



An
Bord
Pleanála

Inspector's Report

ABP-311455-21

Development	Construction of 6 no. dwellings
Location	Williamstown Stud, Clonee, Co Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	211299
Applicant(s)	Gregory Rice, Angela Rice, Peter Rice and Sheila Rice.
Type of Application	Planning Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Gregory Rice, Angela Rice, Peter Rice and Sheila Rice.
Observer(s)	William Doran for residents of Holsteiner Park.
Date of Site Inspection	5 th May 2022.
Inspector	Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.5ha and forms part of the gated residential development of Holsteiner Park which was constructed on lands within the former Williamstown Stud and is partially completed. It is located c.1.5kms to the south of the village of Clonee and c. 1.3km to the north of the development at Ongar. The R149 runs to the north and west of Holsteiner Park and connects Clonee with Lucan.
- 1.2. All of the houses completed to date have been developed in the northern section of the lands. Access to the development is from the R149 via a secured gate located in the north -eastern corner of the site. The subject site is a greenfield site located to the south of the existing houses and to the rear of No's 4, 5, 6 to the east and No's 23 and 24 to the west. It is a relatively flat, open site which is bisected by a mature hedgerow. To the west and south, the site is bounded by greenfield areas with the residential development of Kribensis Manor further to the south.
- 1.3. A new development of 32 no. houses is under construction on the site adjoining Holsteiner Park to the east. On the occasion of the site visit, there appeared to be landscaping works underway to connect both sites at the south-eastern corner of Holsteiner Park.
- 1.4. Although the site is in close proximity to the developments of Ongar and Hansfield to the south, the surrounding area is rural in nature. The existing development in Holsteiner Park comprise large, two storey detached houses laid out in cul-de-sac format. There are no footpaths or pedestrian/cycling links in the area or along the public road and there is no pedestrian connection to the nearby village of Clonee to the north or to the developments of Ongar/Hansfield to the south. The rural road network is generally narrow and busy, and the site is close to the Meath/Fingal County boundary.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of 6 no. 2 storey, 5-bedroom, detached houses each with a floor area of c. 320m² and 6 no. detached garages of c. 26m².

2.2. Permission would also include the construction of an internal access road, turning circle, landscaping and drainage works.

3.0 **Planning Authority Decision**

3.1. **Decision**

Planning permission was refused by the Planning Authority for one reason, which is outlined below.

1. The proposed development would give rise to additional vehicular, pedestrian and bicycle traffic on a road network which is substandard and deficient in the provision of footpaths, cycle paths, pedestrian crossings and public lighting. The proposed development would be without safe and convenient pedestrian and cycle access to community and social facilities in the nearby town centre of Clonee, as well as to the south of the junction of the L2223 and the R149 linking in with existing developments in Ongar. Therefore, in the absence of definitive provision for the rectification of these deficiencies, the proposed development would be premature, pending the determination by the Planning Authority of a road layout for the area and would endanger public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the Planning Officer dated the 26th day of August 2021 informed the decision of the PA and includes the following,

- Having regard to RES OBJ 6, in the Dunboyne, Clonee, Pace Local Area Plan 2009-2015, which relates to the completion of 3 phases of the registered 'unfinished estate' at Williamstown Stud, the principle of the proposed development on the site is acceptable.

- However, having regard to recent planning history, in particular Reg. Ref. RA190406, (ABP-306533-20), it is considered that planning permission be refused for the development.

3.2.2. Other Technical Reports

- Transportation – Due to the absence of improvement works at the R-149/L-2223 junction, and the proposed footpaths and cyclepaths to connect the proposed development to the local town centres, the proposed development is premature and should be refused.
- Water Services – The development as proposed broadly meets the requirements of Meath County Council Water Services Section with respect to the orderly collection, treatment and disposal of surface water.
- Public Lighting - It is recommended that further information is requested with regard to a public lighting plan.

3.3. Prescribed Bodies

- Department of Housing, Local Government and Heritage – The proposed development is located in an area of high archaeological potential. It is recommended that Archaeological Monitoring be carried out at this site and included as a condition in any grant of permission.
- Irish Water – No objection.

3.4. Third Party Observations

One third party observation was received from William Doran on behalf of various residents of Holsteiner Park. The following issues were raised:

- Inconsistencies regarding ownership and permissions for separate land folios,
- The internal access road is within a different folio to the site and does not appear to have a right of way over it.
- The applicant does not have consent from the owners of the internal road, (i.e. Holsteiner Management Company), to make the application.

- The original parent permission has expired. The development is a stand-alone, piecemeal proposal.
- Recent refusals of permission are relevant to the proposed development.
- The original application included infrastructural works, such as a pedestrian greenway, which was never completed.
- The remaining sites in the development are in separate ownership and will be developed individually with no responsibility for completion of the public areas of the estate.
- Pedestrian connections to and from the development do not exist and there are no safe routes for pedestrians and cyclists along the heavily trafficked, public road.
- The application does not include any drawings in relation to drainage, water, roads and other site works.

4.0 Planning History

There is an extensive planning history for the site and the adjoining sites. The most relevant planning applications and decisions are listed below.

On the subject site:

ABP306533-20, (PA Ref. RA190406) – Planning permission refused by the Board on the 13th July 2020 for the development of 6 no. 2 storey detached dwellings. The site layout plan and house typologies are the same as those proposed in the subject appeal. Permission was refused for the following reason;

1. *The proposed development would give rise to additional vehicular, pedestrian and bicycle traffic on a road network which is substandard and deficient in the provision of footpaths, cycle paths, pedestrian crossings and public lighting. The proposed development would be without safe and convenient pedestrian and cycle access to community and social facilities in the nearby town centre of Clonee, as well as to the south of the junction of the L2223 and the R149 linking in with existing developments in Ongar. Therefore, in the absence of*

definitive provision for the rectification of these deficiencies, the proposed development would be premature, pending the determination by the planning authority of a road layout for the area and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

On the adjoining site to the south-west:

- **ABP310304-21, (PA Ref. 21/422)** – Planning permission refused by the Board on the 23rd day of December 2021 for the construction of 5 no. detached, 2-storey, 5-bedroom houses on a site of 1.14ha within the development known as Holsteiner Park. The development was refused for 2 reasons.
 1. *The proposed development would give rise to additional vehicular, pedestrian and bicycle traffic on a road network which is substandard and deficient in the provision of footpaths, cycle paths, pedestrian crossings and public lighting. The proposed development would be without safe and convenient pedestrian and cycle access to community and social facilities in the nearby town centre of Clonee, as well as to the south of the junction of the L2223 and the R149 linking in with existing developments in Ongar. Therefore, the proposed development would be premature, pending the determination by the planning authority of a road layout for the area and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
 2. *The proposed development for five detached houses on lands which are zoned 'RA' would result in an inappropriate form of low-density development which would not be in accordance with national guidance as set out in the National Planning Framework and the Sustainable Residential Development in Urban Areas Guidelines, (Cities, Towns & Villages), for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in May, 2009, which seek to deliver consolidated development at suitable densities, and with SH POL 2 and SH POL 5 of the Meath County Development Plan 2021-2027. The*

proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- **RA/200895** – Planning permission refused by the PA for development on the adjoining site to the south-west on the 2nd September 2020. The proposed development was for the construction of 5 no. 2 storey detached dwellings with garages and internal access road. The development was refused for 3 reasons.
 1. *The proposed development would give rise to additional vehicular, pedestrian and bicycle traffic on a road network which is substandard and deficient in the provision of footpaths, cycle paths, pedestrian crossings and public lighting. The proposed development would be without safe and convenient pedestrian and cycle access to community and social facilities in the nearby town centre of Clonee, as well as to the south of the junction of the L2223 and the R149 linking in with existing developments in Ongar. Therefore, in the absence of definitive provision for the rectification of these deficiencies, the proposed development would be premature, pending the determination by the Planning Authority of a road layout for the area and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
 2. *It is proposed to provide a temporary construction access to the development via a new vehicular entrance onto the adjacent Regional Road (R149). The applicant has not demonstrated sufficient sightlines of 2.4m x 160m in both directions. The proposed development, as presented, is considered to represent a traffic hazard and is not therefore in the interests of proper planning and sustainable development of the area.*
 3. *The proposed development, by reason of the extent of natural mature boundary removal necessitated in order to achieve appropriate sightlines, is such that it will conflict with Policy NH POL 16 of the Meath County Development Plan, 2013 to 2019, as varied, which seeks to ‘maintain the natural heritage and amenity of the county by promoting the preservation*

and enhancement of native and semi-natural woodlands, groups of trees and individual trees'. The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area.

Relative to the subject site:

- **RA/171334** – Permission granted by the PA on the 17th of January 2017 for the construction of change of house type from 4 to 5 bedroom house together with associated garage and all ancillary works. DA/40501, DA/800769 and DA/130515 relate.
- **DA/130515** – Permission granted by the PA on the 3rd September 2013 for an Extension of Duration of Reg.Ref. DA/800769 for 5 years at Phase 2 of DA/40501 and to proceed with the 32 no. houses etc.
- **DA/800769** – Permission granted by the PA on the 16th of May 2008 for a change of house design for a number of houses within the scheme in the Holsteiner part of the development. This included regard to Reg.Ref. DA/40501 and sought permission to proceed with the construction of the 32no. houses and entrance at phase 2 of this development, and that such a permission would last 5 years from the date of issue.
- **DA/40501** – Parent permission. Permission granted by the PA in 2005 for a Residential Development of 99 no. 4 and 5 bedroom houses on a site of c. 23.67ha approx. comprising 3 no. phases with 3 no. vehicular access points off the Clonsilla, Dunboyne and Lucan roads respectively, to include all associated site development works, infrastructural works, open spaces and landscaping.

Relevant Planning History on adjoining lands;

- **RA/191224** – On the site to the east of Holsteiner Park, permission was granted by the PA on the 17th January 2020 to John Hughes & Angela Rice & Mark Rice for 32 no. 4 & 5 bedroom houses including a new vehicular entrance onto the L2223 (Clonee to Clonsilla Road) and associated footpath and cycle path provision along the L2223, internal access roads and pedestrian and cycling connections to the development permitted under

DA/40501 and DA/800769 and all ancillary site infrastructure works etc. The proposed development also included the provision of a four-arm roundabout at the L2223 (Clonee to Clonsilla Road and the R149 (Lucan Road) Junction to the north of the site with associated pedestrian and cycle infrastructure, along with the provision of road improvement works, pedestrian and cycle infrastructure on the eastern side of the R149 extending northwards towards Clonee, and all associated site works. The decision was subject to 26no. conditions. Condition no. 3 is of note relevant to the current application and is as follows:

- a) *Prior to the commencement of development onsite the applicant shall submit for the written agreement of the PA, detailed designs for the R149/L2223 junction. This shall include, but not limited to, footpaths, cycleways, drainage, public lighting and pedestrian crossings. The applicant shall also submit the detailed design for works required along the R149, including the proposed footpath, cycleway drainage and public lighting, linking the proposed development to the Summerseat residential development.*
- b) *The Applicant shall provide a footpath and cycleway along the R149 and L2223 roadside boundaries.*
- c) *The above works (items a and b) shall be completed in tandem with the completion of the development and phasing of same shall be agreed in writing with the PA prior to the commencement of the development. No more than 12 houses shall be occupied prior to the completion of the above works. Reason: In the interests of public safety.*

Reason: In the interests of public safety.

- **PL17.249404, (PA Ref. RA/170511)** – Permission granted by the PA but subsequently refused by the Board on the 27th March 2018 for 32 houses and associated works. This included a new vehicular entrance onto the L2223 (Clonee to Clonsilla Road) and associated footpath and cycle path, internal access roads and pedestrian and cycling connections to the development permitted under DA/40501 and DA/800769 and all ancillary site infrastructure works etc. This was refused by the Board for 2no. reasons as follows:

1. *Having regard to the fact that the lands that are the subject of the application for development are not zoned for residential development, and that the only basis for permitting residential development on these lands relates to Objective RES OBJ 6 of the Dunboyne/Clonee/Pace Local Area Plan 2009 – 2015, which stated “To facilitate the completion of the three number phases of the registered ‘Unfinished Estate’ residential development at Williamstown Stud as originally permitted under Meath County Council planning register reference DA/40501...”, and having regard to the fact that the proposed development is materially different to the layout authorised by that planning permission, and does not encompass the entire site of that development, it is considered that the proposed development would represent haphazard and uncoordinated residential development which is not justified by any statutory Development Plan zoning or objective and would, therefore, be contrary to the proper planning and development of the area.*
2. *The proposed development would give rise to additional vehicular, pedestrian and bicycle traffic on a road network which is substandard and deficient in the provision of footpaths, cycle paths, pedestrian crossings and public lighting. The proposed development would be without safe and convenient pedestrian and cycle access to community and social facilities in the nearby town centre of Clonee. Therefore, in the absence of definitive provision for the rectification of these deficiencies, the proposed development would be premature pending the determination by the planning authority of a road layout for the area and would endanger public safety by reason of traffic hazard. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.*

5.0 Policy Context

5.1. Meath County Development Plan 2021-2027

- 5.1.1. The site is located within the administrative boundary of Meath County Council. The operative Development Plan for the area is the Meath County Development Plan, (CDP), 2021-2027, which came into effect on the 3rd November 2021.

- 5.1.2. The application was assessed by Meath County Council in accordance with the policies and objectives of the Meath County Development Plan 2013-2019, which was the operative Development Plan at the time.
- 5.1.3. On review of the contents of both plans I note that there are no material changes between the 2013 County Development Plan and the 2021 County Development Plan as they relate to the appeal site and the current proposal. In this regard I consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2021 – 2027 Meath County Development Plan.
- 5.1.4. The following sections of the Meath County Development Plan 2021-2027 are relevant to the proposed development;

Zoning - The subject site is zoned objective RA – ‘Rural Area’, which has the objective, *‘To protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage’*.

Residential use is listed as a permitted use within this zoning.

Chapter 3 – Settlement & Housing Strategy

SH POL 1 – To ensure that all settlements, in as far as practicable, develop in a self-sufficient manner with population growth occurring in tandem with the provision of physical and social infrastructure.

SH POL 2 – To promote the consolidation of existing settlements and the creation of compact urban forms through the utilisation of infill and brownfield lands in preference to edge of centre locations.

SH POL 3 – To support the creation of healthy and sustainable communities that encourages and facilitates walking and cycling and general physical activity through the implementation of best practices in urban design that promotes permeability and interconnecting spaces.

SH POL 5 - To secure a mix of housing types and sizes, including single storey properties, particularly in larger developments to meet the needs of different categories of households.

SH POL 8 - To support the creation of attractive residential developments with a range of housing options and appropriate provision of functional public and private open space that is consistent with the standards and principles set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the associated Urban Design Manual – A Best Practice Guide, DEHLG (2009) and any subsequent Guidelines.

SH POL 9 - To promote higher residential densities in appropriate locations and in particular close to town centres and along public transport corridors, in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

SH POL 10 - To require that applications for residential development take an integrated and balanced approach to movement, place making, and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DTTS and DECLG (2013 and updated in 2019).

SH OBJ 5 - To prepare new local area plans for the following settlements within the lifetime of this Plan: Navan, Dunboyne/Dunboyne North/Clonee, Ashbourne, Kells, Trim, Dunshaughlin, Ratoath, Bettystown-Laytown-Mornington East-Donacarne- Mornington, Oldcastle, Athboy, Duleek, and Stamullen.

11.5.1 – Residential Development

11.5.3 – Density - In general the number of units to be provided on a site should be determined with reference to the Guidelines for Planning Authorities on ‘Sustainable Residential Development in Urban Areas’ (2009) or any update thereof.

DM POL 5 - To promote sustainable development, a range of densities appropriate to the scale of settlement, site location, availability of public transport and community facilities including open space will be encouraged.

DM OBJ 14 – The following densities shall be encouraged when considering planning applications for residential development;

- Smaller Towns and Villages: 25uph - 35 uph
- Outer locations: 15uph – 25uph

11.5.8 – Dwelling Design, Size & Mix

All residential schemes should ensure an appropriate mix of housing typologies and unit sizes to support the provision of a variety of household types and tenures that accord with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).

DM POL 6 - To require that the unit typologies proposed provide a sufficient unit mix which addresses wider demographic and household formation trends.

DM OBJ 22 – The design of any housing scheme shall have regard to the requirement for connectivity between residential areas, community facilities etc. The design of any walkways, lanes of paths connecting housing estates or within housing estates shall be of sufficient width to allow for the safe movement of pedestrians and cyclists. They shall be adequately overlooked and lit and not be excessive in length.

11.5.11 – Public Open Space

Public open space within residential developments should be designed so as to complement the residential layout and be informally supervised by residents. A variety of types and sizes of open spaces should be provided at suitable locations to cater for the active and passive recreational needs of children and adults of all ages.

11.5.13 – Boundary Treatments

DM POL 9 - To support the retention of field boundaries for their ecological/habitat significance, as demonstrated by a suitably qualified professional. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same boundary type will be required.

5.2. Dunboyne Clonee Pace Local Area Plan 2009-2015

The subject site is within the boundary of this LAP, which was amended in March 2015 to insert the following:

RES OBJ 6: *To facilitate the completion of 3 phases of the registered 'unfinished estate' residential development at Williamstown Stud as originally permitted under*

Meath County Council planning register reference number D4/40501. The 99 residential units at Williamstown Stud were included in the 'committed unbuilt units - Rural Houses in table 2.4 and table 2.5 of the core strategy of the Meath County Development Plan 2103 – 2019, as varied. No extension of the duration of any planning permission shall extend beyond the lifetime of the existing County Development Plan, that being 16th December 2018'.

It is also of note that, whilst the subject site and the wider development site at the former Williamstown Stud are within the boundaries of the LAP, they are not included within the zoned land for the LAP.

This LAP has now expired and the Meath County Development Plan 2021-2027 contains an objective to prepare a new LAP for lands at Dunboyne/Dunboyne North/Clonee, (SH OBJ 5).

5.3. National Policy

Project Ireland 2040 - National Planning Framework

The NPF 2040 was adopted on the 29th May 2018 with the overarching policy objective to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside. The NPF sets a target of at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites. It also seeks to tailor the scale and nature of future housing provision to the size and type of settlement.

Chapter 6 – People Homes & Communities

NPO 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.

Section 6.6 - It is envisaged that Ireland's future homes will;

- be located in places that can support sustainable development - places which support growth, innovation and the efficient provision of infrastructure, are accessible to a range of local services, can encourage the use of public transport, walking and cycling, and help tackle climate change;

- still be located in our smaller towns, villages and rural areas, including the countryside, but at an appropriate scale that does not detract from the capacity of our larger towns and cities to deliver homes more sustainably.

5.4. **Sustainable Residential Development in Urban Areas (Guidelines for Planning Authorities), 2009**

The guidelines set out the key planning principles which should be reflected in development plans and local area plans, and which should guide the preparation and assessment of planning applications for residential development in urban areas.

- **Section 5.11** - Outer Suburban / Greenfield sites – The greatest efficiency on these lands would be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities, (involving a variety of housing types where possible), should be encouraged generally.

Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency.

5.5. **Regulation of Commercial Investment in Housing, (Guidelines for Planning Authorities, May 2021).**

Ministerial Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended), seek to address the regulation of commercial institutional investment in certain housing developments.

The Guidelines are relevant in this instance as they relate to residential development that includes 5 or more houses or duplexes that are not specified as 'build to rent' development at planning stage.

They require that planning conditions be attached to restrict new houses and duplexes to first occupation and use by individual purchasers and those eligible for social and affordable housing including cost-rental, in order to ensure an adequate choice and supply of housing.

5.6. Natural Heritage Designations

No designations apply to the subject site.

5.7. EIA Screening

- 5.7.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.7.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 5.7.3. It is proposed to construct 6 detached houses on a greenfield site within a partially finished housing estate. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The subject site has an area of 1.5ha and is located within a greenfield site. The site area is therefore well below the applicable threshold of 20 ha. The site is located to the south of existing housing within a residential estate. The introduction of an additional six houses will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed below and there is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Meath County Council, upon which its effects would be marginal.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are adjacent to existing residential development.
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal include the following:

- The principle of development has been established on the site. The application is a like-for-like replacement of six dwellings which were previously permitted on the site.
- The alternative is to have gaps of agricultural land within an unfinished housing estate, which is contrary to good planning practice.

- There is an extensive planning history on adjoining sites where the PA granted changes of house types to units granted under the parent permission. None of these applications required the delivery of new infrastructure outside of the immediate site.
- It is not equitable now to seek additional infrastructure for 6 units which were previously permitted.
- To require the provision of significant infrastructure outside the site for the provision of six houses is unsustainable and unfeasible.
- The required infrastructure is being delivered under a condition attached to RA 19/1224, which relates to development permitted on the adjoining site to the east.
- One of the applicants is party to the development permitted under RA 19/1224 and as such is under condition to supply the infrastructure.
- It is unfeasible and unreasonable to require the provision of footpaths, cycle paths, pedestrian crossings and public lighting from the site to Clonee within a planning application for 6 houses.

6.2. Planning Authority Response

A response from the PA was received on the 19th October 2021.

- The PA is satisfied that all matters outlined in the submission on the appeal were considered in the course of the assessment of the planning application.
- The proposed development is not considered to be consistent with the proper planning and sustainable development of the area and the decision to refuse permission should be upheld.

6.3. Observations

One observation was received from William Doran on behalf of residents from Holsteiner Park. The following issues were raised in the observation:

- The address of Williamstown Stud is misleading.

- The site is located in the development of Holsteiner Park but the site does not have a right-of-way through Holsteiner Park to access it.
- The access road to the site is within the Management Company land folios which contain no burdens to access in favour of the applicants or the applicant's lands.
- The Mutual Grant of Easements document dated the 1st December 2006 and submitted with the application is not relevant to the subject site as it relates to Folio MH40944F which is located within Kribensis Manor.
- A burden on Folio MH73348F is also not relevant as relates only to a small section of this land which does not adjoin the subject site.
- A letter of consent from the Holsteiner Management Company was not submitted with the application. As such the application did not comply with Article 22 (2) (g) of the Planning and Development Regulations.
- The existing open space is an amenity for children and supports native flora and fauna.
- The original application, (PA Ref. DA40501), related to the development of three phases of development and included pedestrian connections through the site to three separate entrances.
- These connections have not been delivered and the site has been divided up into different ownership with no requirement to deliver the infrastructure.
- The existing proposal is piecemeal development with any remaining development sites sold off individually with no responsibility to finish the public areas of the estate.
- Pedestrian and cycle connections to and from the development are poor and there is no safe access to nearby public transport.
- Boundary treatments to the rear of existing houses are not specified.
- The development would not contribute to a range of house typologies as required by the development plan.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Legal & Procedural Issues
- Principle of Development
- Consistency with Planning Policy
- Amenity & Impact of Development
- Access Permeability & Connectivity
- Appropriate Assessment

7.2. Legal & Procedural Issues

- 7.2.1. A number of issues were raised by third parties to the appeal that relate to the validity of the planning application and whether or not the applicant has sufficient legal interest to access the site for development. I note that the Planning Authority deemed the application to be acceptable under the requirements of Article 22 of the Planning and Development Regulations 2001, (as amended).
- 7.2.2. Within the grounds of appeal, the applicant has submitted documents in relation to rights over the site. The appeal states that the parent land folio for the subject site is MH40944F and by various contracts and agreements the applicants retain, inter alia, a Deed of Mutual Grants of Easements for the entirety of the lands at Williamstown Stud. This is contested by third parties who have submitted documentation asserting that this folio relates to lands in Kribensis Manor and is outside of the subject site.
- 7.2.3. There is a long planning history to the site and the appeal documentation does not contain all documents pertaining to the historical ownership of the site. However, in terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and

decision. Any further consents that may have to be obtained are a subsequent matter and are outside the scope of the planning appeal. In any case this is a matter to be resolved between the parties, having regard to the provisions of S. 34(13) of the Planning and Development Act 2000 (as amended). Furthermore, under Chapter 5.13 of the 'Development Management – Guidelines for Planning Authorities', (DoECLG 2007), it states, inter alia, the following: *'The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...'*

7.3. Principle of Development

- 7.3.1. The subject site is zoned RA - 'Rural Area' and residential use is listed as a permitted use within this zoning subject to the provisions of the Rural Settlement Strategy. However, as the site is also located within a partially completed, residential development, it could also be considered to be an infill site.
- 7.3.2. There is a lengthy planning history to the site and the surrounding lands. Planning permission was originally granted under Ref. DA40501 for development of 99 houses on lands at the former Williamstown Stud, which included the subject site. This development was to be constructed in three phases with three no. vehicular access points from the Clonsilla, Lucan and Dunboyne roads respectively. All applications associated with the original parent permission have now expired. As per the original application, the development site has been divided into three phases.
- 7.3.3. Phase 1 comprises the north-eastern portion of the overall lands, which is now being developed under PA Ref. RA 191224. This will allow for the construction of 32 no. detached, two storey houses with associated infrastructure works to provide footpaths and cycle paths along the public roads at the site boundaries and towards Clonee. This development is currently being advertised as 'The Gallops' at Clonee.
- 7.3.4. Phase 2 comprises the north-western portion of the lands, which has partially been developed as Holsteiner Park. This development was permitted in 2008 under PA Ref. DA/800769 which allowed for the construction of 32 detached houses. This permission was not implemented, and it was extended to 2018 under PA Ref. DA/130515. To date 21 of the 32 houses have been constructed. The current application is for an additional 6 houses in the south-eastern corner of Holsteiner

Park. Planning permission for 5 houses on the adjoining site to the south-west was refused by An Bord Pleanála on the 23rd of December 2021, (ABP-310304-21, PA Ref. 21422).

- 7.3.5. Phase 3 comprises the southern part of the site, which has been substantially developed as Kribensis Manor and comprises 35 houses.
- 7.3.6. Based on the planning history for the site and the surrounding pattern of development, I am satisfied that the principle of residential development on the site has been established and is acceptable.

7.4. Consistency with Planning Policy

- 7.4.1. Since the original planning permission was granted for the wider site in 2005, (PA Ref. DA/40501) and in 2008, (PA Ref. DA/800769), national and local policy has evolved with a sharper focus on consolidating development in existing settlements and increasing density. The subject site is at odds with current planning policy as it is a greenfield site located within an unfinished, low-density housing estate and forms part of a legacy development that was permitted under a previous development plan.
- 7.4.2. Section 11.5.3 of the CDP states that a density of 15-25 units per hectare shall be encouraged in 'outer areas'. However, cognisance should also be had to the prevailing scale and pattern of development in the locality. The subject proposal would yield a low-density development of approximately 4 units per hectare, which is located on the outskirts of existing settlements with poor connections to public transport. This is not in accordance with Development Plan policy SH POL 2, which seeks to promote the consolidation of existing settlements and the creation of compact urban form through the utilisation of infill and brownfield lands in preference to edge of centre locations.
- 7.4.3. The development for six large, detached houses would not contribute to a mix of unit typologies for the wider estate and would instead provide more of the same large-scale housing. This is contrary to Development Plan policy SH POL 5 which requires a mix of unit types and also with national policy contained in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, which

promotes the delivery of accommodation that caters for a diverse range of household types and age groups.

- 7.4.4. Whilst the lands around the site are rural in character, the development is on the outskirts of the urban developments of Hansfield and Ongar and is just 1.5km from the village of Clonee. Hansfield train station is approximately 2.5km from the entrance to the site but at the moment there is no safe way to get there by walking or cycling as there are no connections to adjoining settlements. This unsafe environment necessitates the use of car-based travel to and from the site.
- 7.4.5. Whilst I accept that the subject proposal reflects the existing pattern of development within the housing estate and would provide a similar style of housing, the provision of a low-density development of a singular housing typology is not in keeping with national policy or the policies and objectives of the Meath County Development Plan.

7.5. Amenity & Impact of Development

- 7.5.1. I am satisfied that the proposed dwellings would provide a sufficient level of residential amenity for future residents. Each of the proposed houses would have a gross floor area of c. 320m² with large gardens and off-street parking for two cars. All of the houses would meet and exceed the Development Plan standards as set out in Section 11.5 in terms of size, layout and private open space. The houses would be centrally positioned on large sites with separation distances between opposing dwellings that range from 23m to 47m. All habitable rooms would have natural light and ventilation and by virtue of their orientation and design, each of the houses would receive adequate levels of daylight and sunlight.
- 7.5.2. In terms of impact on existing residential development, I am satisfied that the separation distances between dwellings would be sufficient to mitigate against any overlooking or overshadowing. Drawings show that a boundary wall of 1.8m in height would be constructed along the rear boundary of existing houses.
- 7.5.3. A third-party observation noted that the public open space and public realm for the development had not been completed in accordance with the planning permission for the development. Under the original permission the public open space would have been provided along the southern boundary of Holsteiner Park. This has not been

developed and there is currently no formal open space for the development. On the occasion of the site visit, I observed that some landscaping had been carried out at the site boundary of Holsteiner Park and the adjoining site to the east. Some trees had been planted on both sides of the boundary where pedestrian and cycle path would connect both developments. However, I note that this area and the lands designated as open space is outside of the blue lines for the subject development and for the development of the adjoining site. Therefore, it is unclear as to when and how the public space will be delivered or who is responsible for their completion.

7.5.4. The development would also require the removal of an existing mature hedgerow which bisects the site. The line of the hedgerow roughly corresponds with the southern site boundary to House No's 9 and 25. Application drawings show that the new boundary will be formed by a 1.8m high wall which could be clad in natural stone. DM POL 9 of the Development Plan supports the retention of field boundaries for their ecological/habitat significance and, where the removal of a hedgerow is unavoidable, mitigation by provision of the same boundary type will be required. It is acknowledged that it may not be possible to retain the hedgerow during the construction phase. However, if planning permission is granted for the development, I recommend that a condition be attached that requires either the retention of the existing mature hedgerow or its replacement with a hedgerow comprising native species.

7.5.5. The Regulation of Commercial Investment in Housing, (Guidelines for Planning Authorities, May 2021), were issued under Section 28 of the Planning and Development Act 2000 (as amended) and seek to address the regulation of commercial institutional investment in certain housing developments. The proposed development falls within the scope of the Guidelines as it includes *'5 or more houses or duplexes that are not specified as 'build to rent' development at planning stage'*. Should permission be granted for the development, I recommend that a planning condition be attached to restrict the new houses and duplex units to first occupation and use by individual purchasers and those eligible for social and affordable housing, including cost rental.

7.6. Access, Permeability & Connectivity

- 7.6.1. The main reason for the PA's decision to refuse permission for the development states that the proposal would give rise to additional vehicular, pedestrian and bicycle traffic on a substandard road network which is deficient in dedicated pedestrian and cycle infrastructure and that there is a lack of connections between the site and the nearby settlements.
- 7.6.2. In the grounds of appeal, the applicant has argued that it is not equitable to require the delivery of infrastructure outside of the site for 6 houses. The applicant is the same for the subject site and for the adjoining site to the east, which is currently under construction and will include improvements to the local road network and pedestrian and cycle facilities.
- 7.6.3. Under the permission for the adjoining site, (RA/191224), a pedestrian footpath and cycle path will be constructed along the public road to the north-east of the entrance to Holsteiner Park. Works to deliver this infrastructure have not yet commenced but they will provide a safer pedestrian and cycle connection from 'The Gallops' development, to the neighbouring developments to the north and east, i.e. Summerseat and Clonee. Although pedestrian and cycle facilities will be improved to the north-east of the Holsteiner Park development, there will be no changes to the west and south of the site.
- 7.6.4. As observed on the occasion of the site visit, some landscaping works seemed to be underway at the boundary between Holsteiner Park and the site currently under development to the east. This could result in the delivery of the cycle and pedestrian route through all three phases of development as originally permitted. A pedestrian and cycle connection would provide permeability through the sites between the L2223 and the R149 at the entrance to Kribensis Manor. However, the current application makes no reference as to how the public open space or connection will be delivered.
- 7.6.5. A decision is pending on an appeal for development on the adjoining site to the east, ABP- 310970, (PA Ref. RA/ 21/934). The grounds of appeal for the subject appeal state that one of the applicants for the subject development is also an applicant for the development on the adjoining site. However, I note that the public open space for Holsteiner Park is not within the blue line for either application. Therefore, it is

unclear as to who has direct responsibility for the delivery of the open space along with the pedestrian and cycle path through it.

- 7.6.6. I acknowledge that connections to and from the site are poor but would be somewhat improved by the infrastructure to be delivered under RA/191224. However, this would still result in a poorly connected residential development in a rural area that would rely heavily on car-based transport. I would agree with the conclusion of the PA that the proposed development would give rise to additional movements to and from the site on a road network that is deficient in pedestrian and cycle facilities and public lighting and that this would lead to a reliance on car-based travel and unsustainable travel patterns.

7.7. Appropriate Assessment

- 7.7.1. A Stage 1 Screening report does not accompany the application. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.
- 7.7.2. The proposed development is for six detached houses with associated works and access road on a greenfield site. The development would be connected to the mains water and waste-water infrastructure.
- 7.7.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

- 7.7.4. The closest Natura 2000 site is the Rye Water Valley/Carton SAC, (Site code 001398), which is c. 4.3km to the south-west of the site as-the-crow-flies. The Qualifying Interests of this SAC are;
- Petrifying springs with tufa formation (Cratoneurion) [7220]
 - Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]
 - Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]
- 7.7.5. The Conservation Objectives for the SAC are to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
- 7.7.6. There is no direct hydrological connection between the subject site and the nearest designated site and they are at some remove from each other overland. All of the relevant information has been reviewed and it is evident that the proposed development would not be likely to have significant effects on any European site, either individually or in combination with any other plan or project.
- 7.7.7. Having reviewed the documents and submissions and having regard to the nature and scale of the proposed development and the location of the site in a greenfield site with no direct or indirect connection via a pathway to a European site, I am satisfied that no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused for the proposed development.

9.0 Reasons and Considerations

1. The proposed development would give rise to additional vehicular, pedestrian and bicycle traffic on a road network which is substandard and deficient in the provision of footpaths, cycle paths, pedestrian crossings and public lighting. The proposed development would be without safe and convenient pedestrian and cycle access to community and social facilities in the nearby town centre

of Clonee, as well as to the south of the junction of the L2223 and the R149 linking in with existing developments in Ongar. Therefore, the proposed development would be premature, pending the determination by the planning authority of a road layout for the area and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development for six detached houses would result in an inappropriate form of low-density development which would not be in accordance with national guidance as set out in the National Planning Framework and the Sustainable Residential Development in Urban Areas Guidelines, (Cities, Towns & Villages) for Planning Authorities issued by the Department of the Environment, heritage and Local Government in May 2009, which seeks to deliver consolidated development at suitable densities, and with SH POL 2 and SH POL 5 of the Meath County Development Plan 2021-2027. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Elaine Sullivan
Planning Inspector

12th May 2022