



An
Bord
Pleanála

Inspector's Report

ABP-305909-19

Development	Permission for a new site access road from the existing Newtownstalaban Road and connection to the previously approved port access Northern Cross Route under planning ref: 07/1791, with all associated site & civil works
Location	Newtownstalaban, Drogheda, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	1974
Applicant	Ravala Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission (6 no. conditions)
Type of Appeal	Third Party
Appellant(s)	Paddy Matthews and Others
Date of Site Inspection	28/01/2020
Inspector	Conor McGrath

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1.0 Site Location and Description

- 1.1. The appeal site is located on the northeastern side of Drogheda, off the Newtownstalaban Road (L2307). This road runs generally north from the Drogheda – Termonfeckin Road (R166) and is also referred to as Sandpit Road / Togher Road. The appeal site comprises a stated area of 0.1378ha is in agricultural use. There are some disused agricultural buildings immediately north of the site, served by an existing entrance located on a sharp bend on the L2307. Newtowncross cemetery is located on the eastern side of the L2307, south of the appeal

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a new access road from the L2307 Newtownstalaban Road. This road is proposed to provide temporary access to the first phase of a residential development to the west, originally approved as part of planning ref. 07/1791. The access road crosses the north-south route of previously approved distributor road, the Port Access Northern Cross Route (PANCR).
- 2.2. Development under 07/1791 was originally to be accessed over adjoining residential lands to the west, from the R166 to the south and from the PANCR scheme north of the proposed works. The Port Access Route has not been constructed and there is no timetable for commencement of works at this time. Development on the southern part of the 07/1791 lands has not yet commenced, while construction is currently underway on lands to the west.
- 2.3. As part of the proposed works, a 34m long stretch of the Port Access Road is to be constructed, including cyclepaths and footpaths. The junction of the new access with the L2307 is to be provided as a three-arm mini-roundabout. On completion of the PANCR, it is intended to close the priority junction from 07/1791 lands onto the PANCR, while the junction with the L2307 will be realigned in accordance with the junction design approved under the PANCR scheme.

3.0 Planning Authority Decision

3.1. Decision

In considering the application the planning authority sought further information in relation to the rationale for the proposed road and the design of the junction with the L2307 Newtownstalaban Road. The planning authority subsequently decided to grant permission for the proposed development subject to 6 no. conditions including the following:

- 4d. A stage 2 and Stage 3 audit shall be carried out by a TII approved independent road safety auditor, the recommendations of which shall be agreed and incorporated into the design.
5. On completion of the PANCR between the Ballymakenny Road and the Termonfeckin Road, the arm to the west of the PANCR shall be closed off and reinstated to match the general cross section of the PANCR in form and level.

3.2. Planning Authority Reports

3.2.1. Planning Reports

No specific land use zoning applies and the development would not therefore be at variance with the development plans for the area. Satisfied that the development is a mechanism to allow the delivery of house on an already permitted site. The new road can be appropriately managed and controlled and the road to the west of the PANCR can be closed off on completion of the access route.

3.2.2. Other Technical Reports

Infrastructure: Recommend grant of planning permission subject to conditions.

3.3. Third Party Observations

Observations to the planning authority generally reflect the issues raised in the more detailed third-party appeal.

4.0 Planning History

PA ref. 07/1791: Permission granted for 782 no. dwelling units on a site of 24.5 hectares to the west of the subject site, bounded to the south east by the R166, to the west by Aston Village / Termon Abbey housing estates; and to the north and east by undeveloped lands. Phase 1 lands were located at the southern end of the application lands, with frontage to R166.

The development was to be served by 4 no. new vehicular access points:

- a) From the existing R166 Termonfeckin Road to the south,
- b) From adjoining lands for future development to the west (Beaulieu),
- c) From the planned Port Access North Cross Route to the north.
- d) From existing Aston Village Neighbourhood Centre access road to the west.

Conditions included:

3. In accordance with objective CT1 of the North Drogheda Environs Master Plan 2006, all construction traffic shall be from the R132 unless otherwise agreed.
4. In accordance with objective PANCR 1 of the North Drogheda Environs Master Plan 2006, other than with the agreement of the Council, no development shall commence on the plan lands until implementation Objective IO1 is in place.
5. In accordance with objective PANCR 1 of the North Drogheda Environs Master Plan 2006, no development of residential areas or civic / commercial centres shall commence on the plan lands until construction of the PANCR has commenced.
6. The phasing of occupation of the dwellings hereby permitted shall be in accordance with Objective PANCR 2 of the 2006 Masterplan.
 - (i) 205 units are permitted in Phase 1 and 457 in Phase 2 unless otherwise agreed.
 - (ii) No dwelling shall be occupied within Phase 2 lands until the PANCR has been constructed to the Termonfeckin Road as per objective PANCR 2.
7. Prior to first occupation of any units in Phase 2, the developer shall notify the planning authority of the completion of the preceding phase.

9. Development of Phase 2 shall not commence until work on construction of the Linear Park has commenced. The Park shall be completed prior to substantial completion of 50% of Phase 2 residential units.

PA ref. 18/560: Extension of duration of permission granted in respect of PA ref. 07/1791.

PA ref. 19/879: This current application relates to the lands which are to be served by the proposed access road, as hatched in green on the applicant's submissions.

Permission is sought for a residential development (Phase #4) to consist of part modification to approved scheme site plan and change of house types as previously granted under planning ref. 07/1791 & Extension of Duration 18/560, and all associated site works, at Beaulieu Village. 77 no. units are proposed.

I note that while this application is described as Phase 4, this appears to refer to phase 4 of the Beaulieu Village development, rather than Phase 4 of the development permitted under ref. 07/1791.

The planning authority have sought further information in relation to a number of matters, including:

- Details of the proposed temporary access from the PANCR and roundabout on the Sandpit Road.

ABP ref. PL15.HA0007: Approval granted in September 2008 for the Port Access Northern Cross Route, Drogheda, County Louth. The associated CPO case was PL15.KA0004. Conditions included:

4. The junction at Togher Road (L2307) shall be a left-in, left-out junction only.

5.0 Policy Context

5.1. Louth County Development Plan 2015-2021

Drogheda is a strategic, level 1 settlement in the County to which, along with Dundalk, 60% of population growth is to be directed.

Policy CS4: To support the development of identified growth centres of Dundalk and Drogheda, as focal points for regional critical massing and employment growth.

The site is located within the “North Drogheda Environs”.

2.16.3 Drogheda Northern Environs

In 2004, the Council prepared a LAP for the Northern Environs of Drogheda which provided for the phased development of three new neighbourhoods capable of accommodating an additional population of 20,000 inhabitants. A detailed master plan for the area was prepared in 2006 and adopted by the Council as a variation of the Local Area Plan. To date, planning permission has been granted for a total of circa 5,051 new dwellings within the Northern Environs Area. It is envisaged that during the life of this Plan, a single Local Area Plan will be prepared for Drogheda and the Northern Environs Area (Policy SS4).

Policy SS5: To ensure that the expansion of Drogheda to include the Northern Environs, takes place in an orderly and sustainable fashion that will support the growth of Drogheda and not detract from the vitality and viability of its town centre.

The Port Access Northern Cross Road (PANCR) is identified as a Strategic New Road in Table 7.8 and as a protected regional route.

Policy TC20: To secure the implementation of the Council’s Road Improvement Programme 2015 – 2021 as detailed in Tables 7.7, 7.8, and 7.9 subject to available funding and to keep free from development all lands identified for the construction and improvement of national, regional and local roads within the County.

5.2. North Drogheda Environs Masterplan 2006

The North Drogheda Environs Local Area Plan (LAP) was adopted in 2004. A single Master Plan for the lands was prepared, with three subsections dealing with each of three proposed residential neighbourhoods. The Master Plan forms a variation to the LAP.

The appeal site is located within Residential Neighbourhood 3.

Implementation Objective IO 1: Landowners / developers with interests in developing in the area shall enter appropriate legal / financial agreement(s) with the Council to secure delivery of the infrastructure, required to ensure the successful implementation of the Plan.

The required legal / financial agreement shall, inter alia, provide for the following -

- The design and construction of the Port Access Northern Cross Route from the R132 to the R166 as a single contract.
- Construction of the Northern Cross Route from the R166 to the Port at Drogheda
- The design and construction of the foul sewer from its existing 'end point' in Neighbourhood Three, westwards as far as R132.
- Alterations to the Ushers and Beaulieu streams and other surface water arrangements to provide suitable and sustainable surface water drainage of the area without negative flooding impacts elsewhere.
- This shall include design of an overflow pipe provisions of the Master Plan.
- The provision of the linear parks, including the sports centre in accordance with the provisions of the Master Plan.
- Arrangement to facilitate access to infrastructure from non-parties to the agreement subject to reasonable apportionment of the overall costs of providing the infrastructure.

Objective Phasing Ref. PANCR 1: Other than with the prior written agreement of the Council, no development shall commence on the Plan lands until implementation objective IO1 is in place. No development of residential areas or the civic/commercial centres shall commence on Plan lands until construction of the

PANCR has commenced between the Dublin Road (R132) and Termonfeckin Road (R166). As a minimum, the PANCR from the R132 to the R166 shall be constructed under a single contract.

Objective Phasing Ref. PANCR 2: Not more than a total of 700 dwellings shall be occupied until PANCR is constructed to Twenties Lane; not more than a total of 1400 dwellings shall be occupied until PANCR is constructed to Ballymakenny Road and; not more than a total of 2100 dwellings shall be occupied until PANCR is constructed to Termonfeckin Road, all subject to the capacity of existing road network being demonstrated to the satisfaction of the relevant Council (LCC/DBC)

5.3. Natural Heritage Designations

5.3.1. The subject site is not subject to any designations for conservation purposes. The site lies approx. 1.4km north of the River Boyne which is identified as a European Site as follows:

- Boyne Estuary SPA (004080)
- River Boyne And River Blackwater SAC (002299)

The area is drained by the Beaulieu Stream which flows to the Boyne.

5.4. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Paddy Matthews and Others make the following points in their appeal against the decision to grant permission for the proposed development:

- Residential access could more easily and appropriately be provided through Beaulieu Village, currently under construction.
- Sandpit Road is substandard and not suitable for construction traffic, which will further impact on its condition.
- Access to Beaulieu Village from R166 is within the 50kph zone and is a safer option than the junction of L2307 and R166 Newtown Cross.
- The development will increase peak hour delays at the L2037 / R166 junction.
- Construction traffic and parking may cause a traffic hazard along this road.
- The route will create a potential short-cut through Beaulieu Village with impacts on road safety therein.
- A phasing plan for these lands should have been agreed rather than now citing the safety of Beaulieu residents as a reason not to use that entrance.
- It is not clear whether this is a temporary or permanent access road.
- The junction facilitates urban sprawl into the surrounding rural area and a pattern of uncoordinated development with inadequate road infrastructure.
- A roundabout is not an appropriate design for this rural location and there is no provision of pedestrians.
- The development may exacerbate existing drainage and flooding issues along this road.
- Such connections and alternative routes facilitate criminal and anti-social activities and movements.

6.2. Applicant Response

The first party make the following points in response:

- Access Point B, through Beaulieu, is still under construction. It is inappropriate to route construction traffic through the completed Phase 1 of Beaulieu Village.

- Access point B will facilitate general traffic from 07/1791 Phase 1 to the R166.
- The new access will facilitate construction traffic and general traffic travelling north to Togher, Sandpit, the M1 and Termonfeckin and avoid the town centre.
- The majority of construction traffic will travel south on L2307 to the Termonfeckin Road. There are no houses on this stretch of road.
- Any deterioration in the condition of Sandpit Road due to construction activity will be remedied by the developers.
- The proposed junction design complies with design standards and provides permeability through the development in accordance with DMURS.
- In the event of congestion arising at Newtown Cross, residents will use the Beaulieu Access B.
- Peak construction traffic hours will not coincide with funerals at Newtown Cross and construction parking will be provided on-site.
- The proposed access is temporary, to be removed on completion of the PANCR.
- The mini roundabout will be removed and the junction layout permitted as part of the PANCR scheme will be constructed.
- Phasing of development is dictated by the North Drogheda Environs Masterplan.
- The PANCR will continue as the northern development boundary of the town.
- There are no existing footpaths at this location but footpaths and lighting could be provided if required.
- There is currently no drainage on the L2037 and the new junction will provide for the proper collection of surface water at this location.
- The development will not facilitate criminal or illegal activities.

6.3. Planning Authority Response

In response to the third-party appeal, Louth County Council make the following comments:

- The connection from the site to the PANCR must be temporary only.
- Any additional connection to this road is contrary to the function of the route in terms of capacity and safety.

- Delivery of the PANCR is likely to take some considerable time and interim measures are considered to facilitate commencement of development in this area.
- Plans for the PANCR include a permanent connection to Newtownshalaban / Sandpit Road (L2037).
- On completion of construction, the volumes of traffic using this entrance will be small, with most traffic heading toward Drogheda.
- The Sandpit Road connection will facilitate peak hour flows from Beaulieu Village mainly and north bound traffic.
- The PANCR forms the northern development boundary of Drogheda.
- A mini roundabout is a suitable design, on the approach to an urban area where there is currently limited visibility, compliant with DMRB.

7.0 Assessment

7.1. Principle of development

- 7.1.1. The stated purpose of the proposed road is to open up phase 1 of the adjoining residential lands, originally permitted under 07/1791. That permission provided for four access points to the development, of which the first party describe three.
- 7.1.2. The southern access from the R166, Access A, is stated to be outside the applicant's control, however, these lands comprised phase 1 of development permitted under 07/1791. The western access through Beaulieu, Access B, is not currently in existence but that development is currently under construction and will become available in time. This is understood to be in the control of the first party. It is proposed that once constructed, Access B will serve the subject development along with the proposed new temporary access. The northern access, Access C, is dependent on completion of the PANCR and is not currently available.
- 7.1.3. It is indicated that construction traffic will use the new access with average trips comprising 10-15 deliveries per day. The application indicates that the lands served will provide approx. 150 no. residential units and that traffic volumes using the new entrance at operational stage will be low, comprising 52 no. two-way trips during pm peak.

- 7.1.4. The first party argue that use of Access B exclusively to serve the proposed housing is not favoured on the basis of capacity and traffic safety. This position does not reflect the submissions lodged in concurrent planning application under PA ref. 19/875, wherein it is proposed to provide construction and operational access exclusively from Access B (Beaulieu Village). This therefore raises a question about the requirement for the proposed new access.
- 7.1.5. Construction of the PANCR is clearly a key piece of infrastructure in unlocking the development potential of the northern environs of Drogheda. This is reflected in the phasing provisions of the 2006 Masterplan and in conditions attaching to the parent permission 07/1791. Condition no. 5 thereof precludes the development of residential areas until construction of the PANCR has commenced, while condition no. 6 precludes occupation of dwellings on phase 2 lands until completion of the PANCR. In the absence of any development on the PANCR, the identified Phase 1 lands cannot commence construction and cannot be occupied.
- 7.1.6. I note that the identified Phase 1 residential development, outlined in green on the submitted plans, does not reflect the Phase 1 lands outlined in the parent permission ref. 07/1791 under drawing 042-01-010.2 *Composite Map Phasing*, or the Masterplan for the area. The subject lands clearly comprise Phase 2 lands. In this regard the proposed access would facilitate development which would be contrary to conditions attaching to that permission and would potentially undermine the phased development of the wider area.
- 7.1.7. It would appear that the site of PA ref. 07/1791 has been subdivided, with the southern portion of the lands now in separate ownership. This southern block of land, with frontage to the R166, comprises Phase 1 of that permission and of the Masterplan and would constitute the logical first phase of development in this location. The lack of control or ownership of these Phase 1 lands does not justify change to the agreed phasing of development in this area.
- 7.1.8. Planning authority reports indicate that delivery of the PANCR will not take place in the short-term. Given the importance of this route to the planning of development in the northern environs I conclude therefore, that the subject access would be premature pending the determination of a coordinated approach to the phased development of these lands in the intervening period and would therefore constitute

piecemeal development. Such an approach may require revisions to the phasing subject to condition under 07/1791.

- 7.1.9. The phasing of development was raised in the third party appeal however, this issue was not considered in detail in submissions on the file.

7.2. Junction Design

- 7.2.1. The proposed mini-roundabout at the new junction with the L2307 is identified as a temporary feature, pending construction of the PANCR. As part of the PANCR scheme, the Sandpit Road / L2307 will be provided as a cul-de-sac south of the graveyard, with the closure of the existing junction with the Termonfeckin Road. Access will be provided from the PANCR. The junction of the cemetery leg of this junction will then be provided as a priority junction onto the realigned L2307. Condition no. 4 of the 2008 approval for the PANCR provided that the junction of the Togher / Sandpit road be left-in, left-out only.
- 7.2.2. I do not consider that the design of the proposed access road or junction raises particular concerns in terms of traffic safety or amenities and I note conditions no. 4 and 5 of the planning authority decision in particular in this regard. The provision of pedestrian facilities along the new access road, however, would be appropriate. I do not consider that increased permeability is likely to give rise to significant negative impacts on the amenities of the area.

8.0 Screening for Appropriate Assessment

- 8.1. The appeal site lies approx. 1.4km north of the River Boyne and Boyne Estuary SPA (004080) River Boyne And River Blackwater SAC (002299). The proposed development does not traverse any watercourses and there are no direct connections to these sites. The development will not give rise to any operational emissions.
- 8.2. Having regard to the nature and scale of development proposed and the location of the proposed works, it is reasonable to conclude on the basis of the information on the file which I consider adequate in order to issue a screening determination, that

the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European Sites River Boyne and Boyne Estuary SPA (004080) River Boyne And River Blackwater SAC (002299), or any other European Site in view of the sites Conservation Objectives and a Stage 2 Appropriate Assessment is not therefore required.

- 8.3. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects on any European Site.

9.0 Recommendation

- 9.1. That permission be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. The proposed access road is intended to provide access to residential development granted planning permission under planning register reference 07/1791 whose duration was extended under planning register reference 18/560. Conditions attaching to that permission linked the phasing of the development permitted therein to the provision of key infrastructure in this area, including the proposed Port Access Northern Cross Route in accordance with the provisions of the Drogheda Northern Environs Masterplan 2006.

The proposed access road would facilitate the development of these lands in advance of such infrastructure contrary to those conditions and to the provisions of the Masterplan for the area. It is considered therefore that the proposed development would give rise to piecemeal residential development and would be premature pending the determination of a coordinated approach to development in the area and would therefore be contrary to the proper planning and sustainable development of the area.

Conor McGrath
Senior Planning Inspector
24/02/2020