



FutureAnalytics

Material Contravention Statement

**Proposed Strategic Housing Development
(SHD) at Ratoath, Co. Meath**

On behalf of

BEO PROPERTIES LTD.

May 2022

Document review and approval

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1.0 Introduction

KPMG Future Analytics, Chartered Planning and Development Consultants, have prepared this Material Contravention Statement on behalf of the applicant, Beo Properties Ltd. of 6 Argus House, Greenmount Office Park, Harold's Cross, Dublin 6W. The statement accompanies the planning application for a Strategic Housing Development (SHD) on lands located to the south of the existing built up area of Ratoath, Co. Meath.

This Material Contravention Statement has been prepared in accordance with Section 8(1)(iv)(ii) of the Planning and Development (Housing) and Residential Tenancies Act 2016. This statement outlines the justification for granting permission to the proposed residential development on the subject lands having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, as amended.

This Statement addresses the issue of material contravention predominantly in relation to the provision of private open space and boundary treatment types. The Statement will initially set out the legislative context under which the Board are permitted to grant planning permission for a development that materially contravenes policy objectives contained within the Meath County Development Plan 2021-2027 and subsequently provide a justification for doing so having regard to wider national and regional policy measures.

In addition to the potential material contraventions involving the provision of private open space and proposed boundary treatment types, the Board may consider that material contraventions have occurred in relation to car parking and the proposed location and alignment of the section of the Ratoath Outer Relief Road (RORR) that is included in this planning application. Whilst Beo Properties Ltd. are of the view that a material contravention does not arise in relation to these items, a precautionary approach to this Statement has nevertheless been adopted and a justification supporting a deviation from these particular standards is clearly set out.

1.1 The Subject Site

The proposed development site to which this SHD application relates is situated to the southern edge of the settlement of Ratoath, Co. Meath, within the townland of Commons as shown on Figure 2.1 below. The subject site is located along the R155 which connects Ratoath to the M3. The settlement of Ashbourne is located to the east and Dunshaughlin to the west. The popular tourist attraction of Tayto Park is situated approximately 4km north of the town and Fairyhouse racecourse is located 1km south of the subject site.

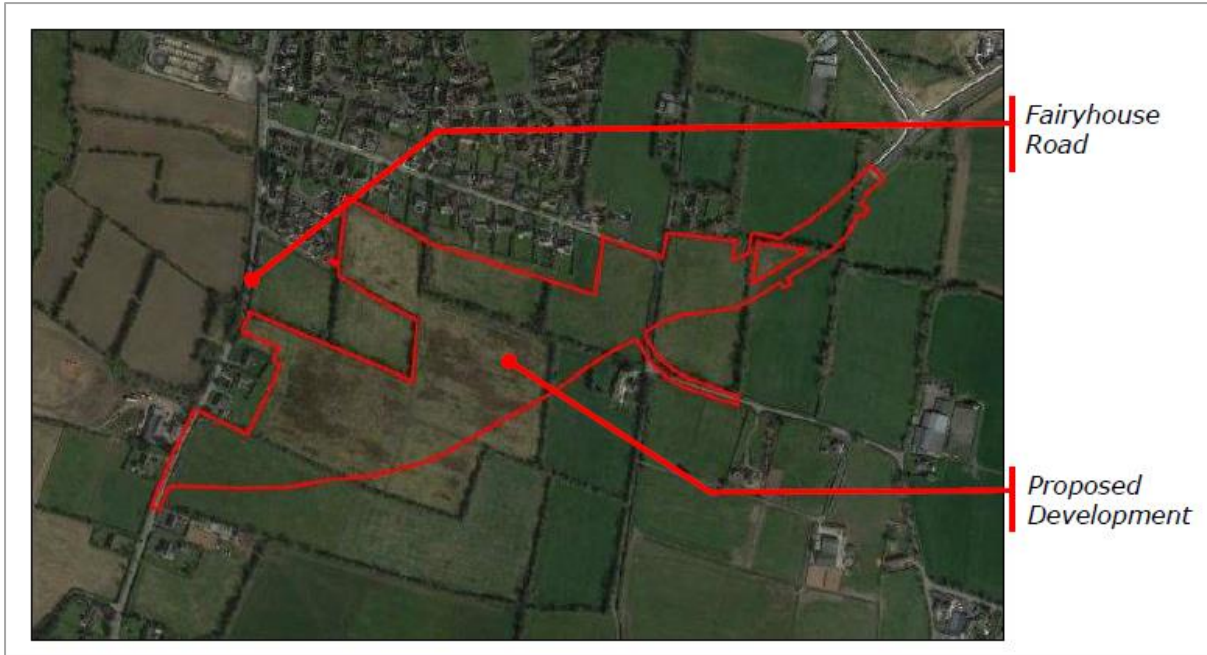


Figure 1.1 Aerial Image of Subject Lands (outlined in red)

The site is strategically positioned a short distance from Ratoath town centre. The town centre has a range of retail options and personal and professional services are also available. The subject site is located within close proximity to schools, childcare facilities, retail outlets, restaurants, health care facilities, a post office and fitness centres, which are detailed in the Social Infrastructure Assessment which accompanies this application. Figure 1.2 below provides a visual representation of the subject site's proximity to other towns such as Drogheda, Navan and Dunshaughlin, as well as Dublin city.

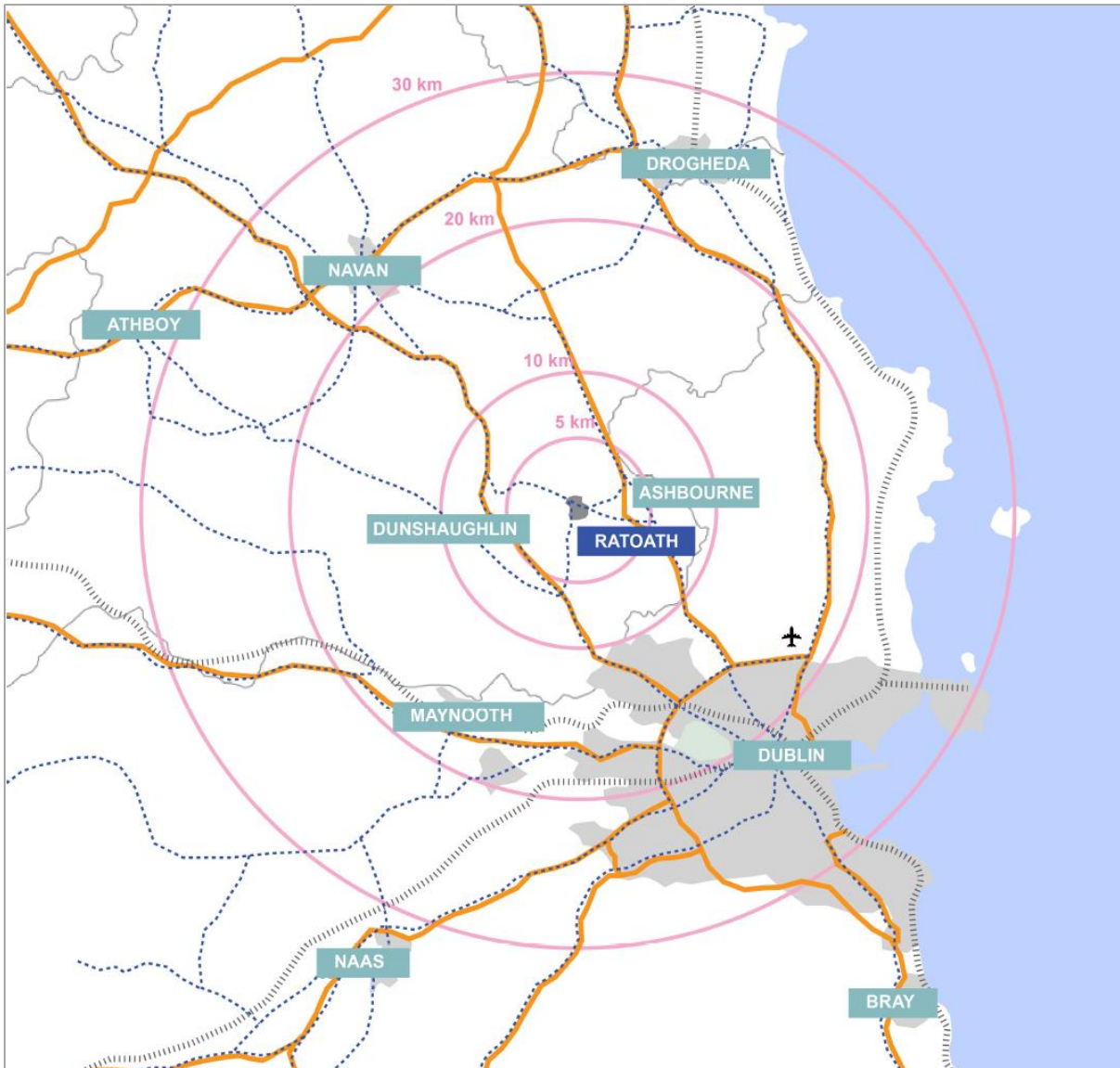


Figure 1.2 Site Context in the Greater Dublin Area

The irregularly shaped site comprises a gross area of approximately 14.166ha and is currently in agricultural use. There is a row of single family dwellings situated along Glascarn Lane which bounds the site to the north and north-western edge. The site is bounded by the R155 to the West. Glascarn Lane also bounds the site along its north eastern edge. The remainder of the eastern boundary and the boundary to the south are adjoined by primarily by neighbouring agricultural lands interspersed with housing on Fairyhouse Road and the new Ratoath Outer Relief Road (hereafter referred to as 'RORR'). The portion of the RORR within the ownership of the applicant will be delivered in tandem with the proposed development.

1.2 The Proposed Development

The proposed development will principally consist of the construction of 452 no. residential units which are located in 12 distinct but interconnecting neighbourhoods. Building heights range from 2-3 storey terraced houses and 3-4- storey duplex buildings (1 storey ground floor units and 2 storey first and second floor units; 2 storey ground and first floor units and 2 storey second and third floor units) and 6-storey apartment blocks. Private open space associated with the residential units is provided in the form of rear gardens, balconies, terraces and winter gardens.

The development includes a crèche with associated outdoor play areas at ground floor and at roof level; 4 no. commercial/retail units; a landscaped public open space which includes a civic plaza; communal open space in the form of communal courtyards for each neighbourhood; associated car and cycle parking serving the full development and uses therein; solar PV panels; a second phase of the Ratoath Outer Relief Road (RORR), that will run along the southern boundary of the application site join up to the existing constructed section of the RORR, with two priority controlled junctions; a series of pedestrian and cycle connections from the Fairyhouse Road (R155), Cairn Court, Glascarn Lane and the new RORR; internal road and shared surface networks including pedestrian and cycle paths; public lighting and all associated site development and infrastructural works, services provision, ESB substations, foul and surface water drainage, extension to the foul network, access roads/footpaths, lighting, landscaping and boundary treatment works and all ancillary works necessary to facilitate the development.

For a more detailed description of the development please refer to the statutory notices that are included as part of this planning application.

2.0 Legislative Context

The Planning and Development (Housing) and Residential Tenancies Act 2016, as amended gives authorisation to the Board to grant permission in cases where development proposals materially contravene a relevant development plan or local area plan other than in relation to the zoning of the land (as per section 9(6)).

Section 9(6) of the 2016 Act states:

“(a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.

(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.”

Section 37(2)(b) of the Planning and Development Act 2000 (as amended) states:

“(2) (a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.”

[Emphasis added]

In line with the above legislative provisions, this Statement will outline how the proposed development, which involves the provision of much needed housing on underutilised lands that are strategically located within close proximity to the Ratoath settlement core, is considered to be of strategic and national importance and subsequently why permission should be granted in this regard. The Statement will also reflect on the proposed material contraventions of Development Plan policy in the context of Section 28 ministerial guidelines and their relevance to the application scheme.

In relation to the perceived material contravention pertaining to the provision of private open space and the qualitative form that this must take, it must first be stated that the proposed scheme complies, in full, with the quantitative standards of private open space to be provided for all residential units. From a qualitative perspective, the proposed Type B1 houses (3B6P, 30no. in total representing 7% of the entire unit count) achieve this through a combination of rear gardens (typically 46sq.m) and upper floor winter gardens (c. 17 sq.m). It is submitted that the Development Plan contains a sufficient degree of flexibility to permit alternative forms of private open space as part of well-designed development proposals. Furthermore, the 2009 s.28 *“Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas”* permit smaller type rear gardens as part of more innovative layouts such as the proposed scheme.

The perceived contravention involving the proposed rear boundary treatments is justified through the innovative design solution that enables the rear gardens to be directly connected to the courtyards facilitating a visual connection between their private open space and the shared semi-private courtyards. This approach results in a sufficient degree of passive surveillance, a design solution required through Development Plan policy, and preserves the safety and privacy of future residents. Such an approach to boundary treatments is permitted in the *“Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas” (2009)* that seeks to avoid the placing of blanket numerical restrictions on rear boundary types and respects the introduction of alternative solutions once appropriate for the site context.

Other matters that the Board may deem to be perceived as material contraventions involve car parking provision and the location of the proposed Ratoath Outer Relief Road (RORR). With respect to car parking provision, it is submitted that National policy has evolved to move towards promoting more sustainable modes of travel and encouraging a shift away from reliance on the private car as the principal mode of transport. Whilst the proposed scheme is compliant with the car parking standards for residential developments as outlined in Table 11.2 of the Development Plan, the car parking provided for the non-residential elements of the scheme falls below the recommended standards. The non-residential car parking standards are set down as “maxima” standards and as such there is an expectation that car parking will be provided at a rate below these standards. It is therefore respectfully submitted that no material contravention has occurred in this regard.

In relation to the location of the proposed Ratoath Outer Relief Road (RORR), it is acknowledged that there is a slight deviation in the layout of the road and its alignment from that shown on the Ratoath Land Use Zoning Map (Sheet 33a). The proposed location of the Road is indicative only and has not considered granular site level detail and constraints that inform and guide finalised location and layout. As such, it is submitted that no material contravention has occurred in this regard, but a precautionary approach has nonetheless been adopted and this issue include in Section 6 of this Statement.

Having regard to the above, it is considered that, whilst the proposed may be considered to contravene certain policies contained within the Development Plan, the Board may grant permission for the proposed development having regard to Section 37(2)(b) of the Act.

3.0 Background to Scheme

3.1 Introduction

The subject application is for a Strategic Housing Development as defined under the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended comprising 452no. dwelling units, associated open space, a crèche with outdoor play area, 4no. commercial / retail units and the second phase of the Ratoath Outer Relief Road on a strategically located site to the south of the existing built up area of Ratoath, Co Meath. This application, proposing in excess of 100 residential units, is eligible to be considered under the provisions of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, and the Planning and Development (Strategic Housing Development) Regulations 2017 as a Strategic Housing Development. Moreover, this quantum of residential development is considered to be of strategic national importance, particularly in the current climate of a housing crisis.

The design of the scheme has evolved over the course of extensive engagement with An Bord Pleanála and Meath County Council. The final proposal embodies the best design and planning outcome for this site, reflecting on local planning policy while ensuring appropriate response to the high-level strategic objectives set out within the county, regional and national planning policies.

The subject site is prescribed with a an **'A2 New Residential'** zoning objective in the Meath County Development Plan 2021 – 2027 with an objective,

“To provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy.”

A2 zoned land is the primary zone to accommodate new residential development. As part of the strategy for securing compact growth, the Development Plan recognises the importance of A2 zoned lands in achieving this objective and the need to deliver localised services and facilities in tandem with residential development. The proposal, which will provide for an additional 452 no. residential units together with 4no. localised retail / commercial units located in close proximity to the settlement core, is considered to fully accord with the overarching objective of the zoning designation.

The proposed scheme on this site does not materially contravene the land use zoning designated by the Meath County Development Plan 2021-2027.

Furthermore, the proposed scheme is compliant with national and regional policy objectives that seek to promote compact urban growth, encourage more efficient use of serviced land, and support the densification of underutilised lands within an established urban setting. The National Planning Framework (NPF) promotes development proposals that offer a more efficient use of land particularly contiguous to built up areas such as the subject lands. The NPF contains a series of National Policy Objectives that support increased residential densities and building heights at appropriate locations as follows:

NPO 3a: *“Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.”*

NPO 11: *“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 meeting appropriate planning standards and achieving targeted growth.”

NPO 33: *“Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”*

3.2 Purpose of this Material Contravention Statement

The purpose of this statement is to objectively set out the areas where the proposed development could potentially materially contravene a specific aspect of the Meath County Development Plan 2021-2027. An Bord Pleanála is the competent authority that would determine whether the proposed development would materially contravene a relevant development plan or local area plan. This statement provides justification on why permission should be granted for the proposed development having regard to section 37(2)(b) of the Planning and Development Act, 2000 (as amended), if An Bord Pleanála determines that a material contravention arises.

The proposed development poses potential material contraventions with respect to the following policy objectives contained within the Meath County Development Plan 2021-2027:

- **Private Open Space - Objective DM POL 7**
- **Boundary Treatments - Objective DM OBJ 29**

As outlined above, a precautionary approach to the assessment of the following Development Plan standards has also been adopted should the Board be of the view that a material contravention has occurred in relation to the below:

- **Location of Ratoath Outer Relief Road**
- **Non-Residential Car Parking Provision**

While it is our view that the proposed development is in accordance with the zoning and wider development control guidance’s proposed within the Development Plan, should the Board be minded to deem the proposal has deviated to a material extent from the policies of the statutory Development Plan, the intention of the report is to set out the rationale behind the perceived contraventions and establish the legislative basis allowing the Board to grant permission for the development notwithstanding the material contraventions.

It is our position that in all instances where the scheme deviates from the Development Plan, the proposal complies with Section 28 Guidelines, and up to date best practice guidelines, or there are conflicting development plan objectives contained within the Plan. The scheme is of strategic and / or national importance and in this regard, the Board may grant planning permission for the development in accordance with Section 37(2)(b) of the Act. Furthermore, it is also submitted that the Development Plan contains sufficient flexibility and agility to deviate from the relevant standards in which case a Material Contravention cannot have arisen.

4.0 Meath County Development Plan 2021-2027

The statutory Development Plan pertaining to the application site is the Meath County Development Plan 2021-2027. Ratoath is designated as a Self-Sustaining Town within the settlement hierarchy and is the fourth largest town in the County. The town has experienced a high level of population growth with a relatively weak employment base. As such, a key challenge for the area outlined in the Development Plan is the need to facilitate a plan led transition from commuter settlement to a sustainable settlement. The proposed development will deliver much need housing together with commercial uses in close proximity to designated strategic employment lands and will contribute to achieving the vision for Ratoath.

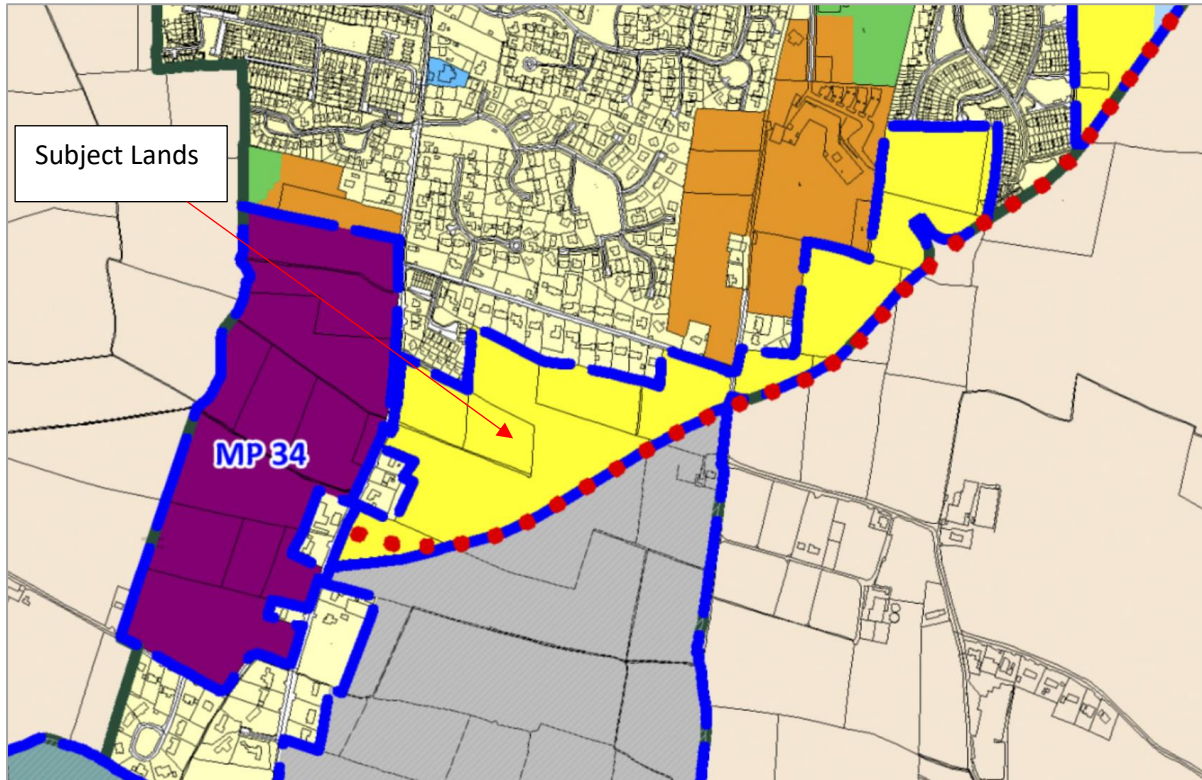


Figure 4-1 Location of the subject site in context of land use zoning

The application lands are zoned A2 – New Residential which permit the delivery of residential led development. The proposed scheme therefore does not materially contravene the land use zoning objective of the Meath County Development Plan 2021-2027. However, the proposal may be considered to deviate from some of the development management policies of the Development Plan, as listed in the table below:

Table 4.1 List of potential material contraventions		
Potential MC	Meath County Development Plan 2021-2027	Proposed development
Private Open Space	<i>DM POL 7: Residential development shall provide private open space Apartment schemes shall in accordance with the requirements set out in Table 11.1. Each residential development proposal shall be accompanied by a statement setting out how the scheme complies with the requirements set out in Table 11.1</i>	The proposed development is fully compliant with the quantitative standards of private open space provision for residential units as set out in the Development Plan. Section 11.5.12 of the Plan sets out the form that this space should take noting that it should be provided to the rear of the front building line. From a qualitative perspective, the proposed Type B1 houses (3B6P, 30no. in total representing 7% of the entire unit count) achieve this through a combination of rear gardens (typically 46sq.m) and upper floor winter gardens (c. 17 sq.m). It is submitted that the Development Plan contains a sufficient degree of flexibility to permit alternative forms of private open space as part of well-designed development proposals and does not specifically prohibit the inclusion of winter gardens as contributing to achieving this target.
Boundary Treatments	<i>DM OBJ 29: To require that all rear boundaries within the development shall be a minimum of 1.8 metres high and shall be constructed as capped, rendered concrete block or brick walls, to ensure privacy, security and permanency. Alternative durable materials will be considered..</i>	The perceived contravention involving the proposed rear boundary treatments is justified through the innovative design solution that enables the rear gardens to be directly connected to the courtyards facilitating a visual connection between their private open space and the shared semi-private courtyards. This approach results in a sufficient degree of passive surveillance as required under policy objective SOC OBJ 15. It is therefore submitted that there are conflicting objectives in the Development Plan and that flexibility should be afforded to the format of rear boundary treatments where they contribute to achieving an appropriate degree of openness within the scheme without compromising privacy and security. This approach is recognised in the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas” (2009) that seeks to avoid the placing of blanket numerical restrictions on rear boundary types and respects the introduction of alternative

		<p>solutions once appropriate for the site context.</p>
<p>Ratoath Outer Relief Road</p>	<p><i>RA OBJ 7: To facilitate the development of the Ratoath Outer Relief route in tandem with development</i></p>	<p>Chapter 3 of the Ratoath Written Statement outlines the vision for the settlement, part of which involves the promotion of sustainable movement through the completion of the Ratoath Outer Relief Road. Objective RA OBJ 7 is read in tandem with the corresponding zoning map outlining the indicative location of the RORR. It is submitted that the location of the route is indicative only and deviations are permissible.</p> <p>The proposed development includes the construction of the second phase of the RORR in tandem with residential development as envisaged in the Development Plan. It is therefore considered that the proposed location of the RORR and its minor extension into RA lands is permissible and does not constitute a material contravention of the Development Plan in this regard.</p>
<p>Car Parking Provision</p>	<p><i>DM OBJ 89: Car parking shall be provided in accordance with Table 11.2 and associated guidance notes.</i></p>	<p>As outlined above the proposed scheme is fully compliant with the car parking standards for residential developments as outlined in Table 11.2 of the Development Plan. However, the car parking provided for the non-residential elements of the scheme falls below the recommended standards. The non-residential car parking standards are set down as “maxima” standards and as such there is an expectation that car parking will be provided at a rate below these standards. It is therefore respectfully submitted that no material contravention has occurred in this regard.</p>

5.0 Justification for Material Contravention

The proposed development poses potential material contraventions with respect to the following policy objectives contained within the Meath County Development Plan 2021-2027:

- **Private Open Space - Objective DM POL 7**
- **Boundary Treatments - Objective DM OBJ 29**

As outlined above, a precautionary approach to the assessment of the following Development Plan standards has also been adopted should the Board be of the view that a material contravention has occurred in relation to the below:

- **Location of Ratoath Outer Relief Road**
- **Non-Residential Car Parking Provision**

5.1 Strategic or National Importance

The proposed development involves the provision of 452no. residential units together with commercial / retail uses, creche, landscaped open space and associated services and amenities on strategically located lands in close proximity to the settlement centre of Ratoath. Whilst it should be acknowledged that the term “strategic or national importance” is not expressly defined in planning legislation, the proposed development does meet the thresholds to constitute a strategic housing development. Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 defines Strategic Housing Development as, inter-alia, the “*development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses.*” The proposed development therefore falls within the definition of a Strategic Housing Development as set out under the 2016 Act and is, by definition, is strategic in nature.

The purpose of the 2016 Act which introduced the SHD procedures, is to “*facilitate the implementation of the document entitled Rebuilding Ireland – Action Plan for Housing and Homelessness.*” This document seeks to establish a clear roadmap to tackle homelessness and housing shortages through expediting the planning process and removing unnecessary delays in the delivery of much needed housing. Rebuilding Ireland, the 2016 Act and the recently published “Housing for All” Plan collectively recognise the strategic importance at a national level of large-scale residential developments which will play a key role in tackling existing housing shortages, particularly in our cities.

The ‘Housing for All’ Plan, establishes the overall aim of providing access to well-built homes at affordable prices in places which offer a high quality of life. The Plan outlines four different pathways to achieving the overarching objective that every citizen in the State should have access to good quality homes which are listed below:

- Supporting Homeownership and Increased Affordability;
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion;
- Increasing New Housing Supply; and
- Addressing Vacancy and Efficient Use of Existing Stock

The Plan sets out the Government’s vision for the housing system over the longer term to

enable the delivery of a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system. The need to achieve a housing supply target of 33,000 new homes each year up to 2030 highlights the strategic role large-scale housing developments, particularly in urban locations where demand is highest, can play in addressing the current housing crisis.

Pathway 3 of the Plan highlights the current issue of supply lagging firmly behind demand and articulates that this issue as being a significant part of the housing problem. In order to correct this issue, housing supply will need to be significantly stimulated which can be achieved through the delivery of residential developments at a scale and intensity appropriate to their site context. The proposed development will result in the delivery of 452no. residential units on underutilised lands in close proximity to the existing built up area of Ratoath.

Following on from the above, a key aim of the NPF is to support development proposals that offer a more efficient use of land, particularly those in established urban areas for the delivery of housing. The subject site is strategically positioned in an established urban area in close proximity to the settlement core of Ratoath, a designated self-sustaining town. A key vision and aim of the NPF is to promote the delivery of compact growth. National Planning Objective 35 highlights the importance of increased residential densities at suitable locations stating the aim to:

“Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.”

The proposed development deliberately seeks to promote increased density on an underutilised site at a strategic location, suitable for residential development. This in turn will contribute positively to achieving housing targets outlined in the NPF through compact growth and urban consolidation of an existing residential setting.

Having regard to the above it is considered that the proposed residential development can be classified to be of strategic or national importance.

5.2 Private Open Space

Private open space provision is a key component of residential amenity offering future residents of a proposed development an opportunity for safe and private recreation. Chapter 11 of the Development Plan sets out the standards that new residential developments must achieve in delivering private open space.

Policy DM POL 7 of the Development Plan states:

DM POL 7: Residential development shall provide private open space Apartment schemes shall in accordance with the requirements set out in Table 11.1. Each residential development proposal shall be accompanied by a statement setting out how the scheme complies with the requirements set out in Table 11.1

The proposed development is fully compliant with the quantitative standards for private open space provision for residential units as set out in the Development Plan. From a qualitative perspective, the proposed Type B1 houses (3B6P, 30no. in total representing 7% of the entire unit count) achieve this through a combination of rear gardens (typically 46sq.m) and upper floor winter gardens (c. 17 sq.m).



Figure 5-1 House Type B1

As shown in Figure 5.1, the proposed winter gardens are located on the upper floors of House Types B1 and to the rear of the front building line of the property. It is submitted that the Development Plan contains a sufficient degree of flexibility to permit alternative forms of private open space as part of well-designed development proposals and does not specifically prohibit the inclusion of winter gardens as contributing to achieving this target. In addition, Section 11.5.12 of the Plan specifically states that “*flexibility will only be permissible in response to well-designed development proposals*” which, it is argued, the application scheme constitutes.

The “*Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes, Sustaining Communities*” was published by the former Department of Environment, Heritage and Local Government in 2007. These Guidelines were prepared to inform the design of residential developments (houses in particular) with respect to minimum standards, individual unit design, materials, unit mix, open space, site selection, layout, connectivity, placemaking, safety and security, transport, services and delivery. Many of the foregoing considerations also feature in more contemporary Guidelines.

The proposed development has been designed to adhere to the policies, principles and objectives of the Guidelines (where not superseded) and this is evident in the Architectural Drawings, Design Statement and Housing Quality Assessment enclosed. Section 4.35 of the guidelines acknowledges that winter gardens are appropriate and should be considered within residential developments,

Having regard to the above, it is the applicant’s position that a material contravention in terms of private open space provision has not occurred. However, should the Board be minded to conclude that a contravention has occurred on the basis that winter gardens are not considered to constitute a form of private open space, the proposed development fully aligns with Section 28 guidance and should therefore not preclude the Board from granting planning permission for the proposed development in accordance with Section 37(2)(b) of the Act.

5.3 Boundary Treatment

Section 11.5.13 of the Development Plan sets out the policy objectives pertaining to boundary treatments for new residential developments. Policy Objective DM OBJ 29 relates to rear boundary types and states as follows:

DM OBJ 29: *To require that all rear boundaries within the development shall be a minimum of 1.8 metres high and shall be constructed as capped, rendered concrete block or brick walls, to ensure privacy, security and permanency. Alternative durable materials will be considered.*

The proposed development includes the provision of waist high brick walls ensuring a clear distinction between private and public open space whilst simultaneously facilitating supervision of public open space to create a more sociable atmosphere within the neighbourhood. Plot dividing walls will be 1.8m high to safeguard future residents' privacy and safety. Figure 5.2 below provides a visual representation of the design approach for the proposed scheme.

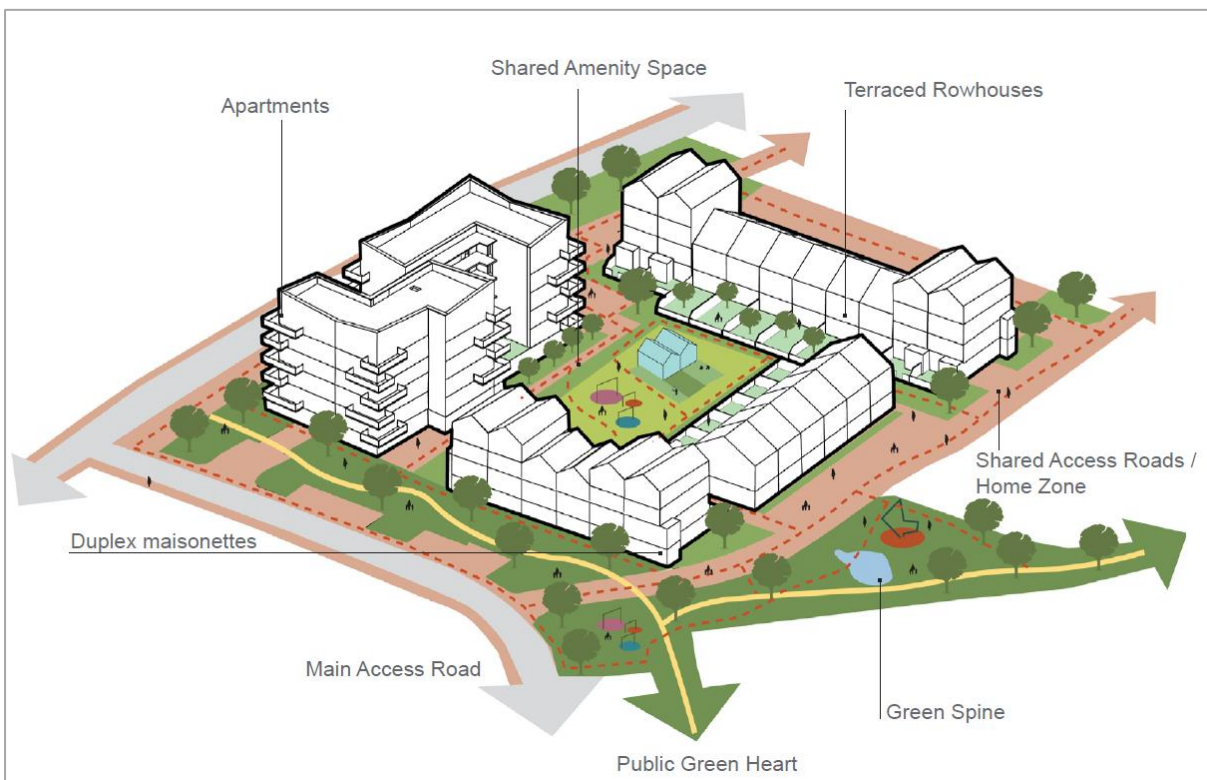


Figure 5-2 Design Approach for Proposed Development

Whilst it is acknowledged that the rear boundaries to the housing units that back onto the public open space are not 1.8m high, it is considered that this perceived contravention is justified and that the proposed treatment represents an appropriate design solution for the lands. This approach enables the rear gardens to be directly connected to the courtyards facilitating a visual connection between their private open space and the shared semi-private courtyards.

Policy objective SOC OBJ 15 relates to public open space provision noting that it is an objective of the Council to:

SOC OBJ 15 “ensure public open space is accessible, and designed so that passive surveillance is provided.”

In order to comply with the requirements of the above, it is necessary to locate the public open space centrally within the scheme. It was an important design consideration to deliberately avoid the creation of high blank walls that would prevent the scheme from achieving the requisite level of passive surveillance to create a safe open space environment. Furthermore, the scheme has evolved following extensive review of the Board’s Opinion, Item 2 of which required that:

*“Further consideration and/or justification of the documents as they relate to the design approach of the proposed development and the need for a high quality, strong urban edge which integrates effectively along the proposed Ratoath Outer Relief Road (RORR). The further consideration/ justification should address the open space strategy, inter alia **the need passive surveillance** and functionality **of open space** (in particular the proposed communal courtyard spaces).....”*

[Emphasis Added]

It is therefore submitted that there are conflicting objectives in the Development Plan and that flexibility should be adopted to the format rear boundary treatments take where they contribute to achieving an appropriate degree of openness within the scheme without compromising privacy and security. This approach is recognised in the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas” (2009) that seeks to avoid the placing of blanket numerical restrictions on rear boundary types and respects the introduction of alternative solutions once appropriate for the site context.

The inclusion of low rising rear boundary walls will also prevent antisocial behaviour in the area and will allow the residents to take ownership of the shared courtyards. Privacy will not be diminished due to planting within the courtyard. It is hoped that the future residents will seek to take greater ownership when the courtyards are in sight as opposed to being concealed behind rear boundary walls. Furthermore, with the continued upkeep of the communal courtyards it is hoped that these spaces will act as areas of social interaction to create a positive community in Ratoath.

It is therefore considered that, should the Board be minded to conclude that a material contravention has occurred in relation to rear boundary treatments, planning permission can be granted in accordance with the provisions of Section 37(2)(b)(i) and (ii) of the Act.

6.0 Other Matters

6.1 Ratoath Outer Relief Road

Chapter 3 of the Ratoath Written Statement outlines the vision for the settlement, part of which involves the promotion of sustainable movement through the completion of the Ratoath Outer Relief Road (RORR).

The proposed development includes the provision of the second phase of the RORR that will run along the southern boundary of the site connecting the site to the R155 and the neighbouring Jamestown SHD. The RORR itself is a distributor road and will facilitate greater

connectivity for all of the Ratoath settlement. The Road will be delivered in tandem with residential development as envisaged in the Development Plan.

Figure 6.1 below provides a visual representation of the proposed RORR in the context of the application site and surrounding lands.

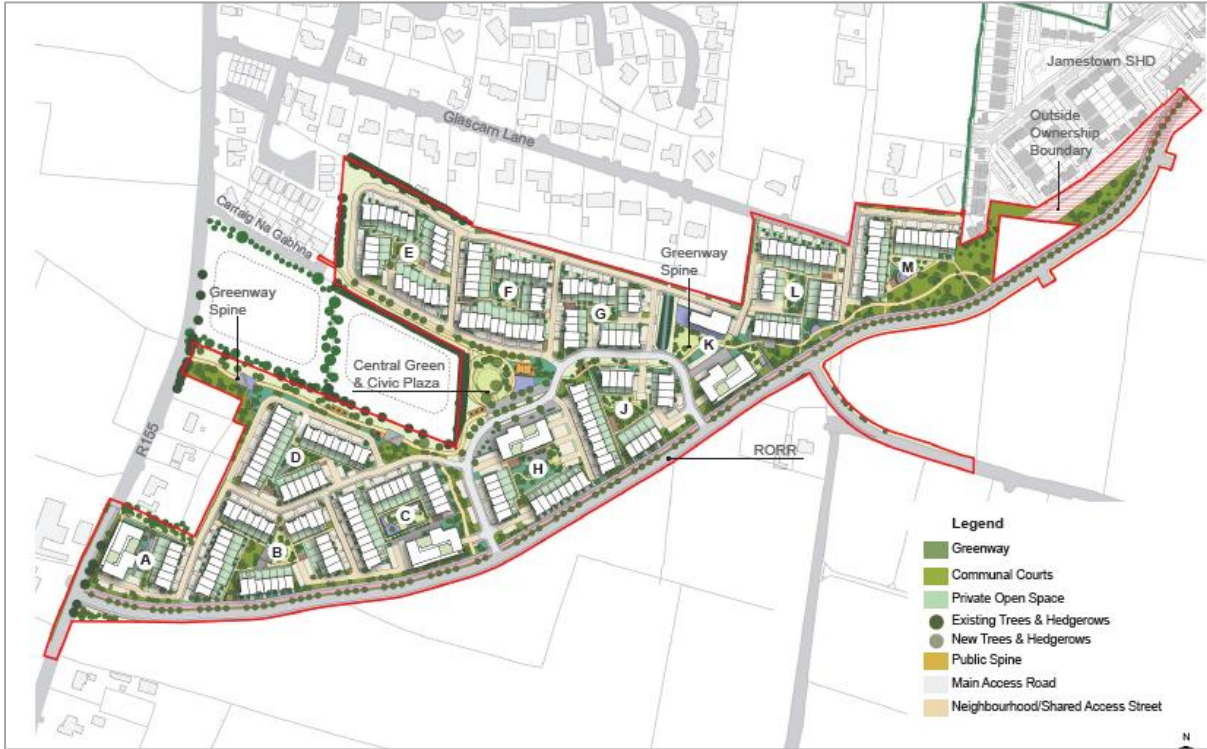


Figure 6-1 Site layout showing location of Ratoath Outer Relief Road (RORR)

The location of the proposed section of the RORR included in this application was informed and guided by the principles of permeability and connectivity and the need to connect to existing infrastructure. The location of the road offers the potential for future connections to the White Lands to the south via a junction across the RORR, and towards Fairyhouse Racecourse via the existing bridle path.

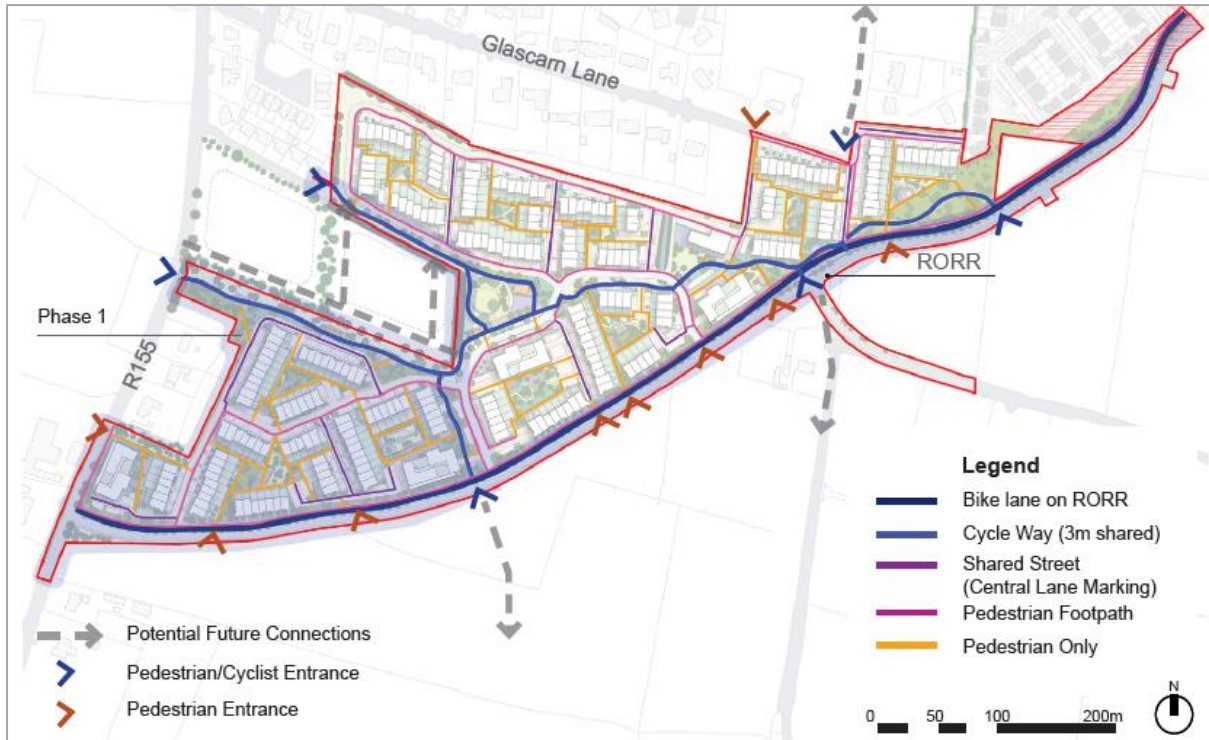


Figure 6-2 Location of Ratoath Outer Relief Road (RORR) in context of permeability

Meath County Council obtained funding, through the Local Infrastructure Housing Activation Fund (LIHAF), to deliver a portion of the Ratoath Outer Relief Road which will facilitate the development of lands to the east of the town. The Development Plan requires that any further phases of development shall include the construction of the adjoining section of the Ratoath Outer Relief Road as is the case with the proposed scheme. The construction of the RORR is identified as a key driver influencing the approach to residential development in the town and will contribute to the delivery of the proposed residential units.

Objective RA OBJ 7 of the Development Plan notes that it is an objective of the Planning Authority to:

RA OBJ 7 *“facilitate the development of the Ratoath Outer Relief route in tandem with development.”*

The above objective is to be read in conjunction with the corresponding zoning map outlining the indicative location of the RORR.

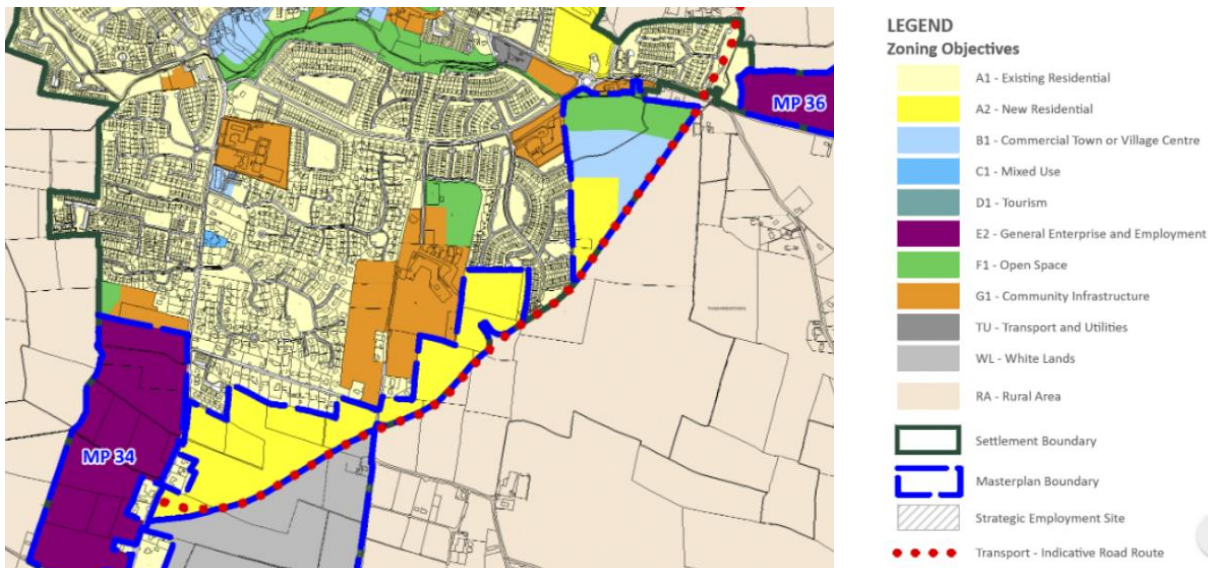


Figure 6-3: Transport Zoning Objective (Indicative Road Route)

Whilst it is acknowledged that there is a slight deviation in the layout of the road and its alignment from that shown on the Ratoath Land Use Zoning Map (Sheet 33a), the location of the route is **indicative** only and deviations are permissible.

The location proposed on the zoning maps has not considered granular site level detail and specific constraints that inform and guide finalised location and layout. In addition, the location of this Section of the RORR slightly traverses RA zoned lands which do not restrict or impede, in principle, this minor deviation and the implementation of this section of the RORR. It is therefore considered that the proposed location of the RORR is permissible and does not constitute a material contravention of the Development Plan in this regard.

6.2 Car Parking Provision

Section 9 of the Development Plan sets out the policy objectives pertaining to car parking provision with an overarching aim to encourage a shift to more sustainable modes of transport. Policy Objective DM OBJ 89 states that:

DM OBJ 89: “Car parking shall be provided in accordance with Table 11.2 and associated guidance notes”

When the standards of Table 11.2 are applied to the scheme a parking requirement of 762no. spaces is generated while the proposed scheme provides for 746no. car parking spaces. Table 6.1 below provides an overview of the proposed car parking strategy in the context of the Development Plan requirements. It should be noted that the Development Plan defers to the s28 Apartment Guidelines and so the requirement to provide 2 spaces per apartment and maisonette is not applicable to the subject lands.

Section 4 of these guidelines sets out guidance and defines Peripheral and/or Less Accessible Urban Locations, stating:

“As a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking such as one space for every 3-4 apartments, should generally be required.”

Based on the existing public transport facilities along with the location of the proposed development, it is therefore clear that the development falls into this category, meaning it is wholly appropriate to provide one car parking space per apartment and maisonette type unit and one visitor car parking space for every 4 apartment/maisonette units on the development site. This equates to 1.25 car parking spaces per apartment/maisonette type unit.

Table 6.1: Car Parking Provision				
Land Use – Residential	Car Spaces	Units/ Sq.m.	Requirement	Provided
Rowhouse	2 per conventional dwelling	150	300	741 (including visitor spaces)
Maisonettes	1.25 per unit	182	227.5	
Flats/ Apartments	1.25 per unit	120	150	
Total			677.5	
Land Use – Commercial				
Food Retail	1 per 20 sq.m. gross floor area. Where the floor area exceeds 1,000 sq.m. gross floor area, 1 space per 14 sq.m. gross floor area. *Provision should be made for taxi drop off spaces.	547.4sq.m.	26.68	
Non-Food Retail	1 per 20 sq.m. gross floor area.			
Land Use - Community Facilities				
Crèches	1 per employee & dedicated set down area and 1 per 4 children plus dedicated set down area	1,003 sq.m. (121 children & 28 staff)	58.25	5
Total			762	746

The proposed development is a newly created neighbourhood providing a significant amount of visitor parking over and above the prescribed minimum. This was implemented to function as a dual usage to cater for the casual trade users and encourage park and stride for crèche

users. The council encourages innovative design solutions for medium to high density residential schemes where substantial compliance can be demonstrated.

As outlined above the proposed scheme is fully compliant with the car parking standards for residential developments as outlined in Table 11.2 of the Development Plan. However, the car parking provided for the non-residential elements of the scheme falls below the recommended standards. The non-residential car parking standards are set down as “maxima” standards and as such there is an expectation that car parking will be provided at a rate below these standards. Furthermore, it is submitted that National policy has evolved to move towards promoting more sustainable modes of travel and encouraging a shift away from reliance on the private car as the principal mode of transport.

Having regard to the above, it is therefore respectfully submitted that no material contravention has occurred in this regard.

7.0 Conclusion

As set out within Section 37(2)(b) An Bord Pleanála may permit a development that materially contravenes a Development Plan or Local Area Plan, other than in relation to zoning of the land, where one of the criteria are met.

- i) **Section 37(2)(b)(i) - permission for the proposed development should be granted where the proposed development is of strategic or national importance** - The proposed development will result in the provision of 452 no. units on underutilised and strategically located lands in close proximity to the settlement core of Ratoath – a designated Self Sustaining Town. Moreover, this quantum of residential development is considered to be of strategic importance, particularly in the current climate of a housing crisis. The proposed scheme is compliant with national and regional policy objectives that seek to promote compact urban growth, encourage more efficient use of serviced land, and support the densification of residential zoned lands
- ii) **Section 37(2)(b)(ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned** – In respect of the policy objectives pertaining to rear boundary treatment, it is considered that the application of arbitrary numerical limitations to boundary heights conflicts with wider policy objectives and provisions within the Plan that support the principles of openness, inclusivity and more importantly encouraging areas of public open space to benefit from passive surveillance.
- iii) **Section 37(2)(b)(iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government** – The proposed development is compliant with the relevant ministerial guidelines that take precedence over conflicting Development Plan policies. The Apartment Guidelines permit a reduction in car parking for apartment units in line with national and regional aspirations aimed at encouraging a shift towards more sustainable travel modes. Furthermore, the 2009 “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas” do not restrict innovative design solutions for private open space nor restricts rear boundary treatment types based on achieving arbitrary stipulated heights.

This Report has set out a comprehensive and logical justification that supports the proposed development in the context of a material contravention of the Meath County Development Plan 2021-2027. The ever evolving and changing planning landscape has moved to recognise and accept good practice measures to enable this development on this strategically located site. The proposed scheme will contribute to the delivery of national objectives seeking compact urban growth and provide a sustainable residential community in an established residential setting and it is respectfully submitted that permission be granted on that basis.