



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-303205-18**

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<b>Strategic Housing Development</b>	203 residential units and creche
<b>Location</b>	Jamestown, Ratoath, Co. Meath
<b>Planning Authority</b>	Meath Co. Council
<b>Prospective Applicant</b>	Sherwood Homes (Ratoath) Ltd.
<b>Date of Consultation Meeting</b>	28 <sup>th</sup> January 2019
<b>Date of Site Inspection</b>	11 <sup>th</sup> January 2019
<b>Inspector</b>	Joanna Kelly

## 1.0 Introduction

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

## 2.0 Site Location

- 2.1 The development site has a stated site area in the application form of 5.8ha and is located within the townland of Jamestown to the southern expanse of the zoned land in Ratoath. The lands are currently agricultural fields with hedgerows to the field boundaries. The lands bound the existing two storey dwellings known as 'the Grove' in the Mill Tree development.
- 2.2 There is a relatively new primary school located north of the development lands on lands that bound the Inner Relief Road and the road currently providing access to the development lands. The prospective applicant is also developing the lands to the east of this residential road at present. Access to the lands are proposed via the Ratoath Outer Relief Road which has secured LIHAF funding. Ratoath College, a post primary school is located west of the development site and it is proposed to provide an access from the Outer Relief road to this college via the site. The documentation set out that the current access to this school would be used by staff only.

## 3.0 Description of proposed development

The applicant is proposing a residential development comprising of 203 residential units including a childcare facility.

The unit mix as indicated by the prospective applicant is as follows:

**Table 1: Unit Mix**

	<b>Apartments</b>	<b>Housing units</b>	<b>Total Units</b>
1 bed	8	2	10 – 5%
2 bed	46	12	58 – 28.5%
3 bed	6	129	135 – 66.5%
4 bed			
<b>Total Units</b>	<b>60</b>	<b>143</b>	<b>203</b>

#### 4.0 Planning History

The most relevant history associated with the site is noted as follows:

**File Ref. No. PL.17.247003 / RA/150993** Permission granted for 128 dwelling units and construction of portion of the outer relief road at lands at Jamestown, Tankardstown and Ratoath. These lands are located to the east of the development site and are currently under construction.

**File Ref. No. 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

**File Ref. No. DA/70037** Permission Granted (2007 on lands east of the development site) 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.

**File Ref. No. DA/802750** Permission Refused (2009) for revisions to proposed housing scheme planning permission Reg. Ref DA/70037.

**File Ref. No. 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

## 5.0 National and Local Planning Policy

### 5.1. National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'
- Urban Development and Building Height, Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

## 5.2. Local Policy

### 5.2.1 Meath County Development Plan

The development 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 in the zoning strategy for Ratoath. There is an objective to provide for a major distributor road (indicative alignment) to the southern boundary of the lands. 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 R-125 Ashbourne Road.

### 5.2.2 Ratoath Local Area Plan 2009-2015

Strategic Policy SP 1 – To operate an Order of Priority for the release of residential lands in compliance with the requirements of CS OBJ 6 of the Meath County Development Plan 2013 and 2019 as follows: (i) The lands identified with an A2 "New Residential" land use zoning objective corresponds with the requirements of Table 2.4 Housing Allocation and Zoned Land requirements in Volume 1 of the Meath County Development Plan 2013-2019 and are available for residential development within the life of the Meath County Development Plan 2013-2019."

RES OBJ 3 To achieve a better and more appropriate mixes of dwelling size, type, tenure and accessibility in all new residential development.

## 6.0 **Forming of the Opinion**

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting. I will provide a brief detail on each of these elements hereunder.

### 6.1 **Documentation Submitted**

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed SHD Application form and cover letter including inter alia, schedule of documents; Statement of Consistency including statement of consistency; Construction Management Plan; Outdoor Lighting Report; Landscape Rationale; Part V; Consent Letter; Irish Water feasibility letter; Schedule of Development including plans and particulars; Environmental Report; Traffic and Transportation Assessment; and Flood Risk Assessment.

6.1.3 I have reviewed and considered all of the documents and drawings submitted.

### 6.2 **Planning Authority Submission**

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Meath County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 16<sup>th</sup> January 2019.

6.2.2 The planning authority's opinion (section 7.0) refers to key planning considerations as follows:

- Principle of development – The lands are zoned ‘A2’ – new residential. A table is set out indicating that the quantum of Phase 1 residential lands in Ratoath consist of 18.5ha of which 614 units are allocated in the core strategy. There is 375 committed unbuilt units and 239 additional units. It is set out that there are 9.5ha of phase 1 residential lands that have no extant permissions. These lands have the capacity to deliver c. 238 units based on a density of 25 units/ha. The report indicates that including the extant units and undeveloped lands, the total potential capacity of the Phase 1 residential lands and town centre lands would be 576 units leaving a balance of 38 units.
- Density, Design, Layout and Residential Amenity – A density of 35 units per hectare is proposed. It is set out that appropriate density will be determined by extent to which the design and layout follows a coherent design brief resulting in high quality residential development; compliance with qualitative and quantitative criteria; extent to which the site proposes its own density and character and proximity to points of access to the public transport network; existing site characteristics; and capacity of infrastructure. The proposal is considered to provide a good mix in terms of dwelling types/design throughout the development. It was recommended by the PA that the apartment blocks be located towards the centre of the development as opposed to the periphery of the site in order to integrate these structures into the overall development.
- Open Space, Landscaping and Play Areas – A large area of public open space is proposed to the south east of the site with smaller open space areas overlooked throughout the development. The proposed dwellings appear to have the required amount of private rear garden space and the quantum for each dwelling is detailed in a schedule submitted. The proposed apartments appear to have the required amount of private open space. The development includes 44 apartments and 30 duplex units and 1,220sq.m. has been identified as communal space adjacent to the apartments and duplex unit, this is considered acceptable.
- Boundary Treatment – Proposals are generally acceptable however the back garden boundary should be 2m high block wall with the back garden dividing boundary a post and timber panel fence. Consideration should be given to a low railing to accompany the hedge on front garden boundaries.

- A detailed landscaping plan and report have been submitted and should be further addressed by condition if permitted.
- Traffic Impact, Access and Parking – Phase 1 of the Ratoath Outer Relief Road is currently being delivered under the LIHAF scheme and is expected to be substantially completed by the end of 2019. The proposed development will have two main access points. The transportation report concludes that the junction and link road will operate within capacity for all scenarios assessed. The main impact appears to relate to parking and deterrence measures e.g. bollards, line marking etc are recommended to prevent parking on the footpaths and verges on the link road. A Construction Stage Traffic Management plan should be agreed prior to commencement of works on site. The traffic impact assessment is based on Phase 1 of the Outer Relief Road being completed and the development should be phased accordingly. The boundary treatment along the interface with Phase 1 of the Ratoath Outer Relief roads should be agreed with MCC prior to commencement of development.
- Internal Roads Layout – Layout is well set out with appropriate street types in the form of link streets and home zone streets. Key desire lines are catered for and there is a high level of internal permeability within the proposed development. It is proposed to open pedestrian and cycle links to the existing adjacent residential area and has also accommodated future access to adjacent lands to the south of the development.
- Parking – Adequate parking has been provided to facilitate the residential element of the development.
- Ratoath Outer Relief Road – Phase 1 of the ORR, c. 900m will link the R125 to the Ratoath College and will also provide access to the applicant's development site. Meath Co. Co. applied for LIHAF funding for Phase 1 of the ORR and were successful on the basis that it opened up the lands, including the applicant's land for residential development. The scheme is being funded by LIHAF, MCC and the prospective applicant. Works are expected to be substantially completed by end of 2019.
- Public Lighting – Condition is recommended that the design be installed as per "Meath County Councils: public lighting technical specification and requirements" document.



- Water services, wastewater connection – ABP advised to consult with IW who has indicated that the proposed connection can be facilitated, subject to conditions.
- Surface water treatment and disposal – An overview of the drainage network within the LIHAF road is to be provided and particularly any changes which are required to the flow control devices within the LIHAF drainage system to accommodate discharge from this proposed development. Need to demonstrate how the proposed drainage network is configured relative to the attenuation which is delivered in the adjacent site. Clarification required regarding the configuration of the two attenuation systems in Catchment B and demonstrate how the two sub catchments operate together during the critical 1 in 100 year storm event. Details of winter water level at the proposed site of each attenuation system to be submitted. Principles of SuDS ‘management train’ have not been fully applied to the design for the surface water management scheme.
- Part V – Condition regarding Part V should be attached.
- Taking in Charge – Details of Taking in Charge should be carried out in accordance with MCC ‘Taking in Charge’ policy document.
- Childcare Facility – ABP should consider referring any application to Meath County Childcare Committee. An optional creche is indicated to the south of the site. The creche can cater for c. 50 children.
- Art Work – ABP requested to apply a condition in relation to the provision of art work as per policy SOC POL 53.
- Estate Name – MCC seeks to approve the name.
- Broadband – Recommends a condition to be attached
- Cultural Heritage – No recorded monuments or protected structures within or in the immediate vicinity of the site.
- Flood Risk – No objection
- AA – The site is not within or directly adjoining any European site. The nearest Natura 2000 site is located 13.4km from the site of the Rye Water Valley/ Carton SAC. Report submitted indicate Stage 2 AA not required.
- EIA – The development does not meet the thresholds as set out in Schedule 5, Part 2 of the Planning and Development Regulations 2001-2018.

### **6.3 Submission from DAU**

Department notes that no archaeological assessment is included with the details of the proposed development. Given the large-scale nature of the proposed development and its location it is recommended that the applicant engage the services of a suitably qualified archaeologist to conduct a detailed Archaeological Impact Assessment of the proposed development site. The report should be submitted with the planning application at the appropriate stage of the SHD process.

### **6.4 Submission from Irish Water**

As stated in the Confirmation of Feasibility, the existing 100mm/150mm watermain must be replaced with a 300mm main. This upgrade is substantially complete and is due to be complete by end of February 2019. The completion of the 200mm main from the R-125 Main St. Ratoath, to the development is also required. This work is part of the overall LIHAF project for the area. MCC to advise on the completion dates.

A wastewater pumping station, financed by the developer, is required to service this site. IW will liaise with the developer prior to project commencement to finalise the design details. The pumping station will require permission IW confirm that subject to a compliant water and waste water layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connection to the IW networks can be facilitated.

## **7.0 Consultation Meeting**

7.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 28th January 2019, commencing at 11.30 pm. Representatives of the prospective applicant, Meath County Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

7.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Development Strategy for site to include urban design and layout, public realm, creation of sense of place, connectivity, unit mix and density
2. Location and distribution of Public Open Space
3. Surface Water Management
4. Any other matters

7.3 In relation to the Development Strategy for the site to include urban design and layout, public realm, creation of sense of place, connectivity, unit mix and density, ABP representatives sought further discussion/elaboration on these issues having regard to the provisions of the Local Area Plan and the provisions of section 28 guidelines in particular meeting the qualitative standards for new developments.

7.4 In relation to Location and Distribution of Public Open Space, ABP representatives sought further discussion/elaboration on the qualitative aspects and distribution of public open space and the provision of passive surveillance.

7.5 In relation to Surface Water Management, ABP representatives sought further elaboration/discussion on how the prospective applicant will address the concerns/issues raised in the planning authority's opinion.

7.6 In relation to Any Other Matters, ABP representatives sought further elaboration/discussion on comments from DAU re archaeology, Taking in Charge, location of the crèche, and location of bin storage.

7.9 Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-303205-18' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## 8.0 Conclusion and Recommendation

- 8.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and as amended by Section 50 of the Planning and Development (Amendment) Act 2018.
- 8.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy via the statutory plans for the area.
- 8.3 Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage as set out in the recommended Opinion below.
- 8.4 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 8.5 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 9.0 Recommended Opinion

- 9.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 9.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion, that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 9.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development.
1. Development Strategy and Urban Design response
- Further consideration and/or justification of the documents as they relate to the development strategy for the site in respect of the proposed layout, urban design response, unit mix and typology and density of the proposal particularly in the context of the provisions of Meath County Development Plan 2013-2019 and national Policy and Guidelines with particular regard to the 12 criteria set out in the Urban Design Manual, which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009), commencing with Criteria No. 1 Context. Further consideration should be given to the qualitative nature of the public realm including the interface of the proposed development with the Outer Relief Road and the need to ensure pleasant, attractive streetscapes with a sense of place and appropriate architectural response.

Further consideration should be given to the location of the proposed childcare facilities vis-à-vis associated traffic movements and location of the existing school campus.

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

## 2. Public Open Space

Further consideration should be given to the qualitative nature including the location and distribution of public open spaces and the future residents it is to serve. Further consideration should also be given to the hierarchy of public open space within the scheme including landscaping and provision of appropriate street furniture relative to the function of the spaces and the need to ensure strong passive surveillance of such spaces.

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

## 3. Movement and Connectivity

Further consideration and/or justification of the documents as they relate to

- (i) the access arrangements to the site. In this regard, details regarding the timescale for the delivery of the LIHAF – Ratoath Outer relief road should be submitted. Clarity as to whether there are any proposed changes to the LIHAF road layout as permitted such as provision of signalised junctions should be provided. All proposed works should be included within the red line boundary.
- (ii) street hierarchy including the provision of vehicular, cycle and pedestrian connections to provide optimal legibility and permeability to and through the development site from adjoining residential lands and the Outer Relief Road as espoused by the Design Manual for Urban Roads and Streets.

- (iii) Provision of connections through the existing residential developments to the north of the site which ensure coherence and legibility in the provision of quality public open space and creation of easily accessible movements to community facilities such as schools for existing residents.

Further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

#### 4. Surface Water Management

Further consideration of documents as they relate to surface and storm water management for the site and any changes required to the LIHAF drainage system to accommodate discharge from the proposed development. This further consideration should have regard to the requirements of the planning authority in respect of surface water treatment and disposal as set out in section 7.6.2 of the Planning Authority's opinion. Any surface water management proposals should be considered in tandem with the Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices'). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

8.4 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission

1. An Archaeological Impact Assessment
2. Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with the lands to the south of the Outer Relief Road.

3. Detailed landscaping proposals including details where existing hedgerows/trees are proposed to be retained.
4. All existing watercourses and utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
5. Details including timescale for the delivery and transfer of the waste water pumping station on the adjoining site to Irish Water.
6. A Building Life Cycle Report in respect of the proposed apartments as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018).
7. A report identifying the demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
8. A construction and demolition waste management plan.
9. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces, surface water management proposals having regard to sub-catchments within the scheme and Part V provision.
10. A site layout plan indicating all areas to be taken in charge.
11. Relevant consents to carry out works on lands that are not included within the red-line boundary. The prospective applicant is advised that all works should as far as possible be included within the red-line boundary.



Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Minister for Culture, Heritage, and the Gaeltacht
3. Heritage Council
4. An Taisce – the National trust for Ireland
5. Meath County Childcare Committee

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2018 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Joanna Kelly

Senior Planning Inspector

11<sup>th</sup> February 2017