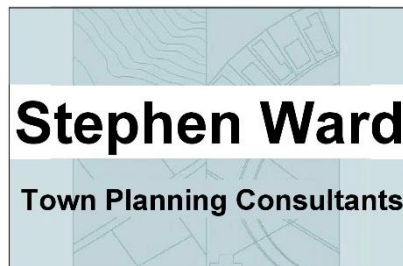


RESPONSE TO THE WRITTEN OPINION OF AN BORD PLEANALA

ON

CASE REF. ABP. 302215-18



August 2019

1.0 INTRODUCTION

A pre-application consultation request was made by the applicant to An Bord Pleanála on the 31st of July 2018. By letter dated 13th of August 2018 An Bord Pleanála informed the applicant that in accordance with Section 6 of the Planning and Development (Housing) and Residential Tenancies Act 2016, An Bord Pleanála had decided to accept the request to enter into consultation.

A pre-application tripartite consultation meeting under Section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016 took place on the 17th of September 2018 at Louth County Council Offices, Millennium Centre, Dundalk (Case Ref. ABP-302215-18). Subsequent to this meeting, the applicant received An Bord Pleanála's Notice of Pre-application Consultation Opinion prepared under Section 6(7) of the 2016 Act by letter dated the 2nd of October 2018. In compliance with Article 297 (3) of the Planning and Development Regulations 2011 (as amended), this statement addresses the issues set out in the notice.

The Notice of opinion highlights issues to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development under the following headings-

- LIHAF funded Road
- Pedestrian Connectivity
- Car Parking and Layout
- Phasing

The Notice of Opinion also lists specific information to be submitted with any application for permission pursuant to Article 285 (5) (b).

Section 2 of this Statement will address the general issues raised by An Bord Pleanála in their Notice of Opinion while Section 3 will outline the response of the applicant to issues raised under Article 285 5(b).

Pursuant to Article 285 (5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the Notice of Opinion includes the following authorities to be notified in the event of making an application-

- Irish Water
- Health and Safety Authority
- Transport Infrastructure Ireland
- Department of Culture, Heritage and the Gaeltacht
- Coras Iompair Éireann
- Commission for Railway Regulation
- Louth County Childcare Committee

The prescribed authorities identified have been notified of the intention of the applicant to make a planning application in accordance with Section 8 (1) (b) of the Planning and development (Housing) and Residential Tenancies Act 2016 and have been furnished with a of the planning application for their review.

2.0 RESPONSE OF THE APPLICANT TO NOTICE OF OPINION

For ease of referencing, the items referenced by An Bord Pleanála are restated (italic in quotes below) with the response of the applicant to each item directly following.

LIHAF Funded Road: *“Further consideration/amendment of the documents as they relate to the provision of a vehicular access to the site. The documentation submitted at application stage should clearly detail how the proposed access road will be delivered, when and by whom. The status of any permitted road infrastructure should be clarified and it should be indicated that the proposed development can be serviced by the LIHAF funded road, in terms of the detailed design of access points and that all necessary legal consents are in place or have been sought. The applicant shall satisfy themselves and adequately demonstrate that there is no obstacle or impediment to the delivery of the road in advance or in tandem with the proposed development the subject to the application. Further consideration of this issue may require amendment to the documents and/or design proposals submitted”.*

Response of Applicant: In response to the Board’s query the application site boundary has been amended to include the LIHAF Road within the application site. A letter of consent has been furnished by Louth County Council and this is at Appendix A. As a result the proposed development can be accessed independently regardless of other permissions and implementation is not dependant on the implementation of any other permissions, or any further regulatory consent requirements. It is submitted that there is no obstacle or impediment to the delivery of the road in advance or in tandem with the proposed development.

Pedestrian Connectivity – *“Further consideration of the documents as they relate to the delivery of pedestrian facilities connecting the application site to Railway Terrace and onwards to the train station and Drogheda town centre. Attention is drawn to the ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) insofar as maximum permeability for pedestrians and cyclists should be considered as a starting point to the design process and the achievement of a compact urban structure. Specifically, a future application should include details of proposed improvement works to McGraths Lane, to allow for safe and secure pedestrian/cyclist connectivity with public transport nodes and the town centre, including proposals for delivery of the works. In this regard, the documentation at application stage should clearly indicate who is providing the infrastructure, what consents, if any, are required to deliver the infrastructure and when it is to be delivered relative to the proposed dwellings. The consideration should have regard to the ‘Design Manual for Urban Roads and Streets’ which prioritises pedestrians in the user hierarchy. Further consideration of this issue may require amendment to the documents and/or design proposals submitted”.*

Response of Applicant: In response to the Board’s query the application site boundary has been amended to include McGraths Lane/Railway Terrace from the application site to the Dublin Road (R132). A letter of consent has been furnished by Louth County Council and this is at Appendix A. The applicant has engaged Waterman Moylan Consulting Engineers to design the work to McGrath’s Lane/Railway Terrace and detailed drawings are included in the application (Dwg.No. 16-137-P150 & 16-137-P151). Waterman Moylan has confirmed the proposal is DMURS compliant and a Road Safety Audit with regard to the works has also been undertaken. We ask An Bord Pleanála to note no vehicular link is proposed from the application site to Dublin Road via McGrath’s Lane/Railway Terrace; this route is pedestrian/cyclist only.

In addition to the above, the applicant has engaged RMDA Landscape Architects to prepare a Landscape scheme for the works as illustrated by drawing no (RMDA 01). The applicant respectfully suggests the insertion of a condition requiring the proposed works to be completed as part of Phase 1 of the development in accordance with a programme to be agreed in writing with the Planning Authority prior to the commencement of development.

Car Parking– “Further consideration/amendment of the documents as they relate to the provision of car parking within the proposed development. The documentation submitted at application stage should provide a robust rationale for the amount of car parking that is proposed. This should have due regard to the pattern of demand for travel that is likely to arise from the occupation of the proposed development, as well as to the likely demand from households to have access to private transport even where it does not provide the primary mode for travel to work or school. The documentation should also take proper account of the advice concerning car parking and cycle parking provided for in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)”.

Response of Applicant: Following pre-application stage, the applicant has reviewed and reduced the overall level of car parking proposed on site. A rationale for the car parking proposed is contained within the TTA and Mobility Management Plan by Waterman Moylan Consulting Engineers under separate cover and takes account of the guidance contained within the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018).

Car parking is proposed at surface level, both in curtilage for the proposed housing and on street / under-croft / basement for the apartments. The provision of 38% of car parking spaces as basement/undercroft car parking reduces the overall impact of car parking on the quality of the built environment within the site and enables the provision of a high quality urban environment including public open spaces, with a much reduced impact from surface level car parking than would otherwise be the case. Of the overall car parking provision some 60 per cent is off-street (on curtilage and basement / undercroft).

Car Parking Allocation and Location		On Curtilage	On Street	Underground/Under croft
Parking for Housing		162		
			11	
Parking for Duplex Units			27	
Parking for Apartments	Block 1		13	30
	Block 2		13	30
	Block 3		13	30
	Block 4		13	30
	Block 5		17	26*
	Block 6		43	
	Block 7		19	24*
	Block 8		5	17*
	Block 9		34	
	Block 10		34	
Parking for Neighbourhood Uses	Block 9 & 10		44	
Parking for Offices				40*
Parking for Crèche			10	22*
Visitor Parking				33*
Sub-Total		162	296	282
Total Car Parking Proposed				740

*Underground car parking refers to the three level car park beneath the office and crèche building accessed directly from the LIHAF Road.

Table 1 – Car Parking Proposed

A car parking allocation drawing (Architect drawings PL06) accompanies this planning application. Housing is provided with two on curtilage parking spaces and whilst the specific allocation of car parking spaces for the apartments will be decided by the Management Company in due course, the car parking allocation plan illustrates how the applicant has addressed the overall car parking for occupiers of the apartments while giving due regard to the pattern of demand for travel that is likely to arise from the occupation of the proposed development, as well as to the likely demand from households to have access to private transport even where it does not provide the primary mode for travel to work or school. With this in mind, of the 391no. car parking spaces allocated to the apartments, some 187no or 48% are provided by way of underground/undercroft parking. This, it is submitted significantly reduces the visual impact that would otherwise arise if all parking was provided at grade. It is submitted the provision of underground/undercroft car parking in the manner proposed strikes the correct balance between the provision and likely demand from households to have access to private transport even where it does not provide the primary mode of travel to work or school. Essentially, and in simple terms, private car parking spaces are available and whilst not remote they are at an appropriate remove from the apartments to make people think twice about 'hopping into the car' for short journeys simply because the car is parked outside the 'front door'. Whilst the aforementioned is a very 'practical' step, it is furthermore proposed that the development Management Company will incorporate the provisions of the Mobility Management Plan including the appointment of a Mobility Management Co-ordinator.

Cycle parking is provided throughout the site as illustrated by architect drawing PL-06. A total of 853 cycle parking spaces are provided including 460 at surface level that are conveniently placed to encourage use and security.

Layout – *"In addition, particular attention is drawn to the size and location of open spaces, and rationale for same, the design of the streets, associated on-street parking and building edges/street frontages which reflect a clearly defined street hierarchy within the scheme, and the location and design of bin and bicycle storage requires greater consideration. Finally, and given the foregoing, the detailed design of the entrance to any underground car parking from the proposed LIHAF funded road and the configuration of the layout particularly should related and add to the creation of a legible street layout. The correct application of the principles of the Design Manual for Urban Roads and Streets is advised. Further consideration of these issues may require amendment to the documents and/or design proposals submitted".*

Response of Applicant: A Landscape Rationale has been prepared by Ronan MacDiarmada & Associates (RMDA) who are professionally qualified and experienced landscape architects. This document clearly illustrates the hierarchy of open spaces within the scheme and a landscape rationale for the treatment and primary intended use of each open space area.

Public open space within the subject site includes of both active and passive areas consisting of hard and soft landscaping. There are five main areas of open space – two civic squares, one to the north (1,095sq.m) between the proposed crèche and office building, the second (3,390sq.m, Neighbourhood Square) to the south beside the proposed pedestrian link to McGrath's Lane and flanked by apartment buildings which include neighbourhood uses at ground floor level. These two spaces are connected by way of a green route with cycle path and seating areas which runs through the centre of the site creating a pedestrian friendly 'spine'. A large area of public open space (3,465sq.m) has been located to the east of the site in proximity to the proposed houses. It is proposed to provide a natural playground in the centre of this space as detailed in the landscape rationale (The Natural Playground). The second green area (4,070sq.m, Central Green) provides a more structured open space that is envisaged to include informal kick about areas with level grass and seating. The fifth area of public open space (2,760sq.m) connects apartments to the north west of the site to the civic plaza to the north and pedestrian spine. In total these public spaces represent 18% of the development area. Communal amenity space is in addition to this figure, with spaces next to apartment buildings amounting to 2,556sq.m and consist of formal seating areas and rambling paths with seating and sensory planting. Incidental and/or unusable open spaces such as the embankments to the LIHAF Road to not form part of the open space calculations or provision to serve the proposed development.



Figure 1 – Extract from Landscape Masterplan by RMDA Landscape Architects

As set out in the DMURS Statement of Compliance by Waterman Moylan, the proposal is fully DMURS compliant, prioritising pedestrian and cyclist movements throughout the site and promoting sustainable modes of transport over the car. The DMURS Statement illustrates a clear hierarchy of streets for the development. The landscape scheme for the development also incorporates the interface between buildings and streets.

The entrance to the underground car park from the LIHAF road has been redesigned as illustrated by architect drawing nos. PL-305A to PL-308A. This car parking is designed to serve the crèche and office employees with additional car parking provided for apartments in building nos. 5, 7 & 8. There is pedestrian access provided from the underground car park at the south west corner of the civic plaza by lift and stairs with an additional stairway to the north of the crèche building. The office building is directly connected to the underground car park by stair and lift. Notwithstanding that the LIHAF Road is incorporated into this planning application, the Road has the benefit of planning permission, is fully designed and Louth County Council has issued a tender for the construction of the road with a contractor expected to be appointed in 01/09/19 and the road construction to be completed by 31/03/20 (see Appendix A). As such the route, line and levels on the LIHAF Road are fixed.

460no. cycle parking spaces are provided at street level in proximity to residential dwellings and in commercial / neighbourhood zones as well as within the basement car parks suitable for residents (total 853no.). Electric Vehicle charging points are provided at rate of 10% of the total surface/underground car parking quantity proposed. Details of proposed bin storage for housing and apartments is included in the rationale with the location of bin storage illustrated on the Landscape Masterplan (Dwg. No. 01). All bin storage is easily accessible by residents and close to the public road for collection.

Phasing – *“Further consideration/amendment of the documents as they relate to the phasing of development on the sites and its integration with proposals for vehicular access to the site itself, access to the train station and the town centre. The documentation should indicate the timeframe in which the proposed development would proceed and that the infrastructure required to support and facilitate development is provided in a timely manner. A phasing plan should indicate the mix of house/apartment types to be delivered and show a reasoned explanation regarding the distribution of land uses across the site. Further consideration of these issues may require amendment to the documents and/or design proposals submitted”.*

Response of Applicant: In response to the Board’s query the application site boundary has been amended to include the LIHAF Road within the application site. A letter of consent has been furnished by Louth County Council and this is at Appendix A. As a result the proposed development can be accessed independently regardless of other permissions and implementation is not dependant on the implementation of any other permissions or consents. The applicant has taken consideration of the Opinion of An Bord Pleanála and the Local Authority in the proposed phasing of development within the site. It is submitted that the phasing proposed will ensure a successful mix of uses and provide the required number of residential units to support LIHAF funding. The proposed phasing is illustrated by drawing no. PL04.

Phase I will include the 81no. houses together with two apartment buildings and neighbourhood units (Buildings 9 & 10), the construction of the LIHAF Road and works to McGraths Lane and associated infrastructure. This will ensure pedestrian connectivity to the train station is achieved at the start of the development. Two areas of public open space are provided by way of the neighbourhood square linking to McGraths Lane and the natural playground to the east serving the houses. Phase I as proposed would have the following mix of residential units-

- 81no. 3-bed townhouses
- 60no. apartments – 16no. 1-bed, 40no. 2-bed, 4no. 3-bed

Apartment buildings 9 & 10 provide active ground floors for occupation for neighbourhood uses such as small retail outlets, cafes, restaurants and supporting neighbourhood uses such as laundrette/dry cleaners. The gross overall floor area of these units is 1,278sq.m and they are divided into unit outlets ranging in size from 144sq.m to 172sq.m. For the purpose of this application, uses are allocated to each unit with details of the final occupier to be agreed with the Planning Authority prior to first occupation.

Phase II will complete the development in three further stages envisaged as follows-

Phase II (a) consists of the duplex apartment units and apartment blocks 5 & 6 with the following mix-

- 12no. 2-bed duplex apartment
- 12no. 3-bed 2-storey duplex apartments
- 6no. 3-bed townhouses
- 76no. apartments – 20no. 1-bed, 52no. 2-bed and 4no. 3-bed

This phase of the development will enclose the third public open space to be provided (4,070sq.m) and the continuance of the pedestrian spine.

Phase II (b) will provide the office and crèche building together with apartment buildings Block 7 & 8. This will provide increased employment opportunities on site. It will also provide the second civic space which will form the northern end of the pedestrian spine and complete the cycle route to the LIHAF road and Marsh Road in a north-south direction through the site and onward via McGrath's Lane. Phase II (c) will consist of the final four apartment buildings (blocks 1-4).

3.0 APPLICANTS RESPONSE TO INFORMATION REQUESTED UNDER ARTICLE 285 (5) (B)

A Traffic and Transport assessment including a mobility management plan, which would include specific and quantifiable measures to facilitate the demand for travel and for parking arising from the development, and information as to where the responsibility would lie for the ongoing implementation of each measure

A TTA and mobility management plan have been prepared by Waterman Moylan Consulting Engineers.

A report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details.

Please find enclosed an Architects Design Statement and a Building Life Cycle Report which includes details of proposed materials and finishes.

A schedule of accommodation and long-term management and maintenance structures plan (life cycle report), in accordance with Section 6 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018.

A building life cycle report has been prepared and is included with the application documentation. A booklet of schedules is also provided under separate cover in accordance with the New Apartment Guidelines.

In the context of the information required above, a detailed photomontages report which includes the detailing of the finishes of the proposed structures and additional photomontages from strategic viewpoints along Marsh Road and Strand Road, and elsewhere.

Photomontages have been prepared by 3D Studio. Viewpoints have been selected in consultation with Ronan Mac Diarmada Landscape Architect and are based on strategic viewpoints and scenic routes. These photomontages have informed the Landscape and Visual Impact Assessment that forms part of the EIAR.

The application site and indeed all of the lands zoned 'Drogheda Transport Development Area' have an elevated topography sloping northwards towards the River Boyne. Currently, this area is characterised by field boundaries and large infrastructural developments when viewed from the north bank and on approach along the strategic route from Baltray. It is submitted that in order to meet with the zoning objective applied to these lands, which requires higher density mixed use development, any proposed development will be visible on approach to Drogheda and from the north bank at Donors Green. However, notwithstanding the views available into the application site, because the site is set back from the river, the proposed development does not obstruct or interrupt views of the historic town of Drogheda including the viaduct or any of the church spires or medieval structures either from the Marsh Road, Baltray Road or the river itself. The proposed development is fully in keeping with the zoning objective that applies to the site and that requires high density development. The development makes efficient use of a sequentially preferred and serviceable site that is

contiguous to the built up area of Drogheda and abuts Drogheda rail station. The strategic nature of these lands is recognised in the granting of funding under LIHAF for an access road in order to release these lands for development. The application site and proposal have been comprehensively assessed and it has been clearly demonstrated that it can be development without significant impact on the built or natural environment.

A relevant assessment with regard to the sites's proximity to an Upper Tier COMAH Establishment (Seveso site) shall be submitted which responds to the comments outlined in the report received by the Health and Safety Authority.

A COMAH Land Use Planning Assessment of the proposed development was undertaken by AWN as part of the pre-application package. The submission received by the Health and Safety Authority at pre-application stage states that based on the findings of this report, *"the Authority does not advise against the granting of planning permission in the context of Major Accident Hazards"*. AWN have undertaken a review of this assessment having regard to the final layout of the proposed development and concludes that the proposal is acceptable at this location. This report is appended to the EIAR at Chapter 4. A copy of this SHD application has been furnished to the Health and Safety Authority as required.

An Archaeological Impact Assessment shall be submitted which responds to the comments outlined in the report received by the Board from the Development Applications Unit.

ASCU provided a desk top archaeological impact assessment as part of the pre-application package. The submission received from the Development Applications Unit requested that a further archaeological impact assessment be submitted with the planning application and directions for the compilation of this report. The revised archaeological assessment submitted with this planning application takes account of the recommendations of the Development Applications Unit and details both the geophysical survey and test trenching undertaken. Test trenching (report under separate cover) revealed the presence of an enclosure. It is proposed to record and excavated this feature. This approach has been agreed and a license (19E0433) for this work has been granted by the National Monuments Service.

A report that addresses issues of residential amenity (both existing residents of adjoining properties and future occupants), specifically how the development will limited the potential for overlooking and overshadowing. The report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units and adjoining traffic and rail routes. Details in relation to noise impact and mitigation for same shall also be included.

In response to the above, the applicant commissioned IES to undertake a study of sunlight and overshadowing and this is submitted under separate cover. This report takes account of existing residential development in proximity to the south and the quality of open spaces proposed for future residents and has also informed the final site layout.

Terraced housing is proposed at the south west and south east corners of the site closest to existing residential properties with separation distances of at least 17 metres from the site boundary. First floor terraces associated with duplex units are located on the western boundary and do not directly overlook neighbouring habitable rooms or rear gardens. Apartment buildings are adequately distanced from proposed three storey housing by at least 27.5 metres and private garden areas (24.6m) so as not to have an overbearing impact on residential amenity or loss of privacy for residents of apartments or housing. Back to back separation distances between three storey terraced housing proposed is at least 25.5metres.

Site sections have been prepared and floor levels are indicated to illustrate the relationship of the proposed development with McGraths Lane and adjoining transport routes including a contextual elevation from McGrath's Lane to Marsh Road. In the interest of future residential amenity, an inward Noise and Vibration Impact Assessment and Odour Assessment have been undertaken by AWN and form part of the EIAR.

A site layout plan indicating what areas are to be taken in charge by the planning authority

Please refer to architect drawing No. PL08

The applicant should satisfy themselves as to any requirements and the necessity for the preparation of an EIAR. A screening report should have regard to the inclusion of or use of the LIHAF funded road, and therefore should also have regard to the permitted 133 houses associated with the LIHAF road permission.

A pre-screening exercise and preliminary examination was undertaken for the proposed development on the basis of its nature, size and location. It was decided that it was necessary to undertake an Environmental Impact Assessment having regard to the number of residential units proposed being close to the threshold in addition to the permitted 133 houses associated with the LIHAF Road. An EIAR forms part of this planning application. This application is also accompanied by a Natura Impact Statement.

A Childcare Demand Report outlining anticipated demand likely to be generated by the proposal and the capacity of existing childcare facilities in the vicinity to cater for such demand.

A Childcare Demand Report is submitted by Stephen Ward Town Planning and Development Consultants under separate cover. It is concluded that the proposed crèche is located in a favourable location having regard to the young and growing population in the area, the lack of childcare facilities in the immediate area, and the mix of uses proposed on site and in connection with future development of employment lands to the north of the application site.

APPENDIX A