



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-310247-21**

<b>Strategic Housing Development</b>	136 no. units (100 no. houses, 36 no. apartments) and associated works.
<b>Location</b>	Ballinderry Road, Mullingar, Co. Westmeath.
<b>Planning Authority</b>	Westmeath County Council
<b>Prospective Applicant</b>	Steinfort Investment Fund
<b>Date of Consultation Meeting</b>	29 <sup>th</sup> September 2021
<b>Date of Site Inspection</b>	20 <sup>th</sup> September 2021
<b>Inspector</b>	Una O'Neill



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## **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, 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 subject site is located at the southeastern edge of Mullingar town in County Westmeath. The site is approx. 1.7km southeast of Mullingar town centre and c. 1km north of the Ballinderry Road/N52 roundabout.
- 2.2. The development is bounded to the north by an existing mature residential development called Chestnut Drive; to the northeast by a linear row of detached dwellings fronting onto Ballinderry Road, and by agricultural fields to the west and south. To the east the site has frontage onto the Ballinderry Road, with a strip of land c. 70m wide outside the ownership of the applicant and separating the site from the roadside boundary.
- 2.3. The site largely comprises active agricultural grassland and includes one existing vacant dwelling and attendant garden. The site levels increase across the site in a northerly and east-west direction, with a high point proximity to the boundary with Chestnut Drive. A 38kv power line traverses the southeastern corner of these lands.

## **3.0 Proposed Strategic Housing Development**

- 3.1. The proposed development consists of the construction of 136 no. dwellings consisting of: 11 no. 4 bed semi-detached house (Type A & A1); 73 no. 3 bed end terrace / terrace house (Type B & B1); 16 no. 4 bed end terrace / semi-detached house (Type C); 4 no. 2 bed ground level apartment (Type D); 4 no. 2 bed apartment unit (Type E); 10 no. 2 bed ground level end / mid unit (Type F & F1); 10 no. 3 bed



duplex / apartment unit (Type G & G1); 4 no. 2 bed ground level unit (Type H); and 4 no. 3 bed duplex / apartment unit (Type J).

3.2. The following details as submitted by the applicant are noted:

Parameter	Site Proposal
<b>Application Site Area</b>	3.9ha gross. 3.56 ha net (excl area of 38kv line)
<b>No. of Units</b>	136 [100 houses; 36 apts]
<b>Density</b>	38.7 u/ph net [34 u/ph gross]
<b>Other Uses</b>	None
<b>Public Open Space</b>	0.6ha [17% of net site area]
<b>Height</b>	2-2.5 storeys houses and apartments
<b>Car Parking</b>	145 spaces; 80 cycle parking spaces

3.3. The breakdown of unit types as submitted by the applicant is as follows:

Unit Type	2 bed	3 bed	4 bed	Total
<b>Apartments/Duplexes</b>	14	22		36
<b>Houses</b>		73	27	100
	<b>14</b>	<b>95</b>	<b>27</b>	<b>136</b>
<b>%</b>	10%	70% - of which 54% houses; 16% apts%	20%	100%

3.4. The applicant proposes to construct 73.5m length of public footpath to connect into existing public footpath. A link road is proposed through the site, as per the Mullingar LAP. An on site pumping station is proposed.



## **4.0 Planning History**

### **4.1. The following planning history is noted:**

12/5094 – Permission REFUSED for self build plots for two storey detached houses.

09/5182 – Permission GRANTED for extension and new two storey dwelling.

05/5172 – Permission REFUSED for 114 houses and duplexes/apartments.

00/1737 – Permission REFUSED for 115 houses.

### **4.2. Section 247 Consultation(s) with Planning Authority**

It is stated that pre-application consultation meetings took place with the planning authority on 14<sup>th</sup> February 2019, 27<sup>th</sup> March 2019 and on 21<sup>st</sup> October 2020. Issues raised are summarised hereunder:

- Density – 30 units per hectare is minimum density as per Mullingar LAP and NPF. The site is considered an Outer Suburban/Rural Transition area.
- Policy – Chapter 8 of Mullingar LAP, Mullingar South Framework Plan.
- Visual Impact Assessment Required.
- Design and layout.
- Street through the scheme is envisaged as an Urban Avenue.
- Concern in relation to disposition of open space.
- Parking layout
- Require character areas. High quality architectural design required.
- How does scheme utilise contours.
- Community facility required at this location in MLAP. No childcare provided for.
- Flood Risk Assessment required.

## **5.0 Relevant Planning Policy**

### **5.1. National Policy**

#### **5.1.1. Project Ireland 2040 - National Planning Framework**



A number of key policy objectives are noted as follows:

- National Policy Objective 1B: Policy Objective 1b: Eastern and Midland Region: 490,000 - 540,000 additional people i.e. a population of around 2.85 million.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

#### 5.1.2. **Section 28 Ministerial Guidelines**

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2018)



- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- Retail Planning, Guidelines for Planning Authorities (2012)

## **5.2. Regional Policy**

### **5.2.1. Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly Region (2019)**

Mullingar is designated as a Key Town in the Gateway Region.

RPO 4.26: Core strategies in local authority development plans shall support objectives to achieve a minimum of 30% of housing in Key Towns by way of compact growth through the identification of key sites for regeneration.

RPO 4.27: Key Towns shall act as economic drivers and provide for strategic employment locations to improve their economic base by increasing the ratio of jobs to workers.

## **5.3. Local Planning Policy**

### **5.3.1. Westmeath County Development Plan 2021-2027**

#### Chapter 2 Core Strategy

- Mullingar is targeted to grow by 12% between 2021 and 2027.
- CPO 2.5 Support the continued growth and sustainable development of Mullingar to act as a growth driver in the region and to fulfil its role as a Key Town in accordance with the principles and policies of the RSES.
- CPO 2.6 Prepare a Local Area Plan (LAP) for Mullingar to align with the RSES and this Core Strategy.



- Table 2.9 Core Strategy Table – Housing Yield is stated as 1350-2010.

### Chapter 3 Housing

- CPO 3.7 Apply higher densities to the higher order settlements of Athlone and Mullingar to align with their roles as Regional Growth Centre and Key Town, subject to good design and development management standards being met.
- CPO 3.15 To support the development of quality residential schemes with a range of housing options having regard to the standards, principles and any specific planning policy requirements (SPPRs) set out in the ‘Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities’ (2009); ‘Urban Development and Building Heights Guidelines for Planning Authorities’ (2018) and the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018).

### Chapter 6 Tourism

- The Royal Canal Greenway traverses the county via Mullingar and Old Rail Trail Greenway links Mullingar and Athlone. Both greenways interconnect in Mullingar and will form part of the Galway to Dublin, Coast to Coast Greenway and Eurovelo 2, an international-scale tourism offering, when complete in the coming years. The Council will ensure that any future Corridor and Route Selection Process complies with the relevant greenway and blueway projects as outlined in Chapter 10 of this Plan.

### Chapter 7 Urban Centres and Placemaking

- CPO 7.31 Facilitate higher and increased building heights at suitable locations and in accordance with settlement hierarchy in line with ‘Specific Planning Policy Requirement’ (SSPR) 1 of the ‘Urban Development and Building Heights Guidelines for Planning Authorities’ (2018). In this regard, the locations for increased building height will be informed by a buildings height study and identified as part of the UAP and LAP to be prepared for Athlone and Mullingar respectively.
- Urban-Rural Interface Policy Objective:

CPO 7.46 Protect the unique setting of towns and villages by providing for the maintenance of strong defined urban edges.

### Chapter 8 Transport Infrastructure and Energy



- CPO 10.9 Prepare an Area based Transport Plan for Mullingar in conjunction with relevant agencies to support the growth of Mullingar as a Key Town.
- CPO 10.10 Support the National Smarter Travel policy and make central tenets of its transport strategy: Killucan Station, a regular bus services to Westmeath towns and villages and the re-opening of light rail on the old Mullingar to Athlone Rail line.
- PO 10.33 Support the reopening of the Mullingar to Athlone Rail Line and Moate Railway Station, thereby increasing connectivity between these Towns.
- CPO 10.54 Implement the recommendations of the Design Manual for Urban Roads and Streets (DMURS) and relevant 'TII Publications' in relation to urban streets and roads within the 50/60 km/h zone.
- CPO 10.62 Require all applications for significant development proposals affecting Regional or Local Roads to be accompanied by a Traffic and Transport Assessment (TTA) and Road Safety Audit (RSA), carried out by suitably competent persons, in accordance with the TII's Traffic and Transport Assessment Guidelines.
- CPO 10.104 Implement and comply fully with the recommendations of the Strategic Flood Risk Assessment prepared as part of the Westmeath County Development Plan 2021- 2027.
- CPO 10.105 Have regard to the "Guidelines for Planning Authorities on the Planning System and Flood Risk Management" (DoEHLG/OPW 2009) and Circular PL2/2014, through the use of the sequential approach and application of the Justification Tests in Development Management.
- CPO 10.119 Require that planning applications are accompanied by a comprehensive SUDs assessment that addresses run-off quantity, run-off quality and its impact on the existing habitat and water quality.

## Chapter 16

- CPO 16.24 Increased residential density within Athlone Regional Centre and Mullingar (key town) in principle where the subject lands are: - within walking distance of the town centre, or - are adequately serviced by necessary social infrastructure and public transport and/or - designated regeneration sites and development lands which comprise in excess of 0.5ha, subject to quality design and



planning merit in ensuring compact growth and the creation of good urban places and attractive neighbourhoods.

- CPO 16.25 New development proposals should be fully permeable for walking and cycling and the retrospective implementation of walking and cycling facilities should be undertaken where practicable in existing neighbourhoods, in order to give competitive advantage to these modes for local trip making. Where possible, new residential developments should provide for filtered permeability, i.e. provide for walking, cycling, public transport and private vehicle access while restricting or discouraging private car through trips.

- CPO 16.35

Traffic Management and Road Safety All new road layouts should be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS) and relevant TII publications. Development proposals should also include provision for a sustainable modal split, with pedestrian and cycling facilities recognised as an important aspect of new design proposals.

Road Safety Audit A Road Safety Audit may be required to demonstrate that a proposed development does not pose a risk to road users, create a traffic nuisance or contribute to congestion. It should be carried out on all new national road infrastructure projects and on any schemes/proposal which results in a permanent change to the layout of a national road by suitably competent persons, in accordance with TII Publications GE-STY-01024 Road Safety Audit).

Road Safety Impact Assessment (RSIA) A Road Safety Impact Assessment (RSIA) provides a strategic comparative analysis of the impact of a new road, or for substantial modifications to an existing road, on the safety performance of the road network as defined within the EU Directive on Road Infrastructure Safety Management (EU RISM) 2008/96/EC. The RSIA shall be prepared by suitably competent persons, in accordance with TII Publications PE-PMG-02001 Road Safety Impact Assessment.

Traffic and Transport Assessments (TTAs) Development proposals that are likely to create significant vehicular movements will be required to undertake a site-specific assessment to demonstrate the impact of the proposal on the



integrated transport system by means of a Transport and Transport Assessment (TTA). The TTA should include an assessment of the impact of the proposal on the full range of modes of transport and incorporate traffic impact statements, road safety audits and measures to maximise accessibility of non-private car related movement, carried out by suitably competent persons, in accordance with the 'TII's Traffic and Transport Assessment Guidelines'.

Mobility Management Plans (MMPs) (Refer Chapter 10, Section 10.6 Mobility Management Plans for instances where MMPs are required) Mobility Management Plans should include achievable measures to reduce dependency on private car use for daily commutes and incorporate where possible; - Measures to promote use of public transport, cycling and walking; - Car sharing/carpooling; - Charges for parking; - Staggered working/business hours.

Mobility Management Plans may be subject to annual reviews. It is recognised that the first (and subsequent) annual reviews of an Mobility Management Plan are the key stages in making them tangible as they will be tailored to real travel-to-work patterns and not a generic model based upon assumptions).

- CPO 16.36 Assess all planning applications for development having regard to the car parking requirements set out under Table 16.2 below...
- CPO 16.37 Assess all planning applications for development having regard to the cycling storage requirements set out under Table 16.3, which are considered to be a minimum requirement...
- CPO 16.43 Childcare Facilities should: - Demonstrate compliance with the 'Guidelines on Childcare Facilities, Guidelines for Planning Authorities (2001) and Circular Letter PL3 2016 or any superseding guidelines...
- CPO 16.61 Assess applications for development, having consideration to any national guidelines and criteria set out under the sub-headings below in respect of sustainable building practices and renewable energy that serve to reduce energy demand, reduce greenhouse gas emissions and address the necessity of adaptation to climate change in accordance with national and regional policy. All new



development proposals will be required to include measures that incorporate sustainable building practices in accordance with the following criteria...

### 5.3.2. **Mullingar Local Area Plan 2014-2020 (extended)**

#### Chapter 2 Development Strategy

P-H1 To facilitate residential development in Mullingar in line with its designation as a Linked Gateway Town, as prescribed in the Regional Planning Guidelines and the County Development Plan, and to ensure that this development reflects the character and setting of the existing built form, in terms of structure, pattern, scale, design and materials with adequate provision of open space, and which also protects the amenities of existing dwellings.

P-RD3 To require that new residential development proposals adhere to the urban design principles prescribed in Fig. 2.2.

P-RLD7 To require applications for residential developments over 30 units to demonstrate the provision of an appropriate mix of dwelling types having regard to the following: - The nature of the existing housing stock and existing social mix in the area; - The desirability of providing for mixed communities; - The provision of a range of housing types and tenures; - The need to provide a choice of housing, suitable for all age groups and persons at different stages of the life cycle; - The need to cater for special needs groups

P-RLD8 To require applications for residential developments over 50 units, to demonstrate how the proposed increase in population will be accommodated in terms of education provision.

P-RLD9 To require permeable layouts within housing schemes and connectivity to adjoining areas and amenities

P-POS1 To ensure that the provision of public and private open space for new residential development is of a high standard, overlooked and integral to the overall development. Narrow tracts of land or 'left over areas' will not be included within open space provision.

P-POS2 To require a detailed landscaping plan with all new housing developments by a suitably qualified professional. The landscaping design shall include a survey of the existing natural features on the site.



## Chapter 8 – Framework Plans: Section 8.15 – Mullingar South Framework

Vision - To provide for long term urban expansion to the South of Mullingar and to create a sustainable, distinctive place where the community can benefit from a mix of uses and activities and enjoy a high quality urban and landscape environment.

## Chapter 9 Development Management Standards

### **6.0 Submissions Received**

Irish Water: Connection to the Irish Water networks is feasible. Advised that there is capacity in existing sewer network within Chestnut Drive housing estate and more of the internal network should discharge by gravity to Chestnut Drive with only the low-lying section of lands to be served by on site pumping station which connects to Ballinderry Road.

### **7.0 Forming of the Opinion**

- 7.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the Planning Authority submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

#### **Documentation Submitted by Prospective Applicant**

- 7.2. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.
- 7.3. Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. This statement has been submitted, as required.



- 7.4. The information submitted included the following: cover letter; application form; Planning Report and Statement of Consistency; Design Statement including Housing Quality Assessment; Building Lifecycle Report; Engineering Report; Flood Risk Assessment; Arboricultural Impact Assessment; Landscape Report; Tree Survey Report; AA Screening; NIS; EclA; Traffic and Transport Assessment; DMURS Compliance Statement.
- 7.5. I have reviewed and considered all of the documents and drawings submitted.

### **Planning Authority Submission**

- 7.6. In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Westmeath County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 14<sup>th</sup> June 2021.
- 7.7. Westmeath County Council's written opinion includes a description of the site and proposed development, planning history, record of pre planning meeting, policy considerations, departmental reports, and an assessment of the proposed development. The content of the report is summarised as follows:
- Proposal constrained in providing strong edge to Ballinderry Road due to land ownership – clarity requested.
  - Open Space - residual in many instances. Northern narrow tract; Siting of space to southeast and intention to retain overhead 38kV powerline a concern; Open space to apartments 120-128 a concern.
  - Little variation between individual house types, giving rise to repetitive and bland streetscape, in particular along southeast and southwest. House type C – 2.5 storey projection disproportionate to narrow frontage.
  - Architectural design – more variety in materials and form required; design of gable ends a concern at entrance; balconies should be internalised. Sunlight-daylight assessment required.
  - Creche required.
  - Phasing of New Avenue a concern.



## **8.0 The Consultation Meeting**

- 8.1. A Section 5 Consultation meeting took place via a Conference Call on the 27<sup>th</sup> September 2020, commencing at 10.00 am. 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.
- 8.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Development Strategy – street layout and design; open space strategy; phasing of delivery of avenue
2. Design and Public Realm – character areas; passive surveillance.
3. Residential Amenity
4. Surface Water Management and Flood Risk Assessment
5. Transportation Issues
6. Any Other Business

### **8.2.1. Development Strategy**

In relation to Development Strategy, ABP representatives sought further elaboration/discussion/consideration in relation to the following:

- Boundary with Ballinderry Road – question over ownership of 70m section of road frontage with Ballinderry Road and impact of this on creation of an urban edge; implications on future development potential of this zoned strip of land given layout of the development.
- Elaborate on proposal not to underground the 38kv powerline.
- ‘New Avenue’ Link Street – consideration of its function and horizontal alignment with regard to DMURS and against location of the central open space; Link Street width and design, including cyclepath design options of on street, raised, segregated from road, or on one side only; proposal for chicanes/speed ramps not supported by DMURS; provision for pedestrian crossing selection to be considered; location of verges, parallel car parking and cyclepath; consideration of cyclepath design against



National Cycle Manual and DMURS; footpath missing along section of OS along the link street; link street should be developed up to the boundary of the site to the west.

- Pedestrian link west into neighbouring land and issues of passive surveillance and legibility of this connection in the streetscape. Consideration of context of neighbouring site.
- Open Space Strategy, including location of open space areas; consideration of scale of open space at northern boundary and utilising changes to topography in the location and design of this open space; extent of overlooking onto southeast open space; extent of overlooking on northern side of central open space; opportunity to maximise number of units orientated towards and with direct access to open spaces across the site.
- EclA not undertaken.
- Proposed topographical changes, level of alteration of levels/is development working with the levels, and consideration against levels on neighbouring lands.

#### **8.2.2. Design and Public Realm**

In relation to Design and Public Realm, ABP representatives sought further elaboration/discussion/consideration in relation to the following:

- Character Areas and their further refinement to include different house designs, including potential for full three storey design for duplex units, in place of proposed 2 storey plus dormer/attic level).
- Design of buildings at the entrance into the development should provide for strong active urban edges and a contemporary design.
- Duplexes at southwestern boundary should address the new Link Street.
- Orientation of apartments to the north of the central open space – potential to improve overlooking and activity at this edge, issues of security and safety having regard to public realm, rear garden boundary walls, bin storage area, alley to north side of units.

#### **8.2.3. Residential Amenity**

In relation to Residential Amenity, ABP representatives sought further elaboration/discussion/consideration in relation to the following:



- Sunlight-daylight analysis required in accordance with Building Height Guidelines and Apartment Guidelines.
- Cross section of site to include dwelling 74 to the north on the adjoining site.
- Bin location for duplexes 130-136 and impact on adjoining residential amenity.

#### 8.2.4. **Surface Water Management and Flood Risk Assessment**

In relation to Surface Water Management and Flood Risk, ABP representatives sought further elaboration/discussion/consideration in relation to the following:

- SuDS - examine incorporation of more nature based solutions alongside engineered solutions.
- Have regard to development plan policy, in particular CPO 10.105 Have regard to the “Guidelines for Planning Authorities on the Planning System and Flood Risk Management” (DoEHLG/OPW 2009) and Circular PL2/2014, through the use of the sequential approach and application of the Justification Tests in Development Management; and CPO 10.119 Require that planning applications are accompanied by a comprehensive SUDs assessment that addresses run-off quantity, run-off quality and its impact on the existing habitat and water quality.
- Clarify on drawings where surface water ditch is located.
- Clarify characteristics of the soil on site and infiltration rates.
- Consideration of level changes proposed on ground water.
- Consideration of pluvial flooding in submitted assessment.
- Environmental Considerations – AA to be clear and robust in its assessment.
- IW submission in relation to wastewater.
- Submitted engineering report to elaborate on where wastewater is treated, PE arising, capacity of treatment, and where it discharges to.

#### 8.2.5. **Transportation Issues**

In relation to Transportation, ABP representatives sought further elaboration/discussion/consideration in relation to the following:

- Strategic function of The Avenue and its role under DMURS as a link street.



- CPO16.35 of the development plan and transportation assessments to be submitted with an application.

#### 8.2.6. **Any Other Business**

- EIAR screening required, which should include compliance with article 299B of the regulations.
- Address requirement for a childcare facility.

### 9.0 **Conclusion and Recommendation**

- 9.1. 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.
- 9.2. 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 plans for the area.
- 9.3. 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.
- 9.4. 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.



## 10.0 Recommended Opinion

- 10.1. 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.
- 10.2. 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.
- 10.3. 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. Further consideration/justification of the documents as they relate to the horizontal alignment of proposed Link Street, overall design of the street, and design of cycle infrastructure, against the Design Manual for Urban Road and Streets 2013 (as updated).
  2. Further consideration/justification of the documents in relation to surface water management and in relation to Flood Risk Management, in accordance with the Guidelines for Planning Authorities on the Planning System and Flood Risk Management issued by the Department of the Environment, Heritage and Local Government in November 2009.
  3. Further consideration of the Urban Design Manual – a Best Practice Guide in particular criteria no. 6 Distinctiveness and no. 7 Layout in the design of the proposed dwellings and creation of character areas; overlooking and activation of open spaces; and consideration of connections to adjoining lands to the west.



4. Further consideration of environmental assessments.

10.4. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

10.5. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. Further consideration of Ecological Impact Assessment, habitat, bird and bat surveys, and appropriateness of timing of all surveys, specifically the bird survey.
2. Further consideration and elaboration of the documents as they relate to the risk of flooding, ground conditions including marsh area, location of ditches on the site, in addition to information relating to SUDS, and requirement for additional nature based solutions.
3. A report, including CGIs, visualisations and cross sections as necessary, which further elaborates upon the topography of the site and relationship of all adjoining houses.
4. Sunlight, daylight and overshadowing analysis, having regard to the requirements of BRE209/BS2011, showing an acceptable level of residential amenity for neighbours of the proposed development as well as future occupiers, which includes details on the standards achieved within adjacent properties and their gardens, and within the proposed residential units, and in private and shared open space.
5. A social infrastructure assessment, including childcare audit.
6. Details of the proposed materials and finishes to the scheme. Particular regard should be had to the requirement to provide high quality and sustainable finishes.
7. A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments



(2020). The report should have regard to the long term management and maintenance of the proposed development.

8. A detailed Construction Environmental Management Plan.
9. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018, including its specific planning policy requirements.
10. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.
11. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

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. Minister for Housing, Local Government and Heritage
2. Irish Water
3. Transport Infrastructure Ireland
4. Westmeath County Childcare Committee



**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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Una O'Neill  
Senior Planning Inspector

6<sup>th</sup> October 2021