



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-312246-21

Strategic Housing Development	694 no. residential units (418 no. houses, 276 no. apartments), creche and associated site works.
Location	In the townlands of Baltrasna and Milltown, Ashbourne, Co. Meath.
Planning Authority	Meath County Council
Prospective Applicant	Arnub Ltd. & Aspect Homes (ADC) Ltd
Date of Consultation Meeting	10 th of May 2022
Date of Site Inspection	31 st of March 2022.
Inspector	Karen Hamilton

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1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1. The site (c. 20.04ha) is located to the southeast of Asbourne Town, Co. Meath. The site comprises of greenfield lands and c. 4 no dwellings are scattered throughout the site. The site is accessed from Cherry Lane, along the north of the site, and is located to the west of the Dublin Road.
- 2.2. The residential estate of Alderbrook Rise, Downs & Heath are located to the north of the site, whilst the residential estate of Cherry Court and The Briars are located along the east, adjoining the Dublin Road.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of demolition of all structures on the site (3 no. single storey dwellings and associated outbuildings) and the construction of 694 no. residential dwellings, 2 no. creches and 6 no. commercial units and associated works.
- 3.2. Access to the development will be by via:
 - (i) Cherry Lane to the north-east, off the R135 Dublin Road, via a new proposed internal access road and;
 - (ii) Hickey's Lane to the east, off the R135 Dublin Road, including pedestrian and cycle paths.

3.3. Development Parameters

Parameter	Description
Area	c. 20.04ha
School reservation	c. 1ha
Unit	694 no. units
Density	38 uph
Creche	2 no. in Blocks A and A1 (296m ² and 56m ²)
Retail/ commercial	4 no. in Block A1 2 no. commercial/retail units – 185.65 m ² , & 119.35m ² ; GP / medical suite – 186.48m ² .
Public Open Space	c.2.98ha
Communal Open Space	c. 3,410m ²
Car parking	1,245 no. car parking spaces (undercroft, basement and surface)
Bicycle parking	854 no spaces.

3.4. Phasing Proposal

Phase	Description
Phase 1 - Northern Parcel (c. 125 units)	<ul style="list-style-type: none"> Northern edge of the development and the interface with the Dublin Road. The delivery the first section of the green link and the norther edge of the green spine. Block A at the front of the site and its associated crèche, 2 no. commercial/retail units and café.
Phase 2- Central and Western Parcel (c. 290 units)	<ul style="list-style-type: none"> Completion of the green linkage, Construction of apartments and retail units facing associated with the local centre

	<ul style="list-style-type: none"> • 2-3 storey housing to the southwest of the site. • Block A1 including its crèche, 2 no. commercial/retail units and GP / medical suite. • Playing pitch.
Phase 3 - South-east Parcel (c. 280 units)	<ul style="list-style-type: none"> • Apartments to the south of the local centre (Block B1) and the lower density housing to the south-east of the site. • Connection into Hickeys Lane to the east

4.0 Planning History

PL17. 243223 (Reg Ref DA/140010)

Permission refused in 2014 for the demolition of a house, permission with a life of 10 years for construction of 188 no. dwellings, creche, new entrances and all associated site works. The application related to the southern section of the site, with access off Hickeys Lane.

1. The site is zoned residential phase II (post 2019) under the Meath County Development Plan 2013-2019, as varied in May 2014. Under policy SP1(ii) for Ashbourne, such lands will not be available for residential development within the life of this Development Plan. It is considered, therefore, that the proposed development would be contrary to the zoning of the site and to the provisions set out in the said Development Plan and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the 'Sustainable Residential Development in Urban Areas' Planning Guidelines, issued by the Department of the Environment, Heritage and Local Government in May, 2009 and its accompanying design guide, it is considered that the proposed development would not achieve a proper standard of urban design due to the low density of development; the preponderance of semidetached houses; the failure to differentiate the various parts of the housing estate by providing a suitable sense of enclosure for the open spaces and cul-de-sacs or by articulating the streetscape along the main

route through the site; and due to the visual impact of the car parking spaces in small front gardens and the likely haphazard parking on footpaths and other spaces due to the absence of identifiable visitor parking in certain parts of the scheme. The widths of the proposed roads and the radii of the junctions between them would contravene the standards set out in the 'Design Manual for Urban Roads and Streets' issued by the Department of Transport, Board Direction Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 which provide the applicable guidance on the matter, as would the proposed roundabout within the housing estate, all of which would tend to facilitate inappropriate vehicular speeds and movements within the scheme at the expense of pedestrians. The proposed development fails to comply with the guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the submissions made in connection with the planning application and appeal, and in the absence of agreements with the planning authority, the Board is not satisfied that the application has been made by a person who has-

- (a) sufficient legal estate or interest in the land the subject of the application to provide an adequate roads access along Hickey's Lane to serve the proposed development.

In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of permission for the development the subject of the application.

Note: The provision of an agreed Framework Plan to include the subject lands and the zoned lands to the north should be addressed by the Planning Authority as a matter of priority to release the potential of the development lands in the area in a sustainable and comprehensive manner.

5.0 Relevant Planning Policy

5.1. Meath County Council Development Plan 2021 - 2027.

- Lands currently zoned A2 & G1

- Ashbourne designated as a Self-Sustaining growth town.

Zoning

The site is located on lands zoned as A2, New Residential, where it is an objective to “provide for new residential communities with ancillary community facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy”.

Part of the lands are zoned as GI- Community Infrastructure, where it is an objective “To provide for necessary community, social, and educational facilities”.

Masterplan

Objective ‘ASH OBJ 2’ of the CDP states that it is an objective of the Council to: “To facilitate the development of lands at Milltown identified as ‘MP8’ [sic] on the Land Use Zoning Map, subject to the preparation of a Master Plan”.

Masterplan 18

Master Plan 18 relates to the lands at Milltown to the south of Ashbourne and has an area of c.19.9 hectares. It is intended that these lands shall provide a primary school site, lands for recreational uses, including playing fields, and lands for residential development. The development of the lands shall be on a phased basis to be agreed as part of the preparation of the Master Plan.

6.0 Section 247 Consultation(s) with Planning Authority

6.1. On S247 meeting was held on the 01st of December 2022 and the PA submission includes a record of the meeting. The issues raised are summarised below:

- Key issues will be the delivery of the east/west link road to serve the development.
- The density of 38 uph is appropriate for a self-sustaining growth town.
- DMURS will need addressed.
- Traffic and Transport Assessment will be required.
- Concerns in relation to only one vehicular access.

- Land adjacent to the proposed school site should make provision of footpaths etc.
- Compliance with zoning objectives
- EIA requirement
- Open space requirements
- Masterplan to be agreed with Phasing determined
- Location of creche at the front of the site.
- Use of playing pitch for the community benefit.
- Housing Quality Analysis required.
- Water service details required including infiltration and water tables.
- Ditches should be retained where possible.

7.0 Prospective Applicant's Case

Statement of Consistency

- 7.1. The applicant's Statement of Consistency notes the national, regional and local planning polices relevant to the development of the site.

8.0 Planning Authority Submission

- 8.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Meath County Council, submitted their opinions in relation to the proposal on the 24th of January 2022. The opinion noted the S. 247 meetings in relation to the proposed SHD development, the planning history on the site and surrounding area, and the policy background. This opinion has been summarised below:

8.1.1. Principle of development

- The principle of development accords with the zoning
- The development plan requires the submission of a masterplan MP 1.

- The applicant has not submitted an agreed masterplan to date, and the PA is available to discuss and progress the masterplan.

8.2. Density

- The proposed density is 39 units per ha.
- The proposed density can only be considered acceptable if the individual merits of the scheme are also positive.

8.3. Urban Design, Layout, Phasing

- There is no objection to the overall mix proposed.
- The applicant is directed to the 12 criteria in the Urban Design Manual.
- The proposed layout provides permeability and is considered acceptable.
- The phasing plan is considered acceptable and the creche should be completed mid-way through the development.

8.4. Residential Amenity

- The Board should be satisfied that adequate separation distances are provided.
- The applicant shall have regard to the BRE and BS guidelines in their assessment.
- The design and internal layout of the units is generally satisfactory.
- The impact on the neighbouring properties should be assessed.

8.5. Open space, Landscaping & Boundary Treatment

- The quantum of open space has been included and landscaping plans have been prepared.
- The retention of hedgerows is encouraged.
- DM OBJ 28 includes details for boundary treatment.
- The hard and soft landscaping proposals are generally acceptable.

8.6. Traffic Impact, Access and Parking

- The masterplan should include a coherent phasing strategy for the different stages of the development.

- The upgrade of Hickeys Lane should facilitate pedestrian and cycle access.
- The applicant should ensure third party lands can be fully accessed.
- The applicant should clarify access proposals to the northern access points and access across home zones should be avoided.
- The proposal should include the control and management of the access onto Hickeys Lane with the traffic encouraged to use the main signalised junction.
- Traffic signal arrangements at Cherry Lane should be submitted.
- The proposal should include a junction for Hickeys Lane with the Dublin Road and Rathoath Road.
- Low growth rates have been applied instead of the central growth rate.
- Additional information is required in relation to the Traffic Assessment, e.g. junction capacity of Junction 1 and Junction 2 to account for the corrected AM peak trip rates, revised layout of the Cherry Lane / R135 Dublin Road junction
- Submission of a Design Stage Traffic Management Plan.
- Submission of a Stage 1 Road Safety Audit.
- Submission of a Quality Audit that consists of an audit of walking facilities, cycling facilities and visual / mobility impaired accessibility facilities.
- The Applicant is requested to address the following:
 - A long cul-de-sac is being formed along Road 24 north-west to the development with no provision of turning heads which could lead to extensive reversing movements in particular by refuse vehicles.

As per the overall road layout drawing (Drawing no: 200059-DBFL-RD-SP-DRC-12XX) the footpath along the Road 22 north west of the development should be extended.
- The Applicant should provide details, in line with the National Cycle Manual, traffic calming measures, crossing facilities.
- Submission of a swept path analysis.
- Clarity on the bicycle parking standards.

- Submission of sightline analysis of all access junctions.
- Submission of a taking in charge policy.
- Submission of a Mobility Management Plan.

9.0 Irish Water

9.1. The Irish Water Submission dated the 19th of January 2022 noted the applicants request to enter into consultation and the following issues were raised:

9.2. In respect of Water:

- There is sufficient capacity in the existing Water Treatment Plant to facilitate the proposed development.
- In order to connect the proposed development, a connection should be made to the new main in the Dublin Rd at the entrance to the development.
- Minimum connection size 180mmID and this size pipe should continue into the development to act as a spine main.

9.3. In respect of Wastewater:

- There is sufficient capacity in the existing Wastewater Treatment Plant to facilitate the proposed development.
- The existing Pump Stations at Ashbourne and Kilbride would require some upgrade works regarding installation of new flow meters, storm overflow storage facilities and telemetry.
- Irish Water do not have plans to upgrade these pump stations.
- A study and investigation of the pump station to determine the upgrades would be required. In addition, a 570m wastewater network extension is required.

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 10th of May 2022, commencing at 14:00, via Microsoft Teams. Representatives of the prospective applicant, Meath County Council and An Bord Pleanála were in

attendance. An agenda was issued by An Bord Pleanála prior to the meeting as detailed below:

1. Masterplan and overall Phasing Strategy, *inter alia*, location of services, school site
2. Design and Layout, *inter alia*, landscape strategy, permeability, urban design and treatment along key routes
3. Impact on Residential Amenity
4. Traffic and Transport
5. Drainage, *inter alia*, Irish Water
6. Any Other Business

10.2. In relation to the **Masterplan and Phasing Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The requirement for a masterplan, the documentation submitted to the Board and the proposed phasing and delivery of infrastructure and services.
- The G1 zoned lands within the masterplan area, the location of the school and the details of interaction with the Department of Education.

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

- The density proposed at 38 uph.
- The location of the surface car parks at key nodes along the link road.
- The urban design approach along the main link road and the Dublin Road.
- The level of detail in the documentation and the visual impact of the proposed development.
- The location of the public open space areas along the southwest and the need for passive surveillance and useable, function spaces.
- The overall design and layout and the need to comply with DMURS and the Urban Design Manual.
- The topography of the site and the need for existing and proposed cross sections.

10.4. In relation to the **Impact on the Residential Amenity** An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The boundary treatments proposed.
- The location of the existing dwellings and the separation distances.

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

- The location of the creche and the proposed drop off area.
- The design and capacity of the link road (east to west).
- The design of the cycle lanes and need to comply with the National Cycle Manual.
- The inclusion of all works with the red line, including the traffic signalised junction along the Dublin Road.
- The proposed works along Hickeys Lane.

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

- The Irish Water upgrades and works required to upgrade the water and wastewater infrastructure.

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

- Part V proposals.

11.0 **Assessment**

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had

regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

Conclusion

I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: **constitutes a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

12.1. Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following **specific information** should be submitted with any application for permission:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:

- a) A detailed phasing and delivery plan, including timing and delivery of the works to on the site, the surrounding area and the overall roll out of lands within the defined masterplan area. The phasing and masterplan documentation should include justification and/or compliance with any required commercial/ residential mix for the site, phasing and delivery of the infrastructure.
 - b) Further consideration/ and or justification for the density proposed having regard to the location of the site within Asbourne, the Core Strategy allocation and requirement for compliance with the national guidance “Sustainable Residential Developments in Urban Areas”. In this regard, the documentation shall clearly indicate the efficient use of residential zoned lands within a growth town.
 - c) Provide further justification for the design and layout of all public open space areas. This further justification should address, *inter alia*, the location of the public open space, the need for passive surveillance and appropriate functionality of space.
2. In relation to access and transportation, the following information should be submitted:
- a) Full plans and particulars of all road upgrades required for the proposed development including, *inter alia*, the signalised junction at the interchange of the new east west link road with the Dublin Road.
 - b) A Travel Plan / Mobility Management Plan and a statement describing how the proposed development will contribute to sustainable travel patterns and a reduced dependency on the private car.
 - c) A report demonstrating compliance with the applicable standards set out in DMURS and the National Cycle Manual, including sections 1.9 and 4.9 of the cycle manual.
 - d) A Quality Audit in accordance with Annex 4 of the Design Manual for Urban Roads and Streets (DMURS) which shall include as a minimum a Street Design Audit, Road Safety Audits and Pedestrian and Cycling Audits.

- e) A report addressing other matters raised in the report of the Meath County Council Transportation Planning Section.
3. Submission of a visual impact assessment that comprises a photomontage report with key viewpoints from locations around the vicinity of the site and including, inter alia, adjoining Dublin Road and existing residential development.
4. Submission of Part V proposals.
5. Submission of all boundary treatments.
6. Submission of cross-section drawings through the site clearly illustrating the existing topography and any changes proposed. In this regard, the applicant shall ensure the existing dwellings adjoining the site are highlighted.
7. Submission of a Sunlight/Daylight/Overshadowing analysis including all relevant plans/ documentation showing an acceptable level of residential amenity, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
8. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such a statement should have regard to the development plan in place at the time of the application and that likely to be in place at the date of the decision of the Board in respect of the application.
9. 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

12.2. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application

arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Department of Education and Skills
5. The relevant 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.

Karen Hamilton
Senior Planning Inspector

17th of May 2022.