



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-311774-21**

---

#### **Strategic Housing Development**

452 no. residential units (150 no. houses, 302 no. apartments). creche and associated site works.

#### **Location**

Lands immediately to the south of the existing built area of Ratoath, Ratoath, Co. Meath.

#### **Planning Authority**

Meath County Council

#### **Prospective Applicant**

Beo Properties Ltd.

#### **Date of Consultation Meeting**

26<sup>th</sup> of January 2022.

#### **Date of Site Inspection**

07<sup>th</sup> of January 2022

**Inspector**

Karen Hamilton

## Contents

1.0 Introduction .....	4
2.0 Site Location and Description.....	4
3.0 Proposed Strategic Housing Development.....	4
4.0 Planning History.....	6
5.0 Relevant Planning Policy.....	6
6.0 Section 247 Consultation(s) with Planning Authority.....	7
7.0 Prospective Applicant's Case.....	7
8.0 Planning Authority Submission.....	8
9.0 Irish Water Submission (IW).....	11
10.0 The Consultation Meeting.....	12
11.0 Assessment.....	14
12.0 Recommended Opinion .....	14

## **1.0 Introduction**

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

## **2.0 Site Location and Description**

- 2.1. The subject site is a large greenfield site (13ha) located to the south of Rathoath, Co. Meath. The site radiates from Fairyhouse Road (R155) from the west to the south of the existing Rathoath built up area. The site adjoins a number of residential areas, Cairn Court and Glascairn Lane which consist mostly of detached two storey dwellings. The site extends south from these residential areas into the open countryside, south of the town. The site is surrounded by mature trees and hedgerows.
- 2.2. The proposal includes the second part of the Rathoath Outer Relief Road (RORR). The first part of the RORR has been completed and extends from the north (Main Street) south to the north of the subject site. The first part of the RORR also connects into the Rathoath College. The RORR is currently not open for the public.

## **3.0 Proposed Strategic Housing Development**

- 3.1. The proposed development would comprise of the construction of 452 no. residential units, a crèche, 4 no. commercial/retail units and part of the second phase of Rathoath Outer Relief Road (RORR) (along the southern boundary of the application site).
- 3.2. In addition to the RORR, the proposed development includes 2no. multi-modal entrances and a series of pedestrian and cycle connections from the Fairyhouse

Road (R155), Glascairn Lane and the new RORR; a pedestrian link to Carraig Na Gabhna and a signalised junction to the Fairyhouse Road (R155).

### 3.3. Development Parameters

Parameter	Description
Area	13.165ha (net 10.67ha minus RORR)
Units	452 no. units
Density	34.8 uph (net 42.4 uph)
Commercial	4 no. commercial/ retail units (c. 550m <sup>2</sup> ) at the ground floor of Block H
Creche	1,009m <sup>2</sup> (capacity for 121 children)
Public Open Space	17%
Communal Open Space	12%
Parking	711 spaces (2 per dwelling and 1.5 per apartment/ duplex)  Undercroft parking for the three apartment Blocks

### 3.4. Phasing

Phase	Description
Phase 1	The delivery of the RORR and the four blocks (A-D) closest to the R155 introducing the beginning of the greenway spine and pedestrian/bicycle connections to the R155
Phase 2	The central green park at the heart of the site, the completion of the site access road and the two relating blocks (H & J) along the RORR including the commercial/retail units
Phase 3	The three blocks (E, F & G) along the north of the central green heart and a new pedestrian/bicycle connection along the hedgerow to the south of these blocks connecting back to the neighbouring residential development and the R155

Phase 4	The remaining blocks (K, L & M) to the north-east of the site, finalising the greenway spine with connection back up to Glascarn Lane and the delivery of the crèche to serve the full development.
---------	---

## 4.0 Planning History

4.1. No relevant planning history on the site.

4.2. Lands to the north

### **ABP 305196-19**

SHD application granted permission for 228 no. residential units. The proposal included the provision of a temporary shared pedestrian/bicycle path along the southern boundary of the site within the reservation of the future extension of the Ratoath Outer Relief Road (RORR).

Condition No 2 required the redesign of the road layout and omission of carparking spaces to allow larger open space areas.

Condition No 3 required compliance with a maximum of 10% 2-bedroom apartments and an increase in the storage space in the duplex units.

## 5.0 Relevant Planning Policy

5.1. **Meath County Council Development Plan 2021-2027**

(Came into effect on the 3<sup>rd</sup> of November 2021)

### Core Strategy

- Rathoath is a self-sustaining town
- Total number of units allocated to Rathoath is 803 (Table 2.12)

### Master Plan 37 (MP37)

- The site is noted as MP 37 on the Sheet No.33 (b) Heritage. It is not listed as a masterplan area on Sheet No. 33 (a) Land Use Zoning.

### Rathoath Outer Relief Road (RORR)

- LIHAF funding was provided to assist the delivery of a section of the RORR.
- This section is under the final stages of construction.

## 6.0 **Section 247 Consultation(s) with Planning Authority**

6.1. The report of the PA includes the minutes of a S247 meeting on the 19<sup>th</sup> of August 2021 as summarised below:

- The process for the draft CDP and SHD process was queried.
- Queried if the current draft masterplan covered the requirements of MP5 as per the Draft MCDP 2021-2027
- Advised that access to white lands to the south should be demonstrated as part of the masterplan and subsequently in the application.
- Parallel internal roads to distributor roads are not encouraged by MCC / ABP & should be removed through alternative layout and design.
- Impact on residential amenity /Separation distances
- Letters of consent for works related to LIAHF & R155
- Transport queried the completion of the RORR and the red line
- Drainage wants all works to the relevant standards.

## 7.0 **Prospective Applicant's Case**

### 7.1. Statement of Consistency

The applicant's Statement of Consistency notes the national, regional and local planning policies relevant to the development of the site.

### 7.2. Statement of Material Contravention

The applicant considers there is a potential that the proposed development materially contravenes the development plan Objective 36 (DM OBJ 36), detailed below. The applicant states that the proposed development may include a shortfall of the standard having regard to the rate of 3.2ha per 1,000 persons. A total of 27.4%

of site area public open space is required to comply with DM OBJ 36. The proposed development includes the allocation of 17.5%.

**‘DM OBJ 36** In all residential development applications where the future population will exceed 1000 persons, open space in addition to the 15% requirement set out at DM OBJ 34 shall be provided at a minimum rate of 3.2 hectares (8.0 acres) per 1000 population in accordance with Table 11.1. All such residential development proposals shall be accompanied by a statement setting out how the scheme complies with the requirements set out in Table 11.1’.

The statement of material contravention includes an audit of the available facilities in the vicinity, the amount of communal open space provided and the need to include higher densities to meet the national policy for residential development.

## **8.0 Planning Authority Submission**

8.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Meath County Council submitted a note of the S.247 meeting, the planning authority opinion, along with interdepartmental reports and the relevant planning applications in the area. These were received by An Bord Pleanála on the 23rd of September 2021. The issues raised by Meath County Council in their submission are summarised below:

### **8.2. Planning Assessment**

#### Density

- The density (34.8 uph) is noted, and the PA are satisfied with the proposed development in the context of the subject site.

#### Urban Design & Layout

- The layout is considered an appropriate scale.
- A daylight and sunlight assessment has been submitted.
- The Board should consider the sections in the building height guidelines.
- An Bord Pleanála is invited to consider the requirement for additional development fronting onto the RORR in line with the design principles for



urban streets and the recently permitted SHD to the Northeast. This will ensure that pedestrian and cycling facilities are actively supervised.

#### Phasing

- The phasing programme is considered acceptable.

#### Open Space, landscaping & Boundary Treatment

- CDP objective DM OBJ 26 sets out minimum of 15% public open space provision (section 11.5.11).
- The location of the open space is noted, and the PA is satisfied with the proposed spaces.
- A Housing Quality Assessment (HQA) has been prepared which states that the proposed houses and apartment units meet the relevant minimum standards and SPPRs set out in the guidelines.
- The existing trees and hedgerows will be retained where possible and a 10m buffer provided.
- The internal road network is consistent with DMURS.
- Section 11.5.13 of the CDP sets out the following policies and objectives with respect to Boundary Treatments, the proposed development is broadly in compliance.

#### Access, Traffic Impact, Parking & Public Lighting

- Pedestrian and Cyclist Connectivity: Without the full completion of the RORR (the proposed development does not connect with the Phase 1 section) there can be no appropriate integration with the wider pedestrian and cycle network.
- Public Transport: The applicant should consider the inclusion of a bus stop along the RORR.
- Masterplan (MP37): The applicant should be requested to submit an approved Master Plan in accordance with MP 37, clearly demonstrating how the required infrastructure, including the completion of the remaining section of the RORR, can be completed in tandem with the development of the site.

- TTA: It is not clear from the figures what the distribution of traffic is at each junction. The applicant should provide a specific breakdown of the reassignment of traffic at junctions and the percentage of traffic which would use the RORR.
- The applicant should deliver the full section of the RORR between the R155 Fairyhouse Road and the Phase1 RORR so as to reduce the adverse impact of the local road network.
- The Applicant is requested to submit a Stage 1 Road Safety Audit.
- The Applicant should submit a Quality Audit that consists of an audit of walking facilities, cycling facilities and visual / mobility impaired accessibility facilities.

#### Internal network

- The Applicant should consider improving vehicular permeability within the western portion of the proposed development.
- There are a number of cul-de sacs located in this portion of the site which impede vehicular movement and increase the likelihood of undesirable reversing manoeuvres.
- The Applicant should consider providing a high proportion of direct development frontage along RORR to ensure a greater sense of enclosure to influence vehicle speeds along the RORR provide more passive surveillance for pedestrians and cyclists along the RORR.
- The Applicant should consider relocating the internal junction further into the development so as to provide an appropriate separation distance between the access junction and the internal junction.
- The Applicant is requested to consider providing pedestrian links between the proposed development and the RORR at the locations between area B and C and area H and J.
- The Applicant is requested to clarify the number of car parking spaces to be provided for the house units, the apartments, the duplex units and the crèche

facility clearly in tabular format and to ensure that these align with the applied standards. A clear justification of the standard applied should also be outlined.

#### Drainage

- Additional details in relation to the QBar calculation (revision of attenuation volumes to address the QBar calculation).
- Details of flow control device.
- Detailed calculations for each of the 4 no. sub catchments.
- Details and cross sections of overflow areas.
- Permeable paving only on private owned parking spaces.
- Revised FFL levels are at least 500mm above the maximum adjacent river level and top water level in the onsite drainage system.
- The applicant shall provide a non-return valve on the headwall.

#### Waste Management, Environmental Protection & Public Health

- Site specific documentation in relation to the construction and environmental management required for planning application and/or subject to conditions.

#### Housing

- The Housing Authority agrees in principle to the Part V proposals.

### **9.0 Irish Water Submission (IW)**

9.1. A submission was received from IW on the 18th of November 2021 to confirms that a Confirmation of Feasibility has been issued to the applicant subject to the following contingencies:

In respect of **Water**:

- An approx. 300m of 200mm ID pipe network extension is required to connect to the new infrastructure installed as part of the new Ratoath Outer Relief Road.
- These works will be funded by the applicant and delivered by Irish Water.

- Please note, part of this extension is through third party lands, it is the applicant's responsibility to obtain the relevant permissions.

In respect of **Wastewater**:

- An approx. 300m network extension is required to connect to the new infrastructure installed as part of the new Ratoath Outer Relief Road.
- These works will be funded by the applicant and delivered by Irish Water.
- Please note, part of this extension is through third party lands, it is the applicant's responsibility to obtain the relevant permissions.

## 10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 26<sup>th</sup> of January 2022, commencing at 10:00am, via Microsoft Teams. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as detailed below:

1. Traffic & Transport, *inter alia*, Rathoath Outer Relief Road (RORR), DMURS compliance (parallel roads), permeability and connectivity
2. Development Strategy, *inter alia*, design and layout, open space strategy (public/communal), material contravention
3. Drainage and IW submission
4. Any Other Matters.

10.2. In relation to the **Traffic and Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The design and layout of the Rathoath Outer Relief Road, the challenges faced by the prospective applicant in an attempt to connect up to the constructed section of the RORR and the role of the County Council in the delivery of public infrastructure.

- The necessity for pedestrian and cycle connectivity from the subject site into Rathoath centre, the links through Glascairn Lane and Fairyhouse Road and the upgrade works previously proposed by the County Council.
- The Traffic and Transport Assessment, the capacity at the junction in the centre of Rathoath during the design year and the junction analysis without the full delivery of the RORR.
- The design and layout of the internal road network, DMURS compliance and the need for appropriate design of units along the RORR.
- The public transport availability and the mobility management plan.

10.3. In relation to the **Development Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The design and layout of the proposed development, the interaction with the proposed RORR and the need for a strong urban edge.
- The design and layout of the communal and public open space, the need for surveillance, the potential for taking in charge, maintenance and management of the designated communal open space and the functionality of open space.
- The Material Contravention Statement, Policy DM OBJ 36 and its removal from the draft plan and conclusion that the proposed development does not materially contravene the Meath County Development Plan 2021-2027.

10.4. In relation to the **Drainage & Irish Water** An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The Irish Water submission requiring a connection to the public water and wastewater via the RORR future road and potential connections into the existing public infrastructure to the north of the site.

10.5. In relation to the **Any Other Business**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The red line boundary and any necessary consents required to undertake works associated with the proposed development.

## 11.0 Assessment

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

### Conclusion

I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment in order to constitute a reasonable basis** for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 12.0 Recommended Opinion

- 12.1. The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires **further consideration and**

**amendment to constitute a reasonable basis** for an application for strategic housing development to An Bord Pleanála

#### Permeability and Connectivity.

Further consideration and/or justification of the documents as they relate to the movement of pedestrians and cyclists from the subject site into Rathoath Village and surrounding area. The submitted documentation should demonstrate clear pedestrian and cycle connectivity and the timescale, phasing and delivery of any infrastructure associated with the proposed pedestrian and cycle connectivity, including any third-party consents required for the works. For the cycle facilities that are proposed, the specific compliance with the particular requirements of the National Cycle Manual should be demonstrated by the documents.

#### Design Strategy

Further consideration and/or justification of the documents as they relate to the design approach of the proposed development and the need for a high quality, strong urban edge which integrates effectively along the proposed Rathoath Outer Relief Road (RORR). The further consideration/ justification should address the open space strategy, *inter alia* the need passive surveillance and functionality of open space (in particular the proposed communal courtyard spaces) and the future management and maintenance of all open space areas. Particular regard should be had 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009) and the requirement for good design and the inclusion of a sense of place.

12.2. Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby

notified that the **following specific information** should be submitted with any application for permission:

1. Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings showing the proposed development in the context of the existing residential and the surrounding area including along the proposed RORR.
2. An updated Traffic and Transport Assessment (TTA) which clearly illustrates the impact of the proposed development of the capacity of the surrounding junctions, including the Rathoath Village. In this regard the TTA should include all scenarios for the delivery of the Rathoath Outer Relief Road (ROOR) and include the impact on Rathoath and surrounding area and should be based on verifiable facts.
3. A statement DMURS compliance regarding permeability and connections with existing street network; hierarchy of routes and street function; enclosure including building frontage, furniture and planting along streets; parking; widths of carriageways and footpaths; pedestrian crossing points; and types of junctions and corner radii. The internal road layout should require measures to avoid the use of parallel roads. The submitted documents should demonstrate specific compliance with the particular stated provisions of DMURS. Generalised assertions regarding principles are not sufficient.
4. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary treatment/s and retail/ crèche area. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).
5. A Taking in charge map.



6. A detailed landscaping plan clearly illustrating the quantum and functionality of all areas designated for communal and public open space. The landscaping details shall include, inter alia, designated communal open space, the inclusion of useable space for play provision necessary to comply with Section 4.13 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities and the design, a detailed trees survey and proposed tree planting scheme and shall clearly indicate the quantum and designated areas of useable public open space
7. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
8. The submission of all information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, as a standalone document, unless it is proposed to submit an EIAR at application stage.
9. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.

**PLEASE NOTE:**

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

1. Irish Water.
2. National Transport Authority
3. Transport Infrastructure Ireland
4. Meath County Childcare Committee

---

Karen Hamilton  
Senior Planning Inspector

03<sup>rd</sup> of February 2022