement in principle’.

Archaeological Impact – The site is located in close proximity to a national monument.

Childcare Facilities – Consideration must be given to the availability of school places in Dunshaughlin. Application should be referred to Meath County Childcare Committee.

Art Work, Estate Furniture/External finishes/Broadband/Estate name – Proposals for residential developments above 75 units shall incorporate works of public art. Consideration of artwork should be done in conjunction with the Arts officer. A detailed plan for estate furniture/external finishes could be sought. It is requested that the Council approve the name. Conditions are recommended in respect of broadband.

Flood Risk Management – The report sets out that any drains that discharge into the site will be diverted to an external ditch drain or culverted within the site. There should be appropriate analysis to quantify critical flood flows to ensure that there is sufficient capacity in any receiving drains to cater for such loading/additional loading. The applicant should provide appropriate analysis to demonstrate that such receiving drains have the required capacity in critical flow scenarios and that the flows through such drains as a result of the proposed development do not increase the risk of flooding on the site or at any other location.

Appropriate Assessment – The site is not within or directly adjoining any European Site.

Bat Survey – The bat survey contains a number of measures and ABP is requested to consider how these can be implemented.

EIA – ABP advised to consider the relevant experience of those preparing the EIA documentation and that surveys are carried out at the appropriate time.

6.3 Consultation Meeting

- 6.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 13th April 2018, commencing at 10.30am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

- 6.3.2 The main topics raised for discussion at the tripartite meeting were as follows:
1. Core Strategy and Order of Priority as per the statutory development plan for the area
 2. Development strategy to include creation of sense of place; creation of focus; the 12 criteria as per the Design Manual; public realm.
 3. Movement and transportation to include outer relief road
 4. Water and waste water services to include drainage
 5. Any other matters
- 6.3.3 In relation to core strategy and order of priority, ABP representatives sought further elaboration/discussion on this matter having regard to order of priority and phased release of lands identified in the statutory county development plan.
- 6.3.4 In relation to the development strategy, ABP representatives sought further elaboration/discussion on this issue having regard to the site context, extent of lands within the applicant's ownership incorporating open space and employment generating uses, and need for the masterplan to demonstrate how a sense of place with a clear street hierarchy can be achieved.
- 6.3.5 In relation to movement and transportation, ABP representatives sought further elaboration/discussion on the overall movement and transport strategy for the lands including the delivery and function of the relief road.
- 6.3.6 In relation to water and waste water services to include drainage, ABP representatives sought further elaboration/discussion on this matter including the issues raised by the Planning Authority and Irish Water.
- 6.3.7 In relation to any other matters, ABP representatives sought elaboration/discussion on the status of the Dunshaughlin LAP and comments raised within the planning authority's report. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-301099-18' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

- 7.1 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.
- 7.2 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 section 28 Ministerial Guidelines, and local policy via the statutory plan for the area.
- 7.3 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.**
- 7.4 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.
- 7.5 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

8.1 An Bord Pleanála 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.

8.2 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.**

8.3 In the opinion of An Bord Pleanála, the following issues need 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:

1. Timing and Phasing of Development

Further consideration and/or justification of the documents as they relate to the development of Phase II residential lands as set out in the statutory county development plan and the possible prematurity of development at this location pending the completion of the review of the county development plan process which has commenced. Further consideration of these issues may require an amendment to the documents and/or design proposal submitted. Where it is proposed to develop the subject lands prior to the adoption of the new development plan a planning rationale/justification for the release of these Phase II residential lands should be submitted which has due regard to all Phase I residential lands which remain undeveloped.

2. Masterplan and development strategy

Further consideration and/or justification of the documents as they relate to the overall masterplan and development strategy of the site, which has

regard to inter alia, the specific site characteristics of the development lands including the existing permitted developments within the applicant's landholding contiguous to the site; access and linkages to the open space and employment generating lands within the applicant's ownership which are contiguous to the development site; the 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the principles of Design Manual for Urban Roads and Streets.

Further consideration of the overall development strategy should address the street hierarchy and how it is proposed to create a sense of place and a discernible focal point within the overall scheme. Further elaboration including illustrations of how the site analysis/context informed the proposed layout and urban design response would be useful. Further consideration of these issues may require an amendment to the documents and/or design proposal submitted.

3. Movement and Transportation

Further consideration and/or justification of the documents as they relate to the delivery and phasing of the Dunshaughlin Outer relief road including how this road and proposed access arrangements are consistent with the principle of the Design Manual for Urban Roads and Streets.

Further consideration should also be given to the documents as they relate to vehicular, cycle and pedestrian connections and permeability through the site to contiguous residential, open space and employment generating lands and connections from the development site to the urban centre of Dunshaughlin including consideration of passive surveillance. Further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

4. Urban Design Response, Density, and Layout

Further consideration and/or justification of the documents as they relate to the rationale of the proposed residential layout and urban design

response with particular regard to the creation of distinct character areas within the overall site in particular to the siting of the neighbourhood centre so as to create active street frontages, and how the development including consideration of the phasing arrangements contribute to the creation of a high quality urban extension of Dunshaughlin town. In addition, further consideration should also be given to the density, unit mix and typology and hierarchy of public open spaces and location and creation of pleasant pedestrian and cycle routes within the scheme. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

5. Surface water management and Risk of Flooding

Further consideration of documents as they relate to surface and storm water management for the site. This further consideration should have regard to the requirements of the Council in respect of surface water treatment and disposal as set out in section 8.5 of the Planning Authority's opinion. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices'). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

8.4 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission

1. A site layout plan which clearly illustrates the overall movement and transportation hierarchy for the proposed scheme.

2. Photomontages and cross sections showing how the development will interface with adjoining residential and industrial/business park lands.
3. Details of existing and proposed levels across the development site relative to adjoining lands.
4. All existing watercourses that traverse the site including any proposal to culvert/re-route existing drains should be clearly identified on a site layout plan.
5. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including details of play equipment, street furniture where proposed. The location of bring banks as set out in the Planning Authority's opinion should also be indicated on the landscaping plan.
6. A report or details contained within the EIAR identifying the demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
6. A construction and demolition waste management plan.
7. A phasing plan for the proposed development should be provided which includes the phasing arrangements for the public open space and Part V provision.
8. A site layout plan indicating all areas to be taken in charge.

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. Transport Infrastructure Ireland
3. National Transport Authority
4. Córas Iompair Éireann
5. Inland Fisheries Ireland
6. Minister for Culture, Heritage, and the Gaeltacht
7. Heritage Council
8. 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.

Joanna Kelly

Senior Planning Inspector

26th April 2018