



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-308283-20**

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<b>Strategic Housing Development</b>	278 no. residential units (212 no. houses, 66 no. apartments), childcare facilities and associated site works.
<b>Location</b>	Bridgegate, Rathgory and Mulladrillen, Drogheda Road, Ardee, Co. Louth.
<b>Planning Authority</b>	Louth County Council
<b>Prospective Applicant</b>	The Ardee Partnership
<b>Date of Consultation Meeting</b>	4 <sup>th</sup> December 2020
<b>Date of Site Inspection</b>	5 <sup>th</sup> November 2020
<b>Inspector</b>	Elaine Power

## **1.0 Introduction**

- 1.1. 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 site is located approx. 1km south east of Ardee town centre, 18km south west of Dundalk and 19km north west of Drogheda. The site is a greenfield site, with a stated area of 12.99ha. It forms part of a larger landholding and represents an extension to a previously permitted development to the north west of the subject site, with access from the N2 (Drogheda Road). The initial phase of this development, 'Bridgegate', is completed with construction currently underway on phases 2 and 3.
- 2.2. The area is transitional in character. The site is generally bound to the south and east by agricultural lands, to the north by the established De La Salle residential estate and an existing water tower and to the west by the established Cherrybrook residential estate and the applicants larger landholding, which is bound by the N2.
- 2.3. There is a watercourse in the centre of the site, running in an east – west direction, which divides the site into two areas. The water course is the lowest point of the site, with lands sloping steeply to the north of the site, to an area known as Mulinadrillen Hill.
- 2.4. There is currently no direct vehicular access to the site.

### 3.0 Proposed Strategic Housing Development

3.1. It is proposed to construct 278 no. residential units, comprising 212 no. houses, 66 no. apartments. The following details as submitted by the applicant are noted:

Parameter	Site Proposal
<b>Application Site Area</b>	Gross 12.99 ha / Net 9.5 ha
<b>No. of Units</b>	278 no.
<b>Density</b>	35.2 units per ha
<b>Other Uses</b>	Creche (559sqm) Community Building (165sqm)
<b>Public Open Space</b>	3.47 ha public park 1.92 ha public open space
<b>Height</b>	2/3-storey houses 3-storey duplex units
<b>Car Parking</b>	503 no. car parking spaces
<b>Bicycle Parking</b>	178 no. spaces
<b>Vehicular Access</b>	Via Bridgegate Avenue

3.2. The development includes a variety unit types ranging in size from approx. 59sqm 1-bed duplex unit to approx. 162.5 sqm 4-bed house. The breakdown of unit types as follows: -

Unit Type	1-bed	2-bed	3-bed	4-bed	Total
<b>Houses</b>	-	40 no.	155 no.	17 no.	212 no.
<b>Duplexes</b>	17 no.	24 no.	25 no.	-	66 no.
<b>Total</b>	17 no.	64 no.	190 no.	7 no.	278 no.
<b>% Total</b>	6.1%	23%	68.4%	2.5%	100%

- 3.3. The scheme is designed as an extension to the recently constructed Bridgegate development, within the ownership of the applicant. The site is divided by the watercourse. A linear park is proposed through the centre of the site, along the watercourse. The lands to the north of the watercourse would generally be developed as a public park with associated active recreational uses and cycle and pedestrian routes. A row of 3-storey duplex units, a creche and community building are proposed to the north of the stream. These units would be accessed from an extension to Bridgegate Avenue.
- 3.4. The lands to the south of the watercourse are designed in a grid pattern, with potential future access points provided to lands to the south and east. An area of public open space is provided in the centre of the southern portion of the site and forms a focal point for the residential units. The development generally comprises 2-storey houses with 3-storey corner elements. Access to the southern portion of the site is proposed via 2 no. points on Bridgegate Avenue.

## 4.0 Policy Context

### 4.1. *Ardee Local Area Plan*

The site is located within the settlement boundary of Ardee. The site is divided by a watercourse, which flows in an east-west direction. The area to the north of the watercourse is zoned 'Residential and Public Park' with the associated land use objective '*to provide for residential development subject to the provision of a public park containing a minimum of 12 acres*'. The area to the south of the watercourse is zoned 'Residential' with the associated land use objective '*to protect and / or enhance existing residential communities and provide for new residential communities.*'

- 4.2. **Policy POP 5:** *To apply the Phasing Strategy to all new residential developments and applications for extension of duration in respect of residential development, as set down in the Residential Phasing Strategy in Section 8 of this Plan.*
- 4.3. **Policy DEV 3:** *To facilitate orderly and sustainable development through the implementation of an overall phasing strategy as follows:*

*(1) Phase I residential development comprises committed dwelling units, residential development in the town centre (as zoning) where residential is provided as part of a mixed development with commercial uses, enabled area and infill housing development\* where it is a permitted use or a use open for consideration and providing that the necessary physical and social infrastructure is available. As the stock of vacant lands (from development) becomes exhausted, that is 75% is built on, the presumption will move towards the release of land in Phase II.*

*(2) Phase II residential development comprises land to the north of the River Dee which redresses the imbalance of residential development between the north and south of Ardee. This also provides for organic growth from the urban fabric of the town centre and does not result in 'leap-frogging'. Development of these lands is subject to the availability of physical and social infrastructure. As the stock of vacant lands (from development) becomes exhausted, that is 75% is built on, the presumption will move towards the release of land in Phase III.*

*(3) Phase III residential development comprises of lands south of the River Dee which provides for organic growth from the urban fabric of the town centre and does not result in 'leap-frog' development. Development of these lands is subject to the availability of physical and social infrastructure.*

**Policy INF 13:** *'To facilitate the provision of a new link road from Rathgory and Mulladrillen to Black Road'.*

Section 9.3.3 of the plan sets out density standards which include a density of 15 – 20 units per hectare for edge of town sites.

#### **4.4. Louth County Development Plan 2015 - 2021**

The settlement hierarchy identifies Ardee as a 'Moderate Sustainable Growth Town' and the third largest town in the county after Dundalk and Drogheda. The Plan and the Core Strategy promote the development of Ardee as a medium size town for urban strengthening to serve the needs of the local community and drive development within the locality. Table 2.4 sets out a population increase of 129 no. persons / 48 no. units for Ardee up to 2021.

**Policy 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.*

**Policy CS3:** *To require that a 'Core Strategy Population and Phasing Statement' will be submitted with all planning 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.*

**Policy SS1:** *To maintain the settlement hierarchy within the County and to encourage residential development within each settlement that is commensurate with its position in the hierarchy and the availability of public services and facilities.*

**RES 16:** *To require that master plans and planning applications for large scale residential developments identify where appropriate, bus routes, the location of bus stops and lay-bys in such a manner as to ensure that the majority of residents are no more than 400 metres from a stop.*

**RES 18:** *To apply density standards in respect of the County's towns and villages as set out in Table 4.3 and to carry out further refinement where necessary as part of the review of the local area plans.*

The following policies are also considered relevant RES 6, RES 10, RES 12, RES 13, RES 14, RES 15, RES 16, RES 19, RES 20, RES 21, RES 22, RES 23, RES 24, RES 26, RES 28, RES 29, RES 34, RES 35, RES 37, RES 38, RES 43, RES 44.

#### **4.5. *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 – 2031***

It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

Section 4.7 - Self Sustaining Growth Towns and Self-Sustaining Towns notes that these towns support the regional driver of Key Towns and act as important local drivers, providing a range of functions for their residential population and surrounding catchment, including housing, local employment, services, retail and leisure opportunities.

#### 4.6. ***National Planning Framework (2018)***

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### 4.7. ***Section 28 Ministerial Guidelines***

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009
- Urban Development and Building Heights Guidelines, 2018

- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme

## 5.0 Section 247 Consultation(s) with Planning Authority

5.1. It is stated by the prospective applicant that a virtual pre-planning consultation meeting took place with the Planning Authority in relation to the proposed development on the 28<sup>th</sup> April 2020. A summary of the issues raised by the planning authority are outlined below: -

**Zoning and Core Strategy:** The proposed development is in accordance with the land use zoning objective for the site. Phase III designation of the site does not preclude the consideration of the development.

It is recognised that Ardee is Tier 2 in the settlement hierarchy. However, the housing allocation for the county is mainly focused on Dundalk and Drogheda. There are concerns that the proposed number of units would account for a significant portion of the housing allocation for Ardee.

**Proposed Development:** Apartments are not considered viable on this edge of town site. Regard could be had to the overall scheme in achieving an acceptable housing mix.

Part V provision is to be pepper potted throughout the site.

**Infrastructure:** regard should be had to Policy INF 13 of the Ardee LAP, which seeks to provide an access road through the northern portion of the site.

A full assessment of the impact of the development on traffic in Ardee town centre is required.



Connections for vehicular movements, cyclists and pedestrians must be delivered as part of the development. Cherrybrook estate road is currently the subject of a Taking in Charge application.

**Conclusions:** The development must have regard to the overall objectives of the LAP.

The allocation of population distribution as set out in the core strategy is a key consideration. The fact that these lands are zoned indicates that they are considered a logical progression to Ardee. Phase I and II have not been delivered as envisaged.

It is recommended that the applicant liaise with the infrastructural division to advance the development.

Full details of the meeting are included in the planning authority's submission.

## 6.0 Planning History

### ***Subject Site***

None

### ***Adjoining Site***

Lands to the west of the subject site, are within the ownership of the applicant. Currently these lands have permission for 158 no. houses, a creche, a community centre and a public park. Construction works at this site are on-going. Permission for this site expires in January 2022. The relevant planning permissions for the site are outlined below: -

***PL15.238053, Reg. Ref. 10/174:*** Permission was granted in 2012 for 144 no. residential units, and a community park, over 3 no. phases on a site to the west of the subject site on lands within the ownership of the applicant. Phase 1 was limited to 53 no. residential units to ensure the provision of the public park.

***Reg. Ref. 19/353:*** Permission was granted in 2019 for the construction of 52 no. residential units, replacing units previously approved at this location under PL15.238053.

**Reg. Ref:19/336:** Permission was granted in 2019 for the construction of 65 no. residential units, to replace 65 no. residential units previously approved under PL15.238053. The amendments relate to the layout, design and landscaping. It is also proposed to replace the previously approved creche and commercial units with a revised creche and community building.

**Reg. Ref. 19/549:** Permission was granted in 2019 for minor modifications to the layout and house design of 6 no. semi-detached dwellings approved in phase 1 of permission granted under PL15.238053.

**Reg. Ref: 19/875:** Permission was granted in 2019 for the omission of 1 no. detached dwelling approved under PL15.238053 and the provision of private and public open space, landscaping and 4 no. car parking spaces and the minor realignment of the road layout to facilitate the implementation of water and drainage infrastructure.

**Reg. Ref. 20/794:** Permission was refused in 2020 for the omission of 6 no. dwellings and 80m of carriageway on Bridgegate Drive and the provision of open space. The reasons for refusal related to (1) the omission of 80m of carriageway would be contrary to Policy INF13 to provide a new link road through the site and (2) the omission of 6 no. dwellings would result in houses back directly onto public open space and would result in a loss of passive surveillance, which would potentially attract anti-social behaviour and injure residential amenity.

## 7.0 Submissions Received

**Irish Water:** Notes that it is feasible for connect to the public water system without any upgrades. With regard to wastewater it is noted that the existing wastewater network would require upgrades to cater for the additional proposed load. The upgrade would involve upsizing of between 300 and 1,000m of existing 225mm sewer along the public road. Irish Water is currently carrying out site specific hydraulic modelling which is nearing completion to determine the exact details of this upgrade.

## 8.0 Forming of the Opinion

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

### 8.2. *Documentation Submitted by Applicant*

8.2.1. 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.

8.2.2. The information submitted included the following: SHD application form, cover letter, letter of consent from partial landowner, Material Contravention Statement, Architectural Design Statement, Statement of Consistency, Housing Quality Assessment, Visual Impact Assessment, Appropriate Assessment and Natura Impact Statement, Environmental Report, Ecological Impact Assessment, Landscape Design Rationale, Engineering Services Report, Flood Risk Assessment, Outline Construction and Environmental Management Plan, Traffic Impact Assessment, DMURS Compliance Statement, Construction Management Plan, Construction and Demolition Waste Management Plan, Operational Waste Management Plan, Childcare Demand Assessment, Soico-Economic and Housing Supply Assessment, Archaeological Impact Assessment, Part V Agreement, and Photomontages

8.2.3. Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. This statement has been submitted, as required.

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

### 8.3. *Planning Authority Submission*

- 8.3.1. 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 opinion in relation to the proposal. These were received by An Bord Pleanála on 29<sup>th</sup> October 2020.
- 8.3.2. Louth County Council's written opinion includes a description of the site location, planning history, description of the proposed development, policy context and an opinion of the planning authority. A record of a pre-planning meeting and a memo from the Infrastructure Directorate was attached to the report. The content of the Opinion is summarised as follows: -

**Policy:** The proposed development is consistent with the zoning objectives for the site. However, it is unclear if the total area of the park equates to 12 acres as required by the Residential and Public Park zoning objective.

The proposed development which comprises 278 no. units, this would be a material contravention of the core strategy of the Louth County Development Plan 2015-2021, which allocated 129 no. units for Ardee. The Draft Development Plan allocates 286 no. units for greenfield sites in Ardee. The proposed development would represent a significant portion of the overall provision of housing within Ardee. The proposed development should not compromise the core strategy of the draft plan.

The core strategy of the Ardee Local Area Plan provides a Residential Phasing Strategy, this is supported by Policies POP5 and DEV3. The subject site is located on Phase III lands and is, therefore, a material contravention of the LAP.

**Part V:** The provision of 28 no. units is proposed. These units should be equally provided across the phases of development.

**Density:** The LAP stipulates a density of 15-20 units per hectare for edge of town sites. The development has a density of 35.2 units per hectare. The planning authority is satisfied that the density is appropriate to this site having regard to the topographical constraints and its location.

**Housing Mix:** Given the location of the site at the edge of town, approx. 1km from Ardee, the housing mix is considered appropriate.

**Phasing:** No concerns regarding the proposed phasing.

**Urban Design:** The layout is a regular grid pattern with development to the north focused on the watercourse and associated amenity area. The layout is distinctive, legible and provides for permeability within the development. There are concerns regarding the potential connectivity and links to Ardee and surrounding areas. As there is currently only one access available from the Bridgegate development to the north west of the site.

**Residential Amenity:** Adequate separation distances have been provided to ensure residential amenity. It is noted that the propose private open space meets and exceeds development plan standards.

**Access and Transport:** Connections from the site to the town centre, and adjoining facilities are not provided.

Policy RES 16 requires applications for large housing schemes the majority of residents are no more than 400m from a stop. The nearest bus stop is 600m from the north west corner of the site. The scheme may materially contravene the development plan.

Policy INF 13 requires the provision of a link road through the northern portion of the site (public park).

There are a number of anomalies in the TIA document that should be addressed.

**Open Space:** Policy NBE 5 of the LAP seeks to reserve 4.9ha of land at Mulladrillen. The provision of a public park is welcomed. However, it is unclear what areas are included to provide the 4.9ha as required. Concerns that the landscape plans have not considered the existing park lands to the west and does not reference connections and facilities.

**Community Facilities:** The creche facility is well designed and centrally located. The applicant should provide a school capacity assessment to ascertain that adequate capacity is available.

**Flooding:** There are concerns in relation to the adequacy of the existing storm water drainage network to cater for the development.

**Landscape and Visual Impact:** The development would not have an undue impact on the surrounding landscape or any views and prospects of special amenity value.

**Archaeology:** An Archaeological Impact Assessment was submitted. The planning authority agree with the recommendation of the assessment that any proposed groundworks should be archaeologically assessed in advance of future development and that an intensive testing programme of the entire site should be undertaken prior to any works to mitigate any potential archaeology, if present.

**EIAR:** An Environmental Report was submitted. Having regard to the cumulative site area an EIAR is required.

**AA:** The applicant must ensure that the NIS addresses any likely significant effects on European sites.

The Planning Authority is of the opinion that further consideration required regarding the following: -

1. Justification for a 10 year permission in respect to the development proposed, demonstrate that the remaining phases of the extant permission (PL15.238053) on these lands would be delivered in a timely manner prior to the expiration of permission in January 2022 and the feasibility to deliver the further units proposed in a timely manner, having regard to existing phasing arrangements of the extant permissions. Any permitted development should not compromise the core strategy of the Draft Development Plan.
2. Confirm that the total area of the public park provided within this and the adjoining development site equates to 12 acres. In addition, there are concerns in relation to the functionality of the layout of the public park, which does not demonstrate a relationship with the park approved on the adjoining site of the link road to be provided along the northern boundary of the site.

3. There is only 1 no. access available to the development from the N2 via Phase 1 of the newly developed Bridgegate. The applicant should demonstrate that the connections indicated would be delivered in a timely manner contiguous to the phased development of this site to provide for connectivity with the town and surrounding areas.
4. Demonstrate penetration of the development by public transport and provision for bus stop(s) in locations where the majority of dwellings are at a maximum distance of 400m
5. Provide a school capacity assessment to ascertain that adequate capacity exists to cater for the predicted demand for primary school places
6. Transportation Concerns: -
  - Consultation is required with TII
  - the delivery of the proposed by pass to the south east of Ardee can not form part of the TIA as there is no commitment for its implementation at this time
  - Anomalies and conflicting information within the Traffic Assessment should be addressed. Traffic generated by the site appears to be low in comparison to similar developments.
  - Consider car and cycle parking at public park
  - Clearly identify the route of the link road through the northern portion of the site.
7. Drainage / Flood Risk Concerns: -
  - There are concerns that the existing high flood risk potential to residential properties downstream would be exacerbated by the discharge of storm water at a controlled rate from the development site into the Rathgorey River via the Rathgorey Tributary, in November 2019 and December 2015 the river flooded.
  - The proposed development and storm water management proposal is premature pending an upgrade of the existing inadequate storm water drainage network in this area.
  - Further assessment of flood risk is required and consent from OPW is needed prior to implementation of the proposed vehicular access.

## 8. Miscellaneous Infrastructure Matters

- Introduce staggered junctions in the layout to avoid crossroad
- Avoid perpendicular car parking
- Provide auto-track analysis
- Roads within Cherrybrook are within private ownership.

## 9.0 The Consultation Meeting

9.1. A Section 5 Consultation meeting took place via a Conference Call on the 4<sup>th</sup> December 2020, commencing at 10.20. 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.

9.2. 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. Settlement Strategy – phasing of development
2. Development Strategy – design and layout, permeability and connectivity
3. Public Open Space
4. Transportation
5. Water Services: - Drainage / Flood Risk, Wastewater
6. EIAR and NIS
7. Any Other Matters

### ***Item 1***

In relation to the Settlement Strategy, ABP representatives sought further elaboration / discussion / consideration on the following:

- Justification for the proposed 10 year permission having regard to the existing development to the north west of the site currently under construction.
- Justification for the development of phase 3 lands, which would be a material contravention of the LAP



- Clarity on development potential of lands to the south of the application site, within the ownership of the application and indicated on the masterplan

### ***Item 2***

In relation to the Development Strategy, ABP representatives sought further elaboration / discussion / consideration on the following:

- Rationale for the provision of long linear streets
- Consideration of connectivity and permeability to adjoining lands, in particular through Cherrybrook to the west.
- Consideration of the location of a future link road through the site, having regard to Policy INF 13.
- Consideration of the layout having regard to Policy RES 16 to ensure the majority of residential units are located within 400m of a bus stop.
- Justification for proposed density which would be a material contravention of the LAP.

### ***Item 3***

In relation to the Public Open Space, ABP representatives sought further elaboration / discussion / consideration on the following:

- Consideration of how the layout of the public open space complies with the 'Residential and Public Park' zoning objective to provide for the provision of public park containing a minimum of 12 acres.
- Consideration of how the provision of a public road, as required by Policy INF 13, through the open space would impact on the design and layout.

### ***Item 4***

In relation to Transportation, ABP representatives sought further elaboration / discussion / consideration on the following:

- Rationale for the location of the proposed public road through the northern portion of the site, as required by Policy INF 13.
- Consideration of the impact of the location of the proposed road on the development potential of adjoining lands to the east.

- Consideration of the impact of traffic generated by the development on the surrounding road network and ensure the information provided in the traffic assessment is robust.

### ***Item 5***

In relation to Water Services, ABP representatives sought further elaboration / discussion / consideration on the following:

- Consideration of the impact of the development of flooding downstream
- Consideration of report of Irish Water to An Bord Pleanála dated 15<sup>th</sup> October 2020
- Issues raised in the report of the planning authority's Infrastructure Directorate dated 21<sup>st</sup> October, 2020.

### ***Item 6***

In relation to the EIAR and NIS, ABP representatives sought further elaboration / discussion / consideration on the following:

- Consideration of the cumulative impact of the development in relation to EIAR
- Consideration of any potential impacts generated by the development on any designated sites in relation to AA

The prospective applicant and the planning authority were given the 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 308283' 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.

## **10.0 Conclusion and Recommendation**

- 10.1. 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.

- 10.2. 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.
- 10.3. 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: **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.

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.

## 11.0 Recommended Opinion

- 11.1. The Board 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.
- 11.2. 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.

### ***Settlement Strategy***

1. Further consideration of the requirement for a 10-year planning permission. Demonstrate that the proposed development and the remaining phases of extant permission (ABP PL15.238053) on the lands to the north west of the subject site, within the ownership of the applicant, can be delivered in a timely manner.
2. Justification for the proposed development having regard to the core strategy of the Louth County Development Plan.

### ***Open Space***

3. Further consideration / amendment of the proposed public open space / public park on the northern portion of the site. Demonstrate that the proposed public open space complies with the zoning objective for the site and that it integrates with the previously permitted open space approved under ABP PL15.238053 to the north west of the site.

### ***Road Infrastructure***

4. Further consideration / amendment of the location of the link road as required by Objective INF13, having regard to the development potential of lands to the east of the site, which are zoned as Strategic Reserve and to the zoning objective of the northern portion of the site which seeks to provide a '12 acre' area of open space.

### ***Water Services***

5. Further consideration / amendment of the design of the storm water management proposals having regard the existing high potential for flood risk to residential properties downstream of the site. Further consideration of the concerns raised in the report of the planning authority's Infrastructure

Directorate dated 21<sup>st</sup> October, 2020. A site specific Flood Risk Assessment should be submitted.

6. Further consideration / amendment of the layout of the linear park having regard to Inland Fisheries Ireland: '*Planning for Watercourses in the Urban Environment: A Guide to the Protection of Watercourses through the use of Buffer Zones, Sustainable Drainage Systems, Instream Rehabilitation, Climate / Flood Risk and Recreational Planning*'.

11.3. Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the **following specific information** should be submitted with any application for permission:

1. A report that addresses and provides a clear design rationale for the proposed density, design and character of residential units and details of the materials and finishes of the proposed development. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.
2. A layout plan and report that address and provides a clear rationale for connectivity and permeability within and through the site.
3. A report that addresses and provides a justification for the proposed housing mix.
4. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority, and the phased delivery of such public open spaces (in particular in respect of the proposed public open space on the northern portion of the site).
5. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces and Part V provision.

6. School Demand and Concentration Report, which identifies demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
7. Address issues raised in the report of Irish Water to An Bord Pleanála dated 15<sup>th</sup> October, 2020.
8. A material contravention statement, in respect to any and all elements of the development that may materially contravene the Ardee Local Area Plan and the Louth County Development Plan objectives or policies applicable to the site, whether, core strategy, density, connectivity, housing typology, car parking, open space or other.
9. An Appropriate Assessment Screening Report or a Natura Impact Statement, as may be necessary.

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. Inland Fisheries Ireland
3. Department of Culture, Heritage and the Gaeltacht
4. Department of Education and Skills
5. Louth County 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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Elaine Power  
Planning Inspector

11<sup>th</sup> December 2020