



An  
Bord  
Pleanála

## **S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report on Recommended Opinion ABP-304876-19**

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<b>Strategic Housing Development</b>	Residential development of 217 dwelling units and crèche.
<b>Location</b>	Newtownstalaban Newfoundwell Road, Drogheda, Co. Louth
<b>Planning Authority</b>	Louth County Council
<b>Prospective Applicant</b>	Lagan Homes Drogheda Limited
<b>Date of Consultation Meeting</b>	23 <sup>rd</sup> August 2019
<b>Date of Site Inspection</b>	12 <sup>th</sup> August 2019
<b>Inspector</b>	Joanna Kelly

## 1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

2.1 The proposed development is located within the settlement boundary of Drogheda, a growth town in the County Development Plan. The lands extend to c. 5.87ha and are bounded to the north by Newfoundwell Road and the Newtown Road to the south east. The Newtown Blues Football Club is located to the north-west and western boundary of the site. The lands are greenfield and former agricultural lands.

2.2 The Boyne Business Park is located to the south-west boundary of the site. The lands at this location are served by a narrow local road which leads to the Port lands. There is a secondary school, St. Josephs's CBS located to the north-west of the site along Newfoundwell Road. The area along Newfoundwell Road is characterised by residential development. There is a primary school, Educate Together, located within Aston Village/Termon Abbey on the opposite side of Newfoundwell Road. There is also a neighbourhood centre within this development containing a medical centre, pharmacy, local shop, hairdresser's etc. There is a bus route along the Newfoundwell Road which serves the town of Drogheda.

### 3.0 Proposed Strategic Housing Development

3.1 It is proposed to construct 217 houses on an overall site of 5.87ha.

3.2 The following table provides the breakdown of unit types based on the description of the development proposed.

**Table 1: Residential Unit Types**

<b>Residential Mix</b>	<b>Housing Units</b>	<b>Apartments including duplexes</b>	<b>% Mix bed type</b>
<b>1 bed</b>	<b>0</b>	3	1%
<b>2 bed</b>	26	37	12% : 17% Total 29%
<b>3 bed</b>	88	40	41% : 18% Total 59%
<b>4 beds</b>	23	0	11%
<b>Total</b>	<b>137</b>	<b>80</b>	<b>100%</b>

3.3 Permission is also sought for a crèche with approx 380sq.m., residents' gym and coffee dock 448sq.m., and other ancillary works.

## 4.0 Planning History

There is no recent relevant planning history pertaining to the development lands.

### **ABP Ref. HA0007 and ABP Ref. KA0004**

Planning permission granted to Louth County Council and the associated CPO confirmed for modifications for the development of the Port Access Northern Cross Route (PANCR).

The provision of the PANCR provides for the upgrading of the Twenties Lane, Ballymakenny Road and the Termonfeckon Road. The provision of PANCR is essential in providing adequate road infrastructure to serve the area.

This proposed road is located to the north of Drogheda running from west to east and connects in at the Newtownstalaban and L-2307 junction.

## 5.0 National and Local Planning Policy

### 5.1 National

5.1.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Sustainable Urban Housing: Design Standard for New Apartments, Guidelines for Planning Authorities, 2018'.
- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'
- 'Urban Development and Building Heights, Guidelines for Planning Authorities, 2018'

Other relevant national documents include:

- National Planning Framework: Ireland 2040 Our Plan
- Rebuilding Ireland: Action Plan for Housing and Homelessness, 2016
- Framework and Principles for the Protection of the Archaeological Heritage  
Department of Arts, Heritage, Gaeltacht and the Islands 1999.

## 5.2 Regional

### 5.2.1 Regional Spatial and Economic Strategy, Eastern and Midland Regional Assembly, 2019-2031

The RSES identifies Drogheda as a 'regional growth centre'. RPO 4.12 seeks to support the role of Drogheda Docklands and Port in particular by:

- Supporting and protecting the role of Drogheda Port as a port of regional significance
- Facilitate relocation of Drogheda Port subject to a feasibility study and appropriate coastal zone management
- Supporting the future development of the Port Access Northern Cross Route (PANCR).

## 5.3 Local

### 5.3.1 Louth County Development Plan 2015-2021

Drogheda is identified as a large growth centre.

CS 1: To promote the household and population growth in the County in accordance with Table 2.5 and 2.6 of the Core Strategy.

CS 3 : To require that a 'Core Strategy Population and Phasing Statement' will be submitted with all applications for residential development on zoned land detailing how the application complies with the core strategy household allocations and phasing proposals included in the settlement plan'.

### 5.3.2 Drogheda Borough Council Development Plan 2011-2017

The application site is zoned 'RN' – Residential New which has an objective “to protect and/or improve the amenity of developed residential communities”.

## 6.0 **Forming of the Opinion**

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority's submission and the discussions which took place during the tripartite consultation meeting. I will provide a brief detail on each of these elements hereunder.

### 6.1 **Documentation Submitted**

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed Application form and cover letter; details pertaining to section 247 process; Screening report for Appropriate Assessment, Planning report and Statement of Consistency, Masterplan Draft, Design Statement, Landscaping details, Other plans and particulars.

6.1.3 I have reviewed and considered all of the documents and drawings submitted.

### 6.2 **Planning Authority Submission**

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Louth County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinions in relation to the proposal. These were received by An Bord Pleanála on 8<sup>th</sup> August 2019.

### 6.2.2 Louth County Council's opinion included the following matters:

- Proposed development adheres to the principles enshrined in the RSES.
- The lands are clearly identified as part of the 7.46ha of lands remaining in phase 1 Core Strategy lands.
- The development is consistent with the zoning objective.
- The site is suburban area on the edge of centre. The lands are zoned and serviced and there is limited access to public transport.
- The proposed density of 37.4 units per hectare is therefore acceptable.
- The proposed mix, having regard to the established pattern of development in the surrounding areas will create a more sustainable new residential area which would be consistent with Policy H3.
- The development is mostly consistent with the Design Manual – A Best Practice Guide, 2009. The scheme is considered a high-quality architectural scheme.
- Details on materials and finishes will be required prior to commencement on work.
- A mobility management plan shall be submitted.
- A building lifecycle report shall be provided.
- Landscape strategy for the site is very strong and gives a range of open space both passive and active for a range of age groups.
- There are concerns in relation to flooding.
- The Archaeological Assessment prepared is sufficiently robust.
- AA screening report is sufficiently robust.
- The PA is of the opinion that the scheme is below the threshold for EIA.
- It is concluded that there is a recognised need for housing in the area as Drogheda is identified as a Rent Pressure Zone. The report concludes by setting out the issues that need to be addressed further.

## 6.3 Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of Louth County Council on 23<sup>rd</sup> August 2019, commencing at 11.00 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as follows:

- Development strategy for the site to include inter alia urban design response, layout, open space and boundary treatment
- Connections and Permeability to include DMURS
- Surface Water Management and Flood Risk
- Any other matters

6.3.2 In relation to development strategy for the site to include, inter alia, urban design response, layout, open space and boundary treatment ABP representatives sought further elaboration/discussion on this issue having particular regard to the qualitative nature of proposed streetscapes, passive surveillance and quality of proposed residential amenity and potential for overlooking to existing properties. Clarity was also sought regarding access to Newtown Road and proposed interface at this location.

6.3.3 In relation to connections and permeability to include DMURS, ABP representatives sought further elaboration/discussion on this issue including clarity as to how the development would connect into adjoining lands in the future, access to dis-used rail line given objective for greenway.

6.3.4 In relation to Surface Water Management and Flood Risk, ABP representatives sought further elaboration/discussion on this issue having regard to concerns raised by the planning authority and also how the AA screening report considers this issue.

6.3.5 In relation to AOB, ABP representatives sought further clarity on whether Newtown Blues GAA were aware of proposals and advised that plans/documents should be legible/consistent.

6.3.6 Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-304876-19'



which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## **7.0 Conclusion and Recommendation**

- 7.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy via the statutory plan for the area.
- 7.3 Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage as set out in the recommended Opinion below.
- 7.4 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.5 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 8.0 Recommended Opinion

- 8.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 8.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 8.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Urban Design Response, Layout and Density

Further consideration and/or justification of the documents as they relate to the rationale of the proposed residential layout and urban design response with particular regard to the creation of distinct neighbourhood areas within the overall site, the creation of active and aesthetically pleasing urban street frontages particularly along the Newfoundwell Road and Newtown Road and within the development site itself.

Further consideration and/or justification of the documents as how the proposed design and elevational treatments interface with existing adjoining residential properties, boundary to the playing fields, the Newtown Road and dis-used railway line to the south to ensure a qualitative design response with optimal passive surveillance of streets and public open spaces throughout the scheme.

Further consideration should be given to the 12 criteria set out in the Urban Design Manual which accompanies the Sustainable Residential Development in Urban

Areas Guidelines and also reference to the Design Manual for Urban Roads and Streets and how the proposal specifically responds to these criteria having regard to the site characteristics.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

## 2. Connections and Permeability

Further consideration of how the layout, future connections, access arrangements street hierarchy and parking configurations are consistent with, inter alia, the principles of Design Manual for Urban Roads and Streets should be provided.

Further consideration should also be given to the proposed shared surfaces and the functionality/usability of these spaces vis-à-vis their location relative to private housing and proposed boundary treatments to ensure optimal accessibility/usability by all residents.

The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

## 3. Surface water management and Flood Risk

Further consideration of documents as they relate to surface and storm water management for the development lands and the risk for displaced or increased discharge of waters downstream in the Boyne River. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices') and include hydraulic modelling where considered appropriate. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

- 8.4 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and

Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. Details demonstrating that the qualitative and quantitative standards of the proposed residential units having specific regard to the provisions of Specific Planning Policy Requirements contained in inter alia the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018. In this regard, access proposals from housing units to private amenity spaces should be clearly indicated.
2. Full set of plans, particulars including elevations pertaining to all house types proposed which clearly identify access to private amenity spaces. Cross-sections and photomontages should also be submitted particularly at key interfaces such as Newfoundwell Road, Newtown Road and the dis-used rail-line.
3. Details of proposed external finishes to residential units, street furniture, play equipment, surface finishes etc. should be submitted.
4. An Appropriate Assessment screening report and/or Natura Impact Statement if considered necessary, which should consider inter alia the issue of surface water run-off and in-combination effects of relevant Natura 2000 sites.
5. Details of undergrounding or re-routing of any utilities that may exist on site.
6. A site layout plan indicating pedestrian and cycle connections through the development lands to existing and proposed transport modes in the vicinity. Details of the permitted Part 8 scheme to Newfoundwell Road regarding pedestrian/cyclist enhancements should be clearly indicated for clarity.
7. A construction and demolition waste management plan should be provided.
8. A phasing plan for the proposed development which clearly indicates the surface water management proposals and open space provision for each phase.
9. A site layout plan indicating all areas to be taken in charge.

10. A Building Life Cycle Report in respect of the proposed apartments as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018).

8.4 Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Minister for Culture, Heritage and the Gaeltacht
3. The Heritage Council
4. An Taisce – the National Trust for Ireland
5. Córas Iompair Éireann
6. Transport Infrastructure Ireland
7. Local Childcare Committee

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Joanna Kelly  
Senior Planning Inspector  
6th September 2019