



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-311039-21

Strategic Housing Development	127 no. residential units (65 no. houses, 62 no. apartments), 283 no. student bedspace accommodation, creche and associated site works.
Location	Cartrontrou, Kilnafaddoge, Lissywollen (townlands), Athlone, Co. Westmeath.
Planning Authority	Westmeath County Council
Prospective Applicant	Avenir Homes Limited
Date of Consultation Meeting	14 th October 2021
Date of Site Inspection	20 th September 2021

Inspector

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 application site is located approx. 1.2km to the northeast of Athlone Town Centre in County Westmeath. The site comprises a stated gross area of 3.9 ha. The lands are greenfield/in agricultural use at present.
- 2.2. The site is bounded to the north, west and east by Blackberry Lane, an existing public road/bohren, and to the south it is bounded by the Old Rail Trail Greenway, an existing pedestrian/cyclist route adjoining an old rail line, which forms a section of the Galway-Dublin National Cycle Network. On the opposite side of Blackberry Lane to the north and west are lands in agricultural use/under grass. Blackberry Lane has permission to be upgraded along the eastern and northern boundary of the site and extended westwards from the northern boundary to serve lands to the west, which are the subject of an SHD permission. No alteration to the lane along the western boundary is proposed. This route, known as Lissywollen Avenue, is the subject of LIHAF funding.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development consists of 127 residential units [65 no. dwelling houses and 62 no. apartments], and 46 student apartments comprising 283 bedspaces
- 3.2. The following details as submitted by the applicant are noted:

Parameter	Site Proposal
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Application Site Area	3.9ha
No. of Units	127 residential units [65 no. dwelling houses and 62 no. apartments in two block], and 3 blocks of Student Accommodation, comprising 46 student apartments, equating to 283 bedspaces
Density	42 u/p/h for the residential component.
Other Uses	Childcare facility
Public Open Space	20% of site area / 7666sqm
Height	2/3 storey houses; 3 student blocks – 4-5; 6-7; 5-6 storeys 2 apartment blocks – 4-5 storeys; 3-6 storeys
Car Parking	179 spaces

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

Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Apartments	16	22			38
Duplexes		14	10		24
Houses			41	24	65
		14	51	24	127
%	13%	28%	40%	19%	100%

4.0 Planning History

The following planning history relates to a site to the west of the application site:

ABP-309513-21 (SHD) – Permission GRANTED for 576 residential dwellings, a new east-west link road and associated works.

5.0 Section 247 Consultation(s) with Planning Authority

It is stated that pre-application consultation meetings took place with the planning authority on 4th May 2021. Issues raised are summarised hereunder:

- Queried if consideration was given to overall layout and urban design proposal in addressing Lissywollen Avenue. Commented that design of the road network should provide cycle/footpath links.
- Advised that in the context of the Urban Design Manual and given proposal on adjacent lands for a significant residential scheme and associated avenue, that a justification regarding urban design and the treatment of the development onto the avenue is required. Reference was also made to pedestrian/cycle linkages – cycle lane and the applicant was advised that enhancements are required in respect of Smarter/Active Travel. The development of pedestrian/cycle linkages onto Greenway are considered to be a positive addition to the scheme.
- Layout considered roads dominated..
- The Senior Engineer encouraged the applicant to further consider the provision of a segregated cycle lane North to South of this scheme.
- Importance of providing connectivity to the adjoining Greenway.
- Importance of footpath and cyclelane linkages with this development and sought clarity on the western side of the development i.e. Blackberry Lane and proposal for same.
- Clarity on connections to Greenway. Nature of Blackberry Lane. Public lighting to Blackberry Lane.
- Surface water techniques.
- Retention of natural existing boundaries.
- Queries connectivity and access links for students to AIT.
- Policy contained within Lissywollen Framework Plan and the need to conduct survey of bats/badger setts.

- Indicate objective(s) in the plan to which a material contravention may be warranted and that this matter be discussed with the Board at tripartite stage, if required.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 - National Planning Framework

A number of key policy objectives are noted as follows:

- National 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.

6.1.2. 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)

The following policy documents are also relevant:

- Dept. of Education and Science ‘Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999’ (1999).
- Dept. of Education and Science ‘Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999.’ (July 2005).

6.2. Regional Policy

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

- The Settlement Strategy for the region designates Athlone as a Regional Growth Centre and aims to promote Athlone’s sustainable and compact growth by setting the town a target population of 30,000 up to 2031

- A key priority is the preparation and adoption of a Joint Urban Area Plan for Athlone by Westmeath and Roscommon County Councils.

6.3. Local Planning Policy

6.3.1. Westmeath County Development Plan 2021-2027

Chapter 2 Core Strategy

- Athlone is targeted to grow by 30% by 2027.
- Athlone is identified as a Regional Growth Centre.
- Table 2.9 Core Strategy – housing yield of 2590.

The following Core Strategy Policy Objectives are noted:

- CPO 2.2 Support the continued growth of Athlone, with a focus on quality of life and securing the investment to fulfil its role as a key Regional Growth Centre and economic driver in the centre of Ireland, with a target population of 30,000 up to 2031.
- CPO 2.3 Prepare a joint statutory Joint Urban Area Plan (UAP) for Athlone with Roscommon County Council in collaboration with EMRA and NWRA.
- CPO 2.4 Promote Athlone as a sustainable transport hub, of national and regional importance and support the preparation of a Joint Transport Plan between Westmeath and Roscommon County Councils in collaboration with transport agencies and key stakeholders to improve sustainable mobility in the town.

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 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.

Chapter 10 Transport Infrastructure and Energy

- CPO 10.8 Prepare in conjunction with Roscommon County Council and relevant agencies, an Area Based Transport Plan for Athlone to facilitate the growth of Athlone as a regional economic driver.
- 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.
- CPO 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...

6.3.2. **Athlone Town Development Plan**

- Lissywollen South area – map based objective for a Local Area Plan.
- Variation 3 to Athlone Town Development Plan incorporated Lissywollen South Framework Plan 2018-2024.

6.3.3. **Lissywollen South Framework Plan 2018-2024**

- Landuse Zoning Objective relating to the plan lands: Proposed Residential.
- Section 3 Development Strategies
- The application lands fall within parcels of land identified as Parcel 2 and Parcel 4.
- Section 4.4 relates to Parcel 2 and residential use.
- Section 4.6 relates to Parcel 4, which is identified as a student quarter.

The following objectives are noted:

- O-LUF1 To protect and supplement existing landscape features of amenity and biodiversity value such as established field boundaries, significant hedgerows and stands of trees, and to incorporate same into the new urban structure.
- O-LUF7 To ensure a continuous frontage and passive supervision over open spaces and green links, in particular, along the Old Rail Trail Greenway.
- O-LUF14 To promote the development of a landmark building within the Student Quarter to denote this important entry point to Athlone.
- O-AM2 To integrate a secondary network of streets with Lissywollen Avenue and the existing street network.
- O-AM5 To provide an integrated and permeable network of streets with high quality pedestrian and cycle networks, maximising linkages within the area, to the Old Rail Trail and to the wider environs.
- O-AM7 To provide for a high quality safe pedestrian and cycle network within the Plan Area with high levels of permeability, passive surveillance and supervision and to ensure that this network will provide attractive, legible and direct links to the Town Centre, AIT, the Regional Sports Centre, Bus Stops and the wider environs.
- O-AM11 To prohibit the siting of rear elevations/gardens onto public open spaces, streets and the N6 national route.
- P2-KS06 To provide a public park along the eastern end of Parcel 2 to serve new residential development, the student quarter and adjoining business district.
- P4-KS01 To support the provision of high-quality, professionally managed and purpose built third-level student accommodation adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area.
- P4-KS03 To provide satisfactory arrangements for the future management of multiple unit developments as an integral part of a scheme planning proposal to ensure that residential amenities are protected in the management of completed developments.

- P4-KS04 To promote Athlone as an international student destination and to support and encourage the provision of necessary infrastructure such as high quality, custom-built and professionally managed student housing.
- P4-KS06 To promote, support and capitalise on the opportunities presented by the major public investment in the development of the National Cycle Network running through the plan area.
- P4-KS07 To facilitate sustainable transport links between the proposed student quarter, AIT campus and the town centre.
- P4-KS08 To provide a landmark building in Parcel 4 to signify entry into the Regional Centre of Athlone for users of the National Greenway.
- P4-KS09 To conduct a survey for bats and badger setts by a suitably qualified ecologist in advance of any development proposal within this parcel

7.0 Submissions Received

Irish Water: No concerns raised.

8.0 Forming of the Opinion

- 8.1. 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

- 8.2. 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.
- 8.3. 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.

- 8.4. The information submitted included the following: cover letter; application form; Planning Statement; Statement of Consistency; Architectural Design Statement including Housing Quality Assessment; Civil Engineering Report; CEMP; MMA; Traffic and Transport Assessment; Sunlight and Shadow Report; Daylight Analysis; Landscape and Visual Impact Assessment; and Childcare Needs Assessment.
- 8.5. I have reviewed and considered all of the documents and drawings submitted.

Planning Authority Submission

- 8.6. 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 2nd September 2021.
- 8.7. 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:
- Proposed development is consistent with national and regional policy.
 - The proposed student accommodation is consistent with RPO 4.6.
 - The development is consistent with the zoning objective for the lands.
 - Proposal complies with the priorities of the Athlone Town Plan and with the guiding principles of Lissywollen South Framework Plan (LSFP).
 - Proposal achieved a suitable density on these lands which is consistent with national guidelines and local policy in relation to density.
 - Building heights of 2-7 storeys area consistent with national guidelines and local policy.
 - Proposed urban form, design approach, and unit mix if welcomed.
 - Apartment Block R2 is considered monolithic.

- Further consideration required of management of student accommodation and compliance with Objective P4-K303 of the LSFP.
- Request for a detailed breakdown and revised site layout which clearly delineates extent of usable and passive open space provision. Objective O-LUF7 of the LSFP requires further consideration.
- Greater distribution of Part V requested.
- Details of waste storage facilities for apartments required.
- Construction Environmental Management Plan required.
- Revisions to surface water management required.
- Transportation division request additional detail in relation to an RSA, Blackberry Lane and Lissywollen Avenue, and internal street design.
- Request review of MMP, in particular in relation to pedestrian/cycle route from student accommodation to AIT via Old Rail Trail.
- Car parking spaces in accordance with Building for Everyone required.
- Engagement with WCC childcare committed required.
- A detail phasing plan should be submitted in relation to residential development component, student accommodation component, and construction and delivery of Lissywollen Avenue.
- Noise assessment required.

9.0 The Consultation Meeting

- 9.1. A Section 5 Consultation meeting took place via a Conference Call on the 14th October 2021, commencing at 14.30 pm. 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.
- 9.2. 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 – context of development to west, southeast, and south; timing and delivery of Lissywollen Avenue; open space strategy.

2. Design and public realm – Lissywollen Avenue; Blackberry Lane; internal street layout and car parking strategy.
3. Residential Amenity - Sunlight Daylight Analysis; photomontages.
4. Transportation.
5. Surface water management and SuDS.
6. Any Other Business.

9.2.1. **Development Strategy**

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

- Context and interaction with development to the west, including east-west linkages and desire lines to the amenities within the permitted development to the west; how the development relates to the permitted development to the west in terms of the overall vision, particularly with regard to the permitted Lissywollen Avenue (as set in the Framework Plan) and how that Avenue is treated in terms of its urban edge when compared against the Framework Plan and the development to the west;
- Further consideration of the treatment of Blackberry Lane (hedgerow removal and houses backing onto it) and its future function; consideration in relation to how proposed development supports objectives of the Framework Plan to maximise linkages to the Old Rail Trail and to the wider environs; how will pedestrians access the Old Rail Trail from Blackberry Lane.
- Rationale in relation to extent of land utilised for student accommodation in Parcel 4 relative to the area shown in the Lissenwollen Framework Plan and clarity in relation to boundary line to the southeast; the Framework Plan envisages Parcel 4 as a distinctive student quarter with its own characteristics and requirements – elaborate on how the student quarter will visually and physically read as a separate quarter with specific management requirements while maintaining an open and permeable environment;
- Documentation should include information and certainty in relation to the timeframe for delivery of the permitted Lissywollen Avenue and the red line boundary of the site should be considered in this regard;

- Objective O-LUF7 is 'To ensure a continuous frontage and passive supervision over open spaces and green links, in particular, along the Old Rail Trail Greenway'. Further consideration of requirement for an 'interactive urban edge' along the Old Rail Trail and any limitations in this regard, including ground levels.
- Clarity/certainty required over location and number of pedestrian connections proposed onto Old Rail Trail, as required by the Framework Plan and in the interests of pedestrian/cyclist permeability and accessibility. Any consents required in this regard should accompany a planning application.
- Clarity on hierarchy, function and usability of open space across the site; how this is managed for students and for families. Main elements of landscape plan should be reflected on the site layout plan.
- Clarity in terms of calculations as to what is usable open space versus a pedestrian/cycle path connecting spaces.
- Ecological Assessment required, including Tree and Hedgerow survey. Clarify potential for impacts on existing tree/hedgerow line along Old Rail Trail, how existing is to be protected particularly during construction, and where are most suitable points for connection onto Old Rail Trail; what vegetation needs to be removed to facilitate this, causing minimal amount of intervention, with construction techniques elaborated upon.

9.2.2. **Design and Public Realm**

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

- Consideration of internal north-south streets and associated dominance of perpendicular parking against design guidance within DMURS.
- Pedestrian links west to Blackerry Lane and issues of passive surveillance and legibility of these connections in the streetscape.
- Legibility of pedestrian links to Lissywollen Avenue to the east.
- Overlooking of Lissywollen Avenue to the northwest.
- Boundary to Old Rail Trail to southwest

- Consideration of passive surveillance of Blackberry lane and addressing of Objective O-AM11 To prohibit the siting of rear elevations/gardens onto public open spaces, streets and the N6 national route.
- Consideration of maintenance/supplementation of existing boundary along Blackberry Lane as an existing amenity (supported by the Framework Plan) in place of its removal.

9.2.3. Residential Amenity

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

- Visual Impact Assessment – consideration of additional/amended viewing points relating to the Old Rail Trail. Photomontages should include views when trees not in leaf.
- Sunlight-daylight analysis required in accordance with Building Height Guidelines and Apartment Guidelines.
- Passive surveillance of Blackberry Lane and connections to Blackberry Lane.
- Tree/hedgerow survey required. Objective of Framework Plan to protect and supplement existing landscape features of amenity and biodiversity value.

9.2.4. Transportation

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

- Compliance with DMURS.
- Clarity in relation to status of Blackberry Lane and agricultural gates at exit onto the greenway.
- Details in relation to timing and delivery of Lissywollen Avenue.
- MMP and clarity in relation to direct connections from student accommodation to AIT via the Old Rail Trail.

9.2.5. Surface Water Management and Flood Risk Assessment

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

- SuDS measures proposed - examine incorporation of more nature based solutions alongside engineered solutions. Consideration of additional SUDS measures including green/blue roofs.
- Development plan policy 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.

9.2.6. **Any Other Business**

- EIAR screening required, which should include compliance with article 299B of the regulations.

10.0 **Conclusion and Recommendation**

- 10.1. 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.
- 10.2. 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.
- 10.3. 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 to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 10.4. I would 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.

11.0 Recommended Opinion

- 11.1. 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.
- 11.2. 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.
- 11.3. 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 public realm, in particular along Blackberry Lane, pedestrian/cyclist access points onto Blackberry Lane, pedestrian/cyclist connections onto the Old Rail Trail, and urban form along Lissywollen Avenue to the north.
 2. Further consideration/justification of the documents as they relate to the internal north-south street alignment and associated parking arrangement, having regard to the Design Manual for Urban Road and Streets 2013 (as updated).

3. Further consideration of the documents in relation to the design and management of the student quarter distinct from the proposed apartments and housing.
4. Further consideration/justification of the documents in relation to surface water management and SUDS measures.

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

11.4. 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. Elaboration on funding, timing and delivery of Lissywollen Avenue and consideration of red line boundary of the development in the context of works proposed to Lissywollen Avenue.
2. Further consideration of the location and number of connections to neighbouring lands to the west, and to the Old Rail Trail to the south, specifically addressing any obstacles to permeable connections between the Student Quarter and AIT via the Old Rail Trail.
3. Appropriate consents for pedestrian/cyclist access points onto the Old Rail Trail from the development and for any improvement to the connection point from Blackberry Lane onto the Old Rail Trail.
4. A report, including CGIs, visualisations and cross sections as necessary, which further elaborates upon the topography of the site adjoining the Old Rail Trail, future connections (including consents for same), and further consideration of location of photomontages along the Old Rail Trail and from existing dwellings to the southwest, with additional photomontages to be submitted with trees not in leaf.

5. Detailed open space strategy, identifying the hierarchy, function and usability of open space across the site and how this is managed for students and for families, and detailed calculations in relation to open space areas.
6. 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.
7. Childcare Audit, having regard to number of units permitted to the west and capacity of permitted childcare facilities taking account of proposed number of 2+ bed units in the proposed development.
8. 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.
9. Details of all boundaries proposed.
10. Detailed tree and hedgerow survey which clearly identifies all trees/hedgerows proposed for removal, and measures to protect those to be retained.
11. Phasing plan in relation to delivery of residential development, student accommodation and Lissywollen Avenue.
12. 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.
13. A detailed Construction Environmental Management Plan.
14. 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 and also consideration of existing guidance in relation to Student Accommodation.

15. 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.
16. 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. National Transport Authority
4. Transport Infrastructure Ireland
5. Coras Iompair Eireann
6. 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.

Una O'Neill
Senior Planning Inspector

18th October 2021