



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-306637-20

Strategic Housing Development	148 homes and a creche
Location	Commons, Navan Road, Duleek, Meath
Planning Authority	Meath County Council
Prospective Applicant	Manley Construction Ltd.
Date of Consultation Meeting	18 th May 2020
Date of Site Inspection	5 th June 2020
Inspector	Stephen J. O'Sullivan

1.0 Introduction

- 1.1. 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 and Irish Water, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1. The site is in the town of Duleek in east Meath. The town lies c9km south-west of Drogheda. At the 2016 census it had a population of 4,219 in 2016. It also had 1,484 houses and 501 jobs. The site has a stated area of 5.6ha. It is in pasture. It lies c750m west of the centre of the town. The southern boundary of the site has c200m of frontage onto the R150 Navan Road. There is a footpath along this frontage and the 60 kph speed limit applies. A GAA club occupies the adjoining land to the west along that road. Its clubhouse stands near the site boundary. Most of the northern and eastern site boundaries adjoin grassy fields or the curtilages of detached houses. However the north-eastern corner has c85m frontage onto a local road, the Downstown Road, that serves suburban housing to the north and north-east of the site. There is a footpath on the opposite side of that road. A 110kV line crosses the site from north to south.

3.0 Proposed Strategic Housing Development

- 3.1. It is proposed to build 148 homes including 80 houses and 68 apartments. The housing mix would be as follows –

	1 bed	2 bed	3 bed		Total
Houses		42	38		80
Apartments		60	8		68

3.2. The apartments would be provided in 16 buildings that would be 2 or 3 storeys high. It is also proposed to build a creche of 400m² in a detached building. The total floor area of the proposed development is given as 13,860m². The layout of the scheme would provide two vehicular accesses from the Navan Road at the south of the site and another pedestrian access at its north-eastern corner. It would not provide frontage development onto the Navan Road. There would be an open space from the northern to the southern boundary beneath the electricity line that crosses the site.

4.0 Planning History

4.1. SA/70588 – In January 2008 the council refused permission for 63 homes, 3 shops and a creche on part of the site.

5.0 Policy

5.1. National Policy

5.1.1. The government published the National Planning Framework in February 2018. Objective 3a is that 40% of new homes would be within the footprint of existing settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is to prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

5.1.2. The applicable section 28 guidelines include -

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets'
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2018),
- Childcare Facilities – Guidelines for Planning Authorities
- The Planning System and Flood Risk Management (including associated Technical Appendices).

5.2. Local Policy

- 5.2.1. The Meath County Development Plan 2013-2019 applies. A strip though the site in either side of the electricity line is zoned for amenity space. The rest of the site is zoned residential. It is allocated to phase II. Policy SP3(ii) is that such lands are not available for development in the lifetime of the development plan. The draft plan issued in 2019 proposes that the site be zoned as part of the rural area.
- 5.2.2. Duleek is identified as a small town in the settlement strategy set out in section 2 of the plan. This is the fourth of five categories of settlement, just above villages. The core strategy of the plan allocates 293 housing units to Duleek over its period as set out in table 2.4. At a density of 25dph this would require 9.6ha of zoned land. 35.2ha of zoned land is available in the town. 169 units were permitted but not built in December 2014. Objective CS 6 is to improve the jobs ratio level in Meath and address commuting patterns. Objective SS 12 is to ensure that small towns cater for locally generated development and SS 13 is that that grow in a sustainable, balanced and compact manner. Section 11.2.1 of the plan states that the maximum density in smaller towns would be 35 dph.

6.0 Forming of the Opinion

6.1. Documentation Submitted

The prospective applicant submitted extensive documentation including drawings of the proposed development and various reports including–

- A Planning Report and Statement of Consistency
- An Architectural Design Statement
- A Housing Quality Assessment
- An Landscape Design Report
- An Engineering Civil Services Report
- A Flood Risk Assessment
- An Appropriate Assessment Screening Report
- A DMURS Design Statement
- A Transport Assessment
- An Archaeological Report
- An Ecological Impact Assessment Report

6.2. Statement of consistency

- 6.2.1. The proposed development would have a density of 34 dph based on the area of 4.3ha that is zoned for housing. It would provide an urban park of 1.2ha. The density would be in keeping with the advice at section 6.11 of the 2009 guidelines on sustainable urban residential development for smaller towns. The provision of an urban part would be a major planning gain in line with objective DUL16 of the development plan. It would keep the ditch on the site as a water feature in line with the advice from the council. 15 units would be provided as social housing under Part V of the planning act. The ESB does not plan to underground the line crossing the site. The proposed access would be within the 50kph speed limit zone. The Housing Section of the council has reported that 92 households have stated that Duleek is their first choice for social housing and another 119 stated that it was their second or third choice. This demonstrates a significant pent-up demand for housing in Duleek. The reasons for refusal under SA/70588 in 2008 have been overcome by improved design, upgrades to the town's services and the reduction of the speed limit in front of the site to 50kph.
- 6.2.2. Only 20-40 houses have come on stream in Duleek in the period of the development plan with another 125 expected this year. The targets of the core strategy for the town have not been met. The site is in a town and serviced for development. It is

therefore 'tier 1' land according to appendix 3 of the National Planning Framework. The proposed development would be in keeping with national policy set out in Rebuilding Ireland and objectives 11,13 and 33 of the National Planning Framework by providing housing and the compact growth of a settlement on serviced land, and by strengthening the rural economy. It would represent sequential development because the phase 1 lands in the town have not been developed. It is within walking distance of a bus stop. The proposed development would comply with the 2009 guidelines on sustainable urban residential development for smaller towns because its density is between 20dph and 35dph and it would not increase the number of houses in the town by more than 15%. It complies with the draft RSES because it supports small towns.

- 6.2.3. The proposed development complies with the zonings that apply to the site under the development plan. Its density complies with section 11.2.1 of the plan. The number of homes provided in Duleek in the plan period is 354 less than that envisaged in the core strategy. The proposed development would address this shortfall which has undermined the sustainable development of the town. There are employment centres at the industrial estate in the town and at the cement factory and incinerator whose employees who should be provided with homes in Duleek in accordance with objectives SP3, SS 12, SS13 and CS 6 of the development plan. The town has a range of facilities including schools and shops. The scheme would meet the various standards in the development plan. Parking would be provided at a rate of 2 spaces per house and 1.25 per apartment with additional visitor spaces.
- 6.2.4. The site is in flood risk zone C. Archaeological testing has been carried out which indicates that it does not have significant remains. The development would be completed within 18 months. It has been screened for AA and would not be likely to have significant effects on any Natura 2000 site. A bat survey would be undertaken before development occurred.
- 6.2.5. If the proposed development is regarded as a material contravention of the core strategy of the development plan permission could still be granted for it under section 37(2)(b) of the planning act because of the strategic and national importance of a scheme that would be in line with Rebuilding Ireland and objective 33 of the National Planning Framework; because there are conflicting objectives in the development plan which has failed to give effect to the housing allocation for Duleek under its core

strategy; because the proposed development would be in keeping with the draft RSES, the 2009 sustainable urban residential guidelines, the 2018 guidelines on apartment design and DMURS as it would provide housing on serviced land in a town; and because it would be an infill scheme in an area with a footpath, beside a GAA club and across the road from a housing estate.

6.3. **Planning Authority Submission**

6.4. The council stated that the site is designated as phase 2 and is not available for development under the current development plan. The density of the proposed development would be acceptable having regard to section 6.11 of the 2009 guidelines. The layout does not provide a strong hierarchy of streets as there are several cul-de-sacs and few shared surfaces. The two storey buildings are acceptable but there is concern about the three storey buildings facing existing houses to the north-east. The development plan requires open space equivalent to 15% of residentially zoned land. The proposal only provides 13.5% of such land as open space but this would be acceptable having regard to the large part of the site zoned for open space. The submitted documents indicate that the proposal would meet the standards set out in the 2018 apartment design guidelines and the development plan. The landscaping is generally acceptable. However the development plan requires 2m block walls around gardens and is against open plan front gardens. The Roads Section stated concerns that hedges along the Navan Road could interfere with sightlines and advised that roads on both parts of the scheme should be connected so a single access from the Navan Road would suffice. Frontage development along the Navan Road should be considered. Radii should be kept to 4.5m or less with fewer cul-de-sacs. The Water Services Section stated that the proposed surface water drainage measures were generally acceptable. Other internal reports stated that ducting for broadband and a social infrastructure should be provided.

6.5. **Other submissions**

Irish Water reported that it has issued a confirmation of feasibility for 189 units and a creche on the site.

6.6. The Consultation Meeting

A section 5 consultation meeting took place at the offices of the board at 1430 on Monday 18th May 2020 between representatives of the board, the planning authority and the prospective applicants about the proposed development. A record of the meeting was made and is available. The main topics discussed at the meeting were—

- i. The zoning and phasing provisions of the development plan
- ii. Design strategy, including layout of streets and access
- iii. Housing mix, residential amenity, compliance with standards etc.
- iv. Natural heritage
- v. Drainage and water supply
- vi. Any other issues

6.7. In relation to item i) the council stated that the adoption of the next development plan was scheduled to happen in the first quarter of 2021. The prospective applicant stated that the circumstances which justified the phasing provisions for residentially zoned land in the current plan had changed, as set out in its submitted documents. It has made similar points in its observations on the draft development plan. The site already has road access and piped services, as set out in the report from Irish Water. It qualifies as Tier 1 serviced land under appendix 3 of the NPF. There was a pent up demand for housing in Duleek which the core strategy of the current development plan has not met. There was a wider shortfall in the provision of housing on a national and regional basis. National policy is that this shortfall should be addressed. The layout of the roads did not impinge on the part of the site zoned for open space while allowing for integrated development.

6.8. In relation to item ii) the council raised questions about the provision of two accesses from the Navan Road, whether the street hierarchy was strongly differentiated and the numerous cul-de-sacs. The board's representatives referred to the absence of frontage along the Navan Road. The prospective applicant stated that the layout reflected the fact that part of the site zoned for open space. The provision of open space along the Navan Road rather than street frontage is appropriate and would

provide an attractive prospect into the open space through the site to the Downstown Road. The street hierarchy would provide pedestrian permeability. The layout would allow the retention of hedgerows and protect biodiversity. The apartments are situated within extensive open space. Those in the north-eastern part of the site would have dual frontage and a sufficient setback from nearby houses. The height of the apartment buildings is moderate and in keeping with the national building height guidelines. The layout would allow development to occur on the adjoining zoned land to the north in a coherent manner by retaining the boundary hedge and providing a parallel road. The council stated that the provision of the urban park needed to be providing early in the phasing of development. Character areas need to be clearly set out.

- 6.9. In relation to item iii) the board's representatives sought clarification on various issues, including whether adequate privacy and amenity that would be provided by the space around some of the apartment buildings. The council referred to the standards set out in chapter 11 of the development plan and the need to provide high quality boundary treatments. There was a small shortfall in the share of residentially zoned land that was being provided as open space, but it was noted that an urban park was also proposed. The board's representatives noted that previous SHD permissions have not always required concrete block walls around back gardens. The prospective applicant stated that the housing quality assessment showed that the proposed housing would generously exceed the applicable standards. Separation distances of 26-40m would be provided from existing houses. The proposed development would therefore protect existing residential amenity while providing an attractive environment for its occupants with a suitable density of housing.
- 6.10. In relation to item iv) the board sought clarification on bat surveys. The council noted the submitted AA screening report, but stated that the information submitted with any application would also need to address NHAs and the hedgerows and the potential for bats on the site. The prospective applicant stated that a bat survey had been conducted. There were no bat roosts on the site. The retention of hedgerows and the linear open space would facilitate foraging routes, as would the lighting design.
- 6.11. In relation to item v) the council stated that the information submitted with any application should address the conditions set out in its written submission. The

prospective applicant stated that it could meet the requirements of the council and those of Irish Water. The board's representatives advised that issues relating to water and drainage should be resolved with the council and Irish Water prior to the making of an application, having regard to the limits on requesting further information under the SHD process.

- 6.12. In relation to item vi) the council stated that it would be useful is a map was submitted showing the proposed development in relation to the zonings of the site. The prospective applicant noted that the development plan only required a schools demand audit for proposals of 200 houses or more.

7.0 Conclusion and Recommendation

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.

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 s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

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 in respect of the elements that are set out in the Recommended Opinion below.

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.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

The Board 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.

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.**

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. The core strategy and phasing provisions of the development plan. The submitted documentation should address higher level planning policy,

including the adopted RSES for the region. Any references to the circumstances of Duleek, including those relating to the availability or otherwise in the town of housing, development land, employment, commercial or social services, should be based on quantified facts rather than general assertions. The prospective applicant should satisfy itself that any application complies with section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, regarding the material contravention of the provisions of the development plan other than zoning.

2. The frontage onto the Navan and Downtown Road. The submitted documentation should demonstrate that the proposed frontage would establish a streetscape in accordance with chapter 4.2 of DMURS or, if an alternative treatment is proposed, that it complied with the principles of urban design and inhibited traffic speeds along the existing public roads.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. The Minister for Culture, Heritage and the Gaeltacht
3. The Heritage Council
4. An Taisce — the National Trust for Ireland

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. A plan showing the proposed development in relation to the zoning objectives that apply to different parts of the site.
2. A ecological report that includes the results of a survey of species and habitats on the site, in particular bat species, and describes the likely impact of the proposed development upon them.
3. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. In particular the information should demonstrate that adequate communal open space would be available to the residents of each of the apartment buildings whose size, shape and boundary treatment provided them with an adequate standard of amenity and privacy. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.
4. A Site Specific Flood Risk Assessment Report. The prospective applicant is advised to consult with the relevant technical section of the planning authority prior to the completion of this report which should describe this consultation and clarify if there are any outstanding matters on which agreement has not been reached with regard to surface water drainage.
5. A phasing scheme for the development which would indicate how open space and access for the proposed housing would be provided in a timely and orderly manner.
6. Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting.
7. A draft construction management plan
8. A draft waste management plan.

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic

housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Stephen J. O'Sullivan

Planning Inspector,

5th June 2020