



An
Bord
Pleanála

Inspector's Report

ABP-309648-21

Development	Construction of 6 two-storey detached houses, new road entrance and internal access road, new boundary treatments, and all associated site works.
Location	Tiveragh, Curragha Road, Ratoath, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA200407
Applicant(s)	Michael, Mark & Leona Nally.
Type of Application	Planning Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party
Appellant(s)	Tony Roe, James Gleeson, Gavin Malone, Susan Ryan & Liam Eiffe.
Observer(s)	No observers.
Date of Site Inspection	10 th June 2021.

Inspector

Elaine Sullivan

1.0 Site Location and Description

- 1.1. The subject site is located on the eastern side of the R155, Curragha Road, approximately 750m to the north of Ratoath Village in Co. Meath. It has a stated area of 0.95ha and is located to the rear of three detached dwellings which are positioned to the front of the site. It currently comprises open grassed areas with mature trees and planting along the site boundaries to the south, east and north. There is residential development to the north and south of the site. To the south is a cluster of detached dwellings facing onto a shared access road and to the north, house No's 1-5 on the southern boundary of the Foxbrook Estate back directly onto the site.
- 1.2. An OPW maintained arterial drain, (Ref. C1/9), adjoins the site boundary to the south and east. It flows in a northerly direction along a section of the southern site boundary, and along the entire eastern boundary before entering a culvert directly downstream of the site.
- 1.3. The site would have formed part of the original landholding for the house known as Tiveragh, which is centrally positioned within the site.

2.0 Proposed Development

- 2.1. The proposed development is for the construction of 6 no. large detached, two storey houses to the rear of an infill site that currently has 3 detached houses in place to the front and facing onto the R155, Curragha Road.
- 2.2. It is proposed to construct 5 no. 5 bed, 2 storey houses of 250m² along the eastern boundary of the site and facing west. Each of these houses would have private open space to the rear ranging from 241 – 340m². Off-street parking for 2 no. cars is shown to the front of each property.
- 2.3. A sixth house would be located in the north-west corner of the site. This house would also be a 5 bed, 2 storey dwelling and would have a floor area of 248m² and private open space of 653m².
- 2.4. A new entrance road to be formed at the existing gateway on the southern boundary and would provide a 6m wide access road serving the new houses. A 2m high wall would be constructed around the existing housing, along the access road and along the western boundary of the site. The existing hedgerows along the south, east and

northern boundaries would be retained. Public open space in the order of 1,619m² would be provided in two areas within the site.

- 2.5. It is proposed to connect the development with the existing mains water supply on the Curragha Road. Foul drains would be connected to the existing 225mm foul network on the Curragha Road. Surface water runoff is to outfall to the existing drain subject to source control management, attenuation and treatment.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted by the PA subject to 29 planning conditions most of which are standard in nature. Conditions which may be of note to the appeal include the following;

2. The development shall be constructed and laid out in accordance with the revised site layout plan submitted to the Planning Authority on 22/12/2020 unless any conditions stipulate otherwise. All existing hedgerows and trees on the boundaries of the overall site shall be retained in situ unless otherwise agreed in advance, in writing, with the Planning Authority.

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

4. Prior to the commencement of any work in site, the Applicant shall submit a revised site layout plan, scale 1:5000, to the Planning Authority, for prior written agreement. The amended site layout drawing shall show the side (southern) garden of the southernmost dwelling provided as public open space and shall include a 1 metre wide side access and associated 2 metre high concrete capped and plastered wall to the side and rear of the said dwelling within the curtilage of the said dwelling. Unless otherwise agreed in advance in writing with the Planning Authority, a minimum of 5 metre wide OPW maintenance strip shall be observed for the entire length of the southern site boundary.

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

5. Prior to the commencement of any work on the site, the Applicant shall thoroughly analyse scenarios of culvert blockages on the adjoining watercourse upstream of the site and any resultant flooding. The Applicant shall submit details and outcomes of this analysis and the extent and depths of flooding and mitigation measures to prevent flooding on the proposed development site and to provide for safe access and emergency access to the proposed development to the Planning Authority for prior written agreement.

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

3.2. Planning Authority Reports

3.2.1. Planning Reports

Two reports are on file from the Planning Officer. The first report of the 1st July 2020 recommended that further information be requested and the second report, from the 8th February 2021 assessed the information submitted.

First report (1st July 2020) included the following;

- The site is zoned objective A1, Existing Residential, in the Ratoath Local Area Plan 2009-2015. There are no protected structures or recorded monuments on the site or within the general vicinity.
- The site is partially located within a flood risk zone, (Flood Zone A). The applicant should be invited to address this issue through further information.
- The private open space for the development is below the minimum standard of 15%. However, having regard to the generous garden sizes in the scheme, the proposed arrangements for public open space are considered to be acceptable in this instance.
- It is recommended that further information be requested with regard to the following issues;
 - Landscaping – a landscaping plan is requested.
 - Public Lighting – a plan for public lighting shall be prepared and submitted.
 - Surface water drainage.

- Potential Flood Impact – a justification test is requested in accordance with Chapter 5 of the Flood Risk Management Guidelines for Planning Authorities.

The second report dated the 8th February 2021 included the following;

- The information submitted to address the landscaping on the site was considered to be acceptable,
- A standard condition in relation to public lighting was recommended / considered to be appropriate.
- Reports submitted to address Surface Water run-off and Flood Risk were considered to be acceptable and planning conditions were recommended. It was recommended that no development take place within 10m of the drainage channel on the southern boundary of the site to facilitate ongoing maintenance by the OPW.

3.2.2. Other Technical Reports

Public Lighting – Public lighting shall be provided to all public spaces within the confines of the development. The proposed landscape design shall take into consideration the public lighting design. No trees shall conflict with the requirements of the Public Lighting Technical Specification. Second comments issued on the 18th January 2021, in response to the AI submission notes that the public lighting proposal is wholly unacceptable and has not been designed in accordance with the Meath County Council; Public Lighting Technical Specification & Requirements document.

Transportation Department – No objection to the proposal subject to planning conditions.

Water Services – Further information was requested with regard to surface water drainage. The report dated the 22nd January 2021 states that the proposal broadly meets the requirements of Meath County Council Water Services Section with regard to the orderly collection, treatment and disposal of surface water.

Environment Department – Comments issued on the 9th February 2021 state that the Environment Department have no objection to the proposed development subject to site specific planning conditions.

3.3. **Prescribed Bodies**

Department of Culture, Heritage and the Gaeltacht – The proposed development is located in an area of high archaeological potential. Given the scale, extent and location of the proposed development it is possible that subsurface archaeological remains could be encountered during the construction phase. For that reason, it is recommended that Archaeological Monitoring be carried out at this site and included in any grant of planning permission.

Irish Water – Further information is requested with regard to the watermain design, which should be designed in loops to prevent ‘dead ends’ or terminal points. The proposed wastewater design shall be revised to comply with Irish Water Code of Practice for gradients of 150mm diameter pipes serving up to 9 dwellings & to ensure adequate cover to the proposed wastewater pipes in roadways. A second report dated the 22nd January 2021 had no objection to the proposal following the FI submission.

3.4. **Third Party Observations**

Three third party observations were received within the initial public consultation stage, (one joint observation from the residents of No’s 1-5 Foxbrook and two separate observations from the residents at No’s 1 and 3 Foxbrook. The following includes a summary of the points raised;

- There would be a difference of c. 2m between the existing and proposed levels on the site. The impact of this difference on the houses at Foxbrook is not made clear.
- The increased levels would result in the proposed houses having an overbearing impact on the existing houses at Foxbrook.

- The scheme represents a qualitative and quantitative shortfall in public open space as required by the Meath County Development Plan.
- It is unclear how the waste-water treatment for the original house at Tiveragh will be dealt with as the existing tank and percolation area is within the application boundary.
- The potential impact of the proposed development on the water table and the existing stream that runs along the boundary has not been assessed. A Flood Risk Assessment is required.
- The outlook and aspect enjoyed by No's 1-5 Foxbrook will be negatively effected by the proposal and the properties will suffer from overshadowing and perceived overlooking.
- Concerns regarding the impact the proposal would have on the sewage system in Foxbrook. In recent years there has been a number of spillages and overflows of the sewage system in Foxbrook and there is a concern regarding capacity of the pumping station.

Observations were submitted on foot of the AI submission and include;

- The issue of waste-water treatment has not been clarified.
- There is still a concern regarding flooding.
- There are gaps in the hedge which could lead to security issues for existing housing.
- Landscaping plans do not clarify what the boundary treatment will be and if retaining walls are required.

4.0 Planning History

Adjacent to the subject site;

RA 171451 - Planning permission granted by the PA on the 17th May 2018 for the construction of a detached, two-storey house with entrance off existing driveway and associated site works.

RA 1171452 – Planning permission granted by the PA on the 17th May 2018 for the construction of a detached, two-storey house with entrance off existing driveway and associated site works.

5.0 Policy Context

5.1. Meath County Development Plan 2013-2019

5.2. **Chapter 11** of the CDP - Development Management Guidelines and Standards, sets out the requirements for new residential development.

Public open space shall be provided for in residential development at a minimum rate of 15% of total site area.

Applications will be required to adhere to the guidance contained in the 'Urban Design Manual, A Best Practice Guide', (Department of the Environment, Heritage and Local Government 2009).

11.2.1 0 – Residential Density –

Within the CDP Ratoath is identified as a Small Town.

The CDP states that 'In respect of Large Growth Towns, Moderate Sustainable Growth Towns and Small Towns which are located on well established, existing or proposed public transport routes or nodes with additional capacity, residential densities in excess of 35 net residential units per hectare should be utilised particularly in town centre locations. This is subject to good design and in the absence of onerous site constraints. In all other instances, in the county's smaller towns and villages, maximum densities of 35 net residential units per hectare shall be applicable, and in general densities and house types shall be compatible with established densities and housing character in the area.

The appropriate residential density in any particular location will be determined by the following:

- i) The extent to which the design and layout follows a coherent design brief resulting in a high quality residential environment;
- ii) Compliance with qualitative and quantitative criteria set out in the subsequent sections;

- iii) The extent to which the site may, due to its size, scale and location, propose its own density and character, having regard to the need to protect the established character and amenities of existing adjoining residential areas;
- iv) Proximity to points of access to the public transport network;
- v) Existing topographical, landscape or other features on the site, and;
- vi) The capacity of the infrastructure, including social and community facilities, to absorb the demands created by the development.

Table 2.4 – Housing Allocation & Zoned Land Requirements – calculates the average net density applicable for Ratoath at 25 units per hectare.

Section 2.3.3 – Residential Zoned Land Provision - states that ‘The density assigned to each centre has had regard to the place of the settlement in the county settlement hierarchy, existing and planned public transport investment in each centre and the ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (Department of the Environment, Heritage and Local Government, 2009)’.

Section 7.15 - Flood Risk Management

Policy WS POL 33 - To consult with the Office of Public Works in relation to proposed developments in the vicinity of drainage channels and rivers for which the OPW are responsible, and the Council will, retain a strip of 10 metres on either side of such channel where required, to facilitate access thereto.

Appendix 6 – Strategic Flood Risk Assessment for County Meath

5.3. Rathoath Local Area Plan 2009-2015

- The subject site is located within the development area boundary of the Ratoath LAP.
- It is zoned objective A1 – To protect and enhance the amenity of developed residential communities.
- The site is located within Flood Zones A & B.

Chapter 3 – Settlement Strategy & Housing

In terms of residential development, it is an objective of Meath County Council:

RES OBJ 1 - To ensure that future residential development complies with. Table 2.4 of the County Development Plan 2013-2019 and Strategic Policy SP 1 of this Local Area Plan.

Future residential need in the area is based on a projection of 25 units per hectare.

Section 7.8 – Flooding - *Applications for further development within lands identified with A1 ‘Existing Residential’, B1 ‘Town Centre’ and G1 ‘Community Infrastructure’ land use zoning objective and identified within an interface with Flood risk Zones A & B should be managed in line with the policies (WS POL 29 to 36 inclusive) of the Meath County Development Plan 2013-2019.*

In terms of flooding, it is the policy of Meath County Council:

INF POL 28 - To require that new development should not itself be subject to an inappropriate risk of flooding nor should it cause or exacerbate such a risk at other locations.

INF POL 30 - To manage flood risk and development in Ratoath in line with policies WS 29 – WS 36 inclusive in Volume I of the Meath County Development Plan 2013-2019.

National Guidance

Sustainable Residential Development in Urban Areas, (Guidelines for Planning Authorities, 2009).

The guidelines set out the key planning principles which should be reflected in development plans and local area plans, and which should guide the preparation and assessment of planning applications for residential development in urban areas.

Under Chapter 5 of the Guidelines, Ratoath would be categorised as a ‘larger town centre’, as it has a population in excess of 5,000.

The subject site would fall into the category of an ‘Outer Suburban/Greenfield Site’, as per Section 5.11. With regard to these lands the Guidelines recommend a net density of 35-50 dwellings per hectare. Development at net densities less than 30

dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.

Regulation of Commercial Investment in Housing, (Guidelines for Planning Authorities, May 2021).

The Ministerial Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended), seek to address the regulation of commercial institutional investment in certain housing developments.

The Guidelines are relevant in this instance as they relate to residential development that includes 5 or more houses or duplexes that are not specified as 'build to rent' development at planning stage.

They require that planning conditions be attached to restrict new houses and duplexes to first occupation and use by individual purchasers and those eligible for social and affordable housing including cost-rental, in order to ensure an adequate choice and supply of housing.

5.4. Natural Heritage Designations

No designations apply to the appeal site.

The closest designated sites are the Rogerstown Estuary SPA, (Ref. 004015) and the Rogerstown Estuary SAC, (Ref. 000208) – both of which are approx. 17km from the subject site. The Malahide Estuary SAC, (Ref. 000205), and the Malahide Estuary SPA, (Ref. 004025), are c. 18km from the site.

5.5. EIA Screening

An Environmental Impact Assessment Screening report was not submitted with the application. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,

- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

It is proposed to construct 6 detached dwellings on a greenfield site. The number of dwellings is well below the threshold of 500 dwellings as noted above. The site area is also well below the threshold of 20ha, which would apply in this instance.

The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses, which comprise residential and greenfield sites. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. An OPW maintained arterial drain, (Ref C1/9), flows alongside the site to the south and east. This would allow for an indirect hydrological link to the Broadmeadows River, which in turn flows to the Malahide Estuary, creating a hydrological pathway to the designated sites of the Malahide Estuary SAC, (Ref. 000205), and the Malahide Estuary SPA, (Ref. 004025).

However, I am satisfied that given the nature and scale of the proposed development that the construction and/or operational phase of the development would not give rise to any significant environmental concerns regarding the hydrology surrounding the site. The potential impact of the proposal on the designated sites is discussed further in the report.

The proposed development, by virtue of its nature and scale, would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the vicinity of the site to the north and south. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Meath County Council, upon which its effects would be marginal.

Having regard to the nature and scale of the proposed development, its location on lands that are zoned for ‘Residential’ use and served by public infrastructure, the location of the site outside any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended), the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the

Environment, Heritage and Local Government (2003), and the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal relate to – Drainage & Site Level Incompatibility, Impact on Residential Amenity, Overbearing Impact and Loss of Amenity, Flooding.

- The ground levels on the site will be raised by almost 2m to accommodate foul drainage levels. However, the difference in levels is not shown in the drawings submitted as they do not show any contiguous elevations with the buildings outside of the site boundary.
- In the absence of information, it is assumed that extensive retaining walls will be required with the full removal of all boundary vegetation. The site layout plan states that the northern hedgerow is to be retained. However, it is difficult to see how this can be accommodate with the change in levels.
- The new levels would result in houses 5 & 6 being significantly higher than the adjoining properties to the north at 1 – 5 Foxbrook and as such would be out of context. The proposed houses would have an overbearing impact on the adjacent residential amenity in terms of overbearing impact, overshadowing and loss of daylight.
- A significant flood event occurred on the site in 2014. It is unclear as to what impact or displacement effect the infill and artificial elevation of the site might have on the adjacent properties at Foxbrook.

6.2. Applicant Response

A response was received from the applicant on the 6th April 2021 and includes the following;

- Flooding on the site is not a common occurrence. There was one singular event 7 years ago when a fallen tree blocked the culvert under the road. The site of the proposed development was neither cause or effect of this flooding. Since the culvert was cleared there have been no more flooding events.
- The proposed houses are designed and oriented to complement the existing houses at Tiveragh. There are no issues of overlooking or interference with the residential amenity of the appellants.
- The existing hedges are some 12m high. Therefore, it is not credible to claim that the proposed houses will be overbearing.
- It is necessary to raise the levels of the houses and the road at the rear of the site to comply with the requirement from Irish Water that the foul drain should connect by gravity to the existing drain on Curragha Road. The raised levels will be confined to the area immediately adjacent to the houses and the site will then be sloped down to original levels.
- The assertion that a full removal of the existing hedgerow and the construction of extensive retaining walls is not correct. This would be unnecessary and expensive, and the applicants will ensure that the hedgerow is retained as it gives a mature character and visual amenity to the site.
- The additional infill will be required in the vicinity of the road and houses only and will not impinge on the conditions of the perimeter of the site.
- The mature hedgerow is at least 12m in height and the proposed houses would be more than 25m from the first floor windows of the closest Foxbrook house. It is inconceivable that there will be overshadowing from the proposed houses.
- There will be no windows to habitable rooms overlooking the Foxbrook properties.

- Whilst the development may be visible through the hedgerow, it will not be overbearing given the separation distances proposed. Likewise, there will not be any loss of sunlight or daylight to the private amenity spaces of the Foxbrook houses.
- Photographs of a singular flooding event in 2014 have been submitted with the appeal. This was apparently caused by a fallen tree in an intense storm. There have been no flood events since that date.
- A Flood Risk Assessment by McCloy Consulting was prepared for the development and states that the proposal does not pose a risk of increased flooding elsewhere and that no other significant flood mechanism exists at the site.

6.3. Planning Authority Response

A response from the PA was received on the 29th March 2021 and includes the following;

- The appeal submission has been examined by the PA and the PA is satisfied that all matters raised were considered in the course of its planning assessment of the application.
- In particular the Board will note the comments and recommendations in the reports from Irish Water, the Water Services Department and the Environment Department (Flooding).
- The proposed development as presented is considered to be consistent with the proper planning and sustainable development of the area and the PA requests that the decision to grant permission be upheld.

6.4. Observations

- No observations received.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal in detail, the main planning issues in the assessment of the appeal are as follows:

- Principle of Development
- Impact on Residential Amenity
- Flooding
- Appropriate Assessment.

7.2. Principle of Development

The subject site is located within the development boundary of Ratoath and is zoned objective A1 – To protect and enhance the amenity of developed residential communities, within the Ratoath Local Area Plan, 2009-2015. Infill or redevelopment proposals are acceptable in principle within A1 zones. However, the primary concern is given to the protection of established residents, and as such, careful consideration would have to be given to protecting amenities such as privacy, daylight/sunlight and aspect in new proposals.

I am satisfied that the subject proposal represents infill development given the existing pattern of development to the north and south of the subject site. As such the principle of development is acceptable within the site subject to compliance with the relevant standards / policies and objectives which are assessed in detail below.

I note that the projected housing figures for Ratoath as per Table 4.2 of the CDP are based on a density of 25 units per hectare for lands zoned A2 – New Residential. Section 5.11 of the Sustainable Residential Development in Urban Areas, 2009, states that on outer suburban sites, net densities of less than 30 dwellings per hectare should be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5ha. The proposed development would provide 6 large, detached houses and would have a density of just over 6 houses per ha, which is well below the recommended density. However, I note the prevailing pattern of development on the site and in the surrounding areas to the north and south, and it is my view that the proposed design is commensurate with the existing pattern of development.

Furthermore, given the location of the infill site in a backland location and on lands zoned objective A1, which seeks to protect existing residential amenity, I am of the opinion that the lower density can be considered in this instance.

I note to the Board that the issue of density was not raised by the Planning Authority or in the ground of appeal. As such this may be considered to be a new issue and the Board may wish to seek the views of the parties.

7.3. Impact on Residential Amenity

The proposed houses are large in scale and exceed the minimum standards set out in Chapter 11 of the CDP in terms of floor area and private open space. Public open space would be provided in two areas and would be in excess of the 15% site area required by the CDP. Therefore, I am satisfied that an acceptable level of residential amenity would be afforded to future residents.

Concerns were raised in the grounds of appeal regarding the impact of the proposal on the amenity of adjoining houses to the north in Foxbrook, in terms of overlooking, overshadowing and overbearing impact.

The two houses positioned along the northern boundary of the site would be the closest in proximity to the houses on the Foxbrook estate and would therefore have the greatest potential to impact on the residential amenity of adjoining property.

These houses are not numbered on the application drawings, and, in the interest of clarity I will refer to them as House No. 5, which is located in the north eastern corner of the site and, House No. 6, which is located in the north western corner of the site and to the north of Tiveragh.

In response to the grounds of appeal, the applicant has stated that a change in levels on the site is required by Irish Water in order to connect the foul drain by gravity to the existing drain on Curragha Road. It is further stated that, whilst the levels of the access road and the houses will be increased, the raised levels will be confined to the area immediately adjacent to the houses and the adjoining land will be sloped down to the original level. Therefore, the conditions at the perimeter of the

site will not be impacted and the existing boundary treatment will be retained. This is illustrated in Drawing 1641-ABP-0203, submitted to the Board on the 6th April 2021.

Drawing No. GK19227 – C300 submitted to the PA on the 25th March 2020 shows the existing and proposed levels on the site. At the proposed location of House No.5 the existing levels would be raised by 2.2m, (from +76.1m OD to +78.3m OD), and at House No. 6 the levels would increase by 1.75m, (from +76.8m OD to +78.55m OD).

Having visited the site, I am satisfied that the increase in levels within the site will not impact the residential amenity of the adjoining properties to the north in terms of creating an overbearing impact. A separation distance of c. 27m would be provided between the side elevation of House No. 5 and the corner of No. 5 Foxbrook, which would be the closest existing dwelling. At its closest point, the gable of House No. 6 would be c. 21m from the rear elevation of No. 2 Foxbrook and c. 23m from the rear of No. 1. On the occasion of the site visit, the mature boundary hedge was at a height commensurate with the eaves level of the adjoining properties on Foxbrook and the dense planting also significantly blocked any views between both sites. This boundary treatment would be retained and, in my opinion, would visually screen the majority of the proposed development from the properties to the north.

I am satisfied that the separation distances, along with the retention of the existing mature hedging which forms part of the landscaping plan, will be sufficient to ensure that the change in levels will not result in an overbearing impact on adjoining properties to the north.

In terms of overlooking and loss of privacy for existing properties, I note that the only windows at first floor level and facing onto the adjoining site to the north would be bathroom windows, which could be fitted with opaque glazing if required. Therefore, I am satisfied that the proposed development will not result in overlooking or loss of privacy to adjoining properties to the north by virtue of the proposed separation distances, retention of the mature hedgerow and the floor plan layout at first floor level, which had only bathroom windows facing onto the adjoining site.

Although the proposed dwelling would be located to the south of the existing houses, I am satisfied that the new dwellings will not result in any undue overshadowing of adjoining property. Whilst the ground levels within the site will be raised, the

separation distances between the existing and proposed houses, which range from 21 – 27m, will be sufficient to mitigate against any undue overshadowing.

7.4. **Flooding**

The rear section of the site, along the eastern boundary, is located within Flood Zone A in the Strategic Flood Risk Assessment, (SFRA) for County Meath in the current CDP, and within Flood Zones A & B in the Ratoath LAP.

A portion of the subject site is included in the Preliminary Risk Assessment, (PFRA), for the national Catchment Flood Risk Assessment Programme, (CFRAM). The PFRA flood mapping indicates that an area in the eastern extent of the site may be affected by fluvial flooding, although the site is not deemed to be at risk from pluvial flooding or groundwater flooding.

I note that the OPW Past Flood Event Mapping has no record of past flooding in the vicinity of the site. However, the grounds of appeal contain photographs that show a flood event to the front of the site in 2014. The applicant has stated that this event 'was apparently caused by the blockage of the culvert under the Curragha Road by a fallen tree' and that there have been no flood events since this occurrence. In the report from the Environment Department of the PA, dated the 9th February 2021, the PA is of the opinion that the flooding on the main road abutting the proposed development site was possibly caused by blockages on the analysed watercourse upstream of the site. Concerns were also raised in the grounds of appeal regarding the potential for flooding on the adjoining site to the north as a result of the development.

On foot of a request by the PA for further information, a site-specific Flood Risk Assessment, (FRA) was prepared for the proposed development by McCloy Consulting Ltd. The subject site is located approximately 1km north of the Broadmeadows River and 3km to the south of the Hurley River. An OPW maintained arterial drain, (C1/9), abounds the site along a section of the southern site boundary and along the full extent of the eastern boundary before entering a culvert directly downstream and to the north of the site.

Ratoath has been subject to modelling and flood mapping as part of the CFRAM maps. However, only major watercourses were modelled for these maps and the arterial drain adjacent to the site was not included. Therefore, as part of the FRA for the development, hydraulic modelling was undertaken to determine the extent of the flood risk.

The results of the modelling found that regarding fluvial flood risk, (post-development and including allowances for climate change), flood water from the 1% AEP (Flood Zone A) and 0.1% AEP (Flood Zone B) would stay inside the steep sided, open-channel arterial drain that runs alongside the site. Based on the results of the modelling the entire development would be located within Flood Zone C.

Having visited the site and had clear view of the watercourse, it is clear that the site is at a higher level than the base of the drain and that the channel would be capable of carrying an increased capacity if it remained clear and with no blockages along its course. A model scenario based on culvert blockage was also run in the FRA. This resulted in a maximum increase in flood level of 0.64m compared to the 0.1% AEP event and flood waters were determined to be within the banks of the watercourse. I note that the drain is maintained by the OPW and that the PA included a planning condition to reserve a minimum of 5 metre wide strip along the southern boundary to allow for future access for maintenance of the watercourse. Should the Board be minded to grant permission, I recommend that this condition be attached.

As the FRA concluded that the development itself would be located within Flood Zone C, there is no policy-based restriction on the residential land use, which is deemed to be a vulnerable use under the Planning System and Flood Risk Management Guidelines, 2009. The Guidelines also require that freeboard be applied to relevant design flood levels in the setting of finished floor levels, (FFL's) and finished ground levels, (FGL's). The minimum proposed FFL at the site is 78.14m OD and the minimum FGL is 77.44m OD. Both of these levels are above the required minimum levels including freeboard which have been calculated as a FFL of 76.52m OD, for vulnerable development, (dwellings), and a FGL of 76.41m OD for less vulnerable development, (i.e. access roads).

Safe access to and from the site was also tested in the FRA and concluded that, as per the OPW guidelines, access to and from the development should be at a level of

76.02m OD or greater. The lowest access road level within the development would be at 77.04m OD, which would allow for safe access and egress during an extreme flood event.

With regard to surface water runoff, the FRA states that all runoff from the site would tend to drain towards the arterial drain and that, 'There is no potential for runoff from the site flow towards neighbouring lands / properties in the vicinity'. I note the concerns of the first party regarding the raised levels along the northern boundary of the site in terms of runoff to the adjoining properties. Surface water runoff would be dealt with on the site through the use of SuDS which include, water butts, permeable paving to all private car parking spaces and an attenuation tank and any additional runoff would be discharged to the existing surface water drain. Further information was requested by the PA with regard to the surface water drainage proposed for the site and the response was contained in a 'Drainage Design Report' prepared by GK Consulting Engineers LTD. dated December 2020. The report of the Water Services Section of the PA dated the 22nd January 2021 noted that the 'development as proposed broadly meets the requirements of Meath County Council Water Services Section with regard to the orderly collection, treatment and disposal of surface water'.

I have examined the site, the FRA prepared by McCloy Consulting, the Drainage Report prepared by GK Consulting Engineers, the Meath CDP SFRA and the relevant Office of Public Works (OPW) data available on www.floodinfo.ie. I am satisfied that the location of the six proposed houses would be contained within an area identified as Flood Zone C where the probability of fluvial flooding is low (less than 0.1% or 1 in 1000).

The location of the proposed houses, which are classed as vulnerable uses in the guidelines are therefore not located within areas at high or moderate risk of flooding. It is therefore considered reasonable to consider the proposal further. The FRA concludes that all residual risk is either low or very low and proposes mitigation measures including the proposed minimum finished ground levels, (FGL), including 500mm freeboard, for less vulnerable development at 76.41m OD and a design finished floor level, (FFL), including freeboard, of 76.02m OD for vulnerable development. The minimum proposed FGL at the site is 77.40m OD and the

minimum proposed FFL is 78.14m OD. Therefore, the design levels are above the minimum required.

In relation to Flood Zones as defined by the Flood Risk Management Guidelines, the detailed assessment has determined that the area of proposed development lies within Flood Zone C. As such the proposal does not pose a risk of increased flooding elsewhere.

7.5. Appropriate Assessment

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. An Appropriate Assessment Screening report was not submitted with the application.

It is proposed to construct 6 detached, two storey houses on a greenfield site located on the outskirts of Ratoath village. The site is serviced by water and drainage networks and surface water drainage will discharge to an existing surface water drain. Standard SuDS measures such as permeable paving and attenuation tank will be installed as part of the development. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

The closest European site would be the Rogerstown Estuary SPA, (Ref. 004015) and the Rogerstown Estuary SAC, (Ref. 000208), which are approx. 17km from the

subject site and the Malahide Estuary SAC, (Ref. 000205), and the Malahide Estuary SPA, (Ref. 004025), which are approximately 18km from the site.

There is no direct connection to these sites, however, an OPW maintained arterial drain, (Ref. C1/9), adjoins the site at its southern and eastern boundary. This drain connects with the Broadmeadows River approximately 3km to the south-east of the site and to the south of Ashbourne, which in turn flows to the Malahide Estuary, creating a hydrological pathway to the designated sites.

As the subject site is not located within the SAC any impacts on the European site would be restricted to the discharge of surface water and foul water from the site, which could occur during both the construction and operational phases. However, given the scale of the proposed development, the indirect connection and the distance from the closest European site, I am satisfied that the proposed development would not be likely to have significant effects on any European site, either individually or in combination with any other plan or project.

Having reviewed the documents and submissions, and having regard to the nature and scale of the proposed development and the location of the site in a serviced settlement with an indirect connection via a hydrological pathway to a European site, I am satisfied that no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that planning permission be granted.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, for the construction of 6 detached dwellings on an infill site, to the rear of existing residential dwellings, it is considered that subject to the conditions set out below, the proposed development would be in accordance with the policies and objectives of the Meath County Development Plan 2013-2019, and the A1 residential zoning for the site, and

would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application [as amended by the further plans and particulars submitted on the 22nd day of December 2020 and by the further plans and particulars received by An Bord Pleanála on the 9th day of March 2021 and the 6th day of April 2021], except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the developer shall submit for written agreement with the planning authority, a revised site plan incorporating the following amendments;</p> <ul style="list-style-type: none"> <li data-bbox="339 1507 1356 1597">i. The side garden of the southernmost dwelling shall be provided as public open space, <li data-bbox="339 1630 1372 1720">ii. A 1m wide side access and 2m high concrete capped and plastered wall shall be provided along the southern boundary of this dwelling, <li data-bbox="339 1753 1332 1899">iii. A maintenance strip for OPW access to the arterial drain shall be provided along the southern boundary of the site and shall be a minimum width of 5m unless otherwise agreed.

	<p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
3.	<p>Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
4.	<p>Prior to the commencement of development the developer shall comply with the following drainage requirements;</p> <ul style="list-style-type: none"> i. The scenarios of culvert blockage of the adjoining watercourse upstream of the site and any resultant flooding shall be thoroughly analysed and submitted to the planning authority for review. ii. The details and scenarios shall include the extent and depths of flooding and mitigation measures to prevent flooding on the site and to provide for safe access and emergency access to the proposed development. <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
5.	<p>Public lighting shall be provided in accordance with a scheme, [which shall include lighting along pedestrian routes through open spaces] details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>

6.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
7.	<p>The landscaping scheme, as shown on Drawing No. 1641-FI-0101 and submitted to the planning authority on the 22nd day of December, 2020 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
8.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil</p>

	<p>and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
9.	<p>Site development and building works shall be carried out only between the hours of [0800] to [1900] Mondays to Fridays inclusive, between [0800] to [1400] hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
11.	<p>The applicant shall comply with the requirements of Irish Water.</p> <p>Reason: In the interest of public health.</p>
12.	<p>The developer shall comply with the requirements of the Transportation Department of the Planning Authority.</p> <p>Reason: To ensure a satisfactory standard of development.</p>
13.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable</p>

	<p>indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
14.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>

.Elaine Sullivan
Planning Inspector

15th July 2021