



An
Bord
Pleanála

S.4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-313658-22

Strategic Housing Development

Construct 452 residential units, four local retail/commercial units, a childcare facility and associated development, including a section of the Ratoath Outer-Relief Road

Location

Commons and Jamestown townlands, Ratoath, County Meath

Planning Authority

Meath County Council

Applicant

Beo Properties Limited

Prescribed Bodies

Uisce Éireann
Transport Infrastructure Ireland

Observers

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Antonio & Ann Persechini
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Gillian Toole
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Iverna Ryder & others
James & Yvonne Everard
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Pat & Gina O'Neill
Peter Dineen
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Veerle Dehaene & others
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Date of Site Inspection

12th June 2023

Inspector

Colm McLoughlin

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1.0 Introduction

- 1.1. This report provides an assessment of a proposed strategic housing development submitted to An Bord Pleanála under the provisions of section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereinafter referred to as ‘the Act of 2016’).

2.0 Site Location and Description

- 2.1. Situated on the southern periphery of Ratoath in southeast county Meath, the application site is irregular in shape and measures a stated gross area of 14.2 hectares. It primarily comprises agricultural fields lined by mature hedgerows and is located within the townlands of Jamestown and Commons, approximately 1km to the south of Ratoath town centre. Carraig na Gabhna and Cairn Court residential cul de sacs, as well as Fairyhouse Road (R155 regional road), including several detached houses, are situated along the western boundary of the site. Fairyhouse Road provides the main route from Ratoath to the M3 motorway located approximately 5km to the south of the application site. The northern boundary of the site is adjoining and adjacent to detached houses situated along Glascarn Lane. This lane connects Fairyhouse Road with Kilbride Road (L1007) located approximately 1km to the east of the site. Fairyhouse racecourse is situated approximately 850m to the south of the site with an historic bridlepath route between Ratoath and the racecourse cutting through the site. Overhead electrical powerlines run north to south along the western side of the site. Based on the applicant’s survey levels, there is approximately a 3m gradual fall from the southwest corner of the site to the northeast corner of the site along Glascarn Lane. The 50km/hr urban speed limit signs are situated along Glascarn Lane close to the application site frontage and on Fairyhouse Road fronting the site.
- 2.2. The immediate area to the south and west of the site is generally characterised by agricultural fields, equine paddocks and detached housing. Ratoath College, a recently constructed post-primary school, is situated approximately 200m to the northeast of the site with provision of a potential access off a recently constructed section of the Ratoath Outer-relief Road (RORR). The immediate area to the

College features a variety of new housing. The northeast boundary of the application site terminates at the RORR.

3.0 Proposed Strategic Housing Development

3.1. The proposed strategic housing development would consist of the following elements:

- the construction of four commercial / local retail units, a childcare facility and 452 residential units, consisting of 150 two to three-storey, semi-detached and terraced houses, 182 maisonettes in three to four-storey blocks and 120 apartments in four blocks of up to six storeys;
- construction of a 1.1km-long section of the RORR along the southern boundary of the application site with a greenway route and a new signalised junction on Fairyhouse Road and two priority-controlled junctions serving as vehicular access to the proposed housing area of the development, as well as pedestrian and cycle connections, including access route into Carraig na Gabhna estate, and revised roads arrangement along sections of Glascarn Lane and an historic bridlepath route;
- provision of public and communal open space, 746 car parking spaces and 816 cycle parking spaces;
- provisions of ancillary accommodation including lobbies, post rooms, electricity/plant rooms, as well as water, bin and cycle storage rooms at ground-floor to all four apartment blocks, standalone electricity substations and cycle shelters;
- all associated site development and infrastructural works, services, surface water drainage, an extension to the foul water sewer, surface water sewer and watermain networks along the northern side of the RORR infrastructure to serve the development, access roads/footpaths, lighting, landscaping and boundary treatments.

3.2. The following tables set out the key features for the proposed strategic housing development:

Table 1. Stated Development Standards

Site Area (gross / net)	14.2 ha / 11.0ha
No. of units	452
Part V units (%)	45 (10%)
Residential GFA	54,175sq.m
Ancillary residential GFA (substations, undercroft areas)	3,465sq.m
Non-residential GFA (% total GFA)	1,537sq.m (2.8%)
Total GFA	59,177sq.m
Residential Density (net)	41 units per ha
Public Open Space (% of net site area)	2.25ha (20.4%)
Communal Open Space (% of net site area)	1.06ha (9.6%)
Plot Ratio (gross site area)	0.42:1
Site Coverage (gross site area)	17%

Table 2. Unit Mix

	one-bedroom	two-bedroom	three-bedroom	Total
Apartments (%)	-	100 (22%)	20 (5%)	120 (27%)
Maisonettes	15 (3%)	-	167 (37%)	182 (40%)
Houses	-	-	150 (33%)	150 (33%)
Total (%)	15 (3%)	100 (22%)	337 (75%)	452 (100%)

Table 3. Parking Spaces

Car parking – cars	746
Car parking – bicycles	816

3.3. In addition to the standard contents, the application was accompanied by various technical reports with schedules, appendices and drawings, including the following:

- Planning Report;
- Statement of Consistency;
- Statement of Response to An Bord Pleanála's Opinion;
- Social Infrastructure Audit;
- Material Contravention Statement;
- Environmental Impact Assessment Report (Volumes I, II and III, including Verified Photomontages and Computer-generated Images);
- Architectural & Urban Design Report;
- Part V Proposal;

- Engineering Services Report;
- Appropriate Assessment Screening;
- Telecommunications Impact Assessment;
- Housing Quality Assessment;
- Building Life Cycle Report;
- Utility Impact Assessment;
- Daylight and Sunlight Assessment;
- Landscape Design Rationale;
- Site Specific Flood Risk Assessment;
- Traffic Impact Assessment;
- Mobility Management Plan;
- DMURS Compliance Statement;
- DMURS Quality Audit;
- Arboricultural Assessment;
- Construction and Environmental Management Plan (CEMP);
- Construction Demolition Waste Management Plan;
- Operational Waste Management Plan;
- Energy Statement;
- Lighting Design Report;
- Archaeological Test Trenching.

4.0 Planning History

4.1. Application Site

- 4.1.1. According to the applicant and the Planning Authority there are no planning applications directly relating to the application site. According to the details submitted by an observer to the application, a 'Part 8' Local Authority application for the RORR was granted planning permission in 2007, but not commenced, and this would have directly related to the application site, including the provision of a four-armed roundabout junction on the western side of the site at Fairyhouse Road.

4.2. Surrounding Area

- 4.2.1. The Planning Authority and the applicant refer to the following planning applications as relating to the area immediate to the application site:
- An Bord Pleanála (ABP) reference (ref.) PL17.247003 / Meath County Council (MCC) ref. RA150993 - in November 2016 the Board granted planning permission to construct 126 two-storey houses and townhouses in Broadmeadow estate to the northeast of the application site and a 1km-long section of the RORR leading northeast to the R125 regional road. The proposed development was subsequently amended following grants of planning permission by the Planning Authority for optional roof-ridge heights for several house types and the provision of ten single-storey independent-living units respectively under MCC refs. RA180046 and RA180157. The parent permission was subsequently modified further in September 2019 following a grant of permission under MCC ref. RA190724 to provide for a signalised RORR junction with an access road to Ratoath College;
 - MCC ref. RA170966 – in November 2017 permission was granted by the Planning Authority for a single-storey house and a garage to the rear of housing along Glascarn Lane adjacent to the northern boundary of the application site. The design and layout of the house was subsequently amended via grants of planning permission under MCC refs. RA181201 and

21/2210 with the parent permission stated to expire on the 22nd day of January, 2024;

- ABP ref. 305385-19 / MCC ref: RA190890 – in April 2020 permission was granted by the Board for an amendment to the road junction at Moulden Bridge on that portion of the RORR approved under ABP ref. PL17.247003. This permission expired on the 23rd day of December, 2021;
- MCC ref. P822006 – in July 2022 a ‘Part 8’ Local Authority application for the Ratoath Footpaths and Cycle Lanes project was granted planning permission by the Local Authority, part of which provides for a 3m-wide shared pedestrian and cycle route along the eastern side of Fairyhouse Road, which is intended to tie in with the infrastructure in the new section of the RORR.

4.2.2. The following is the closest current application to the subject site for a strategic housing or a large-scale residential development:

- ABP ref. 305196-19 – in December 2019 planning permission was granted by the Board for the construction of 114 houses and 114 apartments in a mix of two to five-storey buildings and the provision of a temporary shared-pedestrian/cycle path along the southern boundary of the site within the reservation for the extension of the RORR adjoining to the northeast of the application site.

5.0 Section 5 Pre-application Consultation

5.1. Pre-application Consultation

5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the Planning Authority took place on the 26th day of January, 2022, in respect of a development comprising 452 residential units, a childcare facility and associated site works. Copies of the record of this consultation meeting and the Inspector’s report are appended to this file. The main topics raised for discussion at the tripartite meeting were as follows:

- traffic and transport, including the RORR, infrastructure routing, compliance with the Design Manual for Urban Roads and Streets (DMURS), permeability and connectivity;
- development strategy, including urban-edge treatment, clustering approach to the layout, open space strategy (public/communal), any material contraventions, and taking in charge details;
- connections to Uisce Éireann infrastructure;
- letters of consent, submission of an EIAR, bus stops along the RORR and the capacity of road junction 5.

5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion (ABP ref. 311774-21) dated the 8th day of February, 2022, An Bord Pleanála stated that it was of the opinion that the following issues needed to be addressed in the documents to be submitted in order to constitute a reasonable basis for an application for a strategic housing development under section 4 of the Act of 2016:

- permeability and connectivity - the movement of pedestrians and cyclists from the subject site into the centre of Rathoath and the surrounding area;
- design strategy –the design approach of the proposed development requires a high-quality, strong, urban edge that integrates effectively along the proposed RORR and with the various open space areas.

5.2.2. In addition to the standard strategic housing development application requirements, An Bord Pleanála stated that it was of the opinion that the following specific information should be submitted with any application for permission arising:

- additional computer-generated images (CGIs) and visualisation/cross-section drawings;
- an updated Traffic and Transport Assessment;
- a DMURS compliance statement;
- a materials and finishes report;

- a taking-in-charge plan;
- a detailed landscape plan;
- sunlight, daylight and overshadowing analysis;
- a report addressing Articles 299B(1)(b)(ii)(II) and 299B(1)(c) of the Planning and Development Regulations 2001, as revised (hereinafter ‘the Planning Regulations’);
- a Material Contravention Statement.

5.2.3. The prospective applicant was requested to notify the following prescribed bodies in relation to the application:

- Uisce Éireann;
- Transport Infrastructure Ireland;
- the National Transport Authority;
- Meath County Childcare Committee.

5.3. Applicant’s Response to Opinion

5.3.1. The application includes a ‘Statement of Response to An Bord Pleanála’s Consultation Opinion’ with section 2 of this report setting out the specific information that has been submitted with the application to address the Board’s opinion. The applicant considers all matters raised in the Board’s opinion to be comprehensively addressed in the planning application and they state that all requested bodies were notified of the application.

6.0 Planning Policy

6.1. National Planning Policy

Project Ireland 2040 - National Planning Framework

6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government’s high-level strategic plan to shape the future growth and development of Ireland up to the year 2040. The NPF supports the

requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)', in order to ensure the provision of a social and affordable supply of housing in appropriate locations.

- 6.1.2. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to the respective location. NPO 35 provides for increased residential densities in settlements through a range of measures, including increased building heights. Other NPOs of relevance to this application include NPOs 4 (build attractive, liveable, well-designed urban places) and 13 (development standards).

Ministerial Guidelines

- 6.1.3. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines, including revisions to same, comprise:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022) (hereinafter 'the New Apartment Guidelines');
- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021);
- DMURS (2019);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (hereinafter 'the Building Heights Guidelines');
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (hereinafter 'the Sustainable Residential Development Guidelines');
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009);
- Childcare Facilities – Guidelines for Planning Authorities (2001).

6.1.4. Although not an exhaustive list, the following planning guidance and strategy documents are also considered relevant:

- Climate Action Plan (2023);
- Transport Strategy for the Greater Dublin Area 2022-2042;
- Places for People – National Policy on Architecture (2022);
- Housing for All – A New Housing Plan for Ireland (2021);
- Circular Letter – NRUP 02/2021 Residential Densities in Towns and Villages;
- Water Services – Guidelines for Planning Authorities - Draft 2018;
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018);
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- National Biodiversity Action Plan 2017-2021;
- Road Safety Audits (Transport Infrastructure Ireland, 2017);
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (Transport Infrastructure Ireland, 2014);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (Paul J. Littlefair, 2nd Edition 2011);
- National Cycle Manual (2011);
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020 (Department of Transport, 2009);
- British Standard (BS) 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting (2008);
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007);

- Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Technical Document – Volume Two New Development (2005);
- Framework and Principles for the Protection of the Archaeological Heritage issued by the Department of Arts, Heritage, Gaeltacht and the Islands (1999).

6.2. Regional Planning Policy

- 6.2.1. The 'Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031' supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region.
- 6.2.2. Ratoath is identified in the RSES as a 'self-sustaining town' situated in the 'core region' for the eastern and midland regional authority (EMRA) area. Within the RSES-EMRA this region is described as being home to over 550,000 people and includes the peri-urban hinterlands within the commuter catchment of the Dublin metropolitan area. Ratoath is noted as one of the towns in the region to have recorded the highest population growth rates in the country in the previous decade (2009-2019), despite the town having a comparatively low level of employment provision, while still serving as an important employment and service centre with scope to potentially strengthen as an employment centre, particularly given its strategic location, connectivity with surrounding settlements and the availability of a skilled workforce.
- 6.2.3. The following regional policy objectives (RPOs) of the RSES are considered relevant to this application:
- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas;
 - RPO 3.3 – regeneration areas and increasing of densities in line with the Sustainable Residential Development Guidelines, the New Apartment Guidelines and the Building Heights Guidelines.

6.3. Local Planning Policy

Meath County Development Plan 2021-2027

- 6.3.1. Based on its high levels of population growth and a weak employment base that is reliant on other areas for employment and/or services and requiring targeted 'catch-up' investment to become more self-sustaining, Ratoath is identified within the fourth tier of the County Development Plan settlement strategy with potential additional capacity for 803 residential units on 27.7 hectares of zoned land, inclusive of 72 permitted units.
- 6.3.2. Objectives ED OBJ 57 and 58 of the Development Plan respectively seek to develop employment and equestrian hubs in Ratoath, while objective ED OBJ 59 promotes and supports the development of strategic employment lands between Ratoath and the National and international equine hub at Fairyhouse. The Development Plan also includes objectives SH OBJ 4 and CS OBJ 9 aiming to prepare local area plans for several larger settlements within the lifetime of the Development Plan, including Ratoath. In the interim the context, character, vision, opportunities and various strategies and objectives relating to Ratoath are contained in a written statement and zoning maps forming part of the Development Plan.
- 6.3.3. Policy RA POL 1 and objective RA OBJ 1 support consolidated development of Ratoath in line with the core strategy. Other relevant objectives include RA OBJ 7 (RORR), RA OBJ 8 (Ratoath pedestrian and cycle scheme), RA OBJ 9 (linear parks and amenity spaces), RA OBJ 11 (high standard designs and materials) and RA OBJ 12 (urban and landscape design statements). In conjunction with the National Transport Authority (NTA) and others, objective MOV OBJ 1 of the Development Plan aims to prepare and implement a local transport plan for several towns, including Ratoath.
- 6.3.4. Chapter 3 of the Development Plan outlines the Council's approach to housing and settlement, including design criteria, densities and categories of lands applicable for housing. Chapter 11 of the Development Plan comprises development management standards for various forms of development.

7.0 Statement of Consistency

7.1. The applicant has submitted a Statement of Consistency with Planning Policy, as per the provisions of Section 8(1)(iv)(I) of the Act of 2016. Section 2 of the Statement refers to the provisions of 'Project Ireland 2040', 'Housing for All, A New Housing Plan for Ireland' and the RSES for the EMRA, as well as other Government policy documents. Section 3 of this Statement refers to Ministerial Guidelines, including those referenced in section 6.1 above. Section 4 of the Statement addresses local planning policy comprising the Meath County Development Plan 2021-2027, while also addressing the Ratoath Local Area Plan 2009-2015. The statement asserts that the proposed development would be consistent with national and regional planning policy, as well as the policies and provisions of the Development Plan, with the exception of provisions relating to policy SH POL 13 (development management standards and land-use zoning), policy DM POL 7 (private open space) and objectives DM OBJ 28 and 29 (rear boundary treatments).

8.0 Material Contravention Statement

8.1. The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The applicant states that this Statement is submitted with the application in the event that An Bord Pleanála consider the proposed development to materially contravene specific objectives of the Meath County Development Plan 2021-2027 with respect to proposed private open space (objective DM POL 7), rear boundary treatments (objective DM OBJ 29), non-residential car parking provision and the location or alignment of the proposed RORR (objective RA OBJ 7).

8.2. Within this statement the applicant sets out their rationale to justify granting permission, including:

- the Development Plan is sufficiently flexible in allowing for the provision of winter gardens in partially meeting the private open space requirements for 30 of the proposed houses (type B1);
- the rear boundary treatments are justified via objective SOC OBJ 15 of the Development Plan requiring a sufficient degree of passive supervision in

developments, the innovative boundary treatments proposed and the Sustainable Residential Development Guidelines seeking to avoid blanket numerical height restrictions for rear boundaries;

- the alignment for the route of the RORR on the zoning maps is indicative only;
- the quantum of non-residential car parking spaces can be below the maximum Development Plan standards.

8.3. In conclusion, the applicant asserts that the Board may grant permission for this strategic housing development having regard to the provisions under subsection 37(2)(b) of the Planning and Development Act 2000, as amended (hereinafter 'the Act of 2000').

9.0 Observers' Submissions

9.1. Submissions were received within the statutory period from a local elected representative, Inland Fisheries Ireland (IFI) and neighbouring residents, businesses, and property owners of the area immediate to the application site. The submissions included extracts of the application documentation, images of the area, and a report from consulting engineers addressing local services and roads matters. The issues raised in these submissions can be collectively summarised as follows:

Development Principles and Tenure

- the development may encroach onto zoned 'WL White Lands';
- there is no logic in the proposed development extending into the 'RA Rural Area' zoning, therefore, a material contravention of the Development Plan cannot be justified;
- proposals feature an excessive scale of development relative to the size of the town with an exceptionally high development density when considering the surrounding pattern and the guidance within the Development Plan, Departmental Circular Letter NRUP 02/221 and the NPF;
- the proposed density contravenes the Development Plan;
- the Masterplan submitted is unclear with regards to the triangle of land situated in the northeast side of the site;

- the RORR and services such as amenity space and childcare facilities should be provided in the first phase of the development;
- ground-floor terraces should not be included as part of the calculations for the public open space proposed as part of the development;
- the principle of providing housing on the application site is provided for;
- it is disingenuous to suggest that this development would solve the housing crisis;
- there is a lack of affordable, four-bedroom and family-size units proposed within the scheme;
- the house types proposed would support a transient population;
- 20% Part V provisions should apply based on the property purchasing date;

Urban Design

- the apartment blocks should have been positioned parallel with the relief road;
- building heights would be intrusive and out of character with the area, with historical planning decisions restricting the heights of domestic scale proposals in the immediate area and limited reference to the taller building elements in the application;
- objection to the assertion that the area is of low to medium significance for landscapes and views;
- the negative visual impact of the construction works and the associated equipment and machinery needs to be considered, including cranes;
- the proposed linear parks/routeways would not serve as viable greenspace;
- the development, including the RORR, needs to tie in with the housing development granted permission under ABP ref. 305196-19;
- the rationale for setting back housing along the RORR is unclear and this approach would not integrate the housing with the green infrastructure;
- the building line along Fairyhouse Road should be set back further to facilitate turning lanes, pedestrian and cycle facilities;

- high-rise buildings and walkways are no longer an appropriate design approach based on the Minister for Justice's 'Zero Tolerance Strategy' (2022);
- aspects of the layout and design would lead to anti-social behaviour and criminality;
- proposals are unclear regarding whether a 3m-wide greenway or a pedestrian access is proposed within Carraig na Gabhna from the development housing area;
- there should not be any connections into Carraig na Gabhna estate, as this would be unnecessary, as it would change the character of the estate and as it would compromise the safety and security of children and others;
- access into Carraig na Gabhna would not be necessary as alternative access provision would be available onto Fairyhouse Road and towards the existing RORR;

Impacts on Neighbouring Amenities

- the amenities of residents of this area should not be compromised by the proposed development;
- loss of recreational amenity space, ambience, safety and security to Carraig na Gabhna, with through access for electric scooters and cyclists;
- the proximity of the proposed apartment blocks to the site boundaries would lead to excessive overlooking and loss of privacy for neighbouring residents;
- the realigned RORR would be too close to existing residences, impacting on the quality of life with increased noise pollution and reduced privacy;
- there would be noise, dust and traffic impacts for neighbouring residents during the construction phase of the project;
- with respect to dust emissions the EIAR incorrectly refers to the development as being within 50m of sensitive residential receptors when it is a much closer distance;
- existing residences will require upgraded glazing specifications to ensure that the internal noise levels remain good, however, this is not addressed in the application;

- phased construction proposals, as well as facilities for staff would be necessary;
- construction hours should be limited to 0900 and 1700 Mondays to Fridays, excluding Bank Holidays;
- depreciation in the value of property would arise with compensation due to Glascarn Lane property owners;

Traffic and Access

- the area already features heavy traffic volumes associated with commuter traffic in Ratoath, including along Fairyhouse Road;
- there is limited capacity on the neighbouring network of roads to safely cater for the associated traffic increase, including roads absent of cycleways or footpaths, and roads that cater for high volumes of heavy-goods vehicles (HGVs);
- cycling would not be a reasonable means of commuting for residents given the standard commuter journey distances;
- the calculated time for the 'peak hour' traffic is not referenced in the Traffic Impact Assessment;

Glascarn Lane

- the permanent closing of access along Glascarn Lane should be resisted, as this would fail to integrate the development with the wider area and this would impact on journey times, with significant traffic impacts for local residents;
- an underpass, an overpass or a roundabout should be provided along Glascarn Lane in order to maintain east-west access;
- Glascarn Lane serves as a recreational amenity route, including a section forming part of the historical 'bridlepath' route from Jamestown in Ratoath to Fairyhouse racecourse, and pedestrians and cyclists that use this road would be at risk, as there would not be sufficient infrastructure to support the existing or proposed volume of traffic;
- the proposed access from Glascarn Lane is not detailed on the plans;

- Glascarn Lane should not be used as a construction access to serve the development and through emergency access should remain available along the entirety of the lane;
- traffic-calming and other infrastructure would be needed along Glascarn Lane;
- the application fails to provide all ownership details for sections and stretches of Glascarn Lane and the RORR;
- the future costs of maintaining Glascarn Lane as a cul de sac would be borne by residents of this street;
- as required by section 47 of the Roads Act 1993, change to the status of Glascarn Lane can only be executed with an application made by the Local Authority;
- section 48 of the Roads Act 1993 has not been complied with, due to the lack of notification as well as details regarding the alterations to Glascarn Lane;

RORR

- the logic of introducing a horizontal broken-back curve to the proposed section of the RORR has not been provided for by the applicant;
- the horizontal alignment of the RORR is inconsistent with proper road design, as unnecessary bends should be avoided in the interest of road safety;
- the route for the RORR would be inconsistent with the statutory plan for the area, including the horizontal broken-back curve and the section leading to the junction with Fairyhouse Road that is intended to connect with the masterplan (MP 34) lands to the west, which are zoned for economic and employment purposes and are pivotal to the sustainable development of Ratoath;
- the RORR alignment would be inconsistent with site layout documentation submitted to the Board at pre-application stage and there are several inconsistencies in the application details for the RORR, with a straight alignment shown in some drawings and images;
- the proposed realignment of the RORR would fail to facilitate the strong urban edge sought and permitted as part of the Jamestown strategic housing

development (ABP re. 305196-19) and would, therefore, result in a haphazard form of development;

- a roundabout at the junction of Fairyhouse Road and the RORR would be required, and a condition should be attached to relocate this junction further north in line with the previous permitted Part 8 proposals, to better connect with the MP 34 masterplan lands to the west and to comply with the specific objectives of the statutory plan;
- a 75m section of ground required for the RORR is not in control of the applicant or the Local Authority, therefore, the relief road cannot be completed or relied on to serve the development;
- the application lacks details regarding speeds, weight and traffic restrictions on the RORR;
- the RORR is categorised as an urban relief road and the applicant's DMURS Compliance Statement should have comprehensively addressed this;
- the revised alignment of the RORR, including junction with Fairyhouse Road, would indirectly necessitate the demolition of a house instead of agricultural buildings that were originally intended to be demolished, in order to provide the logical crossroads access to the MP 34 masterplan lands;
- a 7.5m-wide vehicular access to the lands to the south with agricultural access gates in a location south of proposed neighbourhood B should be provided during and after the construction of the RORR;

Public Transport

- there is a poor existing provision of public transport services operating in the area, with the limited bus services necessitating at least two car parking spaces per household;
- the applicant needs to show that there is available capacity in local services, including transport, to serve the development;
- buses are not available from this area to the M3 parkway rail station;
- there is very limited potential for Ratoath to be served by rail or light rail in the future;

Services

- there would be a lack of capacity to treat wastewater from the proposed development;
- it is unclear if the 200mm-diameter watermain and 225mm-diameter foul sewer intended to run along the proposed section of the RORR, including gravity catchment of the foul sewer network, would have capacity to cater for the development of the employment lands to the west, which they would also need to serve as part of the orderly development of the area;
- water outages occur in the area and Uisce Éireann assertions are premature pending completion of water supply upgrade works in quarter 4 of 2024;
- there is a lack of existing and proposed amenities to serve the proposed development, including schools, medical services, employment hubs, recreational facilities and childcare facilities;
- there are waiting lists for local schools;
- consultation with the Planning Authority for the MP 34 masterplan lands to the west is intended to provide a swimming pool and other community uses;

Natural Heritage

- the proposals would result in the destruction of habitats with significant impacts for various mammal and bird species;
- the proposals would result in substantive loss of biodiversity, hedgerows, and field boundaries;
- it is difficult to appreciate how frogs were not recorded during the applicant's field surveys, and habitat for these species would be destroyed as part of the subject proposals;
- further studies of bats and other species are required, as well as mitigation measures, including mammal underpasses to the RORR;
- the site is within the Ratoath stream / Broadmeadow river catchment, which is an important salmonid system for Brown trout and Salmon;

Other Matters

- lack of consultation with residents of Glascarn Lane and the immediate area;
- the site notice on Glascarn Lane was not in a suitable location for reading;
- various details and information were omitted from the application documentation;
- no access was available to the pre-application drawings and there was a delay in publishing the application documentation;
- given the delays in making the application details available online, the consultation period was only four weeks and not the statutory five weeks;
- the application features insufficient evidence that both co-owners of the strip of ground within Carraig na Gabhna consent to the making of the application and the associated pedestrian pathway / cycleway.

10.0 Planning Authority Submission

10.1. In accordance with the provisions set out under subsection 8(5) of the Act of 2016, the Planning Authority submitted the report of its Chief Executive in relation to the proposal, summarising the prescribed bodies and observers' submissions, and providing planning and technical assessments of the proposed development. As appendices to their submission, the Planning Authority included details of meetings held regarding the proposed development and calculations for the associated development contributions. The views of the Chief Executive of the Planning Authority can be summarised as follows:

Zoning Objectives, Density and Phasing

- the various uses proposed are compatible with the zoning objectives;
- a site layout drawing with the underlying zoning objectives would have been beneficial in identifying the alignment of the RORR relative to the development;
- for self-sustaining towns, such as Ratoath, the Development Plan (objective DM OBJ 14) encourages densities of 25 to 35 units per hectare;

- the gross density of the development would appear to be 32 units per hectare, while the Sustainable Residential Development Guidelines require a net density of 35 to 50 units per hectare on outer suburban / greenfield sites in larger towns;
- the site is part of a masterplan area (MP 37) and a masterplan concept for this area has been submitted with the application;
- the RORR, the childcare facility, open spaces with play equipment and a proportion of the Part V housing should form part of the initial phase of the development;
- the RORR should be completed prior to occupation of any residential unit;
- planning conditions should be attached with respect to Part V housing requirements, section 48 general development contributions and bonds;
- the hours of operation for the childcare facility, commercial / retail units and signage should be carefully considered;
- the commercial units should be limited via condition with 'bad neighbour' uses such as hot-food takeaways and betting shops should not be permitted;

Urban Design, Building Heights, and Visual Impact

- the design and layout of the proposed development is noted, including the housing unit distribution, the movement infrastructure, blocks or courtyard cells and buffers;
- building heights are noted, including the six-storey apartment blocks, the four-storey duplex blocks and the two to three-storey houses;
- a significant alteration in the appearance of the area along the approaches to the town would arise;
- concerns arise with respect to building heights along the transitional area with Fairyhouse Road, and the Board should consider the provisions of sections 3.4 to 3.8 of the Building Heights Guidelines and objective DM OBJ 25 of the Development Plan;

- open sides to the bin stores serving terraced units should be omitted and these should be of render block or brick construction, as well as being fully enclosed with timber doors;
- public lighting should accord with the Planning Authority's technical specifications document;

Residential Development Standards

- lighting to the proposed units would exceed the recommended BRE standards;
- concerns regarding the lack of four-bedroom units;
- a total of 20.4% of the site area is provided for open space and the communal open space around the courtyards would amount to 1.06ha;
- conditions with respect to the provision and maintenance of public open spaces, as well as maintenance and management of communal open spaces should apply;
- in relation to the private amenity spaces for the 30 'type B1' houses and the rear boundary treatments proposed, the Board is referred to objective DM OBJ 12 of the Development Plan facilitating innovative design solutions for medium to high density residential schemes where substantive compliance is demonstrated;
- clarification is required with respect to the locations of the existing boundaries and a condition should be attached requiring existing vegetation and natural screenings to be maintained where feasible as part of the development and any new boundaries to be agreed with the Planning Authority;
- for the applicant to suggest that there are conflicting objectives in the Development Plan with respect to rear boundary treatments (objectives DM OBJ 29 and SOC OBJ 15) is incorrect, as the subject site boundaries address communal areas;
- the provision of a childcare facility to serve the development is noted, although concerns are raised regarding its provision in phase 3 of the development;

- the communal spaces and areas outside of private ownership within the apartment blocks should be the subject of an owners' management company;

Neighbouring Amenities

- lighting impacts on neighbouring developments are noted to be minimal and imperceptible;
- potential for overlooking or overshadowing could arise with respect to single-storey housing along Fairyhouse Road;

Access, Traffic and Parking

- the site would be well connected with the centre of Ratoath and schools to the north and northeast via pedestrian and cycle facilities on the RORR and the inner-relief road;
- the no.105 bus service operating between Drogheda and Blanchardstown and the no.105x bus service running between Ratoath and UCD do not directly serve the site, however, the proposals would improve connectivity with existing bus stops in the vicinity of the inner-relief road / Ashbourne Road (R125) junction;
- buses may operate along the RORR in the future;
- vehicular permeability should be considered further by the Board;
- improved vehicular permeability should be provided for the western portion of the development (areas A, B and C) and adequate permeability and connectivity with third-party lands should be provided for;
- the distance between the internal road junctions and the access junctions off the RORR should be increased to reduce the risk of rear shunting by turning vehicles from the RORR;
- there is potential for greater integration between the RORR and the development;
- a roads hierarchy drawing should be submitted;
- the cycle track proposals do not align with the standards in the National Cycle Manual;

- pedestrian and cycle priority should be provided for the greenway and roadway crossings;
- the seven junctions assessed for traffic impacts, traffic growth-rate factors, development scenarios, the future design year and the trip generation estimates, as contained in the submitted Traffic Impact Assessment, are acceptable;
- detailed designs for the RORR should be submitted, including detailed design of the traffic signalised junction with the R155, footpaths, cycleways, lighting, drainage, secondary junctions, right-turning lanes, bus stops and shelters;
- there are no concerns regarding the future operation of neighbouring road junctions;
- all matters raised in the submitted Road Safety Audit and Quality Audit should be addressed;
- cycle and car parking provision, as well as taking in charge details, would be appropriate relative to the standards and policy;
- visibility details at the internal road junctions would be necessary and these should be coordinated with landscaping;

Services

- conditions are recommended with respect to green roof design details, catchment attenuation and runoff rates, permeable paving, finished-floor levels, surface water management systems and compliance with the GDSDS;
- a 10m development buffer from watercourses should be provided;
- there are no objections to the development from a flood risk perspective;
- the applicant should assess the drain on site for a 50% culvert / crossing blockage scenario at the existing culvert beneath the Fairyhouse Road to ensure this does not present a flood risk to the proposed development;
- the comments of Uisce Éireann and IFI are acknowledged;

- if permission is granted a condition should be attached requiring the owner to enter into an annual maintenance contract in respect of the efficient operation of petrol/oil interceptors, as well as grease and silt traps;

Environmental and Other Matters

- an archaeological excavation and monitoring condition should be attached;
- impacts on architectural heritage have not been raised;
- a construction and demolition waste management plan for the project should be provided;
- a preconstruction invasive species survey should be carried out;
- there has not been sufficient effort to maintain existing hedgerows, tree lines and drainage ditches, and integrate them into the development;
- a finalised CEMP addressing extreme weather scenarios should be provided with various measures to limit and control emissions and waste, as well as measures to address ecological impacts and surface water management;
- conditions are recommended regarding art work, estate naming, broadband, the restriction of equipment at roof level and the need for fire safety certificates;
- proposed maisonette (unit types M1, M2, M3 and M4) and apartment designs would not meet Building Regulations 2006 Technical Guidance B – Fire Safety, and the designs may need to be materially altered in order to comply with same;
- EIAR recommendations should be implemented in full;
- the Board is the competent authority for AA and EIA.

Conclusion, Recommendation and Statement

10.1.1. The Planning Authority conclude by requesting the Board consider the content of their submission.

10.2. Inter-Departmental Reports

10.2.1. The Planning Authority addresses the comments from the various inhouse departments via extracts within the Chief Executive's report, as summarised above.

10.3. Elected Members

10.3.1. The proposed development was presented to the Elected Members from the Local Authority. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members at that meeting have been outlined as an appendix to the Chief Executive's report and these can be summarised as follows:

- concerns are expressed regarding the height of the six-storey apartment blocks, the lack of four-bedroom units, the retrofitting of pedestrian access, the provision of the childcare facility in phase 3, security concerns and the absence of letters of consent from the planning application;
- queries raised regarding the extent that the RORR would deviate from the proposed road alignment in the Development Plan, open space provision and whether balcony space was being included as part of the overall greenspace allocation;
- the internal boundary treatment would be a security issue and would not constitute a material contravention;
- car parking provision should be realistic and the development would benefit from an underground car park;
- the extinguishment of a public right of way along Glascarn Lane would be a reserved function of the Local Authority;
- the provision of public transport available in the area is poor;
- it would be necessary for the RORR to be completed to facilitate access to the 'ED - general enterprise and employment' zoned lands;
- the development would be premature pending water infrastructure upgrades, the provision of associated social infrastructure and the completion of the RORR.

11.0 Prescribed Bodies

11.1. The following comments were received from prescribed bodies:

Uisce Éireann

- wastewater – is feasible without an infrastructure upgrade;
- water supply – is feasible without an infrastructure upgrade. At the connection stage a capacity check is required at the Fairyhouse pump station and onsite storage is required for the proposed commercial units;
- a 300m-long extension of the water and wastewater network is required to connect through third-party lands to the infrastructure installed as part of the RORR;
- the developer would be responsible for the design and construction of infrastructure within the site;
- conditions are recommended, including those relating to connections and agreements, and compliance with Uisce Éireann standards, codes, and practices.

Transport Infrastructure Ireland

- no observations to make regarding the proposed development.

11.2. In addition to the above prescribed bodies, the applicant states that they notified the National Transport Authority and Meath County Childcare Committee. An Bord Pleanála did not receive a response from these bodies within the prescribed period.

12.0 Oral Hearing Request

12.1. The submission received from an elected representative and local resident requested that an oral hearing be held in respect of this application. I note that Section 18 of the Act of 2016 provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board shall:

- (i) have regard to the exceptional circumstances requiring the urgent delivery of housing, as set out in the Action Plan for Housing and Homelessness, and;

(ii) only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

12.2. Having regard to the circumstances of this case, to the issues raised in the observations and submissions received by the Board, and the assessments set out in sections 9, 10 and 11 above, I consider that there is sufficient information available on the file to reach a conclusion on all matters arising. I do not consider therefore that there are exceptional circumstances or a compelling case for the holding of an oral hearing in this case.

13.0 Assessment

13.1. Introduction

13.1.1. This assessment considers the proposed development in the context of the statutory plan for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. Having regard to the documentation on file, including the application submitted, the contents of the Chief Executive's report received from the Planning Authority, issues raised in the observations to the application, the planning and environmental context for the site, and my visit to the site and its environs, I am satisfied that the substantive planning issues arising for this assessment can be addressed under the following headings:

- Land-Use Zoning Objectives;
- Development Principles;
- Density;
- Urban Design;
- Impacts on Neighbouring Amenities;
- Residential Amenities and Development Standards;
- Traffic and Transportation;
- Services and Drainage;
- Material Contraventions.

13.1.2. In terms of procedural matters, including the alleged irregularities in terms of the site notice along Glascarn Lane, the application contents and the availability of application documentation, I am satisfied that this did not prevent the concerned parties from making representations with respect to the proposed development. This assessment represents my consideration of all planning issues material to the proposed development. Matters relating to the control of certain lands relating to the application, may or may not be a civil matter to be resolved between parties, and I propose to proceed with my assessments below having regard to the provisions of section 34(13) of the Act of 2000.

13.2. Land-Use Zoning Objectives

13.2.1. The Meath County Development Plan 2021-2027 includes a written statement and zoning maps specifically addressing objectives and policies for the town and environs of Ratoath, while referring to an objective to prepare a new local area plan for Ratoath, with the Ratoath Local Area Plan 2009-2015 having expired.

13.2.2. The Planning Authority highlight that a site layout drawing with the underlying zoning objectives for the area would have been beneficial in identifying the alignment of the RORR relative to the development, a matter that was queried by Elected Members of the Planning Authority. In each application lodged under the Act of 2016 that I have reported to the Board on, the boundaries of each respective application site were outlined and overlaid on an extract of the zoning maps accompanying the statutory plan(s) for the area. This has not been provided as part of the subject application, although I do recognise that there is no obligation, statutory or otherwise, for the applicant to provide same. In this regard, the Board are referred to the set of maps and photographs that I have prepared to accompany this report.

'A2 New Residential' Zone

13.2.3. Based on land-use zoning objective map sheet no.33(a) accompanying the Development Plan, the application lands at Ratoath are primarily situated within an 'A2 New Residential' zone with an objective 'to provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate'. The Development Plan offers guidance with respect to development on these lands stating that this is the primary zone for new residential

development and that these lands may also include other uses that would support the establishment of residential communities, including community, recreational and local shopping facilities, albeit at an appropriate scale. Permitted uses on 'A2' lands include residential, childcare facilities, convenience outlets and utilities.

13.2.4. The Planning Authority consider the various uses proposed in the development to be compatible with the zoning objectives for the site, while asserting that a condition should be attached in the event of a grant of planning permission restricting use of the four proposed commercial / local retail units, to avoid 'bad neighbour' uses, which they consider to include hot-food takeaways and betting shops. The applicant states that the four proposed commercial / local retail units with a total floor area amounting to 534sq.m would be subject to final occupiers providing local services to residents of the scheme. In my opinion, the range of uses that could reasonably be considered to fall under the umbrella of 'commercial / local retail' uses in planning terms would be extensive. For example, local retail uses could conceivably provide for convenience or comparison retail stores or retail services, such as restaurants, cafes, and public houses. Commercial uses could conceivably provide for offices, banks and other financial institutions. These local retail services and commercial uses are listed in the Development Plan as being open for consideration or permitted in relation to various zoning categories. The Development Plan only refers to a limited range of uses as being permitted or open for consideration on 'A2' zoned land, including convenience outlets. The Development Plan does not define the type of uses that would fall into the category of 'convenience outlets'. The Retail Planning Guidelines for Planning Authorities list convenience goods as comprising food, beverages, tobacco, and non-durable goods. Local shops selling convenience goods could be considered to comply with the zoning objective for this location. Any use that is not listed as being permissible or open for consideration under a zoning category is deemed in the Development Plan to not be acceptable in principle.

13.2.5. The Development also sets limitations with regard to the scale of retail floorspace in new developments. I acknowledge that the 1,000sq.m net retail floorspace restriction set in the Plan for an individual convenience store in a neighbourhood centre on 'A2' zoned lands would not be exceeded by the subject proposals. Tables 4.2 and 4.3 of the Development Plan outline the additional, indicative scope for 500sq.m to 1,545sq.m convenience and 200sq.m to 876sq.m comparison retail

floorspace in Ratoath up to 2026. While the subject proposals alone would not result in this floorspace being exceeded and the targets are indicative, the applicant has not clarified if this cap would be exceeded by the proposals when considered cumulatively with other permitted developments potentially providing for increased retail floorspace in Ratoath.

- 13.2.6. Under the provisions of section 9(6) of the Act of 2016, the Board may decide to grant a permission for a strategic housing development where the proposed development, or a part of it, contravenes materially the Development Plan relating to the area concerned, albeit with exception to a material contravention of zoning objectives. I acknowledge the approach of the applicant to attempt to address the end users of the four proposed commercial / local retail units at a later stage in the planning and development process, however, the legislation that the subject application has been lodged under and the provisions of the Development Plan clearly require a greater degree of definitiveness from the outset as part of this application. Given the list of uses stated in the Development Plan to be open for consideration or permissible on A2 lands, it is not certain that the four commercial / local retail units would comply with the zoning objectives for the site, or that their provision as part of the subject proposals would represent a material contravention of the zoning objectives of the Development Plan. Accordingly, from a precautionary perspective I am satisfied that all four of the proposed commercial / local retail units should be omitted via condition or refused permission as part of the development. As the units are internalised in a proposed apartment block, it would be more logical for a condition to be attached omitting the subject units from the scheme, thereby requiring their future occupation to be subject of a separate grant of planning permission.

'WL White Lands' Zone

- 13.2.7. Observers to the application refer to the possibility that the development may be encroaching onto zoned 'WL White Lands'. Whereas the applicant refers to the application lands as solely falling into zoning category 'A2 New Residential' and being north of zoned 'WL White Lands', I am satisfied that this would not be the case. The southern boundary of the application site would clearly extend into the lands zoned as 'WL White Lands' in the Development Plan, which feature an objective 'to protect strategic lands from inappropriate forms of development which

would impede the orderly expansion of a strategic urban centre'. The Development Plan outlines that these are strategic lands and their designation is to allow for a long-term, integrated approach in the expansion of an urban area. It is not generally envisaged that development proposals will be brought forward during the life of the Development Plan for such lands, therefore, no indication is offered regarding the suitability or otherwise of individual uses on 'WL White Lands'. The Development Plan stipulates that these lands can be released for employment creating development during the plan period in accordance with the Economic Strategy. It has been highlighted by parties to the application that the completion of the RORR aspect of the development proposals would facilitate employment creating development by providing the necessary access to the general enterprise and employment lands, subject of masterplan MP 34, and located adjacent to the west of the site along Fairyhouse Road. Accordingly, I would have no substantive concerns regarding the construction of this section of the RORR within 'WL White Lands'. I address the alignment of the RORR further below.

- 13.2.8. Section 3.8.5 of the Development Plan refers to four categories of land that are zoned for residential purposes, including 'A2 New Residential', but excluding 'WL White Lands'. Overlaying the proposed site layout plan for the development indicates that residential buildings, namely part of apartment block C in neighbourhood C, at least four terraced houses (type B1) and six maisonettes (types M1, M2, M3 and M4) in neighbourhood H, five terraced houses (type A1) in neighbourhood J and apartment block K in neighbourhood K would be constructed on lands identified in the Development Plan as featuring a 'WL White Lands' land-use zoning objective.
- 13.2.9. Part of the application site that is proposed to provide a portion of the residential development is located in an area zoned 'WL White Lands' in the Development Plan, where residential use is not normally permitted, particularly at the scale proposed in this application. It is considered that this element of the proposals would materially contravene the landuse development objective of the Development Plan for this area. In this regard I refer to the provisions of section 9(6) of the Act of 2016.
- 13.2.10. To omit all of the aforementioned subject housing elements within the 'WL White Lands' from the proposed development would have substantive material impacts from an urban design perspective, in failing to provide an appropriate high-quality

architectural design response for the urban edge along the RORR, and such an approach would not be an amendment that I would suggest to be reasonable to incorporate as a condition in the event of a grant of planning permission for the proposed development.

'RA Rural Area' Zone

13.2.11. Observers assert that there is no logic in the proposed development extending into the 'RA-rural area' zoned lands and that in such circumstances a material contravention of the Development Plan cannot be justified. A 400m stretch of the northeastern section of the proposed RORR on the application site would be on lands with an 'RA Rural Area' zoning objective intended 'to protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage'. Permitted uses on 'RA' zoned lands include utility structures. I am satisfied that the proposed RORR would fall into such a use as a functional piece of road and road-related infrastructure and the provision of part of the RORR on 'RA-rural area' zoned land would not materially contravene this land-use zoning objective of the Development Plan.

RORR – Local Objective

13.2.12. There is an objective for the RORR indicated on the zoning maps for this area (sheet 33a), with the route of this relief road closely following the southern boundary to the application site and the existing relief road to the northeast. MOV OBJ 55 of the Development Plan aims to promote the delivery of key strategic roads, including the RORR, albeit subject to the outcome of the Appropriate Assessment process. The Development Plan states that the Planning Authority has received funding for the construction of a section of the RORR in Ratoath that will open up lands with potential to deliver 370 units.

13.2.13. The observers refer to the proposed alignment of the RORR as part of the subject proposals as failing to follow the alignment identified in the Development Plan for this new road infrastructure. While the applicant acknowledges that the proposed section of the RORR route to be delivered as part of the subject proposals would not strictly align with the route identified within the Development Plan maps, they consider this to be appropriate given that they consider it is only an indicative RORR

route alignment that has been identified in the Development Plan. In their Material Contravention Statement the applicant addresses the potential for the proposed development to materially contravene objective RA OBJ 7 of the Development Plan, an objective that aims to facilitate the development of the RORR in tandem with development.

13.2.14. An overlay of the proposed development with the zoning objectives map for the area illustrates that the proposed alignment of the RORR does vary from that identified in the Development Plan. One of the two primary differences in the proposed RORR alignment and that indicated in the Development Plan maps is stated by observers to arise from the provision of a horizontal broken-back curve that would allow the road to avoid a triangular piece of ground forming the northwest corner of the field, which the applicant does not have control of or have consent to use as part of the subject proposals. The other primary difference in the proposed RORR alignment compared with that indicated in the Development Plan arises at the western connection of the RORR with the Fairyhouse Road.

13.2.15. Notwithstanding the variations referenced above, the legend to the Development Plan land use zoning map (sheet 33a) refers to this objective as an 'indicative road route', suggesting a degree of flexibility in the alignment of the road relative to that shown in the Development Plan. Technical consideration of the proposed routing for the RORR is considered in sections 13.5 and 13.8 below. Objective MOV OBJ 62 of the Development Plan states that where indicative road proposals are shown on the edge of a settlement boundary, they shall be considered to be included within the development boundary. There is a substantial degree of ambiguity in the wording of this Development Plan objective, however, I am satisfied that the objective further provides flexibility in relation to the alignment of the RORR. Consequently, I am satisfied that the proposed alignment of the RORR as part of the development could not reasonably be considered to materially contravene the provisions of the Development Plan.

Conclusion – Land-use Zoning Objectives

13.2.16. The four commercial / local retail units would need to be omitted should a grant of planning permission be issued for the proposed development. A material contravention with the 'WL White Lands' zoning objective in the Development Plan

would arise and I recognise that this was not raised at pre-application stage, however, under section 6(9) of the Act of 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, of any other of their respective functions under the Act of 2000. In the interest of providing a comprehensive assessment, I consider the proposals with respect to relevant planning and development policy below.

13.3. **Development Principles**

Strategic Housing Definition

- 13.3.1. The proposed buildings would comprise a stated 54,175sq.m of residential and ancillary residential floor space with 1,537sq.m of non-residential floor space proposed amounting to 2.8% of the gross development floor area. The development would also feature undercroft car parks, plant areas, electricity substations and various shelter structures, however, their predominant use would be for ancillary purposes to serve residential uses within the development. Accordingly, I am satisfied that the 4,500sq.m or 15% overall floor area limitations set out in section 3 of the Act of 2016 would not be exceeded as part of the proposed development, and I am satisfied that the proposed development featuring 452 residential units would come within the statutory definition of a 'strategic housing development'.

Masterplan

- 13.3.2. Section 11.15 of the Development Plan lists 38 areas that are subject to Masterplans in the county, five of which relate to the wider Ratoath area. Sheet no.33(b) of the Development Plan titled 'Heritage' identifies the area subject of masterplan MP 37, with the application lands falling within this area. Based on the provisions of the Development Plan, any planning application made for development on these lands shall be accompanied by a masterplan detailing development proposals for the full extent of the lands, including details of the overall site and building layout for the lands, building height and design principles, mix of uses, open space and recreational provision, traffic impact assessment and the management proposals and services. The Planning Authority note that a masterplan concept for the area has been submitted with the application and they do not raise any concerns in this regard.

- 13.3.3. Most of the MP 37 masterplan lands comprise the lands subject of this application and the Jamestown strategic housing development that was permitted under ABP ref. 305196-19, which the applicant's Site Layout Plan Masterplan MP37 drawing (no.21088-RKD-ZZ-ZZ-DR-A-1040) includes details of. This masterplan drawing fails to detail proposals with respect to a small plot measuring approximately 0.48ha adjoining and to the rear of Glascarn Lane, as well as two plots measuring approximately 2.1ha and 0.12ha fronting Fairyhouse Road. The observers also note that this Masterplan is also unclear with regards to a triangle of land situated towards the northeast corner of the site. The applicant refers to the Architectural and Urban Design Statement submitted with the application as supporting the Masterplan drawing, however, this does not provide substantive details following the stated provisions of the Development Plan for the plots referenced above within the MP 37 masterplan lands.
- 13.3.4. Other than identify potential future connections into the largest plot of adjoining residential lands along Fairyhouse Road, the applicant has failed to comprehensively address the potential future development scenario on all adjoining plots within the MP 37 lands. I acknowledge that many of the proposed buildings on the application site would be substantive distances from the boundaries with these adjoining plots, and that based on reasonable development scenarios for the adjoining lands the separation distances achieved would be likely to alleviate impacts of the proposed development on the adjoining lands, as well as the impacts on the subject development from the development of these adjoining lands. In these circumstances I do not suggest refusal of planning permission due to the omission of details required in the Development Plan with respect to the entire MP 37 lands. The applicant also fails to address proposals with respect to approximately 0.18ha of land in control of the applicant (within the blue line boundary on the application site location plan) to the rear of three detached houses on the east side of Fairyhouse Road. I note that this land is not within the MP 37 masterplan area but is zoned for 'A1 Existing Residential' purposes and may form part of the grounds of the three adjoining houses. I am satisfied that in order to address this matter in a more comprehensive manner, there would be scope for details regarding the entire MP 37 lands and the adjoining 'A1' lands to be provided in response to a condition of the permission.

Phasing

- 13.3.5. The Development Plan does not specifically set out phasing requirements for the development of these lands, however, it does set out that all applications for residential development shall include a phasing plan, including the open space and infrastructure to serve dwellings in each phase. Section 3 of the applicant's CEMP illustrates that the development would be undertaken in four phases, each of which would be over a one to two-year period. The first phase of the development would comprise the RORR and lands closest to Fairyhouse Road (neighbourhoods A, B, C and D) accommodating 181 units. The second phase would comprise lands adjoining to the east of the phase 1 area (neighbourhoods H and J, as well as the central public open space) accommodating 87 units and four commercial / local retail units. Phase 3 lands would adjoin to the east of the phase 2 lands along the northeastern side of the site closest to the Jamestown strategic housing development lands (neighbourhoods K, L and M) accommodating 89 units and a childcare facility. The final phase would incorporate the lands to the rear of the housing along the southside of Glascarn Lane (neighbourhoods E, F and G) accommodating 95 units.
- 13.3.6. Observers, the Chief Executive of the Planning Authority and the Elected Members from the Planning Authority assert that the RORR should be completed in phase 1, prior to the occupation of any residential unit. Objective RA OBJ 7 of the Development Plan sets out that the development of the RORR should be facilitated in tandem with development, and in this context, it would appear reasonable for the RORR to be undertaken alongside the phase 1 works, in order to be completed prior to the occupation of the first unit within the proposed development.
- 13.3.7. The observers and the Planning Authority also assert that open space, including associated play equipment, should form part of the initial phase of the development. Review of the drawings, the schedule of areas and the Landscape Design Rationale report accompanying the application would suggest a reasonable consistent distribution of public and communal open spaces throughout the development and within each of the four phases.
- 13.3.8. The observers, as well as the Chief Executive and Elected Members of the Planning Authority, assert that childcare facilities should be provided in the first phase of the

development, expressing concern that this is proposed to be provided in phase 3 of the development. In their Social Infrastructure Audit the applicant asserts that justification for only providing this facility in phase 3 of the development is based on the estimated demand for ten childcare spaces arising from 70% of the two-bedroom units and all of the three-bedroom units in phases 1 and 2 of the development. The estimated demand for ten childcare spaces to arise from 258 two or three-bedroom units appears extremely low when compared with estimates for similar strategic housing developments that I am familiar with in suburban contexts such as this, and this is further compounded by the scope for adaption of attic spaces or indeed the winter gardens to create additional bedspaces in the houses and maisonettes, which could reasonably result in an increased resident population in the age category requiring childcare. The Childcare Facilities - Guidelines for Planning Authorities require a childcare facility to accommodate 20 children for every 75 units and in the interests of providing for the orderly development of this new community, I am satisfied that based on the above the proposed childcare facility needs to be completed and operational prior to moving onto the second phase of the development.

- 13.3.9. The Planning Authority assert that a proportion of the 'Part V' housing should form part of the initial phase of the development. The applicant's Part V pack identifies that 27 of the 45 proposed 'Part V' units would be provided as part of phase 1 of the development, which would suggest that the applicant has not sought to avoid the early provision of these units.

Core Strategy

- 13.3.10. The core strategy for the county identifies capacity for 803 residential units and 72 permitted units over the period of the Plan lands featuring 'New Residential', 'Existing Residential', 'Mixed-Use', or 'Town Centre' zoning objectives. Part of this capacity would be fulfilled by development on those lands with an 'A2 New Residential' zoning objective on the application site. Since the County Development Plan came into effect in November 2021, the Planning Register would not suggest any recent permissions for substantive residential development in Ratoath and information to the contrary has not been presented by parties to the application. The proposed housing on the 'WL White Lands' within the application site would need to be omitted from the proposals, otherwise the proposals could reasonably be

considered to contravene the core strategy within the Development Plan or objective RA OBJ 1, which aims to implement this core strategy for lands in Ratoath. In section 13.2 above when considering the merits or otherwise of omitting the proposed housing on the 'WL White Lands', from an urban design perspective I concluded that this would not be appropriate to undertake as a condition in the event of a grant of planning permission for the proposed development. Accordingly, I am satisfied that this aspect of the proposed development would materially contravene the core strategy provisions of the Development Plan.

Housing Tenure

13.3.11. Given the number of units proposed and the size of the site, the applicant is required to comply with the provisions of Part V of the Act of 2000, which aims to ensure an adequate supply of housing for all sectors of the existing and future population. Part V Guidelines require a planning application to be accompanied by detailed proposals to comply with Part V housing requirements, and the Housing Department within the respective Local Authority should be notified of the application.

13.3.12. Appendix 4 to the Development Plan comprises the Council's Housing Strategy, which requires 10% of new residential developments to be made available for social housing. Objective SH OBJ 16 of the Development Plan aims to address an identified need to increase the supply of social housing in some towns in the County, including Ratoath. Part V of the Act of 2000 was amended by the Affordable Housing Act 2021, inter alia, amending provisions with respect to the Part V percentage housing allocation in a development, dependent on the date of purchase of the respective site. I note that the housing area of the subject site is stated by the applicant to be in their control with details provided as part of the applicant's Part V pack asserting that a 10% Part V allocation should apply based on the acquisition date of the site. Observers assert that a 20% Part V provision should apply based on the purchasing date for the site by the applicant. The applicant sets out that 10% of the units within the scheme would be built and transferred to the Planning Authority to meet the Part V housing requirement. This would be complied with via the provision of 45 units in a mix of 25 two-bedroom apartments, six three-bedroom houses, four three-bedroom maisonettes and ten one-bedroom maisonettes. The Planning Authority acknowledge the details submitted, while requiring a final Part V

agreement to be entered into as a condition in the event of permission being granted.

13.3.13. Should the Board decide to grant permission for the proposed development, I am satisfied that Part V requirements, including the proportion of units to be allocated, are matters that can be finalised with the Planning Authority by way of a condition. The overall social housing provision would help to provide a supply of housing for all sectors of the existing and future population, as well as facilitate the development of a strong, vibrant and mixed-tenure community in this location.

13.3.14. Based on the Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021), there is only a requirement to regulate investment in the proposed houses, as apartments are exempt from a restrictive ownership condition. In the event of permission being granted, a condition should be attached to this effect to ensure an adequate choice and supply of housing within the development, including affordable housing.

Conclusion

13.3.15. In conclusion, the proposed development falls within the statutory definition of a 'strategic housing development' and subject to conditions it would provide a suitable housing tenure mix. Matters relating to the provision of the proposed childcare facility in phase 1 of the development and details with respect to the entire MP 37 masterplan area would need to be addressed via conditions should permission be granted for the proposed development. However, the provision of substantive housing on lands not intended to provide for same would appear to materially contravene provisions of the Development Plan, and this is a matter that would need to be addressed in the applicant's Material Contravention Statement. I address this matter further in section 13.10 below.

13.3.16. The Planning Authority has also noted that planning conditions should be attached with respect to section 48 general development contributions and bonds, which I am satisfied would be reasonable to request. The applicant's biodiversity section also refers to a small area of buildings and artificial surfaces in the northwest corner of the site, which may need to be removed as part of the development and addressed in a final project construction and demolition management plan to be submitted as a condition of the permission.

13.4. Density

- 13.4.1. Comprising 452 units on a net site area of 11ha, which excludes the RORR area, the open space area towards the northeast corner of the site and the looped internal access road off the RORR, the proposed development would feature a density of 41 units per hectare. When compared with residential densities in the immediate environment, such densities would appear to be similar to the recently constructed estates in Jamestown to the northeast and the permitted Jamestown strategic housing development (ABP ref. 305196-19), which features a density of approximately 37.5 units per hectare. The proposed density would be on the higher side when considering the density of one-off housing and estates along Fairyhouse Road and Glascarn Lane.
- 13.4.2. Observations assert that the proposed density of the scheme would be exceptionally high when considering the surrounding pattern and the guidance contained within Departmental Circular Letter NRUP 02/221, the NPF and the Development Plan. The Planning Authority refer to densities of 25 to 35 units per hectare as being appropriate for this area based on objective DM OBJ 14 of the Development Plan, while the Sustainable Residential Development Guidelines require a net density of 35 to 50 units per hectare on outer suburban / greenfield sites in larger towns. The applicant considers the proposed density to be consistent with the provisions of the Sustainable Residential Development Guidelines and an efficient use of the site relative to the Development Plan provisions.

National and Regional Policy

- 13.4.3. In terms of the national policy context, the NPF promotes the principle of 'compact growth' at appropriate locations, facilitated through well-designed, higher-density development. Of relevance are NPOs 13, 33 and 35 of the NPF, which prioritise the provision of new homes at increased densities through a range of measures. The NPF signals a shift in Government policy towards securing more compact and sustainable urban development within existing urban envelopes. It is recognised that a significant and sustained increase in housing output is necessary. RPO 3.3 of the RSES for this region requires increased densities, in line with the provisions set out in the Sustainable Residential Development Guidelines, the Building Heights Guidelines and the New Apartment Guidelines.

- 13.4.4. The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated but should be actively sought out and brought forward by planning processes, in particular by Local Authorities and An Bord Pleanála. The Guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities. Specific Planning Policy Requirement (SPPR) 4 of these Guidelines sets out a requirement that in planning the future housing development of greenfield or edge of city/town locations, planning authorities must secure the minimum densities for such locations set out in the Sustainable Residential Development Guidelines.
- 13.4.5. The Sustainable Residential Development Guidelines encourage increased densities in specific locations in cities and larger towns, with larger towns stated to feature a population of 5,000. The Development Plan notes that the population of Ratoath was almost double this figure in 2016. These Guidelines identify appropriate densities for sites in larger towns based on whether they are in town centres, brownfield areas, along public transport corridors, inner-suburban areas, institutional lands or outer-suburban / greenfield areas.
- 13.4.6. The New Apartment Guidelines note that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move towards smaller average household sizes, an ageing and more diverse population with greater labour mobility, and a higher proportion of households in the rented sector. The Guidelines address in detail suitable locations for increased densities by defining the types of location in cities and towns that may be suitable to achieve housing objectives, with a focus on the accessibility of a site by public transport and its proximity to city/town/local centres or employment locations. Suitable locations stated in the Guidelines include 'central and/or accessible urban locations', 'intermediate urban locations' and 'peripheral and/or less accessible urban locations'. The Guidelines also state that the range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors.

Access to Public Transport

- 13.4.7. Observers and the Elected Members assert that the area features poor provision of public transport services, with limited capacity and limited potential to be served by rail or light rail in the future. In considering the general provision of public transport available in this area, I would note that the nearest public bus stops to the application site are located on Fairyhouse Road (R155 regional road) approximately 600m to 800m to the north of the application site, providing access to Bus Éireann route 105, which connects with Blanchardstown town centre. These stops also serve Bus Éireann route 105x connecting with Dublin city centre and UCD campus, and Ashbourne Connect private bus routes 194, 194A and 194X connecting with Dublin city centre and Ashbourne. There is also bus stops located to the south of the application site along Fairyhouse Road, but there is no footpath from the application site to these stops. There are also Bus Éireann services operating from stops a 1.5km walk from the proposed housing element of the development on Main Street Ratoath serving routes 103 and 109. The nearest train services are available from the M3 parkway stop located 6.5km to the south of the application site. At present public bus services from Ratoath do not connect with the M3 Parkway rail station.
- 13.4.8. The Sustainable Residential Development Guidelines refer to the capacity of public transport services as requiring consideration with respect to appropriate densities, which is intrinsically linked to the frequency of services. A review of current timetables for routes referred to above suggests approximately 4 to 5 services per hour to and from the neighbouring bus stops in the direction of Blanchardstown, Dublin city centre and other neighbouring urban settlements. I am satisfied that based on bus timetables and guidance within the New Apartment Guidelines defining 'high-frequency' bus services as those operating at a minimum of every ten-minutes during peak hours, the bus stops closest to the application site do not feature 'high-frequency' bus services. This assessment suggests that the area features limited access to public transport.

Location Category

- 13.4.9. The application site is not centrally located, nor is it brownfield, and I am not aware that it comprises institutional lands. While the site can be considered to be within walking distance of public bus stops, given the location of the site relative to

developed, zoned lands to the northeast in Jamestown, the necessity for new infrastructure, including roads, sewers and other ancillary facilities, and the open character of the lands on the periphery of Ratoath, I am satisfied that the site most appropriately falls into the category of an 'outer-suburban / greenfield' site, as defined in section 5.11 of the Sustainable Residential Development Guidelines. Furthermore, based on the above information and a review of the location categories in the New Apartment Guidelines relative to the provision of public transport services proximate to the site, this would suggest that the site would best fall into the category of a 'less accessible urban location'.

Local Policy

13.4.10. The Development Plan initially refers to densities being guided by the Sustainable Residential Development Guidelines, before outlining in objective DM OBJ 14 that a density of up to 35 units per hectare would normally be required in self-sustaining towns such as Ratoath, although some exceptions are allowed for where densities cannot be achieved due to site constraints. The proposed density of the development would not align with the density provisions of objective DM OBJ 14 of the Development Plan and observers assert that this would represent a material contravention of the Development Plan. However, as noted above with respect to the securing of appropriate densities on edge of town or greenfield sites such as this, SPPR4 of the Building Heights Guidelines takes precedence over the assigned local planning density objectives and it is the Sustainable Residential Development Guidelines that must be adhered and which I note the Development Plan has initially referred to when addressing the matter of assigning densities to locations within the county.

13.4.11. Objective DMS OBJ 15 of the Development Plan sets out indicative maximum plot ratios for development, dependent upon the location of a site. For housing on the edge of a town a plot ratio of 1.0 is stated to be the maximum indicative plot ratio allowed. The proposed plot ratio is stated as being 0.42, therefore this would be well below the maximum allowed in the Development Plan.

Density Conclusion

13.4.12. All national planning policy indicates that increased densities and more compact urban forms are required within urban areas, subject to high qualitative standards

being achieved in relation to design and layout. Outer suburban / greenfield sites are stated in the Sustainable Residential Development Guidelines to generally be suitable for net residential densities in the range of 35 to 50 units per hectare, while densities of less than 30 units per hectare should be discouraged, and as clarified in Circular Letter NRUP 02/2021, densities of 30 to 35 units per hectare would also be acceptable in this edge of larger town context. The proposed development is therefore within the range of densities allowed in the Sustainable Residential Development Guidelines for a site in the outer suburban / greenfield category and compliant with provisions of SPRR4 of the Building Heights Guidelines. Furthermore, the New Apartment Guidelines recommend densities of less than 45 dwellings per hectare in less-accessible, urban locations such as the application site and this is also complied with.

13.4.13. Having regard to national and regional planning policy, I am satisfied that the site, which is within the core region formed by the peri-urban hinterlands to Dublin city, as defined in the RSES, is well placed to accommodate growth at the net density proposed of 41 units per hectare. I recognise that the proposed density would not strictly align with the Development Plan provisions, however, the national policy approach set out under SPPR4 of the Building Heights Guidelines displaces the inconsistent local planning provisions in this regard. In conclusion, the proposed density for the application site complies with Government policy seeking to increase densities in appropriate locations and thereby deliver compact urban growth.

13.5. Urban Design

- 13.5.1. The design, layout and building heights are considered in this section in terms of the urban design quality of the proposed development, with the potential impacts on residential amenities considered in section 13.6 below.
- 13.5.2. Section 3.8.9 of the Development Plan sets out the key guidance documents in relation to the design and layout of residential developments, as well as reference to the development management standards in chapter 11 of the Plan. Policies SH POL 8 and DM POL 4 support the creation of attractive residential developments following the principles of the Sustainable Residential Development Guidelines and the associated Urban Design Manual. Objectives DM OBJ 13 requires a detailed design

statement addressing various criteria to accompany applications for residential development of ten or more units.

- 13.5.3. As part of the site analysis in their Architectural and Urban Design Report, the key influences in developing the site are indicated, including the immediate and wider site context, the RORR project, the provisions of the Development Plan and the provisions of various housing and urban design standards documents, including the Urban Design Manual. The applicant's EIAR also addresses the alternative development approaches considered as part of their initial design process.

Design

- 13.5.4. Objective RA OBJ 11 of the Development Plan aims to promote a high standard of architectural design and quality of materials throughout the Ratoath area, that are appropriate in scale and form. According to the applicant, the scheme is to be split into three character areas to respond to the different contexts and to encourage movement through the areas. These character areas are further subdivided into smaller neighbourhood cells generally featuring buildings clustered in rectangular or triangular form around semi-private and communal courtyards. Character area 1 features four of these neighbourhoods, including two apartment blocks, terraced and maisonette blocks and a greenway route running along the northern and eastern side connecting the RORR and Fairyhouse Road. Character area 2 situated centrally within the site and along the rear of houses on Glascarn Lane would feature clustered quadrants of housing, as well as the commercial core and the primary public open space area serving the development. A pedestrian / cycle route would link this area with Fairyhouse Road by an entrance through Carraig na Gabhna estate. An eastern section of the greenway route with adjoining open space cuts through character area 3, which would include an apartment building overlooking the RORR and a childcare facility.
- 13.5.5. The form and layout proposed would appear relatively consistent across the housing character areas with alterations in the colours of materials, and the function of the open space providing for some distinctiveness to the character areas. Building heights would fluctuate throughout the development with the four tallest apartment blocks overlooking the RORR or the primary public open space. I am satisfied that

the character areas that are proposed would aid in creating a sense of place and provide for a reasonable transition in scale moving through the development.

13.5.6. In relation to the proposed buildings, I note that they would feature units addressing corner locations for passive surveillance purposes, including the units on the ends of the maisonette blocks. The houses, as well as the maisonette and apartment blocks, would feature regular scales and proportions, with a consistent, cohesive architectural language used throughout the scheme, albeit with alternative roof types, including flat-roof apartment blocks hidden behind parapet walls, gable-fronted pitched roof maisonette units, as well as saltbox and pitch-roof terrace blocks. The limited palette of contemporary quality, robust and low-maintenance materials that is proposed based on reference to the agricultural setting and the natural tones of the land, would include a variety of brick finishes, light renders, aluminium windows and a mix of vertical cladding colours for the roofs and upper-floor maisonette units.

13.5.7. From a planning perspective, the use of render is generally discouraged due to its tendency to discolour or spoil overtime. The applicant's Building Lifecycle Report refers to an 18-year life expectancy for minor repairs and preparation of decorations to rendered areas. Much of the render proposed would be at low level, which would be readily maintainable through washing or painting, while render to the rear of buildings would not be highly visible from the public realm. Terraced house types B1 and B2 would feature extensive render to the front elevation onto the roads and routes serving the area, including the RORR. From an urban design and visual amenity perspective, I consider it reasonable for the front elevations of the terraced house types B1 and B2 to be finished with brick to complement the adjoining external elevations to the respective proposed blocks and in recognition of their positioning onto public realm intended to form part of a high-quality residential quarter. A condition to address this should be attached in the event of a grant of planning permission for the proposed development.

Internal Layout Arrangement

13.5.8. A looped access road would be taken through the development off the RORR with secondary looped routes spurring off this connecting into and through the residential neighbourhoods featuring home zones / shared surfaces serving as streets and

parking areas. The observers assert that aspects of the layout and design would lead to anti-social behaviour. The layout provides for extensive passive surveillance of the public realm, including the access points and the RORR, and I do not consider the proposals could reasonably be considered to support anti-social behaviour.

13.5.9. The allocation and distribution of open space within the development would break up the northern and southern neighbourhood cells within the development, and staggered or curved street alignments break up the appearance of the character areas, allowing for landscaping to be introduced and heavily urbanised regimented vistas to be avoided. The applicant proposes clustering of car parking for buildings along the RORR to avoid the appearance of the area being dominated by an unrelenting provision of perpendicular and parallel parking bays and to allow for street planting. Narrow carriageway widths of 4.8m and 5m, allowed for in the DMURS respectively for shared surfaces (home zones) and access roads, are harnessed in the proposals, although some shared surfaces feature wider carriageway widths where perpendicular parking bays are proposed.

13.5.10. The Planning Authority refer to the need for a road hierarchy drawing to be submitted, which I note the applicant's Architecture and Urban Design Report provides. To access neighbourhood L and the childcare facility it would be most likely for road-users to use the shared surface along the eastern side of neighbourhood G. Given the additional through traffic flows that this shared surface / home zone would accommodate it would be reasonable for it to be revised to form a local neighbourhood road.

13.5.11. The proposed local neighbourhood centre would be located centrally within the new development, facing northward onto a landscaped plaza and the primary public open on the opposite side of the looped access road featuring a greenway route and play areas. The location of this facility would appear reasonable and readily accessible from the immediate neighbourhoods, as well as ensuring the associated commercial traffic would not be required to travel through extensive residential areas.

13.5.12. The design of the proposed childcare facility is at variance with the remainder of the development, with the architecture of this building echoing Art Moderne influences with curved corners, horizontal emphasis and asymmetrical facades. The location of the childcare facility would be along a greenway route through the development, with

relatively easy access for residents of the area to the facility from the immediate network of streets. The design and location of the childcare facility would be reasonable, although this may need reconsideration with respect to phasing matters previously raised.

Layout and Surrounding Planning Context

13.5.13. The lands to the immediate south of the application site feature 'WL White Lands' or 'RA Rural Area' land-use zoning objectives. An observer has requested that an entrance is created to the lands to the south and I note indicative masterplan proposals for these 'WL White Lands' contained in the applicant's Architectural and Urban Design Report. Given the present statutory planning context for these lands, I consider it only necessary to provide an agricultural access to these lands at this juncture to replace the agricultural access lost as part of the subject proposals, and this could be provided for off the RORR as a condition of the permission. Substantive separation distances of greater than 16m are proposed from the buildings to the other MP 37 masterplan lands outside of the site application site along Fairyhouse Road.

13.5.14. The adjoining established housing to the north and west of the application site are zoned for 'A1 Existing Residential' purposes and the subject proposals feature separation distances of 12m or more between the proposed residential buildings and the boundaries with neighbouring residences in this area, a matter that is explored in more detail in section 13.6 below. The Planning Authority consider the proposed development site to be well connected with the centre of Ratoath and the schools to the north and northeast via existing and proposed pedestrian and cycle facilities, including those along the RORR and the inner-relief road (The Avenue).

Carraig na Gabhna Access

13.5.15. In addition to the RORR, the proposed layout would allow for three future pedestrian connections to be made westwards onto Fairyhouse Road, one of which would be through an existing residential estate known as Carraig na Gabhna. Several observers have raised queries regarding this access while objecting to its provision for concerns relating to its impact on the character of the estate, the safety and the security of children and others, and as the access would not be necessary given the provision of alternative accesses as part of the development further to the south of

this. Elected Members express concerns regarding the retrofitting of pedestrian access. It is not clear from the application details if this access would be solely for pedestrians or a shared facility serving cyclists. The roads layout drawing (no.L308 OCSC XX XX DR C 0112 S4 P04) refers to this access as being a 'greenway', whereas the landscape layout plan (sheet 3 of 9 – drawing no.L103) refers to this as a 'pedestrian link', albeit with what appears to be tactile paving possibly indicating a dropped kerb onto the hammer-head turning area at the end of the carriageway in Carraig na Gabhna. CGIs and plan images in section 4 of the applicant's Architectural and Urban Design Statement suggest that this would be a 3m-wide access path that would be used by both cyclists and pedestrians. While I agree with the observers in relation to the lack of clarity regarding the modes of transport that the route is intended to serve, it appears likely based on the information available in the application that it would serve as a shared cycleway and pedestrian access.

13.5.16. When considering the other accesses proposed, the shared cycle and pedestrian access into Carraig na Gabhna would provide a more convenient route towards the town centre, local services, and bus stops for future residents of neighbourhood cells E and F. The provision of a shared route into this estate would necessitate very limited works generally comprising the removal of a section of hedgerow on the boundary and the laying of a 3m-wide, 16m-long path through a cut-grass green space. Observers raise concerns regarding the provision of this path through this green space, which appears to be used for informal amenity and recreation purposes. I am satisfied that the provision of a path through the green space would have very limited impact on the functionality or appearance of this area as an informal amenity and recreation space. Additional pedestrian and cycle traffic associated with the development would pass through the adjoining residential street as a result of the new access, but this would have very limited potential to impact on the character of the street or the safety of the residents, as there is an existing footpath in place along the street and as the existing level of traffic on the street serving six houses is very low with cycle traffic not likely to have a substantive impact on same, including via emissions, congestion or road safety. Provision of new connections is often an occurrence in expanding urban and suburban areas, particularly where this can provide convenient and often safer access routes for pedestrians and cyclists. I am satisfied that the principle of this access is supported

by the provisions of the Urban Design Manual with respect to connectivity and permeability, and objective SH POL 3 of the Development Plan, which aims to support the creation of healthy and sustainable communities that encourage and facilitate walking and cycling and general physical activity through the implementation of best practices in urban design.

Fairyhouse Road Frontage

- 13.5.17. Observers assert that the building line along Fairyhouse Road should be set back further to facilitate turning lanes, pedestrian and cycle facilities. I address the issue of turning lanes and junction analysis further below in section 13.8. As part of the development it is intended to provide a 2m-wide footpath along Fairyhouse Road fronting the development north of the junction with the RORR. Part 8 planning permission (MCC ref. P822006) for a project comprising footpaths and cycle lane provides for 3m-wide shared pedestrian and cycle route along the eastern side of Fairyhouse Road, which is intended to tie in with similar infrastructure in the new section of the RORR on the subject lands. Given the difference in the infrastructure widths, the subject proposals would not seamlessly tie in with the permitted project. Objective DM OBJ 17 of the Development Plan aims to provide building setbacks along roads to allow for future road improvements.
- 13.5.18. The ground-floor drawing for proposed apartment block A reveals that this six-storey 22m-high building would be a minimum of 3.2m from the back edge of the footpath along Fairyhouse Road. This set back would differ considerably with the existing 10m to 30m building setbacks achieved along the neighbouring stretch of road. The ground floor of this block fronting onto Fairyhouse Road accommodating an undercroft car park and other ancillary areas, would feature brick finishes with perforated screens, and as such would not provide for any activation of the street frontage. While I accept that a rigid building line would not necessarily need to be followed, the position of the subject block A, lacking an active ground floor and a very limited distance from a footpath of restricted width, would be substantially at odds with the existing and permitted pattern of development in the area. This would not provide for an appropriate response in addressing this road, would fail to comply with objective DM OBJ 17 of the Development Plan and is further compounded by the fact that the proposals would not strictly tie in with the Part 8 permission. Accordingly, a condition would need to be attached providing for an active ground-

level frontage to block A, with an increased setback east for block A and the provision of a 3m-wide shared pedestrian and cycle route along the eastern side of Fairyhouse Road fronting the site.

Glascarn Lane

- 13.5.19. The existing vehicular access provided east to west along Glascarn Lane running through the site from Fairyhouse Road leading to Kilbride Road would be closed to vehicular traffic as part of the subject proposals, although alternative access and vehicular movement would be provided for via the new section of the RORR and a T-junction onto the eastern section of Glascarn Lane. Many of the observers object to the works along Glascarn Lane, as they consider that they would fail to integrate with development in the wider area, as it would impact on journey times and as it would have significant traffic impacts for local residents. Glascarn Lane would serve as a vehicular access to 43 of the proposed residences in neighbourhoods L and M of the development, as well as continued access to the properties to the north along the former bridlepath. A home zone would be provided along a 70m-long, north-south aligned stretch of the existing Glascarn Lane before terminating close to the proposed RORR. The application details shows that this area would be intended to be taken in charge by the Planning Authority following completion of the development and that it would be possible for the public to move through this area, although motorised vehicles would no longer be able to pass.
- 13.5.20. The section of Glascarn Lane approaching the proposed T-junction with the RORR would be realigned. The realignment works do not appear to account for the necessity to provide continued access to a house at the junction of Glascarn Lane and the bridlepath. I also note that the applicant's Quality Audit requires further consideration of the capacity of this T-junction and a revised road alignment to cater for HGVs using this road. Conditions would need to be attached to address these matters.
- 13.5.21. Pedestrian and cycle access would remain possible from the existing western and eastern sections of Glascarn Lane, although this would require the RORR to be crossed. The observers note that this lane is often used for recreational purposes, such as walking, horse walking and cycling, which was in evidence when I visited the area. The applicant has not proposed any crossing points over the RORR. It would

be reasonable for some form of crossing point to be provided in this area, preferably at a point south of the proposed home zone identified as separating neighbourhoods L and M. A condition would necessary to address this matter.

13.5.22. Observers suggest an underpass, an overpass or a roundabout should be provided along Glascarn Lane to maintain east-west access. While vehicular movement would no longer be possible from the western section to the eastern section of Glascarn Lane, I am satisfied that there would remain scope for convenient access to be maintained, including for emergency vehicles, in an east-west direction in the vicinity of Glascarn Lane, via the construction of the RORR as part of phase 1 of the subject development. This may have some very minor increases in travel times for some residents of Glascarn Lane, however, it would ultimately lead to substantive traffic benefits for the wider area, alleviating traffic in other areas and reducing congestion. In these circumstances the provision of an underpass, an overpass or a roundabout would appear an over-engineered approach in attempting to address this issue and it would be unnecessary.

13.5.23. The restriction of traffic movement along Glascarn Lane may ultimately lead to reduced traffic flows, including HGVs, along the western section of Glascarn Lane, however, there is also potential for increased vehicular traffic flows along this section of road as it would be used to directly access 43 of the proposed residences. The applicant has not addressed this as part of their Traffic Impact Assessment with no surveyed or estimated counts provided for traffic flows along Glascarn Lane. While a series of pedestrian and cycle routes would be available for residents of the development from neighbouring directions, the western section of Glascarn Lane would inevitably also serve as a pedestrian and cycle access to the development, including a sizeable portion of the residential units. At present the western section of Glascarn Lane leading to the site features a 5m to 6m-wide carriageway flanked by grass verges on both sides, as well as several short intermittent sections of footpath, an absence of public lighting and numerous entrances to one-off houses and residential estates. The observers request that additional infrastructure is provided along Glascarn Lane in addressing use of this road as an access for the proposed development and this is a matter that is also identified as needing to be addressed in the applicant's Quality Audit. Given the limited supporting infrastructure along this western stretch of Glascarn Lane, from a road safety perspective it would appear

necessary for some upgrade of this lane to be undertaken to facilitate the proposed access to part of the development. The roads infrastructure area along the western section of Glascarn Lane is not in control of the applicant, therefore, it would not be possible to require these works to be undertaken as a condition of the permission. Consequently, I am satisfied that this could form a reason for refusal of planning permission.

13.5.24. The Elected Members of the Planning Authority and the observers refer to the extinguishment of the public right of way along Glascarn Lane as being a reserved function of the Local Authority under the Roads Act 1993. I am satisfied that the applicant has provided sufficient evidence of their legal interest for the purposes of submitting the planning application and the issuing of a decision in relation to the proposals. Any further consents that may have to be obtained are essentially a subsequent matter outside the scope of this planning application.

Jamestown Housing

13.5.25. Other than the Site Layout Plan Masterplan MP37 drawing (no.21088-RKD-ZZ-ZZ-DR-A-1040), limited detail is provided with the application for the proposed development tie-ins with the housing development (ABP ref. 305196-19) permitted on the northeastern corner of the site. This is a matter that has been flagged by observers to the application. While the tie in would facilitate access from the development towards the adjoining permitted housing area, additional details and a more cohesive layout would be necessary to ensure that the proposed development layout would suitably address the emerging grain of the immediate area to the northeast.

13.5.26. Several observers highlight that this revised alignment as part of the proposals would result in an altered development context for the adjoining housing scheme (ABP ref. 305196-19), as it had been intended to create a distinct urban edge onto the RORR through the strategic positioning of buildings. The revised RORR alignment would result in an increased setback of approximately 42m from the previously permitted buildings to the RORR. I would not consider this a significant impact from an urban design perspective, as the area in control of the applicant can be requested to be landscaped as a condition in the event of a grant of permission, and as this would continue to provide for a reasonable setting for the permitted housing.

RORR

- 13.5.27. Observers have questioned the logic of introducing a horizontal broken-back curve to the new section of the RORR, stating that the resultant alignment for the RORR would be inconsistent with the provisions of the Development Plan and proper road design, as unnecessary bends should be avoided in the interest of road safety. The bends referred to appear to avoid a triangular piece of ground that the applicant is not in control of. As noted, the route alignment on the zoning maps is 'indicative' and there is some leeway in terms of its alignment. The bends in the relief road are not sharp and would be likely to have limited impact in terms of road safety. The observers assert that the RORR should have been included as part of the DMURS Compliance Statement assessment, however, I note that the applicant does address this road in their DMURS Compliance Statement, including reference to the alignment of the RORR being designed so that the various geometric elements, including horizontal and vertical curvature, elevation and sightline distance, will have at least the minimum standards consistent with a 50km/hr design speed.
- 13.5.28. The observers have referred to a gap of 75m between the carriageway for the proposed RORR and the existing permitted RORR. It is accurate to state that there would be a 75m gap between the extent of the carriageway for the permitted RORR to the northeast and the proposed RORR. Aerial imagery of the area would suggest that the RORR had previously been constructed to a substantive level up to the boundary with the application site, although when visiting the area I noted that this 75m stretch of carriageway was not visible, with the RORR terminating at the junction leading to Ratoath College. The applicant is providing for the carriageway and associated services up to the northeastern boundary of the lands in their control and this would not curtail the completion of the RORR. Accordingly, the stated phasing condition to ensure the completion of the RORR in advance of the occupation of the initial phase of the proposed development, would ensure the orderly development of the area.
- 13.5.29. The observers assert that the applicant's rationale in setting back housing along the RORR is unclear, as they consider this approach not to integrate the housing with the green infrastructure. The Planning Authority consider that there is scope for greater integration between the RORR and the development. The applicant's approach in this regard is set out primarily in their Architecture and Urban Design

Report where they state that the layout of the development is intended to engage with the road, providing frontage and therefore encouraging a low-speed, more people-friendly environment. Various layout options were considered including parking and access roads between the RORR and the proposed buildings. The preferred solution allows for pockets of parking clustered in courtyard locations with the proposed buildings setback and fronting onto the RORR and the associated infrastructure. I consider this a reasonable and well considered approach to take from an urban design perspective in compliance with planning provisions.

13.5.30. As noted above, the apartment blocks would accommodate undercroft car parks and other ancillary areas, with brick and perforated screen finishes to their ground floor. While I note that there is greater scope to establish a building line and a distinct urban edge along the RORR, the proposed lack of an active ground-floor frontage to apartment blocks C and K onto the RORR would not provide an appropriate response to this emerging context and this element of the project would need to be addressed via redesign of the blocks to provide active frontages at ground level.

13.5.31. The proposed development would feature two vehicular accesses off the RORR. The Planning Authority set out that improved vehicular permeability should be provided for the western portion of the development (neighbourhoods A, B and C) and adequate permeability and connectivity with third-party lands should be provided for. Future residents of these proposed neighbourhoods would have to travel by car along a secondary access road and home zones off a looped access road, providing an indirect route to the RORR. The provision of additional vehicular accesses onto the RORR would impede pedestrian and cycle movements along the associated infrastructure running parallel with the RORR and I am satisfied that the provision of an additional more direct vehicular access for neighbourhoods A, B and C to the RORR would not be necessary, particularly given the need to prioritise walking and cycling over vehicular road trips.

13.5.32. The Planning Authority also express concerns with respect to the proposed vehicular access layouts along the looped road intersection with the RORR, in particular the distance between the internal road junctions and the junctions with the RORR. The Planning Authority consider that the internal road junctions should be setback further from the RORR junction in order to reduce the risk of rear shunting by turning vehicles from the RORR. A minimum distance of 16m would separate the closest

internal road junctions from the RORR junctions. Each of these internal road junctions would serve 25 undercroft parking spaces to apartment blocks C and K, as well as groups of 14 to 19 perpendicular car parking spaces off home zones in neighbourhoods H and J. Given the limited extent of parking that would be accessed from the internal road junctions, the 30km/hr design speed for the looped access road and the intervening distance to the RORR junctions, it would be unlikely for substantive stacking or shunting of waiting vehicles to arise along the immediate sections of the looped road off the RORR. Consequently, it would not appear necessary to revise the locations of the internal road junctions.

Buildings Heights

- 13.5.33. The Development Plan does not place any specific height limitations on buildings in this location, and it refers to new residential developments as being required to comply with the provisions of the Building Heights Guidelines. The proposed development would feature a variety of building heights and typologies throughout the three character areas, including two-storey houses, three to four-storey maisonette blocks and six-storey apartment blocks. Apart from the two-storey terraced houses, building heights would not be similar in height and scale to the existing one to two-storey building heights characteristic of the housing and farmyard structures neighbouring the site to the west and north. The building heights would have similarities with the two to five-storey structures permitted on the adjoining lands to the northeast (ABP ref. 305196-19).
- 13.5.34. Observers and the Elected Members of the Planning Authority assert that the proposed building heights would be excessive for the site and out of character with the surrounding area. Several observers raise concerns with the proposed six-storey apartment blocks, in particular block A onto Fairyhouse Road.
- 13.5.35. Section 3.1 of the Building Heights Guidelines sets out that there is a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. As highlighted in section 13.4 above, the application site is not in the town core or a location considered to feature good public transport accessibility. The site is in a suburban location on the edge of the town and sections 3.4 to 3.8 of the Building Heights Guidelines sets out the approach to building heights in such locations. It is stated that development in these

locations should include an effective mix of two, three and four-storey development that integrates well into existing and historical neighbourhoods, while four storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets. Specific height restrictions are not supported in such locations by the Building Heights Guidelines.

13.5.36. The proposed house and maisonette block building heights of up to four storeys are clearly provided for under the terms of the Building Heights Guidelines. The six-storey apartment blocks would face onto areas comprising the proposed central park, the proposed RORR and Fairyhouse Road. In principle these areas can be considered to accommodate buildings over four storeys based on the Building Height Guidelines. The RORR is intended to be approximately 16m in width and this would provide for a much wider street than the 8m to 10m-wide Fairyhouse Road. I recognise the necessity to create a strong urban edge along Fairyhouse Road, however, as noted above concerns arise with respect to the very limited separation distance from this block to the back edge of the public footpath. This would be compounded by the height of the block in this location featuring an abrupt transition when compared with the immediate single-storey detached houses, as well as the limited width to the street space along Fairyhouse Road. While some increase in height would be possible in this location, a more restrained height than that proposed with increased building setback from the existing roadside would be necessary for block A.

13.5.37. The scheme comply would feature a mix of building heights and typologies, and mono-type units would not be provided within any phase or character area in the scheme. Accordingly, the proposed development would accord with the provisions set out under SPPR 4 of the Building Heights Guidelines. With the exception of block A, I am satisfied that the building setbacks and separation distances, as well as the site context, the provisions of the Development Plan and Building Heights Guidelines would generally support building heights at the scale proposed in the application. I note that the observers have referred to difficulties in achieving increased building heights for housing neighbouring the site, including attic conversions. Applications for such proposals relate to existing developments that would be considered against very different planning provisions than those

considered above. Further consideration with respect to the building height impacts on the visual and residential amenities of the area is undertaken below.

Open Space

- 13.5.38. Section 7.7 of the Development Plan includes a host of policies and objectives with respect to the provision of public open space within developments, emphasising the need for these spaces to be high quality, accessible, connected, overlooked and supportive of a variety of end users. Objective DM OBJ 26 requires 15% provision of public open space in residential developments and the applicant asserts that this is complied with in the proposed provision of 2.25ha of open space amounting to 20.4% of the net site area.
- 13.5.39. The observers and Elected Members of the Planning Authority query whether the open space provision includes private balcony / terrace space. The applicant's proposals entail the provision of linear parks along greenway routes through the development and two parks, including a central green and civic plaza measuring approximately 0.4ha. The Planning Authority note the proposed provision of open space. The public open space identified in section 4 of the applicant's Architecture and Urban Design Report does not include private terraces. While I accept that the provision of open space alongside the greenway route would be limited in functionality, however, this space is complemented by other greenspaces with scope for more functional use. Furthermore, the open space along the greenway routes is wide enough in places to facilitate pocket parks. Consequently, I am satisfied that it would be reasonable for this area to be categorised as public open space.
- 13.5.40. I am satisfied that the extent of amenities proposed, including multi-use games area, play area and outdoor gym area, would cater for a wide array of age categories and based on proposals of a similar nature and scale would provide satisfactory amenities for future residents of the development. The quantum of open space would comply with the relevant Development Plan standard, and the layout and distribution of open space would conveniently serve residences within the development. The applicant's assessment of the lighting to the open spaces concluded that they would receive sufficient sunlight based on the BRE 209 Guide requiring a minimum of greater than half of these spaces to receive at least two

hours of sunlight on the 21st day of March (the Spring equinox). This is not contested and would appear a reasonable assertion.

13.5.41. The Planning Authority has requested that a condition is attached with respect to the provision and maintenance of public open spaces, and I consider this to be a reasonable request. In conclusion, the layout of the proposed development would provide for a balanced distribution of open spaces and the proposed open space provision would feature sufficient quality recreational and amenity space to conveniently serve as public open space in the development.

Hedgerows and Trees

13.5.42. Observers object to the loss of hedgerows and field boundaries and the Planning Authority raise concerns regarding the extent of hedgerows that would be removed as part of the proposals. Following a tree survey, 65 trees along hedgerow belts on site were identified for removal, and these would primarily comprise Ash, Poplar, Crab apple and Sycamore trees. The applicant's proposals would maintain several trees along the hedgerows to be maintained. I am not aware of any tree preservation orders applying to this site or any specific objective to preserve trees and woodlands on site. Within their arboricultural assessment and associated drawings, the applicant has provided detailed measures to be undertaken as part of the construction phase of the project, including tree protection measures, root protection zones, monitoring for the construction period and an arboricultural method statement.

13.5.43. Policy HER POL 37 and objective DM POL 9 of the Development Plan support the retention of field boundaries for their ecological/habitat significance and landscape value. Where removal of a hedgerow is unavoidable, mitigation by provision of the same boundary type will be required. The proposed development would require the removal of sections of hedgerow generally demarcating field boundaries on site, in order to facilitate the subject development. The applicant sets out that the proposals aim to maintain as much perimeter hedgerows as possible, with 10m-wide buffers from the maintained hedgerows. Hedgerow along the northwestern boundary of the site would be maintained, as well as a 50m-long section of hedgerow featuring a drainage ditch between proposed neighbourhoods G and K.

13.5.44. Additional planting in the form of trees, hedges, shrubs, lawn areas and wildflower meadows would be provided on site, as illustrated and listed in the Landscape Layout Plans (sheets 1 to 9). The extent of planting can largely be considered to mitigate for the majority of trees and hedgerows to be removed as part of the proposals. The loss of sections of the hedgerows and trees on site would not be material from a visual amenity, particularly given their physical condition, the prevalence of similar hedgerows dominating the immediate rural landscape and the need to develop the site at sustainable densities, including the construction of the RORR. Notwithstanding this, there would be ample scope for additional sections of hedgerow to be maintained as part of the proposals. Policy HER POL 39 of the Development Plan recognises the archaeological importance of townland boundaries, including hedgerows, and promotes their protection and retention. Hedgerow no.11, as referenced in the Arboricultural Assessment submitted, on the western side of the bridlepath route running north to south through the site forms the townland boundary between Commons and Jamestown. There would be ample scope for this section of hedgerow to be maintained from the outset as part of the proposals. I also note that it would appear reasonable for sections of existing hedgerows and trees along the eastern side of the site in the open space areas, including hedgerow no.17 and the ash and sycamore trees (refs. 1902 to 1909) bordering the triangular plot of ground outside the applicant's control, to be suitably protected and maintained as part of the proposals from a landscape and biodiversity perspective. I recognise reference in the applicant's Arboricultural Assessment to these hedgerows and trees as being of physical condition varying from poor to good, however, a planning condition requiring these additional trees hedgerows to be maintained, where possible, should be attached in the event of a grant of planning permission for the proposed development. This would ensure that the proposed development would comply with policy HER POL 37 and objective DM POL 9 of the Development Plan and any new boundaries can be agreed with the Planning Authority.

Public Lighting

13.5.45. Public lighting details, including the specifications, power requirement and illumination levels for the lighting columns intended to be installed as part of the proposed development are identified within the application, including a Lighting

Design and Specifications Report, as well as drawings and reports for full output and dimmed lighting on site and adjoining the site, including the RORR and open space areas. The lighting would be of the LED type and would dim by 25% from 00:00 to 06:00 hours along the relief road. As required by the Planning Authority, I am satisfied that further details of public lighting serving the development should be provided in the event of a grant of planning permission in line with the relevant technical specifications.

Conclusion

13.5.46. The overall design and layout of the proposed scheme would provide for a reasonable response in developing this site from an urban design perspective, however, various aspects of the development would need to be revised or omitted in order to address concerns cited above, including replacing of render with brick finishes to some buildings, provision of an agricultural access to the adjoining field to the south off the RORR, a more restrained height and increased building setback from Fairyhouse Road for block A, revised footpath infrastructure along Fairyhouse Road, revised road alignment along Glascarn Lane approaching the proposed T-junction to the RORR, a crossing point for pedestrians and cyclists over the RORR connecting the eastern and western sides of Glascarn Lane, a more cohesive layout with the permitted housing development to the northeast (ABP ref. 305196-19), active ground-floor frontage to apartment blocks A, C and K, and replacement of the shared surface / home zone along the east side of neighbourhood G to form a local road access. Should permission be granted, conditions could be attached to address these matters, as well as the maintenance of public open spaces and certain trees and hedgerows. Concerns have been expressed above regarding the necessity to upgrade of the western section of Glascarn Lane to facilitate safe pedestrian and cyclist passage, however, given the other more substantive concerns raised above, I do not consider it necessary to refer to this matter in refusing planning permission.

13.6. Impacts on Neighbouring Amenities

Context

- 13.6.1. The observers request that the amenities of local residents are not compromised by the proposed development. The nearest existing residential properties to the proposed development are those located adjoining to the north and west along Glascarn Lane, and adjoining to the west in Cairn Court, Carraig na Gabhna and Fairyhouse Road. There are also residential properties neighbouring the site to the west on Fairyhouse Road and Glascarn Lane to the east. The distances from selected neighbouring residences relative to the proposed houses, maisonettes and apartments are identified on the applicant's site layout plan drawing (no.21088-RKD-ZZ-ZZ-DR-A-1002). Several building height differences are illustrated in the contextual elevation (site section) drawings (no.21088-RKD-ZZ-ZZ-DR-A-1202 to 1204 inclusive).
- 13.6.2. The rear of the adjoining housing on slightly lower ground along Glascarn Lane would be over 46m from the closest buildings in the proposed development neighbourhoods E, F, G, K and L, which would feature roof ridge heights approximately 5m to 7m above the roof ridge heights of the existing houses. The closest proposed building, a maisonette end unit in neighbourhood F, would be 12m to the south of the boundary with existing housing along Glascarn Lane. Housing adjoining the site accessed off the bridlepath leading north from the site would be a minimum of 21.5m to 31.5m from the nearest housing proposed in neighbourhood M of the development. There is a two-storey house located approximately 37m to the north of the closest proposed residence in neighbourhood L. The site layout plan omits details of an existing single-storey detached house on the opposite side of Glascarn Lane, which is located approximately 30m to the northwest of the closest proposed residence in proposed neighbourhood L. The site layout plan refers to permission granted under MCC ref. 21/2210 for amendments to a previously permitted single-storey house and garage (MCC ref. RA170966) that would be approximately 26m to the north of the closest proposed residence in neighbourhood F.
- 13.6.3. The closest proposed residence to housing within Cairn Court (no.15) would be separated by a minimum distance of approximately 28m and there would be a 32m

separation distance between the proposed residences and existing housing in Carraig na Gabhna (no.6). The rear of adjoining houses along Fairyhouse Road would be between 34m and 57m from the closest residences in the proposed development (neighbourhood D). Proposed apartment block A would be 30m from the nearest point of the house opposite the proposed western entrance to the RORR, with this proposed building 18m taller than this existing house. The closest permitted two-storey houses (under ABP ref. 305196-19) adjoining to the northeast of neighbourhood M would be 9m from a proposed maisonette residence (type M1 / M2).

- 13.6.4. I am satisfied that the residential amenities enjoyed by residents of all these neighbouring residences would have the greatest potential to be impacted by the proposed development, and, as such, they present a worst-case scenario in assessing the likely impacts of the proposed development. I also recognise that there are other houses located close to the proposed RORR element of the project, including along Fairyhouse Road and Glascarn Lane.

Overlooking and Loss of Privacy

- 13.6.5. The Planning Authority assert that the proposed development has potential to overlook single-storey housing along Fairyhouse Road. The observers consider the proximity of the proposed apartment blocks to the site boundaries would lead to excessive overlooking and loss of privacy for neighbouring residents. To avoid direct overlooking, the Development Plan includes objectives requiring the first and second floor windows of residential developments to be at least 22m from opposing neighbouring windows at this level. In the case of developments exceeding three storeys or more in height it is a requirement to demonstrate adequate separation distances are being achieved. The Development Plan refers to the Sustainable Residential Development Guidelines as an effective guide for the achievement of high-quality residential developments. These Guidelines refer to the traditional minimum separation distance of 22m between opposing first-floor windows in two-storey housing for privacy reasons. Dependent on positioning and detailed design, a relaxation of separation distances may be acceptable based on the Guidelines and the Development Plan.

- 13.6.6. Given the separation distances and planning provisions presented above, there would only be potential for excessive direct overlooking to arise for the permitted future neighbouring residents of the development permitted under ABP ref. 305196-19 in Jamestown to the northeast. Maisonette residence (type M1 / M2) would feature east-facing side elevation windows at first, second and third-floor level serving a variety of rooms, including bedrooms, and the upper-floor maisonette (unit type M2) living room would be approximately 4m from the side boundary with a permitted house on the adjoining site. The permitted house would not feature side elevation windows, therefore, excessive direct overlooking between the residences would not arise. Notwithstanding this, the proposed maisonette would be positioned in a manner that would potentially result in excessive loss of privacy for future residents of the adjoining permitted house, particularly given the proximity of the proposed maisonette to the adjoining side garden and the removal of the hedgerow along the intervening boundary between the developments.
- 13.6.7. I consider that the separation distances that would be achieved from neighbouring residences would be typical for a suburban setting that is primarily zoned for residential development and the design measures, including landscaping, buffers, homes zones and building designs, would sufficiently address the potential for excessive direct overlooking between neighbouring properties and the proposed development. Mitigation with respect to the relationship between the proposed maisonettes and the permitted houses adjoining the northeast corner of the site would be necessary.
- 13.6.8. Observers also refer to the potential for the RORR element of the project to result in reduced privacy for existing residences. The RORR would be further from the permitted houses to the northeast of the site and it would be 43m from the house closest to the Glascarn Lane T-junction with the RORR. A painted steel outbuilding and mature boundary trees would be situated between the RORR and this neighbouring house, screening much of the impacts of the new RORR. According to observers the original proposals for the RORR featured an access onto Fairyhouse Road directly opposite farmyard buildings. The subject proposals would provide for this entrance to be situated directly opposite a part-single, part two-storey house. While the privacy for residents of this house would not be substantively undermined, it would have been far less intrusive for the proposed road to have exited onto

Fairyhouse Road at another point to reduce the extent of direct car lights shining into this house from the RORR T-junction and the nuisance that would arise from same. I consider the impacts on the privacy for future occupants of the proposed residences separately under section 13.7 below.

Outlook and Overbearing Impacts

- 13.6.9. The proposed development would be visible from the private amenity areas and internal areas of housing neighbouring the site. Consequently, it would change the outlook from these neighbouring properties. Having visited the area and reviewed the application documentation, including the photomontages and CGIs, I consider the extent of visual change that would arise for those with views of the development, would be reasonable having regard to the separation distances to housing, as referred to above, and as a contemporary development of this nature would not be unexpected in this area owing to the residential zoning objectives for the majority of the site, as contained in the Development Plan for this area.
- 13.6.10. Another key consideration is whether the height, scale and mass of the proposed development and its proximity to neighbouring properties is such that it would be visually overbearing where visible from neighbouring properties. As noted above, the proposed development features building heights similar to the most recently permitted building heights in neighbouring developments to the northeast of the site, albeit with the exception of an additional floor to the four proposed apartment blocks. Photomontages 2, 3 and 9 best illustrate the relationship of the development from neighbouring residential properties.
- 13.6.11. I am satisfied that the proposed development would not be overly prominent when viewed from the nearest residences, with an open outlook and sky view maintained from these areas. There would be sufficient intervening space from the existing residences to the proposed buildings to ensure that the proposed development would not be excessively overbearing when viewed from these neighbouring houses. The height of the proposed buildings, coupled with the separation distances from the existing housing, is such that where visible from neighbouring properties the proposed development would not be excessively overbearing.

Impacts on Lighting - Daylight and Sunlight

- 13.6.12. In assessing the potential impact on light access to neighbouring properties where existing occupants would have a reasonable expectation of daylight, two primary considerations apply, including the potential for excessive loss of daylight and light from the sky into existing buildings through the main windows to living rooms, kitchens and bedrooms, and the potential for excessive overshadowing of existing external amenity spaces, including gardens. The applicant has provided a Daylight, and Sunlight Assessments report, including an assessment of the effect of the proposed development on lighting to neighbouring houses.
- 13.6.13. The Planning Authority note that lighting impacts on neighbouring developments would be minimal and imperceptible. In assessing development proposals, the Development Plan and the Sustainable Residential Development Guidelines refer to the lighting standards in BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011). The BRE 209 guidance outlines a series of tests to identify whether rooms where daylight is required in adjoining dwellings, would receive adequate lighting as a result of a proposed development. The first of these tests states that if the separation distance is greater than three times the height of the new building above the centre of the main window (being tested), no further testing would be necessary.
- 13.6.14. Within their Daylight and Sunlight Assessments report the applicant states that the centre to one window serving a house along Fairyhouse Road would be located a distance of less than three times the height of the nearest proposed buildings. The applicant undertook tests to assess the potential for loss of daylight to this neighbouring property, which highlighted that there would be a minor reduction in the vertical sky component (VSC) level to this window, but that it would remain above the minimum target value of 27% and it would not fall below 0.8 times its former value, in line with the recommendations of the BRE 209. Section JJ included as part of a contiguous section drawing (no. 21088-RKD-ZZ-ZZ-DR-A-1204) submitted with the application, indicates that two existing detached houses along and accessed off the bridlepath directly north of proposed neighbourhood M would feature windows facing the development at a distance within three times the height of end blocks featuring four-storey maisonettes. These windows may only provide secondary

lighting to rooms, but as a precaution testing of the windows should have been undertaken.

13.6.15. Section 3.2.2 of the BRE 209 guidance states that 'obstruction to sunlight' to existing dwellings may become an issue if –

- (i) some part of a new development is situated within 90° of due south of a main window wall of an existing building;
- (ii) the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room.

13.6.16. To this end, obstruction of sunlight to the majority of neighbouring houses would not be issue, as the proposed development would not subtend below an angle of less than 25° to the horizontal when measured from the centre of the lowest window to a main living room of the nearest properties. For the house on Fairyhouse Road, assessed by the applicant with respect to VSC levels, proposed apartment block A would be situated within 90° of due south of a main window wall to this house and at an angle greater than 25° to the horizontal measured from the centre of the lowest window to what would appear to be a living room to this house. Consequently, testing with respect to the annual probable sunlight hours (APSH) to this house should have been undertaken in order to assess the extent of obstruction to sunlight that may arise from the proposed development. As noted above, block A would need to be repositioned and revised and the condition required to address this could also ensure that obstruction of sunlight would not arise for the neighbouring house. The proposed development buildings would not be situated at an angle of greater than 25° to the horizontal from the existing houses along Glascarn Lane and the bridlepath, therefore obstruction of sunlight would not arise from the development for these houses.

Overshadowing

13.6.17. The Planning Authority refer to the potential for the development to overshadow housing along Fairyhouse Road. Within their Daylight and Sunlight Assessments report, the applicant has not calculated the extent of sun to the ground of gardens and amenity spaces neighbouring the development, however, they have provided a series of shadow analysis diagrams over two-hour intervals based on a three-dimensional model, which I am satisfied suggests that there would be no substantive

change to sunlight hours to neighbouring gardens and amenity areas at the Spring equinox. The scale, height, siting and orientation of the proposed buildings are such that it is clear that existing and permitted neighbouring gardens, as well as amenity areas, would not receive less than two hours of sunlight on the spring equinox for at least half their area and they would be unlikely to be unduly impacted by overshadowing from the proposed development based on the BRE 209 guidance.

Construction Impacts

13.6.18. Observers have requested phased construction proposals, as well as details of the on-site facilities for staff. Within the applicant's CEMP one to two-year construction periods for each of the four phases of the development is estimated, and staff welfare facilities are outlined. Observers have also referred to noise, dust and traffic impacts that would arise for neighbouring residents during the construction phase of the project. Based on various standards and limits, the CEMP and EIAR submitted with the application set out the intended measures for the construction phase to address traffic, trees, construction waste, dust, vibration and noise emissions, as well as measures to prevent pollution. Observers have also requested that construction access should not be undertaken via Glascarn Lane. According to the CEMP, all site deliveries would be undertaken from the south along Fairyhouse Road and based on the details it would be possible to avoid use of Glascarn Lane for construction access. Any construction phase impacts would only be of a temporary nature and would also be subject of a finalised project CEMP, as would be standard for a development of this nature and scale.

13.6.19. Observers require the construction hours to be limited to 09:00 and 17:00 hours Mondays to Fridays, excluding Bank Holidays, whereas the applicant sets out that the proposed construction hours would be from 07:00 to 19:00 hours Monday to Friday and from 08:00 – 14:00 on Saturdays. I am satisfied that it would be appropriate for site development and building works to be carried out only between the hours of 07:00 to 19:00 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. These standard construction hours can be applied to the proposed development as a condition in the event of a grant of permission.

Conclusions

13.6.20. In conclusion, information has been provided with the application and is available to allow a reasonably comprehensive assessment of the impacts of the proposals on neighbouring amenities. I am satisfied that the impacts of the proposed development could be further addressed to ensure that measures are undertaken to address any potential excessive overlooking, loss of light or nuisance impacts for residents of neighbouring properties. Observers have referred to the potential for the proposed development to lead to depreciation in the value of property with compensation due to Glascarn Lane property owners. While I have some reservations with regards to the impact of the subject proposals on several permitted and existing neighbouring properties, these impacts could be readily addressed, if necessary, by revisions to the scheme, and I fail to see how the proposals could reasonably be argued to substantively result in the depreciation of local property values. Matters raised by observers relating to financial compensation are not a material consideration for this planning assessment.

13.7. Residential Amenities and Development Standards

13.7.1. An assessment of the amenities of the proposed development relative to quantitative and qualitative standards for residential development is undertaken below having regard to the guidance set out in the Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities and the New Apartment Guidelines, as well as the provisions of the Development Plan.

13.7.2. Section 5 of chapter 11 to the Development Plan sets out the general requirements for new residential developments in Meath. The subject development would not come within a category of development that would be open to relaxed development standards, although objective DM OBJ 12 of the Development Plan aims to encourage and facilitate innovative design solutions for medium to high-density residential schemes where substantial compliance with normal development management considerations can be demonstrated. The applicant has submitted a Housing Quality Assessment comprising a schedule of accommodation based on unit types and providing details of apartment, maisonette and house sizes, aspect, storage and private amenity space.

Housing Mix

- 13.7.3. Policy DM POL 12 of the Development Plan refers to locations where apartment schemes are encouraged, with policy DM POL 13 referring to a general presumption against such developments in towns and villages, with the exception of infill and consolidation. While Ratoath is not included in the locations where apartment schemes are encouraged, I am satisfied that as the proposals are not solely for apartments, the provisions, which are of a 'general' nature, under policies DM POL 12 and DM POL 13 would not apply. SPPR 4 of the Building Heights Guidelines requires the avoidance of mono-type building typologies in greenfield or edge of town locations such as this and at the scale proposed, and this displaces any local planning provisions restricting certain unit types to specific locations.
- 13.7.4. The observers assert that there would be a lack of four-bedroom and family-size units in the scheme, and this was also noted as a concern by the Chief Executive and Elected Members of the Planning Authority. Policy DM POL 6 of the Development Plan refers to the need for a mix of units in new residential developments. The applicant refers to the proposed mix of maisonettes, apartments and houses, as well as the size of the units featuring one, two and three-bedrooms. The 150 terraced houses within the development would feature three bedrooms, the maisonettes would feature one and three-bedrooms and the apartments would feature two and three-bedrooms. There would be a substantive existing stock of larger houses in the vicinity and the applicant notes that the 89 three-bedroom terraced houses (types A1 and A2) would have scope to be extended into the attic space to provide additional space. Notwithstanding the omission of four-bedroom units, the proposed mix would generally comply with the mix requirements outlined above in the Development Plan, with a range of housing options provided for and this approach would also comply with the provisions of SPPR 4 of the Building Heights Guidelines.
- 13.7.5. SH OBJ 23 of the Development Plan requires all residential developments of 20 units or more to provide for a minimum of 5% universally designed units. In accordance with this, the applicant states that 23 of the units comprising apartments and ground-floor maisonettes (type M5) would be fully compliant with Part M of the Building Regulations.

House Standards

- 13.7.6. The Development Plan requires new buildings to maximise naturally ventilation and lighting. The floor areas for each of the proposed three-bedroom houses measuring a minimum of 124sq.m would be in compliance with the 92sq.m required for a three-bedroom, five-person, two-storey house or 102sq.m required for a three-bedroom, five-person, three-storey house, as set out within the Quality Housing Guidelines. The proposed houses would exceed or meet the relevant Quality Housing Guidelines, with respect to aggregate living rooms and aggregate bedroom sizes, as well as layouts, room sizes and widths, and storage areas.
- 13.7.7. The Development Plan sets out minimum private open space requirements, with a minimum provision behind the front building line of 55sq.m for one and two-bedroom houses and 60sq.m for three-bedroom houses. The Sustainable Residential Development Guidelines require private open space for houses to be in the form of rear gardens. Rear gardens would serve house types A1 and A2, and their size would appear to exceed the minimum requirements of the Development Plan. For house types B1 and B2 it is proposed to provide private open space in the form of rear gardens alongside terraces or winter gardens at second-floor level. The rear gardens to the type B1 units (approximately 48sq.m) are reasonably substantive and the winter gardens would measure 18sq.m. The rear gardens to the type B2 units (approximately 47sq.m) are reasonably substantive and the terraces would measure 14sq.m. The proposed winter gardens would be fully internalised with side wall, rear-facing sealed windows and roof structures. These winter gardens could be used for alternative internal living purposes and I would not accept these spaces as private open spaces. Consequently, there would be a shortfall in private open space for 30 house types B1 and the applicant addresses this in their Material Contravention Statement. The Planning Authority consider this shortfall to be acceptable as objective DM OBJ 12 of the Development Plan aims to encourage and facilitate innovative design solutions for medium to high-density residential schemes where substantial compliance with normal development management considerations can be demonstrated. The proposed development is of medium density with substantive compliance with the private open space provision for the three-bedroom houses, therefore, I am satisfied that it cannot reasonably be concluded that this element of the proposed development would materially contravene the provisions of

the Development Plan. I also consider the extent of alternative adjoining surplus semi-private communal space to offset the potential shortfall in private amenity space for the houses.

- 13.7.8. The Development Plan includes two policies and five objectives solely relating to boundary treatments in housing developments. As they have proposed 1.1m-high rear walls and 1.8m-high timber fences to the side of the rear gardens, the applicant has addressed non-compliance with objective DM OBJ 29 in their Material Contravention Plan, which requires 1.8m-high capped and rendered concrete block or brick walls on all rear boundaries to houses. The Elected Members from the Planning Authority refer to this proposed internal boundary treatment as being a security issue that would not constitute a material contravention. There is scope within the objective for other durable materials to be used and the Planning Authority note that as the boundaries address communal areas there would not be a strict requirement for the 1.8m height for rear boundaries given the flexibility afforded in objective DM OBJ 12. Lower rear boundaries would provide an element of passive supervision onto the rear communal courtyard spaces. I am satisfied that the boundaries proposed are reasonable with scope for further improvements and refinement at planning compliance stage. The proposed boundary treatments would not materially contravene the provisions of the Development Plan given the flexibility provided for in the above stated objectives.

Apartment Mix and Standards

- 13.7.9. Policy DM POL 14 of the Development Plan requires apartment developments to demonstrate compliance with the 2018 version of the New Apartment Guidelines or any updates of these Guidelines. SPPR 1 of the New Apartment Guidelines states that apartment developments may include up to 50% one-bedroom or studio type units and that there shall be no minimum requirement for apartments with three or more bedrooms. I am satisfied that when excluding the houses, the proposed development featuring 15 one-bedroom (5%), 100 two-bedroom (33%) and 187 three-bedroom apartments (62%) would be compliant with SPPR 1 of the New Apartment Guidelines.
- 13.7.10. The applicant asserts that the proposed apartments have been designed to fully accord with the minimum standards within the New Apartment Guidelines. The one-

bedroom units measuring at least 62.5sq.m, the two-bedroom units measuring between 82.6sq.m and 92.9sq.m, and the three-bedroom units measuring between 109sq.m and 151.7sq.m, would meet the minimum 45sq.m, 73sq.m and 90sq.m unit size requirements respectively required for these apartments in the New Apartment Guidelines. The internal design, layout, block configuration, room sizes and storage space for each of the apartments and blocks, as identified in the applicant's drawings and Housing Quality Assessment, would appear to accord with or exceed the relevant standards, as listed in the New Apartment Guidelines, including the appendix 1 standards. Ground-floor apartments are not proposed in the apartment blocks, and the floor to ceiling heights for the upper floors to these blocks would be in compliance with the 2.4m height suggested in the New Apartment Guidelines. In compliance with SPPR 4 of the New Apartment Guidelines, all of the proposed apartments would feature dual or triple aspect.

13.7.11. In safeguarding higher standards, the 10% additional floor space required in section 3.8 of the New Apartment Guidelines would be achieved in the proposed apartment / maisonette element of the development. Private amenity space for each of the apartments, including balcony or terrace sizes and depths, would meet or exceed the minimum requirements of the Guidelines. The applicant has referred to the provision of 9sq.m winter gardens for the upper-floor maisonettes (types M2, M4 and M6). As noted above, the winter gardens appear largely internalised, albeit with extensive glazing. In contrast to the houses that would feature winter gardens, the subject maisonettes would not feature an alternative form of private amenity space. I do not consider that this is the scenario envisaged in the New Apartment Guidelines whereby winter gardens should be accepted as the sole form of private amenity space to serve future residents in locations such as this. Such spaces have clearly a more relevant benefit in higher density exposed locations. An alternative form of private amenity space would be required for these maisonettes, which would require redesign of the subject maisonettes potentially to include external balconies, which I consider to be feasible as a condition in the event of a grant of planning permission.

Internal Lighting

13.7.12. Section 6.6 of the New Apartment Guidelines also states that Planning Authority's should have regard to BRE 209 and BS 8206-2: 2008 for lighting standards and policy DM POL 11 of the Development Plan refers to the need for high levels of

natural lighting serving new residential developments. The Planning Authority do not raise concerns with respect to the provision of lighting to the proposed apartments and the location of the site and the nature of the development, including layout, building heights and separation distances, is such that lighting to the proposed development would not be likely to fail to provide adequate levels of lighting to the subject apartments.

13.7.13. The BRE 209 Guide and BS 8206-2:2008 standards recommend that for the main living spaces/rooms of residences, a minimum average daylight factor (ADF) of 1.5% should be achieved, with a 1% ADF for bedrooms and a 2% ADF for kitchens. The applicant has referred to these targets in their Daylight and Sunlight Assessments report, with the results of testing presented in tabular and graphical format for all rooms within the apartments and maisonettes in the development. All living/kitchen/dining rooms within the four apartments would comply with the 2% ADF target value and all bedrooms would comply with the 1% ADF target value. Shortfalls in the 2% ADF target value for living/kitchen/dining rooms were calculated for seven maisonettes in neighbourhoods A, B, C and D. The calculated ADF for the living/kitchen/dining rooms below the target value varies from 1.65% to 1.98%, which would be marginally below the 2% requirement and at a worst case would be barely noticeable lighting shortfall. The applicant also undertook tests to calculate the level of illuminance to the apartments and maisonettes based on the Irish Standards EN17037:2018, which indicate that 93% of the units would achieve the minimum target illuminance levels. The extent of shortfalls in lighting to the maisonettes would be relatively minor and would have negligible impacts on the amenities enjoyed by residents of the development.

Privacy and Overlooking

13.7.14. As mentioned above the Sustainable Residential Development Guidelines generally require a minimum separation distance of approximately 22m between directly opposing first-floor windows to maintain privacy. A similar separation distance is required in the Development Plan, including potential for increased separation distances in residential developments of two storeys or more. I am satisfied that the design measures such as separation distances, intervening public realm and open spaces, as well as building orientation, would generally be appropriate and would primarily address the potential for excessive direct overlooking between the

proposed residences within the development. The 22m rule is not complied with in various locations throughout the development, for example, the gable-end house type A1 with side elevations approximately 10m from the rear elevation of houses in neighbourhood B, the north-facing elevation of apartment block C located 16m from the side elevation to maisonette type M1/M2 in neighbourhood C and the side elevation to maisonette type M1/M2 located 12m from the rear elevation of maisonette type M1/M2 in neighbourhood H. In all situations there would be scope and a necessity to omit side windows or revise them, including those serving upper-floor bedrooms, to avoid the potential for excessive direct overlooking between residences. In several locations there would be ground-floor windows serving habitable rooms in house type A1 directly onto public walkways and some form of defensible space would need to be provided to safeguard the privacy of future residents of these houses or the windows would need to be omitted.

Communal Space

13.7.15. Objective DM OBJ 39 of the Development Plan generally requires the provision of communal amenity space in residential developments, with the applicant and Planning Authority asserting that this would be complied with via 1.06ha of communal courtyard spaces amounting to 9.6% of the site, serving all 13 neighbourhoods and measuring areas of between 200sq.m and 1,753sq.m. Appendix 1 of the New Apartment Guidelines, states that the communal open space provision to serve a development should amount to a minimum of 5sq.m per one-bedroom unit, 7sq.m for a two-bedroom unit and 9sq.m for a three-bedroom unit. Based on the apartment and maisonette mix only and these planning provisions, the proposed development would require 2,458sq.m of communal open space, which would be readily complied with in the subject proposals. The applicant's assessment of the lighting to the communal spaces in the proposed development concluded that they would receive sufficient sunlight based on the aforementioned BRE 209 Guide requirements. The communal spaces would feature a variety of play spaces and communal facilities such as seating and barbecue areas. The Planning Authority has sought conditions with respect to the maintenance and management of the communal open spaces and apartments blocks, which would be a standard requirement and a reasonable request. I am satisfied that the provision of communal open space would positively contribute to the amenities of future residents, in

conjunction with the alternative public and private open space proposed within the development.

13.7.16. Objective DM OBJ 38 of the Development Plan requires all proposals for residential developments above 75 units to incorporate works of public art or to make a financial contribution to the Planning Authority in lieu of same. I am not aware that this has been complied with in the subject proposals and I would suggest that a condition should be attached to address same, as requested by the Planning Authority.

Childcare Facility

13.7.17. Policies SOC POL 5, SOC POL 20, DM POL 25 and DM POL 26 of the Development Plan support the provision of childcare facilities with reference to the standards in the 'Childcare Facilities - Guidelines for Planning Authorities' (2001). Section 11.7.3 of the Development Plan sets out criteria to be considered with respect to the provision of childcare facilities. The applicant has proposed a three-storey childcare facility measuring a stated 1,003sq.m on the northeast side of the site featuring capacity for 121 children, accompanied by external play areas at roof level and a variety of rooms. The applicant considers the location to be influenced by the need to position the facility centrally within the development, close to the existing settlement and in an area that would avoid traffic congestion. The applicant's Social Infrastructure Audit details how the design and scale of the facility was arrived at, including an audit of existing neighbouring facilities, service uptake based on demographic estimates and the provisions of the Childcare Facilities - Guidelines for Planning Authorities and the Sustainable Residential Development Guidelines allowing for one-bedroom units to be omitted from calculations. Meath County Childcare Committee has not commented on the application but as noted in correspondence to the applicant that is appended to their Social Infrastructure Audit, they state that it is realistic to expect the additional dwellings in Ratoath to increase demand for childcare facilities. While I have noted concerns above with respect to the delivery of the proposed childcare facility in phase 3 of the development, the scale of the childcare facility proposed would be acceptable to serve the proposed development based on the relevant standards.

Support Facilities

- 13.7.18. Observers refer to a lack of local amenities to serve the proposed development, including schools, medical services, employment hubs and recreational facilities. Elected Members from the Planning Authority refer to the development as being premature pending the provision of associated social infrastructure. The Development Plan requires a social infrastructure assessment to be included with planning applications for development of 50 units or more to ensure that there is an appropriate provision of such facilities and amenities. The Development Plan notes that social and physical infrastructure and employment provision in Ratoath has struggled to keep pace with population growth. Section 7.7.3.1 of the Development Plan sets out that a new primary and a new post-primary school will be needed in Ratoath over the period of the Plan and it is stated that sufficient zoned lands (G1) have been allocated for this.
- 13.7.19. The applicant submitted a Social Infrastructure Audit identifying various schools, medical, recreation, retail, religious and cultural facilities in the Ratoath area. As noted above, the proposed development would feature public open space and childcare facilities, generally intended to serve the needs of the future population of the proposed development. There are enterprise and employment zoned lands to the west of the site along Fairyhouse Road. The completion of the RORR would form a strategic route triggering development of these lands, which observers highlight would also provide for a swimming pool and other community uses.
- 13.7.20. Increased housing in locations such as this, ensure the efficient and increased use of existing and planned services in a formal manner, including schools and other social and physical infrastructure. Such services are dependent on a critical mass of population to justify the establishment of additional services or for them to remain viable. In the immediate and wider environs of the site there are schools, shops and medical facilities, all of which would benefit from the development. The immediate area features an array of existing and proposed infrastructure and services that would be supported by the proposed development and which would be likely to support the proposed development as demand increases.

Waste and Recycling Management

13.7.21. Section 11.5.27 of the Development Plan sets out the requirements for bin storage in residential developments, including screened secure facilities to the front of terrace units and ventilated ground-floor facilities to apartment developments. The applicant has submitted an Operational Waste Management Plan estimating the likely quantum and categories of waste and recycling that would need to be catered for in the subject development, and how this would be managed based on waste and recycling management plans at broader scales. Shared communal waste storage areas would be provided at ground floor close to building cores to serve residents of the four apartment blocks. A similar approach would be taken in block H for the commercial unit operators, while an external waste storage area would be provided for the operators of the childcare facility. For the proposed houses featuring external access to the rear, bin storage areas would be available in their respective rear gardens, while individual bin stores sufficient to accommodate three wheelie bins would be provided to the front of the mid-terrace houses and maisonettes.

13.7.22. The Planning Authority require the open sides to the front bin stores to be omitted and these should be of render block or brick construction, as well as being fully enclosed with timber doors. The applicant has proposed that these bin stores would be of brick construction, however, a condition would be required to ensure that they are enclosed with timber doors, which I consider to be appropriate for the stores to comfortably blend into the streetscape and to allow for the accommodation and screening of bins. Swept-path diagrams for a waste and recycling collection vehicle are illustrated on drawing no.L308-OCSC-XX-XX-DR-C-0142 Revision P04 and this generally illustrates sufficient scope for such vehicles to enter and exit the development, albeit with some slight overruns into green verge areas. In conclusion, with some minor amendments via conditions, sufficient provision for waste and recycling collection, comparable with developments of a similar scale and nature, would appear to be provided as part of the development and in line with the Development Plan.

Building Lifecycle and Management

13.7.23. As required within the New Apartment Guidelines, a Building Life Cycle Report assessing the long-term running and maintenance costs and demonstrating the

measures that have been considered by the applicant to manage and reduce costs for the benefit of residents of the proposed apartments, has been included with the planning application. Various energy-efficiency measures are listed as being considered with respect to the management and maintenance of the development, including measures addressing the building fabric, goods and equipment, lighting, ventilation, photovoltaic panels, air-source heat pumps and electric-vehicle charging points. Building materials that would reduce management and maintenance costs for residents have been selected. The Building Life Cycle Report also addresses landscaping measures, waste management, general management and transport. Prior to the lease of individual apartments, the developer would have to achieve compliance with the terms of the Multi-Unit Development Act 2011, inclusive of the establishment of a development specific Owners' Management Company.

Sustainability and Energy Efficiency

13.7.24. The Development Plan includes various sections, policies and objectives promoting the integration of energy efficiency in residential developments. An Energy Statement addressing the sustainability and energy efficiency of the proposed development has been submitted with the application and this includes specific reference to mechanical and electrical measures as part of the development strategy. The applicant sets out heat sources and renewable energy options considered for the residential, commercial and childcare elements of the proposed development, including air-source heat pumps for the apartments and electrically-powered heat pumps for the houses. Solar photovoltaic panels, demand-controlled ventilation and LED lighting are also to be employed. A range of preferred approaches are subsequently listed in the report to address energy savings in the development to make the buildings fully compliant with the requirements of Part L of the building regulations nearly zero-energy buildings (NZEB). According to the applicant, each residential neighbourhood is laid out to optimise energy use and promote local production of renewable energy.

13.7.25. I am satisfied that the information provided with the application reveals that due consideration for energy efficiency has been undertaken as part of the initial design of the development, in compliance with the Development Plan provisions. Further consideration of energy efficiency matters will be evaluated under a separate code, including Part L of the building regulations.

Conclusion

13.7.26. While the vast majority of development standards would be complied with as part of the proposals, above I have noted several shortfalls in meeting a number of standards, which I am satisfied could be addressed via conditions of a permission.

13.8. Traffic and Transportation

13.8.1. The Planning Authority do not object to the proposed traffic and transport impacts, although they do require compliance with various conditions, including those relating to the completion of certain works and compliance with specific standards.

Access

13.8.2. In section 13.5 above when addressing urban design and layout considerations, I have highlighted several concerns with regards to the access and connectivity of the subject proposals. My conclusions above in relation to the density of the development highlighted limited provision of public transport serving the area.

13.8.3. The proposed section of relief road would be likely to closely follow the details of the existing stretch of the RORR, and various details and commitments with respect to junction designs, traffic speeds, cycle tracks, lighting and drainage are provided by the applicant. The Planning Authority and observers consider the details submitted for the proposed section of the RORR to be limited. More comprehensive details addressing bus stops and cycle priority along the greenway and roadway crossings would be necessary. The applicant's Quality Audit also highlighted issues with respect to visibility at the internal road junctions, which would need to be coordinated with landscaping, as is in evidence based on the applicant's visibility splays obstructed by tree planting on drawing (no. L308 OCSC XX XX DR C 0115 S4 Revision P04). These RORR and internal road junction details could be requested via conditions in the event of a grant of planning permission.

13.8.4. The observers refer to various solutions with respect to the tie in for the RORR with the Fairyhouse Road, including the potential for a roundabout to be provided at this junction and relocation of this junction further north in line with previously permitted Part 8 proposals to tie in with masterplan proposals for lands to the west of Fairyhouse Road. Elected Members from the Planning Authority highlighted that it would be necessary for the RORR to be completed to facilitate access to the zoned

'E2 - General Enterprise and Employment' lands to the west. The applicant's Quality Audit also notes various matters highlighted in the Quality Audit submitted with the application that would need to be addressed, including measures to address traffic speeds along the approaches to the junction on Fairyhouse Road. The RORR / Fairyhouse Road junction would be positioned directly fronting a detached house. Observers assert that it had been intended that the RORR junction would have been positioned further north opposite a farmyard complex, to avoid the demolition of this house when creating a crossroads junction with the 'E2 – General Enterprise and Employment' lands.

- 13.8.5. Objective RA OBJ 3 of the Development Plan promotes the development of employment uses on 'E2' zoned lands located to the west of the R155, in accordance with an approved masterplan (ref. 34), and the development of these lands shall also provide for the extension of the RORR. Details of masterplan 34 are available to the public from the Planning Authority and while I recognise that this is not a statutory plan for the lands, it would appear practical and reasonable for the RORR junction to be in a location that would provide for ease of movement across Fairyhouse Road. A staggered junction layout would not facilitate this movement and it would appear less complicated and more sustainable for the junction to be positioned in a manner that would avoid the necessity to demolish an existing house, as opposed to a farmyard complex associated with the adjoining masterplan lands. A condition to address this would appear necessary, which would result in the omission of block A from the proposed development. The Planning Authority has not raised concerns regarding the future capacity of the junction to cater for the increase in traffic anticipated to arise from the development, however, I consider swept-path analysis for various vehicle movements should be undertaken and overlaid on drawings with road marking, as well as being considerate of landscaping locations, such as street trees and grass verges.

Parking

- 13.8.6. The observers assert that the proposed development would require at least two car parking spaces per household based on the public transport available. Elected Members from the Planning Authority require the proposed car parking provision to be realistic, while asserting that the development would benefit from an underground car park. The Planning Authority consider the proposed provision of car parking to

be appropriate. The applicant is proposing a total of 746 car parking spaces all at surface level or at apartment undercroft level to serve the development, 139 of which would serve visitors and five of which would serve staff of the proposed childcare facility. Table 11.2 of the Development Plan sets out standards for car parking within residential developments, including two spaces for houses. With regards to apartments the Plan refers to the need to provide two car parking spaces per unit, as well as one visitor space for every four apartments. The Plan references the minimum parking requirements stated in the New Apartment Guidelines for apartments in peripheral and less accessible urban locations.

- 13.8.7. The applicant states that two car parking spaces are proposed for each of the houses, in line with Development Plan standards, and 1.25 car parking spaces are proposed for the apartment / maisonette elements of the development, in line with the New Apartment Guidelines requirement seeking one car parking space per unit and one visitor car parking space for every three to four units. The car parking spaces would be located within the curtilage of the units or clustered into perpendicular rows in locations proximate to the apartment blocks and the two main accesses off the RORR.
- 13.8.8. Maximum standards are listed for non-residential car parking spaces, including one space for every 20sq.m of retail units and one space for every employee and four children in a childcare facility, as well as dedicated set-down areas. The applicant does not propose any specific car parking spaces for the commercial units referring to management measures to be employed to control same, as well as the additional visitor parking provision and the dual usage approach in catering for casual traders. Consequently, the applicant addresses the shortfall in the quantum of non-residential car parking spaces relative to Development Plan standards in their Material Contravention Statement. As maximum car parking standards are applied for non-residential uses in the Development Plan, I fail to see how a shortfall in car parking relative to these standards could reasonably be considered to represent a material contravention of the Development Plan. Five car parking spaces are indicated on the application drawings for the area fronting the commercial units, which I consider would be necessary in providing set down or service bays for these units. Despite only proposing to provide five spaces for the childcare facility, the application drawings illustrate at least 16 spaces closest to this facility. The quantum and

location of car parking would not dominate the appearance of the streets within the development and would come within the scope of the provisions contained in the Development Plan, however, while noting the applicant's parking management proposals, greater clarity would be needed as regards the means of allocating and confining spaces for non-residential uses. Any loading bays would need to be sized according to the Development Plan requirements and in line with objective DM OBJ 92.

- 13.8.9. The Planning Authority consider the provision of cycle parking to be appropriate to serve the development. A total of 816 cycle parking spaces are proposed to serve the development, which the applicant states would be in high-quality, secure, lockable and covered locations. The Development Plan sets out the objectives for cycle parking, including the need for covered, secure cycle parking spaces serving units with no private gardens. Drawing no.21088-RKD-ZZ-ZZ-DR-A-1601 Revision P1 provides details of a typical bike store to be located within or leading to the rear communal spaces serving each of the residential neighbourhoods. In blocks A, C and K 80 cycle parking spaces would be provided at undercroft level and the proposed houses featuring rear gardens would be capable of being served by spaces within their curtilage. The New Apartment Guidelines and the Development Plan require one cycle parking space per bed space in apartments and one visitor cycle parking space for every two apartments. I am satisfied that the apartment block internal cycle parking spaces, the scope for externally accessible cycle parking in rear gardens and the covered bicycle stores would comply with the relevant cycle parking standards for the apartment element of the development.
- 13.8.10. The Development Plan also requires one cycle parking space for every ten car parking spaces assigned to a shop or at a rate of one space per till / checkout. Uncovered cycle parking is proposed fronting the local retail / commercial units and I consider that it would be more appropriate and in line with planning provisions for this to be a covered cycle shelter. A planning condition would be necessary to address this. Staff and visitors to the childcare facility would not appear to have an assigned cycle parking facility. A dedicated covered cycle parking facility should be provided as a condition in the event of a permission to serve staff and visitors to the childcare facility. Arising from this and subject to conditions, I am satisfied that the

general provision of cycle parking would be appropriate based on the relevant standards and given the layout, nature and context for the proposed development.

Traffic

13.8.11. The observers assert that the area already features heavy traffic volumes associated with commuter traffic in Ratoath, including along Fairyhouse Road and that there is limited capacity on the neighbouring network of roads to safely cater for the associated traffic increase.

13.8.12. The applicant submitted a Traffic Impact Assessment following traffic surveys undertaken at seven locations in the immediate vicinity of the site prior to Covid restrictions in 2018 and 2019. The assessment illustrates the traffic capacities and flows surveyed and sets out forecasts for potential traffic growth scenarios based on estimated traffic flow increases, cumulative impacts with Jamestown housing developments (including ABP ref. 305196-19) and other lands within the subject masterplan landbank and estimates of diverted traffic from the town centre and inner-relief road (The Avenue) along the RORR route. The assessment suggested the number of additional vehicular trips associated with the proposed development during the morning peak hour (8:00 to 09:00) would comprise a maximum of 169 outward trips, with 150 returning trips during the evening peak hour (17:15 to 18:15). Existing capacity issues have been identified in the applicant's assessment for the Fairyhouse Road / The Avenue junction (5). The applicant's assessment concludes that all seven junctions would operate within capacity with the proposed development in place and with standard ratio of flow to capacity values and queue lengths. The applicant asserts that the results forecast that the completion of the RORR would result in a positive shift in queue lengths at some junctions during peak hours, including the R125 and R155 junction in central Ratoath.

13.8.13. The Planning Authority does not raise any concerns regarding the future operation of the assessed road junctions. The majority of the application site is located on zoned residential lands with reasonable access to an array of services. There would undoubtedly be some increase in traffic as a result of the proposed development, which would invariably add to any existing congestion in the area. However, traffic congestion at peak periods in suburban and urban areas, would be anticipated to occur intermittently and temporarily, and various measures and design features have

been set out within the application to support the use of public transport, cycling and walking, as alternatives to the use of private vehicles. Improvements to the infrastructure along Glascarn Lane are noted to be necessary in this regard, while the necessity for the RORR to be completed as part of the first phase of the development would have substantial positive implications for traffic to the north of the site in Ratoath. All road networks feature limited capacity in terms of the accommodation of private cars and increased population in locations such as the application site area, which are served by public transport and have the capability for additional public transport services as demand requires, should be developed in the interest of providing for sustainable communities.

Conclusion

- 13.8.14. In conclusion, subject to conditions revising and addressing the Fairyhouse Road / RORR junction, as well as completion of the RORR in phase 1 of the development and the allocation of car and cycle parking spaces for non-residential units, significant traffic congestion in the wider area would not be likely to arise from the proposed development.

13.9. Services and Drainage

- 13.9.1. The application was accompanied by an Engineering Services Report and this sets out how water supply and drainage services would be provided for the development. The Planning Authority acknowledge the comments of Uisce Éireann and the IFI in relation to servicing and drainage. Elected Members from the Planning Authority refer to the development as being premature pending water infrastructure upgrades.

Water Supply

- 13.9.2. According to the applicant, there is an existing 200mm-diameter watermain running along the RORR terminating with a blank end at the boundary to the application site. The applicant also notes that there is an existing 100mm-diameter uPVC watermain running along Fairyhouse Road and a 75mm-diameter uPVC watermain running along Glascarn Lane. The applicant states that the proposed development would connect into the blank end of the watermain on the RORR, which would subsequently follow the RORR to the Fairyhouse Road, where it would connect into the existing watermain, albeit with a sluice valve with scope to restrict flows. In their

Engineering Services Report the applicant estimates the expected total water supply demand arising from the proposed development based on an occupancy rate of 2.7 persons for the residential units and a childcare facility accommodating 140 children and 30 staff. There is no reference to the proposed commercial units and the observers have queried whether the watermain proposed along the RORR would have adequate capacity to cater for the development of the enterprise and employment lands to the west (MP 34 lands). Observers also refer to water outages occurring in the area and they consider the proposals premature pending completion of water supply upgrade works in quarter 4 of 2024.

- 13.9.3. Uisce Éireann, who maintain and manage this infrastructure, note that a 300m-long extension of the water network is required to connect into the infrastructure installed as part of the RORR. Uisce Éireann also confirm that a connection to the Uisce Éireann supply network would be feasible without an infrastructure upgrade and that at the connection stage a capacity check is required at the Fairyhouse pump station and onsite storage would be required for the proposed commercial units. The Planning Authority note the water supply proposals and the confirmation received from Uisce Éireann acknowledging feasibility of the development to connect to same. The 75mm-diameter uPVC watermain running along Glascarn Lane would remain in situ following the proposals, despite the eastern section of Glascarn Lane being realigned as part of the subject proposals and landscaping measures such as trees situated along this existing infrastructure. The applicant would need to address this as a condition in the event of a permission.

Wastewater Services

- 13.9.4. Observers assert that there would be a lack of capacity to treat wastewater from the proposed development and queries are raised regarding the capacity of the proposed wastewater connection to cater for the future development of the enterprise and employment-zoned lands to the west of Fairyhouse Road. According to the applicant there is an existing 300mm diameter foul sewer running along the RORR to the northeast of the subject site. There are also Uisce Éireann sewers of varying diameter under Fairyhouse Road terminating on Glascarn Lane and the residential estates to the northwestern side of the site. The proposed development would drain by gravity to the existing 300mm diameter foul sewer in a new 225mm-diameter foul sewer to be placed along the shared pedestrian and cycle route on the

north side of the RORR. According to the applicant a pre-connection enquiry was submitted to Uisce Éireann based on foul water flows for 600 units. According to the Development Plan and the applicant's AA Screening Report, wastewater from the Ratoath area drains towards Dublin for final treatment at Ringsend Wastewater Treatment Plant (WWTP), which has capacity to cater for the growth of Ratoath. Uisce Éireann responded to consultation relating to the application, confirming that a wastewater connection would be feasible without an infrastructure upgrade.

Drainage

- 13.9.5. There are drainage ditches on site that generally follow the hedgerow habitat along the field boundaries on the application site. Within their Engineering Services Report the applicant sets out that the 450mm-diameter stormwater sewer running along RORR to the northeast of the site has been sized to cater for the greenfield runoff rates arising from the upstream catchment and discharges attenuated flows to a neighbouring stream via an attenuation pond.
- 13.9.6. The proposals provide for two surface water outfalls, one to cater for the northeast side of the site and one to cater for the southwest side of the site, which would primarily cover the area included in phase 1 of the proposed development. The northeast catchment outfalls into the surface water sewer constructed along the RORR and the southwest catchment would outfall into an existing drainage ditch that leads west to the Bradystown stream, which flows into Ratoath stream. The Planning Authority has requested a 10m development buffer from watercourses as part of the proposals. The drainage ditches are not substantive watercourses with limited or no flows at times and measures within 10m of the drainage ditches to be maintained as part of the proposals, relate to landscaping and works restricted to surface level or just below, including walkways and hardsurfacing.
- 13.9.7. Following consideration of the site conditions, various SUDS measures were integrated into the surface water management proposals, considerate of storm events and climate change factors. Permeable paving, green roofs, filter drains, concrete storage and detention basins measures would be incorporated into the proposals as part of the interception storage measures, as well as other measures to address water quality. Maximum runoff rate for the southwest catchment has been sized to match the greenfield runoff rate and the northeast catchment has been sized

to cater for maximum flow rates below greenfield runoff rates. The Planning Authority has suggested the attachment of conditions with respect to green roof design details, catchment attenuation and runoff rates, permeable paving, finished-floor levels, surface water management systems and maintenance contracts for operation of fuel interceptors and grease / silt traps. The SUDS measures have been designed to ensure runoff is designed in accordance with the standards outlined in the Greater Dublin Strategic Drainage Study and the matters raised by the Planning Authority can be addressed via conditions. Standard stormwater audits can also be requested via condition to ensure the satisfactory undertaking and operation of the installed surface water management systems.

Flood Risk

- 13.9.8. The applicant submitted a Site Specific Flood Risk Assessment with the application indicating that the site was not at significant risk of flooding and asserting that the proposed site drainage measures would not adversely affect the public drainage system or contribute to downstream flooding. Risk of pluvial flooding arising from information contained in the Preliminary Flood Risk Assessments series produced by the Office of Public Works (OPW) would not be high as at present there is no existing surface water network onsite, and the proposed development includes the construction of a new surface water network that would manage surface water runoff onsite. The Planning Authority do not raise concerns with respect to flood risk, other than request the applicant assess the existing drain on site for a 50% blockage scenario at the culvert under the Fairyhouse Road, to ensure this does not present a flood risk to the proposed development. I note the very gradual fall in levels along the subject channel draining under Fairyhouse Road and the very limited flows associated with this channel. In this situation blockage of the culvert would not be likely to present a significant flood risk for the application site, although this is a matter that could be confirmed by condition should the Board deem necessary.
- 13.9.9. Following the approach set out within 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities', the site is within an area of low probability for flooding (flood zone C) and the proposed residential development is 'less vulnerable' and therefore appropriate for the site.

Conclusion

13.9.10. In conclusion, I consider the water supply, wastewater and surface water drainage proposals to serve the subject development to be satisfactory, subject to conditions. The proposed development would not be at substantive risk of flooding and it would not present substantive risk of flooding to other lands with SUDS measures provided for.

13.10. Material Contraventions

13.10.1. Under the provisions of section 9(6) of the Act of 2016, the Board may decide to grant a permission for a strategic housing development where the proposed development, or a part of it, contravenes materially the Development Plan relating to the area concerned, albeit with exception to a material contravention of land-use zoning objectives and subject to circumstances provided for under section 37 of the Act of 2000, as outlined below.

13.10.2. The application contains a statement indicating why permission should be granted for the proposed development, having regard to the provisions specified in section 37(2)(b) of the Act of 2000, notwithstanding that they consider the proposed development to materially contravene the Meath County Development Plan 2022-2028 with regard to specific statutory planning requirements, other than in relation to the zoning of the land. For reasons outlined above in section 13.2, I am satisfied that a material contravention with respect to current land-use zoning objectives would arise in the case. In the interest of providing a comprehensive assessment of this matter, I am satisfied that the matters raised in the applicant's Material Contravention Statement and assertions raised by observers regarding the RORR alignment would not represent material contraventions of the Development Plan. However, material contraventions of the Development would arise for the proposed development with regards to core strategy provisions, and this matter has not been addressed in the applicant's Material Contravention Statement.

14.0 Environmental Impact Assessment

14.1. Introduction

- 14.1.1. This section sets out an EIA of the proposed project and should be read in conjunction with the planning and appropriate assessment sections of my report. The Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018) have guided this section of my report. The Planning Authority refer to the Board as the competent authority regarding EIA in this case.
- 14.1.2. The development provides for 452 residential units, a childcare facility, four commercial / local retail units and a 1.1km stretch of urban relief road on a gross site area measuring 14.2ha in the Meath County Council area. Several of the topics and issues raised by observers that concern environmental matters have already been addressed in the planning assessment above, however, where relevant I have cross-referenced between sections to avoid repetition.
- 14.1.3. Item 10 of Part 2 to Schedule 5 of the Planning Regulations and section 172(1)(a) of the Act of 2000 provides that an EIA is required for infrastructure projects that involve:
- (b) (i) construction of more than 500 dwelling units;
 - (b) (iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere;
 - (dd) all private roads which would exceed 2,000m in length.
- 14.1.4. The current proposal is an urban development project that would be on the edge of a built-up area, but not in a business district. As the proposals comprise urban development with an area of greater than 10 hectares, the project is within the class of development described in item 10(b)(iv) above, thereby requiring EIA. The applicant has submitted an EIAR with this application, albeit based on a precautionary consideration that the proposed development would comprise construction of close to 500 dwelling units. The EIAR comprises a non-technical summary, a main volume and a photomontage booklet, alongside standalone reports

with the application. A schedule of the mitigation measures and monitoring described throughout the EIAR has been presented within Chapter 16 of the EIAR. The introduction chapter and introductions in the EIAR chapters describe the qualifications and competencies of those involved in the preparation of the EIAR.

14.1.5. As is required under Article 3(1) of the EIA Directive 2014, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors; (a) population and human health; (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water; air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between factors (a) to (d).

14.1.6. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning Regulations. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the Planning Authority, the prescribed bodies and members of the public, which are summarised in sections 9, 10 and 11 of this report above. For the purposes of EIA, I am satisfied that the EIAR is suitably robust and contains the relevant levels of information and this is demonstrated throughout my overall assessment.

14.2. **Vulnerability of the Project to Major Accidents and/or Disaster**

14.2.1. The requirement of Article 3(2) of the EIA Directive 2014 includes consideration of the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. The EIAR specifically addresses the issue of major accidents and/or disasters within section 1.4.5. Categories of risks considered include those at construction phase relating to health and safety and at operation phase relating to road traffic, fire and flooding. I am not aware of any neighbouring notifiable zones for Seveso sites immediate to the application site, including those listed in table 11.5 of the Development Plan.

14.2.2. Given the greenfield nature of the receiving environment and the nature of the proposed project, it is considered that there is no linkage factor of a hazard that

could trigger what would constitute major accidents and disasters. Compliance with the final project CEMP, as well as good housekeeping practices are considered to limit the risk of accidents during construction. The vulnerability of the proposed project to major accidents and / or disasters is not considered significant. The proposed development is primarily residential in nature and will not require large-scale quantities of hazardous materials or fuels. The Planning Authority refer to the need for fire safety certificates and revised maisonette and apartment designs to meet the Building Regulations 2006 Technical Guidance B – Fire Safety. The risk of fire is managed through the Fire Safety Certification process.

- 14.2.3. I am satisfied that the proposed uses are unlikely to present significant risk of major accidents or disasters. As noted in section 13.9 above, the site would not be at significant risk of flooding. Having regard to the location of the site, as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and / or disasters.

14.3. Alternatives

- 14.3.1. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment,

- 14.3.2. Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

- 14.3.3. Chapter 3 of the EIAR provides a description of the range of alternatives considered, including a do-nothing scenario, alternative land uses, alternative designs and alternative processes. If nothing were done the lands would remain undeveloped, with an opportunity lost to provide 452 residential units, a childcare facility, four

commercial / local retail units, completion of an urban relief road and an efficient use of zoned urban land within reasonable distance of local services. Considering that the majority of the lands in question are zoned for uses that include housing, as well as the fact that the environmental sensitivities of the site are not such as to preclude development per se, alternative locations are not considered relevant. The process in arriving at the subject proposals as well as the rationale for discounting other options is provided as part of sections 3.7 and 3.8 of the EIAR, as well as the applicant's Architectural and Urban Design report. Various opportunities and constraints in relation to the development of the site, as well as the amenities of the immediate area, residential block typologies, unit typologies, settings for apartment blocks and the RORR objective, are stated to have influenced the design and scale of the final proposed project. I am satisfied that there are no alternative processes having regard to the nature of the proposed project relative to the planning context and the fact that the large-scale residential development application or standard section 34 application procedures would not have been available to the applicant at the time of lodging the application.

14.3.4. The permissible and open for consideration uses for this site are prescribed within the zoning objectives in the Development Plan. The alternative uses that were considered were restricted to accord with the zoning objectives and have regard to surrounding developments. Notwithstanding my concerns with respect to part of the residential development overlapping zoned 'WL - White Lands', in the prevailing circumstances the overall approach of the applicant in considering alternatives appears reasonable, and I am satisfied that the requirements of the Directive with regard to the consideration of 'alternatives' has been met.

14.4. Consultations

- 14.4.1. During the application process, the applicant would have consulted directly with Meath County Council and An Bord Pleanála, as well as prescribed bodies listed in section 11 above. The EIAR also refers to consultation being undertaken by the applicant with IFI and the Department of Education and Skills.
- 14.4.2. The observers raise concerns regarding public participation in the application process referring to discrepancies with the information submitted, as well as documentation not being available. Public participation and consultation are an

integral part of the strategic housing development process as outlined in the Act of 2016 and the Planning and Development (Strategic Housing Development) Regulations 2017. Direct and formal public participation in the EIA process was undertaken through the statutory planning application process under the strategic housing development procedures. A link to the application was available from the Department of Housing, Local Government and Heritage EIA portal webpage. I have taken into consideration all submissions received during the application process as part of this assessment. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions. Further to the assertions of observers, I am satisfied that the application notices are sufficiently precise in describing the proposed development and the Planning Authority has not highlighted any concerns in relation to receipt of a copy of the application. Pre-application meeting details are provided within the application and records of meetings held with An Bord Pleanála (ABP ref. 311774-21) are available from the Board to the public.

14.5. Likely Significant Direct and Indirect Effects

14.5.1. The likely significant direct and indirect effects of the development are considered under the headings below, which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity;
- land and soils;
- water;
- air and climate;
- noise and vibration;
- material assets (built services, traffic and transportation, resource and waste management);
- cultural heritage;

- landscape;
- the interaction between those factors.

14.6. Population and Human Health

- 14.6.1. Population and human health are addressed in Chapter 4 of the EIAR. The methodology for the assessment is described, as well as the receiving environment and sources referenced. The assessment considers attributes and characteristics associated with local land uses, housing and demographics, neighbouring facilities and services, such as schools, as well as recent economic and employment activity.
- 14.6.2. In terms of human health, the most likely impact will be during the construction phase of the development, which would include dust, exhaust emissions and noise emissions. The construction practices are outlined within the EIAR, including development phases, foundation types and expected machinery. Given the control of activity on site by the developer, the construction activities and their associated emissions can be controlled to appropriate levels through the use of management measures, including those set out in the EIAR, the construction and demolition waste management plan and a final CEMP with construction traffic management measures to further reduce disruption. The Planning Authority request that the final CEMP addresses extreme weather scenarios with various measures to limit and control emissions and waste, as well as measures to address ecological impacts and surface water management. The measures in the applicant's CEMP and the mitigation measures within the EIAR outline how the proposed works would be delivered safely and in a manner that minimises risks to human health. The imposition of limits by conditions in any grant of permission would reinforce the preservation of human health. With the implementation of remedial and mitigation measures, it is concluded that the proposed development would not have significant adverse effects on human health.
- 14.6.3. Other aspects of the development potentially impacting on air quality, noise, vibration and transportation are considered in the EIAR with respect to their likely effects on the local population. In terms of noise and vibration, the occupation of the development would not give rise to any noise or vibration that would be likely to have a significant effect on human health or the population, as it would be primarily a

residential scheme that extends the built-up area of Ratoath. The impact of additional traffic on noise levels and the character of the surrounding road network would have long-term, minor negative impacts for humans, although various positive impacts would arise for local residents by the completion of the RORR allowing for diversion of traffic from more central areas of the town and along the western stretch of Glascarn Lane. Detailed assessment undertaken in section 13.6 above identified that the development would be unlikely to have substantive impacts on the amenities of neighbouring properties, with the development sufficiently sensitive to neighbouring properties and scope for the development to be revised to address some impacts.

- 14.6.4. Short-term positive impacts would arise for the surrounding population during the construction phase from the added employment and additional economic activity associated with the project. The development itself would be likely to have significant direct positive impacts with regard to population and material assets during the operational phase, due to the increase in housing stock that it would make available in this urban area. It would also potentially serve as the catalyst to facilitate the development of the economic and employment lands to the west.
- 14.6.5. The population of the area would increase substantially consequent to the operation of the proposed development, which the applicant considers to be a positive impact in creating critical mass to support employment-generating opportunities. The observers have raised concerns regarding the capacity of schools and other local infrastructures to serve the development. I have considered schools capacity, as well as childcare provision and social infrastructure under section 13.7 of the planning assessment above. When operational, the proposed childcare facilities, which need to form part of the phase 1 development on site, would support residents of the development. The applicant refers to reduced primary school numbers in the area based on enrolment numbers and the Development Plan highlights that there is sufficient land to enable schools development in Ratoath over the lifetime of the Plan. The proposed commercial units, greenway routes, RORR and open spaces would also be of benefit to residents and the wider community. Cumulative impacts alongside the adjoining other permitted (ABP ref. 305196-19) housing development is considered in the EIAR.

14.6.6. I am satisfied that potential effects on population and human health, particularly during the construction phases, would be avoided, managed and mitigated by the measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, secondary or cumulative effects on population and human health.

14.7. **Biodiversity**

- 14.7.1. Chapter 5 of the EIAR addresses biodiversity with particular attention for species and habitats protected under EU Directives 92/43/EEC and 2009/147/EC. The biodiversity chapter details the survey methodology of the biodiversity assessment and the fieldwork undertaken in August 2021. Habitats identified are listed and illustrated in figure 5.9 of the EIAR. It is noted that an Appropriate Assessment (AA) Screening report for the project was provided as a separate standalone document accompanying the application. Section 15 of my report assesses the proposed development in the context of the conservation objectives of designated European sites.
- 14.7.2. The Fossitt habitat classifications categorise the site area primarily into agricultural grassland (GA1), agricultural grassland / scrub (GA1/WS1) and hedgerows (WL1), with areas of amenity grassland (improved) (GA2), cultivated land (BC), buildings and artificial surfaces (BL3), recolonising bare ground (ED3). The applicant also notes the drainage ditch habitats, which alongside the hedgerows are considered the two most important habitats on site from a biodiversity perspective, given their biodiversity corridor value. The Planning Authority raised concerns that there had not been sufficient effort to maintain existing hedgerows, tree lines and drainage ditches or integrate them into the development, and in section 13.5 above I also highlighted some concerns in this regard, although this could be addressed as a condition in the event of a grant of planning permission. Observers assert that the proposals would result in the destruction of habitats and significant impacts for various mammal and bird species.
- 14.7.3. Plant species listed as being of the alien invasive variety under SI No. 477 of 2011, were not found to be growing on the site, although the Planning Authority request a that a preconstruction invasive species survey should be carried out, which would be

reasonable to request as a condition in the event of a grant of planning permission. In April 2021, non-avian fauna surveying was undertaken for the majority of the site, as well as extensive adjoining lands, with the results presented in appendix 5.2 of the EIAR. Habitats of National or international conservation importance were not recorded on site and flora or terrestrial mammals habituating the site were not in evidence during the applicant's field surveys. Evidence of rabbits and fox using the site were recorded although no other terrestrial mammals were noted. Badger setts and latrines have been recorded by the applicant on lands to the south of the application site. Observers consider it difficult to appreciate how frogs were not recorded during the applicant's field surveys, asserting that the habitat of this species would be destroyed as part of the subject proposals. Frog spawn was not recorded on site but was recorded 150m to the south of the site along a drainage ditch / hedgerow during surveys in February 2020 and 2022 and this drainage ditch / hedgerow would not be altered as part of the proposed development. Observers also require the project mitigation measures to include mammal underpasses to the RORR. I am not aware that such underpasses were provided to the existing section of the RORR and the activity highlighted in the applicant's non-avian fauna surveys would suggest very limited movement of non-avian fauna between the lands to the south and the application site. As the application site and lands north of the RORR would be comprehensively developed with very limited remaining habitat for non-avian fauna, I would not consider it necessary for mammal underpasses to be provided to the RORR.

- 14.7.4. The dry drainage ditches running through the site would ultimately drain into the Broadmeadow River. As noted by the IFI, the Broadmeadow River is an important salmonid system, with Brown trout throughout and Salmon in the lower reaches. The Broadmeadow River and the Ward River are not listed as salmonid waters for the purposes of S.I. No. 293/1988 - European Communities (Quality of Salmonid Waters) Regulations, 1988, although the conservation importance of Salmon is recognised by its listing in annex II of the EU Habitats Directive. A submission from IFI highlighted that it is essential that the proposed development should not have a deleterious effect on aquatic ecology in this system, which I am satisfied would be a reasonable requirement from an ecological perspective.

- 14.7.5. The Broadmeadow River drains into the Malahide or Broadmeadow estuary, which is a Ramsar site (no.833) noted to contain a mosaic of subtidal and intertidal marine habitats and species, including significant beds of eelgrass and blue mussels. It is also a Marine Protected Area for the protection of biodiversity under the OSPAR Convention (ref. O-IE-0002967).
- 14.7.6. During surveys a total of 17 common bird species were recorded on site, including Jackdaw, Magpie, Pheasant, Goldfinch, Blackbird, Blue Tit, Rook, Barn Swallow, Robin, Wren, Great Tit, Hooded Crow, Goldfinch and House Sparrow. Wetland, wading or wintering birds, including those forming the qualifying interests of any neighbouring designated sites were not recorded using the site.
- 14.7.7. Bat detector surveys were carried out in May 2020 and August 2021 with a Bat Fauna Impact Assessment appended to the EIAR identifying the rationale for the type of surveying undertaken. Surveying identified Common Pipistrelle, Soprano Pipistrelle and Leisler's bats primarily foraging along the hedgerows on site and a single Soprano Pipistrelle was observed emerging from a large ash tree that is covered in ivy close to the northwest boundary of the site and Fairyhouse Road. This tree is referenced in the applicant's Arboricultural Assessment as tree no.1453, a tree that is proposed to be maintained and protected during the construction works. Other trees were recorded as potential bat roosts; however, no tree roosts were confirmed during surveys.
- 14.7.8. The development would result in the loss of bat foraging and commuting habitat via the removal of trees. Observers assert that further surveys for bats are needed. A pre-construction bat inspection would be undertaken in advance of the removal of the trees with potential for bat roosting. The finalised lighting scheme would be sensitive to bat species. Eight bat boxes are to be installed. Notwithstanding the loss of trees, given the scale of the development and the surveyed extent of bat activity on site, it would be unlikely for the proposed development to present a significant impact for bats.
- 14.7.9. Section 5.6 of the EIAR describes the predicted impacts of the proposed development on biodiversity based on the survey findings. Measures to minimise the impact of the development on biodiversity, include preconstruction surveys, avoiding the removal of trees during bird nesting season, provision of swift nesting

boxes to the apartment buildings and two native trees for each house, sensitive storage and use of materials, plant and equipment, air and dust minimisation measures and measures to control emissions to surface water.

14.7.10. As noted with respect to mitigation measures to effect water quality, the applicant's proposals to address the ecological and biodiversity status of neighbouring aquatic habitat are well established in practice and the manner in which they have been set out in the application provides sufficient certainty that deterioration in water quality would not arise. As a consequence significant impacts on the downstream receiving waters and their ecological status would not arise due to pollutants or sediment discharging from the proposed development site at construction stage. The final project CEMP can be requested as a condition in the event of a grant of planning permission for the proposed development and this should comprise an updated report on the status of any invasive species on site prior to works commencing on site. As landscaping matures, the biodiversity value of the site is expected to improve. Significant cumulative impacts are not anticipated to arise with measures to be implemented to address potential impacts on water quality.

14.7.11. Having regard to the foregoing, including the ecological value of habitat on site and the limited recordings and evidence of species present on site, it is not likely that the proposed development would have significant effects on biodiversity. I have considered all of the written submissions made in relation to biodiversity and I am satisfied with regard to the level of information before me in relation to biodiversity. I am satisfied that potential effects would be avoided, managed and addressed by the measures that form part of the proposed scheme, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, secondary or cumulative effects on biodiversity.

14.8. Land and Soil

14.8.1. Chapter 6 of the EIAR deals with land and soils and includes the findings of a Site Investigation Report completed in July 2020. An array of testing was undertaken as part of the investigations, including trial pits, soakaways, dynamic probes, cable percussion and rotary boreholes, plate tests, infiltration tests and laboratory tests. Investigations confirmed that the site features topsoil depths of 0.2m, overlying a firm

to stiff, brown-gravelly clay to depths of 2m and this overlies a stiff to very stiff, grey-black, gravelly clay to a depth of 8.1m.

- 14.8.2. Teagasc soils mapping indicate the site to feature poorly-drained, mainly basic mineral soils. Bedrock geology is identified in the Geological Survey of Ireland (GSI) maps as featuring Dinantian limestone and shale, with groundwater vulnerability calculated as low and the bedrock aquifer underlying the site described by the GSI as a 'locally-important aquifer – bedrock that is moderately productive only in local zones'. A structural linework fault feature was identified on GSI maps extending to the northern boundary of the application site. Two groundwater wells on lands to the northwest and south of the application site are identified in the GSI maps dating from drilling in 1899 and 1963. The nearest County geological site is at Dunshaughlin 4.6km to the west of the application site. The Environmental Protection Agency (EPA) online mapping service shows that less than one in 100 homes in the subject site area are estimated to feature high-radon levels.
- 14.8.3. The construction phase of development would require the stripping of the existing topsoil layer. Construction phase impacts are also likely to arise from stockpiling, excavation works, dust emissions, increased construction traffic, release of sediments, potential contamination and vibration impacts, although no rock excavation would be likely to be required. Other potential impacts on lands and soil arising from the proposed development are outlined with respect to the importation of suitable construction material.
- 14.8.4. The proposed development would result in a revised use of land on the edge of Ratoath primarily for intensive residential and commercial uses, as well as a relief road, and these lands are estimated to have previously provided for approximately 14ha of agricultural uses. Given that other extensive lands suitable for agriculture would remain available in the wider region, this is not considered to be a significant effect of the project.
- 14.8.5. The proposed development would need to be undertaken in a manner to protect the most sensitive areas, with stockpiling avoided along drainage ditch corridors and associated buffer zones. Based on the drawings submitted, including building finished-floor levels and the existing topography of the site, substantive changes in levels are not proposed. Cumulative impacts alongside other potential development

forming part of the Masterplan (37) lands are considered in the EIAR. An appropriate construction traffic management plan can address issues that would arise from the export and importation of materials to and from the site, and the project dust-control measures, as outlined in appendix 8.2 of the EIAR, would manage and minimise dust emissions. Various standard construction practices, including monitoring forming measures to address the potential risk of pollution to soils and groundwater would be followed through as part of the final project CEMP. Any excavated materials not to be reused on site would be required to be exported to a suitably licenced facility, as per the approach set out in the application Construction Demolition Waste Management Plan. During the operational stage drainage and landscaping would be completed. The applicant also notes that on-site storage of fuels would not be necessary during the operational stage with the provision of electrically-powered heat pumps. It is therefore unlikely that the proposed development would have significant effects with respect to soils and geology on site.

14.8.6. I am satisfied that the identified impacts on land and soils, including geology, would be avoided, managed and mitigated by the measures that form part of the project, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the project would not have any unacceptable direct, indirect, secondary or cumulative impacts in terms of land, soils and geology.

14.9. **Water**

14.9.1. Chapter 7 of the EIAR addresses the impacts of the proposed development on water. The surface water drainage regime for the area is described initially in this chapter of the EIAR with the application lands described as being within the catchment of three tributaries of the Broadmeadow River, a river that drains to an estuarial area 26km to the east of the site. EPA maps would suggest that the nearest substantive surface water body features comprise the Fairycastle stream 580m to the south, the Bradystown stream 300m to the west and the Ratoath stream 830m to the northeast. The drainage ditches were dry when I visited the site, although this was preceded by an extended dry spell of weather. The primary drainage ditches that are identified in Ordnance Survey Ireland mapping for this area, would remain in situ as part of the application proposals.

- 14.9.2. Under the Water Framework Directive (WFD) the overall status of the Swords ground waterbody underlying the application site, was assessed as being 'good' (between 2016 and 2021) and this waterbody is 'not at risk' of achieving good status for the purposes of the WFD. According to the applicant the site lies within Hydrometric Area 08 of the Nanny-Devlin surface water catchment and in the Broadmeadow (_SC_010 - Code 08_3) subcatchment. Under the WFD, the most recent status for the Bradystown and Ratoath streams confirms a 'poor' water quality, whereas the Fairyhouse stream features a 'good' water quality and Broadmeadow river features a 'moderate' water quality. With the exception of the Fairyhouse stream whose risk status is under review, the receiving surface waterbodies are all 'at risk' of not achieving good status for the purposes of the WFD. The Broadmeadow transitional estuarial waterbody (IE_EA_060_0100) and Malahide Bay coastal waterbody (IE_EA_060_0000), which the Broadmeadow River discharges into, are also assigned a 'moderate' water quality, with these waterbodies also 'at risk' of not achieving good status for the purposes of the WFD. Groundwater vulnerability is identified as being low across the site and the water table was noted to fluctuate substantially as part of the testing undertaken during site investigations.
- 14.9.3. Impacts to water arising from the proposed development could potentially arise from excavation and other associated construction phase activities, such as storage of hydrocarbons. Potential operational phase impacts to groundwater and surface water comprise contamination, flood risk and wastewater management.
- 14.9.4. The water supply and wastewater connections for the proposed development are outlined in section 13.9 above. Uisce Éireann has confirmed that a water supply connection from the public network is feasible. It is proposed to drain foul effluent from the proposed development to the existing wastewater network for final treatment at Ringsend WWTP. Uisce Éireann has not objected to the proposed connection of the development into their network, subject to standard requirements. Surface water from the northwestern side of the site is intended to drain into the local sewer system along the RORR, while the southwestern side of the site would drain following SUDS and interceptions measures into the drainage ditch leading west to the Bradystown stream.
- 14.9.5. The potential impacts for water arising from earthworks, site clearance, excavations, stockpiling and discharges would be typical for construction projects involving

housing and road developments. Standard construction measures to avoid pollution of waters are to be used and these are described in table 7.1 of the EIAR. The efficacy of such measures, including reuse of materials on site, dust suppression, exportation of surplus materials to licenced fill operators, dewatering controls, good housekeeping, water management and the avoidance of direct discharges to groundwater, are well established in practice. The operational stage would feature a host of SUDS measures, including filter drains, flow-control devices, attenuation systems, green roofs, fuel interceptors and permeable paving, to mitigate the adverse effects of urban stormwater runoff on the environment by reducing this to at least greenfield runoff rates and reducing potential for pollutants to surface and groundwater. Inspection and cleaning of the drainage network is required. Based on the information available, the subject development would not reasonably be likely to have substantive impacts on the quality of water or flows leading into tributaries of the Broadmeadow River.

14.9.6. The proposed project was subject to a Site Specific Flood Risk Assessment in accordance with the OPW 'Flood Risk Management Guidelines', and this was included with the planning application as a separate document. Based on the recorded data available and site investigations the main risk of flooding arising from the project would be for downstream fluvial flooding of the tributaries leading to the Broadmeadow River. The Site Specific Flood Risk Assessment states that the housing and road area for the proposed development would be located in Flood Zone C where the risk of flooding would be very low. The design of the development has been undertaken in a manner that would address the existing topography on site. The proposed surface and storm drainage system has been designed to retain a 1-in-100 year storm event plus a 20% climate change factor, therefore, the proposed development would address the risk of flooding on site and would not increase the potential for flooding to the receiving catchment. Regular maintenance and operation of the drainage system would be implemented to address the potential for human/mechanical error.

14.9.7. I consider imperceptible neutral residual impacts for water are anticipated to arise. It is reasonable to conclude that the construction and operation of the proposed development, including the various design measures, would not be likely to lead to a significant impact on water or deterioration in the quality of receiving waters.

14.9.8. I have considered all of the written submissions made in relation to water and the relevant contents of the file, including the EIAR. I am satisfied with the level of information submitted, and any issues of a technical nature can be addressed by condition as necessary. It can be concluded that, subject to the implementation of the measures described in the EIAR and conditions in the event of a permission, the proposed development would not be likely to have any unacceptable direct, indirect, secondary or cumulative effects on water.

14.10. Air and Climate

14.10.1. Air quality and climate are addressed in chapter 8 of the EIAR. The proposed residential units, commercial and childcare uses would not accommodate activities that would typically cause emissions that would be likely to have significant effects on air quality and climate, although diversion of traffic onto the alternative proposed RORR may have effects in this regard. Baseline conditions, traffic modelling, construction methods and building specification, amongst other criteria, has guided this aspect of the EIAR. Existing air quality information for the area sourced from EPA data is listed in this section in order to allow for modelling of future scenarios.

14.10.2. Impacts to climate during the construction phase arising from increased carbon dioxide and nitrox oxide are considered to be imperceptible and short-term based on the nature and scale of the project, including the typical traffic and machinery required. The impact of the proposed development in terms of nitrogen dioxide is considered long-term, negative and imperceptible by the applicant based on TII guidance and consideration against a do-nothing scenario for traffic. The modelling of air quality showed that the level of dust particle concentrations was in compliance with the annual limit value at all receptors assessed, therefore, further modelling for the opening and design years was not required. Measures have been incorporated into the overall design of the development to reduce the impact to climate where possible during the operational phase, including energy-saving features and high-performance energy ratings for the buildings (BER A2 rating). The applicant's drainage system has been designed to address climate change factors. Imperceptible greenhouse gas emissions are anticipated based on national targets and the size, nature and design of the development (0.00086% of Ireland's annual greenhouse gas emissions in 2024 the development opening year). The climate

impact of the proposed development is considered not to be significant and imperceptible for the long-term operation phase of the project.

- 14.10.3. There is potential for dust emissions, to occur during the construction phase to sensitive receptors and the atmosphere in the vicinity. Observers state that the EIAR incorrectly refers to the development as only being within 50m of sensitive residential receptors when considering the impacts of dust emissions. Section 8.7.1 of the EIAR refers to residential receptors along Glascarn Lane being situated within 15m of the development site boundary, a distance that the applicant states can be impacted by PM₁₀ emissions for a development of this scale. Measures are proposed to mitigate impacts on air quality, including those outlined in a dust management plan, which will be incorporated into the final CEMP in effectively addressing emissions to air during the construction phase of the development. Monitoring during the construction phase is also proposed to mitigate any impacts arising on sensitive receptors.
- 14.10.4. Potential air quality impacts on designated ecological sites can be scoped out based on the separation distances from the works site to designated ecological sites and the surveyed habitats on site. There would be no potential for emissions of particulate matter, carbon dioxide and carbon monoxide at the site from heating sources during the operational phase and the increased traffic volumes are expected to result in very limited change in emissions during the operation phase given the diversion potential of providing a section of the RORR to facilitate its completion. Traffic volumes for the operational phase of the development have been modelled and significant impacts are not envisaged for air quality due to the dispersion effects. With regard to cumulative impacts alongside the proposed and permitted projects, no significant cumulative impacts on air quality or climate are anticipated to arise, particularly as the other projects would need to incorporate their own dust management/minimisation measures and as any potential impacts would be short term.
- 14.10.5. I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures that form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that

the proposed development would not have any unacceptable direct, indirect, secondary or cumulative impacts in terms of air quality and climate.

14.11. Noise and Vibration

- 14.11.1. Noise and vibration impacts are addressed in chapter 9 of the EIAR. Both the outward impact of the development and the inward impact of existing noise and vibration sources on the development itself were considered, with noise and vibration limits identified. The proposed development would have the potential for significant impacts to neighbouring properties, arising from noise emissions during the construction phase and from noise emissions relating to the completed RORR during the operational phase.
- 14.11.2. The applicant refers to guidance with regards to the assessment of noise surveying, noise limit levels and vibration. The site context was considered, and noise levels were surveyed in 2022 from four locations. Background noise is considered to largely arise from road traffic movements, with distant aircraft, pedestrian and bird song also arising. Noise and vibration impacts would be most likely to arise during the construction phase of the development with potential nuisance for neighbouring receptors. Particular noise sources would arise from the excavation works, including machinery operation and the construction traffic movements. The nearest sensitive receptors to the application site are identified, including the residences along the western, northern and eastern boundaries of the site. The applicant accepts that there is potential for significance thresholds to be exceeded at distances of 20m to 30m from the housing element and 25m of the RORR element of the construction project in the absence of mitigation.
- 14.11.3. The operational stage future noise environment was modelled, mapped and assessed to identify likely requirements to address noise impacts in particular those associated with the traffic movements along the RORR. The observers assert that the RORR would be too close to existing residences, impacting on quality of life via noise pollution. In the 2039 future do-nothing or do-maximum scenarios, the traffic flows along the RORR / Fairyhouse Road junction would correlate to a +1dB increase in noise levels for the residence referenced as Carrabeg House on Fairyhouse Road and a consequential negligible, negative long-term impact is considered to arise for this nearest noise-sensitive receptor. The EIAR outlines the

standards to be achieved in the proposed residential living areas (65 dB L_{den}) with respect to noise levels and how this would be achieved, including alternative glazing specifications generally comprising a slightly thicker pane for double-glazing. The observers assert that existing houses along Glascarn Lane would require upgraded glazing specifications while the applicant considers that the modelling identified that this would only be necessary for the proposed properties and not for existing properties. I note the results of the modelling undertaken and the approach undertaken in calculating same. A more robust approach could have been undertaken in this regard addressing future revised traffic flows along the western stretch of Glascarn Lane with the development in place including the operational RORR, which would potentially have proven a positive impact of the project from a noise perspective with reduced trips by HGVs along this stretch of road.

14.11.4. Vibration during the construction programme is primarily associated with the ground-breaking activities, which would be of a short-term duration. The applicant refers to 'BS 5228-1:2009 +A1:2014: Code of Practice for Noise and Vibration Control on Construction and Open Sites' and 'BS 7385:1993 – Evaluation and measurement for vibration in buildings', as providing guidance and standards for vibration impacts. Vibration impacts at sensitive receptors during the construction phase would be mitigated by standard practices and standard conditions. According to the applicant, cumulative impacts from noise and vibration are not expected as other developments are not close enough to the application site to have an impact. As noted in the planning assessment, there is a permitted neighbouring development for similar proposals on the adjoining lands to the northeast (ABP ref. 305196-19), but this development would need to incorporate its own noise and vibration limitation measures.

14.11.5. According to the applicant, the equipment required to serve the various buildings within the development would be limited to heating and cooling plant, as well as extract units, and their specifications and locations would be chosen at a later stage and they would not be likely to exceed noise levels at the nearest sensitive receptors. A suite of noise reductive measures for the construction phase of the project to keep within minimum standards will be used to control noise and vibration impacts, including a 2.4m-high hoarding around the site, noise control at source, plant maintenance and shut-down, restricted operational hours and monitoring.

14.11.6. I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that the identified impacts, including potential for significant impacts for neighbouring residences, would be avoided, managed and mitigated by the measures that form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, secondary or cumulative impacts in terms of noise and vibration.

14.12. Material Assets

14.12.1. Material assets specifically addressing traffic and transport are dealt with in chapter 11 of the EIAR, while material assets addressing resource and waste management are dealt with in chapter 12 and material assets addressing utilities are dealt with in chapter 10. As noted above, the development is likely to have a significant impact on material assets by increasing the housing stock that would be available in this edge of urban area, and as noted throughout the planning assessment, the development would also improve the traffic situation in the area, as well as providing pedestrian and cycle infrastructures and public open space.

14.12.2. In terms of utilities, an overview of the electrical supply network, gas and telecommunications is provided by the applicant. A Utility Impact Assessment also accompanied the application addressing the above infrastructures, as well as local water supply, foul and surface water drainage, street lighting and wayleaves. Existing overhead electricity powerlines traversing the site would be undergrounded as part of the proposed development, which would feature seven standalone electricity substations. The applicant's Engineering Services Report states that based on consultation sufficient capacity exists to serve the proposed development via Irish Water's water supply and foul wastewater networks. The development would result in increased demand for gas, electricity and telecommunications services. Early engagement with utility operators is outlined as a mitigation measure for the project. Some short-term disruption to local electrical supplies may occur as part of the electrical service connections to the development. A Telecommunications Impact Assessment is provided with the application, including details of wire and wireless telecommunications infrastructure in the vicinity of the application site. Significant impacts on wireless telecommunications systems would not be

anticipated given the scale of the site, the site context and the proposed building heights. The applicant states that the additional demand for wireless telecommunications services would need to be addressed via new infrastructure equipment on site at a later stage. A standard planning condition to restrict development at roof level to the buildings is recommended by the Planning Authority.

14.12.3. Observers and Elected Members have raised concerns in relation to public transport services, increased traffic and the capacity of local roads. I have addressed these issues under sections 13.4 (density) and 13.8 (traffic and transportation) of my report. The surveying undertaken outlined that all but one of the junctions in the vicinity of the site were operating within capacity prior to Covid 19 restrictions. The proposed development would include a means of diverting traffic away from the link roads to the north. The RORR has been constructed to enable access to Ratoath College from the R125 regional road, zoned residential lands and zoned enterprise and employment lands. The existing RORR junction with the R125 and Moulden Bridge are not fully operational, although details of this signalised junction and the proposed signalised junction with Fairyhouse Road and the RORR are provided and assessed in the EIAR.

14.12.4. The array of existing transport services and infrastructures serving the site are noted, including the locations of bus stops and the extent of public bus services operated locally by Bus Éireann. Details of rail services from Dunboyne rail station are outlined by the applicant and the existing and planned cycle infrastructures, although this appears to omit the constructed infrastructures along the RORR.

14.12.5. Mitigation measures for the construction phase relate to provision of perimeter fencing, traffic management, noise and dust control. It is anticipated that vehicle movements to and from the application site would vary considerably across the different phases of the development. Other than state that the traffic movements associated with the construction phase would be less than the movements likely during the operational stage of the project, estimations regarding the extent of construction phase traffic movements were not provided by the applicant, despite reasonable scope for assertions to be made in this regard based on the scale and nature of the development, the likely construction staff numbers and materials to be imported and exported from the site. The applicant also refers to various measures to reduce movements at the construction phase, a number of which refer to travel by

public transport to the site. This measure would appear highly aspirational given the site context, the availability of public transport and nature of much of the work. Notwithstanding this, any construction-phase movements are likely to result in relatively short-term temporary traffic impacts, with peak activity for HGV movements during the site clearance work periods. The construction phase impacts on traffic would be primarily addressed as part of the construction site measures and a construction traffic management plan.

14.12.6. Mobility and connectivity around the site would be impaired as part of the latter phases of the construction of the development, with the closing of a section of Glascarn Lane to vehicular traffic. Alternative access to the RORR would be provided for residents of the eastern side of Glascarn Lane and there would remain scope for pedestrian and cycle access to be maintained broadly along the existing route of Glascarn Lane, albeit with some improvements required in this regard, particularly in relation to crossing of the RORR and upgrade of the western section to Glascarn Lane. Residents of the western section of Glascarn Lane would have to exit onto the Fairyhouse Road and use the RORR to access the eastern side of Glascarn Lane by vehicle. Residents of the development and other permitted developments would also place additional demands on public transport, the carrying capacity of which can be readily increased, as necessary. The development would include measures to upgrade movement along the RORR and it would improve cycle and pedestrian connectivity in the area primarily by means of new routes leading towards the existing RORR, Glascarn Lane and Fairyhouse Road, including through Carraig na Gabhna. Parking management measures would be implemented to serve the development and reduce impacts on traffic. The applicant's traffic impact assessment indicated that the increase in traffic as a result of the proposed development would be over 5% of baseline figures for the majority of junctions assessed, thus requiring further assessment based on forecasting models. Local link roads were calculated to operate below normal capacity limits in the Do-Something and Do-Maximum scenarios for the design year (2039), including alongside cumulative impacts with other permitted developments.

14.12.7. Additional details of the road infrastructure to meet the stated requirements of the Planning Authority are recommended as a condition in the event of a grant of planning permission and measures would be employed to ensure the free flow of

traffic along the RORR during both the construction activities and operational phase of the proposed development.

14.12.8. A project construction demolition waste management plan has been prepared for the initial phases of the project, including the removal of the excavated materials, the control of hazardous materials and measures for the management of various waste stream materials. An operational waste management plan has been prepared for the operation phase of the project based on the anticipated level of service relative to the expected population equivalents, as referenced above under section 13.7 of the planning assessment. Significant impacts for waste management are not anticipated from the operational phase of the development and the project would have long-term, imperceptible and neutral impacts for waste management.

14.12.9. I have considered all of the written submissions made in relation to material assets, including those relating to traffic and transport, utilities, waste and resource management. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets.

14.13. Archaeological, Architectural and Cultural Heritage

14.13.1. Chapter 13 of the EIAR describes and assesses the impact of the development on archaeology, as well as architectural and cultural heritage. In terms of archaeological potential, the applicant undertook a desk-based study, a geophysical survey and archaeological testing. A chronological description of the historical background to the site and area is provided and the applicant states that there is one recorded monument and place (RMP) within 500m of the development, comprising an enclosure to the east of the development site (RMP ref. ME045-064). The closest notable architectural features included in the Record of Protected Structures (RPS) or recorded in the National Inventory of Architectural Heritage (NIAH) are situated over 1.5km to the north of the site in Ratoath. No previous archaeological investigations were identified for the site, although investigations were noted on neighbouring lands associated with the RORR project. This neighbouring testing exposed nothing of archaeological significance. The site does not have conservation

status as an architectural conservation area. The townland boundary to Commons and Jamestown runs along the bridlepath route / Glascarn Lane in a north-south direction within the site.

14.13.2. An Archaeological Test Trenching report is included with the application. The applicant's geophysical survey did not record items of significant archaeological interest, although an old trackway route and the field boundaries marking the townland boundaries were in evidence. Three areas of archaeological activity were identified during test trenching and monitoring of topsoil stripping is proposed with any features identified to be preserved by record under licence from the National Monuments Service and by a suitably qualified archaeologist. Archaeological investigations (test trenching and/or monitoring) are proposed for the northeast portion of the site that was not tested as part of the subject assessment. A photographic and measured survey would be carried out of the townland boundary between Commons and Jamestown and other townland boundaries adjoining the site, and any topsoil stripping will be monitored by an archaeologist with further investigation under license if required. The applicant asserts that with the implementation of the mitigation measures the residual impacts of the development on cultural heritage would be low or negligible. Direct impacts on architectural heritage are not anticipated.

14.13.3. The Planning Authority refer to the need for archaeological excavation and monitoring and note that architectural heritage impacts have not been raised. I am satisfied that given the evidence presented, the proposals to develop the site would not give rise to a situation that would preclude the granting of permission for substantive archaeological or heritage reasons. Notwithstanding this, given the potential for known and unknown archaeological features to survive on site, a condition with respect to archaeological assessment and monitoring would appear reasonable and necessary to attach in the event of a grant of permission for the proposed development.

14.13.4. I have considered all of the written submissions made in relation to archaeology, as well as architectural and cultural heritage. I am satisfied that the identified impacts on archaeology, architectural heritage and cultural heritage would be avoided, managed and mitigated by the measures that form part of the proposed scheme, by the proposed mitigation measures and through suitable conditions. I am satisfied

that the proposed development would not have any significant direct, indirect, secondary or cumulative impacts on archaeology, architectural heritage or cultural heritage.

14.14. Landscape

- 14.14.1. A Landscape and Visual Impact Assessment forms chapter 14 of the EIAR submitted and a booklet of Verified Photomontages and CGIs, as well as contextual elevations and sections drawings to aid in visualising the development, are provided as part of the application. A total of nine short and medium-range viewpoints are assessed within the applicant's Landscape and Visual Impact Assessment. To avoid repetition, I have assessed in detail the impact of the scale and height of the proposed development on the environs of the site from an urban design perspective in the planning assessment of my report (see section 13.5).
- 14.14.2. The observers assert that the proposed development would be out of character with the surrounding area and would have a negative visual impact on the amenities of the area, including during the construction phase as a result of the machinery needed. The Planning Authority also raise concerns with respect to the visual impact of the development, which they consider to result in a significant alteration in the appearance of the area along an approach to the town. The Elected Members of the Planning Authority also raise concerns with respect to the proposed project building heights.
- 14.14.3. Sections 8.17 and 8.18 of the Development Plan address landscapes, views and prospects, as well as other visual amenity classifications, with map 8.6 identifying the views and prospects to be protected. The application site and the settlement of Ratoath are identified as being within The Ward 'lowland' landscape' character area comprising a large area of pasture and arable farmlands. The observers assert that this landscape should not be considered of low to medium landscape sensitivity, as per the applicant's assertion. The Meath Landscape Character Assessment accompanying the Development Plan identifies the subject site as being in an area of low landscape character value and sensitivity. Development principles outlined in the Landscape Character Assessment discourage excess removal of trees, hedgerows and historic walls, encourage planting of native species, preserving of important views and consolidation of the urban fringe. The closest protected views

comprise locations along the R155 regional (R73 – Windmill Hill) approximately 6.6km to the north of the site and along the R154 regional road (R77 – Mooretown) approximately 8km to the west of the application site. The subject landscape character is stated in the Development Plan to have low potential capacity for multi-house developments, although such developments should be limited to areas designated to accommodate such growth.

14.14.4. I have viewed the site from a variety of locations in the surrounding area, and I am satisfied that the photomontages are taken from locations, contexts, distances and angles that provide a reasonably comprehensive representation of the likely visual impacts from key reference points, including the most sensitive visual receptors. The photomontages and CGIs submitted with the application include visual representations, which I am satisfied would be likely to provide a reasonable portrayal of the completed development in a summer setting and considerate of Development Plan objective HER OBJ 50 requiring a visual impact assessment to be undertaken for the project. Elements of the project could have been more accurately portrayed, including the fact that no changes were shown to the road alignment in view 1, a lack of road markings, signage, footpaths, as well as omitted hedgerows etc. along the Fairyhouse Road (view 2) and an absence of details for neighbourhood L frontage onto Glascarn Lane (views 7 and 8) with existing hedgerow intended to be omitted shown as remaining. The following table 4 provides a summary assessment of the likely visual change from the applicant’s 13 selected viewpoints with the proposed development in place.

Table 4. Viewpoint Changes

No.	Location	Description of Change
1	Glascarn Lane – 190m east	The mature trees to field boundaries and roads would largely serve to screen much of the development from this viewpoint with some visibility possible during winter months with the loss of tree foliage. I consider the magnitude of visual change from this medium-range viewpoint to be slight.
2	Fairyhouse Road – 25m southwest	Apartment block A would be fully visible from this approach to the town with no screening as the existing hedgerows would be removed. Duplex blocks leading east

		into the site would be visible following the curvature of the RORR route and stepping down into the site. I consider the magnitude of visual change from this short-range viewpoint to be significant in the context of the receiving edge of urban location, including the limited building setback of block A onto Fairyhouse Road and its design and height, which is out of character with the immediate context.
3	Fairyhouse Road – 75m west	The upper levels to duplex blocks in neighbourhood D would be visible at this location with existing boundary planting and single-storey housing providing some screening of the development. The development would be setback substantive distances from neighbouring development and would be of a reasonable scale for an edge of urban development. I consider the magnitude of visual change from this medium-range viewpoint to be moderate in the context of the receiving environment.
4	Carraig na Gabhna – 105m west	Part of the boundary hedge would be removed to provide pedestrian and cycle access, but this is not picked up. Notwithstanding this, I consider the magnitude of visual change from this short-range viewpoint to be moderate in the context of the receiving environment.
5	Cairn Court – 70m northwest	The upper-level to a duplex block in neighbourhood E would be visible from this residential area with existing buildings providing screening of the development. I consider the magnitude of visual change from this medium-range viewpoint to be slight.
6	Glascarn Lane – 80m northwest	The buildings would be only partially visible from this residential road with existing buildings and planting providing screening of the development. I consider the magnitude of visual change from this medium-range viewpoint to be slight.
7	Glascarn Lane – 90m north	The buildings would be only partially visible from this residential road with existing buildings and planting providing screening of the development. I consider the

		magnitude of visual change from this medium-range viewpoint to be slight.
8	Fairyhouse Lodge – 100m north	The buildings would be only partially visible from this residential street with existing buildings and planting providing screening of the development. I consider the magnitude of visual change from this medium-range viewpoint to be slight.
9	The 'Bridlepath' – 30m northeast	The upper-level to duplex blocks in neighbourhood L and M would be visible from this rural lane with existing buildings, planting and roadside boundaries providing screening of the development. Notwithstanding the inaccuracies cited above, I consider the magnitude of visual change from this medium-range viewpoint to be moderate.

14.14.5. The subject site does not feature exceptional or unique landscape characteristics and the zoning of the majority of the subject lands for development and the extension of the RORR implies an inherent acceptance that the lands have been deemed suitable from a broad visual perspective to absorb a reasonable scale of development. In the immediate area the development would be most visible from the approaches along the RORR to the northeast, the approaches along Fairyhouse Road to the west and the houses and their gardens along Glascarn Lane, Carraig na Gabhna and Cairn Court, with only intermittent views of the main structural elements from local vantage points in the adjoining areas due to the existing buildings, boundary planting and separation distances. The development would not be visible from protected views. The applicant considers the views from adjoining residential properties and the existing boundary hedgerows to be the most sensitive landscape and visual aspects of the project. Construction phase impacts of the development are listed, including the use of cranes for taller elements. Such impacts would have a temporary to short term negative effect on the landscape, alongside the removal of hedgerows, earthworks, and construction activity, including lighting. The 2.4m-high hoarding would limit views into the construction areas of the site. Moderate neutral effects on the landscape character are anticipated from the operational phase, in the context of Development Plan objectives and the adjoining permitted development (ABP 305196-19).

- 14.14.6. Mitigation measures to address the visual impacts at operational stage would comprise those embedded elements of the design that respond to its immediate setting, including landscaping measures, the maintaining of hedgerows and trees where feasible and conditioned, and the provision of a public open space network.
- 14.14.7. The development would be viewed as a modest insertion into this edge of town setting and as a substantive new element where visible from the neighbouring properties, particularly from the adjacent housing along Glascarn Lane and Fairyhouse Road and within the Cairn Court and Carraig na Gabhna estates. The immediate context of the area appears to have undergone some similar level of change in recent years as part of the Jamestown housing developments and RORR infrastructure to the northeast, and the majority of the subject site is earmarked in the Development Plan for development featuring a high standard of architectural design.
- 14.14.8. The applicant's assessment of the photomontages submitted considers that properties adjoining or close to the boundary of the site will experience considerable change in their views, although such impacts would be mitigated through the retention of boundary hedgerows and treelines, the proposed planting and the architectural quality of the proposed development.
- 14.14.9. I am satisfied that the broad visual changes that would arise from the proposed development, would largely have limited to moderate effects on the landscape from the majority of areas where the development would be visible. The proposed development would read as a substantive new addition in the wider suburban landscape with the proposed apartment buildings higher than those in the immediate suburban landscape. Notwithstanding this, the height and design, as well as the setback of block A from the roadside edge along Fairyhouse Road could be revised to better address the pattern of development in the immediate area, and there would also appear to be scope for additional existing hedgerows, including those containing mature trees, to be maintained as part of the project. In my opinion this would serve to address the visual impact of the development to ensure that it would at worst have a neutral contribution to the character of this suburban area based on the provisions of the Development Plan.
- 14.14.10. I have considered all the written submissions made in relation to landscape and visual impacts and considered in detail the urban design and place-making

aspects of the proposed development in my planning assessment above. From an environmental impact perspective, with the attachment of conditions to address apartment block A and hedgerows, I am satisfied that significant visual impacts would be avoided, and I am satisfied that the proposed development would have acceptable direct, indirect, secondary and cumulative effects on the landscape and acceptable direct, indirect, secondary and cumulative visual impacts.

14.15. The interaction between the above factors

14.15.1. Chapter 15 of the EIAR includes Table 15.1 addressing the interactions between each of the environmental disciplines assessed in the EIAR. All interactions between the various elements of the project were considered and assessed both individually and cumulatively within each chapter. A total of 41 potential interactions between the assessed disciplines are considered to arise in the EIAR, 28 of which would relate to the construction period and 13 of which would relate to the operational phase. Where necessary, mitigation was employed to ensure that no cumulative effects would arise as a result of the interaction of the various elements of the development with one another, with the applicant referring to the measures in each chapter of the EIAR and the CEMP as primarily addressing any potential significant residual impact during the construction phase of the project. The potential for population and human health impacts to interact with seven of the other 11 disciplines is considered to arise, including each of the material assets disciplines. For example, an interaction between human health and population with landscape and visual impacts, would arise from the changes to the site appearance. Other interactions are addressed, including those arising from traffic and transport impacts with noise and vibration, consequent to the increased traffic to enable construction and operation of the development.

14.15.2. I have considered the interrelationships between the factors and whether these may as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures to be put in place, I am satisfied that no residual risk of significant negative interaction between any of the disciplines would arise and no further mitigation measures to those already provided for in the EIAR were identified by the applicant. I am satisfied that in general the various interactions were properly described in the EIAR.

14.16. Cumulative Impacts

- 14.16.1. The proposed development could occur in tandem with the development of other sites that are zoned for development in the area, including the adjoining lands to the northeast within the Jamestown area. The proposed development would also in part facilitate the development of the 'E2 General Enterprise and Employment' zoned lands to the west of Fairyhouse Road. The project would be dependent on the phased provision of infrastructure, including road infrastructure, footpaths, utilities and drainage services, the majority of which is proposed as part of this development or subject to suggested conditions in the event of a grant of planning permission for the proposed development. Permission has already been granted for a stretch of the RORR leading to the northeast side of the application site, which the proposed development would be capable of tying in with, alongside phasing restrictions to ensure completion of the RORR route in line with Development Plan provisions. The proposed development would alter the context for housing permitted along the southern side of the Jamestown development (ABP ref. 305196-19), but this alteration is not considered significant given the fact that the houses would overlook an open space area set back from the RORR.
- 14.16.2. Throughout the EIAR the applicant has referred to the various cumulative impacts that may arise for each discipline, as a result of other existing, proposed and permitted developments in the environs of the site. Such development would be largely in accordance with the nature and scale of development envisaged for the area within the Development Plan, which has been subject to Strategic Environment Assessment. The nature, scale, form and character of the project would generally be similar to that envisaged for the site within the adopted statutory plan for this area, albeit with some concerns in relation to specific development details and the use of 'WL – White Lands' for housing. Subject to conditions that address the various shortcomings identified above, the proposed development is not likely to give rise to environmental effects that were not envisaged in the statutory plan. It is therefore concluded that the cumulative effects from the planned and permitted developments in the area and the subject project would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA. The Planning Authority request that the EIAR recommendations are implemented in full.

14.17. Reasoned Conclusion on the Significant Effects

14.17.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the applicant, and to the submissions from the Planning Authority, prescribed bodies and observers in the course of the application, it is considered that the main potential direct, indirect, secondary and cumulative effects of the proposed development on the environment are as follows:

- significant direct positive impacts for population and material assets, due to the substantive increase in the housing stock during the operational phase;
- significant direct and indirect positive effects on traffic and transportation material assets during the operation phase with clarification of details in respect of the tie in for the northeast section of the Ratoath outer-relief road and completion of the outer-relief road in phase 1 of the development;
- significant direct negative effects arising from noise and vibration during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, and during the operational phase, which would be mitigated by building specifications, resulting in no residual impacts on human health;
- significant direct negative effects for landscape during the operational phase along the Fairyhouse Road, which would be mitigated by a revised height, design and positioning of proposed apartment block A or via omission of this block from the project;
- direct negative effects arising for land and soils during the construction phase, which would be mitigated by reuse of excavated materials on site and removal of materials to appropriate off-site facilities, as well as a suite of measures to prevent contamination of soils, resulting in no residual impacts on land and soil;
- direct negative effects arising for air and human health during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including dust management, resulting in no residual impacts on air quality and human health;
- direct negative effects for archaeology, which would be addressed during the pre-construction and construction phases by archaeological excavation, monitoring

and reporting, resulting in no residual impacts on cultural, architectural and archaeological heritage;

- indirect negative effects on water, which would be addressed during the construction phase by management measures to control sediments and pollutants to water, resulting in no residual impacts on water.

14.17.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in all of the individual EIAR chapters are satisfactory, and I am satisfied with the information provided to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. Arising from my assessment of the project, including mitigation measures set out in the EIAR and the application, and as conditions in the event of a grant of planning permission for the project, in view of the stated planning limitations of the proposed development, the negative environmental impacts identified above would not be significant and would not justify refusing permission for the proposed development on environmental grounds.

15.0 Appropriate Assessment

15.1. Introduction

15.1.1. The requirements of Article 6(3) of the Habitats Directive, related to screening the need for appropriate assessment (AA) of a project under section 177U of the Act of 2000, are considered in the following section.

15.2. Compliance with Article 6(3) of the EU Habitats Directive

15.2.1. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the EU. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of a European site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to an AA of its implications for the site, in view of the site's conservation objectives. The competent authority

must be satisfied that the proposal would not adversely affect the integrity of a European site before consent can be given. European sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) forming part of the Natura 2000 network.

15.3. Stage 1 AA Screening

- 15.3.1. The applicant has submitted an AA Screening report dating from May 2022 prepared by Altemar Marine & Environmental Consultancy. This document provides a description of the site, the receiving environment, and the proposed development, as well as identifying European sites within the possible zone of influence of the development.
- 15.3.2. In their AA Screening Report, the applicant concludes that, on the basis of objective scientific information, the possibility that the proposed development, either on its own or in combination with other plans or projects, having a significant effect on any European Site, can be excluded.

Site Location

- 15.3.3. A description of the site is provided in section 2 above and throughout the assessments above. The site primarily features fields used for agricultural purposes and is located on the edge of an urban settlement with the habitats identified on the site outlined in section 14.7 above. No Annex I habitats were recorded within the application site and only limited use of the application site by flora and fauna was identified within the applicant's ecological surveying. Various bird species have been recorded as using the site and bats have been recorded foraging along hedgerows. Drainage ditches traverse parts of the site along field boundary systems, leading towards tributaries of the Broadmeadow River, with the surface water drainage regime described in section 13.9 above. Storm or surface waters from the site would drain into one of the ditches leading west to the Bradystown stream, while other lands would drain into the sewer that ultimately drains into the Ratoath stream. These streams are tributaries of the Broadmeadow River that flows east towards Malahide Estuary, a transitional waterbody along the Irish Sea.

Proposed Development

15.3.4. A detailed description of the proposed development is provided in section 3 above and expanded upon below where necessary. Details of the construction phase of the development are provided throughout the application documentation, including the CEMP. Standard measures to control sediment and hydrocarbons would be undertaken as part of the construction and operational phases. Foul wastewater from the operational phase of the proposed development would discharge to the public network forming part of the Ashbourne/Ratoath/Kilbride Sewerage Scheme before final treatment at the Ringsend WWTP in Dublin. Following various standard practice environmental management measures, stormwaters from hardstanding areas, including roads, would be drained either into a network of piped drains that would discharge into the public sewer running along the RORR or through a series of filter drains and attenuation tanks leading towards the drainage ditch on the west side of the site. The proposed development is intended to be served by piped water supply and wastewater networks.

15.3.5. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:

- Construction Phase – water runoff, including alterations in flow and quality, disturbance and emissions, including sediment, dust, noise and vibration;
- Operation Phase – disturbance, water runoff and emissions to water.

Submissions and Observations

15.3.6. The submissions and observations from observers, the Planning Authority and prescribed bodies are summarised in sections 9, 10 and 11 of this report. I have had regard to other relevant documentation included with the application, in particular the CEMP, the Engineering Services Report and the biodiversity section of the EIAR. The observers refer to various concerns regarding the impact of the development on the biodiversity of the site. The Planning Authority refer to the Board as the competent authority for AA.

European Sites

15.3.7. The nearest European sites to the appeal site, including SACs and SPAs, comprise the following:

Table 5. Neighbouring European Sites

Site Code	Site Name / Qualifying Interests	Distance	Direction
001398	Rye Water Valley / Carton SAC <ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] • <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014] • <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016] 	13.2km	south
004025	Malahide Estuary SPA <ul style="list-style-type: none"> • A130 Oystercatcher (<i>Haematopus ostralegus</i>) • A005 Great Crested Grebe (<i>Podiceps cristatus</i>) • A162 Redshank (<i>Tringa totanus</i>) • A067 Goldeneye (<i>Bucephala clangula</i>) • A141 Grey Plover (<i>Pluvialis squatarola</i>) • A149 Dunlin (<i>Calidris alpina</i>) • A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • A054 Pintail (<i>Anas acuta</i>) • A048 Shelduck (<i>Tadorna tadorna</i>) • A069 Red-breasted Merganser (<i>Mergus serrator</i>) • A143 Knot (<i>Calidris canutus</i>) • A156 Black-tailed Godwit (<i>Limosa limosa</i>) • A140 Golden Plover (<i>Pluvialis apricaria</i>) • A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) Habitats <ul style="list-style-type: none"> • Wetlands 	16.7km	east
000205	Malahide Estuary SAC <ul style="list-style-type: none"> • 1140 Mudflats and sandflats not covered by seawater at low tide • 1310 Salicornia and other annuals colonising mud and sand 	16.7km	east

	<ul style="list-style-type: none"> • 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) • 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) • 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) • 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 		
004006	<p>North Bull Island SPA</p> <ul style="list-style-type: none"> • Light-bellied brent goose [A046] • Shelduck <i>Tadorna</i> [A048] • Teal <i>Anas crecca</i> [A054] • Pintail <i>Anas acuta</i> [A054] • Shoveler <i>Anas clypeata</i> [A056] • Oystercatcher [A130] • Golden plover <i>Pluvialis apricaria</i> [A140] • Grey plover [A141] • Knot [A143] • Sanderling [A144] • Dunlin [A149] • Black-tailed godwit <i>Limosa</i> [A156] • Bar-tailed godwit [A157] • Curlew <i>Numenius arquata</i> [A160] • Redshank [A162] • Turnstone <i>Arenaria totanus</i> [A169] • Black-headed gull [A179] • Wetland and waterbirds [A999] 	21.4km	southeast
000206	<p>North Dublin Bay SAC</p> <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows [1330] • Mediterranean salt meadows [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with marram grass <i>Ammophila arenaria</i> (white dunes) [2120] 	21.5km	southeast

	<ul style="list-style-type: none"> • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Humid dune slacks [2190] • Petalwort <i>Petalophyllum ralfsii</i> [1395] 		
004024	<p>South Dublin Bay and River Tolka Estuary SPA</p> <ul style="list-style-type: none"> • Light-bellied Brent goose <i>Branta bernicla hrota</i> [A046] • Oystercatcher <i>Haematopus ostralegus</i> [A130] • Ringed plover <i>Charadrius hiaticula</i> [A137] • Grey plover <i>Pluvialis squatarola</i> [A141] • Knot <i>Calidris canutus</i> [A143] • Sanderling <i>Calidris alba</i> [A149] • Dunlin <i>Calidris alpina</i> [A149] • Bar-tailed godwit <i>Limosa lapponica</i> [A157] • Redshank <i>Tringa totanus</i> [A162] • Black-headed gull <i>Chroicocephalus ridibundus</i> [A179] • Roseate tern [A193] • Arctic tern [A194] • Wetland and waterbirds [A999] 	24.2km	southeast
000210	<p>South Dublin Bay SAC</p> <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Embryonic shifting dunes [2110] 	24.2km	southeast

15.3.8. In determining the zone of influence for the proposed development I have had regard to the nature and scale of the project, the distance from the development site to European sites, and any potential pathways that may exist from the development site to a European Site. Table 2 of the application screening report identifies the potential links from European sites to the appeal site. Distances and direction from the site to European sites are listed in table 5 above. I do not consider that any other European Sites other than those identified in table 6 potentially fall within the zone of influence of the project, having regard to the nature and scale of the development, the results of ecological surveys for the site, the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

15.3.9. The applicant's screening information report identifies the potential links to European sites from the application site, having regard to an indirect hydrological pathway from the development site to the Malahide Estuary via overflows to the Broadmeadow River.

Table 6. Identification of relevant European Sites using Source-Pathway-Receptor model and compilation of information (Qualifying Interests and Conservation Objectives)

Site Name / Code	Qualifying Interests (QIs) / Special Conservation Interest (SCIs)	Connections	Consider Further
Rye Water Valley / Carton SAC 001398	QIs - Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001398.pdf	No. SAC groundwater at a substantive distance and buffered by flows that would be interrupted by natural surface water bodies and physical infrastructures such as roads.	No
South Dublin Bay and River Tolka Estuary SPA 004024	QIs – 14 bird species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf	Yes. Weak hydrological connections exist through:	
North Bull Island SPA 004006	QIs – 18 bird species To maintain the favourable conservation condition of the wetland habitat in North Bull Island SPA as a resource for the regularly occurring migratory waterbirds that utilise it To maintain the favourable conservation condition of the qualifying species	Wastewater from the site passes and would be treated at Ringsend WWTP, which discharges to Dublin Bay.	Yes

<p>North Dublin Bay SAC 000206</p>	<p>QIs – ten coastal habitats and species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf</p>		
<p>South Dublin Bay SAC 000210</p>	<p>QIs - Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf</p>		
<p>Malahide Estuary SAC / 000205</p>	<p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide; To maintain the favourable conservation condition of Salicornia and other annuals colonising mud and sand; To restore the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>); To maintain the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>); To restore the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes');</p>	<p>Yes. Hydrological connections exist through: Drainage runoff to tributaries of the Broadmeadow River, including from works during the construction phase; Proposed surface water drainage runoff discharging to the public sewer and a drainage ditch leading to tributaries of the Broadmeadow River during operational phase.</p>	<p>Yes</p>

	To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes').		
Malahide Estuary SPA / 004025	To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA (see table 5 above)		

15.4. Potential Effects

15.4.1. Habitat loss and fragmentation would not arise given the location and nature of the site. The development would not increase disturbance effects to birds in Dublin Bay or Malahide Estuary, including during construction (and operational) phases, given the separation distance from these sensitive areas across extensive areas.

15.4.2. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- surface water drainage from the proposed development site during construction and operational phases;
- increased wastewater being sent to Ringsend WWTP during the operational phase of the proposed development.

15.4.3. There are no substantive surface watercourses on site based on the survey data, the drainage proposals submitted and my visit to the site. The drainage ditches on site do not feature substantive flows at surface level and the surface water outfalls from the development site would be over 16.5km from Malahide estuary. The two primary drainage pitches identified in Ordnance Survey maps for the area are intended to remain as part of the development.

Construction Phase

15.4.4. Having regard to the information submitted with the subject application, emissions from the development would be controlled through the use of normal best practice construction site management. The proposed construction management measures

outlined in the application are typical and well-proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission. Furthermore, their implementation would be necessary for a residential and road development on any site, in order to protect the surrounding environs, regardless of proximity or connections to any European site or any intention to protect a European site. I am satisfied that the construction practices set out are not designed or intended specifically to mitigate any potential effect on a European site.

- 15.4.5. I am satisfied that the potential for likely significant effects on the qualifying interests of European sites in Malahide estuary, can be excluded given the absence of substantive surface watercourses on the site, the absence of a likely pollution source on the site, the considerable intervening distances and the volume of waters separating the application site from European sites in Malahide estuary (dilution factor).
- 15.4.6. In the event that the pollution and sediment-control measures were not implemented or failed during the construction phase, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites can be excluded given the distant, indirect and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from European sites in Malahide estuary.
- 15.4.7. The construction phase will not result in significant environmental impacts that could affect European sites within the wider catchment area.

Operational Phase

- 15.4.8. During the operational stage surface water from the site would be discharged at rates compliant with the Greater Dublin Regional Code of Practice for Drainage Works to the public surface water drainage system and a drainage ditch after passing through various SUDS measures. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites in Malahide estuary can be excluded given the indirect, distant and interrupted hydrological connection, the absence of substantive surface watercourses on site, the nature and scale of the development featuring a piped surface water network,

including standard control features, and the distance and volume of water separating the appeal site from European sites in Malahide estuary (dilution factor).

- 15.4.9. Wastewater would ultimately be treated at Ringsend WWTP and the proposed development would result in a residential loading equivalent to approximately 1,220 residents and a childcare facility accommodating 140 children and 30 staff based on the Engineering Services Report submitted with the application. The applicant asserts that there would be adequate capacity to facilitate the development.
- 15.4.10. Having regard to the scale of the development proposed, it is considered that it would result in an insignificant increase in loadings to Ringsend WWTP, which would in any event be subject to Uisce Éireann consent that would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached. Notwithstanding this, water quality is not a target for the maintenance of any of the qualifying interests within the SACs closest to Ringsend WWTP (i.e. South Dublin Bay SAC and North Dublin Bay SAC). Their qualifying interest targets relate to habitat distribution and area, as well as vegetation structure and the control of negative indicator species and scrub. The development would not lead to any impacts upon these qualifying interests, consequent to changes to the physical structure of the habitats or to the vegetation structure that defines their favourable conservation status.
- 15.4.11. On the basis of the foregoing, I conclude that the proposed development would not impact the overall water quality status of Dublin bay or Malahide estuary and that there is no possibility of the operation of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Dublin bay or Malahide estuary via surface water runoff and emissions to water.

In-combination Impacts

- 15.4.12. The applicant's AA Screening Report refers to several minor projects that could act in combination with the development and give rise to significant effects to European sites within the zone of influence. This project is taking place within the context of increases in population and housing in the Dublin commuter area, including Ratoath. This can act in a cumulative manner through increased wastewater volumes to the Ringsend WWTP and alterations to surface water run-off.

15.4.13. The expansion of Ratoath is catered for through land use planning by Meath County Council, including the Meath County Development Plan 2021-2027. This Development Plan has been subject to AA by the Planning Authority who have concluded that its implementation would not result in significant adverse effects on the integrity of any European sites. I recognise that an element of the proposed housing would be in a location that is not intended to be used for housing based on the Development Plan zoning objectives. Notwithstanding this, the proposal would be capable of being served and would not generate significant additional demands on the existing municipal sewers for foul water. While this project would marginally add to the loadings to the municipal sewer, evidence shows that negative effects to European sites are not arising. Phased upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under the EPA licencing regime that is subject to separate AA Screening.

15.4.14. The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied that there are no projects which can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.

AA Screening Conclusion

15.4.15. The distance between the proposed development site and any European sites, and the very weak ecological pathways are such that the proposal would not result in any likely changes to the European sites that comprise part of the Natura 2000 network in Dublin bay and Malahide estuary.

15.4.16. The proposed development was considered in light of the requirements of section 177U of the Act of 2000. Having carried out screening for AA of the project, it has been concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC), European Site No. 000210 (South Dublin Bay SAC), European Site No. 004025 (Malahide Estuary SPA) and European Site No. 000205 (Malahide Estuary

SAC) in view of the sites' Conservation Objectives, and Appropriate Assessment is not, therefore, required.

15.4.17. The possibility of significant effects on other European sites has been excluded on the basis of objective information. Measures intended to reduce or avoid significant effects on European sites have not been relied upon in my reaching of a conclusion in this screening process.

16.0 Conclusion and Recommendation

16.1. I recommend that section 9(4)(a) of the Act of 2016 should not be applied and that permission should be refused to be granted for the proposed development, for the reasons and considerations set out in the draft Order below. The fact that the EIA would demonstrate positive effects of the project and the AA Screening did not conclude significant effects on European sites would not override the stated statutory preclusions in granting permission for the proposed development.

16.2. Finally, I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

17.0 Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 27th day of May, 2022, by Beo Properties Limited care of KPMG Future Analytics, 1 Stokes Place, St. Stephen's Green, Dublin 2.

Proposed Development:

The development will consist of:

- the construction of 452 no. residential units and all associated ancillary accommodation, open space and site development works. The total gross floorspace (GFA) of the overall development is c.55,714.4sq.m (c.59,177sq.m with ancillary uses included) of which c.54,175sq.m is residential and

c.1,539.4sq.m is non-residential uses. The proposed development will principally consist of 150 no. semi-detached and terraced dwelling houses (3-bed - with option to convert attic in 89 no. units, thereby creating 4-bed houses), 182 no. maisonettes (15 no. 1-bed & 167 no. 3-bed) and 120 no. apartments (100 no. 2-bed and 20 no. 3-bed)(with balconies/terraces across all elevations), with heights ranging from 2-3 storey terraced houses and 3-4-storey duplex buildings (1 storey ground floor units and 2 storey first and second floor units; 2 storey ground and first floor units and 2 storey second and third floor units) and 6-storey apartment blocks. The scheme provides the following house types (as detailed in the application pack materials):61 no. A1 (with the option to provide as A2 given similar appearance), 28 no. A2 (with the option to provide as A1 given similar appearance), 30 no. B1, 31 no. B2, 42 no. M1, 42 no. M2, 34 no. M3, 34 no. M4, 15 no. M5, 15 no. M6, 60 no. D1, 20 no. D2, 20 no. D3, 20 no. D4. The scheme is presented across 12 neighbourhoods (A-H & J-M), each with its own designated central communal open space, car and cycle parking (746 no. car parking spaces and 816 no. cycle parking space).

- The proposed development also includes 2.247 ha of landscaped public open space which includes a civic plaza (0.513 ha), greenway spine (1.087 ha) and parklands (0.674 ha); solar PV Panels in various locations; and public lighting. All associated site development works above and below ground including hard and soft landscaping, roads/footpaths/cycle paths, play areas, boundary treatments, SUDs, pumping station, EV charging points, green roofs, ESB substations and services to facilitate the development.
- Planning permission is also sought for a second phase of the Ratoath Outer Relief Road (RORR) (c. 22,825 sq. m), that will run along the southern boundary of the application site and join up to the existing constructed section of the RORR. The section of the RORR proposed as part of this development runs from a new signalised junction on the R155, east for approximately 1100m, to the end of the site boundary. The proposed roadway will provide access for the site in the form of two priority controlled junctions. A series of pedestrian and cycle connections are provided to site from the Fairyhouse Road (R155), Glascarn Lane and the new RORR as well as a pedestrian link

to Carraig Na Gabhna. The site provides permeability through its internal road and shared surface networks, including pedestrian and cycle paths (implementing a segregated pedestrian and cycle path proposed along the RORR) but also within the site. A greenway will be provided across the site that will connect the R155 Fairyhouse Road with Carraig na Gabhna road and Glascarn Lane. This greenway will provide pedestrian/cyclist connection to the newly proposed pedestrian/cyclist infrastructure along the RORR.

- Planning permission is also sought for all associated site development and infrastructural works, services provision, foul and surface water drainage, an extension to the foul water network, surface water and watermain along the RORR required to facilitate the development, access roads/footpaths, lighting, landscaping and boundary treatments at Commons and Jamestown townlands, Ratoath, County Meath.

Decision

Refuse to grant permission for the above proposed development in accordance with the said plans and particulars, based on the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to the proposed provision of a substantive portion of the residential development in an area zoned 'WL-White Lands' in the Meath County Development Plan 2021-2027, where it is a stated objective 'to protect strategic lands from inappropriate forms of development which would impede the orderly expansion of a strategic urban centre', and where residential use

is not normally permitted, including at the scale proposed in this application, it is considered that the proposed residential development would, therefore, materially contravene the 'WL White Lands' land-use zoning objective of the Meath County Development Plan 2021-2027 for part of the application site area, which would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proposed residential elements of the development on lands zoned 'WL-White Lands' and the provisions of the Meath County Development Plan 2021-2027, specifically objective RA OBJ 1, which aims to implement the core strategy for lands in Ratoath, it is considered that the proposed development materially contravenes the core strategy objective RA OBJ 1 of the Meath County Development Plan 2021-2027. The statutory requirements relating to the submission of a material contravention statement have not been complied with by the applicant in respect of material contravention of this objective.

Colm McLoughlin
Senior Planning Inspector

30th June 2023