



An  
Coimisiún  
Pleanála

## Inspector's Report

### ACP-323566-25

#### Development

7-year planning permission for a Large-scale Residential Development (LRD) comprising 364 residential units, a commercial building containing a creche, retail unit, and café, a section of the Ratoath Outer Relief Road (RORR), and all associated site works. An Environmental Impact Assessment Report (EIAR) has been prepared. ([www.ratoathlrd.ie](http://www.ratoathlrd.ie))

#### Location

Townlands of Commons and Jamestown, Ratoath, County Meath

#### Planning Authority

Meath County Council (MCC)

#### Planning Authority Reg. Ref.

25/60637

#### Applicant

Beo Properties Ltd.

#### Type of Application

Large-scale Residential Development (LRD)

#### Planning Authority Decision

Grant Permission

#### Type of Appeal

Third Parties v Grant of Permission

**Appellants**

1. Codliss Developments Ltd.
2. Antonio & Ann Persechini
3. Yvonne Everard

**Observer**

1. Lagan Homes Ratoath Ltd.

**Date of Site Inspection**

20<sup>th</sup> October 2025

**Inspector**

Anthony Kelly

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Appendix 1 - Appropriate Assessment (AA) Screening

Appendix 2 - Water Framework Directive (WFD)

## **1.0 Site Location and Description**

- 1.1. The subject site is a largely greenfield site on the southern edge of Ratoath in south east Co. Meath.
- 1.2. The subject site has a very irregular shape and has a west-east orientation. It is generally bound to the north by Glascarn Lane and the rear of houses on the Lane and to the north east by permitted development which is under construction. The existing section of the Ratoath Outer Relief Road (RORR) is also located to the north east. Land to the east and south is largely agricultural with some scattered development. Fairyhouse Racecourse is approximately 1km to the south. Fairyhouse Road (R155) runs along the western boundary as well as the rear of three houses which address this road, two fields upon which planning permission has recently been granted under PA Reg. Ref. 25/60676, and both the Carraig na Gabhna and Cairn Court housing developments.
- 1.3. The site largely comprises fields with field boundaries. It is relatively flat. It also includes part of Fairyhouse Road (R155) to the west and part of Glascarn Lane which runs in a north-south direction through the site.
- 1.4. The site has a gross area of 12.58 hectares, with a net site area of 9.65 hectares.

## **2.0 Proposed Development**

- 2.1. Permission is sought for a 7-year planning permission for a Large-scale Residential Development (LRD) comprising 364 residential units (250 houses and 114 apartments and duplexes), a two-storey commercial building containing a creche, a retail unit, and a café, and a section of the RORR together with all associated works. The apartment and duplex units are provided within nine blocks ranging from two-four storeys in height: six apartment blocks with 91 apartments and three duplex blocks with 23 units.
- 2.2. The proposed development includes the construction of the remaining approx. 1.08km section of the RORR, from a proposed signalised junction on the R155 to the current RORR temporary termination point, and for an additional 75 metres to put a new surface course on the adjoining constructed section. The proposed road includes shared pedestrian/cycle path connections and will provide two priority junction access

points to the subject site to the north and a new junction with Glascarn Lane on the southern side. The proposed development includes the approx. 270 metres realignment of an existing section of Glascarn Lane. To the north of the RORR, an existing section of Glascarn Lane (approx. 75m) will have vehicular traffic removed from it and be repurposed as an active travel shared surface. To the south of the RORR, an existing section of Glascarn Lane will be upgraded to a two-lane road (approx. 187 metres) with a 40 metres footpath along the eastern side.

2.3. The proposed development also includes a total of 1.59 hectares of public open space, an extension to the foul water network, surface water and watermain along the RORR, internal roads and pathways, lighting, substations, boundary treatments, and associated signage.

2.4. The following tables set out some key aspects of the proposed development.

Table 2.1 – Key Figures

Site Area (Gross / Net)	12.58 hectares / 9.65 hectares
Number of Units	364 units: 250 houses, 23 duplexes, and 91 apartments (see table 2.2)
Height	Two to four storeys
Density (units per hectare (uph))	37.7uph
Dual Aspect (Apartments)	69% (63/91)
Open Space / Amenities	15,887sqm (16.5%) public open space has been provided across a number of public open space areas as well as 1,183sqm of communal space. Public open space areas include playspace, kickabout spaces, outdoor fitness elements, table tennis, and a boules court.
Pedestrian / Cycle Infrastructure	Permeability throughout the site and along the RORR. There is a separate active travel access to Fairyhouse Road north of the RORR junction. Active travel permeability is maintained along Glascarn Lane across the RORR.

Car and Bicycle Parking	<p><u>Car (676 spaces)</u></p> <p>Two spaces are provided per house (500 spaces)</p> <p>143 spaces for 114 duplexes and apartments</p> <p>21 commercial spaces</p> <p>Two set down spaces at the commercial building</p> <p>10 accessible spaces throughout the commercial and duplexes/apartments spaces</p> <p><u>Bicycle</u></p> <p>Combined bin/bike stores are provided for mid-terrace houses. 209 long-stay spaces are provided within the ground floors of the duplex blocks and apartment buildings with 57 short-stay spaces. Eight spaces are provided at the commercial building</p>
Part V	49 units (29 houses and 20 apartments)

## 2.5. Table 2.2 – Unit Breakdown

	Bedroom Numbers					
Type	1-Bed	2-Bed	3-Bed	4-Bed	5-Bed	Total
Houses	0	38	151	50	11	250 (68.7%)
Duplexes	7	3	13	0	0	23 (6.3%)
Apartments	25	66	0	0	0	91 (25.0%)
Total	32 (8.8%)	107 (29.4%)	164 (45.1%)	50 (13.7%)	11 (3.0%)	364 (100%)

2.6. There is a new junction proposed between Fairyhouse Road/R155 and the proposed RORR at the western boundary of the site. The three buildings closest to this junction are three apartment blocks providing an urban edge to the entrance to the town. The RORR runs along the southern site boundary, and all proposed residential

development is north of the road. The other three apartment blocks are adjacent to the RORR in the eastern area of the site. The proposed commercial building also addresses the RORR relatively centrally along the RORR and a duplex block is adjacent to it. The other two duplex blocks are located close to the apartment blocks in the eastern area. The remainder of the site is occupied by housing, including adjacent to the RORR, which a number of houses overlook. There are a number of open space areas throughout the site.

- 2.7. The section of Glascarn Lane that currently traverses the site in a north-south direction is to be removed. Active travel would remain catered for, but vehicles approaching from the south would be forced onto the RORR. Vehicles travelling east along Glascarn Lane would reach a vehicular cul-de-sac. External vehicular permeability from the residential development would be restricted to the RORR. The internal vehicular layout is a mixture of permeable circulation and culs-de-sac. There is an active travel link to the R155 to the west, north of the proposed vehicular junction, but there is no footpath or cycle path currently on Fairyhouse Road. Active travel permeability is maintained to Glascarn Lane to the north in the eastern area of the site. Other permeability to the north is restricted by the extent of existing residential development along the northern boundary of the site which would remain served by Glascarn Lane.
- 2.8. As part of the planning application the applicant included a letter from Meath County Council (MCC) which stated that the Masterplan<sup>1</sup> prepared for the application, a requirement of section 5.1 of the Ratoath Written Statement, Volume 2 of the Meath County Development Plan (MCDP) 2021-2027, was approved.
- 2.9. A letter of consent from MCC accompanied the planning application. This related to the inclusion within the site boundary of parts of Fairyhouse Road, Glascarn Lane, and the existing RORR to the east. Three other letters of consent were provided by landowners of other land contained within the site boundary for the formation of two agricultural entrances on the south side of the RORR and to facilitate the realignment of Glascarn Lane to the south. Four phases of development are proposed as per the Architectural Design Statement (ADS). Phase 1 includes residential development in

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<sup>1</sup> MP37. This is included as appendix 4 to the applicant's Planning Report & Statement of Consistency. The masterplan area includes adjoining land to the west and north east of the subject site. It was prepared on behalf of the applicant.

the west of the site and the proposed commercial building plus the full RORR, new junction with Fairyhouse Road, and alterations to Glascarn Lane. Phases 2 to 4 progress in an easterly direction.

- 2.10. Wastewater would discharge by gravity via new infrastructure to the existing public main in the RORR. A watermain would connect via new infrastructure to the existing water infrastructure in the RORR. In relation to surface water, an integrated sustainable urban drainage system (SuDS) is proposed which would discharge by gravity to both an existing drainage ditch to the west (which is linked to the Ratoath Stream<sup>2</sup>) and the existing surface water drainage network in the RORR. SuDS such as pervious paving, swales, filter drains, tree pits, rain gardens, are proposed along with both below and above ground attenuation. All rainfall runoff discharging from site is to be restricted to a maximum equivalent of the greenfield runoff rate.
- 2.11. The Environmental Impact Assessment (EIA) Portal ID number is 2025100.
- 2.12. In addition to standard plans and particulars the planning application was accompanied by a number of supporting documents. These include, but are not limited to:
- Environmental Impact Assessment Report dated June 2025 in three volumes: Volume 1 (Non-Technical Summary (NTS)), Volume 2 (Main Body) in two parts; Part 1 Chapters 1-10 and Part 2 Chapters 11-18, and Volume 3 (Appendices) in three parts; Part 1 Chapter 8 and 9, Part 2 Chapter 10, and Part 3 Chapter 11 and 12.
  - 'Planning Report and Statement of Consistency' dated June 2025,
  - 'Appropriate Assessment Screening' (AA Screening) dated 20<sup>th</sup> May 2025,
  - 'Architectural Design Statement' (ADS) dated June 2025,
  - 'LRD Opinion Response' dated 2025 [sic],
  - 'Compact Settlement Guidelines Compliance Report' dated June 2025,
  - 'Site Specific Flood Risk Assessment Report' (SSFRA) dated 20<sup>th</sup> May 2025,
  - 'Landscape Design Rationale and Management Plan' dated 16<sup>th</sup> June 2025,

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<sup>2</sup> This is also known as Bradystown Stream.

- 'Arboricultural Assessment' dated 15<sup>th</sup> May 2025,
- 'Engineering Services Report' dated 28<sup>th</sup> May 2025,
- 'Traffic & Transportation Assessment' (TTA) dated 17<sup>th</sup> June 2025,
- 'Construction & Environmental Management Plan' (CEMP) dated 17<sup>th</sup> June 2025,
- 'Resource and Waste Management Plan' (RWMP) dated 29<sup>th</sup> May 2025,
- 'Operational Waste Management Plan' (OWMP) dated 10<sup>th</sup> June 2025,
- 'DMURS<sup>3</sup> Compliance Statement' dated 5<sup>th</sup> June 2025,
- 'Daylight and Sunlight Assessment Report' dated May 2025,
- 'Schedule of Accommodation' dated June 2025, 'Residential Quality Assessment Report – Houses' dated June 2025, and 'Residential Quality Assessment Report – Apartments & Duplexes' dated June 2025, and,
- 'Social Infrastructure Audit' dated June 2025,

### **3.0 Planning Authority Pre-Application Opinion**

- 3.1. The LRD meeting (P.A. Ref. LRD00028) between the applicant and MCC took place on 30<sup>th</sup> January 2025.
- 3.2. In the LRD opinion subsequently issued on 26<sup>th</sup> February 2025 the planning authority was of the opinion that the documents submitted required further consideration and amendment to constitute a reasonable basis for an LRD application. The issues identified by the planning authority were appropriate assessment (AA) and environmental impact assessment (EIA). The planning authority also set out specific information that should be submitted with any application under the headings of zoning, density, phasing, social infrastructure etc., design, layout including residential unit mix and childcare facilities, landscaping and boundary treatment, part V, traffic and transport, water and wastewater, flood risk management, surface water management, archaeology, environmental assessments, other, and general.

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<sup>3</sup> Design Manual for Urban Roads and Streets

## 4.0 Planning Authority Decision

### 4.1. Decision

- 4.1.1. MCC granted permission subject to 32 relatively standard conditions for a development of the type proposed. Conditions include a seven-year permission (condition 3), implementation of all mitigation measures including those contained within the EIAR (condition 8), detailed design of the RORR and R155 for agreement and full completion of same prior to first occupation unless otherwise agreed (conditions 16 (a) – (c)), payment of €72,800 as a contribution towards expenditure to be incurred by the planning authority in the monitoring of the construction phase (condition 31), and submission of a Noise Impact Assessment (condition 32).

### 4.2. Planning Authority Reports

- 4.2.1. One Planning Report was prepared by MCC. This contained, among other headings, a site location and description, a planning history, the LRD Opinion, planning policy, and a summary of third party submissions, observations from prescribed bodies, and internal section referrals. Section 11 comprised a planning assessment. Some of the sub-headings in the planning assessment can be summarised as follows:
- 4.2.2. *Principle of development / planning policy* – The principle of the proposed development is supported by national, regional, and local planning policies, can be accommodated by the Core Strategy, and accords with the land use zoning objectives.
- 4.2.3. *Development management standards* – The proposed development would accord with DM OBJ 13 of the MCDP 2021-2027 and the 12 criteria set out in the Urban Design Manual – A Best Practice Guide 2009. The proposed density of 37.7uph is acceptable. The phasing plan provided is consistent with the masterplan. The height strategy complies with the Masterplan and Plan. The proposed unit mix promotes a balanced and inclusive community by offering a variety of housing types and tenures. The proposed development is acceptable in terms of separation distances and daylight and sunlight standards are met. It is stated that the proposed development can be accommodated and absorbed into this part of Ratoath without causing any significant detrimental or unacceptable landscape or visual effects. It was also stated that the planning authority is satisfied that sufficient public and private open space has been

provided. Adequate bicycle and bin storage is provided. The addition of a childcare facility within phase 1 was welcomed.

- 4.2.4. *Social infrastructure audit* – The existing social infrastructure within the study area, combined with the proposed commercial development, is sufficient to meet the needs of the existing and future population and would positively contribute to the local community by enhancing social infrastructure.
- 4.2.5. *Access, traffic and parking* – The comments from the Transportation Section are noted as are the conditions to be attached.
- 4.2.6. *Appropriate assessment* – The conclusions of the applicant's AA Screening Report is set out which does not consider Stage 2 AA to be necessary. MCC retained a third party engineering consultancy to undertake a review of this. This review concluded that Stage 2 AA was required. However, the Planning Report stated that the planning authority does not concur with the recommendation 'as it is considered excessive and not consistent with previous appropriate assessments'. It references the previous application on site (ABP-313658-22), for a larger development, under which both MCC and the Commission screened out the need for AA. In that context the nature, scale, and location of the proposed development, other plans and projects, and other relevant information, was further considered. It was concluded that there was no requirement for stage 2 AA in this instance.
- 4.2.7. *Environmental impact assessment* – The EIAR was summarised with conclusions reached under each relevant chapter. The effects of the proposed development on the environment were considered to be acceptable.
- 4.2.8. *Ecological impact assessment (EcIA)* – Though the proposed development would result in some biodiversity loss, on balance, with mitigation measures and enhancement strategies, significant impacts would be reduced.
- 4.2.9. The Planning Report concluded that, subject to compliance with conditions, the proposed development 'would accord with National, Regional and Local planning and related policy, be consistent with the obligations of the Climate Action and Low Carbon (Amendment) Act 2021; it would not have an unacceptable impact on the environment or ecology, it would not seriously injure the residential amenities of the area or of property in the vicinity, and it would be acceptable in terms of traffic safety and

convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area’.

#### 4.2.10. **Other Technical Reports**

**Transportation** – Commentary is provided. Conditions recommended should permission be granted.

**Environment Flooding – Surface Water** – Commentary provided. Issues to be addressed prior to commencement of development are set out.

**AA Screening Review** – This was carried out by a third-party consulting engineers on behalf of MCC. Commentary is provided. It concludes that the proposed development has the potential to significantly affect Malahide Estuary Special Area of Conservation (SAC) and Malahide Estuary Special Protection Area (SPA) and, as such, Stage 2 AA is required

**Architectural Conservation Officer** – No objection.

**Housing** – Part V requirements to be met by the delivery of units on site.

**Public Lighting** – The lighting submission is satisfactory. Condition recommended.

**Broadband Officer** – The application has a comprehensive report and plan for the provision of telecommunications services (broadband access).

#### 4.3. **Prescribed Bodies**

4.3.1. **Department of Housing, Local Government and Heritage (DHLGH)** – The observation has sub-headings of archaeology and nature conservation. In relation to archaeology, a condition was recommended to be included in any grant of permission relating to pre-development excavation and monitoring. In relation to nature conservation, a condition was recommended to be included in any grant of permission relating to the timing of vegetation clearance.

4.3.2. **Uisce Éireann** – A Confirmation of Feasibility has been issued advising that water and wastewater connection are feasible subject to upgrades, to be funded by the applicant.

4.3.3. **National Environmental Health Service (NEHS) Health Service Executive (HSE)** – Commentary is provided under sub-headings of noise, air quality, water, climate,

and artificial lighting and a number of recommendations are set out. General recommendations are also outlined.

- 4.3.4. **DAA** – The site is located within Dublin Airport Noise Zone D. It is requested that further information is sought to conduct noise impact assessments to demonstrate that appropriate levels of residential amenity can be achieved. By way of condition, the applicant should advise prospective purchasers that the development is located within a Noise Zone pertaining to Dublin Airport and thus is subject to higher aviation noise levels and the applicant should submit compliance reports verifying the implementation and effectiveness of noise mitigation measures.
- 4.3.5. **An Taisce** – Communities should be created with a high urban design standard and easy access to essential services, while breaking dependence on private car journeys. The application should be assessed with regard to these considerations e.g. the need to ensure adequate public transport provision and links for commuters to Dublin. The proposed development should be assessed with regard to MCDP objectives such as SH POL 8 and 9. Commentary is provided in relation to the proposed development and climate action. In relation to biodiversity management, a proportion of the green spaces throughout the application could be left for native wildflower and tree planting.

#### 4.4. **Third Party Observations**

- 4.4.1. Twelve submissions were received from residents of the general area, a TD, development companies/other landowners, and representative groups. The broad and main issues raised are largely covered by the grounds of appeal and observations on the grounds of appeal with the exception of the following:
- No upgrade of public transport capacity.
  - Out of date layout plans / incorrect map references / inadequate consultation
  - Construction phase nuisance / operational phase noise
  - Overlooking / overshadowing and loss of light / overdevelopment
  - Existing services in the town are under pressure/inadequate
  - Anti-social behaviour on the created cul-de-sac
  - Removal of trees and other vegetation

- Issues relating to site notices/notification to prescribed bodies
- Lighting on the RORR
- Inadequate car parking and open space provision
- Boundary treatments/permeability
- Inadequate footpath on Fairyhouse Road
- No documentation from Uisce Éireann, Eirgrid, and ESB that the development can be accommodated
- Age-friendly houses should be single-storey
- The watermain and foul drainage should extend the length of the proposed RORR and be sized to facilitate development of land west of the R155 / surface water drainage must allow capacity for other downstream development / RORR alignment at the R155 should enhance the opportunity to develop land to the west of the R155
- Premature pending the Ratoath Local Area Plan as per the MCDP 2021-2027

## 5.0 Planning History

- 5.1. There have been a number of previous applications on site and in the vicinity of the site. Relevant recent applications are summarised as follows.

### *On site*

- 5.2. ABP Reg. Ref. ABP-313658-22 – In 2023 permission was refused by the Board for a strategic housing development (SHD) on a 6.3 hectares site for construction of 452 residential units (150 houses, 182 maisonettes, and 120 apartments), open space, second phase of RORR, and all other site development works for two reasons: (1) poor design concept and layout, and (2) it was not satisfactorily demonstrated that the totality of the residential development was on residential zoned land and not on 'white land' zoning where residential is not a permitted use.

*Adjacent to west*

- 5.3. PA Reg. Ref. 25/60676 – On 12<sup>th</sup> November 2024, MCC granted permission for 74 residential units (66 houses and 8 simplex/duplex apartments), new vehicular access off Fairyhouse Road, together with all associated site development works.

*Adjacent to the north east*

- 5.4. ABP Reg. Ref. ABP-305196-19 – In 2019 permission was granted by the Board for a SHD on a 6.3 hectares site for 228 residential units (114 houses and 114 apartments and duplexes), childcare facility, minor road amendments to facilitate integration, and all associated works. An extension of duration was granted for this development under PA Reg. Ref. 24/382 until 30<sup>th</sup> April 2030. This development is under construction.
- 5.4.1. PA Reg. Ref. 23/882 / ABP Ref. ABP-318557-23 – In 2024, following a third party appeal of the decision of MCC to grant permission, the Board granted permission to modify ABP-305196-19 to modify 6 duplex blocks while retaining the same density and number of units (62 no.).
- 5.4.2. PA Reg. Ref. 24/61100 / ABP Ref. ABP-322090-25 – In 2025, following a third-party appeal of the decision by MCC to grant permission, the Commission refused permission for modifications to ABP-305196-19 including modifying open space and the 52 granted apartments in two blocks to 48 apartments in two blocks because it would result in car and bicycle parking and refuse storage at surface level which would detract from residential and visual amenities, would fail to comply with objectives of the MCDP 2021-2027, and would be contrary to the Compact Settlement Guidelines and Apartment Guidelines.

## **6.0 Policy Context**

### **6.1. Project Ireland 2040 National Planning Framework First Revision (2025) (NPF)**

- 6.1.1. The NPF is the long-term 20-year strategy for strategic planning and sustainable development of Ireland's urban and rural areas to 2040, with the core objectives of securing balanced regional development and a sustainable 'compact growth'

approach to the form and pattern of future development. It is focused on delivering 10 National Strategic Outcomes.

6.1.2. Relevant National Policy Objectives (NPOs) include:

NPO 11 – Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

NPO 12 – Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

NPO 20 – In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 43 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.2. **Delivering Homes, Building Communities (2025)**

- 6.2.1. This document aims to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030, which will be achieved through the individual and collective effort of the key delivery partners. Local authorities, together with Approved Housing Bodies, the Land Development Agency, and the construction sector, will be critical to delivering and enabling the delivery of the quantum of homes needed over the lifetime of the plan. This is a wide-ranging strategy, encompassing two pillars: Activating Supply and Supporting People.

6.3. **Climate Action Plan (CAP) 2025**

- 6.3.1. CAP 2025 is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021. It lays out

a roadmap of actions which will ultimately lead Ireland to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022. It should be read in conjunction with CAP 2024.

#### **6.4. Ireland's 4th National Biodiversity Action Plan 2023-2030**

- 6.4.1. This aims to deliver the transformative changes required to the ways in which we value and protect nature. It strives for a 'whole of government, whole of society' approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to 'act for nature'.

#### **6.5. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)**

- 6.5.1. The Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. There is a renewed focus in the Guidelines on, among other issues, the interaction between residential density, housing standards, and quality urban design and placemaking to support sustainable and compact growth.
- 6.5.2. Ratoath can be considered within the 'Key Towns and Large Towns (5,000+ population)) category (table 3.5). The subject site is an urban extension area; 'urban extension refers to greenfield lands at the edge of the existing built-up footprint area that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at ... urban extension locations of Key Towns and Large Towns ...' I further address the issue of density in sub-section 8.2.

6.5.3. I note that Amendment No. 1 of the third variation to the MCDP 2021-2027 updated the Plan to take account of these Guidelines.

**6.6. Sustainable Urban Housing: Design Standards for New Apartments (July 2023)**

6.6.1. The overall purpose of these Guidelines is to strike an effective regulatory balance in setting out planning guidance to achieve both high quality apartment development and a significantly increased overall level of apartment output. They apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease.

6.6.2. I note that the Planning Design Standards for Apartments Guidelines for Planning Authorities (2025) have been introduced since this LRD application was submitted to MCC on 20<sup>th</sup> June 2025. However, as these only apply to applications for planning permission submitted after the issuing of the Guidelines on 9<sup>th</sup> July 2025, they are not applicable to the consideration of this LRD application.

**6.7. Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)**

6.7.1. These Guidelines are intended to set out national planning policy guidelines. Reflecting the NPF strategic outcomes in relation to compact urban growth, there is significant scope to accommodate anticipated population growth and development needs by building up and consolidating the development of our existing urban areas.

**6.8. Childcare Facilities Guidelines for Planning Authorities (2001)**

6.8.1. These Guidelines provide a framework to guide local authorities in preparing development plans and assessing applications for planning permission and developers and childcare providers in formulating development proposals. They are intended to ensure a consistency of approach throughout the country to the treatment of applications for planning permission for childcare facilities.

## **6.9. Design Manual for Urban Roads and Streets (DMURS) (2019)**

- 6.9.1. The manual seeks to address street design within urban areas by setting out an integrated design approach. It is an aim of the Manual to put well designed streets at the heart of sustainable communities. Street design must be influenced by the type of place in which the street is located and balance the needs of all users.

## **6.10. Quality Housing for Sustainable Communities Best Practice Guidelines (2007)**

- 6.10.1. The aim of the Guidelines is to identify principles and criteria that are important in the design of housing.

## **6.11. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) 2019-2031**

- 6.11.1. The RSES provides for the development of nine counties / twelve local authority areas, including DCC. It is a strategic plan which identifies regional assets, opportunities, and pressures, and provides appropriate policy responses in the form of Regional Policy Objectives. It provides a framework for investment to better manage spatial planning and economic development throughout the region.

## **6.12. Meath County Development Plan (MCDP) 2021-2027 (as varied)**

- 6.12.1. The site is primarily located in an area zoned 'A2 – New Residential' (A2). A 'Transport – Indicative Road Route' objective is outlined along the southern boundary of the site. The site is within a 'masterplan boundary' (MP37). Land to the south of the site east of Glascarn Lane is zoned 'RA – Rural Area' (RA) while land to the south of the site west of Glascarn Lane is zoned 'WL – White Lands' (WL). The line of the RORR falls within both of these zonings as well as the A2 zoning. Sheet 33 (a) (Land Use Zoning) applies.
- 6.12.2. Ratoath is identified as a 'Self-Sustaining Town'. These are towns with high levels of population growth and a weak employment base which require targeted 'catch-up' investment to become more self-sustaining. These are described in sub-section 3.4.9 (Self-Sustaining Towns) of volume 1 (Written Statement) of the Plan. It is stated

‘Ratoath received LIHAF<sup>4</sup> funding to assist in the delivery of a section of the Outer Relief Road. This section of road is currently under construction and when completed will facilitate the release of lands for residential development in the south-eastern part of the town. The completion of this Outer Relief Road has been a Local Area Plan objective for a number of years. There is an opportunity to maximise the investment in this LIHAF funded infrastructure by facilitating the completion of this Outer Relief Road and complete the link between the R125 and R155. This will be achieved by zoning additional lands for residential development and requiring that the remainder of this link road is delivered as part of the development of these lands’.

- 6.12.3. Ratoath itself is described in sub-section 4.7.4.2 (Ratoath) of volume 1 of the Plan. It is the fourth largest town in the county and operates primarily as a commuter settlement. It is stated that the RSES recognises the towns potential to strengthen its employment base and develop as an important centre of employment due to its strategic location, connectivity with surrounding settlements, and the availability of a skilled workforce. Three objectives are set out which relate to employment and the equestrian sector.
- 6.12.4. Table 2.12 (Core Strategy Table, Population and Household distribution to 2027) of volume 1 of the Plan identifies Ratoath as having a 2016 population of 9,533 and a projected 2027 population of 11,033<sup>5</sup>. There is a 2020-2027 household allocation of 803.
- 6.12.5. Volume 2 (Written Statement and Maps for Settlements) of the Plan refers specifically to Ratoath on pages 370-381. This comprises a brief description and development strategy and it stated that a Local Area Plan for the town will be prepared during the lifetime of the Plan. Section headings are introduction, context and character, vision, opportunities, land use strategy<sup>6</sup>, cultural and natural heritage, social infrastructure, and town development policies and objectives (RA OBJ 6 is ‘To facilitate the development of the Ratoath Outer Relief route in tandem with development’ and RA

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<sup>4</sup> Local Infrastructure Housing Activation Fund

<sup>5</sup> Ratoath had a population of 10,077 on foot of the 2022 Census.

<sup>6</sup> In sub-section 5.1 it is stated that any planning application for development on the lands identified to complete the RORR shall be accompanied by a Master Plan (MP 37) detailing development proposals for the full extent of the lands to include details of the overall site and building layout, building height and design principles, mix of uses, open space and recreational provision, traffic impact assessment and management proposals and service. MP37 has been published on the MCC website. See also footnote 1.

OBJ 11 is 'To require that development proposals are prepared in accordance with a Masterplan which includes an urban design and landscape design statement).

6.12.6. Policies and objectives of note as referenced in the MCC Planning Report, by An Taisce, or as otherwise considered relevant, are as follows:

DM OBJ 13 – A detailed Design Statement shall accompany all planning applications for residential development on sites in excess of 0.2 hectares or for more than 10 residential units. A number of bullet points as to what should be contained within the Statement are set out e.g. site analysis, design concept, and open space/landscape strategy.

DM OBJ 38 – 'All proposals for residential developments above 75 units shall incorporate works of public art into the overall scheme or make a financial contribution to the Council to provide the piece of public art in order to enhance the amenities of the local environment ...'<sup>7</sup>

MOV POL 28 – 'To promote the carrying out of Road Safety Audits and Road Safety Impact Assessments on new road schemes, road and junction improvements and traffic management schemes in accordance with the TII Publication TII-GE-STY-01024 and advice contained in the DTTAS (DTO) Traffic Management Guidelines 2012'.

MOV OBJ 30 – 'To request the submission of a quality audit pedestrian and cycling permeability plans as part of new housing developments'.

MOV OBJ 55 – 'To promote the delivery of the following key strategic roads included but not limited to: Ratoath Outer Relief Road ... Each of these projects will subject to the outcome of the Appropriate Assessment process'.

SH POL 8 – 'To support the creation of attractive residential developments with a range of housing options and appropriate provision of functional public and private open space that is consistent with the standards and principles set out in the Sustainable Residential Development and Compact Settlements Guidelines (2024), the associated Urban Design Manual and any subsequent Guidelines'.

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<sup>7</sup> Page 8 of the applicant's Landscape Design Rationale states that proposed artwork has been positioned at the entrance of the central public park as per the Landscape Masterplan Area 2 (Dwg. No. DWG.02).

SH POL 9 – ‘To promote higher residential densities in appropriate locations and in particular close to town centres and along public transport corridors, in accordance with the Sustainable Residential Development and Compact Settlement Guidelines (2024)’.

6.12.7. Objective SH OBJ 21 states ‘All new residential development should comply with the densities outlined in Chapter 11 of this plan’. Objective DM OBJ 14 sets out densities which are ‘encouraged when considering planning applications for residential development’. Densities of 30-50uph are identified for a ‘Suburban/Urban Extension’ in ‘Key Towns and Large Towns (5000+ population)’. As noted in paragraph 6.5.3 Amendment No. 1 of the third variation to the MCDP 2021-2027 updated the Plan to take account of the Compact Settlement Guidelines (2024). I address the issue of density in subsection 8.2.

### **6.13. Natural Heritage Designations**

6.13.1. The nearest area of natural heritage designation is Rye Water Valley / Carton SAC approx. 12.9km to the south/south west. This is also a proposed natural heritage area (pNHA). Malahide Estuary SAC is approx. 16.6km to the east. The closest SPA is Malahide Estuary SPA approx. 17km to the east. There is an indirect hydrological link between the subject site and the latter two European sites. All distances are as the crow flies.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- 7.1.1. Three third party grounds of appeal have been received by the Commission from:
1. Codliss Developments Ltd. (Codliss) with an address in an industrial estate in Ashbourne, Co. Meath,
  2. Antonio and Ann Persechini, who live adjacent to south/south east of the site adjoining the works proposed for the RORR and alterations to the southern area of Glascarn Lane, and,

3. Yvonne Everard, who lives in one of the houses along Glascarn Lane to the north of the subject site.

7.1.2. A number of other documents such as maps, letters, and layout plans were submitted with the grounds of appeal. The main issues raised can be collectively summarised under the following headings.

*Ratoath Outer Relief Road (RORR)*

- The RORR is for the most part located outside land covered by the masterplan and is located on land zoned RA and WL with only a small element on A2 zoned land. The applicant claims the road may be considered a permitted use on the rural zoning however no similar claim is made for the WL. It is disputed that road construction on WL would be acceptable because it would provide access to enterprise and employment lands as these are already accessible from the R155. All development is not located within the A2 zoned land and to permit any part of the development on WL zoning would materially contravene the development plan.
- Though the above issue was summarised in the MCC Planning Report there appears to have been no assessment of this zoning/material contravention issue.
- The horizontal alignment of the RORR introduces an area of land that is between the road and the masterplan boundary. It has no clear function or landscaping proposals, and its future use and ownership is not clear. It is a 'no man's land'. It would be situated directly in front of permitted and proposed houses and would result in a haphazard pattern of development. This issue was summarised in the MCC Planning Report but was not addressed. Permission should be refused or clarification sought with regard to this.
- The completed section of the RORR to the R125 causes huge traffic delays at peak hours because of the signalised junction. The proposed signalised junction of the RORR/R155 will also cause traffic congestion at peak times. It should be replaced by a roundabout.
- The 75 metres length of the RORR that it is stated is to be surfaced does not have planning permission.

- An area of 0.63 acres is not in the applicant's ownership. Proper legal consent has only been given by one of the five landowners.

#### *Glascarn Lane*

- The proposed development breaches the Roads Act 1993 as the applicant has no legal right to close the public road and turn it into a cul-de-sac.
- MCC condition 16 is unclear. Glascarn Lane must remain as a through road to allow for the free flow of traffic that will be generated by the proposed development and development to the north east.
- The junction of the proposed RORR and Glascarn Lane could be serviced by a roundabout.

#### *Proposed layout / nature of proposed development*

- The map produced is inaccurate. Two apartment blocks are on agricultural zoned land.
- The two proposed entrances off the RORR to adjoining lands are unnecessary because there are existing entrances to these lands from Glascarn Lane to the south.
- Cycle lanes are shown as 0.5 metres wide, 1.5 metres less than the required 2 metres.
- Overlooking of property to the north and devaluation of property.
- Apartment blocks should not be granted in this rural area. The applicant has previously constructed apartments in Ratoath with which serious issues have arisen.

#### *Other matters*

- The Commission is urged to assess the proposed development de novo.
- Environmental implications from closing a ditch through the site.
- Dispute between the applicant and an appellant over a common boundary.
- The applicant has no permission to underground four ESB poles on an appellant's property.

- No provisions for sound proofing within the development have been outlined, with regard to the current flight path.

## 7.2. Applicant's Response

- 7.2.1. The applicant's response to the grounds of appeal can be summarised as follows, with sub-headings as used within the response:

### *Land-use zonings*

- MP37 does not require the entirety of the RORR to be located within the MP37 or A2 zoned boundaries. Its indicative route in the MCDP 2021-2027 is purposefully flexible to allow for refinement at application stage. Paragraph 13.2.15 of the inspector's report (IR) for ABP-313658-22 confirms there is a degree of flexibility in its alignment. The intent of the Plan is to ensure delivery of the RORR in tandem with the remaining phases of residential development.
- The previous refusal related to residential development proposed on WL, not the alignment of the RORR. The IR explicitly stated that the alignment on WL does not constitute a material contravention. The RORR, as critical enabling infrastructure, is precisely the type of development envisaged to facilitate the WL zoning objective.
- Policies and objectives of the MCDP 2021-2027 and MPs 34<sup>8</sup> and 37 support delivery of the RORR.
- All residential elements, including the two apartment blocks cited, are fully contained within A2 land as per the submitted zoning overlay.

### *Traffic, transport and access*

- Approx. 75 metres of Glascarn Lane north of the RORR will be repurposed as an active travel shared surface, consistent with MCDP 2021-2027 policies. The IR for ABP-313658-22 is clear that this will lead to substantive traffic benefits. Glascarn Lane will not be required as a through route once the RORR is operational. Closure of this road section will significantly improve safety and reduce road noise

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<sup>8</sup> Applicable to land on the west side of Fairyhouse Road/R155 opposite the current application site.

for residents along the Lane to the north. A roundabout is not required as a priority controlled junction is sufficient as per the TTA.

- The IR for ABP-313658-22 stated the applicant has sufficient legal interest for the purpose of submitting the planning application and the issuing of a decision. The relevant section of Glascarn Lane is within the applicant's landholding. It is intended to be taken in charge following completion of the development.
- A signalised junction at the RORR/R155 is more appropriate than a roundabout as it requires less land and is discouraged by DMURS for reasons of active travel.
- Cycle lane widths are in accordance with the Cycle Design Manual.
- The two proposed access points to adjoining lands to the south east allow for easier occasional agricultural turning movements and better sightlines than are currently available on the Lane.

#### *Impacts on residential amenity*

- Rear gardens of nos. 317-320 backing onto an appellant's land have rear gardens in excess of the requirements of specific planning policy requirement (SPPR) 1 (separation distances) of the Compact Settlement Guidelines (2024). Overlooking first-floor windows (bathroom and en-suite) will have obscure glazing.
- The proposed scheme balances density and height with the established character of the area and surrounding residential properties, particularly along Glascarn Lane.
- The MCC Planning Report considered existing and proposed social infrastructure was sufficient to meet the needs of the existing and future population.

#### *Land ownership*

- There is no 'no man's land' area. It is a grass verge area referenced as such in the public notices and in MP37. It provides an enhanced setback between the RORR and the A2 land and is a transitional landscape buffer.
- The grass verge area falls under the rural area zoning. No part of the proposed residential scheme can be located on it. No detailed landscaping proposals are proposed other than maintenance.
- This area is under the applicant's ownership and is to be taken in charge.

- The reference to a ‘no man’s land’ appears to conflate this area with a larger land bank, including land outside the applicant’s control which includes land which appears to be under an appellant’s ownership.
- With access from the RORR and the adjoining development to the north the relevant land could be developed subject to a separate planning application.
- The area of 0.686 acres<sup>9</sup> cited in one of the grounds of appeal is under the applicant’s ownership, with a solicitor’s letter accompanying the response confirming this. All land outside the applicant’s ownership on which works are proposed are clearly indicated on the land ownership map with letters of consent provided.
- In relation to the boundary dispute cited the appellant has failed to substantiate their position to date.
- The 75 metres length of the RORR cited in one of the grounds of appeal has been constructed, without application of the wearing course, and covered with soil to prevent occupation. The wearing course is to be added fresh. The road has permission under the original SHD.

#### *Utilities*

- In relation to ESB poles the applicant will not be carrying out any works on the appellant’s land. Any required work to third party land will be undertaken by ESB Networks.

#### *Ecology*

- The ditch cited in an appeal is not being used as an outfall by the proposed drainage system. A swale is incorporated providing a suitable habitat for amphibians and other wildlife. Many perimeter ditches are being retained.

#### *Noise impact*

- The EIAR includes a comprehensive assessment of noise, including aircraft noise.

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<sup>9</sup> The grounds of appeal states 0.63 acres, the applicant’s response states 0.686 acres.

### **7.3. Planning Authority Response**

- 7.3.1. All matters raised have previously been addressed in the Planning Report and the Commission is requested to uphold the planning authority's decision to grant permission subject to any revisions it deems necessary.

### **7.4. Observations**

- 7.4.1. One observation was received from Lagan Homes Ratoath Ltd. who is the applicant for 25/60676 (74 residential units etc.) to the west. The main issues raised can be summarised as follows:

- The observer does not wish to impede the proposed development and is fully supportive of the residential development of these lands.
- The submitted masterplan (MP37) agreed by MCC shows the observer's land as being in phase 3 of the masterplan phasing. While the observer engaged with the applicant it did not and never would agree for the observer's land to be in the final phase. Should the Commission grant permission it is requested that a condition is attached requiring the applicant to amend these phasing proposals in the masterplan such that the Lagan site can be developed immediately following the grant of permission.
- The proposed surface water drainage strategy includes an open ditch in shared ownership between the applicant and the observer. It serves as an outfall for both properties. There has been no discussion between the parties on the matter of attenuation or discharge to this ditch. The MCC decision included conditions which provide for details of the proposed attenuation system and surface water management to be agreed with the planning authority prior to commencement of development. The observer requests that the same conditions (17-19) are attached should the Commission grant permission, in the interest of coordinating development.

## 8.0 Planning Assessment

In terms of assessing the planning application there are four separate elements: a planning assessment, an environmental impact assessment (EIA), an appropriate assessment (AA), and the water framework directive (WFD). This planning assessment section addresses issues that are not more appropriately addressed in the EIA e.g. certain road issues and surface water, and it should be read in conjunction with the EIA, AA, and WFD sections.

Having examined the application details and all other documentation on file, including the grounds of appeal and observation, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal, other than those set out in detail within the EIA, AA, and WFD are as follows:

- Principle of Development
- Density
- Site Layout, Design, and Impact on Existing and Future Residential Amenity
- Creation of a 'No Man's Land' Area
- Previous Reasons for Refusal Under ABP-313658-22
- Observation Received on Foot of the Grounds of Appeal
- Seven-Year Permission
- Devaluation of Property
- Planning Authority Conditions

### 8.1. Principle of Development

- 8.1.1. The various proposed land use footprints within the context of MCDP 2021-2027 zonings are one of the main issues raised in the grounds of appeal. This formed the basis of the second reason for refusal under the previous SHD application on site, ABP-313658-22. The second reason for refusal was as follows.

*'The applicant has not demonstrated to the satisfaction of the Board that the totality of the residential development is on lands zoned 'A2 New Residential', and not on*

*land zoned, 'WL White Lands'. The Board noted that the applicant while asserting that the development was within residential zoned lands has not provided a drawing that substantiated this assertion. The Board also noted that in the Meath County Development Plan 2021-2027, on lands with the zoning objective 'white lands', residential is not a permitted use. The Board was not satisfied that the development as proposed did not materially contravene the 'WL White Lands zoning' objective in the Meath County Development Plan 2021-2027'.*

8.1.2. The main development site area is zoned 'A2 New Residential' (A2). This area is largely separated from a significant area adjacent to the south zoned 'WL White Lands' (WL) by an indicative road objective i.e. the extension and completion of the partially constructed and operational RORR. The proposed RORR also crosses an area zoned 'RA – Rural Area' (RA) in the eastern part of the site. The grounds of appeal cite the following issues in relation to zoning:

- two proposed apartment buildings are located on land zoned RA. The applicant's layout plan is inaccurate.
- a substantial part of the proposed RORR is outside of the A2 zoning on WL and RA land. It is disputed that construction of the road on WL is acceptable.
- the application fails to comply with the principle in the SHD decision that all development should be located on A2 land and to locate any part of the development on WL would materially contravene the development plan.

8.1.3. The applicant's response to the grounds of appeal states that the concerns raised are not supported by the statutory planning framework.

8.1.4. I address the issues raised in the grounds of appeal under the following headings.

#### Apartment Buildings on RA Land

8.1.5. Under the MCDP 2021-2027 the only type of residential development either permitted or open for consideration on RA land is residential development subject to compliance with the rural settlement strategy, which clearly would not apply in this case. The Yvonne Everard appeal includes a number of location maps illustrating (by hand) the footprints of apartment blocks 5 and 6 in the eastern part of the site, stated as being

within RA zoned land. By contrast, the Codriss grounds of appeal accepts that all residential development is located on A2 lands<sup>10</sup>.

- 8.1.6. The applicant's response to the grounds of appeal states that all residential elements are fully contained within the A2 zoned land as demonstrated in a zoning overlay.
- 8.1.7. The zoning overlay contained within the applicant's response is the same as figure 7-13 (Proposed LRD overlay onto MCC zoning map) of the applicant's Planning Report & Statement of Consistency. They show the entirety of the proposed residential development within A2 zoned land<sup>11</sup>. Further to the applicant's submission I am satisfied that the proposed residential element is fully contained within A2 land.
- 8.1.8. Having regard to the foregoing I do not consider that there is any part of the proposed residential footprint outside A2 zoned land.

#### RORR on WL Zoning

- 8.1.9. The Codriss grounds of appeal notes that a significant portion of the proposed RORR is on RA and WL zoned land. No issue has been raised in relation to road construction in the RA zoned area (paragraph 13.2.11 of the inspector's report (IR)) for the previous SHD application accepted the principle of this<sup>12</sup>). The previous IR also considered the RORR on WL to be acceptable<sup>13</sup>. However, the grounds of appeal does not agree with the rationale for the use of WL as set out in the IR in that it would facilitate employment creating development by providing the necessary access to the general enterprise and employment lands to the west of the site along Fairycastle Road/R155, given that these lands are already accessible from the R155.
- 8.1.10. In my view, having regard to the provisions of the planning application, the grounds of appeal, and the applicant's response to same, I agree with the conclusion of the

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<sup>10</sup> Page 6 of the grounds of appeal states 'while the *residential component* of the proposed development may be within the A2 zoned lands ...' (italics not added) and page 7 states 'While this problem [the material contravention of the WL zoning objective] may have been removed in terms of the residential component ...'

<sup>11</sup> The other proposed uses i.e. creche, retail unit, and café are either permitted or open for consideration uses on A2 land. I consider these uses to be acceptable and ancillary to the residential use.

<sup>12</sup> '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'.

<sup>13</sup> 'I would have no substantive concerns regarding the construction of this section of the RORR within 'WL White Lands' (paragraph 13.2.7).

previous IR for ABP-313658-22 that provision of the RORR on WL zoned land is acceptable. My rationale is based on the following:

- Sheet no. 33(a) of the MCDP 2021-2027 shows a transport objective for an 'indicative road route' along the same general alignment as shown in the planning application. For most of its alignment in this location it borders both the A2 and WL zonings. An 'indicative route' at this location implies that it being within one or the other zoning, or both, would be acceptable.
- RA OBJ 6 of the MCDP 2021-2027 states it is an objective 'To facilitate the development of the Ratoath Outer Relief route in tandem with development'.
- The route of the RORR as shown on the figures contained within the 'Masterplan for MP37 Lands' published on the publicly available MCC website as viewed on 2<sup>nd</sup> December 2025 shows the RORR primarily outside of the MP land.
- The guidance given for the WL zoning category in the MCDP 2021-2027 includes that 'their designation is to allow for a long term, integrated approach to be taken to the expansion of an urban area' [sic]. Extending and completing the RORR would clearly fulfil an objective for an integrated approach to expanding the town. There is no specific presumption against development such as this in the guidance. The RORR would only affect the extreme northern margin of the substantial WL zoned area and would not have an impact on the future development of the zoned area. Access could be taken directly from the RORR in future which could facilitate the development of the WL.
- To require that the RORR is constructed entirely within A2 zoned land would significantly reduce the area available to provide residential units.
- While access to the general enterprise and employment lands to the west can be obtained from Fairyhouse Road as stated in the grounds of appeal, the extension and completion of the RORR would significantly enhance accessibility to these lands and result in traffic not having to use the inner relief road (L50200 Jamestown Road).
- The provisions of the IR for ABP-313658-22 and the wording of the Board's decision indicate that it has previously been accepted that the RORR on WL is acceptable (this is also referenced under the following subheading).

8.1.11. Having regard to the foregoing, I consider that the construction of the RORR on WL zoning is acceptable.

Principle that all Development should be on A2 Land and Material Contravention of MCDP 2021-2027

8.1.12. The Codliss grounds of appeal state that the proposed development fails to comply with the principle set down in the SHD decision that all development should be located on A2 land and to locate any part of the development on WL, including the RORR, would materially contravene the MCDP 2021-2027.

8.1.13. I do not agree with the appellant that the Board's decision under SHD application ABP-313658-22 established a principle 'that all development should be located within the A2 zoned lands' (page 7 of the appeal). While it was clearly set out that the residential component of the development should be located on A2 zoned land, no reasonable interpretation of the second reason for refusal, as set out in paragraph 8.1.1, could conclude that the RORR was also included in this reason. The IR for the application clearly stated that the RORR is acceptable on WL and RA zonings.

8.1.14. Page 8 of the appeal quotes the latter part of the second reason for refusal under ABP-313658-22 which includes that the Board was not satisfied that the development as proposed did not contravene the WL zoning. Page 8 states 'Such material contravention would equally apply to a proposed 'road development' as it would to a proposed 'residential development'. I do not agree with this interpretation. In my opinion the reason clearly relates solely and specifically to the residential element of the previously proposed development encroaching onto WL. I do not agree that the RORR, which is not mentioned, can be included as part of a wider interpretation of the residential development that is cited. As previously noted, the IR accepted the principle of the RORR on the WL.

8.1.15. It is stated that to allow the RORR on WL would be a material contravention of the MCDP 2021-2027. Having regard to the bullet points set out in paragraph 8.1.10 I do not consider that any material contravention issue arises in this regard.

8.1.16. Having regard to the foregoing, the Board did not set down a principle that all development should be located within A2 land and the construction of the RORR on WL zoning would not comprise a material contravention of the MCDP 2021-2027.

## Conclusion

8.1.17. I consider that no part of the proposed residential footprint is outside A2 zoned land, that the Board did not set down a principle that all development should be located within A2 land, that the construction of the RORR on WL zoning is acceptable, and that the construction of the RORR on WL zoning would not comprise a material contravention of the MCDP 2021-2027. I consider the proposed development to be acceptable in the context of the zoning objectives of the MCDP 2021-2027.

### **8.2. Density**

8.2.1. The proposed development has a net density of 37.7uph.

8.2.2. As per paragraph 6.12.7, the MCDP 2021-2027 identifies a density range of 30-50uph for residential development in this type of urban extension location of a Large Town. The proposed density would comfortably sit in the lower mid-range of this. I consider it to be consistent with the provisions of the Plan and no material contravention issue arises. The density ranges contained within the MCDP 2021-2027 are taken from the Compact Settlement Guidelines (2024) as per the first amendment of the third variation to the Plan. Therefore, the proposed development would also be consistent with the Guidelines.

8.2.3. The proposed density is within the appropriate density range identified in both the MCDP 2021-2027 and the Compact Settlement Guidelines (2024) and no material contravention issue arises.

### **8.3. Site Layout, Design, and Impact on Existing and Future Residential Amenity**

8.3.1. The grounds of appeal do not generally raise an issue with the proposed layout or design of the proposed development, apart from some concern about the creation of an area of 'no man's land' (as addressed in subsection 8.4), overlooking of an area to the north, and the principle of providing apartments on site. The proposed development can be briefly considered under a number of relevant headings as set out below. The application is accompanied by a number of documents supporting the proposed development e.g. Architectural Design Statement (ADS) and separate Residential Quality Assessment Reports for the apartments/duplexes and the houses.

### Site Layout

- 8.3.2. The site has an irregular shape with the proposed extension and completion of the RORR effectively forming the southern boundary. Glascarn Lane would no longer provide a through route for vehicles though active travel modes would still be able to move across the RORR. The residential development would be accessed via two proposed priority junctions onto the RORR. The northern area of Glascarn Lane would become a vehicular cul-de-sac. An urban edge is provided along the RORR, including at the junction of Fairyhouse Road/R155 and the RORR where it is proposed to locate three apartment blocks, and also along the eastern end of the vehicular cul-de-sac where proposed houses and duplexes address Glascarn Lane. The proposed commercial area also fronts onto the RORR. Houses are proposed within the site itself and along most of the boundaries with existing adjacent houses and the recently permitted housing development to the west (25/60676). I consider that the layout is consistent with the principles of DMURS.
- 8.3.3. Having regard to issues such as permeability (both within the layout and externally; a separate active travel link would be provided to Fairyhouse Road north of the RORR junction and the RORR would greatly facilitate permeability to the east), consistency with DMURS, a strong urban edge while generally locating houses in proximity to existing houses, and multiple public open space areas, I consider the proposed site layout to be acceptable.

### Public and Communal Open Space

- 8.3.4. There are a number of open spaces provided throughout the site area. It is stated that 15,887sqm of public open space and 1,183sqm of communal open space is provided. DM OBJ 26 of the MCDP 2021-2027 requires public open space provision for a residential development at a minimum 15%. Approx. 16.5% of the site is provided as public open space. DM POL 14 requires apartment developments demonstrate compliance with the Apartment Guidelines (2023)<sup>14</sup>. I have calculated that 760sqm communal open space is required for the duplexes and apartment units. The provided amount significantly exceeds this. Therefore, sufficient public open space and communal space has been provided and no material contravention issue arises.

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<sup>14</sup> Variation No. 3 to the MCDP 2021-2027 also included reference to the updated Apartment Guidelines.

- 8.3.5. The main area of public open space adjacent to the adjoining permitted development site contains both a playground and a kickabout lawn space. Its position is adjacent to a 0.173 hectare public open space area on the adjoining site. These two areas could be provided with permeability in future to create a larger usable open space for residents of the area.
- 8.3.6. I consider the open space areas to be generally well overlooked by proposed residential units. The area adjacent to the R155 which would provide an active travel link to the public road would not be overlooked. It would be difficult to include residential development at this location because of the restricted size. There are, however, active travel permeability benefits from providing a footpath link at this location. Given the permission granted on the adjacent site (25/60676) and the footpath along the frontage proposed under that permission, this link may be utilised sufficiently that the absence of passive overlooking is not a significant issue.
- 8.3.7. The planning authority conditions require some surface water detail to be revised and submitted for compliance. I consider this can be generally addressed by the standard Commission surface water condition. I do not consider that any revisions required would be such that any material alteration would result to the quantity or quality of the proposed open space areas and no material contravention issue would arise. Other surface water issues that are relevant to the application, as raised in the observation received on the grounds of appeal as addressed in subsection 8.6, would not affect the proposed open space layout.
- 8.3.8. I consider the public and communal space provision to be acceptable both quantitatively and qualitatively and no material contravention issue arises.

#### Unit Design

- 8.3.9. There are a number of different houses, duplex blocks, and apartment buildings proposed. External finishes mainly comprise brick, render, and some insulated panelling with natural slates and some zinc metal roofing. I consider the proposed structures to be visually interesting in terms of the design, finishes, and variation in height along the RORR. The duplex units have internal accesses to the upper floors thereby more resembling houses from their front elevations. The proposed houses are typical of contemporary housing estate development and I consider them to be acceptable. Overall, I consider the proposed unit designs to be acceptable.

### Building Heights

- 8.3.10. Building heights within the main body of the site are mainly two storeys with limited two and a half and three storey structures. The four proposed four storey apartment buildings are all located adjacent to the RORR, three at the junction with Fairyhouse Road and one in the eastern area. Three storey duplex and apartment blocks are also located in the eastern area. I consider that the three and four storey duplex and apartment blocks are appropriately located along roads, are generally clustered, and would provide visual interest along the extended RORR. I consider that their settings and slight separation from the houses, generally by internal roads and green spaces, is appropriate. Heights of four storeys at this type of edge of town locations are supported by the Building Height Guidelines 2018; page 16). Overall, however, the proposed development is dominated by two-storey development, similar to much development in the area, and I consider the proposed heights to be acceptable across the site. SH OBJ 21 of the MCDP 2021-2027 requires relevant residential development to accord with the SPPRs of the 2018 Guidelines. SPPR 4 states planning authorities must secure, at edge of town locations, a greater mix of building heights and typologies and avoid mono-type building typologies. I consider the proposed development appropriately addresses this SPPR and no material contravention issue arises in relation to building height.
- 8.3.11. One of the grounds of appeal queries the provision of apartment blocks in this rural area. I have no concern with the provision of apartments at this location. Apartment buildings up to six storeys in height formed part of the previous SHD application on site (ABP-313658-22). While apartments were referenced in the first reason for refusal it was in the context of the high proportion of them and the overall layout and design concept of the site, rather than the principle of the apartments themselves. The Apartment Guidelines (2023) indicate that peripheral or less accessible urban locations are generally suitable for some apartment development (page 6) and, in addition, I note that without the proposed apartments helping to increase the net density, the overall development may result in having an inadequate density.
- 8.3.12. I consider the building heights proposed throughout the development to be acceptable and no material contravention issue arises.

### Residential Amenity

8.3.13. There has been no issue raised in the application process in relation to matters such as inadequate floor areas or private open space. Residential Housing Quality Assessments have been submitted with the application which identifies all floor areas, aggregate areas, dual aspect, storage, amenity spaces etc. Further to the provisions of these, I am satisfied that the requirements of the Quality Housing for Sustainable Communities (2007) and the Apartment Guidelines (2023) have been satisfied. I note that the MCDP 2021-2027 reflects the minimum private open space areas cited in the Compact Settlement Guidelines (2024) as per the third variation of the Plan. No material contravention issue arises in this regard.

### Car and Bicycle Parking

8.3.14. The MCDP 2021-2027 reflects SPPR 3 of the Compact Settlement Guidelines (2024) in that in intermediate and peripheral locations the maximum rate of car parking provision for residential development shall be two spaces per dwelling. Two spaces are provided per house with a provision to unit ratio for the duplexes and apartments of approx. 1.25. Drawing no. PP-12 illustrates the car parking provision on site.

8.3.15. All apartment buildings and duplex blocks have internal bike storage units at ground floor levels. The site layout plan drawings show external bin/bike storage for terraced houses. I consider the car and bicycle parking provision to be acceptable and no material contravention issue arises.

### Housing mix

8.3.16. DM POL 6 of the MCDP 2021-2027 requires 'that the unit typologies proposed provide a sufficient unit mix which addresses wider demographic and household formation trends'. I consider that the breakdown of typologies (houses, duplex units, and apartments) and the fact that one, two, three, four, and five bedroom units are proposed demonstrates that the proposed development would provide a very good housing mix and no material contravention issue would arise in this regard.

### Overlooking Impact

8.3.17. One of the grounds of appeal refers to overlooking to an area of land to the north from proposed houses as well as overlooking from the proposed apartment buildings.

8.3.18. An area of public open space is adjacent to the southern side of the boundary between the site and appellant's property. There are five houses of interest in terms of potential overlooking: nos. 317-321. The rear elevation of nos. 317-320 would overlook a currently undeveloped area whereas the side elevation of no. 321 would overlook it. While there are first floor bedroom windows to the rear of nos. 317-320 the distance to the common boundary is in excess of the 8 metres effectively set out in SPPR 1 of the Compact Settlement Guidelines and is therefore acceptable. There would be no first floor side elevation window to no. 321. I do not consider undue overlooking would occur from apartment building 4 given it would primarily overlook car parking, an internal circulation road, and public open space, and is in excess of 20 metres to the common boundary. I do not consider undue overlooking would occur at this location.

#### Conclusion

8.3.19. I consider that the site layout, public and communal open space provision, proposed units design and building heights, and general residential amenities proposed are acceptable, and that the proposed development would not have any undue impact on adjacent residential amenities given the zoning objective of the site and the requirement to ensure a sustainable density of development.

#### **8.4. Creation of a 'No Man's Land' Area**

8.4.1. One of the grounds of appeal considers that the line of the RORR would create an area of 'no man's land' without a defined function. It is shown as such in MP37 and it is also illustrated on composite layout plans submitted with the grounds of appeal. It is stated that the adjoining SHD was laid out so as to front onto the original alignment of the RORR and as a consequence of the new alignment there is an area of undefined use, ownership, or landscape treatment in front of houses.

8.4.2. In response, the applicant notes that page 32 of MP37 explicitly refers to a grass verge adjoining the RORR and it is also directly referenced in the public notices i.e. 'A grass verge is proposed to the north of the RORR ...' As the verge is in RA land it must be kept free from residential development. It is stated it will be maintained as a verge and in the applicant's ownership until taken in charge.

8.4.3. The applicant also refers to the wider area of which this 'verge' area forms part including land outside the applicant's control, part of which, the applicant states, is

under the appellant's ownership. The applicant states that the alignment of the RORR is flexible, the applicant is not responsible for third party lands, all land within the applicant's control is integrated, the 'no man's land' area is a transitional landscape buffer, and access to the area can be obtained from the RORR or land to the north and could be developed subject to planning permission.

8.4.4. I consider that the 'failure' of MP37 to include this 'no man's land' area within the boundary of MP37 is effectively a matter for the planning authority. However, given its current RA zoning any development potential would be limited under the current planning framework. Notwithstanding, no explanation appears to have been provided as to why the line of the RORR did not just follow the northern boundary of the RA land and incorporate this area.

8.4.5. It is clear that the verge area within the red line site boundary between the RORR and the proposed residential development would be maintained as a verge for the foreseeable future. I do not have any issue with this set back in terms of visual impact subject to it being appropriately maintained. The treatment of the adjoining area is unclear, though the applicant states it is under the ownership of the appellant. I also note that the applicant is in control of additional 'verge' land adjacent to the north of the proposed RORR, immediately east of the area which seems to be under the appellant's ownership. Although within the blue line i.e. applicant's ownership, it has been excluded from the red line site boundary. The Commission may consider a condition that this area also be appropriately maintained as a grass verge until such time as it is developed or taken in charge or otherwise ceases to be a verge area. This would reduce the possibility that this area would become unsightly. I do not consider this would comprise an environmental condition as it has not arisen from consideration of the EIAR. It would not conflict with any EIAR condition.

8.4.6. Having regard to the foregoing, a decision can only be made by the Commission based on the application made to it. I do not consider that the alignment of the RORR would result in such an adverse effect on the urban landscape or built environment, as raised in the grounds of appeal, that permission should be refused on this basis. I note that the alignment proposed appears to be the same as that proposed under the SHD application. The extension and completion of the RORR is supported by the MCDP 2021-2027 and I consider that it would result in significant positive environmental impacts for the town. I consider the proposed alignment to be acceptable.

## 8.5. Previous Reasons for Refusal Under ABP-313658-22

- 8.5.1. A previous SHD application on site was refused for two reasons as summarised in paragraph 5.2.

### First Reason for Refusal

- 8.5.2. The first reason for refusal was as follows.

*The overall residential development results in a poor design concept and layout due to; the high proportion of apartments and maisonettes, the quality of the private and communal open space and the relationship between the scheme and its wider context. The proposed development would, therefore, be contrary to the Meath County Development Plan 2021-2027 and the Ministerial Guidelines which promote innovative and qualitative design solutions and would be contrary to the proper planning and sustainable development of the area.*

- 8.5.3. The proposed development subject of the current application is significantly different from the proposed SHD. The layout has been altered to a notable degree. The previous layout which featured 'courtyard' layouts has been changed to reflect a more traditional housing development layout as has been described in paragraphs 8.3.2-8.3.3. The proportion of apartments and maisonettes in the 452 residential unit SHD application was 120 (approx. 26.5%) and 184 (approx. 40.3%) respectively. The typology mix has been revised to 250 houses, 23 duplex units, and 91 apartments which I consider to be much more appropriate to this edge of town location. Private and communal spaces are acceptable, and I consider that the scheme is appropriate to its wider context. For example, proposed houses are generally located along the existing site boundaries and a large public open space area is located adjacent to public open space of the adjoining permitted development.
- 8.5.4. Having regard to the foregoing, I consider the proposed development has addressed the first reason for refusal set out under the previous application on site.

### Second Reason for Refusal

- 8.5.5. The second reason for refusal has been addressed in detail in subsection 8.1. I concluded that all residential development is within A2 zoned land and the construction of the RORR partially within WL zoning is not a concern.

### Conclusion

- 8.5.6. I do not consider that either reason for refusal attached to ABP-313658-22 applies to this LRD application.

### **8.6. Observation Received on Foot of the Grounds of Appeal**

- 8.6.1. The observation received on foot of the grounds of appeal from Lagan Homes Ratoath Ltd. raises two issues: phasing in the context of the MP37 lands and surface water. The observer was granted permission on 12<sup>th</sup> November 2025, under 25/60676, for 74 residential units adjacent to the west of this LRD application site.

#### Phasing in the Context of MP37 Lands

- 8.6.2. The observer's site is labelled as 'Phase 3' in the MP37 accepted by MCC as part of this LRD application. The Commission is requested to include a condition in any grant of permission to the effect that the Lagan lands are removed from phase 3 and the phasing proposals in MP37 are amended such that the Lagan site can be developed immediately on receipt of permission.
- 8.6.3. In my opinion the Commission has no authority to do what the observer has requested and cannot direct changes to a non-statutory document prepared by a developer and accepted by the planning authority. A condition such as that requested would not be appropriate and, in my view, it would be outside the remit of the Commission.
- 8.6.4. Notwithstanding, MCC granted permission for 25/60676 subject to 22 conditions. None of these conditions restrict the commencement of the permitted development, therefore this issue is now moot.

#### Surface Water

- 8.6.5. The observer requests that MCC conditions 17-19 are re-attached to any grant of permission by the Commission. I address this issue in paragraphs 9.9.13 – 9.9.15. I conclude that conditions 17 and 18 can be addressed by the standard Commission condition requiring surface water detail to be submitted and agreed with the planning authority. I conclude that condition 19 (a) is not warranted and that condition 19 (b) is reasonable given the circumstances and can be attached as a condition should permission be granted.

- 8.6.6. Other surface water issues arising from conditions attached by MCC to the observer's recent grant of permission are also considered in the 'Analysis, Evaluation and Assessment: Direct and Indirect Effects' of the Water chapter of the EIAR (subsection 9.9).

## **8.7. Seven-Year Permission**

- 8.7.1. The applicant is seeking a seven-year permission for the proposed development as per the public notices. The rationale for this is set out in sub-section 5.7 of the applicant's Planning Report and Statement of Consistency which states that a seven-year permission 'provides a greater level of flexibility to deliver an approved scheme within the often complex and unpredictable Irish planning system. The 7-year permission will also bring flexibility to navigate market trends that are influenced by turbulent global economics, as evidenced in recent years'.
- 8.7.2. Paragraph 7.4 of the Development Management Guidelines for Planning Authorities (2007) states 'Planning authorities may grant permission for a duration longer than 5 years if they see fit, e.g. for major developments (for example for wind energy developments) but it is the responsibility of applicants in the first instance to request such longer durations in appropriate circumstances'. In my opinion there is no justification in this case for extending the standard five-year permission. Although the proposed development in its entirety is relatively substantial, I do not consider that it is of such a scale or complexity that a seven-year permission is warranted. A five-year permission would encourage a more timely commencement of development and a reduced length of construction phase nuisance for both existing and future residents, given the proposed phasing. I note that an extension of duration to the permission can be sought should this be necessary.
- 8.7.3. Having regard to the foregoing, should the Commission decide to grant permission, I consider that a standard five-year permission is sufficient and recommend that this be included as a condition of any grant.

## **8.8. Devaluation of Property**

- 8.8.1. The devaluation of property in the vicinity is referenced in the grounds of appeal. I note the concerns raised. However, having regard to the residential zoning of the lands and

the conclusions reached in both this planning assessment (section 8) and the following EIA section, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

## 8.9. Planning Authority Conditions

- 8.9.1. MCC granted permission subject to 32 conditions. These are briefly summarised in the following table, and I also indicate whether I have included or incorporated them in my recommended conditions in section 14. Some conditions, while indicated as being included in the recommended conditions, may have been reworded for clarity, brevity, or other reasons, but are essentially consistent with the MCC condition.

**Table 8-1 – MCC Conditions**

Cond. No.	Summary	Included or Excluded in Recommended Conditions
1	Development as per plans and particulars	Included as standard Commission condition 1
2	364 residential units etc.	Excluded. Not a necessary condition.
3	Seven year permission	Excluded. Five year permission recommended as per subsection 8.7 and condition 3.
4	Phasing	Included as condition 4
5	Management of commercial building	General standard Commission management company condition (21) relates
6	Archaeology	Excluded. Standard Commission EIAR mitigation condition 2 is sufficient as per paragraph 9.15.2.
7	Naming, numbering, and signage	Included as standard Commission condition 8

8	EIAR mitigation	Included as standard Commission condition 2
9	CEMP	Included as standard Commission condition 20
10	Timing of vegetation clearance	Excluded. Standard Commission EIAR mitigation condition 2 is sufficient as per paragraph 9.7.13.
11 (a) – (b)	External finishes and removal of house extension exemption	(a) As per standard Commission condition 7.  (b) Excluded. Unnecessary given applicable conditions and limitations.
12	Tree protection	Included as standard Commission condition 10
13 (a) – (e)	Landscaping, boundaries, and public art	(a) Included as standard Commission conditions 9 (a) and 22.  (b) Included as standard Commission condition 9 (b).  (c) Excluded. Not a standard Commission condition.  (d) Included as condition 9 (d)  (e) Included as condition 6, and as referenced by footnote 7
14	Restriction on sale to commercial institutions	Included as standard Commission condition 24
15	Part V	Included as standard Commission condition 23
16 (a) – (h)	RORR, transportation, audits, details, parking	(a) Addressed by condition 5.  (b) Addressed by condition 4 (b).

		<p>(c) Addressed by condition 5 (a).</p> <p>(d) and (e) Included as condition 5 (e).</p> <p>(f) Addressed by standard Commission condition 18</p> <p>(g) Excluded as unnecessary. Addressed by standard Commission condition 1 and referenced in paragraph 8.3.15.</p> <p>(h) Excluded as unnecessary, paragraph 9.12.29.</p>
17	Attenuation systems	Included as standard Commission condition 11 (a), as per paragraphs 8.6.5 and 9.9.13.
18 (a) – (h)	Surface water management	Addressed by standard Commission condition 11 (a), as per paragraphs 8.6.5 and 9.9.13.
19 (a) – (b)	Flood risk and adjoining site	<p>(a) Excluded, as per paragraphs 8.6.5 and 9.9.14.</p> <p>(b) Included as condition 11 (b), as per paragraphs 8.6.5 and 9.9.15.</p>
20 (a) – (g)	RWMP, CEMP, construction phase housekeeping	<p>(a) Included as standard condition 17</p> <p>(b) Included as standard condition 20</p> <p>(c) – (g) Excluded, not standard Commission conditions. Generally addressed by conditions 18 and 20.</p>
21 (a) – (d)	Construction management	<p>(a) Included as standard Commission condition 18 (n).</p> <p>(b) Included as standard Commission condition 19.</p>

		(c) – (d) – Excluded. Not standard Commission conditions. Addressed by conditions 18 and 20.
22	Construction standards	Excluded. Not a standard Commission condition.
23	Taking in charge	Excluded. Not a standard Commission condition.
24	Management company	Included as standard Commission condition 21
25	Advertising	Excluded. Considered unnecessary.
26	Undergrounding of cables	Included as standard Commission condition 14
27	S48 development contributions	Included as standard Commission condition 27
28	S48 development contributions	Included as standard Commission condition 27
29	S48 development contributions	Included as standard Commission condition 27
30	Security bond	Included as standard Commission condition 26
31	Expenses for monitoring	Excluded. Not a standard Commission condition.
32	Noise impact assessment	Excluded. Unnecessary, as per paragraph 9.6.13.

## **9.0 Environmental Impact Assessment (EIA)**

This section sets out the EIA of the proposed project and it should be read in conjunction with the planning assessment, AA, and WFD assessment sections. The proposed development provides for 364 residential units, a two-storey commercial building, and a section of the Ratoath Outer Relief Road (RORR) together with all associated works on a 12.58 hectares site at Ratoath, Co. Meath.

### **9.1. Statutory Provisions**

- 9.1.1. Schedule 5 Part 2 Class 10 (Infrastructure) (b) (iv) of the Planning & Development Regulations, 2001 (as amended), requires EIA for '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'. As the site area is 12.58 hectares, the proposed development requires EIA.

### **9.2. EIA Structure**

- 9.2.1. This section of the report comprises the EIA of the proposed development in accordance with the Planning & Development Act, 2000 (as amended) and the associated Planning & Development Regulations, 2001 (as amended), which incorporate the European directives on EIA (Directive 2011/92/EU as amended by 2014/52/EU). Section 171A of the Planning & Development Act, 2000 (as amended) defines EIA as:

(a) consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the planning authority or the Board, the reasoned conclusions of the planning authority or the Board and the integration of the reasoned conclusion into the decision on the proposed development, and,

(b) includes an examination, analysis, and evaluation, by the planning authority or the Board, that identifies, describes, and assesses the direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

9.2.2. Article 94 of the Planning & Development Regulations, 2001 (as amended) and associated Schedule 6 set out requirements on the contents of an EIAR.

9.2.3. This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations, 2001 (as amended). The second section provides an examination, analysis, and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

9.2.4. The assessment also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should it agree with the recommendation made.

9.2.5. It should be noted that reasoned conclusion refers to significant effects which remain after mitigation. Therefore, while I outline the main significant direct, indirect, and cumulative effects within my assessment of each environmental factor, only those effects that are not or cannot be appropriately mitigated are incorporated into my reasoned conclusion in subsection 9.19.

9.2.6. I note that decommissioning is not referenced within the EIAR. Given the permanent nature of the proposed development I consider this to be acceptable.

### **9.3. Issues Raised in Respect of EIA**

9.3.1. Issues related to the environment have been referenced in the grounds of appeal e.g. transportation (road closure, appropriateness of proposed junction control), noise from

aircraft, biodiversity, and proximity to utilities (material assets). However, the grounds of appeal do not claim that the EIAR is inadequate or deficient. Surface water is referenced in the observation received by the Commission.

9.3.2. The observations received by MCC from prescribed bodies refer to environmental factors i.e. archaeology and biodiversity in the DHLGH observation, water and wastewater in the Uisce Éireann observation, noise, air quality, and water in the NEHS HSE observation, aircraft noise in the DAA observation and population, climate, and biodiversity in the An Taisce observation. The EIAR was specifically referenced in the DHLGH and NEHS HSE observations and no concern was expressed in relation to it.

9.3.3. The main issues are elaborated upon in the assessment below or have already been addressed in section 8.

#### 9.4. **Compliance with the Requirements of Article 94 and Schedule 6 of the Planning Regulations**

9.4.1. In the table below, I assess the compliance of the submitted EIAR with the requirements of article 94 and schedule 6 of the Planning & Development Regulations, 2001 (as amended).

**Table 9.1 – Compliance with the Requirements of Article 94 and Schedule 6 of the Planning & Development Regulations, 2001 (as amended)**

Article 94(a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size, and other relevant features of the proposed development, including the additional information referred to under section 94(b).
A description of the proposed development is set out in Chapter 2 (Background to the Scheme) of the EIAR, and specifically in subsections 2.2 – 2.5 which describe the site and its context, and subsection 2.7 which summarises the proposed development. The proposal does not involve demolition works. I am satisfied that the development description provided is adequate.
A description of the likely significant effects on the environment of the proposed development, including the additional information referred to under section 94(b).

An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is comprehensive and sufficiently robust to enable a decision on the project.

A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent, or reduce and, if possible, offset likely significant adverse effects on the environment of the development, including the additional information referred to under section 94(b).

Mitigation is addressed in each of the EIAR technical chapters. Chapter 18 (Summary of Mitigation Measures) summarises the proposed mitigation measures. I am satisfied that proposed mitigation measures comprise standard good practices and site-specific measures that are largely capable of offsetting significant adverse effects identified in the EIAR.

A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment, including the additional information referred to under section 94(b).

Chapter 4 (Alternatives Considered) of the EIAR provides an overview of the alternatives considered.

Alternative locations or land uses were not considered given the zoning objective. A do-nothing alternative would leave MP37 land incomplete, would undermine the strategic proposals of the MCDP 2021-2027, and would hinder sustainable growth. Alternative processes were not considered given the nature of the proposed development. Three iterations of considered site layouts are illustrated, with the previously refused SHD application (ABP-313658-22) as a baseline layout, and reasons for the proposed layout are set out. Environmental impacts are briefly referenced.

I am satisfied that reasonable alternatives were considered, the main reasons have been set out for opting for the layout proposed, and potential impacts on the environment have been taken into account.

Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2)

A description of the baseline environment and likely evolution in the absence of the development.

The baseline environment is addressed in each technical chapter within the EIAR and the likely evolution of the environment in the absence of the proposed development is described, with particular reference to 'do nothing' scenarios (except in the waste management and landscape and visual chapters). I am satisfied with the descriptions of same.

A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.

The relevant methodology employed in preparing the EIAR, including desk-based assessment, consultations, site visits, site investigations etc. is set out in the individual chapters. The applicant has identified any difficulties encountered in each technical chapter. No notable difficulties are identified.

I am satisfied that the forecasting methods are adequate in respect of likely effects.

A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.

This is addressed in subsection 9.18 of this report. I am satisfied this issue has been adequately addressed in the EIAR.

Article 94 (c) A summary of the information in non-technical language.

Volume I of the EIAR comprises a Non-Technical Summary. I am satisfied that this is concise, suitably comprehensive, and would be easily understood by members of the public.

Article 94 (d) Sources used for the description and the assessments used in the report

Each chapter provides a list of documents and information used to inform the chapter assessment. I consider the sources relied upon are generally appropriate and sufficient in this regard.

Article 94 (e) A list of the experts who contributed to the preparation of the report

A list of the various experts/consultants who contributed to the EIAR and their specialist chapter are set out in table 1.3 (Qualifications of EIAR Specialists) of the EIAR. The expertise and qualifications of the chapter authors are also set out at the beginning of each technical chapter. I am satisfied that the EIAR demonstrates the competence of the individuals who prepared each chapter of the EIAR.

### Consultations

- 9.4.2. The application has been submitted in accordance with the requirements of the Planning & Development Act, 2000 (as amended), and the Planning & Development Regulations, 2001 (as amended), in respect of public notices. Submissions have been received from statutory bodies and third parties and are considered in this report, in advance of decision making.
- 9.4.3. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

### Compliance

- 9.4.4. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the applicant, is sufficient to comply with article 94 of the Planning & Development Regulations, 2001 (as amended).

## **9.5. Assessment of Likely Significant Effects**

- 9.5.1. The following sub-sections set out an assessment of the likely environmental effects of the proposed development under the environmental factors as set out in section 171A of the Planning & Development Act, 2000 (as amended). It includes an examination, analysis, and evaluation of the application documents, including the EIAR and submissions received and identifies, describes, and assesses the likely

direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interactions of these effects.

## **9.6. Population and Human Health**

### **Issues Raised**

- 9.6.1. One of the grounds of appeal contains reference to impact on residential amenity, a boundary dispute, and aircraft noise. Impact on residential amenity is addressed in subsection 8.3 and the boundary dispute is a civil matter<sup>15</sup>. Noise impact is assessed in this subsection.

### **Examination of the EIAR**

#### Context

- 9.6.2. Chapter 13 (Population and Human Health) of the EIAR is applicable and chapter 7 (Noise and Vibration) is also relevant in the context of population and human health, as are other environmental factors. There are no applicable appendices in the EIAR. Relevant guidance and other methodological documentation are cited. A 2km study area radius was used for population and human health and a baseline noise survey was carried out.

#### Baseline

- 9.6.3. The baseline environment in chapter 13 is set out under subheadings of population and household characteristics, education, economic activity and employment, human health, and social infrastructure and amenities. In chapter 7, four baseline noise monitoring locations were surveyed.

#### Potential Effects

- 9.6.4. The EIAR considers the potential for environmental impacts on population and human health under the headings of population and household characteristics, economic activity and employment, human health, and social infrastructure. Predicted construction and operational phase noise and vibration impacts are contained in the

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<sup>15</sup> Some other issues related to land ownership and consent by only some relevant landowners are also set out in one of the grounds of appeal. I consider that the applicant has demonstrated sufficient interest and ownership to make the planning application and the provisions of section 34 (13) of the Planning & Development Act, 2000 (as amended) apply i.e. 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'.

noise and vibration chapter. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.2. Other effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable. The EIAR noise and vibration chapter is also considered.

Table 9.2 – Environmental Effects on Population and Human Health

Project phase	Potential effects
Do-nothing	The potential for positive significant effects on population and human health would not arise. The site would remain undeveloped and would not fulfil its policy objectives. The noise environment would remain largely unchanged.
Construction	<p><i>Likely negative moderate short-term</i> effects on population.</p> <p><i>Likely positive moderate short-term</i> effects in terms of economic activity and employment.</p> <p><i>Likely neutral slight temporary</i> effects on human health.</p> <p>There is potential for noise impact during construction of the main site buildings and local roads to exceed 70dB within approx. 20 metres of noise sensitive locations which would be <i>negative, temporary and moderate to significant</i>. However, it is stated that this is a highly worse-case scenario and the exceedance predicted would be imperceptible. Beyond 30 metres the impact would be <i>negative, slight to moderate and short-term</i>.</p> <p>For construction of the RORR, at distances of up to approx. 50 metres there is potential for the noise criterion to be exceeded with a <i>negative, moderate to significant, temporary</i> effect.</p>
Operation	<i>Likely positive significant permanent</i> effects for population and social infrastructure as a result of housing and ancillary service provision (childcare and amenity and open space), support of local retailers, and the completion of the RORR.

	<p><i>Likely positive moderate permanent</i> effects in terms of economic activity and employment.</p> <p>The effect of the RORR is <i>negative, not significant and long-term</i>. The predicted increase in noise levels at road junctions is <i>long-term and imperceptible</i>.</p> <p>The level of inward noise risk across the site varies from low to medium.</p>
Cumulative	<p>Assuming appropriate mitigation, construction phase impacts on population and human health are likely to be mostly <i>adverse, slight, and temporary</i>.</p> <p><i>Likely positive significant permanent</i> operational stage effects in terms of providing homes for forecasted population growth.</p> <p>In the unlikely event the proposed development is constructed cumulatively with the SHD permission (ABP-305196-19, which is likely to be completed prior to commencement of this LRD) increase in noise levels to properties on Glascarn Lane would be only just <i>perceptible</i>.</p>

#### Mitigation

- 9.6.5. No mitigation measures are set out in Chapter 13 as a range of measures are proposed throughout the EIAR relating to various environmental topics.
- 9.6.6. Construction phase noise mitigation is set out in subsection 7.8.1. This includes undertaking noise abatement measures, selection of quiet plant, screening, and working hours. In terms of operational phase mitigation, figure 7-8 illustrates the locations on site where improved acoustic specification for glazing is required as a result of proposed road traffic.

#### Residual Effects

- 9.6.7. In terms of population and human health it is stated that any adverse likely and significant environmental impacts will be avoided by the implementation of mitigation measures proposed throughout the EIAR, and that positive impacts are likely to arise.

In terms of construction phase noise it is stated that effects up to significant in significance will occur within approx. 20 metres of the general site works and within approx. 50 metres of the RORR works.

### **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

- 9.6.8. I have examined, analysed, and evaluated chapters 13 and 7 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of population and human health, and noise. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on population and human health, including noise, as a consequence of the proposed development, have been identified.
- 9.6.9. The EIAR states that there would be significant positive operational phase social infrastructure impacts as a result of the proposed childcare facility, the amenity and open space provision, and increased population availing of local retail facilities in addition to the two small units proposed. While I agree that these would be positive impacts, I do not consider that they are of such significance that they, individually or collectively, warrant inclusion in the reasoned conclusion of this EIA. They are, generally, a basic requirement of the proposed development. For example, the Childcare Facilities Guidelines (2001) require a childcare facility for a development of this size and the MCDP 2021-2027 requires minimum open space provision. Therefore, while these are undoubtedly positive elements, I consider that their impact, as effectively standard aspects of a proposed residential development, are somewhat overstated in the EIAR and do not warrant inclusion in the reasoned conclusion. The completed RORR is also cited as a significant positive impact. While I agree with this, I consider it more appropriate to address this within the Material Assets (Traffic and Transport) chapter.
- 9.6.10. I also note that the cumulative operational phase impact is cited on page 352 as being positive, significant and permanent in terms of providing homes for the forecasted population growth. Given that the proposed development is significant on its own merit, I do not consider that it also warrants inclusion in the reasoned conclusion because of its cumulative impact.
- 9.6.11. The population and human health environmental factor would have significant interactions with other environmental factors. In particular in my opinion, during the

construction phase, air quality, traffic and transport, and noise and vibration. The first two factors are considered separately in stand-alone subsections of this EIA. Air is an environmental factor cited in the Planning & Development Act, 2000 (as amended) and traffic and transport is considered under the material assets subheading. I consider it appropriate to consider noise and vibration under the 'Population and Human Health' heading.

- 9.6.12. I note that the baseline noise survey dates to April 2022 and it was undertaken over a limited time period. None of the four noise survey locations were in the eastern area of the site where the proposed RORR is to be constructed. A residential development is currently under construction adjacent to this location. Notwithstanding, I do not consider the absence of a noise survey location in the east of the site to be a particular issue as the conclusions reached in the chapter in relation to noise impacts are likely to be equally applicable in the eastern area.
- 9.6.13. The issue of aircraft noise is referenced in one of the grounds of appeal and it also formed the basis of the observations received by MCC from the North Runway Technical Group and DAA<sup>16</sup>. Although distant aircraft noise was cited as a contributor at one of the noise survey locations the baseline noise survey (April 2022) pre-dated the opening of the Dublin Airport north runway in August 2022. The observation from North Runway Technical Group stated that the approved flight route is not being used leading to noise impacts in this area. The EIAR notes that the site is located within the 45-49 dB L<sub>den</sub> contour. This 'indicates that noise levels are not of a sufficient magnitude to warrant noise insulation. Standard noise insulation on the façades and roof of the building will be sufficient to reduce noise from aircrafts'. Objectives MOV OBJ 68 and MOV OBJ 70, as well as the provisions of section 12 (Dublin Airport Noise Zones) of chapter 12 (Development Management Standards and Land Use Zoning Objectives), of the MCDP 2021-2027 refer to noise sensitive development within noise zones B and C (no part of the county falls within noise zone A)<sup>17</sup>. Maps 5.4.1 and 5.4.2 of the MCDP 2021-2027 show that the subject site is in an 'unzoned' area as regards Airport Noise Protection Zones and therefore, in so far as the Development Plan is concerned, no particular noise insulation or noise impact assessment is required. Notwithstanding

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<sup>16</sup> The DAA observation sets out objective DAO11 of the Fingal Development Plan 2023-2029. This is not relevant to a planning application in Co. Meath.

<sup>17</sup> The DAA observation also states that the proposed development is located within Dublin Airport Noise Zone D. As per the following sentence, under the MCDP 2021-2027 it is not.

the foregoing condition 32 of the MCC decision requires submission of a Noise Impact Assessment prior to commencement of development. Having regard to the foregoing, I do not consider this condition is warranted under the MCDP 2021-2027.

9.6.14. I agree with the chapter that significant noise impacts would likely arise during the construction phase to noise sensitive locations in proximity to the construction works. However, this is a standard residential development project and the completion of the RORR would comply with an objective of the MCDP 2021-2027 and would comprise a very beneficial element of the proposed development. I do not consider that noise during the construction phase is a reason to recommend a refusal of permission. I also note that the NEHS HSE report does not set out any particular concern in relation to noise.

9.6.15. Suitable mitigation measures have been proposed for construction and operational phase noise, which I consider are sufficient to ensure that there would be no undue adverse impacts on population and human health from the proposed development. I am also satisfied that there would be no significant cumulative adverse impacts.

**Conclusion: Direct and Indirect Effects (Population and Human Health)**

9.6.16. Having regard to my examination of environmental information in respect of population and human health, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I consider that the main significant direct and indirect effects on population and human health, after the application of mitigation measures, are:

- Positive significant permanent impact for population, due to the substantive increase in the housing stock during the operational phase.
- Temporary negative noise effects up to significant in significance arising for population in the vicinity of site works during the construction phase which would be mitigated as much as is reasonable by a suite of appropriate construction phase mitigation measures.

## 9.7. Biodiversity

### Issues Raised

- 9.7.1. One of the grounds of appeal very briefly references biodiversity (frogs). I address this in paragraph 9.9.12 under the 'Water' heading. The observation from DHLGH includes a 'Nature Conservation' subheading which recommends a condition relating to the timing of vegetation clearance. Biodiversity issues related to AA are addressed in section 10 (Appropriate Assessment (AA) Screening) of this report where I conclude that the proposed development would not be likely to give rise to significant effects on any European site, and AA (and submission of a Natura Impact Statement (NIS)) is not therefore required.

### Examination of the EIAR

#### Context

- 9.7.2. Chapter 8 (Biodiversity) of the EIAR assesses the biodiversity value of the proposed development area and the potential impacts of the development on the ecology within the potential zone of influence. Two appendices accompany the chapter: 8.1 (Bat Fauna Impact Assessment) and 8.2 (Non-volant Terrestrial Fauna Survey). A desk study was undertaken and a number of field surveys were carried out on site between 19<sup>th</sup> February 2020 and 21<sup>st</sup> May 2025.

#### Baseline

- 9.7.3. The baseline environment is described in subsection 8.3. It is stated that the site 'is currently in use as agricultural grassland' with 'mature hedgerow boundaries defining each field'. There is no link between the subject site and the nearest European site (Rye Water Valley / Carton SAC) but there is an indirect hydrological pathway to Malahide Estuary SAC and Malahide Estuary SPA.
- 9.7.4. Figure 8.8 illustrates a habitat map of the site and hedgerow/treeline, scrub, agricultural grassland, and drainage ditch habitats are described. No rare, high impact invasive, or plant species of conservation value were noted. Bat activity on site 'was not particularly high'. Badger and common frog was confirmed to be on site. Mammal activity was evident throughout the survey area though there was no evidence of fox, otter, pine marten, hedgehog, or deer (dogs may be responsible for many of the trails). Although a lack of evidence was observed, there is habitat suitability for a variety of

mammals. No amber or red listed bird species of conservation importance was noted on site.

- 9.7.5. The drainage ditches and hedgerows are the most important habitats on site, not because of the species noted but because their linear nature provides biodiversity corridors and bat foraging routes to the surrounding areas in addition to providing potential frog spawning areas due to the water retention in some ditches.

#### Potential Effects

- 9.7.6. The EIAR considers the potential for environmental impacts on biodiversity under the headings of designated European sites within 15km, ecology, terrestrial ecology, bats, and avian fauna during both the construction and operational stages. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.3. Other effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.3 – Environmental Effects on Biodiversity

Project phase	Potential effects
Do-nothing	There would be no impact on biodiversity. In the long term biodiversity would improve as dense scrub or woodland would occur.
Construction	Although <i>minor adverse</i> effects are predicted to ecology, terrestrial ecology, and bats, and <i>moderate adverse</i> effects are predicted to avian fauna, no significant impacts are anticipated.
Operation	<i>Minor adverse</i> effects are predicted to terrestrial ecology, bats, and avian fauna.
Cumulative	Cumulative impacts are considered in the contexts of water quality, alien invasive species, and habitat loss for both construction and operational phases. No <i>significant</i> cumulative effect is anticipated.

### Mitigation

- 9.7.7. Mitigation measures are set out in subsection 8.5. It cites construction phase measures such as the CEMP, a pre-construction survey for bats and terrestrial mammals, appointment of an Ecological Clerk of Works, timing of vegetation clearance, and no direct lighting of hedgerows and treelines. The only operational phase measure cited is a post-construction inspection of drainage connections and lighting carried out by the project ecologist.

### Residual Effects

- 9.7.8. The application of the mitigation measures outlined will reduce the impact on biodiversity such that the overall residual impact will be minor adverse, long-term, not significant.

### **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

- 9.7.9. I have examined, analysed, and evaluated chapter 8 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of biodiversity. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on biodiversity, as a consequence of the proposed development, have been identified.
- 9.7.10. This analysis, evaluation, and assessment should be read in conjunction with section 10 (Appropriate Assessment (AA) Screening) of this report, which addresses the potential for impact on European sites. I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European site.
- 9.7.11. I consider that the surveys carried out on site are acceptable in terms of their scope and timing. For example, the Bat Fauna Impact Assessment was based on surveys carried out on 24<sup>th</sup> May 2020, 30<sup>th</sup> August 2021, 14<sup>th</sup> September 2023, 15<sup>th</sup> September 2024, and 1<sup>st</sup> and 21<sup>st</sup> May 2025. There are two confirmed bat roosts on site (page 27 of appendix 8.1). The trees which have the roosts are to be retained. I do not consider that the proposed development would have a significant adverse impact on bats.
- 9.7.12. Badger is present on site as per the EIAR. Reference is made on page 166 to a large multi-entrance badger sett, likely a breeding sett, to the east of the site and an abandoned sett to the south. Figure 5 of appendix 8.2 illustrates that these are in

excess of 200 metres outside the site boundary. I do not consider that the proposed development would have a significant adverse impact on badgers.

9.7.13. Trees/hedgerows are referenced throughout the MCDP 2021-2027. Policy HER POL 37 encourages the retention of hedgerows in rural areas where possible. Policy HER POL 53 discourages proposals necessitating the removal of extensive amount of trees and hedgerows. Objective DM OBJ 11 states 'Existing trees and hedgerows of biodiversity and/or amenity value shall be retained, where possible'. Notwithstanding, the proposed development is in an area zoned for residential development and the nature of the development ensures that some hedgerow loss is inevitable. Drawing no. RORR002 (Tree Protection Plan) illustrates the trees and hedgerows to be retained on site, mostly along site boundaries in the north western area. Sheet 33 (b) (Heritage) of the Plan identifies trees to be protected within the town. There are none identified on or in the vicinity of the site. Given the nature and location of the proposed development, its general compliance with development objectives in the MCDP 2021-2027, and the landscaping proposed (drawing no. DWG.00 (Landscape Masterplan – Overall Site Layout Plan), I do not consider tree and hedgerow removal to be an issue of concern or would have any material contravention implication. The DHLGH observation noted the proposal for hedgerow removal and recommended a condition relating to the timing of vegetation clearance. As similar mitigation was included in the EIAR (bullet point three on page 170) I do not consider that a specific condition is warranted should permission be granted.

9.7.14. I am satisfied that suitable mitigation measures have been proposed sufficient to ensure that there would be no undue adverse impacts on biodiversity on this zoned site. I am also satisfied that there would be no significant cumulative adverse impacts.

#### **Conclusion: Direct, Indirect, and Cumulative Effects (Biodiversity)**

9.7.15. Having regard to my examination of environmental information in respect of biodiversity, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I do not consider that there would be any significant direct or indirect biodiversity effects.

## 9.8. Land and Soil

### Issues Raised

- 9.8.1. None.

### Examination of the EIAR

#### Context

- 9.8.2. Chapter 11 (Land, Soils, and Geology) of the EIAR assesses the likely and significant impacts on the geological and hydrogeological environment. Appendix 11.1 (Site Investigation) supports the chapter. The assessment was carried out in accordance with cited guidelines. A desk study was carried out and a conceptual site model was developed.

#### Baseline

- 9.8.3. The baseline environment is described in subsection 11.3. BminPD (poorly drained mainly basic mineral soils) are present on site. The quaternary sediments underlying the site have been classified as carboniferous till derived from limestones. The bedrock underlying the site is comprised of the Lucan Formation. The site lies within the Swords groundwater body (GWB). Groundwater vulnerability beneath the site is low. The groundwater is of good status and is not at risk of failing to meet its WFD objective. Recharge values to the aquifer (locally important, moderately productive only in local zones) are low to very low in the majority of the site. Site investigations indicated that approx. 0.2 metres of topsoil overlies firm to stiff brown gravelly clay extending to approx. 2 metres below ground level (mbgl), with minor variations. Stiff to very stiff grey-black gravelly clay was present from approx. 2mbgl to 8.1mbgl with occasional cobbles and boulders. From 10mbgl to 16.5mbgl there was alternating layers of gravel and sand. No groundwater was encountered though a minor water seepage was noted at 2.2 metres in one trial pit. Shallow groundwater may be present on the site.

#### Potential Effects

- 9.8.4. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.4. Other effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.4 – Environmental Effects on Land and Soil

Project phase	Potential effects
Do-nothing	The baseline conditions will remain unchanged.
Construction	<p><i>Negative significant local unlikely short-term</i> impact as a result of potential leak or spillage from construction related liquids.</p> <p><i>Negative significant local unlikely short-term</i> impact as a result of potentially contaminated runoff percolating to ground/aquifer.</p>
Operation	No predicted impact on the geological environment.
Cumulative	<i>Negative, imperceptible, and permanent.</i>

### Mitigation

- 9.8.5. Mitigation measures are set out in subsection 11.5 under subheadings of control of soil excavation, export of material from site, source of fill and aggregates, fuel and chemical handling, control of water during construction, and construction management plan. These are all construction stage measures, there are none proposed for the operational stage.

### Residual Effects

- 9.8.6. Residual impacts are generally negative but imperceptible. There is a moderate negative impact from the excavation of soils for development. However, this is unavoidable given the nature of the proposed development.

### **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

- 9.8.7. I have examined, analysed, and evaluated chapter 8 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of land and soil. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on land and soil, as a consequence of the proposed development, have been identified.
- 9.8.8. I note that the status of waterbodies to cover the 2019-2024 period was published by the Environmental Protection Agency (EPA) since the EIAR was prepared. The status

of the Swords GWB remains unchanged i.e. good status and not at risk. This is also referenced in section 10 (WFD).

- 9.8.9. I am satisfied that suitable mitigation measures have been proposed sufficient to ensure that there would be no undue adverse impacts on land and soil on this zoned site. I am also satisfied that there would be no significant cumulative adverse impacts.

**Conclusion: Direct, Indirect, and Cumulative Effects (Land and Soil)**

- 9.8.10. Having regard to my examination of environmental information in respect of land and soil, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I do not consider that there would be any significant direct or indirect effects on land and soil.

**9.9. Water**

**Issues Raised**

- 9.9.1. One of the grounds of appeal references the closing of a ditch on site and surface water drainage is referenced in the observation received on foot of the grounds of appeal.

**Examination of the EIAR**

Context

- 9.9.2. Chapter 12 (Water) of the EIAR evaluates the potential impacts of the proposed development on water and hydrology. Appendix 12.1 (Uisce Eireann EIAR Scoping Response Document) accompanies the chapter and a SSFRA has also been submitted in support of the application. It is stated that the chapter was prepared following EPA guidance documents. A desk study was carried out and information was also obtained from site inspections.

Baseline

- 9.9.3. The baseline environment is described in subsection 12.3. The site is in the Broadmeadow sub-catchment. The site and vicinity are in Flood Zone C and is not at risk of flooding.
- 9.9.4. There are no watercourses within or adjacent to the site boundary. The existing site comprises two surface water catchment areas with all surface water runoff currently

draining to on-site drainage ditches. The two catchment areas are separated by a surface water drain. The northern catchment drains in a north easterly direction (and will discharge to the appropriately sized surface water outfall constructed as part of the RORR), whereas the southern catchment drains to the existing local drain near the centre of the site, which forms the catchment boundary. It flows 300 metres to the west from the Fairyhouse Road to the Bradystown/Ratoath Stream (figures 12-4 and 12-5 are illustrative). The 2013 to 2018 WFD reports for Ratoath Stream, Fairyhouse Stream, and Broadmeadow River classify the overall status of these water bodies as 'poor' and they are 'at risk' of not achieving a good status by 2027 due to significant pressure of nutrients and diffuse urban sources of pollution.

### Potential Effects

- 9.9.5. The EIAR considers the potential for environmental impacts on water. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.5. Other effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.5 – Environmental Effects on Water

Project phase	Potential effects
Do-nothing	There would be no impact on water and hydrology arising.
Construction	Earthworks could have <i>moderate negative</i> impacts.  Potential leaks/spillage from construction-related liquids or potentially contaminated runoff percolating to ground, albeit unlikely, could have <i>significant, negative, local, short-term</i> effects.
Operation	Though there are numerous potential impacts e.g. an increase in surface water run-off could impact on processes of erosion and sedimentation, as required by the MCDP 2021-2027 SuDS methodologies are being implemented as part of a treatment train approach. There are no predicted impacts as the design process already results in impacts being improbable.

Cumulative	<i>Moderate</i> construction phase impacts are predicted. Operational phase impacts would likely be <i>moderate but sustainable</i> .
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### Mitigation

- 9.9.9. Mitigation measures are set out in subsection 12.5. Measures outlined for the construction stage include stockpile management, appropriate disposal of any contaminated soil, bunding, and implementation of a Surface Water Management Plan. Operational phase mitigation includes testing prior to connection to public networks and regular maintenance and cleaning of the surface water network.

### Residual Effects

- 9.9.10. No significant residual effects are predicted.

### **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

- 9.9.11. I have examined, analysed, and evaluated chapter 12 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of water. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on water, as a consequence of the proposed development, have been identified.

### Grounds of appeal

- 9.9.12. One of the grounds of appeal refers to the closure of a ditch which, it is stated, may lead to environmental implications. The applicant's response to the grounds of appeal states that the relevant ditch is not utilised as part of the proposed development. The ditch is effectively being replaced by a swale which would retain an ecological function and ensure no increase in runoff towards the appellant's property. I do not consider that the closure of this ditch would have any notable effect on the surface water drainage network or on biodiversity.

### Observation received on foot of the grounds of appeal

- 9.9.13. The observation received on foot of the grounds of appeal states that the ditch which it is proposed to use for the disposal of surface water from the southern catchment is shared between the applicant and the observer. It is stated that there has been no discussion between the parties in relation to this. The observer requests that

conditions 17-19 of the MCC decision on this LRD application are re-attached should the Commission grant permission. I consider that conditions 17 and 18 would be appropriately addressed by the standard Commission condition that surface water detail is agreed with the planning authority.

9.9.14. Condition 19 (a) of the MCC decision on this LRD application requires confirmation from the flood consultant that there is no increased flood risk for the proposed development or surrounding area. The site is in Flood Zone C. The conclusion of the SSFRA states 'the proposed development ... does not appear to cause any adverse flood risk downstream, offsite, nor is there any apparent flood risk within the development, subject to the implementation of the noted surface water management strategy and design'. Subsection 3.6.2 of the applicant's Engineering Services Report states that the boundary ditch to which the southern catchment would be discharged has significantly more capacity than what is required from the attenuated outflow. Therefore, I consider that MCC condition 19 (a) is not warranted.

9.9.15. Condition 19 (b) of the MCC decision on this LRD application states 'The applicant shall coordinate with the developer of the adjacent site (Lagan Homes) with regards the proposed management of the existing drainage ditch and mature hedgerow. Details of any maintenance agreement for the existing ditch on site shall be submitted for the written agreement of the Planning Authority'. MCC condition 5 of the adjacent 25/60676 permission is effectively identical, requiring that applicant to coordinate with the LRD applicant (Beo Properties). The planning authority, therefore, is clearly aware of both proposed developments and considers it necessary that both developers liaise with each other. I consider a similar condition be attached should permission be granted, in addition to the standard Commission condition that surface water detail is agreed with the planning authority. I do not consider this would comprise an environmental condition as it has not arisen from consideration of the EIAR. It would not conflict with any EIAR condition.

MCC permission on the adjacent property to the west under 25/60676

9.9.16. There are other surface water conditions included in the MCC decision on the adjacent property that are relevant to the current application, specifically conditions 4 (a) and (d).

- 9.9.17. Subsection 4.1.1 of the applicant's SSFRA states that the outfall pipe under the R155 serving the boundary ditch to which surface water from the southern catchment of the site would discharge to was both collapsed and elevated approx. 650mm above the bed level of the ditch, resulting in significant ponding within the ditch on the subject site side of the road. This ponding was evident on my site inspection. The SSFRA states that the outfall pipe is to be remediated to allow for the outflow to be restored and the ditch bed is to be re-profiled so that its level is at/above the invert level of the outfall pipe. Condition 4 (a) of the MCC decision on the adjacent 25/60676 application also notes the condition of the culvert and the requirement to address this. The condition states 'The existing culvert that crosses the Fairyhouse road is defective and requires replacement and regrading. The planning authority intends to coordinate these upgrade works with the Transportation Department. The proposed works may be beneficial to the design of the surface water system for the proposed development'. It requires that the applicant agrees the proposed outfall level with the planning authority. I consider a similar condition can be applied in this application, should permission be granted, in the interests of consistency and orderly development. I do not consider this would comprise an environmental condition as it has not arisen from consideration of the EIAR. It would not conflict with any EIAR condition.
- 9.9.18. Condition 4 (d) requires the applicant of the adjacent permission to agree with the planning authority and the LRD applicant (Beo Properties) detail of the surface water outfall location, regrading of the existing drainage ditch, any proposed culvert upgrade works, and a maintenance plan between the two parties for the existing drainage ditch. It also refers to a scenario where the permitted application is constructed in advance of this LRD application. In the interest of consistency with the adjoining permission I consider it appropriate to include a similar condition to ensure both applicants have similar conditions in relation to the shared ditch. I do not consider this would comprise an environmental condition as it has not arisen from consideration of the EIAR. It would not conflict with any EIAR condition.

#### WFD

- 9.9.19. I note that the status of waterbodies to cover the 2019-2024 period was published by the EPA since the EIAR was prepared. The status of the surface waterbodies to which the drainage ditch would discharge (initially to Ratoath Stream\_010 and then

Broadmeadow\_010 approx. 1.5km upstream) remain unchanged from those cited in the EIAR i.e. poor status and at risk. This is also referenced in section 11 (WFD).

#### Uisce Éireann

- 9.9.20. I note that a confirmation of feasibility from Uisce Éireann has been received in relation to the proposed development.

#### Conclusion

- 9.9.21. I do not consider that the proposed development would have an undue adverse impact on the water environment. I am satisfied that suitable mitigation has been proposed in relation to water and additional development-specific measures can be attached to address issues raised as a result of the development proposed on the adjoining site (25/60676). I do not consider these would comprise environmental conditions as they have not arisen from consideration of the EIAR. They would not conflict with any EIAR condition. I am also satisfied that there would be no significant cumulative adverse impacts.

#### **Conclusion: Direct, Indirect, and Cumulative Effects (Water)**

- 9.9.22. Having regard to my examination of environmental information in respect of water, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I do not consider that there would be any significant direct or indirect effects on water.

#### **9.10. Air**

- 9.10.1. No issues have been raised by any party to the appeal in respect of air quality. I have examined chapter 5 (Air Quality) of the EIAR which deals with this topic. Having regard to the relatively low density of residential development in the vicinity, the standard nature of the proposed development works, and the implementation of appropriate best practice construction phase mitigation measures including the preparation of a CEMP, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on air as a result of the proposed development.

## 9.11. Climate

- 9.11.1. No issues have been raised by any party to the appeal in respect of climate. I have examined chapter 6 (Climatic Factors) of the EIAR which deals with this topic. Having regard to the residential nature of the proposed development and the planning framework at all levels that supports this type of development, the appropriately zoned nature of the site, and the proposal to complete the RORR as part of the proposed development which would greatly improve active travel linkages in the southern area of the town, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on climate as a result of the proposed development.

## 9.12. Material Assets – Traffic and Transport

### Issues Raised

- 9.12.1. A number of issues that can be considered relevant to the broad heading of traffic and transport have been raised in the grounds of appeal. I have previously addressed some of these in the planning assessment section of this report i.e. the appropriateness of the zoning for the RORR (subsection 8.1) and the creation of an area of ‘no man’s land’ (subsection 8.4). Other relevant issues raised that I consider it more appropriate to address as part of my analysis, evaluation, and assessment of this chapter are the closure of Glascarn Lane, the preference for roundabouts in place of both existing and proposed signalised junctions, unnecessary vehicular entrances, and the 75 metres length of the RORR in the eastern part of the site.

### Examination of the EIAR

#### Context

- 9.12.2. Chapter 14 (Material Assets – Traffic and Transport) assesses the potential impact of the proposed development in terms of traffic and transportation. The chapter is based on the findings of the TTA, which was prepared in accordance with relevant guidelines. Six junction count surveys, four automatic traffic count (ATC) surveys, and two origin-destination (OD) surveys<sup>18</sup> were carried out<sup>19</sup> at locations illustrated on figure 14-1.

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<sup>18</sup> One location was to the east of Main St./The Avenue roundabout with the second on Fairyhouse Rd.

<sup>19</sup> The junction count and OD surveys were carried out over a 12 hour period on one day whereas the automatic traffic count surveys were carried out 24 hours a day over two separate one week periods. They were carried out in September/October 2023.

The OD surveys were used to ascertain the volume of redistribution upon completion of the RORR while two ATC surveys were used to determine the potential redistribution from the closure of Glascarn Lane.

### Baseline

9.12.3. The receiving environment is described in subsection 14.3. It is described under subheadings of site location and zoning, local road network, existing traffic conditions (existing link capacities are sufficient to accommodate the traffic), existing bus service (limited access to high-quality and frequent public transport), existing cycle facilities, and existing pedestrian facilities (good quality). A future receiving environment is also described which includes a Part 8 MCC proposal with the National Transport Authority to deliver a pedestrian and cycle scheme within the town (figure 14-9).

### Potential Effects

9.12.4. The EIAR considers the potential for environmental traffic and transport impacts. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.6. Other effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.6 – Environmental Effects on Traffic and Transport

Project phase	Potential effects
Do-nothing	Only natural background traffic growth and committed developments would be accounted for.
Construction	It is difficult to assess the exact quantum as it would vary throughout the process. It would be less than the operational phase. Impact is considered <i>likely, adverse, moderate, short-term</i> .
Operation	Link capacities at opening year (2029) and design year (2044) are sufficient to accommodate traffic. A TTA was prepared. One junction is relatively congested (Fairycastle Road / Meadowbank Hill (L50200/Jamestown Road). The impact on this would be <i>negligible</i> . The Fairycastle Road/RORR junction and the two proposed development accesses onto it are also analysed.

	Table 14-16 (Summary of Operational Phase Likely Significant Effects Without Mitigation) sets out, among other effects, <i>adverse moderate likely long-term</i> effects from excessive car usage, increased traffic congestion, poor site permeability negatively impacting pedestrian and cycle movements, and failure to realise local and national sustainable transport objectives).
Cumulative	<p>Cumulative construction activities will be <i>likely, adverse, moderate, and temporary</i>.</p> <p>Cumulative operational stage activity will be <i>likely, positive, moderate, and permanent</i></p>

### Mitigation

9.12.8. Mitigation measures are set out subsection 14.9. Construction phase mitigation comprises implementation of a Construction Traffic Management Plan to be agreed with MCC. Operational phase mitigation is set out under subheadings of car parking, bicycle parking, and mobility management plan (MMP) (a development specific MMP will be implemented). Further to table 14-16 [in table 9.6, above], table 14-19 (Summary of Likely Significant Effects with Mitigation) identifies positive moderate likely long-term effects on ‘site permeability for pedestrian and cycle movements’ and ‘realising local and national sustainable transport objectives’.

### Residual Effects

9.12.9. The construction phase impact on the existing road network will be likely, adverse, moderate, and short-term. For the operational stage, a conservative assessment was considered. The operational phase impact is considered to be likely, neutral, slight, and permanent.

### **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

9.12.10. I have examined, analysed, and evaluated chapter 14 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of traffic and transport. I am satisfied that the applicant’s presented baseline environment is comprehensive and that the key impacts in respect of likely effects on traffic and transport, as a consequence of the proposed development, have been generally

identified. Overall, I consider that the construction and operational phases would not result in undue traffic impact on the receiving environment.

- 9.12.11. Issues arising from my consideration of the chapter and those raised in the grounds of appeal can be addressed under the following subheadings. The appropriateness of the zoning for the RORR and the creation of an area of 'no man's land' have previously been addressed in subsections 8.1 and 8.4.

#### The RORR

- 9.12.12. In my opinion, and notwithstanding that this has not been referenced as such within the chapter, the extension and completion of the RORR as part of this planning application, which would fully link the R125 with the Fairyhouse Road (R155), would have significant positive environmental effects. It would greatly improve permeability links for both active travel and vehicular traffic, it would help remove vehicles from the centre of town improving the physical environment, and it would achieve a transportation objective set out in the MCDP 2021-2027 as illustrated on sheet no. 33 (a) and in objectives MOV OBJ 55 and RA OBJ 6. Therefore, I consider that the extension and completion of the RORR should be included as a significant direct positive environmental impact within the reasoned conclusion.
- 9.12.13. I consider that a condition requiring the RORR to be fully operational prior to the occupation of the development, to ensure the timely provision of the road, and a condition requiring detail to be agreed with the planning authority in relation to the interface of the proposed RORR with existing roads, would be reasonable.

#### Closure of Glascarn Lane

- 9.12.14. The closure of Glascarn Lane (which is also referred to as a bridle path within the application documentation), entailing the northern area becoming a cul-de-sac and the southern area accessing directly onto the RORR via a priority junction, is a matter raised in the grounds of appeal. The legal ability of the applicant to close the Lane is queried with reference to provisions of the Roads Act 1993 cited in this regard. The applicant's response to the grounds of appeal refers to the IR for the previous SHD application on site (ABP-313658-22) and states that the land ownership map submitted with the application shows that the relevant section of the Lane is under the applicant's ownership. It would remain open to the public for walking, cycling, and recreational purposes. Notwithstanding that the issue was summarised as having

been raised in third party submissions to MCC, the MCC Planning Report does not refer to this issue. I also note that the issue was not referenced in the detailed LRD Opinion issued by the planning authority.

- 9.12.15. Sections 12, 47-49, and 73 of the Roads Act 1993 are referenced in one of the grounds of appeal. Section 12 of the Roads Act, 1993 (as amended), refers to the abandonment of public roads and the process by which a road authority must adhere to regarding same. The section of Glascarn Lane to be removed is typical of a normal local public road in terms of its condition, structure, width, alignment, and connection/interface with other sections of the road. However, it would seem from the content of the application that it is not, in fact, a local public road given the applicant's response to the grounds of appeal and the absence of any concern in relation to the closure of the road from MCC, which would be the road authority in this case in normal circumstances. I do not consider sections 47-49 to be relevant to the proposed development as the application does not involve a motorway, busway, or protected road. Section 73 refers to extinguishment of a public right of way by a local authority. However, in this case it is not the local authority proposing it. In this regard I note that a right of way is retained, although not for vehicular access. Third parties would retain an ability to use 'Glascarn Lane' as the northern side would be retained as an active travel shared space, there would be a pedestrian crossing across the RORR, and access would remain available to the realigned southern section. Therefore, it would appear that any public right of way would not be technically extinguished.
- 9.12.16. A similar issue arose as part of the previous SHD application on site, ABP-313658-22. The IR for that application stated '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' (paragraph 13.5.24). I note that the applicant has submitted a land ownership map (drawing no. PP-03) with the application showing a section of Glascarn Lane within the ownership boundary. MCC has not disputed this.

9.12.17. Having regard to this issue and foregoing paragraphs I would make the following points:

- This issue has been previously raised and addressed in ABP-313658-22 and was deemed not to be an issue of significance in terms of the planning application. I do not consider that it would be reasonable in the interest of consistency to depart from that position in this subsequent application where the same issue has been brought up. I consider the position as expressed in the IR remains applicable. The Board did not make any reference to the issue in its Order.
- The planning application is based on MP37 which, as per the publicly available MCC website as viewed on 2<sup>nd</sup> December 2025, 'presents a framework for the plan-led and integrated development of lands at Commons and Jamestown, Ratoath, Co. Meath, and sets out an approach to guide the development of this important land bank of approximately 19.4 ha. It is intended to support the completion of the Ratoath Outer Relief Road ('RORR') and to maximise the viability of this new road by delivering a thriving residential community on the southeastern edge of Ratoath. This would complete the link between the R125 and the R155'. Figure 1-1 of MP37 shows part of Glascarn Lane within the applicant's ownership. A number of other figures show the Lane being divided by the RORR with no continuity along the Lane as it currently exists e.g. 4-1 and 4-4. Page 34 explicitly states 'Glascarn Lane west will be converted into a cul-de-sac for vehicular traffic ...'
- A letter of consent dated 20<sup>th</sup> December 2024 was submitted with the application from the 'Projects, Asset Management' section of MCC relating to the inclusion in the application of three different areas of land under MCC control. The relevant area of Glascarn Lane is shown to be within the applicant's ownership on the accompanying map.
- It is stated that residents would be under financial burden for the upkeep of the lane/cul-de-sac if it is removed as a public road. There is no suggestion that the existing lane outside of the applicant's ownership is not a public road which would remain under MCC control. A letter of consent to undertake works on the southern side of the Lane had to be obtained from MCC and be submitted with the application (drawing no. PP-03).

- Although the closure of Glascarn Lane would require a slightly longer trip for some local residents having to use the RORR the extension and completion of this road would have positive wider implications. It is likely that vehicular traffic along the northern area of Glascarn Lane/the cul-de-sac would be significantly reduced.

9.12.18. Therefore, I consider that this issue was adequately addressed in the IR prepared for the previous SHD application, that the application is consistent with the provisions of MP37 in the removal of full vehicular permeability along the Lane and has the support of MCC, and that the removal of full vehicular permeability along the Lane would result in wider benefits.

#### Glascarn Lane/RORR junction

9.12.19. While I note that the proposed closure of Glascarn Lane has been considered in terms of the redistribution of its traffic onto the RORR in the operational phase the junction was not considered in terms of its performance at the operational stage whereas the two proposed residential development access points onto the RORR were (subsections 14.6.2.3 and 14.6.2.4). Notwithstanding, given the provisions of subsection 14.2.4 and figure 14-3 (Glascarn Lane redistribution and the current traffic volumes) in the context of the conclusions reached in relation to the two proposed residential development access points onto the RORR (very low ratio of flow to capacity (RFC) with very short queues on all approaches), I do not consider that any undue congestion would occur at the Glascarn Lane/RORR junction.

#### Roundabouts in Lieu of Signalised Junctions

9.12.20. The grounds of appeal state that the existing traffic signalised junction of the RORR and R125 is causing delays at peak times and that a roundabout would have been a better alternative, that a roundabout would be a better alternative at the Glascarn Lane/RORR junction, and that the proposed traffic signals on the RORR/R155 junction should be replaced with a roundabout.

9.12.21. The signalised junction of the RORR and R125 is not subject of this planning application and is therefore beyond the scope of this application. I have no concern with the proposal for a priority junction between Glascarn Lane and the RORR given the relatively limited traffic congestion arising. In addition, I have no concern with the proposal for traffic signals at the R155/RORR junction. Signalisation is an appropriate junction type for these two roads, signals can be calibrated depending on the various

flows through the arms in a way that a roundabout cannot, roundabouts pose difficulties to active travel movements, and signalised junctions have much less land take than roundabouts.

9.12.22. I have no concern with the type of junctions proposed.

#### Proposed Agricultural Entrances

9.12.23. One of the grounds of appeal states that the two new proposed entrances to adjoining lands off the RORR are unnecessary as they already have entrances. (There are three entrances proposed to adjoining fields to the south east side of the RORR).

9.12.24. The applicant's response to the grounds of appeal state that the existing entrances on Glascarn Lane have poor visibility and accessibility. The proposed entrances would be occasionally used and would be safer.

9.12.25. I have no concern with the provision of entrances off the RORR in the interest of facilitating safer access to adjoining lands.

#### 75 Metres of Existing Roadway

9.12.26. One of the grounds of appeal states that the 75 metres of the RORR to be surfaced does not have planning permission. The applicant's response to the grounds of appeal states that this area has been constructed but wearing course has not yet been applied so as to prevent unwanted occupation. The wearing course will be added fresh once the roadway is opened to traffic.

9.12.27. It is stated that the road has planning permission under the original SHD application. Having regard to previous permissions in that location i.e. ABP Ref. PL 17.247003 (2016) and ABP-305385-19 (2019), and my site inspection (a length of the RORR is fenced off but is clearly a road line), I am satisfied that permission exists and the proposal 'to put a new surface course on the adjoining constructed section of the RORR', as per the public notices, is reasonable.

9.12.28. I do not consider this issue to be a concern.

#### Electric Vehicles (EV)

9.12.29. DM OBJ 94 of the MCDP 2021-2027 requires all car parks include the necessary wiring and ducting to be capable of accommodating EV charging points at a rate of 20% of total space numbers. A 'Car Park Numbering, Management, and Configuration

Plan' (drawing no. PP-12) has been submitted with the application illustrating the car parking layout. I note that 25 of the 114 apartment/duplex spaces (approx. 22%), 7 of 29 apartment/duplex visitor spaces (approx. 24%), and 4 of 21 commercial spaces (approx. 19%), 36/164 spaces in total (approx. 22%), are EV spaces, therefore I consider this objective of the Plan to be met and no material contravention issue arises.

### Conclusion

- 9.12.30. Having regard to the foregoing, I consider that the extension and completion of the RORR would result in direct significant positive environmental effects which should be reflected in the reasoned conclusion, the closure of Glascarn Lane to vehicular through traffic has already been considered in the previous SHD application on site and is acceptable, that traffic lights are a more appropriate junction type than roundabouts, the additional entrances to adjacent fields are acceptable, and that permission exists for the limited stretch of the RORR that it is proposed to resurface.
- 9.12.31. In addition to the provisions of the previous paragraph, I am satisfied that suitable mitigation measures have been proposed sufficient to ensure that there would be no undue adverse traffic and transport impacts. I am also satisfied that there would be no significant cumulative adverse impacts.

### **Conclusion: Direct, Indirect, and Cumulative Effects (Traffic and Transport)**

- 9.12.32. Having regard to my examination of environmental information in respect of traffic and transport, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I consider that the main significant direct and indirect effects on traffic and transport, after the application of mitigation measures, are:
- Direct, positive, significant, long term traffic and transport impact in terms of improved infrastructure and permeability due to the extension and completion of the RORR in line with development objectives MOV OBJ 55 and RA OBJ 6 of the MCDP 2021-2027.

### **9.13. Material Assets – Waste Management**

- 9.13.1. No issues have been raised by any party to the appeal in respect of waste management. I have examined chapter 15 (Material Assets – Waste Management) of the EIAR which deals with this topic. Having regard to the standard nature of the proposed development works and the implementation of a CEMP and a RWMP at construction stage and an OWMP at the operational stage, I am satisfied that there is no potential for any significant direct, indirect, or cumulative waste management effects as a result of the proposed development.

### **9.14. Material Assets – Utilities**

#### **Issues Raised**

- 9.14.1. One of the grounds of appeal states that there are four ESB poles on the appellant's property which the applicant will not be given permission to underground and it is also stated that a 16 metres separation distance from the ESB line to all properties will have to be adhered to.

#### **Examination of the EIAR**

##### Context

- 9.14.2. Chapter 16 (Material Assets – Utilities) assesses the potential impacts of the proposed development on the material assets in the study area. It is stated that the assessment was prepared in accordance with cited legislation and guidance and should be read in conjunction with other reports submitted as part of the planning application. A desk study was undertaken.

##### Baseline

- 9.14.3. The baseline environment is described in subsection 16.3. It is noted that the site has overhead ESB wiring for the Ratoath area.

##### Potential Effects

- 9.14.4. The EIAR considers the potential for environmental impacts on utilities under subheadings of general, electricity, gas, telecommunications, and rules for road openings and site works. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.7. Other effects are not generally identified,

except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.7 – Environmental Effects on Utilities

Project phase	Potential effects
Do-nothing	No impact to existing built services.
Construction	<p><u>Electricity</u> – Overhead wiring will go into ground ducting. Six substations will be installed. Impact of critical site preparation works is <i>likely, positive, significant, and permanent</i>.</p> <p><u>Telecommunications</u> – Impact of critical site preparation works is <i>likely, positive, significant, and permanent</i>.</p>
Operation	None of note.
Cumulative	There will be an increase in demand for electrical power, gas, and telecoms supply.

#### Mitigation

9.14.5. Mitigation measures are set out in subsection 16.5 under subheadings of electricity, gas, and telecommunications. Undergrounding of power lines will be carried out by ESB under planned outage conditions.

#### Residual Effects

9.14.6. In relation to electricity it is stated that overhead wiring in the community will be reduced as cabling will be undergrounded.

#### **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

9.14.7. I have examined, analysed, and evaluated chapter 16 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of utilities. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on utilities, as a consequence of the proposed development, have been identified.

9.14.8. I note that the chapter considers that the impacts of site preparation works for both electricity and telecommunications to be likely, positive, significant, and permanent. Given that these are basic provisions for a residential development I consider that these impacts are overstated and do not warrant inclusion in the reasoned conclusion.

9.14.9. The relevant issues raised in the grounds of appeal are summarised in paragraph 9.14.1. In the applicant's response to the grounds of appeal it is stated that no works are proposed outside the application boundary. All utility works are confined to the site and any necessary works on third party lands will be undertaken by ESB Networks under their statutory powers. A 16 metres separation is not supported by ESB standards. I note the content of the applicant's response. Undergrounding of overhead lines through a site is a standard condition of planning permission. The lines on site are medium voltage (10KV/20KV) lines. I do not have any concern in relation to the undergrounding of existing overhead lines.

9.14.10. I am satisfied that suitable mitigation measures have been proposed sufficient to ensure that there would be no undue adverse impacts on utilities. I am also satisfied that there would be no significant cumulative adverse impacts.

**Conclusion: Direct, Indirect, and Cumulative Effects (Material Assets – Utilities)**

9.14.11. Having regard to my examination of environmental information in respect of utilities, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I do not consider that there would be any significant direct or indirect effects on utilities.

**9.15. Cultural Heritage**

9.15.1. No issues have been raised by any party to the appeal in respect of cultural heritage. I have examined chapter 9 (Archaeological, Architectural and Cultural Heritage) of the EIAR which deals with this topic. An Archaeological Impact Assessment Report dated May 2025 has also been submitted as appendix 9.1 in support. Having regard to the geophysical survey and test trenching carried out, the absence of recorded monuments, protected structures, or structures on the National Inventory of Architectural Heritage on site, and the site-specific mitigation measures to be carried out including preservation by record of three areas of archaeological activity, further investigation of one area of interest, additional test trenching in the eastern area of the

site, and a photographic and measured survey of the townland boundaries, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on cultural heritage as a result of the proposed development.

9.15.2. The DOHLG submitted an observation to MCC on foot of the planning application which included an 'Archaeology' subheading. A recommended condition to be included in a grant was set out. Condition 6 of the MCC decision relates to archaeology. The condition differs quite substantially from the Department's recommended condition. I consider that the mitigation contained within subsection 9.7 is site-specific and acceptable, given the extent of previous geophysical surveys and test trenching that have been carried out on site. I do not consider that a specific separate archaeology condition is required, and the standard EIAR-mitigation condition is sufficient in this instance.

#### **9.16. Landscape**

9.16.1. No issues have been raised by any party to the appeal in respect of landscape. I have examined chapter 10 (Landscape and Visual) of the EIAR which deals with this topic. A Verified Views document dated June 2025 has also been submitted as appendix 10.1 in support. Having regard to the residential zoned nature of the site, the objectives within the MCDP 2021-2027 to complete the RORR, the changing nature of the area with similar permitted, under construction, and constructed developments to that proposed, the content of the Verified Views, the trees and hedgerows to be retained, and the proposed landscaping strategy, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on landscape as a result of the proposed development.

#### **9.17. Interactions Between the Foregoing**

9.17.1. Though also referenced in the individual technical chapters, chapter 17 (Interactions) of the EIAR summarises the interactions and interrelationships between key factors identified and assessed. Table 17-1 outlines a matrix illustrating the interactions with subsection 17.4 describing them.

9.17.2. I have considered the interrelationships between the various environmental factors and whether these may as a whole affect the environment, even though the effects

may be acceptable on an individual basis. Having considered both the embedded design and the mitigation measures to be put in place, I am satisfied that no residual risk of significant negative interaction between any of the environmental factors would arise and no further mitigation measures to those already provided for in the EIAR, or as conditions of any grant of permission, would arise. I am satisfied that in general the various interactions were accurately described in the EIAR.

#### **9.18. Vulnerability to Risks of Major Accidents and/or Disasters**

9.18.1. This issue is addressed in subsection 1.6.4 (Risk of Major Accidents and Disasters) of the EIAR. Reference is made to Health and Safety Regulations and other codes such as Building Regulations, and mitigation measures. The only technical chapter that major accidents and/or disasters is referenced is in chapter 13 (Population and Human Health, subsection 13.5.5) though chapter 6 (Climatic Factors) considers the vulnerability of the proposed development in the context of climate change (subsection 6.4.2), where no significant risks are identified. Given the nature and extent of the proposed development i.e. a standard residential and road development, and the location on a relatively flat edge of town area in Co. Meath with similar existing and permitted development in the vicinity, no significant issue in this regard would be anticipated.

#### **9.19. Reasoned Conclusion**

9.19.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, and the submissions from the planning authority, prescribed bodies, and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment, with the implementation of the proposed mitigation measures, are as follows:

- Positive significant permanent impact for population, due to the substantive increase in the housing stock during the operational phase.
- Temporary negative noise effects up to significant in significance arising for population in the vicinity of site works during the construction phase which would

be mitigated as much as is reasonable by a suite of appropriate construction phase mitigation measures.

- Direct, positive, significant, long term traffic and transport impact in terms of improved infrastructure and permeability due to the extension and completion of the RORR in line with development objectives MOV OBJ 55 and RA OBJ 6 of the MCDP 2021-2027.

## **10.0 Appropriate Assessment (AA) Screening**

10.1. AA screening has been carried out in Appendix 1 to this report.

10.2. In accordance with section 177U of the Planning & Development Act, 2000 (as amended) and on the basis of the information considered in the AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Rye Water Valley / Carton SAC, Malahide Estuary SAC, or Malahide Estuary SPA, or any other European site, in view of the conservation objectives of those sites, and AA (and submission of a NIS), is not therefore required.

10.3. This determination is based on:

- scientific information provided in the applicant's AA Screening report.
- the nature, scale, and location of the proposed residential development in a zoned area on fully serviceable lands.
- the lack of direct hydrological connection between the proposed development and the European sites, and the hydrological distances involved.
- the likelihood of settlement of any contaminated surface water within drainage ditches and watercourses before any such contaminated surface water discharge could reach any European sites.
- the absence of any possibility of noise or nuisance disturbance to SPA special conservation interest (SCIs) during construction and the lack of suitable foraging habitat for ex-situ species.

10.4. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

## **11.0 Water Framework Directive (WFD)**

11.1.1. The provisions of appendix 2 apply to this section.

11.1.2. The site is located on the southern edge of Ratoath. It has an area of 12.58 hectares, primarily comprising agricultural land. There is a drainage ditch on site. This would be used to discharge some surface water to the Bradystown/Ratoath Stream approx. 300 metres west of Fairyhouse Road. Other surface water is to be discharged to the public system within the existing/proposed RORR.

11.1.3. No water deterioration concerns were raised in the planning appeal.

11.1.4. I have assessed the proposed LRD and have considered the objectives as set out in Article 4 of the WFD which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

11.1.5. The reasons for this conclusion are as follows:

- the mitigation measures contained within the documentation submitted with the application e.g. EIAR and CEMP,
- the standard condition that can be attached to any grant of permission that surface water shall comply with the requirements of the planning authority for such works and services with details to be submitted for written agreement,
- the absence of any EPA watercourses within 300 metres of the location of any construction works on site,
- the presence of a public foul sewer to accommodate the proposed development, and,

- the presence of a public surface water sewer to accommodate part of the proposed surface water discharge.

11.1.6. On the basis of objective information, the proposed development would not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **12.0 Recommendation**

12.1. I recommend that permission is granted for the Large-Scale Residential Development (LRD) as proposed for the reasons and considerations set out below, and subject to conditions. These include a standard environmental condition which requires the implementation of mitigation measures set out in the EIAR (condition no. 2).

## **13.0 Reasons and Considerations**

In coming to its decision the Commission has had regard to the following:

- (a) the nature, scale, and extent of the proposed development and the pattern of existing development in the area,
- (b) the provisions of the Project Ireland 2040 National Planning Framework First Revision (2025),
- (c) the provisions of Delivering Homes, Building Communities (2025)
- (d) the provisions of the Climate Action Plan (2025),
- (e) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (f) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024),

- (g) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (2023),
- (h) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities (2018),
- (i) the provisions of the Childcare Facilities Guidelines for Planning Authorities (2001),
- (j) the provisions of the Design Manual for Urban Roads and Streets (2019),
- (k) the provisions of the Quality Housing for Sustainable Communities Best Practice Guidelines (2007),
- (l) the provisions of the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031,
- (m) the provisions of the Meath County Development Plan 2021-2027 (as varied) including the 'A2 – New Residential', 'WL – White Lands', and 'RA – Rural Area' zonings for the site and the 'Transport – Indicative Road Route' objective,
- (n) the documentation submitted with the planning application, such as the Environmental Impact Assessment Report, the Appropriate Assessment Screening, and the third parties' grounds of appeal,
- (o) the submissions and observations received on file including from the planning authority, prescribed bodies, and first and third parties,
- (p) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,
- (q) the planning history in the vicinity of the site, and,
- (r) the report of the Senior Planning Inspector.

### **Appropriate Assessment Screening**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European sites, taking into account the nature and scale of the proposed development on serviceable lands, the nature of the receiving environment which comprises a greenfield site at the edge of an urban area, the distances to the nearest European sites, the hydrological pathway

considerations, the submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening, and the Inspector's report.

In completing the screening exercise, the Commission agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, and 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 was not, therefore, required.

### **Environmental Impact Assessment**

The Commission completed an Environmental Impact Assessment of the proposed development taking account of:

- (a) the nature, scale, location, and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the applicant, planning authority, prescribed bodies, and observers in the course of the application, and,
- (d) the Senior Planning Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. The Commission agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

### **Reasoned conclusion on the significant effects**

The Commission considered that the main significant direct and indirect effects of the proposed development on the environment, after mitigation, are as follows:

- Positive significant permanent impact for population, due to the substantive increase in the housing stock during the operational phase.

- Temporary negative noise effects up to significant in significance arising for population in the vicinity of site works during the construction phase which would be mitigated as much as is reasonable by a suite of appropriate construction phase mitigation measures.
- Direct, positive, significant, long term traffic and transport impact in terms of improved infrastructure and permeability due to the extension and completion of the Ratoath Outer Relief Road in line with development objectives MOV OBJ 55 and RA OBJ 6 of the Meath County Development Plan 2021-2027 (as varied).

The Commission completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector. Overall the Commission is satisfied that the proposed development would not have any unacceptable effects on the environment.

### **Proper Planning and Sustainable Development**

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the zoning and other relevant development objectives of the Meath County Development Plan 2021-2027 (as varied), would make efficient use of an appropriately zoned site at the edge of Ratoath, would positively contribute to an increase in housing stock and physical infrastructure in the area, in particular the extension and completion of the Ratoath Outer Relief Road, would be acceptable in terms of urban design, layout and building height, would be acceptable in terms of pedestrian and traffic safety, and would provide an acceptable form of residential amenity for future occupants. The proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 14.0 Conditions

1. 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.

**Reason:** In the interest of clarity.

2. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

**Reason:** To protect the environment.

3. The period during which the development hereby permitted may be carried shall be five years from the date of this Order.

**Reason:** In the interest of clarity.

4. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

(b) The Ratoath Outer Relief Road shall be constructed within the first phase and shall be extended and completed and fully open for use prior to first occupation of the development.

(c) The proposed commercial building shall be within the first phase and prior to the completion of the first phase of the development hereby permitted, the permitted childcare unit, cafe unit, and retail unit in shall be fully fitted out and suitable for immediate occupation and operation.

(d) Details of all creche, cafe, and retail unit signage shall be submitted to, and agreed in writing with, the planning authority prior to operation of any of these units.

**Reason:** In the interests of the timely provision of services, residential and visual amenity, and the proper planning and sustainable development of the area.

5. Prior to the commencement of development the developer shall submit detail of the following for the written approval of the planning authority:

(a) The signalised junction of the proposed Ratoath Outer Relief Road with Fairyhouse Road/R155 and the interface with the existing public road.

(b) The interface of the realigned section of Glascarn Lane south of the proposed Ratoath Outer Relief Road and the existing section of Glascarn Lane, and the incorporation of existing property accesses into the realigned section.

(c) The interface of the extended/resurfaced section of the proposed Ratoath Outer Relief Road and the existing section of the road.

(d) The design of the proposed Ratoath Outer Relief Road within the site boundary.

(e) A Road Safety Audit and a Quality Audit, in accordance with Transport Infrastructure Ireland and Design Manual for Urban Roads and Streets requirements, shall be completed for the proposed development. Any amended layouts that address the recommendations of the Audits at each stage shall be submitted to the planning authority for agreement.

**Reason:** In the interests of clarity, residential amenity, traffic safety, and the proper planning and sustainable development of the area.

6. The developer shall provide a piece of public art to be designed in consultation with the planning authority, or as otherwise agreed with the planning authority. The location of the piece of art shall be agreed with the local authority prior to the commencement of works on site.

**Reason:** To comply with objective DM OBJ 38 of the Meath County Development Plan 2021-2027.

7. Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

8. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

9. (a) The landscaping scheme shown on drawing numbers DWG.01, DWG.02, DWG.03, and DWG.04, as submitted to the planning authority on 20<sup>th</sup> June 2025 shall be carried out within the first planting season following substantial completion of external construction works.

(b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

(c) The area outside the site boundary to the north of the proposed Ratoath Outer Relief Road but within the applicant's land ownership, as shown on DWG.04, shall be maintained as a grass verge by the land owner until such time as it is developed or taken in charge or otherwise ceases to be a verge area. Detail in relation to this shall be agreed with the planning authority prior to the completion of the Ratoath Outer Relief Road.

(d) Final details of all boundary treatments shall be agreed in writing with the planning authority prior to commencement of development.

**Reasons:** In the interests of residential and visual amenity.

10. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees and hedgerows which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** In the interest of visual amenity and to protect trees and planting during the construction period.

11. (a) The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

(b) Prior to the commencement of development, the developer shall coordinate with the developer of the adjacent site under which permission was granted for development under planning authority register reference 25/60676 with regard to the management of the drainage ditch and mature hedgerow along the common

boundary. Detail of any maintenance agreement shall be submitted for the written agreement of the planning authority.

(c) Prior to the commencement of development, the developer shall agree in writing with the planning authority the proposed outfall level to the ditch to ensure that any upgrade works to the culvert under the R155/Fairyhouse Road do not impact the proposed surface water design.

(d) Prior to the commencement of development, the developer shall coordinate with the developer of the adjacent site under which permission was granted for development under planning authority register reference 25/60676 and shall submit for the written agreement of the planning authority detail of the surface water outfall location(s) and detail of any regrading of the ditch and culvert upgrade works. In the event that the subject development is constructed ahead of the adjacent permitted development, the developer shall submit for the written agreement of the planning authority a surface water drainage resolution for the proposed outfall.

**Reason:** In the interests of orderly development and public health.

12. Prior to the commencement of development the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

13. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit in that phase.

**Reason:** In the interests of amenity and public safety.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

15. The internal road network, including all footpaths and cycle paths, serving the proposed development, including turning bays, junctions, parking areas, kerbs, and signage shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. In default of agreement, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

16. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

17. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and

monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

18. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

(n) The appointment and responsibilities of a community liaison officer for the duration of the construction period.

**Reason:** In the interest of amenities, public health and safety and environmental protection.

19. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

20. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of environmental protection.

21. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

22. The developer shall be responsible for the maintenance of all roads, footpaths, open spaces, site boundaries and other services within the development until taken in charge by the planning authority and/or Uisce Éireann at its discretion.

**Reason:** To ensure adequate maintenance of the development.

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and sections 96(2) and 96(3) (b) (Part V) of the Planning & Development Act, 2000 (as amended), unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

24. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**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.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees/hedges on site and to make good any damage caused during the construction period, coupled with an agreement empowering the

planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedge or trees/hedges on the site or the replacement of any such trees/hedges which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To secure the protection of trees and hedges to be retained on the site.

26. 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 and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

27. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**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.

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.

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Anthony Kelly

Senior Planning Inspector

2<sup>nd</sup> December 2025

## Appendix 1 – Appropriate Assessment (AA) Screening Report

<b>Screening for Appropriate Assessment (AA)</b> <b>Test for likely significant effects</b> <b>Case file – ABP-323566-25</b>	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	LRD comprising 364 residential units, a commercial building containing a creche, retail unit, and café, a section of the Ratoath Outer Relief Road (RORR), and all associated site works.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The site is a greenfield site at an edge of urban area location. The majority habitats are agricultural grasslands and scrub. The site area is relatively flat. There is no watercourse within or adjoining the site.</p> <p>An existing drainage ditch on site receives local excess rainfall runoff from lands in the immediate vicinity only. This ditch would receive surface water from part of the proposed development and discharge it to the Bradystown/Ratoath Stream which is a tributary of the Broadmeadow which outfalls to Malahide Estuary approximately 22km downstream. The remainder of the site would discharge surface water to a public system within the existing/proposed RORR.</p>
<b>Screening Report</b>	An Appropriate Assessment Screening (AA Screening) document dated 20 <sup>th</sup> May 2025 has been submitted with the application.
<b>Natura Impact Statement (NIS)</b>	None submitted.
<b>Relevant submissions</b>	<p>None of the grounds of appeal, observation received on foot of the grounds of appeal, or submissions or observations received by MCC refer to AA issues, including the DHLGH observation.</p> <p>MCC retained a third-party company to review the applicant's AA Screening. It concluded that Stage 2 AA was required. The MCC Planning Report considered this 'excessive and not consistent with previous appropriate</p>

		assessments' (page 84) and concluded that Stage 2 AA was not required.		
Step 2: Identification of relevant European sites using the source-pathway-receptor model				
The applicant's AA Screening does not consider that significant effects are likely to any European site. Notwithstanding, three European sites are identified: Rye Water Valley / Carton SAC, as it is the nearest European site, and both Malahide Estuary SAC and Malahide Estuary SPA as there is an indirect hydrological link, albeit just over 22km downstream by my estimation. These can be assessed as follows.				
European site (code)	Qualifying interests (QI) / Special conservation interest (SCI) <sup>20</sup>	Distance from proposed development	Ecological connection?	Consider further in screening? Y/N
Rye Water Valley / Carton SAC (001398)	Petrifying springs with tufa formation [7220], Narrow-mouthed whorl snail [1014], Desmoulin's whorl snail [1016]	Approx. 12.9km to the south/south west as the crow flies.	None	No. There is no direct or indirect hydrological pathway.
Malahide Estuary SAC (000205)	Mudflats and sandflats not covered by seawater at low tide [1140], Salicornia and other annuals colonising mud and sand [1310], Atlantic salt meadows [1330], Mediterranean salt meadows [1410], White dunes	Approx. 16.6km to the east as the crow flies. Approx. 21.7km hydrologically.	Indirect hydrological	No. The proposed development is approx. 16.6km from the SAC as the crow flies. I have calculated that the hydrological distance, which is more relevant, is approx. 21.7km. Foul water is to the public system. Surface water from part of the site is to enter the surface water network and discharge to the Estuary. Given the distances involved I agree with the AA Screening that 'any pollutants, dust or silt laden run off that

<sup>20</sup> In table 2 of the applicant's AA Screening *spartina swards* [1320] was listed as a QI of Malahide Estuary SAC. I have not included it because the relevant NPWS Conservation Objective Series document states a conservation objective has not been prepared for this habitat and 'It will therefore not be necessary to assess the likely effects of plans or projects against this Annex I habitat at this site'.

	[2120], Grey dunes [2130]			enters the surface water drainage network will be diluted or dispersed to negligible levels prior to reaching this SAC’.
Malahide Estuary SPA (004025)	14 no. waterbirds plus wetlands	Approx. 17km to the east as the crow flies. Approx 22.1km hydrologically.	Indirect hydrological	As above, with 17km in lieu of 16.6km, 22.1km in lieu of 21.7km, and SPA in lieu of SAC. The AA Screening also considers that noise and vibration during construction will not have a significant effect on conservation objectives. I agree, and I also consider that there would be no adverse impact on ex-situ foraging for the mobile SCI species given the general diet of waterbirds, the distance from the coast, the nature of the site, and the significant amount of similar lands in the general area.

**Step 3: Describe the likely effects of the project (if any, alone or in combination) on European sites**

The applicant’s AA Screening report screened out the three referenced European sites from further consideration. I have similarly screened out all sites within a theoretical zone of influence. Having regard to the provisions of the foregoing table and for the reasons set out in the column ‘Consider further in screening? Y/N’, I do not consider that the proposed development could have any likely significant impact on any European site from the only possible source-pathway-receptor link i.e. contaminated surface water. The proposed closure of a section of ditch within the site, as referenced in paragraph 9.9.12, would not have any possible AA implication in my opinion.

There is no likelihood of significant effects arising to European sites from the proposed development alone. Therefore I do not consider the proposed development could act in combination with any other plan or project to result in any significant effect.

I note that a third-party retained by MCC to review the AA Screening recommended that Stage 2 AA be required. The planning authority did not accept the recommendation. Given the content of this appendix, the standard nature of the proposed residential/road development, the absence of a watercourse within or adjoining the site, and the significant hydrological distances involved, I agree

with the conclusion reached by the planning authority that Stage 2 AA is not warranted for this application.

Having regard to the foregoing, I agree with the conclusion of the applicant's AA Screening that 'the competent authority may determine that a Stage 2 Appropriate Assessment of the Proposed Development is not required as it can be excluded, on the basis of objective scientific information following screening under this Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on any European site'.

#### **Step 4: Conclude if the proposed development could result in likely significant effects on a European site**

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on any European site. No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

#### **Screening Determination**

##### **Finding of no likely significant effects**

In accordance with section 177U of the Planning & Development Act, 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Rye Water Valley / Carton SAC, Malahide Estuary SAC, or Malahide Estuary SPA, or any other European site, and is therefore excluded from further consideration. Appropriate assessment (AA) is not required.

This determination is based on:

- scientific information provided in the applicant's AA Screening report.
- the nature, scale, and location of the proposed residential development in a zoned area on fully serviceable lands.
- the lack of direct hydrological connection between the proposed development and the European sites, and the hydrological distances involved.
- the likelihood of settlement of any contaminated surface water within drainage ditches and watercourses before any such contaminated surface water discharge could reach any European sites.
- the absence of any possibility of noise or nuisance disturbance to SPA SCIs during construction and the lack of suitable foraging habitat for ex-situ species.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

## **Appendix 2 – Water Framework Directive (WFD)**

WFD Impact Assessment Stage 1: Screening						
Step 1: Nature of the Project, the Site and Locality						
An Coimisiún Pleanála Ref No.		ACP-323566-25	Address	Commons and Jamestown, Ratoath, Co. Meath		
Description of project		LRD comprising 364 residential units, a commercial building containing a creche, retail unit, and café, a section of the Ratoath Outer Relief Road (RORR), and all associated site works.				
Brief site description relevant to WFD screening		The site is a greenfield site at an edge of urban area location. The majority habitats are agricultural grasslands and scrub. The site area is relatively flat. There is no watercourse within or adjoining the site. There is an existing drainage ditch on site which receives local excess rainfall runoff from lands in the immediate vicinity only. Poorly drained mainly basic mineral soils are present on site and groundwater vulnerability is low.				
Proposed surface water details		Part of the site would discharge to a public drainage network constructed as part of the existing/proposed RORR. Part of the site would discharge via SuDS to the existing drainage ditch on site which would outfall to the Bradystown/Ratoath Stream approx. 300 metres west of Fairyhouse Road which in turn would discharge into the Broadmeadow in Ratoath.				
Proposed water supply source and available capacity		Water supply is from the public main. Uisce Éireann's Confirmation of Feasibility states the proposed development is feasible subject to upgrades.				
Proposed wastewater treatment system and available capacity		Foul water discharge is to a public foul sewer. Uisce Éireann Confirmation of Feasibility states the proposed development is feasible subject to upgrades.				
Other issues		No				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance	Water body name (code)	WFD status (2019-2024)	Risk of not achieving WFD status	Identified pressures on that water body	Pathway linkage to water feature

River waterbody (Bradystown / Ratoath)	Approx. 300 metres west of the site boundary	Ratoath_010 (IE_EA_08R010150)	Poor	At risk	Ag, DWTS, UR, HYMO	Surface water discharge via drain
River waterbody (Broadmeadow)	Approx. 850 metres upstream of the site outfall to the Bradystown/Ratoath. Approx. 900 metres north west of the site boundary as the crow flies.	Broadmeadow_010 (IE_EA_08B020400)	Poor	At risk	UWW, HYMO, UR, Ag	Surface water from site via the Bradystown/ Ratoath
Groundwater waterbody	Underlying site	Swords (IE_EA_G_011)	Good	Not at risk	None	Drainage to groundwater

**Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

**Construction phase**

No.	Component	Waterbody receptor (EPA code)	Pathway	Potential for impact / what is the possible impact	Screening stage mitigation measure	Residual risk (Y/N)	Determination to proceed to Stage 2.
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1	Surface	Ratoath_010 (IE_EA_08R010150)  Broadmeadow_010 (IE_EA_08B020400)	Surface water runoff	Deterioration of surface water quality during construction phase	Documentation submitted with application e.g. EIAR and CEMP, contain a number of relevant mitigation measures.	No. Appropriate mitigation is proposed. The site is approx. 300 metres from the nearest EPA watercourse and effects on this, or other watercourses downstream, is not likely.	Screened out
2	Ground	Swords (IE_EA_G_011)	Discharge to ground	Deterioration in groundwater quality during construction	As above	No. In addition to proposed mitigation the soil is poorly draining and groundwater vulnerability is low.	Screened out
<b>Operation Phase</b>							
1	Surface	Ratoath_010 (IE_EA_08R010150)  Broadmeadow_010 (IE_EA_08B020400)	Surface water	Deterioration of surface water quality	Primarily SuDS. A standard condition requiring surface water detail to be agreed with the planning authority is also recommended should permission be granted.	No. This is a standard residential development.	Screened out
2	Ground	Swords (IE_EA_G_011)	Discharge to ground	Deterioration of groundwater quality	As above	No. This is a standard residential development.	Screened out

Decomissioning Phase	
N/A	