



**ARMSTRONG
FENTON**
ASSOCIATES

PROJECT: Strategic Housing Development

MATERIAL CONTRAVENTION STATEMENT

for proposed residential development at Baltrasna &
Milltown, Ashbourne, Co. Meath

CLIENTS: Arnub Ltd. & Aspect Homes (ADC) Ltd

DATE: September 2022

Planning &
Development
Consultants



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1.0. Purpose of Report

- 1.1. This Material Contravention Statement (hereafter 'statement') has been prepared by Armstrong Fenton Associates, Planning & Development Consultants, on behalf of Arnub Ltd. & Aspect Homes (ADC) Ltd (the applicants) to accompany the application for a Strategic Housing Development submitted to An Bord Pleanála in respect of a site measuring c. 20.04 hectares, on lands located in the townlands of Baltrasna and Milltown, Ashbourne, Co. Meath.
- 1.2. The subject application comprises a Strategic Housing Development as defined within Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereafter 'Act of 2016') and has been prepared in accordance with the requirements of the Planning and Development (Strategic Housing Development) Regulations 2001 (as amended).
- 1.3. Under Section 8(1)(a)(iv)(II) of the Act of 2016, an applicant for a strategic housing development is directed to submit a statement, and publish notice of same, indicating why permission should be granted in cases where a proposed development may materially contravene the relevant development plans and/or local area plan other than in relation to the zoning of the land. This statement is submitted to An Bord Pleanála in accordance with same.
- 1.4. In accordance with Section 9(6) of the Act of 2016, An Bord Pleanála (hereafter 'the Board') may grant permission for a proposed Strategic Housing Development that materially contravenes the development plan and/or local area plan, other than in relation to zoning, i.e. *"(6)(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."*
- 1.5. Furthermore, Section 9(6)(c) of the Act of 2016 states the Board may only grant permission for a development that materially contravenes a development plan (other than in relation to the zoning of the land) where it considers that, if Section 37(2)(b) of the Planning and Development Act 2000 (as amended) (hereafter 'Act of 2000') were to apply, it would grant permission for the proposed development.
- 1.6. Section 37(2)(b) of the Act of 2000 states that where a proposed development materially contravenes the development plan / local area plan, the Board may only grant permission 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 spatial and economic strategy 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."*
- 1.7. This statement has been prepared in order to address matters which may be deemed by the Board to materially contravene the provisions of the existing Meath County Development Plan 2021-2027 (hereafter 'CDP') in accordance with the Act of 2016. In the context of Section 37(2)(b) of the Act of 2000, it is considered that the proposed development can be granted permission by the Board notwithstanding the potential material contraventions of the CDP detailed in Section 3 of this statement. Section 4 of this statement details the justification for same.



2.0 Proposed Development

2.1. The subject application for Strategic Housing Development is detailed in full below, as per the public notices:

Arnub Ltd. & Aspect Homes (ADC) Ltd. intend to apply to An Bord Pleanála for permission for a strategic housing development, on an overall site of c. 20.04 hectares, located in the townlands of Baltrasna and Milltown, Ashbourne, County Meath. The application site is located to the west / south-west of Dublin Road (R135), south-west of Cherry Lane, west of the existing dwellings at The Briars and Cherry Court, south of the existing dwellings at Alderbrook Heath, Alderbrook Downs & Alderbrook Rise, east / south-east of the existing dwellings at Tara Close & Tara Place, and north-west and south-west of Hickey's Lane.

The development will consist of the following:

- (1) Demolition of all existing structures on site, comprising 3 no. single storey dwellings and their associated outbuildings (total demolition area: c.659m²).
- (2) Construction of 702 no. residential dwellings comprised of: 420 no. 2 & 3 storey 2, 3, 4, & 5 bed houses, 38 no. 2 & 3 bed duplex units in 19 no. 3 storey buildings, and 244 no. 1, 2, & 3 bed apartments in 20 no. buildings ranging in height from 3 to 6 storeys.
- (3) The development also includes for the following non-residential uses: (i) 2 no. childcare facilities located in Blocks A and A1 (c. 289m² & c.384m² respectively), (ii) 4 no. retail units comprised of: 2 no. units in Block A (c.106m² & c.174m² respectively), 1 no. unit in Block A1 (c.191m²), & 1 no. unit in Block B1 (c.469m²), and (iii) 1 no. GP practice / medical use unit located in Block A1 (c.186m²).
- (4) The development provides for a basement level car park located under Block A1 (c. 4,095m²) and, 2 no. undercroft car parks located at the ground floor level of Block A (c. 466m²) and Block B1 (c. 1,466m²).
- (5) The development provides for an area of c.1 hectare reserved for a future school site and playing pitch at the western boundary of the site.
- (6) Vehicular access to the development will be via 2 no. access points as follows: (i) from Cherry Lane, located off Dublin Road (R135), in the north-east of the site and, (ii) from Hickey's Lane, located off Dublin Road (R135), to the east of the site. The development includes for road upgrades / improvement works to both Cherry Lane and Hickey's Lane and their junctions with Dublin Road (R135). A new east-west access road through the development site extending from Cherry Lane to the western boundary of the site and all associated site development works is proposed. The development includes for 1 no. pedestrian / bicycle green link access point from Dublin Road (R135) and pedestrian and cycle paths throughout the development site.
- (7) The development also provides for (i) all ancillary / associated site development works above and below ground, (ii) public open spaces (c.28,885m² total), including hard & soft landscaping, play equipment & boundary treatments, (iii) communal open spaces (c.3,180m² total) (iv) undercroft, basement, and surface car parking, including for EV, mobility impaired, and car share parking spaces (total 1,262 no. car parking spaces) (v) 869 no. dedicated bicycle parking spaces at undercroft and surface level, including for external bicycle stores & visitor spaces (vi) bin storage, (vii) public lighting, (viii) signage (ix) plant (M&E) & utility services, including for 7 no. ESB sub-stations (x) green roofs, all on an overall application site area of 20.04 hectares.



3.0 Potential Material Contraventions

3.1. In the context of Section 9(6) of the Act of 2016, this report seeks to address the issue of potential material contraventions of the Meath County Development Plan 2021-2027 (hereafter 'CDP') in relation to density, building height, private open space and bicycle parking. These potential material contraventions are detailed in Sections 3.2 and 3.3 below.

3.2. Car Parking

The CDP sets out an overall strategy, policies and objectives for County Meath for the period 2021-2027. Chapter 11 of the CDP sets out the Development Management Standards and Land Use Zoning Objectives and is one of the main implementation tools for the Core Strategy.

Sections 11.9.1 provides details of parking standards.

The CDP acknowledges that *“the provision of sufficient car parking is important particularly in areas of the County which are currently poorly served by public transport networks. Therefore, the rationale for the application of car parking standards is to ensure that consideration is given to the accommodation of vehicles in assessing development proposals while being mindful of the need to promote a shift towards more sustainable forms of transport”*.

It is the objective of the Council:

DM OBJ 89	<i>Car parking shall be provided in accordance with Table 11.2 and associated guidance notes.</i>
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Land Use	Car Spaces
Dwellings	2 per conventional dwelling
Flats/ Apartments (Refer to the Design Standards for New Apartments in relation to reduced car parking requirements for development adjacent to existing and future rail stations and minimum requirements in peripheral/or less accessible urban locations)	2 per unit In all cases, 1 visitor space per 4 apartments
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.
Non-Food Retail	1 per 20 sq.m. gross floor area.
Crèches	1 per employee & dedicated set down area and 1 per 4 children plus dedicated set down area
Surgeries	2 per consulting room

Extract from Table 11.2 “Car Parking” of Development Plan



DM OBJ 89	<i>Car parking shall be provided in accordance with Table 11.2 and associated guidance notes</i>
DM OBJ 93	<i>New residential development should take account of the following regarding car parking:</i> <ul style="list-style-type: none">▪ <i>Vehicular parking for detached and semi-detached housing should be within the curtilage of the house;</i>▪ <i>Vehicular parking for apartments, where appropriate, should generally be at basement level. Where this is not possible, parking for apartments and terraced housing should be in small scale informal groups overlooked by residential units;</i>▪ <i>The visual impact of large areas of parking should be reduced by the use of screen planting, low walls and the use of different textured or coloured paving for car parking bays;</i>▪ <i>Consideration needs to be given to parking for visitors and people with disabilities; and</i>▪ <i>Provision of EV Charging points.</i>

Residential car parking for the proposed development is provided for in accordance with the standards of the Development Plan (i.e. Section 11.9 & Table 11.2), which also states that “Refer to the Design Standards for New Apartments in relation to reduced car parking requirements for development adjacent to existing and future rail stations and minimum requirements in peripheral/or less accessible urban locations”. In accordance with these guidelines, the subject development site is located within an “Peripheral Urban Location”.

The proposed development caters for a total of 1,262 no. car parking spaces, including visitor car parking, to serve 702 no. residential units and the non-residential uses.

For the 702 no. dwellings, a total of 1,223 no. car parking spaces are proposed as part of the development, with 1,122 spaces for permanent residents and 101 no. visitor spaces.

For the non-residential uses in Blocks A, A1 and B1, it is proposed to provide 39 no. car parking spaces.

In terms of the 420 no. houses, a total of 840 no. car parking spaces are proposed, the majority of which are in the form of in-curtilage spaces, in accordance with DM OBJ 93 which states that vehicular parking for detached and semi-detached housing should be within the curtilage of the house. Where this has not been achieved, dedicated on-street, car parking, in close proximity to the individual dwellings is provided for with the dedicated car parking spaces numbered on the submitted site layout plan to correspond with the relevant dwelling.

In terms of the Apartments/Duplexes, a total of 383 no. spaces are proposed, comprising 282 no. resident and 101 no. visitor spaces. The residential car parking is provided at a ratio of 1.36 spaces per apartment unit (1 space for residents, 0.36 spaces for visitors), a reduced quantum from the Development Plan requirements of 2 spaces per unit. This reduced provision is in accordance with the Apartment Guidelines requirement, “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”.



The proposed allocation of residential car parking spaces is as follows:

- 840 no. car parking spaces for the housing units;
- 383 no. car parking spaces for the apartment/duplex units (282 no. resident spaces and 101 no. visitor spaces) including:
 - 22 no. Accessible/Mobility Impaired Parking spaces;
 - 2 no. GoCar spaces;
 - 84 no. Electric Vehicle spaces.

Refer to the submitted architect's drawings and Figs 5.1 to 5.4 of section 5 of the submitted TTA to identify the location of EV spaces and mobility impaired spaces provided in the basement and undercroft car parks as well as the location of the proposed 2 no. GoCar spaces within the development.

On-street car parking will be broken up by hard and soft landscaping proposals.

The proposed development may be deemed by the Board to constitute a material contravention of the Development Plan in respect of car parking for the proposed residential and non-residential uses i.e. the proposed 2 no. childcare facilities, 4 no. retail units and 1 no. GP practice / medical use unit that are accommodated in Blocks A, A1 and B1.

As required in legislation, it is submitted that the proposed car parking for both the residential and non-residential uses within the development can be justified under Section 37(2)(b) of the Act of 2000 where the Board may determine under this section, to grant a permission, even if the proposed development contravenes materially the CDP. This justification is detailed in Section 4 of this Statement.

3.3 Proposed Retail Use & GP Practice / medical use unit

The proposed development includes 4 no. retail units comprised of: 2 no. units in Block A (c.106m² & c.174m² respectively), 1 no. unit in Block A1 (c.191m²), & 1 no. unit in Block B1 (c.469m²).

In addition, 1 no. GP practice / medical use unit is proposed, located in Block A1 (c.186m²).

The proposed retail units and GP practice unit are all located on lands zoned objective A2 – New Residential.

Under the A2 land use zoning, the following are uses that are permitted or open for consideration:

Permitted Uses:

Residential / Sheltered Housing, B & B / Guest House, Bring Banks, Community Facility / Centre, **Childcare Facility, Convenience Outlet**, Children Play / Adventure Centre, Education (Primary or Second Level), Halting Site / Group Housing, Home Based Economic Activities, Leisure / Recreation / Sports Facilities, Retirement Home / Residential Institution / Retirement Village, Utilities, (emphasis added).

Open for Consideration Uses:

Betting Office, Caravan Park, Cultural Facility, Education (Third Level), Enterprise Centre, Health Centre, **Healthcare Practitioner**, Hotel / Motel / Hostel, Offices <100m (not for visiting members of the public), Place of Public Worship, Bar/ Restaurant / Café, Take-Away / Fast Food Outlet, Veterinary Surgery, (emphasis added).



We note that the “Healthcare Practitioner” use is a use that is open for consideration under the A2 land use zoning and therefore it is put forward that the GP practice / medical use unit proposed in Block A1 can be permitted and ought not to be considered a material contravention of the CDP.

We note that under permitted uses on A2 zoned lands, that “Convenience Outlet” is a permitted use. The proposed development provides for 4 no. retail units comprised of: 2 no. units in Block A (c.106m² & c.174m² respectively), 1 no. unit in Block A1 (c.191m²), & 1 no. unit in Block B1 (c.469m²). It is considered that the proposed 4 no. units are of a size that is within the convenience retail floorspace caps (i.e. 3,000m²) as per the 2012 Retail Planning Guidelines for Planning Authorities. The provision of 4 no. units, within a scheme of 702 no. dwellings, which may generate an average population of c.1,930 persons (based upon an average household size of 2.75 persons), is considered appropriate to serve the local needs of a new community at this location. It is therefore considered that ancillary uses to serve future residents of the scheme are required and, as such, the proposed 4 no. retail units are put forward for permission.

We note that in their opinion at pre-application consultation stage, the Planning Authority stated (section 7.1 of their opinion) that *“the principle of residential development and provision of creche(s) and commercial units is a ‘permitted use’ on the site and is therefore acceptable and in accordance with the County Development Plan”*.

The proposed 4 no. retail units are considered to be of a shop local / convenience type outlet / hairdresser / retail pharmacy type units that are of a type and scale that is considered appropriate and sufficient to serve the needs of future residents within the proposed development (i.e. 702 no. dwellings) and immediate environs, on a sustainable basis without detracting from the available services and facilities in Ashbourne town centre located c. 1.5km to the north-west.

As required in legislation, it is submitted that the proposed retail units can be justified under Section 37(2)(b) of the Act of 2000 where the Board may determine under this section, to grant a permission, even if the proposed development contravenes materially the CDP. This justification is detailed in Section 4 of this Statement.



4.0. Material Contravention Justification

4.1. Section 37(2)(b) of the Act of 2000 states that where a proposed development materially contravenes the development plan and/or local area plan, the Board may grant permission 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 spatial and economic strategy 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.”*

For the reasons set out below, and having regard to Section 37(2)(b) of the Act of 2000, it is considered that the proposed development can be granted permission by the Board by reference to the sub-paragraphs (i) and (iii) above, notwithstanding the potential material contraventions of the existing CDP detailed in Section 3 of this statement. The following subsections detail the justification for same.

4.2. The Proposed Development is of Strategic or National Importance

4.2.1. National Planning Framework (NPF)

The strategic goals of the Government in relation to delivering new residential development, and their national importance, are reflected in the policies and objectives of the NPF. The NPF is the Government’s high level strategic plan to cater for the extra one million people that will be living in Ireland, the additional two thirds of a million people working in Ireland, and the half a million extra homes needed in Ireland, by the year 2040.

The NPF sets out the importance of delivering new developments within existing urban areas by: *“making better use of under-utilised land and buildings, including ‘infill’, ‘brownfield’ and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport.”*

National Policy Objective 3a of the NPF states that it is national policy to: *“Deliver at least 40% of all new homes nationally within the built up envelope of existing urban settlements”*.

The subject site is an underutilised, greenfield site, zoned for residential and community infrastructure land uses. The proposed development caters for a net density of 40 dwellings per hectare. It is therefore considered that the proposed development fully complies with National Policy Objective 3a of the NPF.

National Policy Objective 11 of the NPF states that: *“In meeting urban development requirements, there will be a presumption in favour of development that encourages more people, jobs and activity within existing urban areas, subject to development meeting appropriate planning standards and achieving targeted growth.”*

The proposed development provides for an appropriate density of residential development on Outer Suburban / Greenfield Site on the edge of the town centre / built up area of Ashbourne that opens up these lands to an efficient land use, improved connectivity and accessibility and a wide range of housing typologies. The subject application is accompanied by a variety of documents which demonstrate how the proposed development meets appropriate planning standards and supports the targeted growth figures for Ashbourne. It is therefore considered that the proposed development fully complies with National Policy Objective 11 of the NPF.



A key priority of the NPF is the need to move away from rigid planning standards to a more flexible, performance based, design standards. National Policy Objective 13 states: *“In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.”*

The proposed development is located on zoned lands, within the development boundary for the town, on a greenfield site which is greatly underutilised given the locational context of same and the availability of existing infrastructure in the vicinity. It is considered that the site presents an ideal opportunity for development of a more efficient use, in compliance with national policy objectives. The proposed building heights range from 2 to 6 no. storeys with the proposed net density being 40 dwellings per hectare. The proposed building heights and density are wholly appropriate given the contextual location and character of the subject site, and it is considered that the site can readily support same without any detriment to existing residential amenity in the area. It is therefore considered that the proposed development is in fully in accordance with the aforementioned guidance of the NPF and complies with National Policy Objective 13.

The NPF also states that: *“To avoid urban sprawl and the pressure that it puts on both the environment and infrastructure demands, increased residential densities are required in our urban areas.”*

In accordance with the NPF’s strategy of compact growth, i.e. National Policy Objective 35 - *“Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”*, it is proposed to develop new homes which will provide a continuous built form adjacent to the existing built up area, therefore, in accordance with National Policy Objective 35, the proposed development will increase residential density within an existing settlement. Furthermore, in accordance with National Policy Objective 33 i.e. *“Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”*, new homes will be provided at a sustainable location, with access to existing services and facilities in Ashbourne (within c. 1.5 km of the town centre), with proposed enhanced pedestrian and cyclist paths to same proposed as part of the overall development proposal.

The proposed residential development, on an underutilised greenfield site, represents an ideal opportunity to provide for increased densities as well as an increase in housing supply, in accordance with the NPF objectives, without detriment to existing residential amenity in the area. Given the contextual location of the subject site, it is considered that the proposed development, being located within the existing suburban environs of Ashbourne is wholly appropriate in terms of density and quantum of units, and ought to be granted permission as it supports the national policy objectives of the NPF.

4.2.2. Rebuilding Ireland – Action Plan for Housing and Homelessness

The strategic housing development application process was introduced as part of the Government’s Rebuilding Ireland programme to accelerate delivery of larger housing proposals to alleviate the pressures on housing supply in the country. The delivery of new homes in appropriate locations across the country is a fundamental principle of Rebuilding Ireland, with the programme setting out a range of measures to facilitate the construction of new homes and an increase of social housing.

Rebuilding Ireland was launched in 2016 with the objective to double the annual level of residential construction to 25,000 homes and deliver 47,000 units of social housing in the period to 2021, while at the same time making the best use of the existing stock and laying the foundation for a more vibrant and responsive private rented sector.



Rebuilding Ireland is set around 5 no. pillars of proposed actions, with Pillar 3 seeking to – Build More Homes: Increase the output of private housing to meet demand at affordable prices. Ashbourne is identified as being a Self-Sustaining Town by the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland and the CDP, and the proposed development on lands zoned for residential land use will reaffirm the town’s role within the County and Region.

The increased density, as well as the proposed quantum of units, put forward as part of this application for permission will deliver much needed housing within the Core Region in accordance with the aims of Rebuilding Ireland, and in particular Pillar 3, which seeks to build more homes – *“to increase the output of private housing to meet demand at affordable prices.”* It is considered that the proposed development fully supports the policies of Rebuilding Ireland by delivering 702 no. new homes in an existing urban area.

Furthermore, in accordance with Pillar 2 – Accelerate Social Housing - of the Rebuilding Ireland, 70 no. of the proposed dwellings are to be delivered for social housing in compliance with the requirements of Section 96 of Part V of the Act of 2000 (as amended).

Given all the above, it is considered that the proposed development is of strategic importance in delivering the national objectives of Rebuilding Ireland programme and ought to be granted permission.

4.2.3 Housing For All – A new Housing Plan for Ireland (2021)

Launched in September 2021, *‘Housing for All, A new Housing Plan for Ireland’* is the Government’s new plan (superseding *‘Rebuilding Ireland’*) to boost the supply of housing to 2030; to increase availability and affordability of housing; and to create a sustainable housing system into the future.

The aim of the plan is that everyone should have access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life.

The plan contains a range of actions and measures to ensure over 300,000 new social, affordable, cost rental and private homes are built by 2030. The actions outlined in the Plan are backed by over €4 billion in annual guaranteed State investment in housing over the coming years, including through Exchequer funding, the Land Development Agency and Housing Finance Agency investment. The plan commits to over €20 billion in State investment in housing over the next five years. The plan is set out across four pathways to address the pressing housing challenges facing the State:

- *“Pathway to supporting homeownership and increasing affordability;*
- *Pathway to eradicating homelessness, increasing social housing delivery and supporting social inclusion;*
- *Pathway to increasing new housing supply;*
- *Pathway to addressing vacancy and efficient use of existing stock”.*

These pathways are underpinned by long-term actions to address systemic challenges. It aims to create a housing system which has environmental, social and economic sustainability at its heart and which meets the needs of all.

The development is considered to be consistent with objectives of Housing for All - a New Housing Plan for Ireland. The development provides for 702 no. new dwellings on a greenfield site that enjoys close proximity to a range of facilities and services in Ashbourne. The provision of these units will substantially add to the residential accommodation available in the environs of Ashbourne thus increasing new housing supply, which will ultimately aid the objective to increase affordability. It is envisaged that all, if not the majority, of the dwellings proposed will be for sale to individual buyers thereby supporting homeownership.



The development will also deliver 10% of the proposed no. of dwellings for Part V requirements (i.e. 70 no. dwellings) and therefore supporting the aim to increase social housing delivery and support social inclusion. While the detail of this plan has yet to be fully understood, this application is in accordance with the intention and ambition of the plan.

4.2.4 Conclusion of Criterion of Strategic or National Importance – Section 37(2)(b)(i) of the Planning & Development Act, 2000 (as amended).

On the basis of all the above, it is considered reasonable to conclude that the proposed strategic housing development is clearly of both strategic and national importance, supports the national planning policy and objectives of the NPF, Rebuilding Ireland and the Housing for All plan, and therefore fulfils the criterion under Section 37(2)(b)(i) of the Planning & Development Act, 2000 (as amended).

4.3. Permission for the proposed development should be granted having regard to regional spatial and economic strategy 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.

4.3.1. Eastern & Midland Regional Spatial & Economic and Strategy 2019 – 2031

The Eastern and Midland Regional Assembly published the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland region came into force in June 2019, superseding the Regional Planning Guidelines for the Midland Region. The RSES is a high-level plan that seeks to support the implementation of the NPF by providing a strategic planning and economic framework for the region's sustainable growth and development. It echoes the NPF in emphasising sustainable development patterns and seeks to focus growth within the footprint of existing urban areas and in key regional growth settlements.

The RSES states that *“at the core of the RSES is the consideration of a settlement hierarchy for the Region, which sets out the key locations for population and employment growth, coupled with investment in infrastructure and services to meet those growth needs. This will set the framework for the development plans of each local authority and subsequently the quantum of residential and employment generating zoned land required”*.

The Growth Strategy for the Eastern and Midland Region will:

- Support the continued growth of Dublin as our national economic engine;
- Deliver sustainable growth of the Metropolitan Area through the Dublin Metropolitan Area Strategic Plan (MASP);
- Target growth of our Regional Growth Centres of Athlone, Drogheda and Dundalk as regional drivers;
- Support our vibrant rural areas with a network of towns and villages;
- Facilitate the collaboration and growth of the Dublin – Belfast Economic Corridor;
- Embed a network of Key Towns through the Region to deliver sustainable regional development;
- Support the transition to a low carbon, climate resilient and environmentally sustainable Region.

The RSES's objectives are in line with the NPF, with County Meath and therefore Ashbourne, located within the Core Region. Growth enablers for the Core Region include:

- *To promote continued growth at more sustainable rates, while providing for increased employment and improved local economies, services and functions to allow towns to become more self-sustaining and to create the quality of life to attract investment.*



Appendix B to the RSES set out Strategic Planning Area and County Population Tables and it notes Meath's population was 195,000 in 2016 but this will increase to 216,000 – 221,000 in 2026 and 225,500 – 231,500 in 2031. Section 4.7 of the RSES refers to Self-Sustaining Growth Towns and Self-Sustaining Towns, with Ashbourne being identified within the RSES as a Self-Sustaining Town. Section 4.7 of the RSES states: *“Supporting the regional driver role of Key Towns, Self-Sustaining Growth Towns and Self-Sustaining Towns, are settlements that act as regionally important local drivers providing a range of functions for their resident population and their surrounding catchments including housing, local employment, services, retail and leisure opportunities”*.

The RSES go on to state that *“Self-Sustaining Towns are towns that require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery”*. It is also stated that *“Population growth in these towns shall be at a rate that seeks to achieve a balancing effect and shall be focused on consolidation and inclusion of policies in relation to improvements in services and employment provision, to be set out in the core strategies of county development plans”*. Some towns, including Ashbourne, are noted as having *“the potential to strengthen their employment base and develop as important centres of employment due to their strategic location, connectivity with surrounding settlements, and the availability of a skilled workforce”*.

County Meath is identified as being within the Core Region for development in the the Eastern and Midland Region and is expected to accommodate 231,500 persons by 2035. Ashbourne is identified as being a “Self-Sustaining Town”, which acts as a regionally important local driver, providing a range of functions for their resident population and their surrounding catchments including housing. The delivery of housing in such a town will contribute to the principle of compact growth.

On the basis of all the above, it is considered reasonable to conclude that the proposed development as set out in this application for permission for a strategic housing development clearly complies with the policies and objectives of the regional spatial and economic strategy for the area, and therefore can be granted permission by the Board under the provisions of Section 37(2)(b)(iii) of the Act of 2000.

4.3.2. Section 28 Ministerial Guidelines

4.3.2.1. Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009.

The role of the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, 2009, (hereafter 'Guidelines') is to ensure the sustainable delivery of new development throughout the country. These Guidelines provide guidance on the core principles of urban design when creating places of high quality and distinct identity. The Guidelines also recommend that planning authorities should promote high quality design in their policy documents and in their development management process. In this regard, the Guidelines are accompanied by an Urban Design Manual which demonstrates how design principles can be applied in the design and layout of new residential developments, at a variety of scales of development and in various settings.

The Guidelines support a plan-led approach to development as provided for in the Act of 2000. Section 2.1 of the Guidelines note that *“the scale, location and nature of major new residential development will be determined by the development plan, including both the settlement strategy and the housing strategy.”*

The proposed density of development i.e. 40 units per hectare net, adheres to the guidance for sustainable residential development as it can be described as an Outer Suburban / Greenfield Site and complies with section 5.11 of the Guidelines, which define such sites as *“as open lands on the periphery of cities or larger towns”*. The guidelines state that *“the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares”*. The proposed net density



of 40 units per hectare is consistent with the aforementioned guidelines.

Notwithstanding the above, we also note that the Department of Housing, Local Government & Heritage issued Circular Letter: NRUP 02/2021 in April 2021 to An Bord Pleanála and Planning Authorities providing clarity in respect of the application of density requirements. The Circular states that *“while the Sustainable Residential Development Guidelines clearly encourage net densities in the 35-50 dwellings per hectare range within cities and larger towns, net densities of 30-35 dwellings per hectare may be regarded as acceptable in certain large town contexts and net densities of less than 30 dwellings per hectare, although generally discouraged, are not precluded in large town locations. These ‘outer suburban’ provisions apply to cities and larger towns, and the Sustainable Residential Development Guidelines define larger towns as having a population in excess of 5,000 people. Large towns therefore range from 5,000 people up to the accepted city scale of 50,000 people. Given the very broad extent of this range and variety of urban situations in Ireland, it is necessary for An Bord Pleanála and Planning Authorities to exercise discretion in the application and assessment of residential density at the periphery of large towns, particularly at the edges of towns in a rural context. Accordingly, the full range of outer suburban density, from a baseline figure of 30 dwellings per hectare (net) may be considered, with densities below that figure permissible subject to Section 5.12 of the Sustainable Residential Development Guidelines”*. The Circular also references the National planning Framework (NPF) and provides that there is a need for more proportionate and tailored approaches to residential development and that it is necessary to adapt the scale, design and layout of housing in towns to ensure that suburban or high density urban approaches are not applied uniformly and that development responds appropriately to the character, scale and setting of the town. Taking this into account, as well as the design applied to the proposed development, and give the locational context of the subject site and its topography, it is considered that the proposed development achieves an appropriate and efficient density on this zoned site, located on the southern edge of Ashbourne (A “Self Sustaining Town”) and the proposed density is consistent with national guidelines, and national and local policy regarding density.

In summary, the net density of the proposed development equates to 40 dwellings per hectare, which therefore accords with the guidance contained in the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009, issued by the Department of Environment, Community and Local Government, which refer to providing net residential densities in the general range of 35-50 dwellings per hectare on Outer Suburban / Greenfield sites.

On the basis of all the above, it is considered reasonable to conclude that the proposed development as set out in this application for permission for a strategic housing development clearly complies with the policies and objectives of the above named Section 28 Guidelines, which put forward national policy objectives, and therefore can be granted permission by the Board under the provisions of Section 37(2)(b)(iii) of the Act of 2000.

4.3.2.2 The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020.

The 2020 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (hereafter ‘Apartment Guidelines’) were adopted in consideration of the policies and objectives of both Rebuilding Ireland and the NPF, and in response to the growing demand for apartment living in the State.

The Apartment Guidelines reiterate that to meet housing demand in the country it is necessary to significantly increase supply, stating that: *“increased housing supply must include a dramatic increase in the provision of apartment development”*.

Section 2.4 of the Apartment Guidelines identifies the types of location in cities and towns that may be suitable for apartment development. In this context, the subject site can be classified as a “Peripheral and/or Less Accessible Urban Locations”. The Apartments Guidelines state in relation to same, that:



“Such locations are generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will also vary, but broadly <45 dwellings per hectare net), including:

- *Sites in suburban development areas that do not meet proximity or accessibility criteria;*
- *Sites in small towns or villages.*

The range of locations outlined above is not exhaustive and will require local assessment that further considers these and other relevant planning factors.

While the provision of apartments may not be required below the 45 dwellings per hectare net density threshold, they can allow for greater diversity and flexibility in a housing scheme, whilst also increasing overall density. Accordingly, apartments may be considered as part of a mix of housing types in a given housing development at any urban location, including suburbs, towns and villages”.

The subject site is not well served by high frequency public transport services i.e. rail, and the proposed housing will be within 1.5km walking distance of the town centre. In light of same, it is considered that the proposed development is within easy walking distance of existing services and, therefore, the proposed density and building heights are justified in the context of the Section 28 Apartments Guidelines. The proposed development will deliver a medium density residential development in the form of a mix of houses, duplex and apartment units, on an underutilised, zoned, greenfield site, and therefore supports national policy contained in the Apartment Guidelines.

The Apartment Guidelines determine that car parking requirements *“having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria”* based on the following designations:

- Central and/or Accessible Urban Locations
- Intermediate Urban Locations; and
- Peripheral and/or Less Accessible Urban Locations

Central and/or Accessible Urban Locations are defined by larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport where the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances.

Intermediate Urban Locations are defined as suburban/urban locations that are served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre). In such instances planning authorities are encouraged to consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.

Peripheral and/or Less Accessible Urban Location are defined by locations that are peripheral or less accessible urban locations where 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.

For the purposes of the subject application, the application site is considered as a Peripheral and/or Less Accessible Urban Location. On such sites, the Apartment Guidelines require that 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 for apartments and duplex units. Therefore, in accordance with same, the proposed development should require 282 no. long term car parking spaces per unit along with 71-94 no. visitor spaces, which equates to a total of 353-376 no. car parking spaces to serve the proposed apartments and duplex units within the development. The proposed development provides for 282 no. car parking spaces for the apartments and duplex units along with 101 no. visitor car parking



spaces (383 no. car parking spaces in total) which meets the car parking requirements for a Peripheral and/or Less Accessible Urban Location as defined by the Apartment Guidelines.

It is submitted that the proposed development meets the requirements of the Apartment Guidelines to minimise and reduce car parking provision to facilitate sustainable residential densities and promote sustainable travel patterns. It is submitted that the proposed development should be granted having regard to guidelines issued under section 28 of the Act. Details of the car parking requirements and car parking proposals are clearly set out in the submitted Traffic and Transport Assessment prepared by DBFL Consulting Engineers – Section 4.3 of same - please refer to same for further details.

On the basis of all the above, it is considered reasonable to conclude that the proposed development as set out in this application for permission for a strategic housing development clearly complies with the policies and objectives of the above named Section 28 Apartment Guidelines, which put forward national policy objectives, and therefore can be granted permission by the Board under the provisions of Section 37(2)(b)(iii) of the Act of 2000.

4.4 Justification for Proposed Car Parking

Car parking is provided for in the form of surface level parking, basement and undercroft parking. Section 4.3 of the submitted Traffic & Transport Assessment (TTA) outlines the proposed car parking provision – please refer to same for details.

Car parking is provided for in accordance with the standards of the Development Plan (i.e. Section 11.9 & Table 11.2), which also states that “Refer to the Design Standards for New Apartments in relation to reduced car parking requirements for development adjacent to existing and future rail stations and minimum requirements in peripheral/or less accessible urban locations”. In accordance with these guidelines, the subject development site is located within an “Peripheral Urban Location”.

The proposed development caters for a total of 1,262 no. car parking spaces, including visitor car parking, to serve 702 no. residential units and the non-residential uses.

For the non-residential uses in Blocks A, A1 and B1, it is proposed to provide 39 no. car parking spaces.

For the 702 no. dwellings, a total of 1,223 no. car parking spaces are proposed as part of the development, with 1,122 spaces for permanent residents and 101 no. visitor spaces.

In terms of the 420 no. houses, a total of 840 no. car parking spaces are proposed, the majority of which are in the form of in-curtilage spaces, in accordance with DM OBJ 93 of the CDP which states that vehicular parking for detached and semi-detached housing should be within the curtilage of the house. Where this has not been achieved, dedicated on-street, car parking, in close proximity to the individual dwellings is provided for with the dedicated car parking spaces numbered on the submitted site layout plan to correspond with the relevant dwelling.

In terms of the Apartments/Duplexes, a total of 383 no. spaces are proposed, comprising 282 no. resident and 101 no. visitor spaces. The residential car parking is provided at a ratio of 1.36 spaces per apartment unit (1 space for residents, 0.36 spaces for visitors), a reduced quantum from the MCC requirements of 2 spaces per unit. This reduced provision is in accordance with the Apartment Guidelines requirement, “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”.



The proposed allocation of spaces is as follows:

- 840 no. car parking spaces for the housing units;
- 383 no. car parking spaces for the apartment/duplex units (282 no. resident spaces and 101 no. visitor spaces) including:
 - 22 no. Accessible/Mobility Impaired Parking spaces;
 - 2 no. GoCar spaces;
 - 84 no. Electric Vehicle spaces.

Refer to the submitted architects drawings and Figs 5.1 to 5.4 of section 5 of the submitted TTA to identify the location of EV spaces and mobility impaired spaces provided in the basement and undercroft car parks as well as the location of the proposed 2 no. GoCar spaces within the development.

On-street car parking will be broken up by hard and soft landscaping proposals.

In relation to the quantum of car parking to serve the proposed non-residential uses, it is considered that in accordance with DM OBJ 89 of the CDP and the guidance note associated with Table 11.2 which states “*Non-residential car parking standards are set down as “maxima” standards*” that it is important to recognise the proposed development’s proximity to the town centre and the likelihood of cross visitation when assessing the proposed development and thus the demand for car parking associated with the non-residential uses, (our emphasis added).

For commercial aspects of the development, 39 no. car park spaces are provided for, lower than CDP standards (120 no.). It is to be noted that the car parking standards in MCC Development Plan for non-residential land uses are maximum standards and should not be seen as a target quantum upon which to provided particularly for mixed use commercial development where the potential for “dual” trips can manifest. A Mobility Management Plan will be produced in order to minimise both staff and visitor car trips to / from the commercial facilities, (our emphasis added).

In the case of mixed-use developments, the approach to parking provision is generally different as mixed-use developments themselves promote a reduction in the demand for trips and car parking. In the case of the proposed development, it is important to consider a number of factors in determining the overall parking requirement for this development. These include:

- The Meath County Development Plan Cycle Parking Standards;
- The mix and range of uses proposed; and
- The cross visitation & dual usage of parking spaces.

The car parking standards determine the appropriate level of parking provision for specific developments. The parking standards applicable for each land use are considered in isolation. However, it is important to recognise the proposed development’s proximity to the town centre and the likelihood of cross visitation when assessing the proposed development.

While primarily residential, the proposed development includes 4 no. local retail uses, 2 no. creches and a GP practice / medical use unit. With this mix of uses, many of those visiting the development will use more than one of the facilities. This will generate what is known as multi-purpose trips, which in turn reduces the car parking demand that would be the case if the various facilities were isolated from one another. Residents of the scheme will likely utilise, and will be encouraged (refer to submitted Mobility Management Plan), to use more sustainable modes of transport such as walking and cycling which are facilitated by the range of dedicated paths throughout the scheme



With the mix of uses proposed, which are primarily envisaged to serve the new resident population within the scheme, those visiting the development are likely to use more than one of the proposed facilities. This will generate what is known as multi-purpose trips, which in turn reduces the car parking demand than would be the case if the various facilities were isolated from one another. This will give rise to the cross visitation of car parking spaces. The principle of cross visitation is recognised in the Guidelines for Planning Authorities Retail Planning, 2012, whereby the ability to provide parking facilities on the edge, that serve the centre as well as the new development, thus enabling one trip to serve several purposes is recommended.

The cycle parking provision, following Development Plan parking standards equals to 120 no. spaces. It is to be noted that the car parking standards in the Development Plan for non-residential land uses are maximum standards and should not be seen as a target quantum upon which to provided particularly for mixed use commercial development where the potential for “dual” trips can manifest.

In total, 39 spaces are proposed within the development to cater for the non-residential uses of the scheme. This will be distributed as follows

Unit Type	No. Units / sqm	Proposed Car Parking Provision		
		Long Term	Short Term	
Non Residential				
<i>Block A</i>				
Block A Commercial	Creche	288.56 m2	-	6
	Retail	105.58 m2	-	1
	Retail	173.83 m2	-	1
Sub-Total		-	-	8
Block A1 Commercial	Creche	383.68 m ²	-	14
	Retail	190.60 m2	-	4
	GP Surgery	185.95 m2 (3 consultancy rooms)	-	3
Sub-Total		-	-	21
Block B1 Commercial	Retail	468.92 m ²	-	10
Sub-Total		-	-	10
Total Non-Residential		-	-	39
				39

Table 2: Distribution of car parking spaces for non-residential units

When dual usage and cross visitation taken into consideration, there is a shortfall of approximately 80 no. car parking spaces being provided by the proposed development for the non-residential uses proposed within the scheme. Although a shortfall of parking has been provided, owing to the nature of uses within the proposed development, it can be assumed that demand for car parking spaces at the development will vary throughout the day. An example of this would be in the morning time demand for the creches, would be high while demand for retail uses would be low. In the afternoon / evening time the opposite would be the case.

The range and mix of uses proposed in the development shows that the peak demand for car parking occurs at differing periods of the day for different uses and also varies between weekdays and at weekends. What is most notable is the inevitability of having large volumes of vacant parking present in the proposed development throughout the day and night if each element of the development has its own dedicated car parking provision. This is both a waste of resources and will undermine the attractiveness of the development by artificially reducing car parking availability, and may impact on the achievement of sustainable densities of residential development at this site.



It is considered that there is sufficient car parking provided to cater for the proposed development. There is also a high level of residential development in the surrounding locality. This, when combined with the proposed development, will result in a very sustainable and mutually supportive development.

On the basis of all the above, it is considered reasonable to conclude that the proposed development as set out in this application for permission for a strategic housing development clearly complies with the policies and objectives of the above named Section 28 Guidelines, which put forward national policy objectives, and therefore can be granted permission by the Board under the provisions of Section 37(2)(b)(iii) of the Act of 2000.

4.3.2.5 Conclusion of Criterion of permission for the proposed development should be granted having regard to regional spatial and economic strategy 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 – Section 37(2)(b)(iii) of the Planning & Development Act, 2000 (as amended).

On the basis of all the forgoing in Sections 4.3 and 4.4 of this statement, it is considered reasonable to conclude that the proposed strategic housing development complies with the provisions and guidance of the current regional spatial and economic strategy for the area and is clearly in compliance with the aforementioned Section 28 guidelines, and therefore fulfils the criterion under Section 37(2)(b)(iii) of the Planning & Development Act, 2000 (as amended).

5.0. Conclusion

5.1. In summary, it is submitted that the proposed development can be granted permission, notwithstanding that An Bord Pleanála may consider the proposed development to be a material contravention of the Meath County Development Plan, 2021-2027, and its objectives/standards in relation to car parking and permissible uses under the relevant land use zoning objective. It is also submitted that An Bord Pleanála can grant permission for the proposed development where it may consider the proposed development to be a material contravention of the current Meath County Development Plan, 2021-2027 in relation to car parking standards and permissible uses.

5.2. It is considered that under Section 37(2)(b)(i) of the Planning & Development Act 2000 (as amended) that the Board can grant permission for the proposed development having regard to the strategic national importance of delivering new housing on sites in appropriate locations.

5.3. It is also considered that under Section 37(2)(b)(iii) of the Planning & Development Act 2000 (as amended) that the Board can grant permission for the proposed development having regard to the proposed development's compliance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020), and the Guidelines for Planning Authorities Retail Planning (2012) and by reference to the policies of the government stated at Objectives 3a, 11, 13, 33 and 35 of the National Planning Framework. It is considered that the proposed car parking and land uses are in keeping with the proper planning and sustainable development of the area and can therefore be granted permission.

A