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### **Appeal Statement**

Statement of appeal against decision by Meath County Council to grant permission for a Large Scale Residential Development comprising 364 no. residential units, a Commercial Building containing a Creche, a Retail Unit and a Café and a section of the Ratoath Outer Relief Road (RORR) together with all associated ancillary accommodation, open space and site development works on a site (12.58 ha) located on the southern edge of the settlement of Ratoath in County Meath.

The appeal is made on behalf of Codliss Developments Limited, Unit 6C The Court, Ashbourne Industrial Estate, Ashbourne, Co Meath.

Date of decision: **14<sup>th</sup> August 2025**. Planning register reference: **2560637**.

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### **Enclosures:**

- Acknowledgement of Observation to the Planning Authority
- Drawing Composite Site Layout Plan
- Drawing Composite Site Layout Plan (identifying 'no man's land')

## 1 Introduction

I have been instructed by my clients Codliss Developments Limited to appeal against the decision by Meath County Council to grant permission for a Large Scale Residential Development comprising 364 no. residential units, a Commercial Building containing a Creche, a Retail Unit and a Café and a section of the Ratoath Outer Relief Road (RORR) together with all associated ancillary accommodation, open space and site development works on a site (12.58 ha) located on the southern edge of the settlement of Ratoath in County Meath.

The decision was made on 14<sup>th</sup> August 2025 subject to 23 conditions. Planning register reference: **2560637**.

The appeal is made on behalf of Codliss Developments Limited, Unit 6C The Court, Ashbourne Industrial Estate, Ashbourne, Co Meath.

The appeal is primarily based on the following grounds:

- **The proposed development creates a haphazard pattern of development arising from the double bend in the horizontal alignment of the Ratoath Outer Relief Road and the creation of an area of ‘no man’s land’ without a defined function that is outside the site curtilage or land ownership of the applicants.**

The detailed grounds of appeal are set out in sections 5-8 of the appeal submission.

A written objection to the planning application was made by the appellants. Written acknowledgement of receipt of this objection is included with the appeal submission.

## 2 Proposed Development

The proposed development is for a residential development of 364 no. residential units, a commercial building containing a creche, a retail unit and a café and a section of the Ratoath Outer Relief Road (RORR) together with all associated ancillary accommodation, open space and site development works. The planning application is made as a Large Scale Residential Development.

## 3 Planning History

A previous proposal was submitted by the same applicants as a Strategic Housing Development application directly to An Bord Pleanála. This application was refused<sup>1</sup> for the following reasons:

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<sup>1</sup> An Bord Pleanála decision order ABP-313658-22, 14/9/23.

1. 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.
2. 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 lands 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.

The planning report with the current proposal makes reference to this previous application as follows: ...*"Outside of the previous SHD application by BEO Properties Ltd., the subject site has no previous planning history. It is submitted that this proposal positively addresses the Board's previous reasons for refusal of application ref. SH313658 on the subject lands."*<sup>2</sup>

It is relevant to note that the site curtilage of the previous SHD planning application is different from the site curtilage of the current application. The current application does not include two land parcels that are outside the ownership of the applicants but within the site curtilage of the previous application. Both sections had consent declarations from the relevant landowners in the previous application. These differences are illustrated in the figures 1A and 1B below. The shaded areas in Fig. 1A are within the red line of the site curtilage of the previous planning application but are now outside the site curtilage of the current application (Fig. 1B).

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<sup>2</sup> *Planning Report and Statement of Consistency*, KPMG Future Analytics, June 2025, dated 20/6/25, p. 26.



layout for the lands, building height and design principles, mix of uses, open space and recreational provision, traffic impact assessment and management proposals and service.”<sup>4</sup>

It is a Development Plan Objective: ...”To facilitate the development of the Ratoath Outer Relief route in tandem with development.”<sup>5</sup>

It is also a Development Plan Objective: ...”To require that development proposals are prepared in accordance with a Masterplan which includes an urban design and landscape design statement.”<sup>6</sup>

## **5 Masterplan for MP37 Lands**

Since the previous decision was made to refuse planning permission for a Strategic Housing Development in September 2023, a Masterplan was developed for the subject area.<sup>7</sup> It should be noted that the component of the proposed development in the LRD planning application that includes the construction of the section of outer relief road is located for the most part **outside** the lands covered by this Masterplan. This is clear from the landowners map contained in the masterplan document.<sup>8</sup>

## **6 Need to Locate Development within Residential Zoned Lands**

In the previous application for a Strategic Housing Development, the Board concluded that the applicants had failed to demonstrate that the proposed residential development was entirely within the lands zoned for new residential development and that some of the proposed residential development might be on white lands. The refusal reason stated the following:

...”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.”<sup>9</sup>

The applicants are stating that the current proposed development is in its entirety within the A2 zoned lands for new residential development: ...”The LRD scheme and all ancillary uses are entirely located on A2 Residential lands – no part of the residential or associated elements encroach onto ‘White Lands - WL’ or any other

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<sup>4</sup> Meath County Development Plan 2021-2027, Vol. 2, Ratoath section 5.1.

<sup>5</sup> Meath County Development Plan 2021-2027, Vol. 2, Objective RA OBJ 7

<sup>6</sup> Meath County Development Plan 2021-2027, Vol. 2, Objective RA OBJ 12.

<sup>7</sup> Masterplan for MP37 Lands Commons and Jamestown Ratoath Co. Meath, June 2025.

<sup>8</sup> Masterplan for MP37 Lands Commons and Jamestown Ratoath Co. Meath, June 2025, Fig. 1-1, p. 6.

<sup>9</sup> An Bord Pleanála decision order ABP-313658-22, refusal reason 2.

land use zones.”<sup>10</sup> In support of this assertion a LRD overlay onto MCC zoning map is shown in figure 7-13.<sup>11</sup>

However, while the *residential component* of the proposed development may be within the A2 zoned lands, it is clear that the greater part of the outer *relief road component* of the proposed development is **outside** the A2 zoned lands. This component is described on the planning application form as ...”*a section of the Ratoath Outer Relief Road (RORR)*”<sup>12</sup> and forms an integral part of the proposed development.

The outer *relief road component* of the proposed development is located on lands that have been zoned ‘Rural Area’ and ‘White Lands’ with only a small element on A2 zoned lands. This is acknowledged in the Planning Report: ...”*The proposed RORR corridor falls across RA, WL and A2 residential zonings.*”<sup>13</sup> The remainder of the western section of the road falls within lands that are zoned ‘White Lands’ while the eastern section is entirely within lands that are zoned ‘Rural Area’. This is shown on figure 7-13 of the Planning Report.<sup>14</sup>

The applicants claim that the construction of the proposed road may be considered a permitted use on the lands zoned Rural Area under the category of ‘Utilities’. In support of this claim reference is made to the following section of the Inspector’s report on the previous application:

...”*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>15</sup>

However, for the section of the road that is on lands zoned ‘White Area’ no claim of compliance with the development plan zoning objective is made. This is not surprising because the zoning objective does not list any land uses that are either ‘permitted’ or ‘open for consideration’ for these zoned lands. Instead, the Development Plan states the following in relation to the lands zoned ‘White Lands’:

...”*It is not generally envisaged that development proposals will be brought forward during the life of this Development Plan for such lands. No indication is therefore generally offered regarding the suitability or otherwise of individual uses on said lands within this Development Plan. Should the Planning Authority be satisfied that a project proposed for lands with a white land designation would assist with the implementation of the Economic Strategy and education provision, these lands can be released for employment creating development during the plan period in accordance with the Economic Strategy. White Lands should only be released where*

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<sup>10</sup> Planning Report and Statement of Consistency, KPMG Future Analytics, June 2025, p. 27.

<sup>11</sup> Planning Report and Statement of Consistency, KPMG Future Analytics, June 2025, Fig. 7-13, p. 102.

<sup>12</sup> Planning Application Form, date stamped 20/6/25, section 9.

<sup>13</sup> Planning Report and Statement of Consistency, KPMG Future Analytics, June 2025, p. 101.

<sup>14</sup> Planning Report and Statement of Consistency, KPMG Future Analytics, June 2025, Fig. 7-13, p. 102.

<sup>15</sup> Inspector's Report, SHD ref. ABP-313658-22, p. 37.

*it would lead to significant employment creation, education provision or which cannot reasonably be accommodated on other employment zoned land.*"<sup>16</sup>

While no claim is made by the applicants that the proposed outer relief road is compatible with the White Lands zoning objective, such a claim was made on the previous application. The Inspector's report refers to this in the following section of the report: *"It has been highlighted by parties to the application that the completion of the RORR aspect of the development proposals would facilitate employment creating development by providing the necessary access to the general enterprise and employment lands, subject of masterplan MP 34, and located adjacent to the west of the site along Fairyhouse Road. Accordingly, I would have no substantive concerns regarding the construction of this section of the RORR within 'WL White Lands'."*<sup>17</sup>

With respect, the suggestion that the construction of the road on lands that are zoned White Lands is acceptable because the road provides access to the enterprise and employment lands in masterplan area MP34, is disputed. Those lands are already accessible from the regional road R155.

In conclusion, the proposed development fails to comply with the principle set down in the previous An Bord Pleanála decision that all development should be located within the A2 zoned lands. To locate part of the development on lands that are zoned 'White Lands', even where this is restricted to the outer relief road component of the proposed development, would materially contravene the development plan.

This issue was addressed in the observation on the planning application and this is acknowledged by the planner in his report where the observation is summarised as follows: *"Non-compliance with Zoning Principles – The development does not adhere to the principle set by An Bord Pleanála that all development should be located within A2 zoned lands. Portions of the development, including the outer relief road, are proposed on lands zoned as 'White Lands,' which contravenes the development plan."*<sup>18</sup>

However, while the observation is noted by the planner, there appears to be no assessment of the issue of material contravention with the zoning objective. On the contents page of the planner's report, a long list of issues are presented which form part of the assessment, but zoning is not one of them.<sup>19</sup> Even apart from the fact that the observation by my clients was therefore not listed as one of the issues to be assessed, the planner failed to respond to the important refusal reason in the previous decision by the Board on a SHD application on exactly the same subject site, i.e. that the proposed development materially contravened the white lands zoning objective. While this problem may have been removed in terms of the residential component of the proposed development, it has not been removed in terms of the outer relief road component of the proposed development. The assessment by the planner of the proposed development is therefore deficient.

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<sup>16</sup> Meath County Development Plan 2021-2027, Chapter 11.

<sup>17</sup> Inspector's Report, SHD ref. ABP-313658-22, p. 36.

<sup>18</sup> Planner's report pl. ref. 25/60637, 14/8/25, p. 39.

<sup>19</sup> Planner's report pl. ref. 25/60637, 14/8/25, p. 2.

This deficiency in the planner's assessment of this issue is even more significant in view of the fact that the previous decision by An Bord Pleanála specifically referred to the fact that residential use was not permitted under the White Lands zoning objective and the same applies to road use: ...*"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."*<sup>20</sup> Such material contravention would equally apply to a proposed 'road development' as it would to a proposed 'residential development'.

**The proposed section of the Ratoath Outer Relief materially contravenes the 'WL White Lands zoning' objective in the Meath County Development Plan 2021-2027.**

## **7 Proposed Development Creates Area of No Man's Land**

It is noted that the Masterplan is a non-statutory plan and has therefore no definitive status in relation to the zoned lands in the development plan other than providing an indicative design strategy. However, an approved masterplan was a condition of a planning application. This was made clear in the Opinion of the Planning Authority on the proposed LRD application and a Masterplan was prepared on behalf of the applicants and submitted with the planning application documentation.<sup>21</sup>

According to the planner's report the Masterplan as submitted by the applicants was approved and is therefore the relevant development framework for considering the proposed development: ...*"The updated Ratoath Masterplan 37 was approved in writing by the Executive of MCC dated 16th June 2025, a copy of which accompanies the application."*<sup>22</sup>

The agreed Masterplan shows the boundary as a dotted blue line on Fig. 4.1. As a result of the introduction of a 'double bend' in the horizontal alignment of the section of outer relief road that will be constructed by the applicants, the Masterplan introduces an area of land that is outside the boundary of the Masterplan and that has no clear function.

This area has no proposed function (see Masterplan fig. 4.1), there are no landscaping proposals (see Masterplan fig. 4.7), it is outside any of the six so-called 'character areas' (see Masterplan fig. 4.3), and the land ownership is not made clear (see Masterplan fig. 1.1). This area can therefore best be described as an area of 'no man's land'.

Fig. 2 shows a section of the Masterplan where the area between the dotted blue line and the RORR corridor has a green colour shading which is not included in the key of the Masterplan.

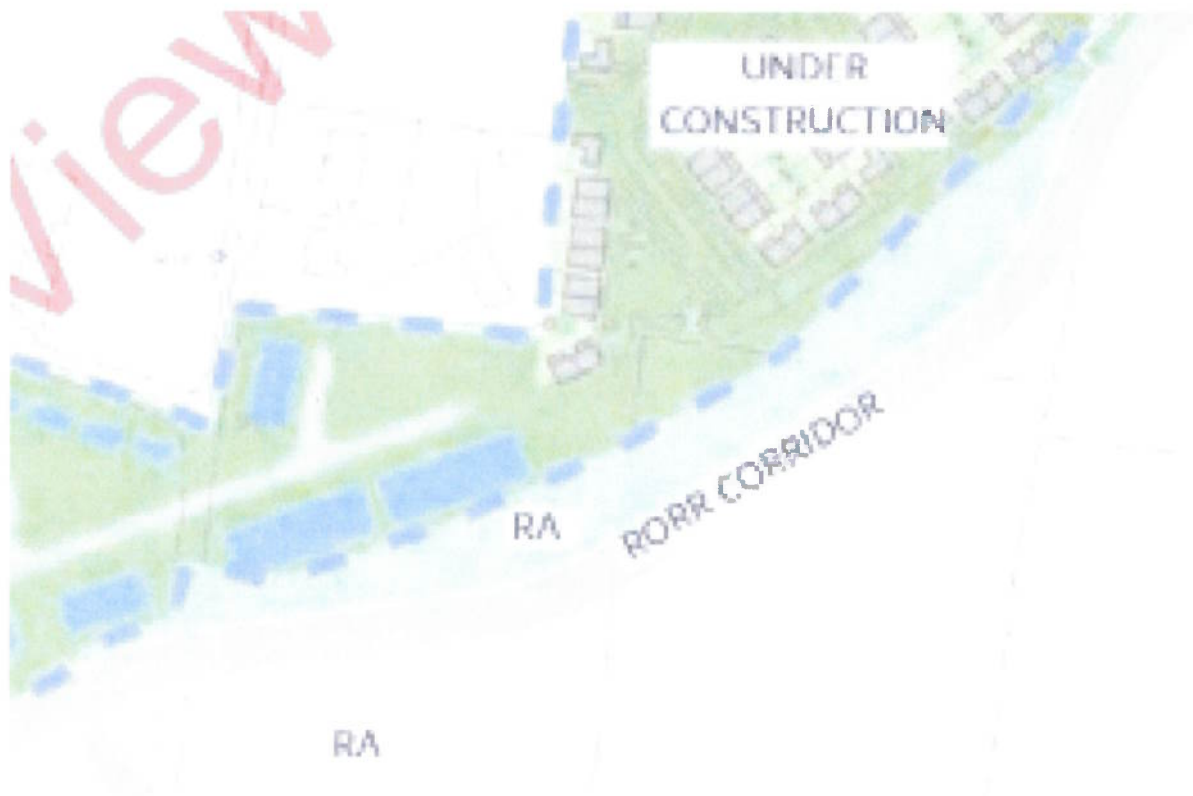
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<sup>20</sup> An Bord Pleanála decision order ABP-313658-22, refusal reason 2.

<sup>21</sup> *Planning Report and Statement of Consistency*, KPMG Future Analytics, June 2025, p. 13.

<sup>22</sup> Planner's report pl. ref. 25/60637, 14/8/25, p. 38.





**Fig. 2 – No Man's Land within proposed Masterplan (source Masterplan, Fig. 4-1).**

This concern about the future use of the area of no man's land was raised in the submission on the planning application that was made on behalf of my clients. It is clearly acknowledged by the planner as follows in his report: *... "Creation of 'No Man's Land' – The proposed horizontal alignment of the outer relief road introduces an area of unzoned land between the road and new residential development. This area lacks a defined use or function, leading to a haphazard pattern of development."*<sup>23</sup>

However, again the concern was not addressed anywhere in the assessment by the planning authority.

**The planning authority failed to consider the observation in relation to the creation of an area of 'no man's land' in the assessment of the proposed development.**

## **8 'No Man's Land' Area Creates Haphazard Pattern of Development**

Planning permission was granted by An Bord Pleanála for a Strategic Housing Development of 228 no. residential units (114 no. houses, 114 no. apartments), childcare facilities and associated site works. The permission was granted in November 2019.<sup>24</sup> Construction has commenced and the planning report for the proposed development makes reference to this development as follows in relation to the northern section of the Outer Relief Road: *... "The works proposed on a small*

<sup>23</sup> Planner's report pl. ref. 25/60637, 14/8/25, p. 39.

<sup>24</sup> An Bord Pleanála decision order ABP-305196-19

area of RA zoned lands facilitate the proposed Ratoath Outer Relief Road (RORR) and associated grass verge which acts as a continuation and connection to the northern portion of RORR which has been implemented by the consented Jamestown SHD scheme (Ref. ABP. 305196) - currently under construction to the north of the subject lands."<sup>25</sup>

The development under the SHD Scheme was based on a site layout where the houses and apartments to be constructed were facing the outer relief road as per its original alignment. The critical importance of how the development would front onto the relief road was a central planning issue in the consideration by the Board of development on that site. This is clear from the Opinion of the Board as part of the SHD process which stated the following: ...*"Further consideration should be given to the qualitative nature of the public realm including the **interface with the Outer Relief Road** and the need to ensure pleasant, attractive streetscapes with a sense of place and appropriate architectural response."*<sup>26</sup> (emphasis added). In response to this Planning Opinion, the revised layout that formed the basis for the planning permission provided for houses that would front onto a service road parallel to the outer relief road. The outer relief road was seen as a 'hard edge' to the urban area of Ratoath in the long term and the design of the layout ensured that this edge would be of high visual quality.

While this planning permission has now expired, a subsequent planning was granted which has adopted a similar site layout (pl.ref. 23/882).

The consequence of the creation of the new horizontal alignment of the outer relief road and the creation of the area of 'no man's land' referred to in this appeal submission, creates a further problem for future residents of the area in that the area with undefined use, land ownership or landscaping treatment, will be situated directly in front of their houses. This is illustrated in attached drawings which combine the existing approved site layout plan under pl. ref. 23/882 with the proposed site layout plan of the subject application. From these drawings the area of 'no man's land' resulting from the proposed planning application, can be clearly observed. From the first drawing it can be seen that the area is outside the red line site boundary of both planning applications. The second drawing shows the resulting area of 'no man's land' shaded. The Commission is urged to consider this aspect of the proposed development as an issue of concern that would make the proposed development contrary to the proper planning and sustainable development of the area.

This issue was addressed in the observation on the planning application. The planner's report has failed to address this issue.

**The creation of an area of 'no man's land' would create an area with undefined use, land ownership or landscaping treatment in close proximity to new residential development.**

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<sup>25</sup> *Planning Report and Statement of Consistency*, KPMG Future Analytics, June 2025, p. 104.

<sup>26</sup> Inspector's report ABP-305196-19, p. 9.

## 9 'De Novo' Consideration of a Planning Appeal

Under Section 37.1.b of the Planning and Development Act 2000 (as amended), ...*"the Board shall determine the application as if it had been made to the Board in the first instance"*...<sup>27</sup> This is an important principle in the operation of the third party appeal system that forms the basis of planning in Ireland. The principle has been retained in the new Planning and Development Act, 2024<sup>28</sup>.

In view of the fact that the concern about the implications of the creation of the area of 'no man's land' has not been considered by the planning authority in their assessment of the proposed development, it is of critical importance that this issue is considered by the Commission in their 'de novo' consideration of the planning application.

Because of the 'white land zoning' of the area outside the alignment of the outer relief road, the outer relief road will determine the edge of Ratoath town for the foreseeable future. It is therefore important to avoid the creation of an area of 'no man's land' where no specific function is proposed and no one can be held responsible for its treatment in view of the fact that it is outside the site curtilage of the subject application and outside the site curtilage of any other previously permitted application. In the interest of the proper planning and sustainable development of the area and the creation of a proper urban edge treatment of Ratoath town, clarification should be sought from the applicants or, alternatively, permission should be refused for the proposed road alignment in order to avoid this haphazard development pattern.

**As the issues raised in this appeal were raised in a submission on the planning application but were not considered by the planning authority, the Commission is urged to assess the proposed development on a 'de novo' basis and refuse planning permission or seek clarification from the applicants with regard to the area of 'no man's land'.**

## 10 Summary of Appeal Grounds

**In summary the appeal is based on the following grounds:**

- **The applicants have failed to comply with the principle set down in the previous An Bord Pleanála decision that all development should be located within the A2 zoned lands.**
- **The proposed section of the Ratoath Outer Relief materially contravenes the 'WL White Lands zoning' objective in the Meath County Development Plan 2021-2027.**

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<sup>27</sup> *Planning and Development Act, 2000 (as amended)*, Section 37.1.b.

<sup>28</sup> *Planning and Development Act, 2024*, Section 109.1.

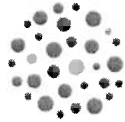
- The planning authority failed to consider the observation in relation to the creation of an area of 'no man's land' in the assessment of the proposed development.
- The creation of an area of 'no man's land' would create an area with undefined use, land ownership or landscaping treatment in close proximity to new residential development.
- The Commission is urged to assess the proposed development on a 'de novo' basis and refuse planning permission or seek clarification from the applicants with regard to the area of 'no man's land'.

Please direct all correspondence to the undersigned.

Yours sincerely,



Hendrik W van der Kamp.



Rialtas Áitiúil Éireann  
Local Government Ireland

Submission No.: 150000031560

Date of Issue:  
16/07/2025 10:40am

## **THIS IS AN IMPORTANT DOCUMENT**

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

Meath County Council

PLANNING APPLICATION REFERENCE No: 2560637

A submission/observation in writing, has been received from Hendrik van der Kamp on 15/07/2025 in relation to the above planning application.

The appropriate fee of €20 has been paid. (Fee not applicable to prescribed bodies)

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 and will be taken into account by the planning authority in its determination of the planning application.

Yours faithfully,  
*Meath County Council*

IS DOICIMÉAD TÁBHACHTACH É SEO

COINNIGH AN DOICIMÉAD SEO SLÁN. BEIDH ORT AN ADMHÁIL SEO A CHUR AR FÁIL DON BHORD PLEANÁLA MÁ'S MIAN LEAT ACHOMARC A DHÉANAMH IN AGHAIDH CHINNEADH AN ÚDARÁIS PHLEANÁLA. IS É SEO AN tAON FHIANAISE AMHÁIN ATÁ ANN A NGLACFAIDH AN BORD PLEANÁLA LEIS GUR CUIREADH AIGHNEACHT FAOI BHRÁID AN ÚDARÁIS PHLEANÁLA MAIDIR LEIS AN IARRATAS.