



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-306952-20**

**Strategic Housing Development**

426 homes and a creche

**Location**

Dunshaughlin, Meath

**Planning Authority**

Meath County Council

**Prospective Applicant**

Castlethorn Construction ULC.

**Date of Consultation Meeting**

3<sup>rd</sup> June 2020

**Date of Site Inspection**

5<sup>th</sup> June 2020

**Inspector**

Stephen J. O'Sullivan

## **1.0 Introduction**

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## **2.0 Site Location and Description**

- 2.1. The site adjoins the western edge of the existing built up area of Dunshaughlin in Meath. The town is c30km north-west of Dublin and had a population of 4,035 in 2016. The site has a stated area of 14.8ha and is currently greenfield. It has two discrete parts. The larger southern part has an area of 8.74ha. It is bounded to the west by the R125, a distributor road that links the town with a junction on the M3 motorway. There is a roundabout on that road at the south-western corner of this part of the site. Its northern boundary adjoins a partially complete housing estate on the same landholding that has access from the Drumree Road that runs to the town centre. The northern part of the site has an area of 3.75ha . It is to the west of the R125 and north of the Drumree Road.

## **3.0 Proposed Strategic Housing Development**

- 3.1. It is proposed to build 426 homes and a creche on the site . The housing mix would be as follows –

	1 bed	2 bed	3 bed	4 bed	Total
Houses	-	-	187	71	258
Apartments	32	101	35	-	168
	32	101	222	71	426

- 3.2. The apartments would be provided in 3 blocks that would be four and five storeys high, as well as in 10 three-storey duplex blocks throughout the scheme. The creche would be on the ground floor of one of the apartment blocks. There would be access to the southern part of the proposed development from the roundabout on the R125 at its south-western corner. There would also be access to the Drumree Road through the internal roads in the housing estate to the north. An indicative location for a pedestrian access is shown on the eastern boundary of this part of the site. The northern part of the scheme would have an access from the Drumree Road. The total floor area of the proposed development is stated to be 44,078m<sup>2</sup> of which 413m<sup>2</sup> would be the creche. .

## 4.0 Planning History

- 4.1. PL17. 241988, Reg. Ref. DA/120987 – On 7<sup>th</sup> November 2013 the board granted permission for 160 houses on the land to the north of the southern part of the current site. The duration of this permission was extended by the council to the end of 2021. The permitted development is under construction. Most of the permitted housing appears to have been completed. There is a current application for amendments to this permission before the board under ABP-307021-20.

## 5.0 Policy

5.1. The government published the National Planning Framework in February 2018. Objective 9 is that, in each Regional Assembly area, settlements not identified in Policy 2a or 2b of this Framework may be identified for significant (i.e. 30% or more above 2016 population levels) rates of population growth at regional and local planning stages, provided this is subject to:

- Agreement (regional assembly, metropolitan area and/or local authority as appropriate);
- Balance with strategies for other urban and rural areas (regional assembly, metropolitan area and/or local authority as appropriate), which means that the totality of planned population growth has to be in line with the overall growth target.; and
- A co-ordinated strategy that ensures alignment with investment in infrastructure and the provision of employment, together with supporting amenities and services.

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.

5.2. 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).

5.3. A Regional Spatial and Economic Strategy was made for the Eastern and Midland Region in 2020. Dunshaughlin is not identified as a growth town. Table 4.3 of the strategy indicates that the policy responses for such towns will be set out in development plans and should seek their consolidation with targeted investment to improve local employment and services.

5.4. The Meath County Development Plan 2013-2019 applies. Dunshaughlin is designated as a moderate growth town, the 3rd of 5 categories of settlement. The core strategy of the plan allocates it 319 units (in addition to 763 permitted and unbuilt units) for the period of the plan which would require 9.1ha of zoned land. 63ha of zoned land is available. Most of the current site is zoned residential, phase 2. The plan states that such land will not be available for residential development until after 2019. Some land on the northern side of the southern part of the site is zoned residential without a phasing restriction. Other lands on the western side of the southern part of the site and along the ditch that runs through it are zoned open space. They adjoin a substantial area to the east that is also zoned for open space and is part of the prospective applicant's landholding. The plan shows a flood risk zone along the ditch in that part of the site. A draft county development plan was issued by the council in 2019 which showed the phase 2 zoning retained on the southern part of the site, with the period for phase 2 development now stated to be after 2026, and the northern part of the site zoned rural.

## **6.0 Forming of the Opinion**

### **6.1. Documentation Submitted**

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

- A Planning Report and Statement of Consistency
- An Architectural Design Statement
- A Housing Quality Assessment
- An Engineering Assessment Report
- A Statement of Consistency with the Flood Risk Management Guidelines

- A Socio-Economic Study
- An Ecological Technical Report
- A DMURS Design Statement

## 6.2. **Statement of consistency**

The proposed development would comply with the 2009 guidelines on sustainable urban residential development, with a density of 43dph that is within the recommended range of 35-50dph for greenfield sites. 3.91ha of open space would be provided with a permeable layout with a clear hierarchy of streets with numerous homezones. The scheme would meet the 12 criteria set out in the design manual issued with those guidelines. It would meet the provisions of the 2018 apartment design guidelines including the SPPRs. Only 7.5% of the homes would be one-bedroom units in line SPPR 1. The apartments would be minimum sizes set out under SPPR 3 most of them by more than 10%. 57% of the apartments would have dual aspect in line with SPPR 4. Ground floor units would have ceiling heights of 3m in line with SPPR 5. Only 4 to 10 apartments would be provided per core on each floor in line with SPPR 6. The application will be accompanied by a flood risk assessment. A childcare facility would be provided in line with the 2001 guidelines on the topic.

The proposed development would comply with the zoning of the site under the extended LAP, with housing on land zoned for residential development and open space on the parts of the site for that. It would provide compact urban growth in a town well served by public transport. The submitted socio economic analysis shows population growth and demand for housing in the town. The site is Tier 1 zoned and serviced land in the categories set out in appendix 3 to the NPF. The site is 10 minutes' walk from the town centre. It is 10km from a park and ride facility at a railway station. The prospective applicant is working on the site and can provide further housing without delay. A high standard of pedestrian and cycle infrastructure would link the proposed development with the previous phase of housing on the landholding. 27% of the site would be provided as open space. 1,000m<sup>2</sup> would be provided as communal open space for the apartments. The council's proposal to provide bungalows for Part V housing can be explored. The board can determine whether the proposed development would materially contravene the provision of the

development plan. An EIAR and AA screening report will be submitted with the application.

### **6.3. Planning Authority Submission**

There are 1,307 newly completed or permitted dwellings in Dunshaughlin which is well in excess of the 319 units allocated to the town under the core strategy in the current development plan. The proposed development would materially contravene the phasing provisions of the development plan. A density of 43 dph would be acceptable, but the extent of the net site area used to calculate this figure is not clear. The layout of the northern part of the scheme does not provide frontage to the Drumree Road at what would be the entrance to the town from the northwest. Additional frontage onto the R125 would be beneficial. The proposed layout is generally permeable but there are numerous cul-de-sacs. The proposed character areas reflect existing constraints. There would be an appropriate spread of units across the site. There is a concern about the overlooking of an existing house from the three storey buildings on the northern part of the site. There is ample open space throughout the proposed development. There should be public open space that could be taken in charge to provide links to the GAA and college grounds. The private open space is generally acceptable but block walls should be provided for back gardens. The submitted documents do not demonstrate that safe and convenient access could be provided for pedestrians and cyclists. Works to regulate traffic in the vicinity of the roundabout in line with current standards should be considered. The parking is less than that required under development plan standards. Detailed requirements are set out regarding surface water drainage. The site is partially in a flood risk zone so a justification test would be required on that issue. Bungalows should be provided for Part V housing. A social infrastructure report should be prepared. The Conservation Officer stated no objection to the proposed development. The Heritage Officer stated that a EIAR and AA screening report should be submitted.

### **6.4. Other submissions**

**Irish Water** has reported that it has issued a confirmation of feasibility for 630 units on the site. Significant upgrades are required including 600m of foul sewer and 650m of watermain.

## 6.5. The Consultation Meeting

A section 5 consultation meeting took place at 0930 on Wednesday, 3<sup>rd</sup> June 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 phasing provisions and core strategy of the development plan
- ii. Integration with the existing built up area of the town including the layout of streets, access to the town centre and other services, and links for pedestrians, cyclists and users of public transport
- iii. Design strategy, housing mix, residential amenity, compliance with standards etc.
- iv. Water supply, drainage and flood risk management
- v. Any other issues

In relation to item i) the council stated that the next development plan was scheduled for adoption in April 2021. The designation of Dunshaughlin as a self-sustaining moderate growth town was dependent on the progress of the railway link to Navan. The prospective applicant stated that it had provided significant infrastructure to support further development in Dunshaughlin. The land was serviced. The proposed development would be the second phase of an ongoing scheme. The site is tier 1 land under the NPF. Extensive documentation has been submitted to demonstrate the demand for houses in the town. The board's representatives noted the submitted documents and stated that due weight would have to be given to the provisions of whatever statutory plans were in place at the time any application was decided, in particular those made in compliance with higher level national and regional planning guidance after input from the Planning Regulator.

In relation to item ii) the council referred to the need to control traffic speeds on the Drumree Road and at the roundabout on its junction with the R125. The prospective applicant stated that the proposed development had an orthogonal layout. It would work with the council to improve links for pedestrians to the rest of the town. The development would facilitate a greenway along the River Skane which would be an



attractive amenity and a link to the services in the town centre. The prospective applicant stated that the open space on the adjoining housing estate to the east had been taken in charge by the council so the parties should be able to provide such a link. The prospective applicant can consult with the council about the provision of safer road crossings near the roundabout on the Drumree Road. The R125 was likely to remain a heavily trafficked outer distributor road rather than an urban street.

In relation to item iii) the council referred to its written submission. The board's representatives noted the mix of housing types provided and referred to the standards set out in national policy and local plans that would be applied to any proposed development on the site. Proper frontage should be provided onto streets and spaces in the proposed development. The prospective applicant stated that the proposed development would comply with the applicable standards. Open space was being provided on the land zoned for that use. At least 15% of each part of the proposed development would be provided as public open space.

In relation to item iv) the council sought confirmation of the attenuation proposals for the northern part of the site. The prospective applicant stated that the ground on the site was not suitable for soakaways. The blocking of ditches when the R125 was built had affected the drainage of the site. The effected drainage will be remediated in the proposed development. The council and the prospective applicant stated that they would confer about the details of the proposed surface water drainage system. The council sought clarification of the critical flood levels for the 1-in-100 and 1-in-1000 year storm events and of measures to avoid infiltration into foul sewers. Streets should be free draining during critical flood events.

In relation to item v) the planning authority stated that a site plan should be submitted that showed the proposed development in relation to the various zonings that apply to the site. The prospective applicant stated that it intended to submit an EIAR with any application.

## **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. Connections between the proposed housing and the rest of the town. The submitted documentation should demonstrate that pedestrians, cyclists and those using public transport would have safe and convenient access from the proposed housing to services and facilities, including those in the town centre and the adjacent school. The documentation should specify which links would be provided as part of the proposed development. It should also demonstrate that the proposed streets and any works to existing streets comply with the specific requirements of DMURS and that any cycle facilities comply with the specifications set out in the National Cycle Manual, in particular those regarding the design of junctions and the provision of street frontage. General assertions of compliance with the principles set out in those guidance documents would not suffice in this regard.
2. The core strategy and the phasing provisions of the development plan. The submitted documentation in this regard should address higher level planning policy, including the adopted RSES for the region. Any references to the circumstances of Dunshaughlin, including those relating to the availability or otherwise in the town of housing, development land,

employment, commercial or social services, should be based on verifiable facts. 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.

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

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Meath County Childcare Committee

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 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.
2. 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.

3. An Engineering Services Report that would demonstrate how foul drainage and water supply would be provided for the proposed development. The prospective applicant is advised to consult with Irish Water prior to the completion of this report
4. A site plan showing the layout of the proposed development in relation to the various zonings that apply to the site.
5. A screening report for appropriate assessment
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.

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Stephen J. O'Sullivan  
Planning Inspector,  
23<sup>rd</sup> June 2020