



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-302660-18**

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<b>Strategic Housing Development</b>	185 dwelling units, creche and all associated works.
<b>Location</b>	Rooske Road, Dunboyne, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Prospective Applicant</b>	Glenbeigh Construction Ltd.
<b>Date of Consultation Meeting</b>	8 <sup>th</sup> November 2018
<b>Date of Site Inspection</b>	4 <sup>th</sup> November 2018
<b>Inspector</b>	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

- 2.1 The development site has a stated site area in the application form of 5.01ha and is located on zoned lands within the development boundary for Dunboyne. The development lands are rural in character with mature trees concentrated at the north-west corner of the site and some mature trees dispersed through the lands. There is a stone wall with hedgerow to the western boundary along the Rooske Road. The Rooske road contains footpaths along either side from the junction with Station road to Chestnut Grove, the nearest residential development approx. 300m to the north of the development lands. There is a farmstead located to the north of the development lands. There is a GAA clubhouse and grounds located approx. 300m north-west of the site. There is also a cemetery located approx. 400m south of the site close to a bend in the road.
- 2.2 The road along the western boundary is narrow and quite rural in character. The development lands are relatively flat with hedgerows to the perimeter of fields. There are existing ruinous structures located to the northern portion of the site. The site would appear to have been subject to recent clearing with rubble located adjacent to the foundations/upstanding walls of what appears to have been a dwelling structure. The structures north of this appear to have been farm structures associated with the house.

### 3.0 Description of proposed development

The applicant is proposing a residential development comprising of 185 dwelling units comprising of 115 houses and 70 apartments.

The unit mix is as follows:

Table 1: Unit Mix

<b>Housing Unit Type</b>	<b>No. of Units</b>
3 bed unit	42
4 bed unit	73
<b>Total housing units</b>	<b>115</b>
<b>Apartments</b>	
1 bed	32
2 bed	38
<b>Total Apartments</b>	<b>70</b>

A creche facility is also proposed as part of the development.

### 4.0 Planning History

There is no recent relevant history associated with the development lands.

### 5.0 National and Local Planning Policy

#### 5.1. National

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

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’
- ‘Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment’

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Architectural Heritage Protection, Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government, 2004.

## 5.2. Local Policy

### 5.2.1 Meath County Development Plan 2013-2019

This is the statutory County Development Plan. Dunboyne is identified as a ‘moderate sustainable growth town’.

Variation no. 1 to the development plan (2013) provides for the following objectives:

It is an objective of Meath County Council:

**CS OBJ 1** 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 or development objectives for the particular centre incorporated into the development plan by way of variation (CS OBJ 3 refers) to make each statutory land use strategy consistent with the settlement strategy and core strategy, particularly Table 2.4, of this Development Plan.

**CS OBJ 2** To publish a variation to the Meath County Development Plan 2013 – 2019 within one year of the adoption of the Development Plan to introduce land use zoning objectives and an order of priority for the release of lands for Ashbourne, Drogheda Environs, Dunboyne/Clonee/Pace, Dunshaughlin and Ratoath. Following the making of this variation, the Planning Authority shall publish amendments to the Local Area Plans of Ashbourne, Drogheda Environs, Dunboyne/Clonee/Pace, Dunshaughlin and Ratoath to ensure that they are consistent with the Development Plan, as varied, and particularly the settlement strategy, core strategy and household allocations outlined in Table 2.4.

**CS OBJ 5** To ensure that the review of Town Plans and Local Area Plans achieve consistency with the core strategy of the Meath County Development Plan 2013–2019 by only identifying for release during the lifetime of the Meath County Development Plan 2013–2019 the quantity of land required to meet household projections as set out in Table 2.4.

**Variation No. 2** to the CDP gave effect to additional policies and objectives for LAPs including the Dunboyne/Clonee/Pace LAP.

**SP 1** To operate an Order of Priority for the release of residential lands in compliance with the requirements of CS OBJ 6 of the County Development Plan as follows:

- i) The lands identified with an A2 'New Residential' land use zoning objective corresponds with the requirements of Table 2.4 Housing Allocation & Zoned Land Requirements in Volume I of this County Development Plan and are available for residential development within the life of this Development Plan.
- ii) The lands identified with an A2 'New Residential' land use zoning objective but qualified as 'Residential Phase II (Post 2019)' are not available for residential development within the life of this Development Plan.

Variation No. 3 provides for additional policies and objectives to various LAPs including the Dunboyne/Pace/Clonee LAP.

#### 5.2.2 **Dunboyne/Clonee/Pace Local Area Plan 2009-2015**

This is the statutory plan for the area which has been re-adopted. Additional policies and objectives were also adopted under variation No. 3 to the CDP providing details of strategic policy for the area. Table 11 provides details in respect of the Outcome of Residential Land Evaluation and the development lands in question, Site 7, were ranked 10<sup>th</sup>. The lands are identified for development post 2019.

### 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 and cover letter including inter alia, schedule of documents; Design Statement; Engineering Drawings; Statement of Consistency; Environmental Report; Archaeological Assessment; Bat Assessment; Letter of Consent; Landscape details and masterplan.

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 2018.

6.2.2 The planning authority's opinion included the following matters:

- **Minutes of Section 247 Consultations** – Minutes are provided within the report.
- **Planning history** – Reference is made to historical applications on the site.
- **National and Local Planning Policy** – Report sets out relevant planning policies and objectives.
- **Principle of development** – Planning Authority fully supports the applicant's analysis of the current residential delivery deficit in the area.
- **Density**– The PA concur that a density of 45 units per hectare at this location would be excessive based on the site's location, character of the area and the existing pattern of development in the area.
- **Dwelling Types and Mix** – It is considered that the proposal provides a good mix in terms of dwellings types/design throughout the development. It was recommended that the apartment blocks be located towards the centre of the development, as opposed to the periphery of the site, in order to integrate these structures into the overall development.
- **Public Open Space** – Avenues and home-zones are proposed throughout the development. Pedestrian and cycle routes are provided.
- **Private Open Space** – The dwellings have the required amount of private rear garden space.
- **Boundary Treatment** – There are no details regarding the boundaries between the dwellings. Proposals should comply with the Meath CDP.
- **Landscaping** – Where possible existing trees should be retained.
- **Play areas** – Playground need to be approved by ROSPA safety standards.

- **Traffic Impact, Access, and Parking** – There are concerns in relation to the saturation flows used. No road safety audit has been provided by the applicant. Layout is well set out with appropriate street types in the form of link streets and home zone streets. There is a high level of internal permeability within the proposed development site. All future connections to adjacent lands should be shown to extend directly to the relevant boundaries. Applicant has not identified or proposed any pedestrian facilities linking the proposed development with the existing footpath network located further north on Rooske Road. Footpath connectivity with Dunboyne town centre would be considered a fundamental requirement and a special levy should be applied to the development to cover the costs of providing same. There is an under provision of 18 no. car parking spaces for the apartments.
- **Dunboyne Eastern Distributor Road** – The proposed development should not prejudice the future route alignment of the distributor road. Applicant has undertaken a design exercise of the indicative route. Details are provided within the report regarding items that the applicant should address in respect of traffic and transportation including the provision of €1.75m special development contribution to provide the necessary roads, pavements, cycleways and other transportation infrastructure required to develop particular areas.
- **Public Lighting** – Landscaping plan is premature pending the submission of a public lighting plan.
- **Waste and wastewater connection** – ABP is invited to liaise with IW.
- **Surface water Treatment and Disposal** – A number of specific items have been highlighted including requirement for details of winter ground water level, encroachment of attenuation proposal beneath parking area, investigation and prove of existence and capacity of the existing surface water drainage network is required.
- **Waste Management and Environmental Protection** – Conditions are recommended in respect of this issue
- **Part V** – Details of an agreement have been submitted and a condition should be attached if permission is granted.



- **Taking in Charge**- details have been submitted and development to be constructed to Meath County Council Taking in Charge standards.
- **Childcare facility** – ABP to consider referring application to Meath County Childcare Committee.
- **Art Work** – ABP requested to attach a condition in respect of the provision of art work should permission be granted.
- **Estate Name** – PA would like to approve the name.
- **Broadband** – Conditions are outlined should permission be granted
- **Archaeological Impact** – It is recommended the application be referred to the DAU.
- **Flood Risk** – Site is not located within a flood risk zone.
- **Architectural Heritage** – The ruins on site should be at least partially retained in some rationalised form in their location pending the significance of further study and investigation.
- **AA**- A screening report has been submitted. It is recommended that ABP consult with Inland Fisheries Ireland and the NPWS in relation to the development.
- **Ecological Impact Assessment** – An ecological impact statement has been submitted and it is recommended that ABP consult with the NPWS.
- **Bat Assessment** – A number of recommendations are suggested in the Bat Assessment report that is submitted.
- **EIA** – An EIAR screening report has been submitted which concludes that the proposed development does not require a sub-threshold EIAR. The PA concur with this view.

#### 6.4 Submission from Irish Water

A submission was received from Irish Water and is available on file. In summary, the submission sets out that a Project Works Agreement is required to investigate the downstream capacity of the IW network to determine full extent of upgrade works required. Need to establish if a pumping station is required and where it is to be located. Permission is required for the pumping station. Significant works are required to IW main to accommodate the proposed development.

## **6.5 Submission from Development Applications Unit**

It is noted that an archaeological geophysical survey has been carried out (results pending) and that it is proposed to conduct archaeological testing within the footprint of the proposed development. It is recommended that the results of the geophysical survey and the testing are incorporated into an Archaeological Impact Assessment report to be lodged with the planning application at the appropriate time.

## **7.0 Consultation Meeting**

7.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 8<sup>th</sup> November 2018, commencing at 2.15pm. Representatives of the prospective applicant, Meath County Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

7.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Order of Priority, Residential Phase II lands
2. Development Strategy for the site having regard to the site context, proposed layout, density, unit mix and typology, location and distribution of open space.
3. Traffic and transportation to include movement and connectivity and consistency with DMURS.
4. Water and waste water to include consideration of Irish Water submission
5. Special Development Contribution as referred to in the Planning Authority's Opinion.
6. Ecology
7. Any other matters

7.3 In relation to the Order of Priority and the release of Phase II lands, ABP representatives sought further discussion/elaboration from the planning authority and the applicant as to the justification for the release of these lands at this stage,

status/timeframes for new CDP, LAP and RSES plans including extent of development that has occurred on Phase I and the employment generating lands to date.

- 7.4 In relation to Development Strategy for the site having regard to site context, proposed layout, density, unit mix and typology, location and distribution of open space, ABP representatives sought further elaboration on this having regard to site context, design solution having regard to context and overall strategy for Dunboyne, principles of DMURS and creation of attractive streetscapes and provisions of qualitative standards in national guidance documents.
- 7.5 In relation to Traffic and Transportation to include movement and connectivity and consistency with DMURS, ABP representatives sought further elaboration on movement and connectivity to and from the site including pedestrian and cyclist movements, impacts on local and wider road network.
- 7.6 In relation to Water and Waste water to include consideration of Irish Water submission, ABP representatives sought further discussion/elaboration on whether the prospective applicant has had any further discussions with IW in respect of the issues outlined in their submission and how these concerns are to be addressed.
- 7.7 In relation to Special Development Contribution as referred to in the Planning Authority's Opinion, ABP representatives sought further elaboration on the justification for its application having regard inter alia, to the provisions of the current Section 48 adopted scheme and the detailed costs and apportionment of the costs in respect of the proposed development.
- 7.8 In relation to Ecology, ABP representatives sought further elaboration on whether the recommendations contained in the bat assessment have been considered in the

landscaping and public lighting scheme and whether other species protected under the Wildlife Acts were present on site having regard to the character of the site.

7.9 In relation to Any Other Matters, ABP representatives sought further elaboration/discussion on Part V agreement, EIA Screening, the screening report in relation to Appropriate Assessment and Archaeology. It was also suggested that there should be consistency between all documents/information submitted with any application.

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-302660-18' 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.

## **8.0 Conclusion and Recommendation**

8.1 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 and as amended by Section 50 of the Planning and Development (Amendment) Act 2018.

8.2 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 plans for the area.

8.3 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 as set out in the recommended Opinion below.

8.4 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.

8.5 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.

## 9.0 Recommended Opinion

9.1 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.

9.2 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.**

9.3 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 identified in the Meath County Development Plan and the possible prematurity of development at this location pending the completion of the Regional Spatial and Economic Strategy and the consequential review of the Meath County development plan. 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 Regional Spatial and Economic Strategy and the preparation of a new development plan, a planning rationale/justification for the release of these Phase II residential lands should be submitted which has due regard to Phase I residential lands which remain undeveloped within the Dunboyne Clonee Pace Local Area Plan.

2. Movement and Transportation

Further consideration and/or justification of the documents as they relate to vehicular, cyclist and pedestrian connections including legibility, permeability and continuity from Dunboyne village to and across the development site to contiguous lands providing for future connections.

Further consideration should be given to how the proposed street hierarchy and access arrangements are consistent with the principle of the Design Manual for Urban Roads and Streets. Consideration should also be given to connections from the development site to the urban centre of Dunboyne including delivery of pedestrian footpath along the Rooske Road linking existing footpaths to the development site. Further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

3. Urban Design Response, Density, and Layout

Further consideration and/or justification of the documents as they relate to the rationale for the proposed residential layout and urban design response with particular regard to the existing site's characteristics including consideration of the architectural and heritage value of retaining structures where possible and

the potential of such to contribute to creating a sense of place. Consideration should be given to the creation of active and aesthetically pleasing urban street frontages particularly along the Rooske Road and the main internal access road. Consideration should also be given to the quality of the public realm throughout the scheme and the interface of public and semi-public open spaces areas with inter alia, proposed structures and boundary treatments, parking areas and bin storage areas.

In addition, further consideration should also be given to the density, unit mix and typology and hierarchy of public open spaces including the distribution of public open spaces throughout the 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 proposals submitted.

#### 4. Surface water management and Risk of Flooding

Further consideration of documents as they relate to surface and storm water management for the site and capacity of the existing surface water drainage network. 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 7.5.2 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.

9.4 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. Details regarding the existing architectural and heritage value including the structural condition of buildings present on the development lands.
2. Landscaping proposals including an overall landscaping masterplan for the development site and a site layout plan indicating the full extent of tree retention and removal if proposed. Such details should have cognisance to the findings and recommendations contained in the Bat Assessment. Details of proposed tree protection measures during construction. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments in particular along Rooske Road should be submitted. Sections should be submitted at key locations where the public open spaces interface with proposed residential units.
3. A site layout plan which clearly illustrates the overall movement and street hierarchy for the proposed scheme. Proposed footpath connections to Dunboyne village should be clearly indicated with relevant letters of consent from third parties if required.
4. All existing watercourses/ditches and utilities that traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
5. An ecological report which addresses whether there are any species, protected under the Wildlife Acts 1976, evident on the development lands.
6. Details in respect of the proposed residential units including a schedule of Accommodation and Quality Assessment Report which has regard to Specific Planning Policy Requirements set out in the Sustainable Urban Housing: Design Standards for Apartment Guidelines, Guidelines for Planning



Authorities as they pertain to the proposed development. A Building Life Cycle Report in respect of the proposed apartments.

7. A construction and demolition waste management plan.
8. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces, surface water management proposals having regard to sub-catchments within the scheme and Part V provision.
9. A site layout plan indicating all areas to be taken in charge.
10. Relevant consents to carry out works on lands that are not included within the red-line boundary. The prospective applicant is advised that all works should as far as possible be included within the red-line boundary.

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. Inland Fisheries Ireland
2. Irish Water
3. Transport Infrastructure Ireland
4. Córas Iompair Éireann
5. Minister for Culture, Heritage, and the Gaeltacht
6. Heritage Council
7. An Taisce – the National trust for Ireland
8. Meath County Childcare Committee

**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 2018 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Joanna Kelly

Senior Planning Inspector

27<sup>th</sup> November 2018