



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion

306878

Strategic Housing Development	357 no. residential units (169 no. houses, 188 no. apartments) and childcare facilities.
Location	Colp West, Drogheda, Co. Meath.
Planning Authority	Meath County Council.
Prospective Applicant	Shannon Homes Drogheda Ltd.
Date of Consultation Meeting	25 May 2020.
Date of Site Inspection	6 May 2020.
Inspector	Stephen Rhys Thomas.

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

- 2.1.1. The current site layout replicates that of the recent SHD application made by the applicant last year. I concur with the site description contained in the Inspector's report, made at that time, as follows:
- 2.1.2. *The development site with a stated site area of c.13.44 ha is located approx. 3 kms south-east of Drogheda town centre on the eastern side of the Dublin-Belfast railway line and immediately east of the existing Grange Rath residential development. The lands extend east towards Mill Road, to the north a rural local road which connects Colp Road with the Marsh/Mornington Road and to west to Gaelscoil an Bhradáin Feasa. The River Boyne, SAC is located immediately north of the Mornington Road.*
- 2.1.3. *South Gate shopping centre adjacent to the Grange Rath development contains office and retail space serving as a neighbourhood centre to the area. There is a nursing home located west of the roundabout at Colp Cross. The immediate lands surrounding the subject site are in agricultural use with one-off rural housing on the Mill Road.*

3.0 Proposed Strategic Housing Development

The proposed development which is subject of this pre-application consultation request comprises 357 residential units, a childcare facility and associated outdoor play area, road infrastructure, a pedestrian bridge over the railway line and associated pathways, open space, cycle and pedestrian infrastructure.

The proposed houses are 2 to 3 storeys in height and the duplex/apartment blocks are 3 to 6 storeys in height.

The 357 residential units proposed consist of 169 houses, 52 duplex apartments and 136 apartments, detail as follows:

The 169 houses will consist of the following:

- 104 - 3 bedroom units
- 65 - 4 bedroom units

The 136 apartment units will consist of the following:

- 58 - 1 bedroom units
- 78 - 2 bedroom units

The 52 duplex units will consist of the following:

- 52 no. 3 bedroom units

592 car parking spaces and 532 cycle parking spaces,

Childcare facility is a two storey building with a floor area of 439 sq.m.

New road infrastructure comprising of approximately 652m in length (including changes to the previously permitted road under Reg. Ref.: LB/180620), including bus stops, a roundabout, pedestrian crossings and c. 246m long road to the east to facilitate a connection to the existing school on Mill Road (Gaelscoil an Bhradáin Feasa). The road realignment of existing roads and cycle lanes and footpaths.

A proposed new pedestrian bridge will cross the existing Dublin to Belfast railway line and will link the proposed SHD development to the existing Grange Rath housing development to the south-west.

The scheme proposes a stated net density of c. 39 units to the hectare, based on a net development area of 9.07 ha. The site comprises 13.44 ha.

4.0 National and Local Policy

Section 28 Ministerial Guidelines

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 S.28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities - 2018
- ‘Childcare Facilities – Guidelines for Planning Authorities’

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

Regional Policy

The Eastern and Midland Regional Assembly, Draft Regional Spatial and Economic Strategy, sets out a Settlement Strategy in Chapter 4, People and Places.

Drogheda and Dundalk are identified as regional growth centres. It is set out that “in order to enhance co-ordination of development in Drogheda where the town and its environs lie within the combined functional area of two Local Authorities, the preparation and adoption of a Joint Urban Area Plan (UAP) shall be a priority for Louth County Council and Meath County Council following the adoption of the RSES, to provide a coordinated planning framework to identify and deliver strategic sites and regeneration areas so that a minimum of 30% compact growth can be achieved.

Regional Policy Objective RPO 4.8 refers to the preparation of the UAP. This Joint UAP shall identify a boundary for the plan areas and strategic housing and employment development areas and infrastructure investment requirements to promote greater co-ordination and sequential delivery of serviced lands for development.

Local Policy

Meath County Development Plan 2013-2019

The large majority of the subject site is zoned A2 – To provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the settlement hierarchy. The remainder of the large site is zoned F1 – To provide for and improve open spaces for active and passive recreational amenities and WL – To protect strategic lands from inappropriate forms of development which would impede the orderly expansion of a strategic urban centre

Drogheda Southern Environs Local Area Plan

SP 1: To operate an Order of Priority for the release of residential lands in compliance with the requirements of CS OBJ 6 of the County Development Plan as follows:

- i) The lands identified with an A2 'New Residential' land use zoning objective corresponds with the requirements of Table 2.4 Housing Allocation & Zoned Land Requirements in Volume I of this County Development Plan and are available for residential development within the life of this Development Plan.
- ii) The lands identified with an A2 'New Residential' land use zoning objective but qualified as 'Residential Phase II (Post 2019)' are not available for residential development within the life of this Development Plan.

FR POL 3: Any future planning applications lodged with respect to area bounded by Mill Road / Marsh Road / Dublin Belfast rail line shall be accompanied by an appropriately detailed Flood Risk Assessment. The Flood Risk Assessment shall clearly assess flood risks, management measures and demonstrate compliance with

the “The Planning System and Flood Risk Management Guidelines for Planning Authorities” (November 2009). The Flood Risk Assessment shall consider the Sequential Approach within the subject site and would typically involve allocating water compatible development within Flood Zones A and Zone B. Buildings should be sited at an appropriate finished floor level, which should be above the 1 in 100-year flood level, with an allowance for freeboard and climate change.

Flood Risk FR OBJ: The Framework Plan required pursuant to objective MMA1 in the Drogheda Local Area Plan for the area bounded by Mill Road / Marsh Road / Dublin Belfast rail line shall determine the overall roads layout for this area supported by an appropriately detailed Traffic Impact Assessment which shall demonstrate the capacity in the wider road network from the R132 in Drogheda and Colp Cross. During the environmental assessment of alignments of overall roads layout for this area, a Justification Test will need to be applied if alignments interact with Flood Zone A/B. A detailed Flood Risk Assessment will be required to manage the risk and to demonstrate there will be no impact on adjacent lands. The detailed design of the road layout shall also be subject to an Appropriate Assessment pursuant to the Habitats Directive.

Movement and Access MA OBJ 2: To provide for a link road through the Mill Road/ Marsh Road District providing access to the lands and functioning as a local distributor road.

MA OBJ 3: To upgrade the Mill Road and Marsh Road to provide for pedestrian footpaths and to provide on-street cycle tracks along the entirety of these roads. Further to this, a Transport Study should be carried out to ascertain the appropriate size, specification and location of a new river crossing to link the proposed distributor road with the proposed Northern Port Access Route provided on the Northside of Drogheda in Co. Louth (in line with the recommendations of the Planning Strategy for the Greater Drogheda Area).

5.0 Planning History

Subject site

- SHD reference **ABP-305703-19** - 357 residential units and a childcare facility. Refused for one reason relating to Appropriate Assessment.

“Having regard to the proximity of the subject site to the Boyne Estuary Special Protection Area (site code 004080), the factors that can adversely affect the achievement of the conservation objective to maintain favourable conservation conditions of the non-breeding water bird special conservation interest species listed for the designated site, namely anthropogenic disturbance and ex-situ factors, and the absence of a Stage 2 appropriate assessment on the potential for likely significant effects in relation to these factors, on the basis of the information provided with the application, including the Natura impact statement, and in light of the assessment carried out, the Board, cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of Boyne Estuary Special Protection Area, in view of the site’s conservation objectives and qualifying interests. The proposed development would, therefore, contravene materially a development objective in the current Meath County Development Plan for the conservation and preservation of a European site and the Board is, therefore, precluded from granting planning permission for the proposed development.”

- PA reference **LB/180620**. A ten year permission for a commercial development and road infrastructure at Colpe Road, Colpe West, Drogheda, Co. Meath was granted on the 4/9/2018. The site is located north of Colpe Road and to the west of Mill Road and is bordered to the south west by the Dublin-Belfast railway.

5.1.1. Section 247 Consultation(s) with Planning Authority

It is stated by the prospective applicants in the submitted documentation that a Section 247 pre-application consultation took place with the planning authority on the 5 March 2020.

6.0 Forming of an Opinion

- 6.1.1. 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 submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

Documentation Submitted

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

- 6.1.3. The information submitted included the following:

Landowners letter of consent

Statement of Consistency

Material Contravention Statement

Urban Design Framework Plan

EIAR and Non-Technical Summary

Architectural, Landscape and Engineering Drawings

Building Lifecycle Report

Part V proposal with drawings

Tree Survey and Arboricultural Impact Assessment

AA Screening Report and NIS

Infrastructure Design Report

Site-Specific Flood Risk Assessment

Traffic and Transport Assessment

CEMP

DMURS Consistency Statement

Ground Investigation Report

Road Quality Audit

Energy Statement and Utilities Layout

Sunlight and Daylight Assessment

Construction Waste Management Plan and Operational Waste Management Plan

Irish Water pre-connection Enquiry

- 6.1.4. I have reviewed and considered all of the above mentioned documents and drawings.

Planning Authority Submission

- 6.1.5. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Meath County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 5 May 2020.
- 6.1.6. The planning authority's 'opinion' included the following matters: a description of the site and surroundings, a brief overview of the proposed development, planning history, the zoning provisions of the Development Plan and any specific objectives for the area and a list of relevant national policy documents. The planning authority's comments included the following: that the proposed development is the same as that refused permission under ABP-305703-19 and as the only difference in documentation are matters that relate to the reason for refusal (NIS), the report confines itself to those matters. The habitat survey was carried out at a sub-optimal time period, this should be corrected. More information should be submitted to assess the likely impacts from construction activity entering the Boyne Estuary on the QIs of the SPA.
- 6.1.7. The biodiversity section of the EIAR should be amended to take account of recent survey work in relation to AA. In addition, a revised NIS should take account of survey data and revised screening
- 6.1.8. A number of technical details concerning water services are outlined and should be addressed prior to the lodgement of an application to the Board.

Submission from Irish Water

6.1.9. A submission was received from Irish Water and is appended to this report. In summary, the submission states that Irish Water had issued a Confirmation of Feasibility in 2017 for the development of 380 residential units. Based on the evaluation carried out by Irish Water at that time the development was deemed feasible subject to necessary upgrade and capacity works to 950m of 150mm water main. Due to increased demand and development in this area since the issuing the confirmation of feasibility, Irish Water requires the applicant to reengage in order to reassess the feasibility of connection for this development.

The Consultation Meeting

6.1.10. A section 5 Consultation meeting took place via Microsoft Teams on the 25 May 2020, commencing at 10am. 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.

6.1.11. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Natural Heritage. Address reason for refusal.
2. Pedestrian permeability and DMURS
3. Any other matters.

6.1.12. In relation to Natural Heritage. Address reason for refusal, ABP representatives sought further elaboration/discussion on the reason for refusal issued in the previous application. The prospective applicant stated that they had taken on board the concerns raised by the Council since their s247 meetings and survey data has been expanded to form a more optimal bases for AA screening.

6.1.13. In relation to pedestrian permeability and DMURS, ABP representatives sought further elaboration/discussion on the design of the proposed railway bridge and the landscape treatment around same, and the rationale for the provision of wider than necessary street widths throughout the scheme.

6.1.14. In relation to any other matters, ABP representatives sought further elaboration/discussion on the matters raised by Irish Water with regard to a slightly changed set of circumstances and that further engagement with IW was warranted.

The planning authority highlighted technical surface water requirements that should be addressed prior to the application being made again and these matters should be agreed as far as possible.

- 6.1.15. 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 306878' 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

- 7.1.1. 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.
- 7.1.2. 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, submissions received from statutory consultees referred to under Section 6(10) of the Act and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.
- 7.1.3. 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: constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.1.4. 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

- 8.1.1. 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.
- 8.1.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, An Bord Pleanála is of the opinion that the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

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 arising from this notification:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application;
 - a) the prospective applicant should satisfy themselves that the Natura Impact Statement and Screening for Appropriate Assessment to be submitted with the application satisfactorily addresses the points raised by the reason for refusal issued by the Board, ABP-305703-19 refers. In addition, the comments of the Meath County Council Heritage Officer dated 29 April 2020 and contained in the Planning Authority's Opinion, found at Appendix 2, page 20 should be addressed in full.

- b) likewise, and in relation to an Environmental Impact Assessment Report (EIAR) if it is to be submitted, the prospective applicant should satisfy themselves that the EIAR satisfactorily addresses the points raised by the Council's Heritage Officer in the same submission with relation to 'Biodiversity'.

All new and updated environmental survey data should correspond and cross reference with all documentation including but not limited to the NIS, AA Screening Report, Construction Environmental Management Plan and so on.

- 2. a) A report prepared by a suitably qualified and competent person demonstrating specific compliance with the requirements set out in the Design Manual for Urban Roads and Streets and the National Cycle Manual, as well as a map illustrating pedestrian, cycle and vehicular links from each part of the proposed development on the site to the rest of the town.
 - b) Design details concerning the proposed pedestrian/cycle bridge over the railway should be adequately designed to maximise safe and well supervised use and should be considered for Phase 1 of the development.
- 3. Surface water disposal and treatment details as specified by the Water Services Planning Department of the Council dated 27/03/2020 and found at Appendix 2, page 22 of the Planning Authority's Opinion.
- 4. Proposals for the taking-in-charge of common areas, services and facilities in the development. Streets and footpaths/cycle links should be shown up to the boundaries of the site and facilitate future access. Ongoing management and maintenance, including a building lifecycle report for apartment buildings in accordance with section 6.13 of the 2018 Apartment Design Guidelines. The proposals should have due regard to section 180 of the Planning and Development Act, 2000 (as amended), the taking-in-charge policy of the planning authority and any relevant ministerial policies, including those stated in Circular Letter PL5/2014.

- 8.1.3. Also, 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. Transport Infrastructure Ireland
3. National Transport Authority
4. Development of Culture, Heritage and the Gaeltacht
5. The Heritage Council
6. An Taisce – National Trust for Ireland
7. Meath County Childcare Committee
8. Córas Iompair Éireann
9. Commission for Railway Regulation
10. Louth County Council

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.

Stephen Rhys Thomas
Senior Planning Inspector

16 June 2020