



An
Bord
Pleanála

Inspector's Report ABP-318557-23

Development

Modifications to SHD application ABP 305196-19 relating to 62 residential units in 6 no. duplex blocks: modified units comprise 21 no. one- bed units, 9 no. two bed units, and 32 no. three bed (duplex) units, and all other associated landscaping, boundary treatments, site development and service infrastructure works.

Location

Jamestown, Ratoath, Co. Meath.

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

23/882

Applicant(s)

Kingscroft Development Limited

Type of Application

Large-scale Residential Development

Planning Authority Decision

Grant permission subject to conditions

Type of Appeal

Third Party vs Decision

Appellant(s)

J. and Y. Everard

Observer(s)

None

Date of Site Inspection

12th February 2024

Inspector

Phillippa Joyce

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Jamestown, c.1km southeast of Ratoath town centre. The site is a triangular configuration and is indicated as measuring c.6.3ha. The site is located at the southeastern edge of the town's built-up area and the surrounding area has experienced notable levels of development in recent years. The site is greenfield/ suburban in character and, as noted at site inspection, development works have commenced within the northern portion of the site.
- 1.2. To the west of the site is Ratoath Community College and grounds, to the north are the residential developments of Mill Tree and Broadmeadow Vale (comprising a mix of two storey houses and three storey duplex blocks), to the south are agricultural fields and a small number of detached houses on Glascarn Lane, while the site's eastern boundary is defined by the line of the Ratoath Outer Ring Road (ORR). The main entrance to the site is in close proximity to the western extent of the ORR (as presently constructed), from which the ORR extends in a northeasterly direction to intersect with the R125 Ashbourne Road at a four-arm signalised junction.
- 1.3. Current construction activity at the site is associated with the extant SHD application (see section 5.0 below). Several houses (located in the northeastern/ northwestern parts of the site), associated services and internal roads are under construction. The main access to the development is via the new entrance onto the Ratoath ORR, located in the southeast of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises modifications to parent permission, SHD application ABP 305196-19. Under the SHD application, permission was granted for 228 residential units, including 62 duplex units arranged within six buildings referred to as Duplex Blocks 1 to 6.
- 2.2. The proposed development seeks to modify Duplex Blocks 1 to 6 and the duplex units therein. The modifications are stated as being necessary to comply with Part M of the Building Regulations (provision of lift access). Duplex Blocks 1-6 are located on either side of the internal access road served by the newly constructed entrance to the development.

2.3. The changes to the blocks include the following:

- marginal increases to building footprints,
- reductions in ground floor level private open spaces and coinciding increases in communal open space,
- provision of internal staircases to access amended residential units,
- inversion of the residential units (ground floor 2 storey duplexes and second floor single storey duplex units),
- revised residential unit types (decrease in the number of 2 bedroom units and increase in 1 bedroom units (3 bedroom units remains unchanged)), and
- associated amendments to block elevation designs and external finishes.

2.4. For ease of reference for the Board, the table below presents a summary of the residential unit mix as permitted in the parent permission and as sought in the proposed development, thus indicating the key modifications to the Duplex Blocks:

Table 1: Summary of Permitted and Proposed Residential Unit Mix

Permitted Development: ABP 305196 *							
Unit Type	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Total Unit Type
1 bed (2 person)	2	2	2	2	2	1	11 (17%)
2 bed (3 person)	2	4	4	4	2	3	19 (30%)
3 bed (5 person)	4	6	6	6	4	6	32 (51%)
Total no. of Units	8	12	12	12	8	10	62 (100%)
Proposed Development							
Unit Type	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Total Unit Type
1 bed (2 person)	3	4	4	4	3	3	21 (33%)
2 bed (3 person)	1	2	2	2	1	1	9 (14%)
3 bed (5 person)	4	6	6	6	4	6	32 (51%)
Total no. of Units	8	12	12	12	8	10	62 (100%)

*Note: Condition 3(a) of ABP 305196 requires that the number of two-bedroom 3 person apartments in the development be reduced so as to not exceed 10% of the total number of units so as to comply with the Apartment Guidelines.

3.0 Planning Authority Opinion

3.1. A pre-application meeting, in accordance with section 247 of the Planning and Development Act 2000 as amended (2000 Act), took place for the proposed development on 4th July 2023 between the applicant and the planning authority. Guidance was provided on the following topics (in summary):

1. Site zoning, core strategy and density
2. Design, compliance with standards and conditions
3. Traffic, transportation, and public lighting
4. Water services, surface water and flood risk
5. Environmental assessments
6. Cultural heritage and landscape strategy
7. Part V housing
8. Social infrastructure
9. Other issues.

3.2. In accordance with section 247(7) of the 2000 Act, on 5th July 2023 the planning authority issued a Determination that no further consultation was required. As such for the Board's clarity I confirm that the case file does not include a record of a subsequent LRD pre-application meeting, a Planning Authority Opinion, or Statement of Response from the applicant.

3.3. A copy of the minutes of the section 247 pre-application meeting and the section 247(7) determination by the planning authority are included in the case file.

4.0 Planning Authority Decision

4.1. Planning Authority Decision

4.1.1. The planning authority granted permission for the proposed development on the 3rd November 2023 subject to 8 conditions.

4.1.2. The conditions are standard in nature (implementation, procedural, and financial), and include the following:

Condition 2: proposal to be implemented in accordance with the conditions attached to ABP 305196-19.

Condition 3: Prior to commencement agreement on bicycle storage.

Condition 4, 5 and 6: Prior to commencement payments of section 48 financial contributions in respect of social, roads, and surface water infrastructure respectively.

Condition 7: Lodgement of a cash deposit as a security bond.

Condition 8: Prior to commencement payment of €200 per dwelling unit as a contribution towards expenditure incurred by the planning authority in monitoring the construction phases of the development.

4.2. **Planning Authority Reports**

4.2.1. Planner's Report

The key items of note from the planner's assessment of the proposed development can be summarised as follows:

- Principle of development has been established by parent permission, ABP 305196-19.
- Modifications are required to duplex units in six duplex blocks to comply with Building Regulations.
- Resultant changes are considered to be acceptable.
- Accepts the case put forward in the Design Statement as presented in 3D visual images and considers there to be no harmful visual impact.
- Proposed residential unit mix and unit standards are satisfactory and comply with relevant policy and guidelines.
- Private open space is reduced but communal open space around the blocks is increased with subsequent changes to landscaping, which are considered acceptable.

- Clarity required on bicycle provision, but car parking and water services infrastructure provision remain unchanged.
- States previous environmental assessments (AA and EIA screenings) remain applicable.
- Specifies the amounts to be charged for development contributions, a cash deposit, and a monitoring fee.

4.2.2. Other Technical Reports

Transportation: No objection subject to condition.

Transportation (Lighting): No objection subject to condition.

Housing: No objection subject to condition.

Surface Water: No report received.

Fire Officer: No report received.

4.3. Prescribed Bodies

Uisce Eireann: no objection subject to conditions (connection agreement, compliance with UE standards, written approval for diversion of/ construction over UE services, separation distances).

4.4. Third Party Observations

- 4.4.1. The planning authority indicates that one submission was received from a third-party observer (the appellant) during the assessment of the application, with the objection grounds described as being ownership and validation concerns.
- 4.4.2. Issues raised in the third party submission continue to form the basis of the appeal (planning history, land ownership, planning consents, site notices), which are outlined in Section 7.0 below.

5.0 Planning History

Appeal Site

ABP 305196-19 (SHD application)

Permission granted to Sherwood Home Ltd on 6th December 2019 for 228 no. residential units (114 no. houses, 114 no. apartments), childcare facilities and associated site works at Jamestown, Ratoath.

This permission is being implemented and is named Wellfield.

ABP 303205-18 (SHD consultation)

SHD pre-application consultation with Sherwood Homes Ltd for 203 dwelling units (with optional childcare facility in lieu of 2 units) was undertaken on 28th January 2019. An opinion issued on 13th February 2019 that the proposal required further consideration/ amendment.

Part of the Appeal Site and Lands to the East/ Northeast

ABP 305385-19, PA Ref. RA190890

Permission granted to Sherwood Homes Ltd on 15th April 2020 for an amendment to the road junction at Moulden Bridge on a portion of the Ratoath Outer Relief Road approved under ABP Ref. PL17.247003/ RA150993. The amendment seeks to modify the approved roundabout to a signalised crossroads junction, at Jamestown, Ratoath.

This permission has been implemented.

PA Ref. RA190724

Permission granted to Sherwood Homes Ltd on 26th July 2019 for an amendment to the link road junction accessing Ratoath College on the portion of the Ratoath Outer Relief Outer Road approved under ABP Ref. No. PL17.247003/ RA150993. The amendment seeks to modify the approved roundabout to a T-Junction, at Jamestown Ratoath and Tankardstown, Ratoath.

This permission has been implemented.

ABP Ref. PL17.247003, PA Ref. RA150993

Permission granted to Sherwood Homes Ltd on 24th November 2016 for 128 dwellings and a portion of the Ratoath Outer Relief Road.

This permission has been implemented and is named Broadmeadow Vale.

Lands to the Southwest

ABP 313658-22 (SHD application)

Permission refused to Beo Properties Ltd on 14th September 2023 for 452 no. residential units (150 no. houses, 302 no. apartments), creche and associated site works. Refusal reasons related to an overall poor design concept and the potential for a material contravention of the 'WL White Lands' zoning objective.

6.0 Policy Context

6.1. National Policy Context

6.1.1. As the proposed development is for modifications of an extant residential permission, I highlight that the national policy context includes the National Planning Framework 2040 (reiterated at regional level by the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031) and Housing for All, A New Housing Plan for Ireland, 2021.

6.1.2. I also identify key national planning policy as including several section 28 Ministerial planning guidelines:

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, (Sustainable Residential Development Guidelines).
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023 (Commercial Institutional Investment Guidelines).

- Development Management, Guidelines for Planning Authorities, 2007 (Development Management Guidelines).

6.2. Local Policy Context

6.2.1. The applicable development plan for the assessment of the appeal is the Meath County Development Plan 2021-2027 (CDP). As the proposed development is for modifications of an extant permission, I identify key local planning policy as including relevant map-based designations and residential development standards.

6.2.2. Relevant map-based designations include:

- The site is zoned as 'A2' New Residential with objective 'To provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate'. Residential is a permitted use.
- The eastern site boundary is defined by the indicative route of the Outer Ring Road.

6.2.3. Relevant development standards include:

- DM POL 14: All planning applications for apartments are required to demonstrate compliance with 'Sustainable Urban Housing; Design Standards for New Apartments', Guidelines for Planning Authorities (2018) and any updates thereof...

6.3. Natural Heritage Designations

6.3.1. The appeal site is not located in or immediately adjacent to a European site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA). There are no open watercourses within or adjacent to the site. The Broadmeadow River is c.700m to the north of the site and flows in an easterly direction discharging to Malahide Estuary.

6.3.2. The European site designations in proximity to the appeal site include (measured at closest proximity):

- Rye Water Valley/ Carton SAC (001398) is c.13.8 to the southwest.
- Malahide Estuary SPA (site code 004025) and Malahide Estuary SAC (site code 000205) are c.16.7km to the east.

6.3.3. The pNHA designations in proximity to the appeal site include:

- Rye Water Valley/ Carton pNHA (001398) is c. .13.8 to the southwest.
- Malahide Estuary pNHA (site code 000205) is c.16.7km to the east.

6.4. Preliminary Examination Screening for Environmental Impact Assessment

6.4.1. An environmental impact assessment screening report was not submitted with the application and/ or appeal. The following class of development in the Planning and Development Regulations 2001, as amended, is of relevance to the proposed development:

- Class 10(b) relates to infrastructure projects that involve:
 - (i) Construction of more than 500 dwelling units,
 - (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.

6.4.2. Regard has been had to the following:

- The nature and size of the proposed development (modifications to the design and layout of six Duplex Blocks and 62 residential units therein within a site with an area of c.6.3ha), which is notably below the mandatory thresholds in respect of Class 10 Infrastructure Projects of the Planning and Development Regulations 2001, as amended.
- The location of the site on lands that are zoned for residential use under the provisions of the Meath County Development Plan 2021-2027, and the results of the strategic environmental assessment of the development plan, undertaken in accordance with the SEA Directive (2001/42/EC).
- The location of the site within an existing built-up urban area, which is served by public infrastructure (including water and drainage services of Uisce Eireann and Meath County Council, upon which the proposal would have marginal effects), and the existing pattern of residential and educational development in the vicinity.
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001, as amended (including any designation protecting the landscape, natural or cultural

heritage), the mitigation measures proposed to ensure no connectivity to any such sensitive location and, due to the absence of any ecological and/ or hydrological connection, the project not being likely to have a significant effect on any European Site.

- The nature of the proposed development as not being a project type that would give rise to waste, pollution or nuisances that differ from that arising from other residential developments in the receiving environment, or that would give rise to a risk of major accidents or risks to human health.
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003).
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.

In so doing, on preliminary examination, I have concluded that due to the nature, size and location of the development, there is no real likelihood of significant effects on the environment arising from the proposed development, and that an environmental impact assessment (with preparation and submission of an environmental impact assessment report) for the proposed development is not required in this case.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. One third party appeal has been made on the proposed development. The address of the appellant is indicated as Glascarn Lane, Commons, Ratoath. The grounds of appeal can be summarised as follows.

- Refers to planning history relating to the development of the Ratoath Outer Ring Road, and states there are sections of the road that have no planning consent (length of road and signalised junctions).

- States the applicant does not own the subject lands and that there are irregularities in land registry folio details and ordnance survey mapping of the site and road, which have also had an impact on the adjacent area.
- States the site notice locations for the proposal were invalid.
- Requests an investigation into planning matters.
- Requests an oral hearing on the case.

7.2. Applicant Response

7.2.1. The applicant has responded to the third party appeal as follows:

- Provides OSI reference sheet and coordinates as per site location map submitted with the application.
- Applicant is the owner of lands within the appeal site (awaiting landownership registration by the Property Registration Authority) and has right of way to pass and repass on the outer ring road and junctions to undertake development works (response include deeds maps and correspondence from a solicitor).
- Permission received to amend roundabout to T junction received through ABP Ref. PL17.247003, PA Ref. RA190890.
- Queries relating to the Moulden Bride area (ownership, change in junction design) are not relevant to the appeal as these are not within the redline boundary.
- Site notice locations were those used for parent permission SHD ABP 305196 and were validated by the planning authority.

7.3. Planning Authority Response

7.3.1. A response has been received from the planning authority stating it notes the third party appeal and the matters were addressed in its planning decision.

7.4. Observations

None.

7.5. Further Responses

7.5.1. None.

8.0 Planning Assessment

8.1. Introduction

8.1.1. Having examined the appeal details and other documentation on the case file, inspected the site, and had regard to the relevant national and local policies and guidance, I consider that the main issues in this application are as follows:

- Planning History
- Design and Layout
- Residential Amenity
- Other Matters
- Appropriate Assessment Screening.

8.2. Planning History

8.2.1. As is evident from a review of the planning history and my site inspection, the area including the appeal site has experienced notable residential development and infrastructure construction in recent years, particularly the last decade. The planning history indicates different applicants/ developers than the current applicant. The appeal grounds relate to questions of land ownership and title to land following reviews by the appellant of land registry and ordnance survey mapping (importantly not that of the appellants themselves but of others), and questions of planning consents associated with the construction of the Ratoath ORR.

8.2.2. While I note the grounds of appeal, I highlight to the Board that the proposed development seeks only to modify Duplex Blocks 1-6 and the 62 residential units therein. As is appropriate, the proposal will be assessed on its own merits, with relevant consideration being given to design, layout, and residential amenity, as is outlined in the following subsections. The proposed development does not result in an increase in residential density to the overall scheme or seek an amendment to or an increase in use of the access arrangements whereby the appeal grounds could be of relevance in this assessment. That being, I consider the appeal grounds are either not relevant to planning or outside the scope of this appeal.

8.2.3. In respect of questions regarding title to land, I have regard to the to the guidance in Section 5.1 of the Development Management Guidelines. The Guidelines are clear

that '[t]he planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts' and refers to section 34(13) of the 2000 Act which states that a person is not entitled solely by reason of a permission to carry out any development.

- 8.2.4. The Guidelines outline three scenarios in respect of land title issues and planning assessments. Firstly, where a person asserts that they are the owner of the subject land, and there is nothing to cast doubt on the bona fides of that assertion, the planning authority is not required to inquire further into the matter; secondly, if there are doubts as to the sufficiency of the legal interest, further information may be requested and only where it is clear from the response that the applicant does not have sufficient legal interest should permission be refused on that basis; and thirdly, in the event that some doubt still remains on receipt of the further information response, the planning authority may decide to grant permission as such a grant is subject to the provisions of section 34(13) of the Act. That being, the developer must be certain under civil law that they have all rights in the subject land to execute the grant of permission.
- 8.2.5. Following my review of the application and appeal documentation, in my opinion, the third scenario in the guidelines is the appropriate course for determining the issue of legal interest in this appeal case. I consider that, while the applicant was awaiting landownership details being entered on land registry folio(s) by the Property Registration Authority thereby recording the applicant's ownership of the lands, the applicant has provided documentary evidence demonstrating sufficient legal interest in the lands (solicitor letter, deeds maps). I am satisfied that the applicant has demonstrated sufficient legal interest in the lands for planning purposes.
- 8.2.6. In respect of questions regarding previous planning consents as associated with the Ratoath ORR, I have identified the relevant planning history (see section 5.0 above). In particular, I direct the Board to the planning inspector's report for ABP 305196-19 which includes an outline of the planning history at the site to that date, an overview of road infrastructure serving Ratoath including the amendments to the design of the ORR (roundabouts to signalised junctions), and an assessment of the proposed traffic impact of the parent permission on the ORR.

- 8.2.7. On review of the applicant's appeal response, the planning history, and entries in the planning registers, I do not consider there to be (nor that the appellant has demonstrated with clear and definitive evidence) any issue with consents for the ORR that would be of relevance to/ have implications for a determination of the proposed development. In any event, I consider that the substantive issue of the planning consent of the ORR is beyond the scope of this appeal due to the restricted nature of the proposed development, and that the ORR and the development's access onto/ being served by same have been established under other planning consents which are either implemented or at an advanced stage of implementation.
- 8.2.8. In conclusion, I am satisfied that there is no issue relating to landownership and/ or the planning history at the site that would impede the Board from deciding on the appeal case. Of the request for an oral hearing, I do not consider this to be necessary as there is adequate information on the case file to allow a determination.

8.3. Design and Layout

- 8.3.1. Duplex Blocks 1-6 are sited in proximity to the main entrance to the scheme, Block 2 and Block 6 address the ORR and the remaining Blocks 1, 3, 4, and 5 are clustered at a junction addressing internal access roads. In this regard, the blocks do occupy relatively prominent locations within the layout of the scheme. Notably, the proposed development does not involve the relocations of the blocks, but marginal increases in building footprints (indicated on Dwg 3.1.006 Proposed Site Layout Plan). As the changes to the block footprints are within their permitted curtilages and key building lines are maintained, I consider these amendments to be acceptable in terms of siting and layout.
- 8.3.2. Duplex Blocks 1 and 5 feature the same design (3 storeys, 8 duplex units), as do Blocks 2-4 (3 storeys, 12 duplex units), while Block 6 is singular in design (2-3 storeys, 10 duplex units). The most notable amendments included in the proposed development are to the internal layout of the blocks, with resultant changes in elevation design and treatment. As permitted under ABP 305196, the three storey blocks each accommodated two-storey duplex units at ground and first floor levels and the single-storey duplex units at the second floor level. The proposed development seeks to invert the arrangement of the blocks such that single-storey units occupy the ground floor level and are accessed directly, and the upper floor

duplex units are accessed via a communal entrance (which accords with the duplex definition in the 2024 Sustainable Residential Development Guidelines). Block 6 is slightly different with the two-storey element accommodating only duplex units. I consider that the inversion of the internal layout of each block is acceptable in terms of design and layout.

8.3.3. The amended internal layouts result in revisions to the elevational treatment of the blocks including of fenestration arrangements, door openings, projecting features, and balconies (indicated on the contextual elevation drawings, block elevation drawings, the Design Statement and 3D Visuals). I consider the architectural design of the proposed blocks to be consistent with that of the permitted scheme (apartment blocks, house types, childcare facility) and therefore acceptable. However, I note that the elevational drawings indicate external finishes (e.g., a proposed colour scheme of cream rendered walls/ light brown brick finishes/ brown roof tiles) which differs notably to that indicated for the permitted scheme. There appears to be potential discrepancies in the information provided as the roof tiles are stated as blue/ black and the 3D Visuals (four viewpoints provided) clearly indicate the external finishes of the proposed blocks being consistent with those of the permitted scheme. In any event, should the Board grant permission to ensure a necessary level of visual amenity and coherence, I recommend external finishes match those of the permitted scheme and be agreed in writing with the planning authority.

8.3.4. In conclusion, the proposed development does not result in an increase in residential units or density to the SHD application, and the modifications are within acceptable parameters in terms of design and layout ensuring continued consistency with the parent permission.

8.4. **Residential Amenity**

8.4.1. Considerations of residential amenity (both for existing and future residents) centre on the potential for adverse impacts associated with overlooking, overshadowing, and overbearance. Additionally for future residents, are considerations of the choice, offer, and quality of the proposed residential accommodation.

8.4.2. In respect of existing residential amenity, due to the context of the site (adjacent to a school and agricultural fields), the previous greenfield nature of the site, the initial construction stage of the extant permission, and the significant separation distances

to existing properties outside of the scheme, no adverse impacts are anticipated on existing levels of residential amenity by way of overlooking, overshadowing, or overbearance.

- 8.4.3. The proposed development seeks to change the residential unit mix of the 62 duplex units. This comprises an increase in the number of 1 bedroom units (2 persons) from 11 to 21 units and an associated decrease in 2 bedroom units (3 persons) from 19 to 9 units (note: the number of 3 bedroom units (5 persons) remains the same at 32 units. I do not have an objection per se to the proposed change in residential unit mix as the proposal continues to offer a choice of unit type which will meet varying residential demands and satisfy demographic requirements.
- 8.4.4. I highlight to the Board that the proposed change may be necessary to partly address the requirements of Condition 3(a) of ABP 305196. Condition 3(a) specifies that the maximum percentage of two-bedroom 3 person apartments in the development does not exceed 10% of the total number of units. The reason cited for the condition is to ensure a satisfactory standard of residential amenity.
- 8.4.5. The overall scheme comprises 228 residential units, 114 of which are apartments/duplexes, 68 (30%) of which are 2 bedroom (3 person) units. The extent to which the residential unit mix of the overall scheme, as modified by the proposed development, complies with the applicable SPPRs of the Apartment Guidelines, will need to be ensured by and managed through compliance with Condition 3(a) of ABP 305196. This is particularly relevant as the planning authority's decision and appeal response do not refer to or provide compliance details for Condition 3(a) or the residential unit mix in the remainder of the scheme. To ensure the orderly development of the scheme and the residential amenity of future residents, I consider it necessary for any such changes to be managed and recommend the continuing applicability of conditions attached to the parent permission.
- 8.4.6. As is evident from the design and layout section above, for the most part, the modifications to the duplex units are marginal. I have reviewed the plans and particulars including the Housing Quality Assessment and Schedule of Units and confirm that the proposed duplex units all meet applicable mandatory standards of accommodation specified in the Sustainable Residential Guidelines and the Apartment Guidelines. These include minimum standards in respect of floorspace,

aggregate living and bedroom areas, room sizes, storage areas, and private open space as per SPPR 3 and Appendix 1, and dual aspect ratios as per SPPR 4 of the Apartment Guidelines.

- 8.4.7. I have reviewed the modifications to fenestration and balconies of the blocks and do not anticipate any undue overlooking or loss of privacy from that presently permitted. I have had regard to the shadow analysis comparative studies submitted for the proposed duplex blocks and am satisfied that habitable rooms and private open spaces within the residential units will be provided with acceptable standards of daylight and sunlight, and properties will not experience any undue overshadowing. Finally, the proposed blocks remain as predominantly 3 storeys in building height, and are not visually dominant in terms of scale, bulk, or massing. Accordingly, I do not anticipate any overbearance or adverse visual impact on future residents.
- 8.4.8. Car parking provision remains the same as permitted, and I concur with the attachment of a condition requiring sufficient cycle parking provision is provided, thereby ensuring acceptable standards of residential amenity. SPPR 4 of the Sustainable Residential Development Guidelines indicates requirements for cycle parking in terms of quantity (1 cycle storage space per bedroom space for residential units above ground level, plus visitor spaces) and design (dedicated facility of permanent construction). Proposals should align with these mandatory requirements.
- 8.4.9. In conclusion, I am satisfied that the proposed development comprises residential units that afford future residents acceptable standards of amenity and does not unduly affect the residential amenity of existing residences.

8.5. Other Matters

- 8.5.1. With regard to the conditions attached by the planning authority, as discussed above I concur with the continued applicability of conditions from the parent permission, the requirement for agreement on cycle parking provision, and for external finishes to be the same as/ similar to those of the parent permission. Further, I recommend the attachment of conditions requiring provision of a financial contribution, a cash deposit, and a section 47 agreement with the planning authority.
- 8.5.2. Condition 8 of the planning authority's grant of permission requires a payment of €200 per dwelling unit as a contribution towards expenditure incurred by the planning

authority in monitoring the construction phases of the development (this would amount to €12,400). In effect, I consider this condition to be a section 48(2)(c) contribution in nature, which to be justified requires specific exceptional costs to be incurred. I have reviewed the planning authority's Meath Development Contribution Scheme 2024-2029 and can find no reference to or justification for same. In the absence of which, I do not recommend such a condition be attached should the Board be minded to grant permission for the proposed development.

8.6. Appropriate Assessment Screening

- 8.6.1. Having regard to the nature and scale of the proposed development (modifications to the design of residential units within an extant permission with no increase in the number of units or the density of the overall scheme), the location of the site within an adequately serviced urban area (the volume and rate of wastewater and surface water flows that will be discharged to existing public water systems, within which there is sufficient capacity, for treatment and attenuation prior to ultimate discharge to the Irish Sea are such that could not conceivably have a significant effect on downstream European sites), the absence of any ecological and/ or hydrological connections (reasonably applying the source-pathway-receptor principle), and the physical separation distances to European sites (in excess of 13km), I consider the potential of likely significant effects on European sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 Recommendation

- 9.1.1. Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

10.0 Recommended Draft Board Order

Planning and Development Act 2000, as amended

Planning Authority: Meath County Council

Planning Register Reference Number: 23882

Appeal

James Everard and Yvonne Everard of Glascarn Lane, Commons, Ratoath against the decision made on the 3rd day of November 2023 by Meath County Council to grant subject to conditions a permission to Kingscroft Development Limited care of CDP Architecture, 4 The Mall, Lower Main Street, Lucan, County Dublin, in accordance with plans and particulars lodged with the said Council.

Proposed Development

Large- scale Residential Development consisting of modifications to the previously granted Strategic Housing Development permitted under (ABP-305196-19) (Planning Ref. No. SH305196) which is currently under construction at Jamestown, Ratoath, Co. Meath. The Modifications are to align the permitted development with Building Regulations (Section 1.3.4.1.1 of TGD Part M 2010 & Part K 2014).

The proposed modifications relate to 6No. blocks (duplexes) and will consist of the following:

- Modifications to Blocks 1 & 5 plans to have 4 No. 1 and 2 bed apartments on ground floor and 4 No. 3-bed duplexes on the first & second floors of each block (16 units)
- Modifications to Blocks 2, 3 & 4 plans to have 6 No. 1 and 2 bed apartments on ground floor and 6 No. 3-bed duplexes on the first & second floors of each block. (36 units)
- Modifications to Blocks 6 plans to have 4 No. 1 and 2 bed apartments and 2 No. duplexes on the ground floor and 4 No. duplexes on the first & second floors of each block (10 units)

The density and number of units of the proposed modifications remain the same as the previously granted application. The modified 62 No. residential units will comprise 21 No. one- bed units, 9 No. two-bed units, and 32 No. three-bed (Duplex) units. All other associated landscaping, boundary treatments, site development and service infrastructure works.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations here under, and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) policies and objectives set out in the Meath County Development Plan 2021-2027, including the location of the site on lands subject to Zoning Objective 'A2' New Residential which seeks 'To provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate',
- b) Meath Development Contribution Scheme 2024-2029,
- c) National Planning Framework 2040 and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2030,
- d) Housing for All, A New Housing Plan for Ireland, 2021,
- e) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024,
- f) Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023,
- g) Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023,
- h) Development Management, Guidelines for Planning Authorities, 2007,
- i) the planning history of the site and within the area,
- j) the nature, scale, and design of the proposed development,
- k) the pattern of existing and permitted development in the area,
- l) the availability in the area of a range of social, community, and transport infrastructure,

- m) the reports from the planning authority, including its assessment and recommendation to grant permission subject to conditions.
- n) submissions received by the planning authority from observers and prescribed bodies,
- o) the grounds of appeal,
- p) the responses to the grounds of appeal by the applicant and planning authority,
- q) the report and recommendation of the Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the absence of any ecological and/ or hydrological connections, and the physical separation distances to European sites, submissions and observations on file, the information and reports submitted as part of the subject application, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the Conservation Objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an Environmental Impact Assessment screening of the proposed development. The Board concluded that due to the nature, size and location of the development, there is no real likelihood of significant effects on the environment arising from the proposed development, and that an environmental impact assessment is not required.

Conclusion on Proper Planning and Sustainable Development

The Board considered that the proposed development would constitute an acceptable design and layout of residential accommodation, result in an appropriate quantum and density of residential development at this location, would not seriously injure the residential or visual amenities of property in the vicinity, would be capable of being adequately served by surface water, wastewater, and water supply networks, and would be acceptable in terms of pedestrian, cyclist, and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Conditions attached to ABP 305196-19 shall continue to apply except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity and orderly development.</p>
3.	<p>Prior to commencement of development, proposals for cycle parking and storage shall be submitted to and agreed in writing with the planning authority. The proposals shall accord in quantity and design with the requirements of SPPR 4, Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.</p>

	<p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
4.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be the same as/ match with those permitted under ABP 305196-19, unless otherwise agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of clarity, and to protect the visual amenities of the area.</p>
5.	<p>All of the permitted house and duplex units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and/ or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant, or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect. Such an agreement must specify the number and location of each house or duplex unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
6.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority</p>

	<p>and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.

Phillippa Joyce

Senior Planning Inspector

16th February 2024

Appendix 1 – Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP 318557-23		
Proposed Development Summary	Modifications to SHD application ABP 305196-19 relating to 62 residential units in 6 no. duplex blocks: modified units comprise 21 no. one- bed units, 9 no. two bed units, and 32 no. three bed units, and all other associated landscaping, boundary treatments, site development and service infrastructure works.		
Development Address	Jamestown, Ratoath, Co. Meath.		
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	<input checked="" type="checkbox"/>	
	No	<input type="checkbox"/>	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes	<input type="checkbox"/>		EIA Mandatory EIAR required
No	<input checked="" type="checkbox"/>		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No	N/A		No EIAR or Preliminary Examination required

Yes	✓	<p>Class 10(b)(i): threshold of 500 dwellings</p> <p>Class 10(b)(iv): threshold of 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.</p>		Proceed to Q.4
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4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _16th February 2024_

Appendix 2 – Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP 318557-23
Proposed Development Summary	Modifications to SHD application ABP 305196-19 relating to 62 residential units in 6 no. duplex blocks: modified units comprise 21 no. one- bed units, 9 no. two bed units, and 32 no. three bed units, and all other associated landscaping, boundary treatments, site development and service infrastructure works.
Development Address	Jamestown, Ratoath, Co. Meath.

The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.

	Examination	Yes/ No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>Proposal is residential in nature, consistent with the existing pattern of residential and educational development in the vicinity.</p> <p>Proposal will not give rise to waste, pollution or nuisances that differ from that arising from other residential developments in the receiving environment, or to a risk of major accidents or risks to human health.</p>	<p>No</p> <p>No</p>
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>Proposal is of a scale (62 residential units) and on a site of a size (c.6.3ha) notably below the mandatory thresholds for EIA.</p>	<p>No</p>

<p>Are there significant cumulative considerations having regard to other existing and/ or permitted projects?</p>	<p>No increase in the overall number of residential units so no new issues of cumulative impact arising.</p>	<p>No</p>
<p>Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The site is located outside of and with no connection to any such sensitive location.</p> <p>No potential for same.</p>	<p>No</p> <p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____

Date: _16th February 2024 _

DP/ ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)