

An
Bord
Pleanála

Board Order
ABP-321753-25

Planning and Development Acts 2000 to 2022

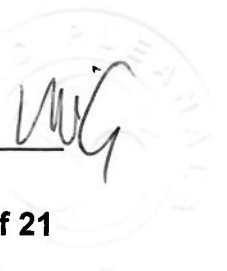
Planning Authority: Meath County Council

Planning Register Reference Number: 2460487

Appeal by Gillian Toole of Curkeen, Ratoath, County Meath and by Ciaran Buckley of Ballybin, Ashbourne, County Meath against the decision made on the 18th day of December 2024 by Meath County Council to grant, subject to conditions, a permission to Marshall Yards Development Company Limited care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The proposed development principally consists of the demolition of two number dwellings (594 square metres gross floor area combined) and one number agricultural shed (988.7 square metres gross floor area) and the construction of 141 number residential dwellings with a gross floor area of 12,428 square metres in buildings of two number and three number storeys. The dwellings include 117 number houses (57 number two-bed, 52 number three-bed, seven number four-bed and one number five-bed) and 24 number maisonette/duplex units (18 number one-bed and six number three-bed). The development also proposes a reconfiguration of the road layout at the south (Main Street/R125 and Jamestown Road/L1016) and east (Ballybin Road) of the site. Specifically, it is proposed to demolish/remove the

existing 5-arm roundabout and to replace same with a new four-arm signalised junction and reconfigured access to the existing Ratoath Childcare site. The new junction arrangement will facilitate a proposed realignment of the southern section of the existing Ballybin Road (approximately 172 metres) as the northern arm of the new signalised junction and a revised entrance for the existing dwelling to the north-east of the site at Ballybin Road (known as 'Fox Lodge Farm', Eircode A84 KF97). The proposed road infrastructure works also include: road markings, traffic signals, traffic signage, footpaths and cycle infrastructure. The development also proposes: two number new multi-modal accesses onto the proposed realigned Ballybin Road to serve the bisected residential site; two number pedestrian accesses onto Main Street/R125 and one number pedestrian, all at a site with a total area of 5.48 hectares principally located at Main Street/R125 and Ballybin Road, Ratoath, Co. Meath. The total site contains a proposed residential development site with an area of 3.66 hectares (bisected by a proposed realigned Ballybin Road) and a proposed infrastructural development site with an area of 1.82 hectares (principally for road and related works, water services and open space amalgamation). The site is generally bound by: Fox Lodge Woods and Fox Lodge Manor to the west and north; existing agricultural lands and residential development to the north and east; existing Ballybin Road and Moulden Bridge to the east; and Main Street/R125 and Jamestown Road/L1016 to the south. The site also incorporates parts of: the existing Ballybin Road (north and west of Moulden Bridge), Main Street/R125, Jamestown Road/L1016 and green open space in Fox Lodge Manor. The proposed development was revised by further public notices received by the planning authority on the 1st day of October 2024, including a Natura Impact Statement and a revised proposal of 130 number dwellings and the inclusion of a childcare facility.



Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the provisions, objectives and policies of the Meath County Development Plan 2021-2027,
- (b) The zoning objective A2 – New Residential - with an objective ‘To provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy,’
- (c) Housing for All issued by the Department of Housing, Local Government and Heritage, 2021,
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development and Compact Settlements, issued by the Department of Housing, Local Government and Heritage in January 2024,
- (e) Childcare Facilities Guidelines for Planning Authorities, Department of Housing and Local Government, 2001,
- (f) Design Manual for Urban Roads and Streets (DMURS) 2019 as updated,

- (g) The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009),
- (h) Permeability Best Practice Guide – National Transport Authority,
- (i) Consistency with The Climate Action Plan 2024 and 2025,
- (j) National Biodiversity Action Plan 2023-2030,
- (k) the availability in the area of a wide range of social, community and transport infrastructure necessary to serve this development,
- (l) the pattern of existing and permitted development in the area,
- (m) the submissions and observations received, and
- (n) the report and recommendation of the Planning Inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development as revised would constitute an acceptable scale and density of development at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board considered the Natura Impact Statement submitted with further information, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board



agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Malahide Estuary Special Area of Conservation (Site Code 000205), Malahide Estuary Special Protection Area (Site Code 004025), and the North-West Irish Sea Special Protection Area (Site Code 004236) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites' and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out a Stage 2 Appropriate Assessment of the implications of the proposed development on the Malahide Estuary Special Area of Conservation (Site Code 000205), Malahide Estuary Special Protection Area (Site Code 004025), and the North-West Irish Sea Special Protection Area (Site Code 004236) in view of these sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Site,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned



European Sites. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of these European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment (EIA):

The Board completed an Environmental Impact Screening assessment of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations, 2001 (as amended), and identifies and describes adequately the effects of the proposed development on the environment, having regard to:

- (a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended;
- (b) the nature and scale of the proposed development, which is below the threshold in respect of subsection (1)(a)(iii) of section 50 of the Roads Act, 1993, as amended;
- (c) the existing use on the site and pattern of development in surrounding area;
- (d) the availability of mains water and wastewater services to serve the proposed development;
- (e) the location of the development outside of any sensitive lands;



- (f) 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);
- (g) the criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001 as amended; and
- (h) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment.

The Board, therefore, considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that the proposed development, as revised by the details submitted to the planning authority on the 17th of October 2024, and subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would ensure the appropriate redevelopment of a greenfield site for residential development in an area with demand for such accommodation, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian/ cyclist and vehicular safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by a further information response made to Meath County Council on the 17th day of October 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The number of residential units permitted by this grant of permission is 130 in total, in addition to a childcare facility, upgraded local road network/ junction improvements and all associated site works.

Reason: In the interest of clarity.

3. The mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Screening Report and the Natura Impact Statement submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

4. The mitigation and monitoring measures outlined within the Ecological Impact Assessment (EclA) and Arborist Report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment.

5. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.
- (b) The first phase shall consist of not more than 74 dwelling units and shall include the construction, to operation standard, of the childcare facility, together with all associated site development works. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.
- (c) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

6. Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted with the application as revised, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

7. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant section of the local authority for such works and services.
- (b) Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.
- (c) Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

8. The developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.



9. Details of the upgrade works to the public road network shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. These works include road realignment, revised road geometry, footpath/ cycle path provision, crossing provision, bus stop relocation, junction provision, signalisation of the former roundabout junction, signage and lining and conversion of the proposed redundant section of the Ballybin Road to a cycle/ pedestrian greenway.

Reason: In the interest of proper road infrastructure provision.

10. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS, 2019).
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

11. All roads, cycleways and footpath shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended. These areas shall be shown in a revised taking in charge drawing which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of permeability and proper planning and sustainable development.

12. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the site area. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

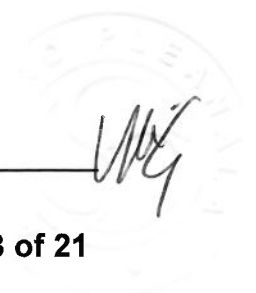
13. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground.

Reason: In the interest of visual and residential amenity.



14. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.



15. (a) All rear gardens shall be bounded by brick/ concrete block walls, or concrete post and concrete panel fencing and which shall be a minimum of 1.8 metres in height except, where they form a boundary with public open space or roads.
- (b) Screen walls which form a boundary with public open space or roads shall be 2.0 metres in height above ground level and shall be constructed in brick to match the brick used in the dwelling(s) or concrete block or similar durable materials and, if in concrete block, shall be suitably capped and rendered on the side facing public areas and finished to match the external finish of adjacent dwellings.
- (c) All front garden boundary treatments shall be submitted for the written approval of the planning authority prior to the commencement of development.

Reason: In the interest of residential and visual amenity.

16. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
- (i) Existing trees, hedgerows shrubs, specifying which are proposed for retention as features of the site landscaping.
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch,

willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.

- (iv) Details of screen planting which shall not include cupressocyparis x leylandii.
 - (v) Details of roadside/street planting.
 - (vi) Hard landscaping works, specifying surfacing materials, furniture including play equipment and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

17. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed

RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

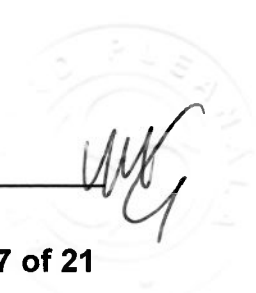
18. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) the location of areas for construction site offices and staff facilities;
 - (c) the details of site security fencing and hoardings;
 - (d) the details of on-site car parking facilities for site workers during the course of construction;
 - (e) the details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) any measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) any measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

- (i) the details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) the containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and,
- (l) any means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.



20. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the Planning Authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

21. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers, that is, those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers

and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

22. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

23. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.


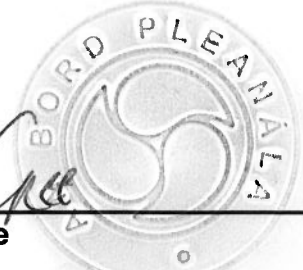
24. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.



25. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Liam McGree
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this *9th* day of *MAY* 2025.