



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-305820-19

Strategic Housing Development

Demolition of derelict structures (of the former Rusk House), construction of 226 no. residential units (92 no. houses, 134 no. apartments), childcare facility and associated site works.

Location

Rooske Road, Rush, Dunboyne, Co. Meath.
(www.rooskeroadshd.com)

Planning Authority

Meath County Council

Applicant

Glenbeigh Construction Ltd.

Prescribed Bodies

Inland Fisheries Ireland
Department of Culture, Heritage and

the Gaeltacht.

Transport Infrastructure Ireland

Irish Water.

Observer(s)

40 no observers (including prescribed bodies) listed in Appendix 1.

Date of Site Inspection

06th of February 2020.

Inspector

Karen Hamilton

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	4
4.0 Planning History.....	5
5.0 Section 5 Pre Application Consultation	5
6.0 Relevant Planning Policy	8
7.0 Third Party Submissions	15
8.0 Planning Authority (PA) Submission	18
9.0 Prescribed Bodies.....	23
10.0 Assessment.....	24
11.0 Recommendation	40
12.0 Recommended Draft Board Order	41
13.0 Appendix 1- List of observers.....	44

1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The subject site is 5.37ha, includes 0.42ha of road works and is located to the south of Dunboyne Village within the settlement boundary. The development lands are generally flat, rural in character with mature trees along the north-west corner of the site and dispersed through the site. There are existing ruinous structures located to the northern portion of the site which have been subject to recent clearing.
- 2.2. The Rooske road runs along the front, west of the site is rural in nature with a stone wall along the western portion. There are footpaths from the village to Chestnut Grove, the nearest residential development c. 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 c. 300m north-west of the site and a cemetery c. 400m south of the site close to a bend in the road.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of a proposed residential scheme for 226 no. residential units and a crèche as summarised below:

Table 1: Key Figures

Site Area (gross) including road	5.37ha
No. of units	226
Density (nett)	c. 45.6 units per ha
Height	3-5 storeys
Public Open Space provision	9.510m ² (19%)
Crèche	389.5m ² (47spaces)

Table 2: Unit Mix

	1 bed	2 bed	3 bed	4+ bed	Total
Apartments	48	78	-	-	118
Duplex/Apartments	-	-	8	-	16
Houses	-	-	42	50	92
TOTAL	48	78	50	50	226
As % of total	21	35	22	22	100

- 3.2. The proposal includes for an upgrade of the Rooske road, to the north of the site, towards Dunboyne Centre, which consists of widening the carriage way and footpaths/cycle ways north towards the centre.

4.0 Planning History

None relevant on the subject site.

304842-19 (Reg Ref RA180561)

Permission granted for 83 no dwellings on lands to the east of Dunboyne, and a crèche on a site on the outskirts of Dunboyne. The Board removed a condition included on the grant of permission for a €990,000 for a special contribution under Section 48(2) (c) towards the provision of the Dunboyne Distributor Road.

5.0 Section 5 Pre Application Consultation

- 5.1. A Section 5 pre-application consultation took place at the office of An Bord Pleanála 8th November 2018, commencing at 2.15pm. The main topics raised for discussion at the tripartite meeting are summarised 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

5.2. Notification of Opinion

An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultation, require further consideration as summarised below:

1. Timing and Phasing of Development

- Phase II residential 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.
- 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

- Details of the 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.
- Compliance with Design Manual for Urban Roads and Streets.
- Proposed 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.

3. Urban Design Response, Density, and Layout

- 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.

- Creation of active and aesthetically pleasing urban street frontages particularly along the Rooske Road and the main internal access road.
- 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.
- Density, unit mix and typology and hierarchy of public open spaces including the distribution throughout the scheme.

4. Surface water management and Risk of Flooding

- Surface and storm water management for the site and capacity of the existing surface water drainage network.
- 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.
- Compliance with the requirements of 'The Planning System and Flood Risk Management Guidelines'.

Further information to be considered should include the assessment of existing buildings, landscaping proposals, watercourses and culverts on the site, ecological report, schedule of accommodation, construction and demolition masterplan, phasing plan, taking in charge and relevant works included in the red-line boundary.

5.3. **Applicant's Statement**

The applicant has submitted a statement of response to ABP Opinion's which is briefly summarised as follows:

1. Phasing
 - Dunboyne is a large growth town,
 - The lands can help solve the housing crisis,
 - Sustainable transportation in Dunboyne,
 - Proximity to Dublin,
 - Limited development on Phase I lands.

2. Transport

- The proposal includes the widening of Rooske Road linking to Dunboyne Village centre with a new footpath/cycle path.

3. Design & Layout

- The remains of Rusk House will be integrated.
- The character of the road will be reinforced with apartments facing directly onto it.
- Public amenity spaces allow for a high degree of surveillance.

4. Surface water & flooding

- Surface water runoff is limited to Greenfield rates.
- An engineering assessment and flood risk assessment is submitted.

5.4. **Material Contravention**

The application has been advertised as a material contravention having regard to the Phasing of the lands as “Residential Phase II (Post 2019)”. It is considered the proposal complies with the national guidance. Reference to priority development on lands adjoining the railway station does not preclude the development of this site and the Board can use its powers under Section 37 in any instance.

6.0 **Relevant Planning Policy**

6.1. **National Policy**

- Project Ireland 2040, National Planning Framework.
- 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.
- 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.
- Spatial Planning and National Roads Guidelines for Planning Authorities.
- Architectural Heritage Protection, Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government, 2004.

6.2. **Regional Spatial & Economic Strategy (RSES) Eastern Midlands Regional Authority (EMRA)**

- Section 5.2- Vision- Dunboyne is located within the Metropolitan Areas Strategic Plan (MASP).
- Table 5.1- Strategic Development Areas and Corridors, Capacity Infrastructure and Phasing.

Promote the sequential development prioritising and servicing lands near the railway station and town centre and at Dunboyne North/ M3 Parkway station.

Phasing/ enabling Infrastructure in the medium to long-term includes the provision of the Outer orbital road, distributor road, additional water mains and waste water upgrades.

- Dunboyne rail line is located on the north-west corridor of the MASP.
- Dunboyne Employment lands- Space intensive “big box” employment at Portane. Mixed use development at M3/ Parkway.

Settlement Strategy

RPO 4.1: In preparing **core strategies** for development plans, local authorities shall determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES, within the population projections set out in the National Planning Framework to ensure that towns grow at a sustainable and appropriate level, by setting out a rationale for land proposed to be zoned for residential, employment and mixed-use development across the Region. Core strategies shall also be developed having regard to the infill/brownfield targets set out in the National Planning Framework, National Policy Objectives 3a-3c.

RPO 4.2: Infrastructure investment and priorities shall be aligned with the **spatial planning strategy** of the RSES. All residential and employment developments

should be planned on a phased basis in collaboration with infrastructure providers so as to ensure adequate capacity for services (e.g. water supply, wastewater, transport, broadband) is available to match projected demand for services and that the assimilative capacity of the receiving environment is not exceeded.

6.3. **Meath County Development Plan 2013-2019**

The subject site is zoned A2, New Residential Areas, Phase II, where the land use objective is:

“To provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy”

Dunboyne

- Table 2.4 (updated to Table 9A) –54.9 ha of residential zoned lands required.
- Table 2.5- Housing allocation 1,994 from 2013-2019.
- Table 3.2- Dunboyne is identified as a ‘Large Growth Town II’.

Variation no. 1 to the CDP (2013) provides for additional objectives included in the Dunboyne/Clonee LAP (2009) which relate to the Core Strategy:

- **CS OBJ 1-** Implement the residential phasing in Table 2.1 until the variation or amendment of relevant plans to comply with Table 2.4.
- **CS OBJ 2-** Publish variation of the Dunboyne/Clonee/Pace, amongst others, in order to comply with the Core Strategy in table 2.4.
- **CS OBJ 5-** Ensure the review of plans is consistent with the core strategy by only identifying lands for release during the lifetime of the CDP.

The CDP identifies Additional Policies & Objectives for Local Area Plans. In respect of the Dunboyne / Clonee / Pace LAP, **Volume 5** of the CDP includes the following policy objective:

Strategic Policy 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.

6.4. **Dunboyne/Clonee/Pace Local Area Plan 2009-2015**

- Variation No 1 included additional policies and objectives, 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 10th.
- The lands are identified for residential development, Phase II post 2019.

Dunboyne Eastern Distributor Road (DEDR)

The land use map includes an indicative route for a major distributor road along the east and south of Dunboyne and includes two overpass, at the railway, to the north and south.

MOV POL 8- To facilitate the development of the Dunboyne Eastern Distributor Road in conjunction with the development of the **A4 lands to the east and south of the railway line in Dunboyne**, to include arrangements for the delivery of a rail overpass at the south and north these lands

Variation No 2 of the CDP identifies Additional Policies & Objectives for Local Area Plans. In respect of the Dunboyne / Clonee / Pace LAP:

Section 3.3 of the LAP Amendments will be primarily required to fully integrate the lands with an A2 'New Residential' land use zoning objective within the IAAP with existing development, facilitate the extension of the **Eastern Distributor Road** through the newly zoned lands to the Rooske Road (this will require the provision of a vehicular bridge over the railway line to accommodate the major distributor road).

6.5. **Draft Meath County Development Plan 2020-2026**

A2 Phasing - Residential land not available for development until post 2026 where the objective is *“To provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy”*

- Core Strategy- Facilitate projected growth of Meath 227,500 persons
- Dunboyne- Designated a ‘Self-Sustaining Growth Town’ and within the Metropolitan Area.
- Phase I lands for Dunboyne equate to c. 176ha and Phase II c. 112ha.
- Site is located in Phase II Lands, due for release post 2026.

6.6. **Meath County Development Contribution Scheme 2016–2021 (amended Oct 2018)**

The appeal site is identified as being located within the area of the S.49 Navan to Dublin Railway Line – Phase 1 – Clonsilla to Dunboyne (Pace), supplementary development contribution scheme.

Appendix A identifies the range of Class 2 Roads and Public Transportation Infrastructure projects which may be funded from the scheme. This does not include, or otherwise refer to, the Dunboyne Distributor Road

6.7. **Applicants statement of Consistency**

The applicant has submitted a Statement of Consistency, which indicates how the proposal is consistent with the policies and objectives of National, Regional, Section 28 guidelines and the County Development Plan.

6.8. **Designated sites**

The subject site is located c 5km to the north of the Rye Water Valley/ Carton SAC (site code 001398).

6.9. **Environmental Impact Assessment**

6.10. The applicant has submitted an environmental impact assessment report screening, which concludes that with proposed mitigation measures in place, it is not anticipated that the construction or operational phases of the proposed development whether

considered on its own or together with in combination projects or plans, will give rise to likely significant environmental effects.

6.11. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

The proposed development is for 226 dwelling units, on a site area of 5.37ha. The proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017.

6.12. As per section 172(1) (b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

6.13. The Ecological Impact Statement which accompanied the application not identify any significant features of interest. The proposed use as residential would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in Dunboyne. The size and design of the proposed development would not be unusual in the context of a developing urban area. The site is not zoned for the protection of a landscape or for natural or cultural heritage.

6.14. Having regard to:

(a) the nature and scale of the proposed development, on zoned lands served by public infrastructure,

(b) the absence of any significant environmental sensitivities in the area,

(c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Appropriate Assessment (AA)

- 6.15. The application is accompanied by an AA Screening Report, an Ecological Impact Assessment and other Engineering Reports. This Report concludes that there is no potential for likely significant effects on European sites.
- 6.16. The site is located c 5km to the north of Rye Water Valley/ Carton SAC (001398). The features of interest listed for this SAC include Petrifying springs with tufa formation (Cratoneurion), Vertigo angustior (Narrow-mouthed Whorl Snail) and the Vertigo moulinsiana (Desmoulin's Whorl Snail). The site is not directly connected to this European Site or any other by any hydrological connection.
- 6.17. The AA screening report has regard to the location of the SPAs in Dublin Bay, namely South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA and concludes there will be no significant negative impact on any features of special conservation interest on these or any other SPA.
- 6.18. The proposed development of 226 no. dwellings on the site includes a connection to the main water system. The treatment of surface water would equate to the rate of a Greenfield site discharged via an attenuation system. The proposed treatment of foul will be via a pumping station connecting into the main public system. Irish Water have not raised any issue with the capacity of the current system to treat any additional foul and consider the site can be serviced. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and it would not have the potential to have any significant effect on any European Site. As the proposed

development has any source-pathway-receptor to any European site, it does not have the potential to have an effect on any European site, there is no potential for it to have likely significant effects on any site in combination with any other plan or project.

- 6.19. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Rye Water Valley / Carton SAC (001398), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of the site's Conservation Objectives, and that a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

7.0 Third Party Submissions

- 7.1. A total of 40 no. observations were received, 4 of which are prescribed bodies, detailed below, with the remaining from councillors, resident's and resident's associations in the vicinity of the site. Similar issues were raised throughout the submissions so I have summarised these under common themes below:

7.2. Principle of Development

- The proposal is on Phase II lands and only one application has been granted on Phase I lands.
- The proposal is premature.
- The proposal is a material contravention of the development plan.
- The proposed development is leap frogging.
- The land is proposed to be developed post 2026.
- The 2019 development plan has not commenced as yet.
- Residential lands adjacent to the Dunboyne Train Station are strategic and included in the RSES and the developer has already been engaged in discussions for the development of these lands.
- A section of the Dunboyne Distributor Road from Dunboyne Train Station has been indicated for LIAHF because of the environment and connectivity.

- The allocation of population from the RSES to Dunboyne is not directed to the site as there was an excess of lands zoned.
- Any permission would undermine the Core Strategy which has been prepared and published and is consistent with the national and regional plans.
- A letter of consent refers to the making of an application on lands rather than the undertaking of works.

7.3. Design and Layout

- The proposal is excessive and is not in keeping with the character of the area.
- The mix of housing is not in compliance with the development plan standards.
- The scale of the proposal will not reflect the Rooske Road as it is currently rural in character.
- The open space along the road would pose a risk to children.
- The proposal will have a negative visual impact on the surrounding area.

7.4. Transport

- The visibility splays are not in accordance with DMURS.
- The transport assessment does not provide a clear analysis of the overall development.
- There is a shortfall of 32 parking spaces to comply with the development plan.
- The entrance will cause a traffic hazard as the landscaping will impede visibility.
- The ring road is not zoned yet and there will be access onto the Rooske Road.
- The Rooske Road and the L2221 is not suitable for additional traffic or construction machinery.
- The traffic assessment was only undertaken along the Rooske Road and therefore other traffic problems (Clonee roundabout) were not considered.
- The traffic management plan only calculates 35 units per ha on the surrounding zoned lands.

- The proposal does not include plans to widen the road to the south of the site.
- There are no traffic calming measures at the community facilities along the Rooske Road.
- The information contained in the traffic and transport assessment is queried i.e. the crèche will only be used by the residents of the estate, absence of any collisions on the road, reference to Drogheda etc.
- The inclusion of the potential upgrade of the DEDR has no relevance to the application as it is not being delivered.
- There is no connectivity between the developer's site and the M3 Parkway and the Dunboyne & Environs Transport Study nor the GDA Cycle Network Strategy propose lanes over this section.
- Chestnut Grove estate should not be used as a feeder road for the proposed development.
- There are a significant number of blind spots and inch points along the Rooske Road.
- The site does not have good public transport.
- Parking should be expanded to allow for 2 – 2.5 per unit.

7.5. Water and Waste Water

- Significant upgrades to the public sewerage system is required in order to service the site.
- A temporary on site pumping station is proposed.
- 1.8km of water mains require upgrading.
- The area is continuously on a boil notice.
- The sewerage is to connect to Chestnut Grove and this estate has had many blockages.
- The site has a high groundwater vulnerability and the potential for flooding will impact on the water sources in the vicinity.

7.6. Flooding

- The water table is very high and there is persistent flooding along the Rooske Road.
- The site is subject to flooding and the Eastern FRAMS indicate an area adjacent to the site as under review.

7.7. Residential Amenity

- The location of the balconies in the apartments will cause overlooking.
- The design of the five storey apartments will cause overshadowing on adjoining properties
- There is no light pollution assessment.
- It is unclear if the heat pump source will have a noise impact.
- The schools in Dunboyne are nearing capacity.

7.8. Ecology

- The proposal will have a negative impact on ecology due to the loss of hedgerows.
- The ecology impact assessment states that the loss of hedgerow will have a residual negative impact on biodiversity.
- It is unclear how the management for bats, nesting birds silt and bluebell will be recorded on the site.
- There are trees on the site over 200 years old.
- An EIAR should have been completed as the groundwater has a high vulnerability and is ecologically sensitive.
- There is insufficient survey work to identify the impact on the bats.

8.0 **Planning Authority (PA) Submission**

8.1. **Overview**

The planning authority, Meath County Council has made a submission which was received by ABP on the 07th of January 2020. The report refers to the S 247

consultations for the site, includes a planning assessment of the proposed development, summarised below, with interdepartmental reports, recommendation for conditions and a summary the submissions received in respect of the application. The PA have no objection to the proposed development subject to certain considerations, discussed below.

8.2. **Summary of Views of Elected Members**

A synopsis of the comments/views in respect of the proposed development is set out as follows:

- Concerns raised over the location of the proposed development.
- Phase II lands and the impact on the Order of priority of sites closer to the Dunboyne Village Centre.
- Concern raised over the capacity of the road to accommodate the additional traffic.
- Query over the number of apartments in the scheme and the density and layout.
- There is not sufficient car parking.
- The Part V units are only apartments and provided in the final phase.

8.3. **S 247 meetings**

- A contribution for the eastern distributor road will be imposed on any proposal under either a S49 Scheme or a special levy under S48 and further discussion is required on the quantum required.
- The traffic impact assessment and the upgrade of the Rooske Road was considered.
- The Ringsend WWTP is subject to upgrades and there could be restrictions by Irish Water.
- Attenuation should not compromise the development of other sites.
- Access to an existing drain for surface water is proposed.
- Density at 36 per ha is acceptable.

- The design of the proposal was altered following ABP Pre-application Consultation Opinion.
- Three options for the upgrade of the Rooske Road, including a Part 8 and CPO and / or a restriction on the housing units at 40, were discussed. The applicant is to submit proposals.

8.4. **Planning Assessment**

A policy background with reference to the RSES, CDP 2013-2019 (including variations) and the Draft CDP 2020-2026 are provided.

Principle of Development

- The PA strongly supports multiple residential schemes in settlements having regard to their location within the Metropolitan Area.
- The Maynooth & Environs area will likely benefit from the 20% redistribution of population projection for Dublin City in County Meath.
- As a large growth town, Dunboyne has a similar role to Navan and Drogheda.
- Fig 5- The number of units in the Core Strategy from 2013-2019 is 2,113 and having regard to the capacity of Phase 1 (average 35/45 units per ha) lands there would remain capacity for 442 units.
- The timeline for the release of the lands is considered to be post 2019 in accordance with the NDP and RSES but post 2026 as per the draft plan.
- The applicant has advertised the proposal as a material contravention of the plan in the event that it has the potential, and justified the need to develop on Phase II lands.
- The PA are currently precluded from the consideration of residential development on A2 New Residential lands in Phase II.
- The PA are not proposing to take these lands forward to Phase I in the draft CDP.

Density, Urban Design, Layout, Phasing and Community Facilities.

- The density (45.65dph) is considered acceptable and complies with Section 11.2.1 of the CDP (excess 35ph).

- The urban design and layout of the proposal is considered acceptable.
- The minimum floor areas of the apartments is in compliance with Appendix 1 of the national guidance.
- The main quantum of open space and the entire allocation of Part V is located within Phase 4.
- The rationale for the crèche size is questioned.
- The applicant has not submitted a Schools Assessment in line with the requirements of the CDP, dwellings > 200.

Open space, Landscaping & Boundary Treatment.

- The public open space standards are acceptable.
- The private space for the housing should meet the minimum standards.
- The boundary treatment shall consist of 2 m high as per the current standards in Section 11.2.2.6 of the CDP (Type 3).
- Open plan gardens will not be allowed in front of main roads.

Access, Traffic, Parking & Public Lighting

- There is no footpath along the Rooske Road
- Proposed works include the upgrade of the Rooske Road from 4.5m to 6m and include a 3.0m wide combined pedestrian/cycle path.
- Dunboyne Eastern Distributor Road (DEDR) is included in Volume 5- Book of Maps- and has an indicative route.
- The applicant has included an indicative design alignment

8.5. Development Contributions

A list of development contributions are recommended and those of note are listed below:

- The internal layout shall comply with DMURS.
- A phasing plan for the delivery of the infrastructure should be provided.

- A levy of €1,785,000 shall be provided for the Dunboyne Eastern Distributor Road (DEDR).
- A levy of €160,000 shall be provided for the upgrade of the L2228/ Rooske Road Traffic Signal Junction.
- The proposed public lighting design is not acceptable and should be submitted for agreement.
- Amendment to the submitted Flood Risk Assessment to take into consideration the local drainage systems on the northern and southern boundaries.
- Submission of a Construction Environmental Management Plan and a Waste Management Plan.
- Part V.
- Section 49 Contribution for the Navan to Dublin Railway Line, Phase 1 – Clonsilla to Dunboyne (Pace).
- Inclusion of a public art scheme.
- Archaeological Monitoring.

8.6. **Interdepartmental Reports**

Housing Department- Further discussions on unit costs and internal finished are required.

Fire Officer- No objections subject to conditions.

Conservation Officer- No objection subject to conditions.

Heritage Officer- Requests additional information on the impact of the proposal on badgers and breeding birds.

Broadband Officer- No objection subject to conditions.

Environment Section- Concerns raised over the inclusion of the local drainage system in the Flood Risk Assessment.

Water Service Section- Concerns raised with regard to the surface water an attenuation design.

8.7. Transport Section- No objection subject to the upgrade of a signalised junction at the north of Rooske Road, the inclusion of a levy for the delivery of the DEDR.

9.0 **Prescribed Bodies**

9.1. Transport Infrastructure Ireland (TII)-

- Compliance with the national roads guidelines are highlighted.
- Meath County Council undertook a transport study for Dunboyne in March 2018, included in Variation No 3 of the development plan.
- Section 1.2 of the transport study aims to identify and deliver transport solutions to address multi-modal movement and transport connectivity in Dunboyne.

9.2. Irish Water (IW)-

- A valid connection agreement can be put in place.

9.3. Inland Fisheries Ireland (IFI)-

- The site is located within the River Tolka catchment area which supports salmon, brown trout and sea trout.
- Any development should be subject to good construction practices (Construction Management Plan, CMP) and include mitigation measures to prevent any contaminated discharge or sedimentation.
- The Ringsend WWTP is currently at capacity and will not be upgraded until 2023 and local infrastructure should be assessed in relation to the ecological integrity of the area.
- Works shall be in compliance with national European Communities Regulations for surface water and groundwater.

9.4. Department of Culture, Heritage and the Gaeltacht (DoCHG)-

- The information contained in the Archaeological Impact Assessment is noted and there is no objection subject to conditions for archaeological monitoring.

10.0 Assessment

10.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of Development
- Transport and Connectivity
- Water and Waste Water
- Flooding
- Residential Amenity
- Design and Layout
- Built & Natural Heritage

Principle of Development

10.2. The proposed development comprises of a residential development for 226 no units, and a crèche, south of Dunboyne Village, within the settlement boundary. The lands, currently rural in nature, are zoned A2 “New Residential” with a specific objective for Phase II (Post 2019), in the current Meath County Development Plan 2013-2019 (CDP). Strategic Policy SP1 of the CDP requires the release of residential lands in compliance with the Order of Priority of the requirements of the plan and states that those lands identified with an A2 “New Residential” land use zoning objective but not qualified as “Residential Phase II (Post 2019) are not available for residential development within the life of the Development Plan.

10.3. The preparation of the new Meath Development Plan was paused on May 2018 pending the publication of the Regional Spatial and Economic Strategy (RSES) 2019-2031. The Draft Meath County Development Plan 2020-2026 is currently on public display and public consultation ends on the 06th of March 2020. The subject site is identified as Phase II (post 2026) in the draft CDP.

Material Contravention

10.4. The application has been advertised as a material contravention of the development plan having regard to the designation of the lands in Phase II and justification for the development on this site includes:

- The lands will not be developed until post 2020,

- Dunboyne is a large growth town in close proximity to Dublin,
- Dunboyne's ability to support sustainable housing,
- Limited development on Phase I lands,
- Precedence for SHD permissions on Phase II lands in County Meath,
- The proposed development includes the necessary infrastructure.

10.5. Section 37(2)(b) of the Planning and Development Act, 2000, as amended, sets out the circumstances when the Board can consider a material contravention of the plan.

- (i) *The proposed development is of strategic or national importance,*
- (ii) *there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,*
- (iii) *permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area and any relevant policy of the Government, the Minister or any Minister of the Government,*
- (iv) *permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

10.6. The applicant has submitted a Material Contravention Statement, which together with the applicant's Response to the Pre-Application Consultation Opinion and Statement of Consistency, puts forward the justification for the development of Phase II lands at this location.

10.7. The Chief Executive Response to the application notes the location of the lands within Dunboyne, its designation as a large town within the Metropolitan Area Strategic Plan (MASP) and the lack of housing delivered in Phase I to date. The response also refers to PA preclusion from considering these Phase II lands and states that "*the Planning Authority is not proposing to bring forward the release of said lands from Phase II as detailed in the draft County Development Plan which is currently on display*".

10.8. The proposed development for 226 no dwellings, is a strategic housing proposal. The justification for the grant of permission as a material contravention and the use of Section 37 of the Act, is further discussed below.

Core Strategy

10.9. The applicant highlights the Core Strategy allocation for Dunboyne/ Clonee/Pace in the CDP (Table 9A of Volume 5). 500 no. additional residential units were reallocated from the County figures with 1,578 no. units provided for Dunboyne for the lifespan of the CDP. The applicant's supporting documentation and justification for the delivery of housing on these Phase II lands states that of the initial allocation for housing in Dunboyne, a limited amount of housing has been delivered and only 218 no. dwellings have been permitted. Previous Board decisions for granting permission on Phase II lands at Dunshaughlin (ABP 303433-19) is quoted as precedence for a similar development.

10.10. Table 2.4 (subsequently updated by Table 9A) sets out a clear allocation for the delivery of housing in Dunboyne, supported by an evidence based scoring mechanism for prioritising the roll out of lands in the town (Table 12). The quantity of lands required to meet the population projection is 54.9ha. 85.7ha of residential lands were zoned in the CDP, therefore there is an excess of 31.4ha zoned lands. The subject site is ranked 10th, Phase II, on the scale of phasing with those lands closest to the town centre and the train station identified as priority lands.

10.11. The applicant notes the release of Phase II lands as "Post 2019" in the policy objectives of the CDP and considering that construction would be 2020, it is considered the proposal complies with the development plan. As stated above, the CDP was paused pending the adoption and publication of the RSES and the lifetime of the plan extended to 2020. Strategic Policy SP 1 of the development plan requires the release of housing in Order of Priority as New Residential. SP 1 further states that the lands identified as A2 "New Residential" land use zoning objective as "Residential Phase II (Post 2019)" are not available for residential development within the life of the CDP. I consider the release of Phase II lands was clearly intended not to be made available during the lifespan of the 2013-2019 CDP. Although there may be some perception of ambiguity having regard to the extension

of the review of the plan, I do not consider the allocation of Phase II housing can be justified by reason of reference to Post 2019 in the current plan.

10.12. I note previous Board decisions for permitting housing on Phase II lands, including but not limited to ABP 303433-19, many of which included specific restrictions on the delivery of Phase I lands, completion of existing estates and/or the roll out of essential infrastructure. This aside, I consider each case should be assessed on its individual merits and aside from precedence I have assessed the existing proposal on the subject site in line with the current core strategy for Dunboyne. I note the location of the priority lands beside the train station contiguous to the town centre which I consider the appropriate location for the expansion of Dunboyne. Third party submissions note current interest in the development of Phase I lands and the involvement of the interested owners in the preplanning process. No specific obstacles to the release of and delivery of Phase I lands are presented in the supporting documentation of the application. The subject site is not contiguous to any existing residential areas and I do not consider there is an exceptional reason for the justification and release of these Phase II lands before the Phase I as defined in the CDP.

10.13. Having regard to the order of priority of the core strategy in the current development plan and the location of the subject site on the most southern boundary of Dunboyne Village, I do not consider the release of these Phase II lands an essential requirement for the delivery of the Core Strategy in Dunboyne. Therefore, I consider the proposed development would be contrary to Strategic Policy SP 1 of the Meath County Development Plan 2013-2019.

Regional Spatial and Economic Strategy (RSES)

10.14. The Statement of Material Contravention highlights the information contained in the National Planning Frameworks (NDF) and the RSES in respect to the essential delivery of housing. Regional Policy Objective RPO 4.2 of the RSES states that *“Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES. All residential and employment developments should be planned on a phased basis in collaboration with infrastructure providers so as to ensure adequate capacity for services (e.g. water supply, wastewater, transport,*

broadband) is available to match projected demand for services and that the assimilative capacity of the receiving environment is not exceeded’.

- 10.15. Table 5.1 of the RSES “Strategic Development Areas and Corridors, capacity Infrastructure and Phasing” lists the sequential development of residential lands near the railway station and the town centre and at Dunboyne North/ M3 Parkway Station as priority lands for sequential development. These lands are listed as Phase I lands in the current CDP.
- 10.16. As stated above, a third party submission has referenced an intention for development on some of those lands at the train station, near the town centre due to recent engagement in the planning process. Additional reference was provided for the allocation of LIHAF funding for the distributor road linked to those lands. The Dunboyne Easter Distributor Road (DEDR) is an essential component for the delivery of residential lands to the east and south of Dunboyne, further discussed below. I have assessed the existing LIHAF projects and did not find any reference to the inclusion of the DEDR. This aside, there are no specific policies in the current CDP which preclude the release of residential lands prior to the delivery of the DEDR, although the intent in the plan is that the lands will be served by this route.
- 10.17. The RSES identified a strategic location for residential development in Dunboyne on Phase I lands. I find no evidence to suggest that the release of these lands identified are constrained in any way. The submission from the PA indicates its intention to deliver the RSES in the Draft CDP and is not proposing to bring forward the release of the subject site prior to 2026.
- 10.18. Therefore, having regard to the information contained in the RSES and the Order of Priority in the current plan, I do not consider the proposed development would comply with the settlement strategy objectives of the regional plan, in particular RP0 4.2, for the planned delivery of housing and any grant of permission at this location would jeopardise the orderly and sustainable development of Dunboyne. Within this context, I do not accept that the proposed development can be regarded as strategic or of national importance under the provisions of section 37(2)(b).

Conclusion

- 10.19. I do not consider the applicant has put forward any justifiable reasons or exceptional circumstances for the delivery of the Phase II lands in Dunboyne before the Phase I

lands. I accept that the proposed development materially contravenes the phasing provision for residential zoned lands set out in Strategic Policy SP1. I do not consider there are any conflicting objectives in the development plan or pattern of development on the vicinity to warrant a grant of permission and I consider the information contained in the RSES provides a clear intention as to the direction of residential development on Phase I lands. I do not consider the proposed development complies with the RSES, is a material contravention of Meath County Development Plan 2013-2019, in particular Strategic Policy SP1, and therefore I do not consider the principle of development at this location acceptable.

10.20. I have assessed further planning considerations below, in the event the Board consider that the principle of development is acceptable.

Transport and Connectivity

10.21. The site fronts onto Rooske Road, which radiates south out of Dunboyne Village, with access proposed directly onto this road. The road is currently 80kph speed limit. The proposal includes a new access onto the Rooske Road and upgrade of the road including footpaths and cycle ways to the north. The CDP land use maps includes an indicative route for a major distributor road along the east and south of Dunboyne and includes two overpass, at the railway, to the north and south. MOV POL 8 of the CDP requires the Dunboyne Eastern Distributor Road (DEDR) to be facilitated in conjunction with the development of the A4 lands to the east and south of the railway line in Dunboyne, including arrangements for the delivery of a rail overpass at the south and north these lands.

Upgrade of Rooske Road

10.22. The development consists of the upgrade of c. 440m of Rooske Road from the existing footpath link at Chestnut Grove/St Peter's GAA Dunboyne to the southern boundary of the subject site, providing a 6m wide road and 3m wide combined cycle/footpath. The application is accompanied by letters of consent from landowners in the vicinity of the site confirming permission to lodge an application and Meath County Council have no objection to these works.

10.23. A Traffic and Transportation Assessment (TTA) accompanied the application which provides an analysis of the potential traffic generated from the proposed development and the implications on the existing traffic flow from the site. A

significant number of the third party observations have raised a number of inadequacies with the TTA as summarised below:

- Use of a lower density for the surrounding lands,
- The use of the crèche by the residents of the proposed development only,
- Reference to Drogheda in the written text,
- Speed limit at 80kph and not 60kph as suggested.

I note the information contained in the TTA and the issues raised and I consider there is sufficient information presented to allow a full assessment of the proposed development. The report from the Transport Section noted no inadequacies with the TTA.

10.24. The proposed T junction into the site from the Rooske Road has a sightline of 59m setback by 2.4m in line with the reduced standards in DMURS for towns and villages. The report of the Transport Section notes the 80kph limit along the road although considered the proposed sightlines more in line with development in an urban setting, which I consider reasonable.

10.25. The Transport Section have raised issues with the congestion at the junction to the north with the Rooske Road and L2228. The TTA notes capacity issues for the design years in the PM and an additional lane at this junction would be required. The Transport Section recommend the inclusion of a special levy towards the upgrade of this junction of €160,000. The Transport Section do not provide any basis for this calculation.

10.26. Section 48(2)(c) of the Act provides for the inclusion of a special contribution condition in a grant of permission in respect of a particular development where specific exceptional costs not covered by a Scheme or Supplementary Scheme are incurred by a local authority in respect of public infrastructure and facilities which benefit the proposed development. The relevant criteria for payment of a special contribution are therefore;

- a) it must be payable in respect a particular development,
- b) specific exceptional costs are incurred as a result of or in order to facilitate that development, and

c) these costs are not covered by a scheme made under this section.

10.27. In addition to the specific levy for the upgrade of the junction the PA further recommend standard Section 48 contributions of c. €1.4m (Appendix 4). I do not consider the upgrade of the junction is required as a specific public infrastructure or facility which would benefit the proposed development and would therefore come within the remit of the standard development contribution scheme.

10.28. The planned expansion of these lands should be reliant on the provision of the Dunboyne Eastern Distributor Road (DEDR) as per the CDP. The delivery of this infrastructure may remove the necessity for the upgrade works at the junction between the Rooske Road and the L2228. I note the TTA does not include the roll out of the DEDR in the trip generation calculations.

Dunboyne Eastern Distributor Road (DEDR)

10.29. The Eastern Dunboyne Distributor Road was identified as a specific policy objective of the 2009 Dunboyne LAP, which noted that development of these lands was subject to its provision. Fig 4 of the TTA includes a preliminary design of part of the DEDR. The submission from the PA includes a recommendation for a development contribution of €1,785,000 towards the cost of this road. The PA consider, in the absence of this condition, the proposed development is consider premature.

10.30. As stated above a Section 48 (2)(c) levy can be included in respect of public infrastructure and facilities which benefit the proposed development. In this respect, I consider the sequential development of the Phase II lands to the south of Dunboyne is intrinsically linked to the provision of the DEDR. As stated above, the TTA indicates congestion to the north of the site and the existing network will require and upgrade.

10.31. The Board has recently removed a similar condition for the same scheme in ABP 304842-19, although I note this proposal included the construction of a section of the DEDR in the development. The Inspectors Report also noted the basis for calculation of the special contribution had not clearly been set out by the planning authority and therefore there was insufficient clarity. In particular, the overall length of the road, construction costs identified for apportionment, or the area of benefitting zoned lands taken into consideration have not been identified.

Car parking and Cycle Parking

10.32. Table 11.9 of the Meath County Development Plan 2013-2019 sets out car parking requirements with 2 no spaces per dwelling and 1-2 per apartment. The proposal includes 368 no spaces, 2 per dwelling, 1 no per apartment with 34 visitor spaces and 16 for the crèche. A number of submissions refer to the absence of parking spaces and the impact in the surrounding area. I consider the quantum of spaces provided is sufficient for the proposal and note the potential for dual use of the crèche spaces in the evening.

10.33. The apartment guidelines require 1 no. cycle space per bedroom and 0.5 no. visitor space per apartment. 296 no. bicycle parking spaces are provide throughout the site with a mix of surface parking and Sheffield stands at various locations. I consider this provision sufficient having regard to the location of the site and inclusion of parking spaces, detailed above.

Conclusion

10.34. Having regard to my assessment above, in relation to the principle of development at this location, and the policy in the RSES requiring the roll out of residential lands in conjunction with essential infrastructure, I consider the absence of a clear strategy for the delivery of the DEDR and the deficiency in the network capacity further questions the ability of the site to be sufficiently serviced. In this regard, I consider the site is premature for development.

Water and Waste Water

10.35. The site is Greenfield Site and currently not serviced. The proposal includes works to service the site as detailed below.

Foul Water

10.36. It is proposed to connect the proposed foul drainage network from the subject site to a proposed temporary pumping station with an associated rising main and pumped to a proposed standoff manhole adjacent to the existing 225mm public foul water sewer in Rooske Road. The foul connection is beside the site within the public road. It is intended that the temporary pumping station will be decommissioned once a permeant pumping station is provided. A pre connection enquiry to Irish Water notes

the connections can be facilitated subject to significant upgrades. A response from Irish Water to the proposed development notes no objection to the proposal.

Water

10.37. A new proposed water main connection will be made to the existing 100mm water main located 500m to the north of the site in Rooske Road. This will be accommodated via an extension of the existing water main to the site boundary.

Surface Water

10.38. The storm water is proposed to discharge to an existing drainage ditch to the north east boundary of the site equivalent to the existing Greenfield runoff rate. The surface water discharge to the existing ditch will be at a restricted rate of 2.22 l/s/ha which is achieved by means of a Hydro-brake, or similar approved flow control device and linked to 2 no. proposed Stormtech attenuation tanks. The attenuation tanks will store excess water during storm periods of up to 1 in 100 years. SuDs features have been incorporated into the design of the scheme with two swales proposed, in each of the open space areas. The Water Service section of the council notes the location of the attenuation tank under part of the road, although has no objection to the proposal subject to a conditions such as the greater promotion of SuDs, the location of the attenuation tank, detailed soakway design, inclusion of permeable paving and discharge to an existing surface water drainage network. I consider conditions can be included to ensure sufficient implementation of SuDS on the site, although there are some concerns in relation to the connectivity to the existing surface network. The applicant has not proposed any connectivity into the public system or provided any necessary agreements in order to facilitate a connection. In relation to the compatibility of the site to accommodate the surface water drainage, I note the groundwater recharge capabilities are poor with low permeability soil (Till derived chiefly from limestone) (www.gsi.ie). In the event of any grant of permission the Board may further consider the treatment of surface water and the implementation of conditions recommended by the Water Service Seciton. The Environment Section of the council has raised concern over the absence of the local drainage channels in the Flood Risk Assessment, further discussed below.

Flooding

- 10.39. The site is a Greenfield site to the south of Dunboyne. Local drainage ditches run along the northern and southern boundaries of the site and drain to the groundwater. A site specific Flood Risk Assessment (FRA) accompanied the application which notes the site within Flood Zone C and includes a justification test on the proposed development at this location.
- 10.40. A number of third party submissions make reference to historic flooding on the site. The report of the Environment Section of Meath county Council noted the location of the site in Flood Zone C and the low risk of flooding and raised concern over the absence of reference to the existing drainage features in the FRA. I note the information in the FRA which accompanied the application and the information on the OPW Flood Maps (www.floodinfo.ie) and I do not consider there is a necessity for any alteration to the FRA to undertake a full assessment. The site is not under review by the OPW or located in any areas of potential flood risk.
- 10.41. The proposal includes water and waste water connections to the public system. The surface water will be discharged from the site at a rate the same as a Greenfield discharge to an existing ditch at a restricted rate of 2.2 l/s. Due to the surface water treatment, including the integration of SuDs in the scheme, the FRA concludes no potential for flooding. Having regard to the location of the site in Flood Zone C and the absence of any flood risk in the vicinity, I do consider the proposal will cause any flooding issues.

Residential Amenity

- 10.42. There are a number of one off dwellings in the vicinity of the site, a farm holding along the northern boundary, three dwellings on the opposite side of Rooske Road to the south of the site and a dwelling c. 40m to the south. The potential for impact on residential amenity has been raised in a number of submissions received. Concerns have been raised in relation to noise and disturbance during the construction phase and potential for overlooking and overbearing from the apartment units.
- 10.43. In relation to the farm holding to the north of the site I note the existing derelict Rusk House will be partially demolished and upgraded to accommodate the crèche building. A row of two storey dwellings proposed c.40m to the south east and not directly orientated toward the existing dwelling. The front building line of the

apartment blocks will be c. 40m at the closest point from the existing dwellings across Rooske Road. Block A & B are 5 storey (c.16m) and Block C drops down to 3 stories.

10.44. The submitted Daylight and Sunlight Assessment does not assess the impact of the proposal in relation to potential overshadowing although notes that the BRE standards will be met in relation to proposed Vertical Sky Component (VSC) and average daylight for the proposed development, which I consider reasonable. Having regard to the separation distances from existing dwellings, height of the buildings and orientation of the site I am satisfied that no overlooking or overshadowing issues arise.

10.45. Photomontage drawings illustrate the scale and location of the apartment buildings and whilst they will be visible I do not consider they will be of such scale to have a significant negative impact on the adjoining residential amenity. The site is located within the settlement boundary of Dunboyne and zoned for residential use and the overall scale and design is appropriate to the area, with the creation of an urban street.

10.46. A Construction Management Plan accompanied the application which details the control of dust, proposed hours of operation and general site management. The CMP also notes the waste management for the removal of rubble and control of possible invasive species. As stated below the site contains, Spanish Bluebell, an invasive species. In the event of any grant of permission a condition should be included to fully eradicate this species.

10.47. Part V compliance of 23 no apartments within Block B has been “accepted in principle” by the Housing Section of Meath County Council and request further consideration/ discussions with any developer. I consider a condition on any grant of permission reasonable to ensure compliance with Part V.

10.48. Having regard to the location of the site, inclusion of the crèche and layout of the residential scheme, I do not consider the proposed development would have a negative impact on the residential amenity of the occupants of those residents in the vicinity of the site or future occupants of the units.

Design & Layout

10.49. The proposed development will comprise of the following:

- 50 No. four bed terraced houses;
- 42 No. three bed terraced houses;
- 48 No. one bed apartments;
- 78 No. two bed apartments; and,
- 8 No. three bed duplexes.

10.50. The proposal also includes a crèche of c. 389.5m² at the front of the site, adjoining the public open space, with associated parking and dedicated outdoor play area. The majority of the public open space is west at the entrance of the site (c. 4,800m² with associated woodland play area) as well as other pockets of public open space across the site and a toddler play area (all totalling 9,510m²).

10.51. The external design and materials of the dwellings, apartments and duplex units are mostly consistent throughout the scheme. The contemporary facades include a mix of selected brick on the lower floors and render above. Select metal clad system is used for the dormer windows.

Density

10.52. Section 11.2.1 of the development plan does not specifically include a requirement for density and refers to a number of criteria including the location close to public transport, capacity for infrastructure provision, design of the residential scheme to provide guidance on the appropriate development. National guidance for sustainable housing includes a requirement for increased density on sites which are located along public transport routes, a minimum of 50 dwellings per hectare is required for lands on “Outer Suburban/ Greenfield Sites” and a net density of 35-50 should be encouraged with under 30 units discouraged on sites over 0.5ha. The proposed development provides c. 45 units per ha and whilst lower than the recommended density in the Metropolitan area of Dublin it is acknowledged that there is limited public transport facilities in the immediate vicinity of the site with the closest bus route along the L2228, c 1.2km to the north of the site. Having regard to the existing

rural environment, the overall layout of the scheme and inclusion of crèche, I consider the density acceptable.

Apartments & Duplex Units

- 10.53. Three apartment blocks are orientated towards the Rooske Road, Block C, and the closest to any existing dwelling, is set back by c. 40m, and separated from the western boundary by a footpath and strip of open space. The height of the apartments range from 3-5 stories with the lower height facing onto the road. A number of submissions raise concern over the height, scale and layout of the apartments at this rural location. As stated above the site is located within the settlement boundary of Dunboyne, an urban area. Whilst it is rural at present, future development will alter the characteristics of the area and I consider any proposed design should reflect an urban location.
- 10.54. The Statement of Consistency indicates compliance with the 12 criteria in the Urban Design Manual in terms of layout. The location of the apartments along the front of the site are an appropriate treatment to a potentially urban streetscape. I note the location of the proposed footpath set back from the road, within the site, which I do not consider appropriate to promote connectivity of the general public along the front of the site. The redesign of this footpath treatment could be conditioned as part of the Rooske Road upgrade, in the event of any grant of permission.
- 10.55. A Housing Quality Assessment accompanied the application to state compliance with Appendix 1 of the national guidelines as all apartments and duplex units will meet or exceed the minimum quantitative requirements of the Guidelines in terms of floor areas and aggregate living areas (SPPR 3). In addition, the proposal comprises an appropriate unit mix as advocated by SPPR 1, provides 51% of dual aspect units (SPPR 4), accords with SPPR6 in that it provides 12 No. units per floor per core.
- 10.56. In terms of the refuse provision, I note the bin store from Block B is located separate from the units, across the proposed carpark and adjoining an end of terrace dwelling. This is unacceptable in relation to appropriate design and layout and would have a negative residential amenity of the future occupants of the end dwelling.
- 10.57. The duplex units back onto a pocket park, with private open space of the apartments on the ground floor to the rear, south, leading onto the public open space. No boundary treatment for the ground floor of the duplex is proposed and should be

restricted to a 1.2m high wall, in the event of any grant of permission, in order to retain overlooking onto the proposed public open space.

Housing

10.58. The housing units include 50 no. 4 bed terraced houses and 42 no. 3 bed terraced houses. In conjunction with the proposed apartments, the overall mix of units provided is considered acceptable. The design of the housing element of the scheme is generally symmetrical in layout and DMURS compliant roads network supports the overall layout. Whilst there are no character areas, I consider the inclusion of the apartments and duplex units provide variation throughout the scheme and therefore compliance with the 12 criteria as provided for the urban design manual.

Open Space

10.59. The public open space is provided in three areas, a large pocket park to the rear of the duplex units (1,360m²) in the centre of the site, a large woodland park area at the entrance of the site (c. 4,800m²) and communal open space around the apartment buildings (3,350m²). The report of the PA notes the allocation as c 17.7% of the overall site area although considers the communal open space should be discounted as this area is solely for the use of the apartments and will not be taken in charge. In the absence of this area the public open space would be 11.5%, under the 15% requirement in the development plan. I note the communal open space requirements for 118 apartments (48 no. 1 bed and 70 no. 2 bed) in Appendix 1 of the national apartment guidelines equates to 660m². Therefore, considering the provision of c. 3,350m², I consider there is an excess of communal open space which can be allocated as usable public open space for the overall scheme.

10.60. The main open space provision is overlooked by a row of terraced dwellings. A number of submissions have raised the viability and usability of the open space having regard to the location along a main road and at the entrance to the estate. I consider the boundary treatment around the site, adjoining the roads, is key to the functioning of this space. Having regard to the requirement for the footpath to be located along the public road, I consider the treatment of the open space will require alteration to include an appropriate boundary treatment, which can reasonably be included on any grant of permission.

Crèche

10.61. A childcare facility of 389.5m² is proposed to accommodate c. 47 No. children, with dedicated surface car park, including set-down (17 No. spaces). Dedicated play areas (77m² & 127m²) are located to the south and north of the crèche building and consider the overall size and design of the crèche facility is acceptable at this location.

Natural & Built Heritage

Built Heritage

10.62. The derelict structure of Rusk House remains on the site at the north east corner of the site. A large amount of rubble beside the ruins appears to be from a large structure. Upon site inspection there was limited amount of the structure remaining. The proposed development includes the retention of most of the former entrance garden as a landscaped park and the ruins of the house are too be backfilled and used in the landscaping. The stable yard structures associated with the house were deemed suitable for retention and along with an extension to the west, the buildings will be utilised for the crèche.

10.63. There are no structures or any landscape features in the vicinity of Rusk House included in the Record of Protected Structures of any Architectural Conservation Area. A Conservation Report and Heritage Impact Assessment accompanied the application which provides an assessment of the impacts on the structures and heritage of the site and concludes the proposed development has regard to the features of the site. The conservation values of a "Dovecote" on the site are highlighted, which will be removed and rebuilt due to its current neglected state. I consider this should be included as a condition on any grant of permission. The report of the Department of Culture, Heritage and the Gaeltacht (DoCHG) noted the information contained in the Archaeological Impact Assessment and has no objection subject to conditions for archaeological monitoring, which I consider reasonable.

Natural Heritage

10.64. The site is currently a Greenfield site with mature trees and hedging around the boundaries. The application is accompanied by an Ecological Impact Assessment,

Arboriculture Impact Assessment and a Bat Assessment. A habitat map illustrates the existing features on the site and the Ecological Impact Assessment assessed the impact of habitats and mammals as of permanent negative impact although with local importance. The presence of Spanish Bluebell is identified on the site (invasive species) and the treatment by a standard herbicide by a suitability qualified person is proposed. The Arboriculture Impact Assessment notes the removal of 26 no. Category U trees, 27 no. Category B trees and 33 no. Category C trees will be removed with the majority of these are the proposed childcare location. The proposed planting of native hedgerows will replace the majority of those trees proposed to be removed with the removal of vegetation undertaken during the period as specified by the National Parks and Wildlife Service (NPWS).

10.65. The Bat Assessment notes the potential impact of the tree removal and works to the ruins on bats on the site. Having regard to the absence of the roof on the ruins, it was not deemed suitable as a maternity roost. Results from a night survey recorded activity of bats to the north of the site, potentially linked to the farm buildings outside the site. This aside, recommendations from this assessment include the retention of mature trees where possible and/or checked for bats prior to felling, the survey of the ruins and the erection of 5 no. bat boxes in the proposed development.

10.66. The report of the Heritage Officer has raised concern over the absence of any surveys of those mature trees in the first instance and also the impact of the proposal on badgers and breeding birds. I consider the information submitted is sufficient to assess the impact on the natural heritage and the removal of any vegetation outside the bird breeding season and native planting is considered a reasonable mitigation, which can be conditioned on any grant of permission.

10.67. Having regard to the characteristics of the site, the overall scale and design of the proposal and the information submitted I do not consider the proposed development would have a significant negative impact on the built or natural heritage of the site or the surrounding area.

11.0 Recommendation

11.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

12.0 Recommended Draft Board Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 01st of November 2019 by Glenbeigh Construction Ltd, at Rooske Road, Dunboyne, Co. Meath.

Proposed Development: The development will consist of 229 no. residential units comprising of

- 50 No. four bed terraced houses;
- 42 No. three bed terraced houses;
- 48 No. one bed apartments;
- 78 No. two bed apartments; and,
- 8 No. three bed duplexes.

The development will consist of the demolition of a number of derelict structures, partially retained and reused as part of a crèche facility with ancillary outdoor plan area is also provided. The proposed development includes upgrade of c. 400m of the Rooske Road including the provision of a footpath and cycle path. All other associated landscaping, boundary treatments, site development and service infrastructure works.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

The subject site has an A2 "New Residential" land use zoning objective, designated as Phase II (Post 2019) in the current Meath County Development Plan 2013-2019. Strategic Policy SP1 requires the Order of Priority for the release of residential lands where Phase II are not available for residential development within the life of the plan.

The "Sustainable Residential Development In Urban Areas -Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in May, 2009, recommends a sequential and co-ordinated approach to residential development, whereby zoned lands should be developed so as to avoid a haphazard and costly approach to the provision of social and physical infrastructure and where undeveloped lands closest to the core and public transport routes be given preference. Notwithstanding the residential zoning objective for the area, as set out in the current development plan for the area, it is considered that the site is located in an area which is remote and isolated from other areas of consolidated residential development, is not contiguous to the expansion of Dunboyne and not in line with the orderly expansion of the settlement.

The Eastern Midlands Regional Spatial and Economic Strategy requires that infrastructure investment and priorities are aligned with the spatial planning strategy so as all residential development is planned and phased in collaboration with infrastructure providers to match projected demand and ensure the assimilative capacity of the received environment is not exceeded. The site is currently aligned and reliant on the provision of essential roads infrastructure in the form of the Dunboyne Eastern Distributor Road as detailed in the current development plan.

Having regard to the location of the site from the village, the Order of Priority for the release of residential lands in Dunboyne and the significant investment required to service the site, it is considered that the proposed development is premature and would materially contravene the Phase II New residential zoning objective on the site and would, therefore, be contrary to the national and regional guidelines, the Development Plan and to the proper planning and sustainable development of the area.

Karen Hamilton
Senior Planning Inspector

11th of February 2020

13.0 Appendix 1- List of observers

305820 Sub - Abigale Goodwin & Others
305820 Sub - Aifric Thompson
305820 Sub - Aine McElroy
305820 Sub - Alan & Julie O'Toole
305820 Sub - Andrew Taylor & Clarie Penny
305820 Sub - Anne & Brendan McElroy
305820 Sub - Aoife Kenny
305820 Sub - Cait Fereday
305820 Sub - Chesnut Grove Residents
305820 Sub - Ciara Lonergan
305820 Sub - Colm Cannon
305820 Sub - DAU
305820 Sub - Dunboyne Castle Residents Association
305820 Sub - Dunboyne Combined Residents Association
305820 Sub - Eco Advocacy
305820 Sub - Elaine McGrath
305820 Sub - Elizabeth Callanan
305820 Sub - Fiona & Colm Fagan
305820 Sub - Grainne & Stephen Griffin
305820 Sub - IFI
305820 Sub - Irish Water
305820 Sub - John & Lucy Tavey
305820 Sub - Kayona Fagan
305820 Sub - Maria & Dave Creevey
305820 Sub - Maria Murphy
305820 Sub - Marie Kenny
305820 Sub - Michael Cornyn
305820 Sub - Michael Kavanagh
305820 Sub - Millfarm Residents Association
305820 Sub - Patricia Barry
305820 Sub - Patricia & Mark Cairns
305820 Sub - Patrick & Marion Jenkinson
305820 Sub - Patrick & Niamh Cagney
305820 Sub - Sandra & Paul Higgins
305820 Sub - Sean Duffy
305820 Sub - Sharon & Frank Lennon
305820 Sub - Shirley & Philip Rooney
305820 Sub - Susan & Glen Hassard
305820 Sub - TII
305820 Sub - Tony Coyle