



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305385-19

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<b>Development</b>	Amendment to the road junction at Moulden Bridge as approved under planning permission Ref. PL17.247003/RA150993
<b>Location</b>	Townlands Of Jamestown, Ratoath & Tankardstown, Ratoath, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	RA190890
<b>Applicant(s)</b>	Sherwood Homes (Ratoath) Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John Scott.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	22 <sup>nd</sup> November 2019.
<b>Inspector</b>	Karen Kenny

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## **1.0 Site Location and Description**

- 1.1. The application site is located in the townlands of Jamestown, Ratoath & Tankardstown in Ratoath, Co. Meath.
- 1.2. The application site, with a stated area of 9.12 hectares, matches the site of a development approved by ABP under ABP Ref. PL17.247003/RA150933. This permission consisted of a housing development (128 no. dwellings), the Ratoath Outer Relief Road Phase 1 (c. 900 metres), a foul pumping station and rising main and associated works.
- 1.3. The proposed Ratoath Outer Relief Road runs from west to east from the Fairyhouse Road (R155) to the Ashbourne Road (R125). Phase 1, which is under construction, runs west from the Ashbourne Road (R125) and will provide access to zoned lands and to Ratoath Community College. The subject application seeks alterations to a roundabout junction at the eastern end of the scheme where the road intersects with the Ashbourne Road (R125) and the Moulden Bridge Estate road.

## **2.0 Proposed Development**

- 2.1. Permission is sought for modifications to the Ratoath Outer Relief Road (Phase 1). This road was approved by ABP under ABP Ref. PL17.247003/RA150933 and is under construction. There are two junctions within the scheme. The junction of the Ashbourne Road (R125), Outer Relief Road and Moulden Bridge Estate road is at the eastern end of the scheme. The junction of the ORR and the Ratoath Community College access road at the western end. Permission is sought to modify the approved roundabout junction at Ashbourne Road (R125) to a signalised junction. Meath County Council granted permission to modify the junction of the ORR and the Ratoath Community College access road to a signalised junction in July 2019. This decision was not subject to appeal.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission subject to conditions. There are no conditions of note.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planning Officers assessment can be summarised as follows:

- No impact on land use zoning or on the approved residential development.
- DMURS recommends the use of signalised junctions with dedicated pedestrian phases in high vehicular and pedestrian areas. DMURS does not consider large roundabouts to be appropriate in urban areas.
- The proposed junction alterations will provide a more suitable arrangement for vehicular users, pedestrians and cyclists considering the proximity to the school and residential areas.

### 3.2.2. Other Technical Reports

Water Services: No objection subject to conditions.

Public Lighting: No objection subject to conditions.

## 3.3. Prescribed Bodies

None.

## 3.4. Third Party Observations

- 3.4.1. A single submission was received and considered by the Planning Authority. The main issues raised relate to traffic congestion, impact on local businesses, focus on pedestrian and cycle movement and the potential for traffic to divert to other routes.

## 4.0 Planning History

- 4.1.1. Planning History pertaining to the application site:

**ABP Ref. 305196:** SHD application (Sherwood Homes Ratoath Ltd) to ABP for 228 dwellings. This site is to the north of the ORR and is bisected by the Ratoath Community College access road. Decision pending.

**PA Ref. RA/190724:** Application (Sherwood Homes Ratoath Ltd) for amendment to junction at the intersection of ORR and the Ratoath Community College access road

as approved under planning permission Ref. PL17.247003/RA150993 (replace roundabout with signalised junction). Permission granted by the PA.

**ABP Ref. PL.17.247003 / PA Ref. RA/150993:** Application (Sheerwood Homes Ratoath Ltd) for 128 dwelling units and associated works on lands to the immediate east of the subject site. The works include the construction of a sewage pumping station / rising main and a portion of an outer relief road. Permission granted by the PA in 2016. The decision was subject to first-party and third-party appeals. An Board Pleanála granted permission on appeal.

**PA Ref. DA/70037:** Application (Sheerwood Builders Ltd) for a housing development (Phase 3) comprising 286 dwellings, 2 no. crèche's and ancillary site development works. The works include a sewage pumping station/rising main and the construction of a portion of an outer relief road. Permission granted by the PA in 2008 and extended to 2017 under PA Ref. DA/120765. This permission was not implemented.

#### 4.1.2. Other relevant planning history in the area:

**P8/19008:** Part 8 approval for the Kilbride Road / Ashbourne Road (R125) junction improvement scheme. The lands outlined include the existing Kilbride Road junction to the east of the site and extend up to the eastern arm of the junction proposed under the subject application / appeal.

## 5.0 Policy Context

### 5.1. Development Plan

The Meath County Development Plan is the relevant statutory plan for the area.

The works are on the edge of the settlement boundary for Ratoath detailed on the Ratoath Land Use Zoning Objectives Map contained in Volume 2 of the Development Plan. Lands in the vicinity of the junction are zoned F1 with an objective *to provide for and improve open spaces for active and passive recreational amenities*. The following provisions of the Development Plan are considered to be relevant.

**TRAN POL 14:** To co-operate with the NTA on the development of a cycle network for the Greater Dublin Area and to promote, enhance and provide the development

of cycling and walking facilities in the County in accordance with relevant national policy and guidelines.

**TRAN POL 15:** To identify and seek to implement a strategic, coherent and high-quality cycle and walking network across the county that is integrated with public transport and interconnected with cultural, recreational, retail, educational and employment destinations and attractions.

**TRAN POL 21:** To make provision for cycle lanes as part of road improvement / redesign schemes on identified cycle networks, consistent with the NTA National Cycle Manual.

**TRAN POL 22:** To ensure, where possible, that cycleways and footpaths are effectively delineated from major vehicular carriageways.

**TRAN POL 23:** To require planning applications for major developments to demonstrate proposals to address accessibility for pedestrians and cyclists.

## 5.2. **Natural Heritage Designations**

None.

## 5.3. **EIA Screening**

- 5.3.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

- 6.1.1. One third party appeal has been received from a local resident. The principal grounds of appeal are summarised as follows:
- Lack of detail on submitted drawings in relation to cycle ways and Kilbride Road junction.
  - Application not accessible to the public.

- The need for a signalised junction should be informed by independent traffic modelling.
- Development does not adhere to DMURS as it includes a staggered junction with the Kilbride Road junction (c. 85 m away). The junction of the Kilbride Road (L-10007) and the R125 is a very busy junction at peak times.
- Need to look at traffic flow on the eastern and western approaches to Ratoath.
- Introduction of lights will lead to stoppages at peak times that will increase delays and result in increased emissions, contrary to DMURS.
- Alternative provision has been made for pedestrian and cycle access to Ratoath Community College.
- Increase in traffic congestion at the Kilbride Road has the potential to lead to traffic diversions onto the local network (Glascairn Lane).

## 6.2. Applicant Response

The applicant's response can be summarised as follows:

- Modifications at MCC's request to conform with DMURS.
- DMURS recommends signalised junctions with dedicated pedestrian phases in areas of high vehicular and pedestrian activity. Accordingly, a signalised junction is proposed. The junction will provide the following advantages – for Ashbourne Road traffic, longer green time can be provided for eastbound traffic during the morning peak and for westbound traffic during the afternoon peak and evening peaks; dedicated green time can be provided to the Moulden Bridge Access Road; longer pedestrian / cyclist only times during periods of peak activity associated with the start and end of school day.
- The application complies with the provisions of Article 18 and 19 of the P&D Regulations. Requirements in relation to display are outside of the applicant's control.
- MCC propose improvements to the Ashbourne Road / Kilbride Road junction (Part 8 Ref. P8/19008). This is independent of and separate to the works that are the subject of the current application / appeal.



- The improved Kilbride Road junction will be located c. 125m from the proposed junction of the Ratoath ORR and the R125. The installation of traffic signals at the improved Kilbride Road junction, with intelligent links to a signalised Moulden Bridge Junction, would allow the two junctions to in effect operate as a single junction and thus operate more efficiently, delivering a positive impact within the local road network.
- In relation to the staggered junction, TII's Design Manual for Roads and Bridges, requires for 100 km/h roads a minimum stagger of only 50 metres between junctions, whereas the stagger distance between the Moulden Bridge junction and the improved Ashbourne Road / Kilbride Road junction would be 120m.
- The argument that a signalised junction will generate increased emissions is not robust.
- The purpose of the proposed junction redesign is to provide a better traffic management solution at Moulden Bridge. Glascairn Lane is not a likely alternative, given its poor geometry and the additional travel distance.
- In relation to details contained in the Ratoath News and Views Community News Letter, it is noted that there is a concurrent Part 8 application (P8/19008) for works at the Kilbride Road junction. This is a separate application to realign the junction of Kilbride Road and the Ratoath Ashbourne Road (R125). While the works proposed as part of the P8 are proximate to and would ultimately connect with the Ratoath ORR junction at Moulden Bridge, it should be noted that these works are separate to the junction redesign that is the subject to this appeal.

### 6.3. Planning Authority Response

- The proposed development was considered by the PA to be consistent with the policies and objectives of the Meath County Development Plan 2013-2019. The PA would respectfully refer ABP to the Planner's Report for the application dated 9<sup>th</sup> August 2019. The Board is respectfully requested to uphold the decision of the PA.

## 6.4. Observations

None.

## 7.0 Assessment

- 7.1.1. Permission is sought for modifications to the Ratoath Outer Relief Road (ORR) Phase 1. The route of the ORR runs along the southern edge of Ratoath from the Fairyhouse Road (R155) to the Ashbourne Road (R125). Phase 1 was granted by ABP in 2016 under ABP Ref. PL17.247003/RA150933. This is a c. 900 m section of road that runs west from the Ashbourne Road. The approved road includes two roundabout junctions at its eastern and western ends. The subject application seeks permission to replace the approved roundabout junction at the eastern end of the scheme, where the road intersects with the Ashbourne Road (R125) and the Moulden Bridge Estate Road, with a signalised junction. Meath County Council granted permission for a similar modification at the western end of the scheme in July 2019 (PA Ref. RA/190724). This decision was not subject to appeal.
- 7.1.2. I consider that the main issues for consideration in this appeal relate to the matters raised by the appellant and the applicant, namely:
- Procedural Matters
  - Junction Design
  - Traffic and Transport Impacts

## 7.2. Procedural Matters

- 7.2.1. The grounds of appeal raise a number of procedural matters.
- 7.2.2. The appellant states that the application was not available to the public during the consultation period. This is a matter for the planning authority and cannot be addressed by the Board in this appeal.
- 7.2.3. The appellant questions the level of detail shown on the submitted plans and particulars stating that there is a lack of detail in relation to proposed cycleways and the upgrade of the Ashbourne Road / Kilbride Road junction c. 85 metres away. I agree that a number of issues arise in this case. Firstly, the site boundary detailed

on the site layout plan (PD Lane Drawing C-61-309 and PD Lane Drawing C-61-307) excludes key parts of the development described in the public notices. Sections of the road junction including the pedestrian and cycle crossing, traffic signals and turning lanes fall outside of the site boundary. In addition, the submitted drawings detail footpaths and cycle lanes on the Ashbourne Road (R125) west of the proposed junction that do not exist. Drawing C-61-307 states that these works are being carried out by Meath County Council under the Roads Act. At time of site inspection, there were grass verges on both sides of this road.

- 7.2.4. In addition to the procedural issues, I would note that Meath County Council approved a proposed development under Part 8 of the Planning and Development Regulations on 11<sup>th</sup> September 2019, to upgrade the Ashbourne Road / Kilbride Road junction to the immediate east of the proposed junction (P8/19008). The Part 8 process ran concurrent with the subject application. The approved scheme for this junction is not detailed on any of the plans and particulars submitted with the subject application despite the proximity. The applicants appeal response states that the traffic signals for the junctions will be linked and that these junctions would in effect operate as a single junction.
- 7.2.5. It is clear that proposed works along this section of the R125 are related and that the overall intention is to rationalise the layout of this section of road and to improve the safety and carrying capacity of the road network in this area. Notwithstanding this, I concur with the appellants view that there is a lack of clarity in relation to the overall proposals for the area and how the works would tie together. The PA deemed the submitted plans and particulars to constitute a valid planning application in accordance with the provisions of the Planning and Development Regulations. However, as highlighted by the appellant, I consider that the lack of clarity in respect of the extent of works and the lack of clarity in respect of the existing road layout in the area raises a procedural issue under Article 23 of the Planning and Development Regulations. I am of the view that the Board cannot grant permission on this basis and recommend that permission be refused.
- 7.2.6. Having considered all of the matters before them, should the Board take a different view and be minded to grant planning permission for the proposed development, I recommend that prior to determining the application, clarity is sought in relation to

the nature and extent of works proposed under the subject application and how the proposed junction would tie into the existing and proposed road networks in the area.

- 7.2.7. Notwithstanding the recommendation to refuse permission for procedural reasons, on the basis that the Board may take a different view, I have assessed the other matters raised in the appeal below, based on the information before me.

### **7.3. Junction Design**

- 7.3.1. The Design Manual for Urban Roads and Streets was issued jointly by the Department of Transport, Tourism and Sport and the Department of the Environment Community and Local Government in 2013 and is mandatory for all urban roads and streets within the 60 km/h urban speed limit zone (save for listed exceptions). Section 4.4.3, relating to junction design, states that large roundabouts are generally not appropriate in urban areas and that signalised junctions should generally be used, highlighting the fact that roundabouts are difficult for pedestrians and cyclists to navigate, particularly where controlled crossings / cycle facilities are not provided, and vehicles have continuous right of way. The proposed junction is at the intersection of an arterial street and link streets and is within the 60 km/h speed zone. I am satisfied that the use of a signalised junction at this location is consistent with DMURS.
- 7.3.2. Engineering Drawings 15037-C-DR-JA-01 provides details of the approved and the proposed junction (without the red line boundary). The approved junction is a large roundabout without controlled crossings for pedestrians and cyclists. The proposed junction is a signalised cross roads junction with a pedestrian and cycle crossing on the north western arm that connects to a two-way off-road cycle track on the northern edge of the ORR. The other arms have larger turning radii and do not include provision for pedestrian and cycle movement. While, ideally all arms would incorporate pedestrian and cycle crossings and have a tighter alignment, I am satisfied that in this instance the main pedestrian and cycle desire lines (on the town side) would be catered for within the junction (subject to all works being within the red line boundary) and that there is scope to accommodate pedestrian and cycle crossings on the other arms in the future should demand arise.
- 7.3.3. In relation to concerns raised in the appeal in relation to the junction's proximity to the Ashbourne Road and Kilbride Road junction, I have reviewed drawings approved by

Meath County Council under PA Ref. P8/19008 on the council's website. The Part 8 drawings indicate that it is proposed to upgrade and signalise this junction and that the traffic signals will be linked to traffic signals at the proposed junction. The applicants appeal response states that the signals will be integrated and that the junctions will in effect operate as a single junction. Procedural matters relating to the submitted plans and particulars are discussed in detail in Section 7.2 above. Otherwise, I am satisfied that the overall approach to junction design at this location is integrated and would rationalise the layout of this section of road and improve the safety and carrying capacity of the road network. However, in the absence of drawings and details that show both junctions and all other associated works in the area, it is not possible to comment on the detailed design of what is effectively one junction.

#### **7.4. Traffic and Transport**

- 7.4.1. The grounds of appeal raise concerns in relation to the impact of the proposed signalisation on traffic flows in the area. DMURS states that traffic flows through roundabouts are generally lower than traffic flows through signalised junctions. I am satisfied that the signalised junction will facilitate the safe and efficient movement of traffic through the linked junctions and that junction modelling is not necessary in this instance.
- 7.4.2. The appellant raises concerns in relation to increased diversions onto the local road network. However, I would concur with the applicants view that the improvements to the strategic road network will make diversion onto the local road network less attractive.
- 7.4.3. The appellant suggests that there are existing alternative pedestrian and cyclist routes to Ratoath Community College and that the proposed pedestrian and cycle improvements are not necessary. In this regard, I would note that national policy guidance, such as Smarter Travel A Sustainable Travel Future and DMURS seek to promote walking, cycling and public transport use and to facilitate demand for movement along all key desire lines within existing built up areas. The proposed pedestrian and cycle provisions on the ORR represent good planning practice in my view, as they would create direct and integrated connections to Ratoath Community College for pedestrians and cyclists.

## 8.0 Appropriate Assessment Screening

- 8.1.1. Having regard to the nature and scale of the proposed development, nature of the receiving environment, and proximity to the nearest European sites, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed 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

- 9.1. I recommend that permission be refused. Arising from my assessment above, I consider that procedural issues arise under Article 23 1 (a) of the Planning and Development Regulations 2001 (as amended) in respect of: (1) the site boundary; and (2) the detail provided in relation to the existing road layout in the vicinity of the land to which the application relates. Works that form an integral part of the proposed road junction to include a pedestrian and cycle crossing, turning lanes and signals are outside of the red line boundary, and do not therefore form part of the subject application. On inspection it was also apparent that the site layout plan does not detail the existing road layout in the vicinity of the site.
- 9.2. Furthermore, I note that the submitted plans and particulars do not include details of an approved junction upgrade to the immediate east of the site (PA Ref. P8/19008). While this is not a procedural matter, given the proximity of the junction to the proposed junction, I am of the view that there is insufficient detail on file to allow the Board to carry out a full assessment in respect of the existing and proposed road layouts for the area.
- 9.2.1. If the Board, do not concur with the above conclusion and are minded to grant planning permission for the proposed development in this instance, I recommend that as a minimum prior to determining the application the Board requests the following additional information.
- Clarity in relation to the nature and extent of the works proposed under the subject application. The applicant should be advised that all works proposed should be incorporated within the site boundary (such as crossings, turning

lanes and signals) and that the site boundary should be extended where necessary to incorporate all of the proposed works.

- Details of the existing road layout in the area and of how the proposed development will tie into the existing layout.
- Details of proposed or approved modifications to the road layout in the area (including the consenting process) and of how the proposed development will tie into the proposed layout.

## 10.0 Reasons and Considerations

1. On the basis of the submissions made in connection with the planning application and appeal, it appears to the Board that the planning application made to Council was invalid on the grounds that that requirements of Article 23 1 (a) of the Planning and Development Regulations 2001 (as amended) are not met. The development description seeks permission for a signalised cross-roads junction, and this is detailed on Engineering Drawing 15037-C-DR-JA-01. However, substantial sections of this junction are outside of the site boundary delineated on the submitted site layout plan and do not, therefore, form part of the subject application. Furthermore, the submitted plans fail to show existing road layout and other features on, adjoining or in the vicinity of the land to which the application relates. The Board considers that the requirements of Article 23 are not met and that there is a lack of clarity in relation to the works proposed under the subject application. Accordingly, it is considered that it would be inappropriate for the Board to consider the grant of a permission for the proposed development in such circumstances.

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Karen Kenny  
Senior Planning Inspector

26<sup>th</sup> November 2019