



An  
Bord  
Pleanála

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

## Inspector's Report ABP-307946-20

### Strategic Housing Development

Alterations to condition no. 2 of previously permitted development ABP-303433-19 in relation to the approved phasing plan submitted to include the extension of the portion of the permitted development to take in apartment buildings A and B and the two-storey houses to the west of apartment Block B and associated site works.

### Location

Lands to the north of R147/Dublin Road, Dunshaughlin, Co. Meath.

### Planning Authority

Meath County Council

### Applicant

Rockture 1 Ltd.

**Inspector**

Stephen Rhys Thomas

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## 1.0 Introduction

This is an assessment of a request for proposed alterations submitted under section 146B of the Planning and Development Act 2000 to a permitted strategic housing development permitted by 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 Inspector's Report relating to ABP-303433-19 describes the site as follows:

*The proposed development is located in Dunshaughlin, a designated moderate growth town located in south County Meath. There is an existing permitted phase of residential development 'The Willows' under construction to the front portion of the landholding along the R-147 (former N3). There are a handful of housing units which appear to be occupied within the permitted scheme.*

*The site itself consists of agricultural fields which are characterised with hedgerows to the field boundaries. The lands are generally undulating rising towards the north. The business park and Maelduin housing estate bounds the northern portion of the site. There is a substantially complete housing development abutting the northern perimeter of the development lands, known as 'Kellet's Grove'. These residential developments are accessed from the Lagore road, a local road which links back to the R-147 within the town centre area.*

*There are existing playing grounds which are within the applicant's landholding to the west of the development lands that are currently accessed via the business park. A pedestrian/cyclist access is proposed through these playing pitches to the development site.*

*There is a pumping station located in close proximity to the current temporary entrance to the permitted housing scheme. The entrance to the scheme is located within the section of road that falls within the 60kph speed limit although actual speeds are in excess of this. The permanent access to the permitted phase of development will be via the outer relief road, part of which is currently under construction. There are no footpaths on either side of the R-147 at this location. There is a bus-stop located further south close to the junction of the L-2209 with the*

*R-147. There is also a bus stop and shelter located north-west of the site along the frontage of the business park. In addition, it was noted that a large number of the houses in The Willows estate (Phase 1a and 1b) are now occupied and that construction activity on Phase 1c is well underway. The Outer Relief Road mentioned above is partially complete and provides access to The Willows and a large construction compound within the site, the former temporary access is no longer in use. The stated site area is 28.3 hectares.*

### **3.0 Planning History**

**ABP-303433-19** - Permission was granted by the Board for the construction of 913 dwellings, the detail comprises:

The 505 houses proposed consist of the following:

- 45 no. 2-bedroom houses
- 382 no. 3-bedroom houses (including 4 no. bungalows)
- 50 no. 4-bedroom houses (including 5 no. bungalows)
- 28 no. 4/5-bedroom houses (three storey)

The 186 duplex units consist of the following:

- 20 no. 1-bedroom duplex units
- 84 no. 2-bedroom duplex units
- 73 no. 3-bedroom duplex units
- 9 no. 4-bedroom duplex units

The 222 apartments consist of the following:

- 50 no. 1-bedroom apartments
- 151 no. 2-bedroom apartments
- 21 no. 3-bedroom apartments

Neighbourhood centre facilities comprise:

A childcare facility 1,282 sq.m

A community facility 180 sq.m

2 retail units with of 1,000 sq.m and 190 sq.m

A café / restaurant unit of 370 sq.m

A primary healthcare / gym unit 1,040 sq.m.

Total non-residential floor space amounts to 4,062 sq.m

- The development includes the delivery of a section of the Dunshaughlin Outer Relief Road (DORR) from the Phase 1 site boundary to the northern site boundary, including connections to adjacent lands, improvements to a section of the Outer Relief Road part of Phase 1 development to the south.
- A bus bay and toucan crossing on the Dublin Road (R147).
- A pumping station.

- 3.1. The submitted request is for an alteration to the approved phasing plan submitted under Reg. Ref.: ABP-303433-19 and referenced in Condition no. 2 of the Board's Order to grant permission. Permission was granted by the Board, subject to 30 conditions, on 23 April 2019 under the Strategic Housing Development provisions. The permission was granted after the Board concluded that the environmental impact assessment report, supported by the documentation submitted by the applicant, identified and described adequately the direct, indirect and cumulative effects of the proposed development on the environment, and that after screening for appropriate assessment concluded that a Stage 2 Appropriate Assessment was not required.

## 4.0 Legislative Basis

- 4.1. Section 146B of the Planning and Development Act 2000 (as amended) provides for a person carrying out or intending to carry out a Strategic Housing Development to make a request to alter the terms of a development, the subject of a planning permission under the Act. Section 146B(2)(a) provides that:

*As soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned.*

*Section 146B(3)(a) states –*

*If the Board decides that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned, it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority ... concerned.*

## 5.0 Proposal

- 5.1. The current request was received from Rockture 1 Limited on 14 August 2020. It seeks an alteration to the approved phasing plan submitted under Reg. Ref.: ABP-303433-19 and referenced in Condition no. 2 of the Board's Order to grant permission. The alteration comprises the extension of the portion of the permitted development identified as 'Phase 1' to take in apartment buildings A and B, and the two storey houses located to the west of apartment building B (currently Phase 2). The additional element of the permitted development to be included within Phase 1 comprises 133 no. apartments (72 no. in apartment building A and 61 no. in apartment building B) and 24 no. houses (157 no. units in total).

## 6.0 Assessment

6.1. The original application was subject to an environmental impact assessment and screening for appropriate assessment. The limited scale and nature of the proposed alteration means that it would not have the potential to give rise to likely significant effects on the environment. The limited scale and nature of the proposed alteration also means that it would not have the potential to have a significant effect on any Natura 2000 site, either in itself or in combination with other plans or projects and no Appropriate Assessment issues arise.

6.2. The requested alteration would not change the nature of the permitted uses on the site. It would not change the number of permitted residential units or the size or layout of the previously authorised buildings. The proposed development seeks to alter the phasing of construction and hence alter condition 2 that states:

*The appropriate period for this permission shall be ten years from the date of this order. The development shall be carried out within this period in accordance with the phasing plan submitted with the application. No development shall commence on any subsequent phase of the development authorised by this permission until the planning authority has certified in writing that the works in the previous phase have been completed to a satisfactory extent.*

*Reason: To ensure the timely and orderly development of the site for housing with the required supporting infrastructure.*

6.3. The applicant has submitted an approved phasing layout (SHD07) that shows three principal phases of development, as follows:

- Phase 1 369 units and 36,790 sqm open space,
- Phase 2 337 units 22,271 sqm open space and
- Phase 3 207 units and 105 sqm open space

In addition, the applicant has submitted a drawing to detail the current 'as built' and 'commenced' status and phasing layout combined. The revised phasing layout that the applicant seeks, (SHD07a) again shows three principal phases of development, as follows:

- Phase 1 526 units



- Phase 2 180 units
- Phase 3 207 units

- 6.4. From the revised phasing plan, I can see that the applicant proposes to bring a large block of land adjacent to the outer relief road into Phase 1. This is a logical extension of the current construction activity on the southern portion of the site. Though the schedule attached to the altered phasing plan does not innumerate the areas of open space in each phase as the previous phasing layouts had done, I can see that the colour coded areas that correspond to each phase have not changed and I am satisfied that the requisite amount of open space will be delivered in a timely fashion. The format of the units proposed to be brought into Phase 1 comprise: 133 apartments (72 in apartment building A and 61 in apartment building B) and 24 houses (157 no. units in total), this is a satisfactory mix of dwelling types.
- 6.5. The proposed phasing amendment sought would not alter the character of the permitted development or the amenity afforded to its occupants, the timing and delivery of public open space remains the same. It is therefore concluded that the requested alteration would not constitute the making of a material alteration of the terms of the development concerned. I am satisfied that the Board would not have considered the relevant planning issues differently to any material extent, or considered that any other planning issues would arise, had the development as now proposed formed part of the original planning application.
- 6.6. Environmental Impact Assessment: As I outlined above, I consider that the proposed alterations do not constitute the making of a material alteration of the development concerned and in this regard the provisions of Section 146B(3)(a) apply. As such there is no requirement for EIAR Screening, as there is no material alteration to the scheme and as a result its impact upon the surrounding environment remain unchanged. I note the original planning application was accompanied by an EIAR and the Board concluded the proposed development would be unlikely to have significant impacts on the environment. The Applicant has however included an Environmental Assessment, to be relied upon in the event that the Board determines the proposed alteration to be material. This concludes that the proposal would not be likely to have significant effects on the environment and therefore submission of an Environmental Impact Assessment Report is not required, and I agree.

6.7. Appropriate Assessment: A screening report was submitted with the application under ABP-303433-19 and it was concluded that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any Natura 2000 sites. The proposed alteration to condition 2 will not materially alter the development or any of its associated impacts. As a result, a revised AA Screening Assessment is not required.

## 7.0 **Recommendation**

7.1. I recommend that the Board decides that the making of the alteration which is subject of this request does not constitute the making of a material alteration of the terms of the development as granted permission under ABP-303433-19 and that it makes the alteration under section 146B(3)(a) of the Planning and Development Act, as amended.

## **DRAFT ORDER**

**REQUEST** received by An Bord Pleanála on the 14<sup>th</sup> August 2020 from Rockture 1 Limited under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development at Lands to the north of R147/Dublin Road, Dunshaughlin, Co. Meath which is the subject of a permission under An Bord Pleanála reference number ABP-303433-19.

**WHEREAS** the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 23 April 2019,

**AND WHEREAS** the Board has received a request to alter the terms of the development which is the subject of the permission,

**AND WHEREAS** the proposed alteration is described as follows:

- Alterations to condition no. 2 of previously permitted development ABP-303433-19 in relation to the approved phasing plan submitted to include the extension of the portion of the permitted development to take in apartment buildings A and B and the two-storey houses to the west of apartment Block B and associated site works as shown on the drawings submitted with the request

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration

would not result in a material alteration to the terms of the development, the subject of the permission,

**AND WHEREAS** having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

**NOW THEREFORE** in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars.

## **REASONS AND CONSIDERATIONS**

Having regard to:

(i) the nature and scale of the Strategic Housing Development permitted under An Bord Pleanála Reference Number ABP-303433-19 for this site, which includes a residential development comprising of 913 number residential units, a neighbourhood centre, including two number retail units, a café / restaurant unit, a primary healthcare / gym, a community facility and a childcare facility, all associated open space, a section of the Dunshaughlin Outer Relief Road, internal roads, cycle and pedestrian infrastructure, services and all other associated development, on a site of circa 28.3 hectares.

(ii) the environmental impact assessment and for appropriate assessment carried out in the course of that application,

(iii) the limited nature and scale of the alteration, and

(iv) the absence of any significant new or additional environmental effects (including those in relation to Natura 2000 sites) arising as a result of the proposed alteration, and

(v) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alteration

It is considered that the proposed alteration would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby makes the said alteration.

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Stephen Rhys Thomas  
Senior Planning Inspector

09 December 2020