



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-302890-18**

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<b>Strategic Housing Development</b>	101 residential units, creche and all associated works.
<b>Location</b>	Ribbontail Way, Longwood, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Prospective Applicant</b>	Emmand Ltd.
<b>Date of Consultation Meeting</b>	6 <sup>th</sup> December 2018
<b>Date of Site Inspection</b>	2 <sup>nd</sup> December 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 5.3hectares. The site is located on zoned lands to the west of the settlement of Longwood, identified as a village with a population of 1,581 in the 2016 census. Longwood is c. 50km north-west of Dublin, 13.5km from Kinnegad and 15km from Trim. There is a relatively new primary and post primary school located along the Enfield Road.
- 2.2 It is proposed to access the site via Ribbontail Lane to the north. The site incorporates the existing Ribbontail Lane, grass verge and Ribbontail Way access road. The lands are currently greenfield with the southern portion of the lands located within a flood zone. Existing development in the immediate vicinity is typically low density with residential properties located north, south and east of the site.

## 3.0 Description of proposed development

The applicant is proposing a residential development comprising of 101 dwelling units comprising of 53 houses and 48 apartments.

The unit mix is as follows:

Table 1: Unit Mix

<b>Housing Unit Type</b>	<b>No. of Units</b>
3 bed unit	32
4 bed unit	14
5 bed unit	7
<b>Total housing units</b>	<b>53</b>
<b>Apartments</b>	
1 bed	24
2 bed	8
3 bed	16
<b>Total Apartments</b>	<b>48</b>

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

#### 4.0 Planning History

The more recent and relevant planning history is summarised as follows:

**File ref. No. TA801754/PL.230531** Permission refused for 77 no. houses on site. Permission was also sought to upgrade and widen existing minor road to the north of Ribbontail Way (currently in charge of the Local Authority). The Council refused for three reasons pertaining to Order of Priority, deficiency in public water supply and deficiency in the existing Longwood sewerage works. ABP refused for

one reason pertaining to the Order of Priority and that the development would be premature.

**File Ref. No. TA/70533 / PL.226398** Permission refused for construction of 77 no. houses with vehicular/pedestrian access to serve proposed development through existing development Ribbontail Way, on site of c. 4.526ha. Permission refused by the Council on grounds of prematurity in relation to the order of priority for development, the increase in traffic movements, and the road access. ABP upheld the decision to refuse permission on the grounds of substandard width of the access road and the substandard junction arrangements at the entrance to Ribbontail Way which would endanger public safety.

**File ref. No. TA/20074** Permission granted for 12 no. dwellings to adjoin Phase 2 Ribbontail Way housing development, planning reg. ref. no. 99/1647 including all associated site development works on c. 2.8 acres.

**File ref. No. TA70571** Extension of duration application refused for 12 no. dwelling houses with vehicular access from previously approved access road to adjoining phase 2 Ribbontail Way housing development, planning reg. ref. 99/1647 on a site of c. 2.8acres.

## 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’
- ‘Urban Development and Building Heights – Guidelines for Planning Authorities’

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. Longwood is identified as a village in the settlement hierarchy.

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 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 Longwood.

**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.

5.2.2 Volume 5 of CDP contains updated policies and objectives for Longwood. It is set out that the provision of a compact and vibrant village centre is essential if Longwood is to cater for its current and future population needs in a sustainable manner. The existing waste water treatment plant has a design capacity for 1,500p.e. The CDP indicates that there is no further capacity in the plant. The Core Strategy of the CDP seeks to limit the further expansion of the village to a more moderate rate reflective of the villages' position within the County Settlement Hierarchy. Strategic Policies include:

**SP 1** To promote the future development of the village as a compact settlement with a pedestrian friendly environment, a legible and coherent physical form, and a variety of land uses and amenities.

**SP 2** To protect the unique character of the town through the provision of appropriate infill development which has regard to the scale, character, topography and amenities of the village.

**SP 3** 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

## **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; Housing Market Assessment; Cultural Heritage Impact Assessment; Ecological Impact Statement; Natura Impact Statement; Environmental Report; Archaeological Assessment; Traffic Impact report; Drainage Design report; Flood Risk Assessment; Landscape details including Arborist Assessment 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 22<sup>nd</sup> November 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** – Details of previous history is outlined.
- **National and Local Planning Policy** – Report sets out relevant planning policies and objectives.
- **Principle of development** – Planning Authority invites ABP to consider the statement of consistency which provides a justification for bringing the site forward now.
- **Density**– A density of 35.3 units per hectare is proposed.
- **Dwelling Types and Mix** – It is considered that the proposal provides a good mix in terms of dwelling types/design throughout the development.
- **Public Open Space** – Reference is made to the quantum of open space provided.
- **Private Open Space** – Dwellings appear to have the required amount of private rear open space.



- **Boundary Treatment** – The rear fence should be raised from 1.5m to 1.8m.
- **Landscaping** – Where possible existing trees should be retained. Boundary treatments are not clear and revised drawings to be submitted.
- **Traffic Impact, Access, and Parking** – No road safety audit has been submitted. A special development levy should be paid as a contribution towards the costs of the footpath to Ribbontail Way. The level of internal permeability is considered acceptable. All future connections should extend to the party boundary.
- **Pedestrian and Cycling Network** – There are two locations where appropriate crossing facilities are not provided for paths which cross the proposed streets. The locations of concern are situated along the east to west link street that separates open space A from open space B.
- **Public Lighting** – Landscaping plan is premature pending the submission of a public lighting plan.
- **Parking** – 190 parking spaces are required thus 12 additional spaces are required.
- **Public Lighting** – Revised design to be submitted for agreement.
- **Water Services, waste water and surface water treatment and disposal** – IW can facilitate connection subject to agreement.
- **Surface water treatment and disposal** – Applicant to clarify the intended discharge rate and amend attenuation volumes accordingly. Justification for adopting Soil Type 2 to be provided. BRE 365 result to be provided. Attenuation system should be sized on assumption of 100% contribution rather than 80%. Attenuation system to be located under public open space. Would like to see greater use of SuDS.
- **Waste Management/Environmental Protection** – No reference to volume of soil and stone that could be generated. Obligations under Waste Management Acts to be met. CEMP should address extreme weather and possible impacts on receptors.
- **Part V** – Condition to be applied to grant of permission.
- **Childcare Facility** – ABP to consider requirements of section 11.9 of the CDP which sets out parking standards for the crèche.
- **Artwork** – Condition to be applied requiring provision of artwork.

- **Estate Name** – Council would like to approve name.
- **Broadband** – Conditions to be attached in the event of a grant
- **Conservation Officer** – Cumulative effects of traffic through Longwood ACA and existing small village. The landscape has a pastoral and unique setting and would be lost if this development were to be proceed, good agricultural land.
- **Flood Risk** – The southern section of the site is located within a flood risk zone. SEE has no objection to proposal.
- **AA-** NIS was submitted. ABP recommended to consult with Inland Fisheries Ireland and the NPWS.
- **Ecological Impact Assessment** – An ecological impact statement has been submitted and it is recommended that ABP consult with the NPWS.
- **EIA** – An EIAR screening report has been submitted which concludes that the proposed development does not require a sub-threshold EIAR.

#### **6.4 Submission from Irish Water**

A submission was received from Irish Water and is available on file. In summary, the applicant entered into a Project Works Services Agreement to determine the required upgrades to the wastewater treatment plant to facilitate the development. Upgrades are required and will require planning permission. Upgrade works is also required on the drinking water network. No statutory or third party permission is required for this work.

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

Department welcomes the fact that documentation submitted at this stage is accompanied by a Cultural Heritage Impact Assessment Report. There is sufficient information in the report that will allow for an informed decision with regard to archaeological impacts and concur with the recommended archaeological mitigation set out in the report.

## **7.0 Consultation Meeting**

7.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 6<sup>th</sup> December 2018, commencing at 2.30pm. 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 and possible prematurity pending adoption of new CDP
2. Development Strategy for site to include layout, density, unit mix and typology including urban design response
3. Surface Water Management and Flood Risk
4. Water and Wastewater and possible prematurity pending upgrades
5. Any other matters

7.3 In relation to the Order of Priority and possible prematurity pending adoption of new CDP, ABP representatives sought further discussion/elaboration from the applicant as to the justification for the release of these lands at this stage including consideration of previous refusal from ABP in respect of development on the site, status/timeframes for new CDP, LAP and RSES plans including extent of development that has occurred on Phase I lands to date.

7.4 In relation to Development Strategy for the site, ABP representatives sought further elaboration on this having regard to need for improved connectivity, street hierarchy and principles of DMURS, access to public open space from adjoining residential developments, design and configuration of apartment blocks and creation of attractive streetscapes.

7.5 In relation to Surface water management and flood risk, ABP representatives sought further discussion/elaboration on comments regarding this issue from the planning authority and also potential for displaced waters.

- 7.6 In relation to Water and Waste water and possible prematurity pending upgrades, 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 Any Other Matters, ABP representatives sought further elaboration/discussion on AA and the screening report in relation to Appropriate Assessment, proposed phasing and special development contribution sought by the planning authority.

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-302890-18' 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 also to the previous planning history pertaining to the site and in particular the reasons for refusal pertaining to the order of priority.

2. Waste water treatment

Further consideration and/or justification of the documents as they relate to the possible prematurity of the proposed development pending the upgrade of the existing waste water treatment plant, which Irish Water indicates would be subject to a separate development consent process. Prospective applicant is advised to liaise directly with Irish Water regarding the progression of the proposed upgrade and consider the expected timescale for the delivery of this upgrade in the context of making an application for the proposed development. Further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

3. Movement and Connectivity

Further consideration and/or justification of the documents as they relate to vehicular, cyclist and pedestrian connections including legibility and permeability through the site and to adjoining residential developments. 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 adjoining residential developments and creation of linkages to the schools. Further consideration of this issue may require an amendment to the documents and/or design proposal 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 planning authority in respect of surface water treatment and disposal as set out in section 7.6.2 of the Planning Authority's opinion. Any surface water management proposals should be considered in tandem with the 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.

5. 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 provision of connections to the site from adjoining residential developments and the layout and configuration of the apartments and associated parking. Consideration should be given to the creation of active and aesthetically pleasing urban street frontages and the creation of optimal passive surveillance to open space areas. Consideration should also be given to the quality of the public realm throughout the scheme and the interface of public and semi-public open space areas with, *inter alia*, proposed structures and boundary treatments, parking and bin storage areas.

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.

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. 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. Landscaping proposals should also incorporate any SuDS measures proposed.
2. Cross-sections which demonstrates existing and proposed changes in levels across the site.
3. A site layout plan which clearly illustrates the overall movement including proposed connections to adjoining lands for the proposed scheme.
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. 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.
6. A construction and demolition waste management plan.



7. A phasing plan for the proposed residential development which includes, *inter alia*, the arrangements for the delivery of the public open spaces, surface water management proposals and Part V provision.
8. A site layout plan indicating all areas to be taken in charge.
9. 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. Minister for Culture, Heritage, and the Gaeltacht
4. Heritage Council
5. An Taisce – the National trust for Ireland
6. 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

19<sup>th</sup> December 2018