



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-307098-20

Strategic Housing Development	184 no. residential units (110 no. houses, 74 no. apartments) and associated site works.
Location	Lands at Silverstream, Stamullen, Co. Meath.
Planning Authority	Meath County Council
Prospective Applicant	Alcove Ireland Eight LTD.
Date of Consultation Meeting	05 th of August 2020.
Date of Site Inspection	02 nd of July 2020
Inspector	Karen Hamilton

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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 is located within the settlement boundary of Stamullen, Co. Meath and is currently accessed from the L16182/ Kilbreckstown Road (Silverstream Road), c. 1km from the town centre. The site is directly north of a relatively new housing estate, Silverstream Avenue, and the site has been stripped of vegetation giving the impression that it is an extension of the current residential estate. There are some large mounds of soil deposits currently on the site. The front boundary treatment of the site, along the Kilbreckstown Road, includes a block wall with rail over, set back from the main road, similar to the existing treatment along the front of Silverstream Avenue. A small stream runs along the northern boundary and further north of this are large expanses of agricultural lands.

3.0 Proposed Strategic Housing Development

The proposed development includes the construction of 184 no. residential units (110 no dwellings & 74 no. apartments) as summarised below:

Table 1: Key Figures

Site Area	c. 5.31 ha
No. of units	184
Density	c. 35
Car parking	308

Cycle Space	148
Commercial	n/a
Public Open Space	c. 17.8 %

Fig 2: Unit Mix

Unit Type	Dwellings	Duplex/ Apartments	Total	%
One bed	-	37	37	20
Two bed	7	37	44	24
Three bed	91	-	91	49
Four bed	12	-	12	7
Total	110	74	184	100

4.0 Planning Policy

4.1. National Policy

- National Planning Framework (NPF): Ireland 2040,
- Climate Action Plan 2019. To Tackle Climate Breakdown (Government of Ireland, 2019),
- Eastern & Midland Regional Assembly (EMRA). Regional Spatial & Economic Strategy (RSES) 2019-2031 (2019),
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual')
- Design Standards for New Apartments – Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (DMURS)
- Urban Development and Building Heights – Guidelines for Planning Authorities

4.2. **Eastern & Midland Regional Assembly (EMRA). Regional Spatial & Economic Strategy (RSES) 2019-2031 (2019),**

- Meath is located within the Eastern Region and includes part of the hinterlands of Dublin.

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

The site is zoned as “New Residential” where it is an objective *“To provide for new residential community with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the settlement hierarchy”*

- The site is Residential Phase II (Post 2019).
- Table 2.4- Housing Allocation
 - The number of units to accommodate growth for Stamullen is 80 units.
- Section 3- There has been a sprawl of dwellings to the north and there is a need to create employment to support the growth on the residential

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

(consultation on draft closed on the 06th of March 2020).

- Site is zoned as “rural area” and no longer “New Residential”

5.0 **Planning History**

No relevant history on the site.

Reg Ref SA/60317

Permission granted for 30 no dwellings as phase 1 of an overall development of 146 no 2 storey dwellings.

Reg Ref SA/70513, SA/801852

Subsequent Alterations to the residential estate “Silverstream Park & Silverstream Avenue to the south of the site.

6.0 Section 247 Consultation(s) with Planning Authority

The PA note no formal S 247 consultation has been undertaken and are aware of the provisions of S 5(4) of the 2016 Act (as amended) in respect of the PA failure to facilitate a consultation within 4 weeks of the date of request.

The applicant made a submission to the Draft Meath County Development Plan 2020-2026 in respect of zoning on the site.

7.0 Prospective Applicant's Case

7.1. The application was accompanied by the following:

- Application Form,
- Planning Report and Statement of Consistency (Material Contravention),
- Environmental Report,
- Part V documentation,
- Architectural Design Statement,
- Architectural Drawings,
- Housing Quality Assessment,
- Site Services Report,
- Site Specific Flood Risk Assessment,
- Traffic and Transport Assessment Report ,
- DMURS Statement,
- Engineering Drawings,
- Screening Report for Appropriate Assessment,
- Landscape Design Report and associated drawings,
- Arboricultural & Impact Report and associated drawings.

8.0 Planning Authority Submission

- 8.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development, Meath County Council, submitted their opinion in relation to the proposal, as received by An Bord Pleanála on the 29th of May 2020, and are summarised below:

Principle of Development

- The Core Strategy allocation 80 units for Stamullen.
- There is currently 135 units granted in excess of the Core Strategy.
- Part V is acceptable.
- No childcare has been included.
- There is no reference to schools capacity or social infrastructure.

Design and Layout

- The net density of c. 35 is acceptable.
- The overall layout is acceptable.
- There is no clear link between the proposed phasing and the character areas.
- The open space allocation is acceptable.
- Green Infrastructure should be clearly identified i.e. tree retention.
- Some hedgerows are to be retained and others should be identified.

Draft Meath County Development Plan

- The site zoning has changed from “New Residential” to “Rural Area”.
- The applicant made a submission (ref MH-C5-715) which argues that the modest data used in the NPF has informed the RSES figures.
- Land prioritisation should be used rather than dezoning.

Traffic

- The traffic assessment includes the speculative development on behalf of the applicant in other sites which is a comprehensive assessment.

- The overall traffic impact for both road links and junctions is used.
- The applicant has incorrectly modelled a minor arm at one of the junctions and queuing could be longer at Cockhill Road/ Gormanstown Junction and should be reviewed.
- The applicant should demonstrate the proposed development would not adversely impact the operational safety of Junction 7 of the M1.
- There are no concerns in relation to the junction capacity or sightlines at the entrance to the site at Silverstream.
- The internal layout is acceptable and in accordance with DMURS.
- Pedestrian routes to the north and east should be encouraged.
- A Road Safety Audit 1 is required.
- A Stage 1 Quality Audit and Construction Traffic Management Plan is required.
- Parking is 1.95 per house, slightly under the required 2 per house.
- The development access junction should have a geometry and swept path analysis.
- Disabled parking bays should be submitted.
- Materials should be in line with Taking in Charge Policy document.

Public Lighting

- No public lighting has been proposed.

Surface Water Management

- The greenfield discharge rate should be achieved using a flow control device.
- The water table location at the proposed attenuation points should be investigated.
- Class 1 petrol oil/separator shall be positioned upstream of the proposed attenuation system.
- The side slopes of swales should be 1:3.

- A survey of the culvert and repair works.
- Investigation on the capacity of the existing surface water drainage network.

Water & Waste Water

- No Irish Water documentation is submitted, this has implications for AA.
- There is an issues with capacity in Stamullen.

Flood Risk Management

- The site is in Flood Zone C.
- The Site Specific Flood Risk Assessment does not include culverts.
- A 10m riparian strip is required along the watercourse.
- A S50 consent form OPW is required.
- A maintenance plan for all watercourses.

Waste Management

- A CEMP is required.

9.0 Prescribed Bodies

9.1. Irish Water (IW)

IW issued a CoF for 185 no dwellings and include the following comments;

Water

- Currently two options for a water connection exist, one across 3rd party lands. A number of proposals are planning connection and are at application stage, subject to review. The applicant may be required to connect 5.8km of a new 300mm water main or a reservoir upgrade.

Waste Water

- IW Capital Investment Plan (CIP) includes an upgrade of the Balbriggan WWTP (2022).
- An interim wastewater treatment plant will be permitted and subject to:
 - a connection and termination agreement,

- will not be taken in charge by IW,
- will incorporate a bypass pipe to facilitate a connection to IW foul network,
- subject to monitoring as s 16 licence,
- developer shall be responsible for the decommissioning,
- all statutory approval shall be sought.

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 05th of August 2020, starting at 9.15 am, via Microsoft Teams. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as detailed below:

1. Core Strategy and Housing Units allocation for Stamullen,
2. Land Use Zoning,
3. Development Strategy,
4. Irish Water
 - Temporary Pumping Station
 - Connection for water supply
5. Transport Assessment
 - Impact on Motorway Junction
6. Any Other Business.

10.2. In relation to the **Core Strategy Allocation and Land Use Zoning**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The existing core strategy allocation of 80 units for Stamullen, the extant permissions within the settlement currently under construction which exceed the current core strategy by 135 units, and the absence of any further population growth designated under the County Development Plan.

- The current land use zoning on the site as “New Residential” Post 2019, the contravention of the development plan and the alterations to the proposed land use zoning in the draft development plan for “Agricultural”.

10.3. In relation to the **Development Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The treatment and design of the communal open space provision within the site, in particular the treatment of the watercourse along the north, and the usability and functionality of the open space for the future residents.
- The connectivity and permeability from the site into adjoining sites in particular those undeveloped lands to the north of the site.

10.4. In relation to the **Water and Waste water**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The response received from Irish Water and the requirement for further investigations and design solutions to confirm an available connection to the water network.
- The response received from Irish Water and the requirement to treat any wastewater on the site prior to discharge to the Irish Water network.
- The timescale and works proposed for the upgrade of the Stamullen WWTP, connection with the Balbriggan WWTP and the necessity for future consents from either An Bord Pleanála or others.
- The issues raised by in the PA Opinion relating to the surface water run-off, inter alia, the greenfield discharge rate, the level of the water table and use of attenuation systems.

10.5. In relation to the **Transport Assessment** An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The inclusion of the access road from the L16182/ Kilbreckstown Road, entry into the site and inclusion of all lands necessary for the proposed development within the red line boundary.
- The impact of the proposed development on the carrying capacity of the M1 and assessment of the works on Junction No.7.

- The information contained in the PA submission relating to street layout, the design of the internal road network and compliance with DMURS guidelines.

10.6. In relation to **Any Other Business** An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The provision of childcare facilities on the site, the necessity for one childcare space for every 75 residential units and the existing capacity to accommodate additional childcare spaces within Stamullen.

11.0 Assessment

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 prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

Conclusion

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.

12.0 Recommended Opinion

12.1. 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.

1. Core Strategy and Land Use Zoning

Further consideration and/or justification of the documents as they relate to core strategy and subsequent land use zoning and phasing provisions for Stamullen in the development plan. In addition to addressing the local statutory plan for the area the documentation should also address higher level planning policy including the adopted RSES for the region. Any references to the circumstances of Stamullen, 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.

2. Wastewater Treatment

Further consideration of the documents as they relate to wastewater treatment. Clarity is to be provided concerning the delivery of wastewater infrastructure required to serve the proposed development, including works required to upgrade the capacity of the Stamullen Waste Water Treatment Plan by Irish Water Capital Investment Plan (CIP). The documents should provide details of necessary upgrade works required on foot of the CIP to

include, *inter alia*: what works exactly are required; who is to deliver the works; the status of any planning and other consents required to deliver the infrastructure; the timelines involved in the delivery of the required infrastructure in the context of the proposed strategic housing development. The prospective applicant is advised that any application for development prior to obtaining of consents for the wastewater infrastructure may be considered premature. Further consideration of these issues may require further correspondence and/or coordination of documentation from Irish Water.

3. Water Supply

Further consideration of the documents as they relate to the supply of water to the site. Clarity is to be provided concerning potential connection to the public water supply and the capacity required to serve the proposed development, including works required to upgrade the reservoir. The documents should provide details of necessary upgrade works required on foot of any Irish Water request to include, *inter alia*: what works exactly are required; who is to deliver the works; the status of any planning and other consents required to deliver the infrastructure; the timelines involved in the delivery of the required infrastructure in the context of the proposed strategic housing development. The prospective applicant is advised that any application for development prior to obtaining of consents for the water infrastructure may be considered premature. Further consideration of these issues may require further correspondence and/or coordination of documentation from Irish Water.

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 report prepared by a suitably qualified and competent person demonstrating specific compliance with the requirements set out in the Design Manual for Urban Roads and Streets, in particular the provision of a

road hierarchy, and the National Cycle Manual, as well as a map illustrating pedestrian, cycle and vehicular links through and off the site.

2. A Childcare Assessment & Social Infrastructure Assessment which includes an assessment of the capacity of the crèches and existing schools and the ability to serve the increase in population generated from the proposed development.
3. A landscaping plan of the proposed open space within the site clearly delineating public, semi-private and private spaces, areas and play facilities allocated for a range of age groups, the boundary treatment adjoining any open space and integration of watercourse.
4. A Construction and Demolition Waste Management Plan.
5. A site layout plan illustrating the full extent of the proposed development included all access within the red line boundary.
6. A Road Safety Audit and Quality Audit.
7. An updated Traffic Impact Assessment to include the impact of the proposal on the capacity of Junction 7 and the M1.
8. Additional details in relation to surface water management for the site, having regard to the requirements of the Drainage Division as indicated in Section 7.5.1 of the Planning Authority's Opinion.

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. Meath County Childcare Committee
3. Transport Infrastructure Ireland.
4. Inland Fisheries Ireland

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.

Karen Hamilton
Senior Planning Inspector

26th of August 2020