



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308115-20

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<b>Development</b>	Outline permission for a light industrial unit with new access road from the proposed new junction of Kilbride road/ R125 Ashbourne Road to proposed Business park.
<b>Location</b>	Raystown Road, Ratoath, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	RA191827
<b>Applicant(s)</b>	James Gallagher
<b>Type of Application</b>	Outline Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	James Gallagher
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	30 <sup>th</sup> of October 2020
<b>Inspector</b>	Angela Brereton

## 1.0 Site Location and Description

- 1.1. The site is located within the development boundary and to the east of the centre of the town of Ratoath. It is on the northern side of the R125 - Ashbourne Road and is to the east of the roundabout and the junctions to the residential area of Moulden Bridge. The area of the site is given as 0.86ha and it is to be taken off the larger field area and the land is currently greenfield, in agricultural use. There are trees and shrubs which currently provide screening along the road frontage boundary. Similarly, along the western side of the field, proximate to the Broadmeadow River and Moulden Bridge residential estate.
- 1.2. The junction with the Kilbride Road is on the opposite side of the road. There are a number of substantial road works/projects being carried out to the east of the site. There is a field gate along the frontage to the east and a couple of one-off houses with separate entrances to the R125 further east. While the site is within the 50km/ph speed limit, this is a fast and heavily trafficked road in both directions. There is no hard shoulder, footpaths or cycle lanes along the site frontage.

## 2.0 Proposed Development

- 2.1. This application seeks Outline Permission for a development to consist of a light industrial unit, with new access road from the proposed new junction of Kilbride Road/R125 Ashbourne Road, to the proposed Business Park.
- 2.2. Drawings including a Site Location Map, Site Layout Plan and details showing the proposed unit have been submitted.
- 2.3. A letter providing details and a rationale for the proposed development has been submitted by Gráinne Mallon, Architect Planning Consultant.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 10<sup>th</sup> of August 2020, Meath County Council decided to refuse permission for the following 2no. reasons:

1. *Having consideration of the proposed development as indicated on the plans and particulars submitted including the development of a new access on to a Regional Road. The applicant has failed to submit sufficient information in relation to Traffic and Transport and in particular the potential impact on the proposed new junction and the proposed new upgrades along the R125, therefore it is considered that it has not been satisfactorily demonstrated that the proposed development would not have a serious impact on traffic safety at this location. Accordingly, the proposed development would therefore set an undesirable precedence for development in the area, would endanger public safety by reason of traffic hazard and would therefore be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the location of the proposed development immediately adjacent to the Broadmeadow River and partially located in flood zone B. The Applicant has not calculated the critical flood levels at the site and therefore not demonstrated that the proposed development will not cause flooding elsewhere. It is considered that the proposed development is in an area at risk of flooding, would be contrary to policy WS POL 29 of the Meath County Development Plan, 2013-2019, would be contrary to the DoEHLG Flood Guidelines 2009 entitled “The Planning System and Flood Risk Management”. Accordingly to grant the proposed development would contravene materially a policy of the County Development Plan, and therefore be contrary to the proper planning and development in the area.*

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

#### **3.2.1. Planner’s Report**

The Planner had regard to the locational context of the site, planning history and policy and to the inter departmental reports and the submissions made. Their Assessment includes the following:

- They note that the site is within the E2 – General Enterprise & Employment land use zoning, where the proposal is acceptable in principle. However, it is partially located on F1- Open Space lands and Industry is not permitted. They request the applicant to relocate the proposed unit into the E2 zoned lands.

- There are no Natura 2000 sites noted within a 15km radius. They conclude that the proposal will not have a significant impact on European Sites and provide that a Stage 2 AA (NIS) is not required in this instance.
- They have regard to the details submitted and note that the application is for outline permission and details of the building would be subject to full planning permission.
- They note Transportation Department concerns relative to the access proposals, carparking, linkages etc and their recommendations for F.I including the submission of a TTA.
- They note that there are no objections raised relative to connection to the public services.
- The site is partially located in 'Flood Zone B' as identified in the OPW's flood mapping associated with the Broadmeadow River. They request that a full Flood Risk Assessment be submitted.

*Further Information request*

The Applicant was requested in summary to submit the following:

- A revised Site Plan showing the proposed light industrial building relocated completely from the F1 (Open Space) to the E2 (Industrial) zoned lands.
- To submit a Masterplan for the entire landholdings zoned as E2 General Enterprise & Employment, and details are given as to what to include.
- To provide a *Justification Test* for the application site on Flood Zone B, in accordance with "The Planning System and Flood Risk Guidelines".
- To include the following:
  - On-site parking provision in accordance with the Meath CDP standards and Part M of the Building Regulations;
  - A Traffic and Transport Assessment in compliance with TII standards, taking into account the zoned lands that the new junction will serve, to take account of the impact on the proposed junction and of junctions in the vicinity;

- To provide footpaths and cycle paths to serve the development. The latter to comply with the National Cycle Manual;
- All works required to provide the new development and the required junction to be included within the red line boundary.

*Further Information response*

Gráinne Mallon Architect Planning Consultant has provided a response on behalf of the Applicant which includes the following:

- The Site Plan has been adjusted so that no part of it is located on the lands zoned F1 for amenity.
- The Applicant is not the developer so will be selling the land and the purchaser will submit his own Master Plan with his own details when making a planning application.
- MTW Consulting Engineers have provided a response to Flood Risk issues and conclude that the proposed development is appropriate for the site.
- Parking is indicated to Development Plan standards. General compliance with part M and all aspects of the Building Regulations have been noted in this outline application and will be considered in greater detail at full planning stage.
- The items mentioned in item 4 are all matters which can be conditioned to comply with when making a detailed application, rather than an outline proposal.

*Planner's Response*

- They note that the revised Site Layout Plan shows that the proposed industrial unit has been removed from the F1-Open Space zoned lands. The F1 zoned lands slightly encroach the south western site development boundary.
- An indicative layout for the balance of the zoned lands has been submitted.
- They recommend that if permission is granted a condition should be attached to include a detailed masterplan and the proposed development removed from the area zoned open space.

- They have regard to the Flood Risk Assessment submitted and note the concerns of the Environment Section and recommendation for refusal.
- They have regard to the Transportation comments and note that compliance with car parking standards has not been shown.
- A Traffic and Transport Assessment has not been submitted.
- The applicant has not responded to the concerns in the third party submissions.
- They note that the application was re-advertised and that no submissions were received in relation to the F.I submitted.
- They recommend that the proposed development be refused for 2no. reasons relative to insufficient information on roads upgrades/traffic and flooding.

### 3.3. Other Technical Reports

#### Transportation Department

They had regard to the locational context of the site and to the land use zonings, access, carparking, linkages and traffic related issues. They recommend that detailed F.I be sought to include regard to onsite car parking provision, the submission of a Traffic and Transport Assessment, in compliance with TII standards and taking into account all of the zoned lands that the new junction will serve. They note that all works required to provide the new development and the required junction should be included within the red line boundary.

They note their concerns have not been addressed in the F.I submitted, this includes relative to compliance with the CDP in relation to car parking and compliance with Part M of the Building Regulations, also that a Traffic and Transport Assessment has not been submitted. They consider the applicant has not provided the information requested and recommend refusal.

#### Water Services

They do not object subject to the inclusion of a condition relative to Surface Water collection, treatment and disposal.

### 3.4. Prescribed Bodies

#### Irish Water

They have no objections subject to conditions.

### 3.5. Third Party Observations

Submissions from local residents have been taken into account in the Planner's Report and in summary include the following concerns:

- Health & Safety – traffic hazard issues opposite local primary school.
- Traffic Congestion – would lead to a further deterioration.
- Site in a low-lying area adjacent to the Broadmeadow River – environmental hazard.

## 4.0 Planning History

The Planner's Report notes that there is no previous planning history relevant to the subject site. However, the following are of note relative to recently approved road works in the area:

#### *Adjacent Sites*

- RA19/0890 – Permission granted by the Council and subsequently subject to revised conditions by the Board (ABP-305385-19 refers) for Amendment to road junction at Moulden Bridge (Townlands of Jamestown, Ratoath & Tankardstown, Ratoath Co. Meath) as approved under planning permission Ref. PL17.247003/RA150993. The amendment as proposed sought to modify the approved but not yet constructed roundabout to now be a signalised crossroads junction, including all associated ancillary site development works together with ties-ins to the Ashbourne Road (R125), the Moulden Estate Road and the Ratoath Outer Relief Road (under construction).

Condition no. 2 provided that this permission shall expire on the 23<sup>rd</sup> of December, 2021.

A copy of the Board's decision is included in the History Section of the Appendix.

- Meath County Council has approved (2019) a Part 8 scheme (Ref. P8/19008) for a proposed road realignment/modification to the R125 directly to the east of the proposed signalised junction at Moulden Bridge. This scheme includes the realignment of the adjacent existing Kilbride Road junction and also includes road widening and land acquisition. The description is of note:

*Junction Improvement Works at the Kilbride Road(L-1007) Junction with the R125 Ratoath/Ashbourne Road, immediately east of the Ratoath Outer Relief Road, within the townlands of Raystown, Tankardstown, Jamestown and Ratoath. The scheme will consist of the realignment of the junction and the provision of traffic lights and also includes connecting with the Ratoath Outer Relief junction at Moulden Bridge which is located 85m west of the R125 Ashbourne Road/L-1007 Kilbride Road junction. The proposed project is located approximately 55m east of the existing junction and subsequently requires realignment of 210 metres of the Kilbride Road (L-1007) immediately south of R125 Ashbourne Road and 220 metres of the R125 Ashbourne Road.*

This is independent of and separate to the works that are the subject of the above appeal (ABP-305385-19 refers).

## **5.0 Policy Context**

### **5.1. Meath County Development Plan 2013-2019**

*Core Principles* of note include the following:

No. 1 - *To develop Meath's critical role in the Dublin and Mid East Region and its role as part of the Dublin City National Economic Gateway maximising on its proximity to Dublin Airport.*

No. 3 - *To promote sustainable economic development to support the population of County Meath in accordance with the guidance and recommendations set out in the Economic Development Strategy for County Meath 2014-2022.*



No.5 - *To encourage mixed use settlement forms and sustainable centres, in which employment, housing and community services are located in close proximity to each other and to strategic public transport corridors.*

No.9 - *To consolidate population growth and employment in areas best served by public transport and a range of transport modes.*

### *Economic Development Strategy*

Section 4.1 includes 8no. key actions/recommendations designed to achieve the projected level of employment growth in Meath by 2022 and requires a multi-pronged approach, the key components of which are listed. These include the provision of the requisite physical infrastructure, reserving sufficient employment zoned land in suitable locations for industry and enterprise use, securing high standards of landscape and environmental protection/enhancement, encouraging a sustainable 'live work' development industry etc.

The Gaol is: *To build on and enhance the competitiveness and attractiveness of County Meath in order to make it one of Ireland's primate locations for indigenous and foreign economic and employment generating investment in accordance with the objectives and recommendations of the Economic Development Strategy for County Meath 2014-2022.*

Section 4.1.4 refers to high level economic development objectives for the Dunboyne/Ashbourne area and includes: *To seek to develop Ratoath as an employment hub as the town has been included in the RPG's as an employment base because of its highly skilled and educated workforce.*

Economic Policy ED POL 14 seeks: *To foster the prioritisation of employment generating land uses in the urban area of Ashbourne and the adjoining linked settlement of Ratoath.*

### *Transport Infrastructure*

Chapter 6 provides Transportation policies and objectives and these include:

TRAN SP 13 seeks: *To ensure that the design and planning of transport infrastructure and services accords with the principles of sustainable safety, in order that the widest spectrum of needs, including pedestrians, cyclists and those with differing levels of ability are taken into account.*

TRAN SP 14 seeks: *To ensure the protection of the existing roads infrastructure while improving the capacity of the road network to meet future demands.*

### *Flooding*

Chapter 7 has regard to Water, Drainage and Environmental Services and Flood Risk Management and includes the relevant policies and objectives.

WS POL 29 provides that it is the policy of the Council: *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 the Justification Tests for Development Management and Development Plans, during the period of this Plan.*

WS POL 32 seeks: *To ensure that a flood risk assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoECLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to the potential development.*

### *Open Space*

SOC POL 32 seeks: *To promote the development of high quality open space areas, for both active and passive use, and formal and informal activities in accordance with the Core Strategy and Settlement Strategy.*

## **5.2. Meath Economic Development Strategy 2014-2022**

The Economic Development Strategy seeks to ensure that the potential of County Meath is maximised and that it becomes a key driver within the Greater Dublin Area. This is to assist in the achievement of balanced development within the wider region. It notes that Ratoath is a commuter town with little employment opportunities for its population base. That the future development of Ratoath will be linked to that of Ashbourne and Dunshaughlin and should aim to capitalise on the synergy with those settlements. Also, that sustainable higher end economic investment opportunities consistent with the size of the town should be supported. Reference is made to Variation No. 2 of the Meath CDP which includes provision for the release of

residential and employment lands for 5 of the 6 centres which will retain their LAPs and this includes Ratoath.

### 5.3. **Ratoath Local Area Plan 2013-2019**

Ratoath is a small town developed in accordance with the Settlement Hierarchy for County Meath. This has developed mainly on the basis of being a dormitory town facilitating commuting primarily to Dublin. Section 2.3.3 of the MCDP notes that Local Area Plans remain in place for a number of towns including Ratoath and that future reviews of these plans will be required to be compliant with the DP as varied. Variation No. 2 includes a review of the appropriateness of the nature, location and quantum of industrial and employment generating land use within Ratoath. The Consolidated version of the Meath CDP (Dec 2016) includes Additional Policies & Objectives for the Ratoath LAP (2009-2015) in Volume 5 and a Book of Maps for Urban Centres including a Written Statement for Ratoath. Note is also had of the zoning objectives. In addition, to Strategic Policy relative to the Order of Priority for the release of residential lands and Flood Risk Policies for Ratoath and having regard to the location of developments relative to the flood zones of the Broadmeadow River.

*FR OBJ: To seek to implement the recommendations of the Fingal East Meath Flood Risk Assessment and Management Study (FEMFRAMS) as applicable to the River Broadmeadow to include, inter alia, that the existing culverts of the river and associated tributary through Ratoath, and in particular at Moulden Bridge, are maintained and kept clear of obstructions at all times.*

*FR POL 1: To manage flood risk and development in Ratoath in line with policies WS 29 – WS 36 inclusive in Volume 1 of this County Development Plan.*

### 5.4. **The Planning System and Flood Risk Management Guidelines 2009**

These have been adopted and are the DOEHLG Guidelines for Planning Authorities (November 2009). The key principles are:

- Avoid the risk, where possible –precautionary approach;
- Substitute less vulnerable uses, where avoidance is not possible;

- Mitigate and manage the risk, where avoidance and substitution are not possible.

Flood Zone A has the highest probability of flooding, Zone B has a moderate risk of flooding and Zone C (which covers all remaining areas) has a low risk of flooding.

The sequential approach should aim to avoid development in areas at risk of flooding through the development management process.

An appropriate flood risk assessment and justification for development in and management of areas subject to flooding and adherence to SUDS is recommended.

### **5.5. Natural Heritage Designations**

None

### **5.6. EIA Screening**

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**

Gráinne Mallon, Town Planning Consultant has submitted a First Party Appeal on behalf of the Applicant which includes regard to the locational context, planning history and policy and Council's reasons for refusal. This includes the following:

- They provide details of the planning/road related history of the site and vicinity and note that they have applied for an outline permission for an industrial unit in line with the zoning objective.
- Meetings have been held with Council's Transport Engineers to discuss the most suitable access to service the Applicant's zoned land.

- They refer to the Part 8 for the new controlled junction for the Kilbride Road/R125 Ashbourne Road. They note that this went on display and was granted by the Council.
- They note that a flood report was carried out as part of the Part 8 application in relation to the new road junction and it was established that there would be no flooding at the junction. Also, that a business park is not classified as a vulnerable development from a flood perspective.
- They provide details of surface water drainage and note that the proposal will connect to existing services.
- The industrial unit was adjusted so that no part of it is location on lands zoned F1 for amenity.
- They consider that the Council's F.I request issued sought a level of detail that was more in line with a full planning application than that required for an outline application. They make reference to sections of the Planning and Development Act and Regulations in this regard.

#### Reason for Refusal no. 1

- They note the employment zoning relevant to the site. They consider that the Council must have anticipated the level of traffic that such a zoning would involve, which is part of the reasoning behind a proposal for a new controlled junction that has now been granted a Part 8 approval.
- The Applicant wishes to establish the best location in terms of traffic safety, before putting this land on the market. They are concerned that the advice from the Roads Design Section was not taken into account by the Planning Authority, and that the level of information provided is in line with the requirements of an outline planning application.
- This outline application indicates a typical industrial unit, with car parking being provided in excess of Development Standards. However detailed information relative to traffic and parking can only be provided when lodging an application for approval or a full application not at outline stage.

## Reason for Refusal no. 2

- They have regard to the land use zoning and note that the F1 zoning was probably to take account of any possible flooding. They provide that no part of the proposed industrial building is located within this zone.
- In accordance with the Planning System and Flood Risk Management Guidelines for Planning Authorities, industrial buildings are categorised as *less vulnerable development* and deemed appropriate for flood zones B & C without a justification test.
- Detailed information relating to finished floor levels and comprehensive design for storm water disposal, to satisfy the Council's requirements will be submitted at Planning Approval Stage.
- They note an additional report from MTW Consultants Ltd. has been included with the subject Appeal to address the issues relating to flooding raised by the Council in its decision to refuse permission.

## Conclusion

- They note that this Outline application is seeking permission in principle for the Applicant, done in the knowledge that he wished to sell his land and does not wish to undertake the development himself.
- The Applicant wished to establish the location of the safest access to service the land before selling. Seeking permission in principle seemed to be the most appropriate step as it would confirm for any future developer that access to the zoned lands would be achievable as 'the fourth leg of this controlled junction' subject to a subsequent detailed application for permission.
- This application has been assessed by the Council as a full planning application under Section 34 of the Planning and Development Acts, rather than as an outline planning application under Section 36. The Council refused Outline Permission for reasons of lack of detail that should be provided in a subsequent application for approval.
- They request the Board to reverse the Council's decision and to condition any relevant matters that should be addressed in a subsequent application for

approval. They enclose maps and documents relevant to the application and rebuttal of reports from the Council.

## 6.2. **Planning Authority Response**

The Council's response to the First Party Grounds of Appeal includes the following:

- The planning application was assessed as an outline application and in accordance with the Planning and Development 2000 as amended and the Planning and Development Regulations as amended. All matters or issues relating to a proposed development applied for under Outline Permission shall be assessed during the application process. The design of the proposal shall be the only remaining issue to be addressed under a Permission Consequence application.
- Subsequent, to the Council's F.I request the applicant failed to submit the information requested in particular, relevant to Transportation issues. Therefore, refusal was recommended as Transportation cannot make an informed recommendation on this application.
- The Environment Flooding Department concern's relative to inadequate details on calculation of flood risk are noted. From a Flooding perspective, they cannot recommend that permission be granted for this application.
- The Planning Authority is satisfied that all matters were considered in the course of their assessment of the planning application as detailed in the Planners Reports. They request the Board uphold their decision to refuse permission.

## 7.0 **Assessment**

### 7.1. **Policy Considerations**

- 7.1.1. The Land Use Zoning Objectives Map for Ratoath as per Variation No. 2 of the Meath CDP 2013-2019, Volume 5 shows the site is located within two separate zonings i.e a small portion of the south western part within the 'F1' Open space zoning where the Objective is: *To provide for and improve open spaces for active*

*and passive recreational amenities.* This corresponds to the lands on either side of and within the flood plain of the Broadmeadow River. E2 zoned Employment/Enterprise uses are not listed as being either 'Permitted' or 'Open to Consideration' within the F1 zoned lands.

- 7.1.2. The majority of the site is within the 'E2' zoning where the Objective is: *To provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment/enterprise uses in a good quality physical environment.* It is noted that this will be the first site to be developed and the site is to be taken off the wider field area of these 'E2' zoned lands. The Zoning Map also shows the indicative R125/Kilbride road junction located on the opposite side of the road.
- 7.1.3. It is noted that the area zoned for open space has been extended further eastwards on either side of the Broadmeadow River, than that shown on the Land Use Zoning Map in the original Ratoath LAP 2009-2015. ECON DEV OBJ 9 referred i.e: *To identify lands for industrial purposes including start up and incubator units on the Ashbourne Road. The development of these lands shall include the re-alignment of the R125 and provision of footpaths, cycleway and public lighting along the road frontage of the site.*
- 7.1.4. As part of the Council's Further Information they requested that the applicant submit a revised site layout plan relocating the proposed light industrial unit completely into E2 zoned lands and provided that no industrial type will be permitted within the F1-Open Space zoned lands. The revised plans still show a conflict in that the south western corner of the site not including the unit is shown within the F1 land use zoning. If the Bord decides to permit I would recommend that it be conditioned that this site be reorientated so that none of it be located within the area zoned for open space.
- 7.1.5. It is also noted that as part of the F.I the Council requested that an overall Masterplan for the area zoned 'E2' be submitted. This was to include regard to the overall site and building layout; building heights and design principles; landscaping; phasing; mix of uses for the site; traffic impact assessment; management proposals; service arrangements. The F.I response noted that the provision of a Masterplan is not a requirement of the current Development Plan but may become a requirement if



the current draft plan is to be adopted. They have included a possible Indicative Layout, showing the proposed entrance and cul de sac road layout to serve future individual units. The First Party provides that the Applicant is not a developer and the principal reason for making this outline application is to establish a suitable access point for the E2 zoned land before disposing of same to someone in the position to develop it. The respective purchaser would then submit their own Masterplan with the details sought when making a planning application.

- 7.1.6. I would consider that having regard to these issues, that this application for outline permission for 'a stand-alone unit' on what albeit 'E2' zoned lands is as yet undeveloped agricultural, could be considered to be speculative and premature pending the submission of a Master Plan for the sustainable development of the future Business Park and these 'E2' zoned lands as a whole.

## 7.2. Regard to Outline Permission

- 7.2.1. This application is for Outline Permission for the proposed development. The Third Party consider that the level of detail requested by the Council in their Further Information request is more relevant to a Full Permission or Permission Consequent rather than for an outline permission. They consider that many of the issues raised in the further information request could be conditioned. The Council, in their response to the Appeal refutes this and considers the information requested and in particular relative to transport and flooding issues raised, as being necessary to enable them to make an informed decision.
- 7.2.2. Section 36, Part III of the Planning and Development Act 2000 (as amended) has regard to the concept of an Outline Permission, and the subsequent need for permission consequent. Section 36(6) provides: *In this section, "outline permission" means permission granted in principle under section 34 for the development of land subject to a subsequent detailed application for permission under that section.*
- 7.2.3. Article 24 of The Planning and Development Regulations 2001 (as amended) provides: *Notwithstanding article 22(2)(d), an outline application shall, in addition to the requirements of article 22(2), be accompanied only by such plans and particulars as are necessary to enable the planning authority to make a decision in relation to*

*the siting, layout or other proposals for development in respect of which a decision is sought.*

- 7.2.4. Regard is also had to the Development Management Guidelines 2007 which provides relative to Conditions at outline permission stage:

*It is particularly important that conditions relating to basic services, significant design criteria, financial contributions, security for completion, road reservations and other such fundamental matters are attached, where appropriate, to outline permissions for housing development. If this is not done, difficulties may arise at the permission consequent stage.*

- 7.2.5. While this is not an application for housing, the issues are similar relative to the concept of an outline permission. Permission in principle cannot be granted unless it has been established in the documentation submitted that adequate details have been submitted to make an informed decision and that the proposal is in the interests of proper planning and sustainable development of the area. Further consideration is given to the matters raised, including relative to the Council's reasons for refusal in this Assessment below.

### **7.3. Access and Roads issues – Refusal reason no.1**

- 7.3.1. The applicant proposes to construct a new light industrial building with access from the proposed new junction of R-125 (Ashbourne Road) and the L-1007(Kilbride Road) to the proposed Business Park. At present there is one centrally located field gated entrance to the E2 zoned lands from the R125 (outside of and to the east of the subject site). Visibility is restricted by roadside planting and hedgerows. They provide details of this junction relative to the Applicant's land and note that the relocated gate will no longer be required when the new service road to the future business park is provided. There is no hard shoulder or footpaths/cycle lanes along the frontage of the site or the E2 zoned lands. As noted on my site visit this is a very busy road and, it is currently unsafe for pedestrians to walk along the site frontage.
- 7.3.2. Regard is had to the planning history of adjacent sites as noted above and to the description of the Part 8 Application (Ref. P8/19008) approved the Council in September 2019. A copy of this drawing showing the proposed access to the Business Park on the opposite side of the junction to form a fourth arm has been

included in the drawings submitted. There is a lack of clarity to show that the proposed road realignment along this section of the R125 approved as per the Part 8 has been accommodated relative to the site frontage.

- 7.3.3. It is noted that while the proposed access to the E2 zoned lands is shown within the red line boundary, the indicative cul de sac access road to serve potential future units within these lands is not within the application boundary which refers only to the subject site. The Applicant provides that the proposed service road is indicated at 9 metres, however the final width will be to Transportation Department requirements.
- 7.3.4. The Transportation Department note that the Local Authority proposes to realign the L-1007 (Kilbride Road) and to upgrade the junction with the R-125 and that there is no timeframe for these works to commence. They have regard to the plans submitted and recommended that F.I be sought to include regard to onsite car parking provision and that compliance with Part M of the Building Regulations should also be demonstrated. They requested the submission of a Traffic and Transport Assessment, in compliance with TII standards and taking into account all of the zoned lands that the new junction will serve. In addition, that the assessment identify the impacts on the proposed junctions as well as existing junctions in the vicinity of the development. Also, the provision of footpaths and cycle paths (in accordance with the National Cycle Manual). They note that all works required to provide the new development and the required junction should be included within the red line boundary.
- 7.3.5. Subsequent, to the Council's request for F.I relevant to these issues (item 4 refers), the Applicant's response noted that parking is indicated to Development Plan Standards. They provide that general compliance with part M and all aspects of the Building Regulations have been considered in this outline application, in so far as is feasible, however this will be covered in greater detail when preparing a full planning application. They consider that all the issues raised in item 4 are matters that can be conditioned to comply with in making a detailed planning application, rather than in this outline proposal.
- 7.3.6. In response to the F.I submission the Transportation Department note their concerns have not been addressed in the F.I submitted, this includes relative to compliance with the CDP in relation to car parking and compliance with Part M of the Building

Regulations, also that a Traffic and Transport Assessment has not been submitted. They recommend refusal. Reason no. 1 of the Council's decision refers and notes concerns that it has not been demonstrated that the proposal will not impact on traffic safety and result in traffic hazard contrary to the proper planning and sustainable development of the area.

- 7.3.7. The First Party response provides that it was the opinion of the Transportation Department that the best access to service the zoned land would be the construction of the fourth arm of the controlled junction. They note that the land has been zoned for employment development in excess of ten years and consider that the Council must have anticipated the level of traffic that such zoning would involve. Also, that this is part of the reasoning behind the proposal for a new controlled junction which has been granted a Part 8 approval.
- 7.3.8. The Council's response provides that the Planning Department did consult with the Transportation Department throughout the assessment of the current application. They have regard to their F.I request and provide that the applicant failed to submit the relevant information and note that a refusal was recommended as the Transportation Department cannot make an informed recommendation on this application.
- 7.3.9. As referred to in the Planning History Section above in Ref. ABP-305385-19 the Council permitted an amendment to the road junction at Moulden Bridge to modify the approved but not yet constructed roundabout to now be a signalised crossroads junction, including all associated site development works together with tie-ins to the Ashbourne Road (R125), the Moulden Estate Road and the Ratoath Outer Relief Road (under construction). These road works are currently under construction and are to the west of and on the Ratoath side of the Broadmeadow River, the E2 zoned lands and the subject site. Separately, note has been had of the works relative to the Part 8 road works above.
- 7.3.10. Regard is also had to *The Design Manual for Urban Roads and Streets* which was issued jointly by the Department of Transport, Tourism and Sport and the Department of the Environment Community and Local Government in 2013/and updated in 2019 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 relates to junction

design, and refers to the need to facilitate controlled crossings and pedestrian and cycle facilities. This includes in Section 4.3.2: *More generally, designers should be guided by pedestrian demands, safety and vehicle flows.*

- 7.3.11. The proposed junction is at the intersection of Ashbourne and Kilbride Road (proximate to where the recent Part 8 applies) and details have not been submitted as to whether or not it is to be signalised or a pedestrian crossing, or if footpaths, cycleways are to be provided. In view of inadequate documentation being submitted with this outline application it has not been demonstrated that this proposed access junction at this location is consistent with DMURS.
- 7.3.12. In view of all the road works and alterations currently taking place or planned to take place as a result of previous permissions and the recent Part 8 (as referred to in the Planning History section above), it is considered that the proposed development including the new access to these lands has the potential to have a further impact on traffic volumes and safety in the area. This impact has not been quantified or the issue of safety has not been addressed in that a Traffic and Transport Assessment or Road Safety Audit has not been submitted with this application.
- 7.3.13. Having regard to all the issues raised and to the lack of detail submitted it has not been ascertained that the principle of the proposal which includes a new access road, to ultimately serve the Business Park, will not result in having a detrimental impact on public safety or will not result in traffic hazard. I would also consider that in view of all the issues raised that it would be preferable in the interests of proper planning and sustainable development to submit an application for full permission to include these details and in the context of a Master Plan for the Business Park as a whole, rather than in an incremental manner, considering the pertinent issues relative to the contextual location of the site.

#### **7.4. Drainage**

- 7.4.1. As noted on the application form it is proposed to connect to the public mains and sewer. Details submitted with the application provide that as the land falls north westward towards the stream all storm water for the proposed development, including road and all paved surfaces, will be collected for attenuation which will be provided and discharged in a controlled manner to the adjoining stream to the west

of the site in accordance with SuDS and GSDS. It is also provided, that there will be no discharge of storm water towards the road junction.

- 7.4.2. It is provided that water supply will be from the existing public system and disposal of foul drainage will be into the existing system, served by the pumping station at Mouldin bridge, which immediately adjoins the site. Also, that details will be agreed with the Council and Irish Water prior to lodging an application for full approval.
- 7.4.3. It is noted that the Council's Water Services Section did not object but recommended the inclusion of a condition relative to the orderly collection, treatment and disposal of surface water to be in accordance with current standards. Irish Water also does not object to the proposal. It is recommended that if the Board decides to permit that relevant drainage conditions be included.

## 7.5. Flood Risk – Reason for Refusal No. 2

- 7.5.1. The Council's second reason for refusal is concerned that the proposal is located in an area at risk of flooding and would be in material contravention of policy WS POL 29 of the Meath CDP 2013-2019 and would be contrary to the DoEHLG Flood Guidelines 2009: *The Planning System and Flood Risk Management*.
- 7.5.2. It is noted that the proposed site is located on lands that are immediately adjacent to the Broadmeadow river and that the site has a natural run off toward the river zone. Details submitted with the application note that a flood report was carried out as part of the Part 8 application in relation to the new road junction and it was established that there would be no flooding at the junction. The Applicant notes that a business park is not classified as a vulnerable development from a flood perspective. They provide that the proposed ground and floor levels in the development will be above calculated flood levels.
- 7.5.3. Regard is had to 'The Planning System and Flood Risk Management Guidelines' 2009. This includes that the vulnerability of development to flooding depends on the nature of the development, its occupation and the construction methods used (S.2.19 refers). Table 3.1 provides a classification of vulnerability of different types of development. *Buildings used for: retail, leisure, warehousing, commercial, industrial and non-residential institutions* are classed as *less vulnerable development*. In accordance with Table 3.2 such uses are considered to be 'appropriate' in Flood

Zones B, C. It is noted that as shown on the OPW Draft Flood Mapping the south western part of the site (which appears to correspond to that part within the F1 Open Space zoning) lies within Flood Zone 'B' and the remainder of the site is within Flood zone C.

- 7.5.4. As part of their F.I request the Council requested that the applicant apply the *development management Justification test* as set out in Chapter 5 of the Guidelines to assess the appropriateness of the proposed development and relating to the Justification test and all matters related to flood risk on the proposed development site.
- 7.5.5. In response a flood report has been prepared by MTW Consulting Engineers, which provides that the proposed ground and floor levels in the development will be above calculated flood level, and the development will not cause flooding elsewhere. This has regard to the Guidelines and to the three stages in assessment of flood risk ie: Stage 1: Flood Risk identification; Stage 2: Initial Flood Risk Assessment; Stage 3: Detailed Flood Risk Assessment. They note that the proposed development is a 'Less Vulnerable' use and is appropriate to Flood Zones B and C. The possible sources of flood water are assessed in a table using the 'Source- Pathway- Receptor model' for the existing and proposed scheme. While they note minor gradients, the topography in the immediate vicinity of the site is relatively level. They provide that the principle mitigation factor in relation to any potential overland flow from a critical pluvial event, is that the finished floor level will be 150mm above ground level. They also propose that the disposal of surface water from the development be fully designed in accordance with SuDS and GSDS and be attenuated to ensure that the proposed development will not cause a flooding issue on any adjacent lands. They conclude that the probability of coastal flooding is extremely low and that of fluvial flooding is low and that the proposed development is appropriate to the subject site.
- 7.5.6. As noted in the Planner's Report the Council's Environment Section has regard to the F.I submission relative to Flood Risk. They provide that it has been incorrectly stated that the proposed development is in Flood Zone C and only considers flood risk from Pluvial Flood sources. They note that while generally such type of development is appropriate they are concerned that the details submitted with the

application do not include the critical flood levels on the site, the proposed finished floor levels for the development and do not prove that the proposed development will not increase flood risk elsewhere. They recommend that from a Flooding perspective that the proposal be refused.

- 7.5.7. The First Party response provides that no part of the proposed light industrial building is located within the F1 open space or flood zones. They note this application is for outline permission only and provide that detailed information relating to the finished floor levels and comprehensive design for storm water disposal to satisfy the Council's requirements, would be submitted at planning approval stage. They refer to the report submitted by MTW Consultants at F.I stage and to their subsequent report to address the issues relating to flooding raised by the Council in its decision to refuse permission.
- 7.5.8. MWT attach an OPW map to a scale of 1:2500 which they provide shows that the proposed development site is not in zones A, B and that only a small area of the site is within zone C, which does not affect the industrial building. They note that in accordance with the Guidelines Chapter 3, industrial buildings are categorised as less vulnerable development and are deemed appropriate to Zones B and C without a Justification Test. Therefore, they conclude that the proposed development is deemed appropriate for the subject site.
- 7.5.9. It is noted that Chapter 3 of the Guidelines has regard to a precautionary approach being applied where necessary relevant to flood risk management, to the sequential approach and to compensation for any loss of floodplain. As noted above this is not a highly vulnerable development (Section 3.5 of the Guidelines refers) and only a small portion is located in Flood zone B, therefore a Justification Test is not essential. In this case this is a small section which is located within the F1 zoning.
- 7.5.10. Section 3.5 includes: *In general, however, less vulnerable development should only be considered in this zone if adequate lands or sites are not available in Zone C and subject to a flood risk assessment to the appropriate level of detail to demonstrate that flood risk to and from the development can or will be managed.* I would recommend that if the Board decides to permit that the site boundaries be changed so that none of the site is located within the F1 zoning, this would also mean that it would be outside of the 'B' zone.



## **7.6. Material Contravention**

- 7.6.1. It is noted that the Council's reason no. 2 includes material contravention of Policy WS POL 29 (as quoted in the Policy Section above) of the Meath CDP 2013-2019. Section 34(6) of the Planning and Development Act 2000 sets out the procedure under which a planning authority may decide to grant permission for a development which they are concerned would contravene materially the development plan or local area plan. Section 37(2) of the 2000 Act provides the constrained circumstances in which the Board may grant permission for a material contravention. These include whether the development is of strategic or national importance, where the development should have been granted having regard to regional planning guidelines and policy for the area etc., where there are conflicting objectives in the Development Plan or they are not clearly stated, or permission should be granted having regard to the pattern of development and permissions granted in the area since the making of the Plan.
- 7.6.2. Having regard to the location of the site and the documentation submitted as noted in the Flood Risk Section above, I would not consider that the proposal would materially contravene Policy WS POL 29. This takes into account that it is for a less vulnerable development and that only a small part of the site is within Flood Zone B and as per Table 3.2 of the Guidelines a justification test would not be required. However, as above I would recommend that the boundaries of the site be altered so that none of the site is located within the Flood Zone B or the F1 Open Space zoning.

## **7.7. Screening for Appropriate Assessment**

- 7.7.1. 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.

## **8.0 Recommendation**

- 8.1. I recommend that this proposal be refused for the reasons and considerations below.

## 9.0 Reasons and Considerations

1. Having regard to recent the planning history of roads related development in the vicinity of the site, to nature of the proposed development, which seeks outline permission for a light industrial unit including access to the regional road to serve the unit and a future business park and to the lack of information submitted in relation to Traffic and Transport and in particular the potential impact on the proposed new junction and proposed new upgrades in the vicinity along the R125, it is considered that it has not been satisfactorily demonstrated that the proposed development would not have a serious impact on traffic safety or provide for pedestrians and cyclists in the area. The proposal in the absence of a Traffic Impact Assessment and a Masterplan for the future Business Park would therefore set an undesirable precedent for piecemeal uncoordinated development and would endanger public safety by reason of traffic hazard and would therefore be contrary to the proper planning and sustainable development of the area.
2. As shown in the Meath County Development Plan 2013-2019, and Volume 5 which includes, the Land Use Zoning Map for Ratoath, the site for the proposed light industrial development would be partially located on land zoned 'F1' Open Space, where such uses are neither 'Permitted' nor 'Open for Consideration'. As such it would set an undesirable precedent for such uses and should be wholly located within the wider 'E2' General Enterprise and Employment area. The erosion of the 'F1' area, would be contrary to Policy SOC POL 32 which seeks to promote high quality open space areas and would therefore be contrary to the proper planning and sustainable development of the area.

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Angela Brereton  
Planning Inspector

11<sup>th</sup> of November 2020