



An  
Bord  
Pleanála

## Inspector's Report PL17.247003

---

<b>Development</b>	128 dwellings and construction of portion of an outer relief road (previously granted under Reg. Ref. DA70037 and DA120765) at Jamestown, Ratoath and Tankardstown Townlands, Ratoath, Co.Meath
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	RA150993
<b>Applicant(s)</b>	Sherwood Homes.
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Appellant(s)</b>	1. Sherwood Homes – 1 <sup>st</sup> Party 2. Robert Unwin – 3 <sup>rd</sup> Party
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> October 2016
<b>Inspector</b>	Fiona Fair

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	5
4.0 Planning History.....	8
5.0 Policy Context.....	9
6.0 Development Plan .....	9
7.0 The Appeal .....	10
8.0 Assessment.....	19
9.0 Recommendation.....	31
10.0 Reasons and Considerations/ Reasons .....	31
11.0 Conditions .....	32

## 1.0 Site Location and Description

- 1.1. The application site is located on lands between the Fairyhouse (R155) and Ashbourne Road (R142), within the townlands of Jamestown, Rathoath & Tankardstown to the east of Rathoath town centre. The appeal site has a stated area of 9.12 ha and is currently a greenfield site in agricultural use and adjoined by an existing residential development to the west (Jamestown Park and Milltree). A number of social and community facilities are located in the vicinity including St. Paul's national school to the north, sporting facilities and Ratoath college to the west / south west.
- 1.2. The appeal site adjoins a greenfield site identified for the preparation of a framework plan for commercial purposes on the R125 Ratoath - Ashbourne Road, including the reservation of a site for an enterprise centre. It is proposed to access the appeal site via Jamestown Park and Milltree housing estates and an existing associated inner relief road together with the construction of a portion of the outer relief road (ORR) (circa 990 meters in length) including two number roundabouts and ancillary services together with tie-ins to the Rathoath College to the west and to the Ashbourne Road (R125) at Moulden Bridge to the east together with a pedestrian / cycle path along the southern bank of the Broadmeadow River.

## 2.0 Proposed Development

- 2.1. Planning permission sought for a housing development (128 dwellings) and ancillary works including the construction of a portion of an Outer Relief Road (on part of lands previously granted planning permission under Ref. DA/70037 & DA/120765 at Jamestown, Ratoath & Tankardstown Townlands, Ratoath, Co. Meath as follows:

1. 128 dwellings comprising of:

- 7 No. 2-storey 5-bedroom detached houses with bedroom in attic (Type T),
- 24 No. 2-storey 4-bedroom semi-detached houses (Types Q, S3 & S5),

- 6 No. 2-storey 4-bedroom end townhouses (Type S4),
- 38 No. 2-storey semi-detached houses (Types R & V),
- 43 No. 2-storey 3-bedroom townhouses (Types M5, M6, M7, M8 & N) &
- 10 No. 2-storey 2- bedroom townhouses (Type P).

All houses include an optional kitchen extension to rear & Houses Types N, R, S3, S4, S5, Q & V all have space for a future attic conversion).

2. Ancillary site development works including estate roads, footpaths, cycle tracks, public open space areas, site services sewage pumping station/rising main.

3. Construction of portion of outer relief road (circa 990 metres in length) including two number roundabouts & ancillary services together with tie-ins to the Ratoath College to the west & to the Ashbourne Road (R125) at Moulden Bridge to the east together with a pedestrian/cycle path along the bank of the Broadmeadow River through the townlands of Jamestown, Ratoath & Tankardstown.

Significant Further Information was submitted.

The Additional Information (A.I.) resulted in a reduction in the number of houses from 128 to 126 and in a change to the exact housing mix. A revised schedule of houses was submitted with A.I. dated 22<sup>nd</sup> April 2016.

Proposal accompanied with:

- Engineering Services Report
- Schedule of Houses
  - 6 number five bedroomed detached
  - 22 number four bedroomed semi detached
  - 8 four bedroomed end of terrace
  - 36 three bedroomed semi detached
  - 20 three-bedroom end of terrace
  - 20 three bedroomed mid terrace

- 4 three bedroom mid terrace
- 10 two bedroomed town houses
- Outdoor Lighting Report
- Planning and Design Statement
- Planting Schedule
- Letters of Consent
- Letter from Meath County Council Childcare Committee
- Letter from Meath County Council Housing Department (Part V)
- Certificate of Incorporation: Sherwood Homes (Ratoath) Limited

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Subject to further information being requested with respect to (1) Irish Water, connections to waste water supply and waste water network in the area (2) road layout and access issues, pedestrian / cycle links, landscaping strip, phasing agreement - to include 77 houses in phase 1 and 49 houses in phase 2 (3) Flood Risk Assessment (4) surface water sewerage design (5) Public lighting (6) Part V agreement – sale of 10 % of the 126 units (13 units) to the Housing Authority, Meath County Council (7) agreeable to incorporation of an appropriate ‘work of public art’ into the scheme and (8) re-advertisement. Planning permission was granted subject to 43 number conditions. Conditions of note are summarised as follows:

- Condition 2 – total of 126 dwelling units
- Condition 14 – Two phases of development Phase 1 shall consist of 77 no. units and Phase 2 shall consist of 49 no. units. All roads, footpaths, public lighting and services shall be completed in respect of each phase prior to occupation of any units associated with that phase.
- Condition 15 – the developer shall construct the outer relief road as shown on the plans submitted on the 22.09.15 and the 12.05.16 on lands within their control as outlined within the planning application site boundary in parallel

with the development of Phase 1 and Phase 2. The road and associated services will be built and delivered by the developers at no cost to Meath County Council. There will be no offsets or allowances given to the developers in respect of the cost of the road by the Council against any financial levies of the type specified in Section 48 of the Planning and Development Act 2000-2015.

- Condition 16 – Phase 1 shall not be occupied until an agreement is in place assigning control of the lands required for the construction of the distributor road to Meath County Council, the works for the upgrading of the Moulden Bridge on the R125 are complete and all the major excavation works and the installation of services such as foul sewers, water distribution network and connections associated with the construction of the Outer Relief Road are complete and certified in writing by the Planning Authority.
- Condition 17 – Phase 2 shall not be occupied until the Ratoath Outer Orbital Route contained within the control of the applicants as outlined in the planning application shall be completed and certified in writing by the Planning Authority.
- Condition 38 – The sum of **€460,350** as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision, refurbishment, upgrading, enlargement or replacement of public roads and public transport infrastructure by the Council benefiting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Act 2000 - 2015.
- Condition 40 – a cash deposit of **€343,200** as a security for the satisfactory completion and maintenance until taken in charge by the Council of roads (excluding the section of the Ratoath Outer Orbital Road included in the planning application), footpaths, watermains, sewers, drains, public lighting, open space, landscaping and any other services required with the development.

- Condition 41 – a cash deposit or bond in the amount of **€1,500,000** as a security for the satisfactory completion and maintenance until taken in charge by the Council of the section of the Ratoath Outer Orbital Road included in the planning application and the associated footpaths, cycletracks, watermains, sewers, drains, public lighting, landscaping and any other related services.

### **3.2. Planning Authority Reports**

- 3.2.1. The report of the area planner can be summarised as follows: Having regard to the site zoning, planning history and permitted development on site and the Ratoath LAP 2009 – 2015, it is considered that subject to compliance with conditions that the proposed development would not detrimentally affect the visual or residential amenities of the area and would otherwise be in accordance with the proper planning and sustainable development of the area.
- 3.2.2. Transportation – No Objection subject to condition
- 3.2.3. Water Services – No Objection subject to condition
- 3.2.4. Environment – No Objection subject to condition
- 3.2.5. Public Lighting – No Objection subject to condition

### **3.3. Other Technical Reports**

- 3.3.1. Irish Water – No objection subject to condition

### **3.4. Third Party Observations**

Third party objections were received and issues raised are stated in the planners report on file and similar to the issues raised in the third party appeal summarised below in this report.

## 4.0 Planning History

- 4.1. DA/120765 Extension of duration of planning permission (2012) Reg. Ref. No. DA/70037 - housing development (286 dwellings) and ancillary site development works including estate roads, children's play area, services (including sewage pumping station) and construction of outer relief road. Expiry 29/08/2017
- 4.2. DA/70037 Permission Granted (2007 on the subject lands) for a housing development (Phase 3:286 dwellings) Crèche's, 2 No. bin storage areas and ancillary site development works including estate roads & children's play area together with sewage pumping station/rising main and the construction of an outer relief road (Approx. 1Km) and roundabout to serve housing, school and community facilities including proposed roundabout at junction with Ashbourne Road(R125) at Moulden Bridge through the townlands of Jamestown, Ratoath, Raystown and Tankardstown.
- 4.3. DA/802750 Permission Refused (2009) for revisions to proposed housing scheme planning permission Reg. Ref DA/70037.
- 4.4. DA/800712 Permission Granted (2008) for a temporary vehicular road link from Road No. 1 to Road No. 18 in approved housing development (Ref. DA/70037) to accommodate construction of Phase 1 development comprising of the construction of 185 no. dwellings & 2 no. Crèche's & ancillary site development works
- 4.5. DA/40430 – to the west of the appeal site. Permission Granted (2004) for housing development (Phase 2:72 dwellings) comprising of 36 No 3 bedroom 2-storey townhouses (Type A1 & A2); 12 No. 2 bedroom 2-storey townhouses (Type B); 6 No. 3 bedroom 2-storey semi-detached houses (Type C rev.); 6 No. 4 bedroom 2-storey semi-detached houses (Type D rev.); 6 No. 3 bedroom duplex townhouses (Types H & J) & 6 No. 2 bedroom ground floor apartments (Type G) together with Bicycle/Bin storage and ancillary site development works including estate roads at Site Nos 1 to 22 incl. The Grove, 1 to 38 incl. Milltree Grove; 1 to 38 incl. Milltree Rise & 1 to 12 incl. Milltree Crescent, Milltree Park.



4.6. DA/30034 – to the north west of the appeal site. Permission granted (2003) for revisions to the proposed housing development (Phase 1: 100 dwellings) together with bicycle/bin storage, crèche (104.4ssq.m.) attached to House No.15 (Road No.2), estate roads (including access road to future secondary school and community facilities) and ancillary site development works with access from existing inner relief road at Jamestown, Ratoath. The boundaries of the site have been amended from those previously submitted under Reg. Ref DA/70037.

## 5.0 Policy Context

- Quality Housing for Sustainable Communities DoEHLG Best Practice Guidelines 2007
- Sustainable Residential Development Guidelines for Planning Authorities 2009
- Design Manual for Urban Roads and Streets (DMURS) 2013

## 6.0 Development Plan

The appeal site is zoned A2 ‘New Residential’ with the 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*’ as set out under the zoning strategy for Ratoath, in the Ratoath Local Area Plan (LAP) incorporating amendment No. 1 made on the 2<sup>nd</sup> March 2015.

A portion of the site has been identified for a Major Distributor Road (indicative alignment). It is an objective of the Plan as set out at INF OBJ ‘to reserve and protect from development the bypass corridor from the R155 Fairyhouse Road to the R125 Ashbourne Road.’

Section 3.4.5 Policy SP 1 of the Ratoath LAP

Section 3.4.6 Art Work

Ratoath LAP 2009 – 2015 (as amended)

### 3.5.1 residential development

RES POL 1

RES POL 3

RES POL 4

RES POL 5

RES POL 7

RES OBJ 2

RES OBJ 3

INF OBJ 2

Section 7.2.3 New Road Schemes and Proposed Works. There are a number of objectives in the LAP to improve the local road network in Ratoath. These include to reserve and protect from development the bypass corridor from the R155 Fairhouse Road to the R125 Ashbourne Road, with the aim of securing a southern bypass of the town between these roads. It is intended that this road will be developer driven, constructed in tandem with development occurring in the vicinity.

### 3.5.2 Open Space

RES POL 1

## 7.0 The Appeal

### 7.1. Grounds of the 3<sup>rd</sup> Party Appeal

The grounds of the third party appeal can be summarised as follows:

#### Flooding

- Serious risk of potential flooding to the appellant's property
- This development requires its own storm drainage system rather than relying upon soakways and capture tanks

- Dumping excess water into the small Broadmeadow River will give rise to flooding.
- There are existing capture tanks in the area releasing water into the Broadmeadow River the proposal will add to this.
- A flood wall barrier is needed along the inside of the River
- Council has a duty of care to local landowners
- The appellant's site has never suffered from flooding, however, now the Council's latest map has put his property in a flooding area. This he attributes to the proposed development of 128 houses.
- Prevention of flooding is a priority
- Appeal accompanied with:
  - Map indicating the Broadmeadow River and the appellant's property,
  - Ratoath Land Use Zoning Objectives Map, Variation 2, 2014, of the CDP 2013 - 2019
  - Ratoath LAP land use zoning objectives Map 2009

## 7.2. Grounds of the 1st Party Appeal

The grounds of the first party appeal can be summarised as follows:

- Appeal against conditions only.
- Specifically, Conditions 14, 15, 16, 17, 38, 40 and 41.

### Commercial Viability

- As a result of condition 16, no houses in Phase 1 can be sold by the developer to pay for the cost of upgrading of the Moulden Bridge on the R125 on top of all the major excavation works and the installation of services and

infrastructure associated with the construction of the ORR, together with the installation of a new pumping station (to allow decommissioning of the existing County Council pulping station) and rising main to the public services network.

- It is not commercially viable to commence the proposed development on the basis of condition 16.
- As a result of condition 17 not a single house in Phase 2 can be sold by the developer to pay for the cost of completing the Ratoath ORR (within the control of the applicant) it is not commercially viable to commence Phase 2 on this basis.
- Taken together with the restrictive nature of conditions 16 and 17, the additional financial consequences of Conditions 15, 38 40 and 41 (relating to financial contributions and commitments), deems the proposed development commercially unviable in present circumstances.
- The applicant is aware the section of the RORR (within the control of the applicant) must be delivered as part of the planning application, in conjunction with Meath County Council.
- If the developer cannot sell a single house before commencing the RORR and in particular the upgrading of the Moulden Bridge on the R125 together with the new pumping station and all other services and major excavation works to service, the housing units – it is not possible to commence the development.

#### Condition 14

- Should allow for three phases in order to deliver the RORR and all other major infrastructure works associated with the proposed development.
- Should allow for all roads, footpaths, public lighting and services to be completed in respect of each individual section of the development being delivered, in conjunction with an agreed construction plan.

- It is not practical or necessary that all roads, footpaths, public lighting and services in the entire Phase 1 must be completed before a single house can be occupied.

#### Condition 16

- Should allow for the developer to complete and have sold Phase 1 (77 no. units) in tandem with complying with Condition No. 42 relating to the improvements to the St. Paul's junction and undertaking all major excavation works and the installation of services associated with the construction of the ORR up to Road 1 as shown on the proposed phasing plan together with the installation of a new pumping station, river walk and rising main to the public service network. Estimated costs of these works is €1 million approx.
- Should require the developer to undertake and complete the upgrading of the Moulden Bridge on the R125 and commence the section of the ORR as far as Road 1 as shown on the proposed phasing plan prior to the commencement of phase 2.
- Giving rise to better circulation and permeability for the wider area and further alleviate the issues at St. Paul's junction in particular at drop off and pick up times.
- Estimated cost of these works further €1.5 million approx.

#### Condition 17

- Should allow the developer to complete and have sold the first 40 no. units in Phase 2 (Roads 11,12,13 and 14) in tandem with the operation of the RORR as far as Road 1 (where a temporary access will be located).
- The remaining 9 no. units in Phase 2 (and road 16) should not commence until such time as the Ratoath ORR (within the control of the applicant) is completed and certified by the planning authority.

- Estimated cost of these works further €1 million approx.

#### Condition 15

- Requires that no off – sets or allowances be given in respect of the cost of the ORR against any financial levies
- Condition number eight of PL17.241852 / DA/120816 adjoining at Ratoath College required a financial contribution for the RORR
- There are contributions being made to Meath County Council for the construction of the ORR which is to be undertaken by the applicant.

#### Condition 38

- Requires the payment of €460,350 for the provision of public roads and public transport infrastructure by the Council benefiting development in the area of the authority.
- Condition number eight of PL17.241852 / DA/120816 adjoining at Ratoath College required a financial contribution for the improvements to cyclists and pedestrian connectivity by providing a footpath, cycleway and public lighting along both sides of the Avenue and on the associated distributor road
- The combined financial commitments associated with the two mentioned conditions are two onerous in terms of providing public roads infrastructure in the area, in particular when taken in conjunction with the provision of a new access road outside of the original site boundaries (required at further information stage which involved the omission of two number units) and condition 42 requiring the payment of €60,000 in respect of improvements to the St. Pauls Junction.
- Request that the additional expense involved in providing the additional access road outside of the original site boundaries be off-set against any financial levies imposed for public road infrastructure.

#### Condition 40

- Should allow the option of a bond as well as a cash deposit as security for the satisfactory completion of roads, footpaths, watermains, drains, open space and other services etc.
- Specific wording proposed

#### Condition 41

- Requiring a €1.5 million bond for the satisfactory completion of the section of the RORR (within the control of the applicant) is unrealistic in today's lending market conditions and a bond of a much lower amount would be more attainable.
- The developer will be 'assigning control of the lands required for the construction of the distributor road to Meath County Council' during Phase 1
- There is no requirement for a bond as security for the satisfactory completion and maintenance of the ORR under the extant permission Reg. Ref. DA/70037
- The phasing plan will have committed to significant elements of the ORR infrastructure in tandem with delivering housing units which will be certified in writing by the p.a. in stages.

#### Appeal Accompanied with:

- Notification of decision to grant planning permission RA/150993
- Phase 1, 2 & 3 Development Proposal

### 7.3. **Planning Authority Response**

The response from the planning authority is summarised as follows:

- The Board should confirm the original phasing arrangement to ensure the delivery of the RORR
- The number of phases and units in each phase was submitted by the applicant on the 12/05/16 as part of FI response.
- Condition 14 is a standard condition to offset the possibility of an occupied unfinished estate as happened in the past
- The appellants phasing proposal is front loaded leaving very little certainty of delivery of the RORR
- Condition 16. The requirements in relation to the control of the land for the distributor road, the completion of the works to Moulden Bridge and the completion of all major excavation works and service provision associated with the RORR are necessary to ensure the delivery of a key piece of infrastructure in tandem with residential units.
- The applicant had included signals at this junction from the initial proposal for development of these lands but they were not delivered.
- Meath CC provided pedestrian signals and other traffic calming measures at this junction.
- The roundabout at the R125 junction was delivered by MCC with the aid of state funding. The proposal to commence the RORR prior to commencement of phase 2 does not provide access from the development onto the RORR, as stated. Access will only be available when that section of the RORR is completed.
- The proposed final phase of 9 units does not give any degree of certainty to the delivery of the RORR
- The contribution levied for Ratoath College DA/120816 was levied for improvement to existing Meadowbank Hill and the provision of footpath and



cycleway improvements also improvements to the signals at the Avenue and is therefore not a duplicate of levies for RORR

- It is noted in respect of DA/120818 / PL17.241852 that An Bord Pleanála saw it reasonable and appropriate to impose a financial contribution in respect of the ORR
- It is incumbent on the p.a. to seek to realise the objectives of the Ratoath LAP which includes the delivery of the ORR
- It is also incumbent on the p.a. to ensure that future residents of the estate have appropriate amenities and that traffic safety and traffic congestion is addressed.
- It is considered that the financial contributions attached are in line with the policy set out in the MCDP 2016 – 2021
- It is considered that following compliance with conditions 9, 10, 15 and 19 appropriate measures will be in place to minimise the risk of flooding.

#### **7.4. Other Party Responses**

First Party Response is summarised as follows:

- Kilgallen and Partners have prepared a detailed Assessment of Flood Risk for inclusion with the plans and particulars.
- Drawings submitted with the planning application provide details of the proposed development in the vicinity of the Broadmeadow River.
- Development proposals in the vicinity of the Broadmeadow River are set out in detail.
- Figures 1 and 2 submitted with the response show flood risk zones A and B (i.e. 1000 year and 100 year floods) for the pre and post development scenarios.

- A comparison of the extent of the flood risk zone in Fig. 1 with those in Fig 2 shows that the development will not lead to an increase in flood risk, either generally or at the applicant's property.
- While the walkway along the Broadmeadow is impacted measures are in place to deal with this.
- It is recommended that a fence be erected between the walkway and the Broadmeadow River.
- Construction of a new roundabout at Moulden Bridge will require replacement of the existing culvert. The replacement culvert has been sized in accordance with OPW requirements and incorporated into the hydrological model.
- Modelling carried out indicates that replacement of the existing Bridge will have negligible impact on water levels down stream
- Fig 2 shows that the 1000year flood risk zone impacts marginally on the edge of the ORR however this impact is so slight that it does not affect the operation of the road.
- The edge of the ORR is at grade at this location and so will not impact on floodplain storage.
- The 100year flood risk zone does not impact on the ORR
- The 100year flood risk zone does not impact on the realignment of the Ashbourne Road.
- The surface water drainage system proposed will ensure that it will not lead to an increase in pluvial flooding.
- The development will improve surface water drainage on the Ashbourne Road, thereby leading to a reduction in pluvial flood risk.

- The surface water drainage system for the development includes infiltration to ground of the ‘first flush’ from rainfall events as described already. However, this mimics the existing green – field situation in which rainfall infiltrates to the ground.
- A Development Management Justification Test was carried out.
- The results of the test conclude that the proposed development satisfies the criteria of the Justification test.
- The surface water drainage system has been designed in accordance with the recommendations of the GSDSDS
- Erection of flood barrier could increase flood risk elsewhere.
- The development will not increase flood risk at the appellant’s property.
- Fig 1 (pre development) shows the applicant’s property to be located within the 1000-year flood risk zone, calculated in accordance with best practice and inclusive of a climate change factor of 20%. The property is only marginally impacted upon by the 100-year flood risk zone (again inclusive of a 20 % climate change factor).
- It is not unusual that a property with no history of flood risk, after hydrological assessment, be found to be located within a flood risk zone.

## 8.0 **Assessment**

8.1.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

8.1.2. I consider the overall layout of the proposed dwellings, incorporating the changes as requested by the planning authority by way of additional information, generally to be acceptable.

8.1.3. The development of these lands for residential use is considered acceptable in the context of the site zoning and policy for release of residential land in the Meath County Development Plan 2013 – 2019. I note that the proposal has been soundly assessed by the planning authority with respect to planning policy, zoning objectives, density, house types, design and amenity, private open space, public open space, access and parking, compliance with Part V of the Planning and Development Acts 2000 – 2015 and provision of crèche facility. As part of Phases 1 and 2 of the overall development to which the current application relates, the developer has made contributions to local organisations and the provision of community facilities beside the subject site as follows:

- A site for a secondary school, Ratoath College and Gael Coláiste with associated playing and sporting facilities (completed)
- A site for a primary school (completed)
- A site for a sports / community centre (c. 0.3 acres)
- Site for sports ground (c. 0.4 acres)
- Site for scout's den (c. 1.0 acres completed)

8.1.4. As part of the current application the applicant has submitted correspondence from the Meath County Childcare Committee indicating that 'there is no demand for either full time childcare or sessional places in the Ratoath area' with existing spare capacity indicated in the area and surrounding DEDs. Accordingly, it was considered by the planning authority that the omission of a crèche facility from the proposed development is appropriate in this instance.

8.1.5. I consider that the Board in this case can restrict its deliberations to the issues raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- **Flood Risk**
- **The first party appeal against conditions 14, 15, 16, 17, 38, 40 and 41**
- **Appropriate Assessment (AA)**

## 8.2. Flood Risk

- 8.2.1. Third party concern has been raised by an adjacent property owner, situated close to Moulden Bridge and the location of the proposed sewerage pumping station, that the development would give rise to a risk of flooding, impacting the appellant's property. The appellant expresses concern with regard to surface water drainage proposed. It is submitted that the development requires its own storm drainage system rather than relying upon soakways and capture tanks. Serious concern is also raised with respect to proposals to discharge excess water into the Broadmeadow River which runs to the southern boundary of the appellant's property. The appellant believes that a flood barrier wall is required along the northern bank of the Broadmeadow River. The appeal relates solely to flood risk.
- 8.2.2. It is the opinion of the planning authority that following compliance with conditions 9, 10, 15 and 19 attached to the notification of decision to grant planning permission in the subject instance (Reg. Ref. RA150993) that appropriate measures would be in place to minimise the risk of flooding. The conditions are set out as follows:
- 8.2.3. Condition 9. 'Prior to commencement of development, a revised design for surface water drainage and attenuation shall be agreed with Meath County Council Water Services Section whereby oversized pipes are replaced as a means of attenuation storage by specifically designed and constructed tanks or other devices located in dedicated open spaces. The proposals for storing the 1 in 30 and 1 in 100 year flood events shall be clearly outlined within the revised design and the volume provided within infiltration trenches shall not be included within any such calculations'.
- 8.2.4. Condition 10. 'Prior to commencement of development, a revised design for surface water drainage and attenuation shall be agreed with Meath County Council Water Services Section whereby 'infiltration trenches and/or blankets' are incorporated into the overall surface water design as a means of source control but not as detailed or proposed within the further information submission on the 12/05/16'.
- 8.2.5. Condition 15. 'The developer shall construct the Outer Relief Road as shown on the plans submitted on the 22/09/15 and the 12/05/16 on lands within their control as

outlined within the planning application site boundary in parallel with the development of Phase 1 and Phase 2. The road and associated services will be built and delivered by the developers at no cost to Meath County Council. There will be no offsets or allowances given to the developers in respect of the cost of the road by the Council against any financial levies of the type specified in Section 48 of the Planning and Development Act 2000-2015, which may be imposed under the conditions of planning permission granted pursuant to the planning application. Prior to the commencement of development, the developers shall enter into a legal agreement with the Planning Authority to this effect'.

8.2.6. Condition 19. 'A suitable fence shall be constructed along the river walkway to delineate the river edge particularly during flood events. Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority the location and design detail of this fence'.

8.2.7. Kilgallen and Partners Consulting Engineers Ltd. have prepared a detailed Assessment of Flood Risk for the appeal site. The most significant elements of the proposed development in the vicinity of the Broadmeadow River are indicated as:

- Construction of a footway and cycleway (at grade) along the southern bank to connect the proposed Ratoath Outer Ring Road (RORR) with the existing inner relief road.
- Construction of the RORR incl. a roundabout at Moulden Bridge and realignment of the existing R125 Ashbourne Road.
- Construction of a sewerage pumping station
- South of Broadmeadow construction of surface water drainage infrastructure incl. attenuation facilities and an outfall to the Broadmeadow River upstream of the Bridge.
- Replacement of the existing Moulden Bridge with a culvert meeting OPW requirements.

- North of the Broadmeadow, construction of surface water drainage infrastructure for the realigned Ashbourne Road, incl. an outfall to the Broadmeadow River downstream of Moulden Bridge.

8.2.8. Figures 1 and 2 submitted with the appeal response show flood risk zones A and B (i.e. 1000 year and 100 year floods) for the pre and post development Flood Risk Zone scenarios. A comparison of the extent of the flood risk zone in Fig. 1 with those in Fig 2 shows that the development will not lead to an increase in flood risk, either generally or at the applicant's property. No part of the site proposed for housing development is located on any site identified as being at risk of flooding. It is submitted that while the walkway along the Broadmeadow is impacted measures are in place to deal with this. It is recommended that a fence be erected between the walkway and the Broadmeadow River to ensure that the edge of the Broadmeadow remains defined even during extreme flood events. Construction of a new roundabout at Moulden Bridge will require replacement of the existing culvert. The replacement culvert has been sized in accordance with OPW requirements and incorporated into the hydrological model. The replacement culvert has a greater hydraulic capacity than the existing culvert.

8.2.9. The Environment section of Meath County Council note that under the Fingal East Meath (FEM) FRAM scheme the Broadmeadow River was surveyed in detail and modelled with flood extent maps produced accordingly. It is also noted that a section of the proposed link road and proposed roundabout on R125 is located within Flood Zones A and B, I note that the study does not allow for the upgraded culvert at Moulden Bridge. The Environment section of MCC agrees with the submitted FRA that the proposed walkway is within the 1% AEP and as it will be constructed to be level with the existing ground there will be no displacement of flood water. It is recommended that a fence be erected along the walkway edge to delineate its edge in times of flood. Environment have no objection subject to conditions in relation to the upgrading of the culvert on the R125 and the construction of a suitable fence along the River walkway.

8.2.10. Policy WS POL 29 of the Meath County Development Plan 2013 – 2019, sets out 'to have regard to the Planning System and Flood Risk Management – Guidelines for

Planning Authorities' (DoEHLG / OPW, 2009) through the use of the sequential approach and application of justification tests for Development Management and Development plans, during the period of this Plan.'

- 8.2.11. FR POL 4 of the Ratoath LAP contained in the written statement and Development Objectives for Urban Centres in Vol 2 of the MCDP 2013 -2 019 states that 'any amenity walkways proposed along the Broadmeadow River shall be subject to the undertaking of an appropriately detailed flood risk assessment which will inform the necessary planning consent and which would not generally increase existing ground levels within these flood risk zones.'
- 8.2.12. A Development Management Justification Test was carried out on the proposed development in accordance with section 5.15 of the Flood Risk Management Guidelines and incorporating the findings of the assessment of flood risk. The results of the test conclude that the proposed development satisfies the criteria of the Justification test. The surface water drainage system has been designed in accordance with best practice, and in particular with the recommendations of the GDSDS.
- 8.2.13. The first party submits that the erection of flood barrier which would typically be carried out as part of the flood defence scheme, would lead to displacement of floodplain storage that could increase flood risk elsewhere.
- 8.2.14. Taking the foregoing into account and in particular to the conditions attached to the notification to grant planning permission I am of the opinion that subject to similar conditions being re-attached by the Board, to any grant of planning permission forthcoming, that the development would not increase flood risk generally or at the appellant's property. I am of the opinion that there is no reasonable justification for refusal of the proposed development on grounds that it would increase flooding hazard and consequently would be unacceptable by reason of public health hazard.



### 8.3. The first party appeal against conditions 14, 15, 16, 17, 38, 40 and 41

Condition 14 relates to phasing,

Condition 15 relates to construction of the ORR in parallel with phasing and that no off sets or allowances be given to the developer in respect of the cost of the road against any financial levies of the type specified in Section 48 of the Planning and Development Act 2000 – 2015

Condition 16 requires that Phase 1 shall not be occupied until an agreement is in place assigning control of the lands required for the construction of the distributor road to MCC, the works for the upgrading of the Moulden Bridge on the R126 are complete and all the major excavation works and the installation of services associated with the ORR are complete.

Condition 17 requires that Phase 2 shall not be occupied until the RORR contained within the control of the applicants be completed.

Condition 38 €460,350 contribution towards expenditure for public roads and public transport infrastructure in accordance with Section 48 of the Planning and Development Act 2000 – 2015

Condition 40 relates to €343,200 cash deposit as a security for satisfactory completion and maintenance until taken in charge of roads, footpaths, watermains, drains, open space and other services within the development.

Condition 41 requires a €1.5 million bond for the satisfactory completion of the section of the RORR (within the control of the applicant).

#### 8.3.1. Condition 14

Albeit by way of further information (submitted to the p.a. on the 12<sup>th</sup> May 2016) the applicant's confirmed they were in agreement to phasing of the housing scheme as per Drawing No. C-61-113 which sets out two Phases. Phase 1 to include 77 number housing units and Phase 2 to include 49 number units. The first party appeal now

seeks that the phasing be amended to allow for three phases, it is submitted that this is necessary in order to deliver the RORR and all other major infrastructure works associated with the proposed development. The following is proposed:

- (i) Phase 1 should consist of 77 no. units in tandem with certain works
- (ii) Phase 2 should consist of 40 units in tandem with certain works
- (iii) Phase 3 should consist of 9 no. units after completion of RORR

It is requested that all roads, footpaths, public lighting and services should only be completed in respect of each individual section of the development being delivered, in conjunction with an agreed construction plan.

It is contended that it is not practical or necessary that all roads, footpaths, public lighting and services in the entire Phase 1 must be completed before a houses can be occupied.

I am of the opinion that the intention of Condition 14 is appropriate to the development and necessary in terms of achieving a satisfactory standard of development and in supporting objectives of the Development Plan. I agree with the p.a. that two phases, as agreed, is most appropriate. Introducing a third phase for completion of 9 number units only and a temporary link route to the RORR from Road 1 would I believe be front loaded and leave very little certainty for delivery of the RORR. I am of the opinion, however, that condition 14 should allow for all roads, footpaths, public lighting and services to be completed in respect of each individual section of the development being delivered, in conjunction, with an agreed construction plan with Meath County Council.

### 8.3.2. **Condition 15**

I highlight that the Planning and Development Act 2000, as amended, stipulates that no appeal shall lie to An Bord Pleanála in relation to a condition requiring a Development Contribution to be paid in accordance with a Development Contribution Scheme (DCS). However, an appeal may be brought to the Board where the applicant for planning permission considers that the terms of the Scheme have not

been properly applied in respect of any condition laid down by the Planning Authority.

With respect to condition 15 therefore I note that the applicant does not dispute that the section of the RORR (within the control of the applicant) must be delivered as part of the proposed development, in conjunction with Meath County Council. However, an off – set against financial levies imposed for public road infrastructure is requested. It is not contended that the terms of DCS have not been properly applied. Consequently, the only question to be addressed is whether the terms of the DCS have been properly applied by the planning authority in its imposition of condition 15 in the notification of decision to grant planning permission.

A copy of the Meath County Council Development Contribution Scheme 2016 – 2020 is attached as an appendix to this report. The scheme does not give allowances or off set against financial levies.

Given the foregoing I consider that Condition 15 is in accordance with the DCS and should stand.

### 8.3.3. **Condition 16 and 17**

In light of my assessment and conclusions in respect to Conditions 14 and 15 I am of the opinion that Conditions 16 and 17 should be amended as follows:

Condition 16 – now proposed condition 11 to state:

- (i) Prior to commencement of development a signed legal agreement shall be submitted to the planning authority assigning control of the lands required for the construction of the distributor road to Meath County Council.
- (ii) Prior to the occupation of Phase 1 the works for the upgrading of the Moulden Bridge on the R125 shall be completed and certified in writing with the planning authority.
- (iii) Prior to the commencement of Phase 2 all major excavation works and the installation of services such as foul sewers, water distribution network and connections associated with the construction of the ORR shall be completed and certified in writing with the planning authority.

Condition 17 now proposed condition 12 to state:

Up to 13 Units in Phase 2, (Roads 11 &12) may be completed and occupied prior to the completion and opening of the portion of the ROOR contained within the control of the applicant. The remainder of Phase 2 shall not be occupied until the RORR is certified in writing by the planning authority completed and operational.

8.3.4. **Conditions 15, 38, 40 and 41** as set out in detail in section 3.0 of this report are inter-related in terms of the first party appeal. I have dealt with Condition 15 in the preceding section of this report. **Condition 38** clearly comes within the same remit. It requires the payment of €460,350 for the provision of public roads and public transport infrastructure by the council benefiting development in the area of the planning authority in accordance with the provisions of Section 48 of the Planning and Development Act 2000 – 2015. Again the first party does not dispute that the levy has been improperly applied, rather, it is contended that the contribution taken in conjunction with additional financial consequences and commitments, in terms of providing public roads infrastructure in the area, is too onerous and deems the proposed development commercially unviable in present circumstances.

Regard being had to the Planning and Development Act 2000, as amended, I consider that Condition 38 is in accordance with the Development Contribution Scheme and should stand.

With respect to **Condition 40** in light of the argument made with respect to commercial viability of the proposed development in the current economic market and access to finance I agree that the wording should allow the option of a bond as well as a cash deposit as security for the satisfactory completion of roads, footpaths, watermains, drains, open space and other services within the development.

I am of the opinion that a cash deposit or bond in the amount of €1,50000 for satisfactory completion and maintenance until taken in charge by the council of the section of the RORR included in the planning application and associated footpaths,

cycletracks, watermains, sewers, drains, public lighting, landscaping and other related services as required by way of **condition 41** is necessary and reasonable and should stand.

### 8.3.5. **Matter raised with respect to Other Contributions being made to MCC for the Construction of the RORR**

The applicant makes reference to contributions towards infrastructure required to facilitate adjoining permitted and future development. While I agree that any existing or future development proposals benefitting from / accessing the ORR should contribute towards its overall costs I can see this is a complex matter. While I note the applicant owns additional zoned lands to the west of the appeal proposal (outlined in blue on submitted plans) it is unclear the owners or potential future use of other adjoining lands which may also be served by this section of the RORR.

The first party submits that regard should be had that other contributions are being made to MCC for the construction of the RORR. Reference is made Condition number eight attached to Reg. Ref. DA/120816 / PL17.241852 relating to a two-storey extension at the adjoining Ratoath College. Condition no. 8 of the Boards Grant of permission required a financial contribution towards the 'RORR' and also required a financial contribution for the 'improvements to cyclist and pedestrian connectivity by providing a footpath, cycleway and public lighting along both sides of 'The Avenue' and on the associated distributor road. I however refer the Boards attention to Ref. 17.RP.2101 (march 2014) whereby the Board, further determined, in the absence of agreement between the parties, nil in respect of condition number 8(i) the RORR. The Board noted that the planning authority had not established a basis for the funding of the RORR whereby the cost of the provision of this road can be allocated between benefitting landowners and developers on a pro rata basis. In the absence of such a mechanism, the Board considered that it would be unreasonable to burden the developer with the full cost of the provision of a 1.2 km section of the RORR needed to provide an alternative to the existing school access via Rathoath village centre.

The Board had regard to the fact that the proposed development involved an extension to an existing school and considered that, subject to improvements to cyclist and pedestrian connectivity by providing a footpath, cycleway and public lighting along both sides of 'The Avenue' and on the associated 'Meadowbank Hill' Distributor Road, adequate and safe access to serve the development could be provided via the access route serving the existing school.

I am unaware of any other contributions being made to Meath County Council in this regard.

#### **8.4. Special Contribution**

A special contribution under section 48 (2) (c) of the Planning and Development Act 2000, as amended, is included in the notification of decision to grant planning permission. Condition 42 requires that the developer shall pay €60,000 in respect of improvement at St. Pauls Junction. The first party has not appealed this specific condition and I recommend that it stand and be included as a condition in any grant of planning permission forthcoming from the Board.

From my assessment of the Meath Development Contribution Scheme 2016 – 2021 the scheme does not cover the costs in respect of improvement to the Saint Pauls Junction, incl. the provision of signals.

#### **8.5. Appropriate Assessment (AA)**

The appeal site is not within or adjoining any Natura 2000 sites. The Rye Water Valley / Carton SAC is located within approximately 15 Km to the south / south west of the application site.

The Rye Water Valley / Carton SAC (site code 001398). As per the NPWS site synopsis Rye Water Valley / Carton SAC is an SAC for a number of habitats and / or species listed On Annex I / II of the EU Habitats Directive (Petrifying Springs, Narrow Mouthed Whorl Snail (Vertigo Angustior), Desmoulin's Whorl Snail (Vertigo Moulinsiana).

The planners report on file notes that a Stage 2 AA was prepared for Variation 2 to the Meath County Development Plan 2013 – 2019 which considered the release of residential zoned land in a number of urban centres in Meath including Ratoath. It was found the no likely significant impacts were raised by the changes proposed in the Variation and that all issues regarding wastewater treatment capacity and water supply are addressed by protective policies in the County Development Plan and the Variation.

Overall I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the infrastructure in place, nature of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also 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.

## **9.0 Recommendation**

I recommend that planning permission should be granted, subject to conditions, as set out below.

## **10.0 Reasons and Considerations/ Reasons**

- 10.1.1. Having regard to the nature and scale of the proposed development, to the existing and permitted pattern of development in the vicinity of the site and to the residential zoning of the site, that, subject to compliance with the conditions set out below, the proposed development, would be acceptable in terms of and would not, therefore, be contrary to the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 12.05.2016 and 10.06.2016, 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. That this permission authorises 126 residential units, only. Each proposed residential unit shall be used as a single dwelling unit.

**Reason:** In the interests of development control

3. Details of the materials, colours and textures of all the external finishes to the proposed residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. The windows serving all bathrooms, en-suites and walk-in wardrobes shall be permanently fitted and maintained with obscure or stained glass. The use of film is not permitted.

**Reason:** In the interests of proper planning and sustainable development of the area



5. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. The agreed lighting system shall be implemented and operational, before each agreed phase of the proposed development is made available for occupation.

**Reason:** In the interest of public safety and visual amenity.

6. (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) Prior to commencement of development, a revised design for surface water drainage and attenuation shall be agreed with the planning authority, whereby oversized pipes are replaced as a means of attenuation storage by specifically designed and constructed tanks or other devices located in dedicated open spaces. The proposals for storing the 1 in 30 and 1 in 100 year flood events shall be clearly outlined within the revised design and the volume provided within infiltration trenches shall not be included within any such calculations.

(c) Prior to commencement of development, a revised design for surface water drainage and attenuation shall be agreed with the planning authority, whereby 'infiltration trenches and/or blankets' are incorporated into the overall surface water design as a means of source control but not as detailed or proposed within the further information submission on the 12/05/16.

(d) Prior to commencement of development, the detailed design of the permeable/paving and associated source control drainage within private driveways shall be agreed with the planning authority. The final design shall incorporate diffused outfall of roofwater to the paving stone sub-base.

**Reason:** In the interest of public health.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.

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

8. The development hereby permitted shall be carried out and completed at least to the construction standards set out in “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

9. The proposed development shall be phased in the following order:

Phase 1 shall consist of 77 no. units as shown on drawing C-61-113 submitted to the Planning Authority on the 12/05/16.

Phase 2 shall consist of 49 no. units as shown on drawing C-61-113 submitted to the Planning Authority on the 12/05/16.

The phasing agreement shall occur as above unless otherwise agreed in writing with the Planning Authority. All roads, footpaths, public lighting and services shall be completed in respect of each individual section / road of the development being delivered, in conjunction, with an agreed construction plan with Meath County Council.

**Reason:** In the interest of orderly development

10. The developer shall construct the Outer Relief Road as shown on the plans submitted on the 22/09/15 and the 12/05/16 on lands within their control as outlined within the planning application site boundary in parallel with the development of Phase 1 and Phase 2. The road and associated services will be built and delivered by the developers at no cost to Meath County Council. There will be no offsets or allowances given to the developers in respect of the cost of the road by the Council against any financial levies of the type specified in Section 48 of the Planning and Development Act 2000-2015, which may be imposed under the conditions of

planning permission granted pursuant to the planning application. Prior to the commencement of development, the developers shall enter into a legal agreement with the Planning Authority to this effect.

**Reason:** In the interest of orderly development

11.

- (i) Prior to commencement of development a signed legal agreement shall be submitted to the planning authority assigning control of the lands required for the construction of the distributor road to Meath County Council.
- (iv) Prior to the occupation of Phase 1 the works for the upgrading of the Moulden Bridge on the R125 shall be completed and certified in writing with the planning authority.
- (v) Prior to the commencement of Phase 2 all major excavation works and the installation of services such as foul sewers, water distribution network and connections associated with the construction of the ORR shall be completed and certified in writing with the planning authority.

**Reason:** In the interest of orderly development and food risk management

12. Up to 13 Units in Phase 2, (Roads 11 &12) may be completed and occupied prior to the completion and opening of the portion of the ROOR contained within the control of the applicant. The remainder of Phase 2 shall not be occupied until the RORR is certified in writing by the planning authority fully completed and operational.

**Reason:** In the interest of traffic safety and orderly development

13. A suitable fence shall be constructed along the river walkway to delineate the river edge particularly during flood events. Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority the location and design detail of this fence.

**Reason:** In the interests of flood risk management

14. Prior to commencement of development, the applicant 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 of the area.

15. 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 and hedgerows, 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.

(v) Details of roadside/street planting, which shall not include prunus species.

(vi) Hard landscaping works, specifying surfacing materials, furniture, 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.

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, 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.

16. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, full details of the proposed boundary treatment including rear and party dividing boundary treatments.

**Reason:** in the interest of visual and residential amenity.

17. The open spaces shall be developed for, and devoted to public use. They shall be kept free of any development and shall not be incorporated into house plots.

**Reason:** In order to ensure the development of the public open space areas, and their continued use for this purpose.

18. No residential unit shall be occupied until all the services have been connected thereto and are operational.

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

19. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

20. (a) 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 noise management measures and off-site disposal of construction/demolition waste.

(b) Site development and building works shall be carried out only between the hours of 09.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 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 the interests of public safety and residential amenity

21. No muck, dirt, debris or other material shall be deposited on the public road or verge by machinery or vehicles travelling to or from the site during the construction phase. The applicant shall arrange for vehicles leaving the site to be kept clean.

**Reason:** In the interest of orderly development.

22. During construction the developer shall provide adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road.

**Reason:** In the interest of traffic safety.

23. Proposals for an estate/street name, house 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 numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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 interests of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

24. An Art feature shall be provided at the proposed roundabout at the entrance to Ratoath Community College. Within one month of the date of the final grant of planning permission the applicant shall submit details for the written agreement of the Planning Authority of the size and scale of the piece, details of its upkeep and maintenance.

**Reason:** In the interests of visual amenity.

25. Prior to the commencement of the development the details for the incorporation of a work of public art into the overall residential scheme and shall be agreed with the planning authority.

**Reason:** In the Interest of Residential Amenity

26. The developer shall pay to the planning authority a financial contribution of €837,000 (eight hundred and thirty seven thousand euro) 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. The application of any indexation required by this condition 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.

**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.

27. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion, and maintenance until taken in charge by the local authority, of roads, sewers, watermains, drains, public lighting open spaces 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 or maintenance of any part of the development. The security to be lodged shall be as follows -

(a) an approved insurance company bond in the sum of €343,200 (three hundred and forty-three thousand two hundred euro), or

(b) a cash sum of €343,200 (three hundred and forty-three thousand two hundred euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or

(c) such other security as may be accepted in writing by the planning authority.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge

28. Prior to commencement of development the developer shall lodge with the planning authority a cash deposit or bond in the amount of €1,500,000 as a security for the satisfactory completion and maintenance until taken in charge by the Council of the section of the Ratoath Outer Orbital Road included in the planning application and the associated footpaths, cycletracks, watermains, sewers, drains, public lighting, landscaping and any other related services. In the event of the non-completion or maintenance of the Ratoath Outer Orbital Road or associated services the planning authority shall be empowered to apply the said funds or part thereof for the satisfactory completion of and maintenance as aforesaid of any part of the development.

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



29. The developer shall pay the sum of €60,000.00 (sixty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of improvements to the St Paul's junction (including the provision of signals). This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

30. The developer shall pay the sum of 200 Euro per residential unit as a contribution towards expenditure to be incurred by the Planning Authority in the monitoring of the construction phases of the development. Payment of this sum shall be made prior to the commencement of development. The above sum shall apply until 31st December, 2016 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices - Building and Construction (Capital Goods) published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the Planning Authority's monitoring costs associated with the development.

---

Fiona Fair  
Planning Inspector  
26.10.2016