

## Statement of Response

Proposed Strategic  
Housing Development at  
Moygaddy, Maynooth  
Environs, Co. Meath





## DOCUMENT DETAILS

Client: **Sky Castle Ltd**

Project Title: **Proposed Strategic Housing Development at Moygaddy, Maynooth Environs, Co. Meath**

Project Number: **210414**

Document Title: **Statement of Response**

Document File Name: **Statement of Response - F2 - 05.09.2022 - 210414**

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Rev	Status	Date	Author(s)	Approved By
01	Draft	15/08/2022	OMcC	PH
F	Draft Final for Client Review	30/08/2022	OMcC	PH
F1	Final – Legal Review	04/09/2022	OMcC/PH	PH
F2	Final	05/09/2022	OMcC/PH	PH

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# 1. INTRODUCTION

Following Stage 1 consultation with Meath County Council, a request to enter into Stage 2 pre-planning consultations with An Bord Pleanála (ABP) was submitted to the Board on the 15<sup>th</sup> December 2021. A tripartite meeting between the prospective application, Meath County Council and An Bord Pleanála was convened via Microsoft Teams on 5<sup>th</sup> May 2022, and subsequently, a Notice of Pre-Application Consultation Opinion was issued on the submitted documentation on the 19<sup>th</sup> May 2022. This opinion advised that the Board “*is of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.*”

Three items were identified to be addressed and were as follows:

## Item 1: Principle of Development

*Further consideration/justification of the documents as they relate to the planned development strategy for the Maynooth Environs, the absence of a detailed masterplan (MP16) and/or Local Area Plan and compliance with Objective MAY POL 1 and MAY OBJ 1 (Master Plan 16) of the Meath County Development Plan 2021-2027. The applicant shall ensure the further consideration/justification includes detailed information on the planned roll out and delivery of essential infrastructure, inter alia, the Maynooth Outer Orbital Road (MOOR) and wastewater treatment, necessary to accommodate any increased population from the proposed development and the overall capacity required for the masterplan area (MP16).*

## Item 2: Permeability and Connectivity.

*Further consideration and/or justification of the documents as they relate to the movement of pedestrians and cyclists from the subject site into Maynooth Town and surrounding area. The submitted documentation should demonstrate clear pedestrian and cycle connectivity and the timescale, phasing and delivery of any infrastructure associated with the proposed pedestrian and cycle connectivity, including any third-party consents required for the works. For the cycle facilities that are proposed, the specific compliance with the particular requirements of the National Cycle Manual should be demonstrated by the documents.*

## Item 3: Design Strategy

*Further consideration and/or justification of the documents as they relate to the design approach of the proposed development and the need for a high quality, strong urban edge which integrates effectively along the proposed Maynooth Outer Orbital Road (MOOR). The further consideration/justification should address the open space strategy, inter alia the need passive surveillance and functionality of open space (in particular the proposed communal courtyard spaces) and the future management and maintenance of all open space areas. Particular regard should be had 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009) and the requirement for good design and the inclusion of a sense of place.*

The Board also requested, pursuant to Article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, and in addition to the requirements as specified in Articles 297 and 198 of the Regulations, that the following specific information be submitted with the planning application:

1. *In relation to access and transportation, the following information should be submitted:*

- a. *Full plans and particulars of all road upgrades along with justification for not upgrading of the L6219 up to the junction of the R157, if not included in the proposed development.*
  - b. *A Travel Plan / Mobility Management Plan and a statement describing how the proposed development will contribute to sustainable travel patterns and a reduced dependency on the private car.*
  - c. *A report demonstrating compliance with the applicable standards set out in DMURS and the National Cycle Manual, including sections 1.9 and 4.9 of the cycle manual.*
  - d. *A Quality Audit in accordance with Annex 4 of the Design Manual for Urban Roads and Streets (DMURS) which shall include as a minimum a Street Design Audit, Road Safety Audits and Pedestrian and Cycling Audits.*
  - e. *A report addressing other matters raised in the report of the Meath County Council Transportation Planning Section.*
2. *A report which specifically addresses matters raised in the report of the Meath County Council Water Services Section, inter alia, the breakdown of the 4 no catchment areas, a detailed Q-bar calculation, SuDS compliance and Finished Floor Levels.*
  3. *A report on the Part V proposals.*
  4. *A Schools and Social Infrastructure Audit.*
  5. *Submission of a Site Specific Flood Risk Assessment (SSFRA).*
  6. *A report that specifically addresses the proposed materials and finishes to the scheme, including specific detail of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.*
  7. *Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.*
  8. *In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.*
  9. *The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.*

Furthermore, pursuant to Article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the following authorities should be notified in the event of making an application arising from this notification in accordance with Section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended):

1. *Irish Water.*
2. *Kildare County Council*
3. *Transport Infrastructure Ireland.*
4. *National Transport Authority*
5. *The relevant Childcare Committee (Meath County Childcare Committee)*
6. *Inland Fisheries Ireland*
7. *Minister for Culture, Heritage and the Gaeltacht*
8. *The Heritage Council*
9. *An Taisce*
10. *An Comhairle Ealaíon*
11. *Faite Ireland*

This Statement of Response Report will read as follows:

- **Section 1. Introduction** – This section outlined the forthcoming contents of the Statement of Response Report and the contents of the Board’s Notice of Pre-Application Consultation Opinion.
- **Section 2. Response to Issues Raised** – This section will outline three items of issue raised by the Board and the applicant’s response to these issues.
- **Section 3. Response to Issues Raised Regarding Specific Information to be Submitted** – This section will outline the Board’s request for 9 no. specific information items and the applicant’s response to these issues. The specific information request can be ‘action-based’ or ‘advisory statements’ from the Board, for the applicant and the development to address.
- **Section 4. Conclusion** – This section will conclude the Statement of Response Report. All issues will have been addressed and it will be demonstrated that this development has been proposed in accordance with the Board’s requests in their Opinion. It will be demonstrated that this development constitutes a reasonable basis for an application for strategic housing development.

## 2. RESPONSE TO ISSUES RAISED

The following section sets out how the applicant has addressed the three issues raised in the Board's 'Notice of Pre-Application Consultation Opinion' (hereafter referred to as 'Opinion'), with reference to the accompanying documentation to be submitted, to ensure the subject application constitutes a reasonable basis for an application for Strategic Housing Development (SHD). The following three items will be addressed in this section of the Statement of Response Report:

- Item 1: Principle of Development
- Item 2: Permeability and Connectivity
- Item 3: Design Strategy

McCrossan O'Rourke Manning (MCORM) have provided a detailed response to each of the 3 no. items raised in the board's opinion in **Section 1.4** of the **Design Statement**. This response is summarised below.

### 2.1 Item 1: Principle of Development

*Further consideration/justification of the documents as they relate to the planned development strategy for the Maynooth Environs, the absence of a detailed masterplan (MP16) and/or Local Area Plan and compliance with Objective MAY POL 1 and MAY OBJ 1 (Master Plan 16) of the Meath County Development Plan 2021-2027. The applicant shall ensure the further consideration/justification includes detailed information on the planned roll out and delivery of essential infrastructure, inter alia, the Maynooth Outer Orbital Road (MOOR) and wastewater treatment, necessary to accommodate any increased population from the proposed development and the overall capacity required for the masterplan area (MP16).*

#### 2.1.1 Applicants Response to Item 1

A non-statutory proposed Moygaddy Masterplan has been prepared for the area in response to objective 'MAY OBJ 1 (Masterplan 16)'. The purpose of this proposed Masterplan is to propose a holistic strategy for the development of the wider landholding held by the applicant which form the Moygaddy Lands. This non-statutory proposed masterplan has been prepared in line with the provisions of the Meath County Council Development Plan (2021-2027), the Kildare County Development plan (2017-2023) and having regard to the policies and objectives outlined within the Maynooth Environs Local Area Plan (LAP, 2009-2015). This proposed Masterplan complies with the core vision established in the RSES (2019-2023) and Moygaddy Masterplan has been developed with the intention to deliver the new employment, road, leisure, amenity, and community infrastructure required to make Moygaddy and the Maynooth Environs an attractive and highly sustainable new quarter fully integrated into Maynooth.

'MAY OBJ 1 (Master Plan 16)', requires that a masterplan be submitted with a planning application for development proposed on the subject lands and in accordance with this policy objective a masterplan has been developed and it is now submitted with this SHD application for assessment by the Executive of Meath County Council.



Figure 1: Drawing no. PL101 Masterplan prepared by MCORM

A summary of the proposed schemes compliance with Objective ‘MAY OBJ1 (Masterplan 16)’ is set out below in tabular format.

Table 1: Potential material contravention of specific elements of Objective ‘MAY OBJ1 (Masterplan 16)’

Objective ‘MAY OBJ1 (Masterplan 16)’	Potential Material Contravention?
<p><i>‘It is an objective of the Planning Authority to require the submission with any application for development of lands at Moygaddy of a Master Plan for the prior written agreement of the Executive of the Planning Authority which shall address the following</i></p>	<p>Yes – the ‘prior written agreement of the Executive of the Planning Authority’ of the proposed masterplan has not been achieved in advance of making the SHD application.</p> <p>However, we note that Section 11 of the Written Statement for the Maynooth Environs states that “A planning application will not be considered in the absence of the Master Plan being agreed in writing with the Planning Authority <u>unless it can be demonstrated that the application will not undermine the objectives of the Master Plan being achieved.</u>” [Our emphasis added].</p> <p>This paper contends that there are conflicting objectives between the specific wording of ‘MAY OBJ1 (Masterplan 16)’ and Section 11 of the Written Statement for the Maynooth Environs in relation to the prior written agreement of the Executive of the Planning Authority on the proposed masterplan.</p>



Objective 'MAY OBJ1 (Masterplan 16)'	Potential Material Contravention?
	<p>For the avoidance of doubt, this paper contends that this is the only part of the wording of 'MAY OBJ1 (Masterplan 16)' which potentially contravenes the adopted MCDP. Compliance with all 6 no. criteria itemised in 'MAY OBJ1 (Masterplan 16)' has been achieved, as detailed below.</p> <p>The Board's attention is drawn to Appendix 1 of the <b>Material Contravention Statement</b> which provides a legal opinion from Stephen Dodd (Senior Counsel) to justify why the Board can still grant planning permission for the proposed scheme notwithstanding the Chief Executive's prior written agreement is not in place for the proposed Moygaddy Masterplan.</p>
<p><i>1. A Design Statement outlining the evolution of the design process for the proposed development. An emphasis on exemplar sustainable design and aesthetic quality shall be required</i></p>	<p>No – the proposed <b>Moygaddy Masterplan</b> includes a design statement outlining the evolution of the design process for the proposed development. See sections 2, 3 and 4 of the proposed Moygaddy Masterplan.</p> <p>The Board's attention is also directed towards the site-specific <b>Design Statement</b> prepared for the SHD site by MCORM Architects.</p>
<p><i>2. Proposals for the accessing of lands which shall adhere to the permitted Part VIII realignment of the junction of the R157 Regional Road and Moygaddy Road.</i></p>	<p>No - the proposed MOOR adheres to the permitted Part VIII realignment of the junction of the R157 Regional Road and Moygaddy Road.</p>
<p><i>3. Proposals providing for the delivery of the Maynooth Outer Relief Road which shall be developer driven in tandem with the overall development;</i></p>	<p>No – the proposed masterplan includes proposals providing for the delivery of the Maynooth Outer Relief Road (MOOR) which is developer driven in tandem with the overall development.</p> <p>As detailed in Chapter 1 of the Environmental Impact Assessment, the applicant has prepared a planning application for the MOOR which consists of approximately 1.7km of new distributor road, 2 no. single span bridges, pedestrian and cycle improvement measures, 2 no. pedestrian and cycle bridges, upgrade works to existing road network and all associated utilities.</p>

Objective 'MAY OBJ1 (Masterplan 16)'	Potential Material Contravention?
<p><i>4. Proposals for piped water services to be agreed with Irish Water compliant with any existing consents in place;</i></p>	<p>No - Proposals for piped water services have been agreed in principle with Irish Water. See Appendix D of the <b>Engineering Services Report</b> for a copy of the Irish Water Confirmation of Feasibility.</p>
<p><i>5. Mobility Management Plan for the development. This Plan shall be to the fore in establishing the agreed quantum of employees which can be accommodated within individual locations predicated on maximising public transport opportunities and the use of innovation in reducing associated carbon footprint.</i></p>	<p>No – a <b>Mobility Management Plan</b> has been prepared by O'Connor Sutton Cronin Engineers to support the proposed development.</p>
<p><i>6. Urban design and landscape design statement.</i></p>	<p>No- urban design and landscape proposals are addressed in the proposed Moygaddy masterplan.</p> <p>In addition, a site-specific Design Statement and Landscape Rationale have been prepared for the subject lands in support of this application.</p>
<p><i>Any development within the subject lands shall be subject to compliance with the requirements of the Habitats Directive and shall be phased with the delivery of the MOOR in Phase 1 of the development.'</i></p>	<p>No- development within the subject lands has been subject to compliance with the requirements of the Habitats. Please refer to the Natura Impact Statement for further details.</p> <p>Section 5.1 of the proposed masterplan sets out the phasing plan and timeline for the delivery of the MOOR, commencing in phase 1 of the proposed phasing plan.</p>

During discussions with Meath County Council in respect of this planning process, the requirement for a Strategic Environmental Assessment (SEA) of the applicant's proposed masterplan was raised by the Planning Authority. Please refer to the opinion of Stephen Dodd (Senior Counsel) in Appendix 1 of the **Material Contravention Statement** which sets out why a Strategic Environmental Assessment of the proposed masterplan is not required.

Please refer to the submitted **Material Contravention Statement** as prepared by MKO for further details of the material contravention of MAY OBJ 1 (Master Plan 16).

## 2.2 Item 2: Permeability and Connectivity

*Further consideration and/or justification of the documents as they relate to the movement of pedestrians and cyclists from the subject site into Maynooth Town and surrounding area. The submitted documentation should demonstrate clear pedestrian and cycle connectivity and the timescale, phasing and delivery of any infrastructure associated with the proposed pedestrian and cycle connectivity, including any third-party consents required for the works. For the cycle facilities that are*

proposed, the specific compliance with the particular requirements of the National Cycle Manual should be demonstrated by the documents.

## 2.2.1 Applicants Response to Item 2

The design of the proposed development has been revised to include an additional connection to the R157. The proposed development provides for a road connection which will link the proposed creche, playground and scout den to the R157 which in turn links to Maynooth town centre.

The proposed development will include the provision of 4 no. new bridge structures. These structures will consist of the following:

- i. an integral single span bridge at Moyglare Hall over the River Rye Water to connect with existing road infrastructure in County Kildare and associated floodplain works and embankments.
- ii. a new pedestrian and cyclist bridge adjacent to the existing Kildare Bridge which will link the proposed SHD site with the existing road network and approved cycle and pedestrian upgrade works in County Kildare.
- iii. a new pedestrian and cycle bridge across Blackhall Little Stream (also known as the Moyglare Stream) on the L22143 adjacent to the existing unnamed bridge which will link the new residential community with the Moygaddy Castle Public park and Creche facilities as well as the planned commercial office and medical facilities proposed within the wider masterplan area under separate planning applications.
- iv. a new pedestrian and cycle bridge over the Blackhall Little Stream (also known as the Moyglare Stream) linking the proposed residential site with the proposed Childcare Facility, Scout Den and Moygaddy Castle Public Park.



Figure 2: Location of 4 no. Proposed Bridges (Source: drawing no. PL102 Site Layout Plan – Overall prepared by MCORM, Edited by MKO)

Bridges i. and ii. as described above will provide connections to existing infrastructure within the Kildare administrative area. A separate planning application for the bridge infrastructure at Moyglare Hall and Kildare Bridge will be lodged to Kildare County Council by Sky Castle Ltd. These bridges

will link the proposed development to Maynooth town centre via Moyglare Hall Estate/Moyglare Road and R157 respectively.

Bridges iii. and iv. as described above will provide internal connections within the SHD site across the Blackhall Little Stream. Bridge iii. above will provide a pedestrian and cyclist connection at the site's northern boundary. Bridge iv. above will provide an internal pedestrian and cyclist connection between the residential and creche, public park and scout den.

A detailed phasing plan is set out in **Dwg PL 115 Site Layout Plan - Phasing Plan**. Further details on the overall phasing and delivery of the wider proposed masterplan are provided in section 5.1 of the proposed **Moygaddy Masterplan**.

The specific compliance with the particular requirements of the National Cycle Manual is detailed in Section 7.3.2 of the **Planning Report & Statement of Consistency**.

## 2.3 Item 3: Design Strategy

*Further consideration and/or justification of the documents as they relate to the design approach of the proposed development and the need for a high quality, strong urban edge which integrates effectively along the proposed Maynooth Outer Orbital Road (MOOR). The further consideration/justification should address the open space strategy, inter alia the need passive surveillance and functionality of open space (in particular the proposed communal courtyard spaces) and the future management and maintenance of all open space areas. Particular regard should be had 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009) and the requirement for good design and the inclusion of a sense of place.*

### 2.3.1 Applicants Response to Item 3

The location of the higher-density typologies consisting of apartment and duplex blocks have been carefully considered with regard to a high-quality design. There are 2 no. apartment blocks within the proposed development consisting of Block A and Block B. As identified in **Figure 3** below, apartment blocks A and B are located at the northwest and northeast corner of the residential site respectively, adjacent to the L6219 and L22143. This contributes towards a strong urban edge within the proposed development. Additionally, duplex blocks B and D are located along the residential site's northern boundary adjacent to the L6219 and L22143, and duplex block A is located along the western boundary adjacent to a section of the proposed MOOR route. It is considered that the location of these duplex blocks which front onto the MOOR, the L6219, and the L22143 contribute towards a strong urban edge.



Figure 3: Location of Apartment and Duplex Blocks Contributing to a Strong Urban Edge

The development also benefits from a number of distinct character areas which help to provide a diverse mix of typologies, catering for a wide range of households whilst enhancing the overall visual interest of the scheme. This mix of typologies also helps to create active frontage within the public realm through the use of gable entry units and variations to elevational treatments, which in turn ensures passive surveillance is achieved.

The proposed development benefits from a number of high quality landscaped public open spaces in the form of pocket parks which act as focal points between housing cells, linking to the larger parkland areas which form the southern and eastern boundaries. Each of the shared communal areas have been further developed from Stage 2, with careful consideration given to the location and design of the shared Bin & Bicycle storage areas within the scheme. Further details of the open space strategy are provided in the **Landscape Rationale** prepared by Ronan Mac Diarmada & Associates.

In order to provide more attractive and accessible communal areas specifically – with particular reference to the areas between Duplex Block A & Apartment Block A (west of the site) and Duplex Block D & Apartment Block B (east of the site), a ground floor apartment unit has been removed from each apartment block to facilitate the housing of a secure Bins and Bicycles stores within the apartment complex and to avoid intrusion of these spaces with a single-storey external store which was previously incorporated at Stage 2.

In response to the future management and maintenance of all open space areas, MCORM have prepared a drawing identifying the Taking in Charge strategy proposed to the Local Authority which corresponds to the scheme’s public realm as indicated on drawings PL109 & PL110. Additional information has also been provided on the proposed Management Company regime and to identify the areas that will be transferred to the proposed Management company.

Section 2 of the **Design Statement** prepared by MCORM demonstrates that the proposed development is compliant with the Urban Design Manual.

### 3. **RESPONSE TO ISSUES RAISED REGARDING SPECIFIC INFORMATION TO BE SUBMITTED**

The following section outlines the applicant's response to the Board's request for 9 no. specific items of information which should be submitted with any application for permission. This additional information is requested as specified in Article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017 and Articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017.

#### 3.1 **Access and Transportation**

An Bord Pleanála requested the following information:

*In relation to access and transportation, the following information should be submitted:*

*(a) Full plans and particulars of all road upgrades along with justification for not upgrading of the L6219 up to the junction of the R157, if not included in the proposed development.*

*(b) A Travel Plan / Mobility Management Plan and a statement describing how the proposed development will contribute to sustainable travel patterns and a reduced dependency on the private car.*

*(c) A report demonstrating compliance with the applicable standards set out in DMURS and the National Cycle Manual, including sections 1.9 and 4.9 of the cycle manual.*

*(d) A Quality Audit in accordance with Annex 4 of the Design Manual for Urban Roads and Streets (DMURS) which shall include as a minimum a Street Design Audit, Road Safety Audits and Pedestrian and Cycling Audits.*

*(f) A report addressing other matters raised in the report of the Meath County Council Transportation Planning Section.*

##### 3.1.1 **Applicants Response**

###### Response to Item (a):

Details of the proposed road network are provided in **Section 6.8** of the **Engineering Services Report** prepared by OCSC. The proposed development includes the creation of a new internal development road network and upgrading of the L6219 and the provision of a section (c.500m) of the Maynooth Outer Orbital Route (MOOR) from the River Rye to the proposed residential lands. The proposed works also include a small section of realignment works to the L6219 to tie into the new section of the MOOR and the upgrade of the existing L6219 from the residential lands to the creche and public park lands to the east.

An Engineering Drawing Pack has been prepared by OCSC and submitted with the application. Details of the general road's arrangement are provided in drawing no. 0110 to 0117.

###### Response to Item (b):

A **Mobility Management Plan** has been prepared by O'Connor Sutton Cronin Consulting Engineers (OCSC) and is submitted with the application in response to Item 1(b).

#### Response to Item (c):

A **DMURS Compliance Statement** has been prepared by OCSC Engineers and submitted with the application in response to Item 1(c).

#### Response to Item (d):

A **Quality Audit** has been prepared by Bruton Consulting Engineers Ltd and submitted with the application in response to Item 1(d).

#### Response to Item (f):

A full response to the matters raised in the in the report of the Meath County Council Transportation Planning Section is included as an **Appendix F** to the **Engineering Services Report** prepared by OCSC. This report responds on a point-by-point basis to the items raised by the MCC Transportation Section.

## 3.2 Response to Water Services Section

An Bord Pleanála requested the following information:

*A report which specifically addresses matters raised in the report of the Meath County Council Water Services Section, inter alia, the breakdown of the 4 no catchment areas, a detailed Q-bar calculation, SuDS compliance and Finished Floor Levels.*

### 3.2.1 Applicants Response

Details relating to the matters raised in the report of Meath County Council Water Services Section are provided within the Engineering Services Report and the separate Site Specific Flood Risk Assessment report prepared by OCSC.

Section 3.4.2 of the Engineering Services Report provides an overview of the existing site catchment areas. Section 3.6.2 of the Engineering Services Report provides an overview of the proposed surface water catchment areas. A detailed Q-bar calculation is provided in Appendix A of the Engineering Services Report. Section 3.1.1 of the Engineering Services Report outlines that the surface water strategy for the proposed development is to include a number of Sustainable Drainage Systems, prior to discharging an attenuated and treated flow to the existing watercourses that align to the southern and eastern boundaries of the main development site. A Site Specific Flood Risk Assessment report has been prepared by OCSC which outlines that all finished floor levels are to be set at a minimum of 500mm above the 1%AEP fluvial flood level.

## 3.3 Part V Proposals

An Bord Pleanála requested the following information:

*A report on the Part V proposals.*

### 3.3.1 Applicants Response

The applicant has proposed to provide 36 no. units towards the 10% Part V requirement. This will consist of 13 no. houses, 12 no. duplex units, and 11 no. apartment units. A Part V Site Layout Plan (drawing no. PL107) has been prepared by MCORM and submitted with the application. A breakdown of the units proposed as Part V units is outlined in **Table 2** below:

Table 2: Part V Allocation

Unit Type	No. of Units
3-Bed House Type C	10
2-Bed House Type E	3
1-Bed Duplex Ground Floor Apartment (Blocks A, B, C, D, E & F)	6
2-Bed Duplex Apartment (Blocks A, B, C, D, E & F)	6
1-Bed Apartment Type A1	3
1-Bed Apartment Type C1	8
<b>Total Part V Allocation</b>	<b>36</b>

An Estimate Cost Proposal has been prepared by O'Farrell Quantity Surveyors and Project Managers and is submitted with the application.

It is noted that there have been recent changes to the Part V provision requirements which came into effect on 3<sup>rd</sup> September 2021. AMOSS LLP have provided a letter confirming that Sky Castle Ltd acquired the subject lands on 1<sup>st</sup> September 2020. Therefore, a 10% Part V requirement applies to the subject lands as they were purchased between 1<sup>st</sup> September 2015 and 31<sup>st</sup> July 2021.

Meath County Council Housing Authority have issued a letter outlining that the authority agrees in principle to the Part V proposal as outlined above. Please find this letter enclosed with the application documents.

## 3.4 Schools and Infrastructure Audit

An Bord Pleanála requested the following information:

*A Schools and Social Infrastructure Audit.*

### 3.4.1 Applicants Response

A **Social and Community Infrastructure Audit (SCIA)** has been prepared by MKO and is submitted with the application in response to Item 4. An Audit of School Provision is included in Appendix 1 of this report.

The SCIA concludes that “*there is a sufficient provision of existing social and community infrastructure within the study area to cater for the proposed development and future populations*”.

## 3.5 Site Specific Flood Risk Assessment

An Bord Pleanála requested the following information:

*Submission of a Site-Specific Flood Risk Assessment (SSFRA).*



### 3.5.1 Applicants Response

A **Site-Specific Flood Risk Assessment (SSFRA)** report has been prepared by OCSC Engineers and submitted with the application in response to Item 5. The SSFRA outlines that the proposed development is considered 'appropriate' for development, in accordance with The Planning System and Flood Risk Management Guidelines.

Additionally, a **Moygaddy Masterplan Flood Risk Assessment** has been prepared by JBA Consulting Ltd for the overall Masterplan area.

## 3.6 Materials, Finishes, and Boundary Treatments

An Bord Pleanála requested the following information:

*A report that specifically addresses the proposed materials and finishes to the scheme, including specific detail of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.*

### 3.6.1 Applicants Response

The proposed materials and finishes differ between different character areas within the development in order to achieve distinctiveness throughout the development. A palette of materials is included with each character area in **Section 2.6** of the **Design Statement**. Typical materials will include multi-red brick, buff brick, render, and metal cladding.

A **Landscape Rationale** has been prepared by Ronan Mac Diarmada Landscape Architects which provides a detailed landscaping strategy for the proposed development. Details of the proposed boundary treatments throughout the development are outlined on drawing no. DWG 2.0 and page 22 of the Landscape Rationale, which include hedge planting, concrete post & wooden panel fence, stone feature wall, parkland railing and timber post & tension mesh at various locations.

## 3.7 Material Contravention Statement

An Bord Pleanála requested the following information:

*Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.*

### 3.7.1 Applicants Response

A **Material Contravention Statement** has been prepared by MKO and is submitted with this application in response to Item 7. The Material Contravention Statement has been prepared in accordance with Section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) in order to address aspects of the proposed development which may be deemed to potentially materially contravene the provisions of the Meath County Development Plan 2021-2027:

1. 'MAY OBJ 1 (Masterplan 16)' requires the submission with any application for development of lands at Moygaddy of a Master Plan for the prior written agreement of the Executive of the Planning Authority [Our emphasis added].

As demonstrated by Table 1 in the **Material Contravention Statement**, this report contends that the proposed development does not undermine the objectives to be achieved by the masterplan as set out in 'MAY OBJ1 (Masterplan 16)'. The development plan should be read as a "whole" so the qualification on the Masterplan requirement in section 11 of the Written Statement for Maynooth Environs, can be read to be part of MAY OBJ1, namely: "A planning application will not be considered in the absence of the Master Plan being agreed in writing with the Planning Authority unless it can be demonstrated that the application will not undermine the objectives of the Master Plan being achieved".

We direct the Board's attention to paragraphs 23 and 26 of Stephen Dodd's legal opinion in Appendix 1 of the **Material Contravention Statement**, which are extracted below:

'23. *However, irrespective of this matter of timing as to when the written agreement to the Masterplan is required, OBJ MAY 1 when read together with Section 11.0 means that there is no requirement for an agreed Masterplan where it is demonstrated that the application will not undermine the objectives of the Master Plan being achieved. Thus Section 11.0 qualifies the requirement for the prior written agreement of a Masterplan. Thus an application for development at Moygaddy can be both considered and granted in the absence of an agreed Masterplan where it is demonstrated that the application will not undermine the objectives of the Master Plan being achieved. This qualification is understandable as otherwise the development could be indefinitely delayed by the failure of the planning authority to agree to the Masterplan, in particular where there is no prescribed time limit or set procedure for the planning authority to agree.'*

And;

'26. *It follows that it is demonstrated that the application will not undermine the objectives of the Master Plan being achieved as described above, then the proposed development will not be in material contravention of OBJ MAY 1, when read in the light of Section 11.0. In order of the Board to grant permission for such development it will not require to invoke its material contravention jurisdiction under section 9(6)(b) of the 2016 Act by justifying the same by reference to reasons set out in section 37(2)(b) of the 2000 Act.'*

In the event that:

- (i) the Board has a different interpretation of the development plan (i.e. MAY OBJ 1 is not to be read in light of section 11 of the WS); or
- (ii) the Board does not accept that it can be demonstrated that it does not undermine the objectives to be achieved by the Masterplan;

Section 7 of the **Material Contravention Statement** provides a justification for the potential material contravention, that in applicant's opinion, permission should nonetheless be granted, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act of 2000 (as amended). Section 7.1 to 7.3 of this report address items Section 37(2)(b)(i), Section 37(2)(b)(ii) and Section 37(2)(b)(iii) respectively.

It is submitted that permission for the proposed development of 360 no. residential dwellings should be granted, notwithstanding the potential Material Contravention of the MCDP, on the grounds that:

- The Proposed Development is of Strategic Importance in compliance with Section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended);
- There are conflicting objectives in the development plan in ‘MAY OBJ 1 (Masterplan 16)’ and Section 11 of the Maynooth Environs Written Statement, insofar as the proposed development is concerned, in compliance with 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended).
- The proposed development will deliver 360 no. residential dwellings (including 36 no. Part V units) and will assist in meeting the objectives set out in the National Planning Framework, Housing For All and RSES requirements in compliance with 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended).

It is requested that An Bord Pleanála, having had regard to the justification set out within the **Material Contravention Statement**, should grant permission for the proposed development pursuant to the provisions of Section 9(6)(c) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and Section 37(2)(b) (i), Section 37(2)(b) (ii) and Section 37(2)(b) (iii) of the Planning and Development Act 2000 (as amended). The Board’s attention is drawn to the fact that only one of the circumstances in s37(2)(b)(i) to (iv) needs to be achieved by the SHD in order to justify granting planning permission for the proposed development.

The Board’s attention is drawn to Appendix 1 of the **Material Contravention Statement** which provides a legal opinion from Stephen Dodd (Senior Counsel) to justify why the Board can still grant planning permission for the proposed scheme notwithstanding the Chief Executive’s prior written agreement is not in place for the Masterplan.

## 3.8 Statement of Consistency

An Bord Pleanála requested the following information:

*In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant’s opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.*

### 3.8.1 Applicants Response

A **Planning Report and Statement of Consistency** has been prepared by MKO and is submitted with this application in response to Item 8. In addition to this, a Statement of Consistency Matrix, responding to each relevant planning policy in relation to the proposed scheme has also been included in Appendix 6 of the Planning Report and Statement of Consistency.

## 3.9 Article 299B(1)(b)(ii)(II) and Article 299B(1)(c)

An Bord Pleanála requested the following information:

*The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an ELAR at application stage.*

### 3.9.1 Applicants Response

An Environmental Impact Assessment Report (EIAR) has been prepared by MKO and is submitted with the application. Therefore, a statement in accordance with article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 is not required to be submitted with the application.

## 4. CONCLUSION

This document sets out how the items outlined in the Notice of Pre-Application Consultation Opinion from An Bord Pleanála in relation to the Strategic Housing Development proposed by Sky Castle Ltd at Maygaddy, Maynooth Environs, Co. Meath, have been addressed in full by the applicant and the design team prior to lodgement of the application.

It is therefore submitted that the proposed development, as updated to address the feedback provided by the local authority and An Bord Pleanála, is consistent with the proper planning and sustainable development of the area, and is consistent with all relevant national, regional and local planning policies and guidelines. The further information submitted should constitute a reasonable basis for an application for Strategic Housing Development.