



An
Bord
Pleanála

Inspector's Report

ABP-322090-25

Development

Modifications to SHD permitted under ABP-305196-19 consisting of modification to 2 No. apartment buildings (with a reduction from 52 to 48 units and revised unit mix), omission of basement parking, modifications to communal open space, provision of roof terrace, bike/bin storage, landscaping boundary treatments and site development/service infrastructure works.

Location

Jamestown, Ratoath, Co. Meath

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

2461100

Applicant(s)

Kingscroft Development Limited

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)	Jack & Yvonne Everard
Observer(s)	None.
Date of Site Inspection	25/05/2025
Inspector	Bébhinn O'Shea

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1.0 Site Location and Description

- 1.1. The site is located on the southeastern edge of Ratoath County Meath. The site forms part of a larger development site of 6.3 ha, ABP-301596-19, which is under development. The subject site is fenced off and contains building materials, containers, etc. and does not retain any natural vegetation within or at boundaries.
- 1.2. The Ratoath Outer Relief Road bounds the site to the south-east; it is completed as far as the signalised junction at the access point to the proposed development. The lands beyond this to the south-east, are greenfield. The structures on built up lands to the north-west (Ratoath College) and northeast are largely 2 storey.

2.0 Proposed Development

- 2.1. Proposed development is for Large-scale Residential Development consisting of modifications to 2 No. apartment blocks within the previously granted Strategic Housing Development permitted under ABP-305196-19. In summary, the proposal provides for the omission of the undercroft/basement level, and the provision of substitute car parking within areas of open space, along with bin and cycle storage. The mix of apartment units is proposed to be revised, with associated design changes and a new roof terrace on each block.
- 2.2. The proposed modifications provide for the following compared to the parent permission.

	ABP-305196-19 (Parent SHD)		Subject application	
Units	52		48	
1bed	8	15%	22	46%
2 bed	40	77%	20	42%
3 bed	4	8%	6	12%
Height	Part 4, part 5 storey		Part 3, part 5 storey Roof garden on 3 storey sections	

Car parking	60 basement/undercroft parking spaces, plus undesignated surface spaces Visitor parking within parent scheme	50 surface spaces stated to be provided Visitor parking within parent scheme
Cycle parking	26 basement stands, other undesignated spaces available at surface	120 undesignated no. cycle spaces at surface shared with other Duplex blocks
Public Open space	10.6%	10.2%

2.3. It is noted that modifications to other blocks within the parent SHD have previously been permitted, under PA Ref 23/882 / ABP-318557–23. It is worth noting, at this stage, the relationship and arrangement of the Apartment Blocks the subject of this application, with the revised Duplex Blocks 2 and 6 permitted under ABP-318557–23. Together these elements form a sub-area of the development, having an important physical relationship in terms of their aspect, building line/roads frontage and shared open space and parking.

3.0 Planning Authority Opinion

3.1. A pre-application meeting, in accordance with Section 247 of the Planning and Development Act 2000, as amended, took place for the proposed development on 14th August 2024 between the applicant and the Planning Authority. Guidance was provided on the following topics (in summary):

- Site zoning, phasing, core strategy and density provisions of the MCDP
- Design, unit mix, residential amenity, compliance with standards, childcare
- Traffic, transportation, DMURS and public lighting
- Flood Risk Assessment & Management and Surface Water Drainage

- Housing Part V/ LDA (Part 9), Universal Design
- Water Supply/ Wastewater Treatment
- EIA, AA and other Environmental Assessments
- Landscaping, Public, Private and Communal Amenity Spaces
- Social Infrastructure Assessment
- Cultural Heritage
- Other Issues

3.2. In accordance with Section 247(7) of the 2000 Act, on 23rd August 2024 the Planning Authority issued a Determination that no further consultation was required. As such, the case file does not include a record of a subsequent LRD pre-application meeting, a Planning Authority Opinion, or Statement of Response from the applicant.

3.3. A copy of the minutes of the Section 247 pre-application meeting and the Section 247(7) determination by the Planning Authority are included in the case file.

4.0 Planning Authority Decision

4.1. Decision

The Planning Authority granted permission for the proposed development on the 17th February 2025 subject to 25 No. conditions. The conditions include the following:

- Condition 2: Development to be implemented in accordance with the conditions attached to ABP 305196-19.
- Condition 3: Appropriate period to be 5 years and development to be in accordance with phasing plan on parent permission.
- Condition 4: Section 47 agreement that that all units will be for occupation by individual purchasers
- Condition 5, 6, 7: Prior to commencement details of bicycle storage, bin storage, external finishes to be agreed with PA. Render plaster finishes shall be replaced by a light shade of brick.
- Condition 8: SW and revised SuDS, roads, drainage, watermain layout

- Condition 9: Lighting
- Condition 10 Part V
- Condition 11: 5% universal design units
- Condition 12: Revised layout and elevations of bicycle storage; to be purpose built structure of brick/ block, capable of accommodating cargo bicycles/trailers
- Condition 13: Energy Statement
- Condition 14: Landscaping Plan
- Condition 15: Prior to commencement of development, the applicant shall submit plans, and details illustrating that the proposed development complies with Sustainable Urban Housing: Design Standards for New Apartments (2023) in relation to communal open space provision. The details shall be agreed in writing with the Planning Authority.
- Condition 16: Management Company
- Condition 17: Uisce Éireann
- Condition 18: Telecoms Ducting
- Condition 19: Construction/Operation Management
- Condition 20: Telecommunications Services
- Condition 21: Naming and numbering
- Conditions 22, 23, 24, 25: Bond and Development Contributions

4.2. Planning Authority Reports

4.2.1. Planning Reports

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

- Principle of development has been established by parent permission, ABP 305196-19 and principle of proposed development is acceptable having regard this and A2 zoning.

- Density is within range required by MCDP DM OBJ 14 and Compact Settlement Guidelines. Plot ratio and site coverage also compliance with DM OBJ 15 and OBJ 16 respectively.
- Noted that the apartments are proposed in 3 and 5 storey apartment blocks, with a mix of apartments and duplexes. 22 No. 1 bed units 20 no. 3 bed units and 6 no. 3 bed units. Basement car parking has been eliminated and modification of surface car parking with pathways is noted, and revised bin/bicycle storage arrangements noted. Changes in materials to façade are considered acceptable.
- The proposed units comply with the minimum standards set out in the Sustainable Urban Housing: Design Standards for New Apartments 2023 and with separation distances set out in SPPR 1 of the Compact Settlement Guidelines.
- Daylight and Sunlight Assessment indicates adequate standards of light.
- Compliance with Universal Design not clear but may be addressed by condition.
- Communal open space is shared and proposed at ground floor and roof top level to comply with the minimum requirements of the housing guidelines. However, it is unclear from the drawings and reports submitted if the required communal open space provision is provided, but considered that this issue can be addressed by condition.
- Not considered that the proposed development would result in adverse impacts on existing residential amenities in terms of the scale, height and layout of the proposed development and overlooking, overshadowing or overbearance.
- No details submitted regarding boundary treatments referred to in the development description but considered this could be dealt with by condition.
- Noted report of the Transport Department that there would be negligible difference to the traffic that the development will generate; that the footpaths adjacent to perpendicular car parking require an additional verge of at least 0.3m and that details of adequate form of bicycle storage is required. Considered these issues could be addressed by condition rather than FI.
- Considered Water Services , SW Drainage, Part V, Energy, Public lighting issues could be addressed by condition.

- Considered the application was in Flood Zone C and at low risk of flooding.
- Screened out the need for EIAR and AA.

4.2.2. Other Technical Reports

Housing: Part V to be met by delivery of units on site.

Environment (Flooding/Surface Water): No objection subject to conditions. Notes roads, drainage and watermain layout were omitted from application

(I note Unsolicited Further Information was received in the above regard)

Environment (Waste): No objection subject to conditions.

Transportation: Revised site layout to be submitted demonstrating bike storage and addition verge on footpath adjacent perpendicular parking spaces.

Transportation (Lighting): Public lighting design to be submitted as per MCC Public Lighting Technical Specification & Requirements document

4.3. Prescribed Bodies

HSE: Compliance with Universal Design Principals to be demonstrated. Waste storage areas to be adequate in terms of size, ventilation, drainage, cleaning. Management plan required. A management plan and details of climate initiatives should be submitted along with proposals for the sustainable use of water.

DAA: No comment

Uisce Éireann: No response

4.4. Third Party Observations

One third party observation, as per the grounds of appeal at Section 7.0 below.

4.5. Planning History

4.5.1. Site:

ABP 305196-19 (SHD application) Permission granted to Sherwood Home Ltd on 6th December 2019 for 228 no. residential units (114 no. houses, 114 no. apartments), childcare facilities and associated site works at Jamestown, Ratoath.

Condition 2 (omission of surface car-parking and corresponding increase in open space provision on roads 9, 10, 8, 12) Condition 3 (Compliance with SPPR3 of the Apartment Guidelines in relation to % of 2 bed/3 person units) and Condition 4 Bicycle parking provision and accessible storage are noted.

23/882 and ABP 318557 Permission granted on to Kingscroft Development Ltd on 23/03/2024 for modifications to 6 no. duplex blocks .

24/382 Permission granted to Kingscroft Development Ltd on 14th November 2024 for extension of duration of planning permission ABP 305196-19 to 31/12/2029.

4.5.2. Other

The subject site is accessed from the Ratoath Outer Relief Road. The following applications are relevant

RA150993 and ABP 17.247003 Permission granted to Sherwood Homes Ltd on 24th November 2016 for 128 dwellings and a portion of the Ratoath Outer Relief Road.

RA190724 Permission granted to Sherwood Homes Ltd on 26th July 2019 for an amendment to the link road junction accessing Ratoath College on the portion of the Ratoath Outer Relief Outer Road approved under ABP Ref. No. PL17.247003/ RA150993. The amendment sought to modify the approved roundabout to a T-Junction, at Jamestown Ratoath and Tankardstown, Ratoath.

RA190890 and ABP 305385-19 Permission granted to Sherwood Homes Ltd on 15th April 2020 for an amendment to the road junction at Moulden Bridge on a portion of the Ratoath Outer Relief Road approved under ABP Ref. PL17.247003/ RA150993. The amendment seeks to modify the approved roundabout to a signalised crossroads junction, at Jamestown, Ratoath.

ABP 313658-22 (SHD application) (Adjacent lands to the Southwest) Permission refused to Beo Properties Ltd on 14th September 2023 for 452 no. residential units (150 no. houses, 302 no. apartments), creche and associated site works.

5.0 Policy Context

5.1. National Policy

The National Planning Framework - Project Ireland 2040 sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

5.2. Regional Policy

The Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 provides a framework for development at regional level promoting the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint.

5.3. Section 28 Ministerial Guidelines

The following ministerial guidelines are considered relevant to the appeal site:

- The **Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities (2024)** (the Compact Settlement Guidelines). These guidelines outline appropriate density ranges for different area types. Section 3.3.3 and Appendix B set out Density Ranges and Methodology for calculating density. Strategic Planning Policy Requirements (SPPRs) set minimum requirements for Separation Distances (SPPR 1) Minimum Private Open Space (SPPR 2) and standards for Car Parking (SPPR3) and Cycle Parking (SPPR4) .
- **Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023)** (the Apartment Guidelines) address general locational considerations for apartments and density and also set out standards for mix, design and layout of units and amenity spaces. SPPR 1 relates to mix, SPPR 2 relates to mix on building refurbishment schemes or smaller urban infill schemes on sites of up to 0.25ha. SPPR3 relates to minimum floor areas. SPPR4

relates to minimum number of dual aspect apartments. SPPR5 relates to floor to ceiling heights. SPPR6 relates to lift cores and stairs. Appendix 1 sets out standards, including that of storage, private amenity space and communal space.

- **Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities 2023** (Commercial Institutional Investment Guidelines).
- **Development Management, Guidelines for Planning Authorities, 2007** (Development Management Guidelines).

5.4. Development Plan

5.4.1. The relevant development plan is the Meath County Development Plan 2021-2027 (MCDP). The site is zoned A2 – New Residential where the objective is “To provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate”. An indicative road - the Ratoath Outer Relief Road – is shown along the southern boundary of the site.

5.4.2. Section 11.5 sets out Residential Development Standards including:

DM POL 4: To require that all proposals for residential development demonstrate compliance with the Sustainable Residential Development and Compact Settlements Guidelines 2024 and the associated Design Manual or any updates thereof.

DM OBJ 13: Relates to the submission of Design statements for applications for residential development on sites in excess of 0.2 hectares or for more than 10 residential units.

DM OBJ 14: Sets out density targets.

Centre and Urban Neighbourhoods: 40-100 uph

Suburban/Urban Extension: 30-50 uph. Up to 80 uph open for consideration at accessible suburban/urban extension

DM OBJ 18 – 21: These set out separation distances

DM POL 6: Requires that the unit typologies proposed provide a sufficient unit mix which addresses wider demographic and household formation trends.

- DM OBJ 22:** Requires safe connectivity between residential areas/community facilities etc.
- DM OBJ 23:** Requires a detailed phasing plan to accompany applications, which demonstrates the early delivery of key infrastructure associated with that scheme.
- DM OBJ 26:** Public open space shall be provided for residential development at a minimum rate of 15% of total site area.
- DM POL 7:** Private Open Space Requirements
- DM POL 14:** All planning applications for apartments are required to demonstrate compliance with 'Sustainable Urban Housing; Design Standards for New Apartments', Guidelines for Planning Authorities (2023) and any updates thereof. While these Guidelines set out minimum design standards, the Council strongly encourage the provision of apartments above these standards, in the interest of creating attractive living environments and sustainable communities....
- DM OBJ 39:** Provides that an appropriate mix of units shall be provided to cater for a variety of household types and tenures, etc.
- DM OBJ 53:** Apartment schemes shall make provision for waste segregation and recycling. Bin storage shall generally be on the ground floor level of development, be adequately ventilated, screened from public view and adjacent to the block it serves. Where appropriate, the bin storage area shall be a separate structure to the apartment building.
- DM OBJ 54:** Shared bin storage areas shall be located conveniently for residents and collection service providers with appropriate security measures.

Table 11.2 sets out Car Parking Standards. For Dwellings/Apartments:

Accessible locations: Maximum of 1.5 spaces per dwelling/unit

Intermediate and peripheral locations: Maximum should be 2 per dwelling/unit

- DM OBJ 93:** New residential development should take account of the following regarding car parking:

- Vehicular parking for detached and semi-detached housing should be within the curtilage of the house;
- 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;
- 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;
- Consideration needs to be given to parking for visitors and people with disabilities; and
- Provision of EV Charging points.

DM OBJ 96: To require the provision of cycle parking facilities in accordance with the Design Standards for New Apartments 2023, the Sustainable Residential Development and Compact Settlements Guidelines 2024 and Table 11.4 Cycle Parking Standards.

DM OBJ 97: Cycle parking facilities shall be conveniently located, secure, easy to use, adequately lit and well sign posted. All long-term (more than three hours) cycle racks shall be protected from the weather.

DM OBJ 98: To establish and implement Cycle Parking Standards for new developments in the County.

DM OBJ 99: In residential developments without private gardens or wholly dependent on balconies for private open space, covered secure bicycle stands should be provided in private communal areas;

Table 11.4 Sets out Cycle Parking Standards. For Apartments: 1 private secure bicycle space per bed space (note – design should not require bicycle access via living area), minimum 2 spaces. 1 visitor bicycle space per two housing units. Refer to Compact Settlement Guidelines SPPR 4

5.5. Natural Heritage Designations

There are no Natural Heritage Areas or proposed Natural Heritage Areas in the immediate vicinity of the site. The nearest European Sites are as follows:

Rye Water Valley/Cartron SAC c. 13km

Malahide Estuary SAC c. 16km

Rogerstown Estuary SAC c. 17km

River Boyne and River Blackwater SAC c. 17km

Malahide Estuary SPA c. 16km

River Boyne and River Blackwater SPA c. 17km

Rogerstown Estuary SPA c. 18km

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- Non-compliance with legislation: The development does not constitute Large Scale Residential Development as it is under the requirements of 100 units or more.

- Procedural Matters: The site notice was not visible to the public. Application unsigned. No letter of consent from Meath County Council in relation to area of outer relief road which application encroaches upon.
- Land Registry Details and Tailte Eireann Record Place mapping incorrect.
- Permission was previously granted under 305196-19 by ABP. The Inspector recommended refusal in part as the development did not meet the requirement of 15% open space provision. The amendment now sought to eliminate the underground car park for 20 cars and bike storage and waste bins and locate these on open space and is even more unacceptable.
- Bike racks are insecure
- Bin storage will attract vermin
- No consideration to future owners or existing residents.
- Parking: Loss of parking will lead to erratic and dangerous parking. Proposed perpendicular parking proximity to school is an issue and would be difficult to access.
- Original planning permission granted under 305196-19 has been extended to 2029.

7.2. Applicant Response

- Site is zoned A2 in the Ratoath LAP, with similar zoning objectives to adjacent lands to east and west of the area and a substantial land parcel is zoned B1 with a specific Framework Plan Objective.
- The application is a modification of SHD 305196-19. The modification is to eliminate the use of ramp and under-croft basement car-parking, which had complexities in terms of design and accessibility, and to finish the ongoing construction of the development.
- The footprints of the apartment blocks have been increased slightly, which has an impact on site layout and density which is reduced by 4 units.
- The appeal on grounds of legislation is inaccurate.

- The site notices were acceptable to Meath County Council. They are the same as those used on the parent application 305196 and were placed on public roads
- The Record place map was issued from the land registry website and the order no. is provided.
- The omission of basement simplifies construction and reduces the buildings' carbon footprint.
- Public open space has been revised to accommodate parking. 10.2 % public open space is proposed in addition to communal open space at roof level. The parent permission 305196-19 only included 10% public open space. The development complies with the provisions of the MCDP for delivery of housing, even if below 15% public open space threshold.
- Details of bin and bicycle storage are to be agreed prior to commencement of development. A landscaping plan is to be provided. Communal open space is shared and proposed at ground floor and rooftop level.

7.3. **Planning Authority Response**

States that all matters considered in the Planners Report, requests that decision to grant be upheld

7.4. **Observations**

None

7.5. **Further Responses**

None

8.0 **Assessment**

- 8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant

local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Legislative and procedural matters
- Principal of Development, Density and Mix
- Car parking, cycle parking/storage and bin storage
- Open Space Provision
- Other Issues

8.2. Legislative and procedural matters

8.2.1. LRD legislation:

The appeal states that the development does not constitute Large Scale Residential Development as it is under the requirements of 100 units or more.

8.2.2. The proposed development constitutes an amendment of an SHD (Strategic Housing Development). The Planning and Development (Amendment) (Large-scale Residential Development) Act 2021 included a number of transitional arrangements in relation to the expiry of the SHD arrangements and their replacement by the new LRD arrangements. These were clarified by Circular Letter PL 13/2021 issued by the Department of Housing, Local Government and Heritage, in December 2021.

8.2.3. Section 5 amends section 34 of the Principal Act to provide that when considering applications for amendments to previously approved SHDs, the planning authority shall be limited to solely considering the proposed modifications to the previously permitted development and not to reconsidering the original application again in combination with the proposed new modifications.

8.2.4. Section 12 amends section 146B of the Principal Act to provide that proposals for alterations to SHD planning permissions shall no longer be submitted to the Board under section 146B and shall instead be submitted to the relevant local planning authority for determination.

8.2.5. Section 15 amends section 247 of Principal Act with an insertion of new subsection 247(7) into the Principal Act, providing that that for an application that proposes to amend an already approved SHD the planning authority may determine that pre-application consultations under section 247 and the LRD opinion of the planning authority are not required in cases where the proposed development is substantially the same as the previously permitted development.

8.2.6. The application has progressed in accordance with the above, and has therefore met legislative requirements.

8.2.7. **Site notice:**

I note the comments in relation to the positioning of site notices. The site notices were erected at 2 locations. The first, which I observed upon site inspection, on the outer ring road, at the entrance to the site and its boundary, at a public road with cycle path cycle path, fully accessible to the public. This meets the requirements of the regulations being “on or near the main entrance to the land or structure concerned from a public road” as per Art 19 of the Regulations. A second site notice, according to drawings, was positioned at the rear of the development site at the spur into Ratoath College.

8.2.8. I consider the requirements of the Planning and Development Regulations have been satisfied. I note that this matter was considered acceptable by the Planning Authority found the site notices acceptable and the location of the site notices did not prevent the concerned party from making a submission.

8.2.9. **Mapping/consent/ownership:**

The appeal raises matters relating to the accuracy of mapping and correctness of OS map numbers. It is stated that particular plans were not transferred from Meath County Councils ownership folio. The plans in question, referred to by the appellant, relate to the junction of the access road with the Outer Relief Road (ORR), from where development is to be accessed. The concerns appear to question the legal right of the applicant to make the planning application and carry out the development. The third party has not asserted any ownership right over the lands.

- 8.2.10. The Planning and Development Regulations, 2000 (as amended) (the Regulations) require under Article 22 (1) (d) that the legal interest of the applicant in the land be stated, and that a location map is submitted, of sufficient size and containing details of features in the vicinity such as to permit the identification of the site to which the application relates. This has been satisfied; the site is clearly identifiable. The applicant has indicated ownership of the subject site.
- 8.2.11. I consider that a satisfactory right to the making of the application has been demonstrated. The section of the ORR and the development's access from same have been established under other planning consents which are either implemented or at an advanced stage of implementation. The application does not propose any works to this access.
- 8.2.12. I do not believe that the seeking of further information or submissions in relation to the accuracy of folios will assist in assessing this matter as ultimately it is beyond the remit of the Board. The Development Management Guidelines Section 5.1 are clear about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In terms of the carrying out of development, the provisions of Section 34 (13) of the Act must be relied upon; that a person is not entitled solely by reason of a permission to carry out any development.
- 8.2.13. I am therefore satisfied that there is no issue relating to landownership and/ or the planning history at the site that would impede the Board from deciding on the appeal case.
- 8.2.14. It is noted that a wayleave/right of way is identified in the Land Direct extract submitted by the appellant, not reflected in the application drawings. It is not possible to verify that this wayleave / right of way remains a burden on the lands. No party has made any submission in relation to the existence of such wayleave / right of way. The site layout plan may be regarded as being in error in the context of Article 23 (1)(a) of the Regulations, however, there is no evidence or reason to believe that any party was prejudiced by the error.

8.3. Principle of Development and Density

- 8.3.1. **Principle of Development:** Having regard to the zoning of the site, the principle of an amendment to a permitted residential development - including a reduction in number, revised mix, omission of basement parking, revisions to public open space/parking/cycle and bin storage - is acceptable, subject to other planning considerations discussed below
- 8.3.2. **Density:** The permitted density under ABP 301596-19 was 37.3 units per hectare (nett) which indicates a nett site area of 6.11 hectares. It is noted that while there was some change to dwelling mix under ABP 318557-24, the density was not affected. The proposed development results in the loss of 4 units. The proposed density of the overall SHD site would therefore be 36.7 units per hectare (nett) if permission for the proposed development were granted.
- 8.3.3. The density is within the parameters set out in Objective DM OBJ 14 of the CDP, which has regard to the Compact Settlement Guidelines. I note that Ratoath comes within the definition of a Key Town / Large Town as described in the Compact Settlement Guidelines. The Guidelines describe Suburban/Urban Extension Suburban areas as “the low density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint area that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns and Large Towns.”
- 8.3.4. The site location is clearly greenfield land at the edge of the settlement. In terms of public transport considerations, I note that the location could not be considered ‘Accessible’ within the meaning of Table 3.8 of the Compact Settlement Guidelines. An Accessible Location is “*Lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services*”. The nearest bus stop (101231, 134661) will be at a 10-15 minute walk and the services are not high frequency – route 194 peak frequency is 15 mins, route 103 peak frequency is 20 mins, route 105 peak frequency is 30 mins, route 109A is hourly.

8.3.5. I consider that there is a marginal decrease in density and that density remains acceptable, within the context of the overall parent site and having regard to the MCDP and the Compact Settlement Guidelines.

8.4. Dwelling/Unit Mix

8.4.1. I have considered the proposed mix of duplexes/apartments alone, and also in terms of the overall mix (of houses and apartments/duplexes) on the parent site. I have also considered compliance with Condition 3 of ABP 305196-19 .

8.4.2. The unit mix of the proposed development (Apartment Blocks 1 & 2) now proposed is as follows:

Unit type	Total	Percentage
1-bed	22	46%
2-bed (3 person)	0	0%
2-bed (4 person)	20	42%
3-bed (5/6 person)	6	12%
TOTAL	48	100%

8.4.3. The unit mix of the revisions to Duplex Blocks 1-6 permitted under ABP 318557-23 is as follows:

Unit type	Total	Percentage
1-bed	21	33%
2-bed (3 person)	9	14%
2-bed (4 person)	0	0%
3-bed	32	51%
TOTAL	62	100%

8.4.4. The overall unit mix of apartments (i.e. Duplex Blocks 1-6 and Apartment Blocks 1 & 2) within the site is as follows:

Unit type	Total	Percentage
1-bed	43	39%
2-bed (3 person)	9	8%
2-bed (4 person)	20	18%
3-bed	38	35%
TOTAL	110	100%

8.4.5. The dwelling mix permitted under ABP 305196-19 on the parent site was as follows:

Unit type	No. Houses	No. Duplex/ Apartments	Total	Percentage
1-bed	0	19	19	8%
2-bed	9	59	68	30%
3-bed	97	36	133	58%
4-bed	8	0	8	4%
TOTAL	114	114	228	100

8.4.6. The revised mix permitted under ABP 318557-23 revised the mix on the parent site as follows:

Unit type	No. Houses	No. Duplex/ Apartments	Total	Percentage
1-bed	0	29	29	13%
2-bed	9	49	58	25%
3-bed	97	36	133	58%
4-bed	8	0	8	4%
TOTAL	114	114	228	100

- 8.4.7. The proposed development, along with revisions under 318577-23, would revise the mix on the parent site as follows:

Unit type	No. Houses	No. Duplex/ Apartments	Total	Percentage
1-bed	0	43	43	19%
2-bed	9	29	38	17%
3-bed	97	38	135	60%
4-bed	8	0	8	4%
TOTAL	114	110	224	100%

- 8.4.8. The MCDP does not specific a dwelling mix, but under DM POL 6, relies on the question of unit mix to be addressed within Design Statements submitted with applications. In Section 11.5.8 the MCDP states that “all residential schemes should ensure an appropriate mix of housing typologies and unit sizes to support the provision of a variety of household types and tenures”.
- 8.4.9. The Design Statement submitted with the application states that the development consists of a thoughtfully planned mix of apartment types, and seeks to address condition 3 of the parent planning permission (which restricts the number of 3 person 2 bedroom apartments).
- 8.4.10. I have no objection to the proposed mix in terms of the overall mix on the parent site. I consider that a variety of housing types and unit sizes remains provided, and that the greater number of smaller units will assist in addressing demands for smaller household sizes.
- 8.4.11. SPPR 2 of the Apartment Guidelines state that for schemes of 50 or more units, SPPR 1 shall apply to the entire development. SPPR 1 states that “*housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms*”. The development complies with this requirement.

- 8.4.12. The table at 8.4.4 above also indicates that the percentage of 3 person 2 bedroom apartments is 8% of apartments, which meets the requirements of Condition 3 of the parent permission, that the number of 3 person 2 bedroom units does not exceed 10% of the total number of units
- 8.4.13. I therefore consider the proposed development complies with the requirements of the Apartment Guidelines and the MCDP in terms of dwelling mix, and meets the requirements of the parent permission, and is therefore acceptable.

8.5. Design amendments and standard of accommodation

- 8.5.1. I have reviewed the modifications to the design of the proposed Apartment Blocks in terms of form, materials, fenestration, balconies and daylight and sunlight.
- 8.5.2. The proposed blocks are 3-5 storey in height, and are not visually dominant in terms of scale, bulk, or massing. They are similar in architectural rhythm and materials to that initially permitted. The design of the parent development incorporated a mix of brick and render finishes. The proposed development proposes similar materials, but a greater proportion of brick finish, which is preferable in terms of durability. I note no concerns on this aspect were raised in the appeal.
- 8.5.3. I have no objection to the to the modified built form of the two apartment blocks. I note Condition 7 of the Planning Authority includes a requirement that "Render/plaster finishes illustrated shall be replaced by a lighter shade of brick, unless otherwise agreed in writing with the Planning Authority." I consider that the finishes as proposed are consistent with the parent scheme and that the proportion of render finish is not excessive. I therefore do not consider the requirement of this condition to be necessary.
- 8.5.4. I note there is an absence of details of boundary treatments, which are specifically referred to in the development description/public notices. There is only an indication of 'defensive planting' on the Landscaping Plan, along the portions of the boundary adjacent the Outer Relief Road and main access road into the site. This has a bearing on residential amenity in terms of privacy and quality of open space and also on public realm. I am of the view that boundary treatments need to be considered at roadside locations, and also closer to the building footprints, to delineate communal open space and provide privacy strips/separation from the private open

space/terraces and windows of ground floor units. I note these are shown on 3D Visual images. I consider this matter may be addressed by condition.

- 8.5.5. In terms of revised fenestration and balconies, I do not anticipate any undue overlooking or loss of privacy from that presently permitted.
- 8.5.6. I have had regard to the Daylight and Sunlight Assessment and Shadow Analysis submitted and am satisfied that habitable rooms and private open spaces within the residential units will be provided with acceptable standards of daylight and sunlight, and properties will not experience any undue overshadowing.
- 8.5.7. I have reviewed the standard of accommodation having regard to SPPR 3 Minimum Floor Areas and SPPR 4 Dual aspect units, SPPR 5 Floor to ceiling height and SPPR 6 Lift/stair cores, along with standards in Appendix 1 in relation to aggregate areas and storage/private open space standards. These requirements are satisfied.
- 8.5.8. I therefore consider design amendments and standard of accommodation satisfactory, but that details of boundary treatments are not.

8.6. Carparking

- 8.6.1. 60 basement parking spaces were provided to serve the 2 apartment blocks in the parent application, along with surface parking. The exact no. of surface spaces intended for the two Apartment Blocks or Duplex Blocks 2 & 6 was not however clear on drawings.
- 8.6.2. It is now proposed to omit the basement levels and serve the apartment blocks with surface parking, through the addition of parking spaces within open space.
- 8.6.3. The Engineering Services report accompanying the application states with reference to the MCDP that, having regard to the need to promote a shift towards more sustainable transport there is clear scope for a reduced car parking provision below the standard, subject to appropriate justification. The standards set out in the MCDP (including Variations 1-3) are:

Accessible locations: Maximum of 1.5 spaces per dwelling/unit

Intermediate and peripheral locations: Maximum should be 2 per dwelling/unit

- 8.6.4. The application notes the contents of the Compact Settlement Guidelines SPPR 3 in relation to car-parking.
- 8.6.5. To summarise, the Compact Settlements Guidelines SPPR 3 states “for intermediate and peripheral locations, the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling”. The Apartment Guidelines, Section 4.24, states “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.”
- 8.6.6. I consider that one car parking space per unit plus 1 visitor parking space per 4 apartments is the appropriate requirement. I would consider this sufficient, provided adequate cycle parking/storage facilities is provided in tandem with this reduced parking provision. In the absence of same, there will be greater car dependence, and increased likelihood of spillover of parking onto adjacent streets, which would detract from residential amenity and can cause traffic hazard.
- 8.6.7. The above standard generates a requirement for 60 car parking space. The parking provision is stated to be 48 parking spaces, and 2 disabled spaces. The application layout is unclear in relation to which surface parking spaces are intended for the Apartment Blocks 1 & 2 (the subject of this application) and which are intended for the Duplex Blocks 6 & 2, adjacent.
- 8.6.8. Parking requirement and provision is set out below.

	Required		Provided	
	Resident	Visitor	Resident	Visitor
Apartment Block 1	24	6	undesignated	0
Duplex Block 6	11	2.75	undesignated	0
Total (west of access road)	35	8.75	37 (including 9 spaces Road 5)	0
Apartment Block 2	24	6	undesignated	0

Duplex Block 2	11	2.75	undesignated	0
Total (east of access road)	35	8.75	37 (including 12 spaces on Road 16)	0

- 8.6.9. Applying the same standard (one car parking space per unit) to apartment Blocks 1 & 2 and Duplex Blocks 2 & 6 together, the required number of residents' spaces for units appear to be provided in the vicinity of the blocks.
- 8.6.10. The application states that the *“parent development makes provision for 30 visitor car parking spaces along the spine roads of the overall development, which are in close proximity to the proposed units. Therefore, additional spaces for visitor car parking are not required.”* The overall development will accommodate 110 apartments and duplexes, which would generate a visitor parking requirement of 27.5 spaces, based on the Apartment Guidelines. Given the number of apartments and number of visitor spaces is largely consistent with the parent application, I consider this is reasonable and that additional visitor parking is not required.
- 8.6.11. I note that the overall development layout is notably dominated by car-parking. This is contrary to Section 5.3.4 of the Compact Settlement Guidelines which seek to ensure that that parked cars do not dominate public areas and that off-street parking is designed to integrate into the block layout and building envelope in order to reduce the visual impact of parked cars. I also note DM OBJ 93 of the MCDP is clear that 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. This is not achieved. The landscaping plan does not propose any features/street trees etc. to break up parking bays.
- 8.6.12. To conclude, I consider the quantity of car-parking sufficient, subject to provision of adequate cycle parking and storage facility to support a modal shift from the car at this peripheral location. I consider that the additional verge area required to facilitate perpendicular parking is achievable and may be addressed by condition in the event off a decision to grant permission. I do not consider that the introduction of perpendicular parking, as proposed, will have any particular traffic safety implications

for the school, which is at a distance of c.130m from same, via a tabletop crossroads.

- 8.6.13. However, the development is visually dominated by surface car parking, which is contrary to the Compact Settlement Guidelines, Meath CDP and, notably, contrary to Condition 2 of parent permission 3056196-19, which removed areas of surface car-parking and increased communal open space. This is further discussed in Section 8.9.2.11 of this report below.

8.7. Cycle parking/storage

- 8.7.1. The Compact Settlement Guidelines require that this cycle parking is fully integrated into the design of all new residential schemes. SPPR 4 - Cycle Parking and Storage refers, including consideration of quantity, accessibility/location, quality and design. I particularly note within SSPR4 :

“Quantity – in the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied. Visitor cycle parking should also be provided.”

“Design – cycle storage facilities should be provided in a dedicated facility of permanent construction, within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Cycle parking areas shall be designed so that cyclists feel safe. It is best practice that either secure cycle cage/compound or preferably locker facilities are provided.”

SPPR4 does not specify a standard for visitor cycle parking.

- 8.7.2. The Apartment Guidelines state

“Quantity – a general minimum standard of 1 cycle storage space per bedroom shall be applied. For studio units, at least 1 cycle storage space shall be provided. Visitor cycle parking shall also be provided at a standard of 1 space per 2 residential units.”

- 8.7.3. The Meath CDP in DM OBJ 99 of the MCDP provides that in residential developments without private gardens or wholly dependent on balconies for private open space, covered secure bicycle stands should be provided in private communal areas. Table 11.4 of the MCDP requires minimum of 1 private secure bicycle space

per **bed space** (note – design should not require bicycle access via living area) and 1 visitor bicycle space per two housing units.

8.7.4. I note that the cycle parking standards of the MCDP were revised under Variation 3 to the Plan, adopted 27th January 2025, and in effect since that date. Despite references in Table 11.4 to the Compact Settlement Guidelines in the MCDP, the quantitative standard of the MCDP per residential unit is not consistent with the Guidelines, and exceeds that of the Guidelines (referring to parking provision per **bedspace** as opposed to per **bedroom**). Having reviewed the draft Variation 3 document published at the time, I note that it proposed 1 cycle parking space per bedroom. The submissions and minutes to the Council Meeting where the proposed Variation were considered do not reflect any further consideration of this standard or provide any rationale for a change to spaces per bedspaces. Therefore, it may be the case that the MCDP cycle parking standard of 1 space per bedspace is an error. Notwithstanding this, I note that this is the standard contained in the Plan.

8.7.5. I note that the cycle parking provision indicated on the proposed site layout plan is so positioned that it may serve both Apartment Blocks 1 & 2 and Duplex Blocks 2 & 6. Again, it is noted that Duplex Blocks 2 & 6 were revised under 23/882 and ABP 318557. That application did not show cycle parking provision on the site layout plan, and Condition no. 3 of ABP decision was attached as follows:

“Prior to commencement of development, proposals for cycle parking and storage shall be submitted to and agreed in writing with the planning authority. The proposals shall accord in quantity and design with the requirements of SPPR 4, Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.”

There is no information available with regard to compliance with that condition. Therefore, it should be noted that the open space surrounding these four structures may be required to accommodate cycle parking for both apartment and duplex blocks.

8.7.6. I have set out required cycle parking provision having regard to the MCDP standards below, considering Apartment Blocks 1 & 2 and Duplex Blocks 2 & 6.

Unit type	Apartment Blocks 1 & 2 Units	Apartment Blocks 1 & 2 Bedspaces	Duplex Blocks 6 & 2 Units	Duplex Blocks 6 & 2 Bedspaces
1-bed	22	44	7	14
2-bed (3 person)	0	0	3	9
2-bed (4 person)	20	80	0	0
3-bed (5 person)	4	20	12	60
3-bed (6 person)	2	12	0	0
TOTAL	48	152	22	93

MCDP standards:

Proposed Apartment Blocks 1 & 2: 1 per bedspace (152) plus 1 visitor per 2 unit (24) = **176 spaces**

Proposed Apartment Blocks 1 & 2 together with Duplex Blocks 2 and 6: 1 per bedspace (245) plus 1 visitor per 2 unit (35) = **280 spaces**

- 8.7.7. I have also adjusted the calculation to the quantitative standard per unit of the Compact Settlement Guidelines and visitor parking standard as per MCDP/the Apartment Guidelines:

Proposed Apartment Blocks 1 & 2: 1 per bedroom (48) plus 1 visitor per 2 units (24) = **72 spaces**

Proposed Apartment Blocks 1 & 2 together with Duplex Blocks 2 and 6: 1 per bedroom (70) plus 1 visitor per 2 unit (35) = **105 spaces**

- 8.7.8. I am satisfied that the standard set out in the Compact Settlement Guidelines is appropriate for the proposed development; the site is peripheral in in Ratoath, there are no notable high quality public transport links within cycling distance and there is car parking provision within the development. I do not consider there is sufficient justification for one cycle space per bedspace, as for example there may be in a town centre location, or in an inner location within cycling distance of a commuter rail station. (Please see section 11.6 below in relation to possible material contravention of the MCDP from quantitative cycle parking provision.)

- 8.7.9. The proposed development includes 120 spaces - 60 no. cycle spaces in the areas either side of the access road. This meets the requirements of the Compact Settlement Guidelines (but is deficient in terms of the MCDP).
- 8.7.10. The proposed 120 spaces are sufficient in number for the proposed development, having regard to the Compact Settlement Guidelines. However no differentiation between resident and visitor parking is evident. The cycle spaces/stands are labelled 'bike sheds' on drawings. There is no detail of these included in the application. They appear of a style more like cycle stands suitable for visitor parking.
- 8.7.11. In terms of quality, the cycle parking/storage is also inadequate. The cycle storage facilities are not provided in a dedicated facility of permanent construction, within the building footprint or within an adjacent or adjoining purpose-built structure of permanent construction.
- Parking is removed from the buildings and the entrance points therefore not convenient.
 - No details of the structures, materials etc have been provided, with minimal levels of provision and no storage for ancillary equipment. It is not indicated that the structures would provide secure parking / storage.
 - There is no passive security, overlooking from close structures, in terms of safety of cycles or personal safety of residents accessing storage,
- 8.7.12. I consider that the above reflects the fact that cycle parking/storage is not an integrated part of this proposed development, rather a secondary attempt to providing parking/storage in the absence of a basement. Given the apartment blocks were redesigned, I see no reason why cycle parking provision could not have been designed into the ground level of the structures and provided to an appropriate standard. The proposed solution results in piecemeal/adhoc placement of structures within the open areas of the site, with negative impacts on design and visual amenity.
- 8.7.13. I have considered the potential for revisions, by Condition, to address cycle parking storage. I consider that there may be some scope to reduce unit 5 to a 1 bedroom apartment, and use a location at and around bedroom 1/hallway/storage of this unit in each block to accommodate cycle storage. This would potentially allow internal

access to cycle storage from 17 out of 24 units in each Block, but leave it remote for remaining units, 3 of which do not have ground level private open space. I consider that the necessary revisions would be a material change to the development.

8.7.14. While I acknowledge that the bicycle parking permitted on the original permission was not extensive (drawings show c. 23 spaces at basement level and more at surface level) there has been significant change in policy at a national level since that development was granted. This is reflected in the Apartment Guidelines, and the Compact Settlement Guidelines, which reflect the role quality cycle parking/storage has in enabling successful higher density residential development, and encouraging modal shift. I note the applicant is relying on encouraging a modal shift to justify lower parking provision than the maximum, yet not providing high standard of cycle parking to enable it.

8.7.15. I acknowledge Condition 5 of the grant of permission is that “Prior to commencement of development, the applicant shall submit elevations of the proposed bicycle storage including details of the proposed finishes, for the written agreement of the Planning Authority.” However, compliance with this condition will not address the inappropriate location of this parking. It is likely significantly larger structures will be required to meet standards, with a further impact on quality and quality of open space.

8.7.16. I therefore consider the design and layout of cycle parking as proposed inadequate.

8.8. Refuse storage

8.8.1. Section 4.8 and 4.9 of the Apartment Guidelines set out considerations for refuse storage. I note the following

- *Refuse facilities shall be accessible to each apartment stair/lift core and designed with regard to the projected level of waste generation and types and quantities of receptacles required.*
- *Waste storage areas should not be on the public street, and should not be visible to or accessible by the general public. Appropriate visual screening should be provided, particularly in the vicinity of apartment buildings;*

8.8.2. The refuse storage is not designed in an integrated manner with the apartment blocks. Refuse facilities are not easily accessible to 6 units of each block. The refuse

storage facilities are within communal areas of open space highly visible and not screened. The form of construction, materials, scale have not been demonstrated. I consider they are substandard in terms of residential amenity, and being visually obtrusive would detract from the visual amenity of the development and quality of communal open space. Such impacts should be considered in light of earlier comments with regard to the siting of cycle parking structures around the development site.

- 8.8.3. I note appellants concerns regarding vermin; however, the provision and operation of refuse facilities is a standard part of any housing development and subject to normal management should not be an issue.

8.9. Open Space Provision

8.9.1. Public open space

- 8.9.1.1. It is stated that the proposed development results in an overall reduction of public open space from 10.6% of the parent site area, to 10.2 %. This appears to arise from two changes, (i) the introduction of parking in the open space area overlooked by Apartment Block 1 and Duplex Block 6, i.e. on the western site of Road 16 and (ii) the introduction of cycle parking and bin storage in the open space west of Road 9.

8.9.1.2. Noting

- the provisions of Policy and Objective 5.1 of the Compact Growth Settlements, (which states that the requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances),
- the permitted open space provision in parent permission 305196-19, and
- the minor reduction now proposed,

I consider this provision acceptable in quantitative terms. (Please see section 11.6 below in relation to possible material contravention of the MCDP.)

8.9.2. Communal Open Space

8.9.2.1. DM POL 14 of the MCDP requires that all planning applications for apartments are required to demonstrate compliance with the Apartment Guidelines. The following is the requirement for Communal Open Space for the proposed development, as per Appendix 1 of the Apartment Guidelines

Unit type	Total	C.O.S standard	Total
1-bed	22	5 sqm	110 sqm
2-bed (3 person)	0	6 sqm	0 sqm
2-bed (4 person)	20	7 sqm	140 sqm
3-bed	6	9 sqm	54 sqm
TOTAL	48		304 sqm

8.9.2.2. Section 14.10 to 14.14 of the Apartment Guidelines refer to qualitative considerations including access, security, usability, the need for appropriate boundary treatments between communal and private open space, and the recreational needs of children. The Guidelines note that amenity space may be provided as a garden within the courtyard of a perimeter block or adjoining a linear apartment block. The perimeter block with a central communal open space is considered particularly appropriate for children play.

8.9.2.3. I note that

- The proposed roof terraces at fourth floor level provide 78.2 sqm each totalling c. 157 sqm. I note that these terraces, due to the arrangement of blocks, would not be readily accessible to all units as they do not share a common stair/lift core, but I consider they may be counted as satisfying a portion of communal open space requirements.
- The site layout labels 523 sqm communal open space at Apartment Block 2 and 490 sqm at Apartment Block 1. This communal space expresses largely as the incidental open space surrounding the buildings; much of it is not usable area.

- 8.9.2.4. I note an area of c. 150 sqm north of Block 2 and c. 100sqm southwest of Block 2 that may be suitably landscaped and defended from roads infrastructure to render them usable and achieve adequate quantity for this block. However, these are not adjoining the main linear block, or located well in relation to entrance points to the apartments. I note that 5 units (20%) of Block 2 would be removed from the locations of communal open space. It is not the optimum location in terms of access, surveillance etc.
- 8.9.2.5. I do not consider that the same potential exists around Block 1 to provide adequate sizes of communal open space. While some small areas may be amalgamated to more usable sizes (e.g. by relocating bicycle storage between Apartment Block 2 and Duplex Block 6, c. 100sqm might be formed) there would be uncertainties and knock-on effects with this. I.e. nature and revised location cycle storage structures may not be appropriate in terms of access, security, visual amenity etc. And again, the space would not adjoin the main form of the building and is not the optimum location in terms of access, surveillance etc.
- 8.9.2.6. Cycle parking in accordance with the Compact Settlement Guidelines and Apartment Guidelines would further encroach into such communal space.
- 8.9.2.7. The Planning Authority Report stated “it is unclear from the drawings and reports submitted if the required communal open space provision is provided. However, it is considered that this issue can be addressed by condition. Condition 15 is “Prior to commencement the applicant shall submit plans and details to demonstrate that communal open space complies with Sustainable Urban Housing Design Standards for New Apartments.”
- 8.9.2.8. Notwithstanding the quantum of communal open space labelled on drawings (523 sqm around Apartment Block 2 and 490 sqm around Apartment Block 1), the provision is not adequate. I am not of the opinion that this matter can be satisfactorily addressed by condition, and that quality, accessible, usable communal open space, in accordance with the Guidelines, could be provided - particularly around Block 1 - given the pressure on open space from car parking, cycle parking and bin storage.

8.9.2.9. The Landscape Plan, which is lacking in detail, does not propose any design of communal space, or any play areas, seating areas, variety of surfaces, features etc. There is no evidence that the recreational needs of children have been considered. This may be addressed to a degree by condition, but again it is not an integrated approach to design for residential amenity. It will not address factors such as location and quantity.

8.9.2.10. The applicant's appeal response does not include any submission in relation to compliance with conditions 12 (cycle storage design), 14 (landscaping), or 15 (communal open space) which would have addressed these matters, within the current application.

8.9.2.11. I note on ABP 305196-19 the Direction of the Board in relation to open space provision and addition of condition 2 (a) as follows:

The following car parking spaces shown on site layout drawing C-78-76 shall be omitted, and the adjoining communal open spaces extended into the area proposed for parking: (i) Road 9 – parking space numbers 2 to 8 inclusive on the east side of the road, and (ii) Road 10 – parking space numbers 1 to 7 inclusive on the west side of the road.

Reason: To ensure a satisfactory standard of open space and in the interest of sustainable transport.

8.9.2.12. The proposed development re-introduces the 7 no. spaces omitted by condition on Road 9, plus inserts an additional 11 spaces on Road 9, right up to the boundary of the site on the Outer Relief Road, within what was communal open space. The proposed development also seeks to re-introduce the 7 spaces on Road 10 plus insert an additional 8 spaces, plus bin storage, within what was communal open space. In my opinion, given the proximity and nature of roads infrastructure in the vicinity, those spaces were the most consolidated and usable communal open space at surface level, in proximity to the apartment blocks, and should be retained as such.

8.9.2.13. I consider that given the dominance of surface car parking in this overall development, and the limited quantity and quality of communal open space, these areas should be retained as open space and the requirements of condition 2 above should be maintained.

8.10. Other Issues - Restriction to first occupation by individual purchasers

8.10.1. I note Condition 4 of the Planning Authority

Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each residential unit), pursuant to Section 47 of the Planning and Development Acts 2000-2023, that restricts all residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

8.10.2. The Commercial Institutional Investment Guidelines are the relevant S 28 Guidelines. The MCDP does not specify any additional requirement in relation to these Guidelines. Page 2 of the Guidelines states

“Accordingly, a structure to be used as a dwelling to which these guidelines applies is:-

- a) A house, defined as not including a building designed for use or used as two or more dwellings or a flat, an apartment or other dwelling within such a building, and,
- b) A duplex unit, defined as a dwelling within a building designed for use as two individual dwellings and/or on one shared plot, with separate entrances.

8.10.3. The proposed apartments do not come within the definition of ‘dwelling’ in part (a). I have considered whether the proposed apartments could come within the definition of a duplex unit, as per part (b). The units do not have separate entrances, other than two no. 1 bed units on the ground floor of each apartment block. However, as they are within a building designed for use as more than two individual dwellings, I do not consider that they come within the definition.

8.10.4. Accordingly, in the event of a grant of planning permission, I do not consider Condition 4 of the Planning Authority decision should apply.

9.0 AA Screening

- 9.1. I have considered the case ABP-322090-25 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is located at the south-eastern edge of the built up urban area of Ratoath and comprises a portion of development site on which c. 230 dwellings have been permitted and on which construction is substantially underway. The development site is c. 13km from Rye Water Valley/Cartron SAC and is 500m from a watercourse, the nearest point of which is 18km upstream of Malahide Estuary SPA/SAC .
- 9.3. The proposed development comprises modifications to a previously permitted SHD consisting of modification to 2 No. apartment buildings (with a reduction from 52 to 48 units and revised unit mix), omission of basement parking, modifications to communal open space, provision of roof terrace, bike/bin storage, landscaping boundary treatments and site development.
- 9.4. No nature conservation concerns were raised in the planning appeal.
- 9.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The nature and scale of the development, being a modification to an extant permission, with a decrease in number of units to be provided.
- The location of the site within an adequately serviced urban area
- The absence of any ecological and/ or hydrological connections, reasonably applying the source-pathway-receptor principle,
- The physical separation distances to European sites (in excess of 13km),
- Taking into account the screening determination of Meath County Council,

- 9.6. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive Screening

- 10.1. The subject site is located in Ratoath Co. Meath within the Broadmeadow_SC_010 sub-catchment which has a status of “Poor” and is “At Risk”. The pressures on this waterbody are Urban Run-off, Urban Wastewater, Agriculture and Hydromorphology. The site is within the Swords Ground Waterbody IE_EA_G_011 which has a Status of “Good” and is “Not At Risk”.
- 10.2. The proposed development comprises the modification of an existing permission for c. 230 dwellings, i.e. modification to 2 No. apartment buildings (with a reduction from 52 to 48 units and revised unit mix), omission of basement parking, modifications to communal open space, provision of roof terrace, bike/bin storage, landscaping boundary treatments and site development/service infrastructure works
- 10.3. No water deterioration concerns were raised in the planning appeal.
- 10.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:
- The relatively small scale nature of development, being a modification to two apartment blocks within an existing permission, including a minor reduction in number of units
 - The distance from the nearest river waterbody

- The proposed disposal of surface water to public sewer/drain as part of the parent permission and the incorporation of SuDS measures into the development,
- Best practice construction management.

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

11.0 Conclusion and Recommendation

11.1. I consider that the proposed development is acceptable in principle, in terms of housing mix, density, design, and internal accommodation standards. I do not object to the omission of the basement/undercroft level, provided parking/cycle storage/bin storage and relevant planning considerations relating to same can be satisfied in another manner.

11.2. However, in this regard, I consider that the quantum of surface-car parking, its layout, and absence of landscaping measures renders it visually dominant. This is contrary to Section 5.3.4 of the Compact Settlement Guidelines which seek to ensure that parked cars do not dominate public areas and that off-street parking is designed to integrate into the block layout and building envelope, in order to reduce the visual impact of parked cars. This is also contrary to the provisions of the MCDP, outlined in Section 5.4 of this report, and contrary to Condition 2 of the parent permission 305196-19 which mitigated the visual impact of surface parking through the omission of sections of such parking, now sought to be re-introduced.

11.3. I consider that the cycle parking has not been shown to be of adequate quality, and this represents a sub-standard form of residential amenity. Furthermore, I consider it will fail to encourage modal shift from the car, and give rise to increased car-use and parking demand than the application has provided for, which would lead to overspill parking, detracting from residential amenity and traffic safety.

- 11.4. I consider the communal open space provided is inadequate as proposed, in terms of both quality and quantity, particularly in respect of Block 1. Furthermore, I consider that the introduction of car parking, along with cycle storage structures and bin storage structures (of unknown form and materials) into open space areas, will detract from the quantity, quality and usability of communal open space areas, and visual amenity within.
- 11.5. I consider that the development as proposed is piecemeal and lacks an integrated design approach to the provision of carparking, cycle parking, refuse storage and communal open space and would provide substandard residential amenity.
- 11.6. Accordingly, I recommend **refusal** as set out within Section 13.0 below.

11.7. Note on Material Contravention of the MCDP.

I note the failure to provide a quantity of cycle parking to meet the standards of the MCDP as set out in Table 11.4 may constitute a material contravention of DM OBJ 96. Additionally, the public open space within the overall development is reduced, and the resultant provision of 10.2% may be considered a material contravention of DM OBJ 26.

In accordance with s 37(2)(a) of the Act, the Board may in determining an appeal decide to grant a permission even if the proposed development materially contravenes the development plan. It is noted that as the Planning Authority granted permission in this case, and therefore the additional requirements under s.37(2)(b) do not arise.

The above is for clarity, in the event of a decision to grant permission, and does not have a bearing on the substantive issues for refusal, on which my recommendation is based.

12.0 Recommended Draft Board Order

Planning and Development Act 2000, as amended

Planning Authority: Meath County Council

Planning Register Reference Number: 246100 ABP 322090-25

Appeal

Jack and Yvonne Everard of Glascairn Lane, Commons, Ratoath against the decision made on the 17th day of February 2025 by Meath County Council to grant subject to conditions a permission to Kingscroft Development Limited care of CDP Architecture, 4 The Mall, Lower Main Street, Lucan, County Dublin, in accordance with plans and particulars lodged with the said Council.

Proposed Development

Large-scale Residential Development consisting of modifications to the previously granted Strategic Housing Development permitted under (ABP-305196-19) (Planning Ref. No. SH305196).

The proposed modifications are to the granted 52 no. Apartment units (in 2 no. 4 & 5 storey Block 1 & Block 2 apartment buildings with under-croft basement parking) consisted of 4 no. 1- Bed, 20 no. 2- Bed & 2 no. 3-bed Apartment units.

Proposed modifications to the 2 no. apartment blocks will now consist of 48 no. apartment units (in 2 no. 3 storey duplex & 5 storey apartment block with surface car parking and elimination of the under-croft basement parking) consisting of 22 no. 1- Bed, 20 no. 2- Bed & 6 no. 3-Bed Apartment units.

Modifications to Communal Open space, provision of roof terrace, Bin & Bike storage, and all other associated landscaping, boundary treatments, site development, and service infrastructure works at Jamestown, Ratoath, Co. Meath.

Decision

Refuse permission for the above development for the reasons and considerations set out below.

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

13.0 Reasons and Considerations

The proposed modifications to the development result in the provision of car parking, cycle storage and waste management facilities at surface level within the development site. The design and layout proposed in this regard is piecemeal in nature and fails to provide an integrated, quality approach to such provision, and would negatively impact on the quality and value of both communal and public open spaces within the site and would detract from the visual and residential amenities of the overall development.

The proposed development would therefore fail to comply with the requirements of the Meath County Development Plan 2021-2027, in particular objectives DM OBJ26 in relation to public open space, DM OBJ96 - 99 in relation to parking and DM OBJ 53 & 54 in relation to refuse storage, and would be contrary to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, contrary to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, and contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Bébhinn O'Shea
Senior Planning Inspector

30/5/2025

Form 1 - EIA Pre-Screening

Case Reference	320090-25
Proposed Development Summary	Modification to SHD consisting of modification to 2 No. apartment buildings (with a reduction from 52 to 48 units and revised unit mix), omission of basement parking, modifications to communal open space, provision of roof terrace, bike/bin storage, landscaping boundary treatments and site development/service infrastructure
Development Address	Ratoath Co. Meath
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b) relates to infrastructure projects that involve: (i) Construction of more than 500 dwelling units, (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	320090-25
Proposed Development Summary	Modification to SHD consisting of modification to 2 No. apartment buildings (with a reduction from 52 to 48 units and revised unit mix), omission of basement parking, modifications to communal open space, provision of roof terrace, bike/bin storage, landscaping boundary treatments and site development/service infrastructure
Development Address	Ratoath Co. Meath
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Modification to an existing permission for c. 230 dwellings, mix of houses, duplexes, apartments, along outer relief road in Ratoath. Larger development underway. Slight reduction in scale and number.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Land zoned for residential use under the provisions of the Meath County Development Plan 2021-2027. Site is within an existing built-up urban area served by public infrastructure upon which the proposal would have marginal effects. Existing pattern of residential and educational development in the vicinity, mainly 2 storey. Not a sensitive location, no designation protecting the landscape, natural or cultural landscape and no connection to sensitive ecological sites.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters,	Temporary, minor localised impacts during construction managed by best practice. The development would not result in the production of any significant waste, emissions or pollutants.

magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA <i>[Delete if not relevant]</i>
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____