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# Statement of Material Contravention

## Residential Development

Lands at Rathmullan Road, Rathmullan,  
Drogheda, Co. Meath.

Trailford Ltd

September 2019



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## 1.0 Introduction

Hughes Planning and Development Consultants, 70 Pearse Street, Dublin 2, have prepared this Statement of Material Contravention on behalf of our client, Trailford Ltd, to accompany a planning application to An Bord Pleanála for a proposed Strategic Housing Development on lands at Rathmullan Road, Rathmullan, Drogheda, Co. Meath.

The subject site consists of a large parcel of land, c. 26.2 ha in size, located within the south western environs of Drogheda, Co. Meath, c. 1.7km from the centre of the town, and is situated adjacent to the Meath-Louth County Border. The proposed development, as designed by NDBA Architects, involves the demolition of 2 no. existing sets of farm buildings on the subject site and construction of a residential housing scheme comprising 509 no. dwellings, 152 no. apartments (providing a total of 661 no. residential dwellings) and neighbourhood centre, comprising of a creche, a café and a retail unit.

Following consultations with Meath County Council, a request to enter into pre-planning consultations with An Bord Pleanála was submitted and a pre-planning consultation meeting was facilitated on 20<sup>th</sup> February 2019. An Bord Pleanála subsequently issued a Notice of Pre-Application Consultation Opinion on 11<sup>th</sup> March 2019, which identified 3 no. items to be addressed, in order for the application to constitute the reasonable basis for a Strategic Housing Application. This statement is prepared specifically in response to Item 1, which reads as follows:

1. *Further consideration and/or justification of the documents as they relate to the development of Phase II residential lands as set out in the statutory county development plan and the possible prematurity of development at this location pending the completion of the review of both the Louth and Meath county development plan process and the more strategic planning policy context in particular the draft Regional Economic and Spatial Strategy which contains an objective RPO 4.8 relating to the preparation of a Joint Urban Plan for Drogheda.*

According to the zoning objectives of the Meath County Development Plan 2013-2019, the proposed development site is subject to two zoning objectives. As illustrated in the Development Plan excerpt included in Figure 1.0 below, the majority of the site is zoned 'A2 – New Residential' and the remainder of the site (northern and western sections adjacent to the Boyne Valley and the M1 motorway) is subject to 'F1 – Open Space' zoning.

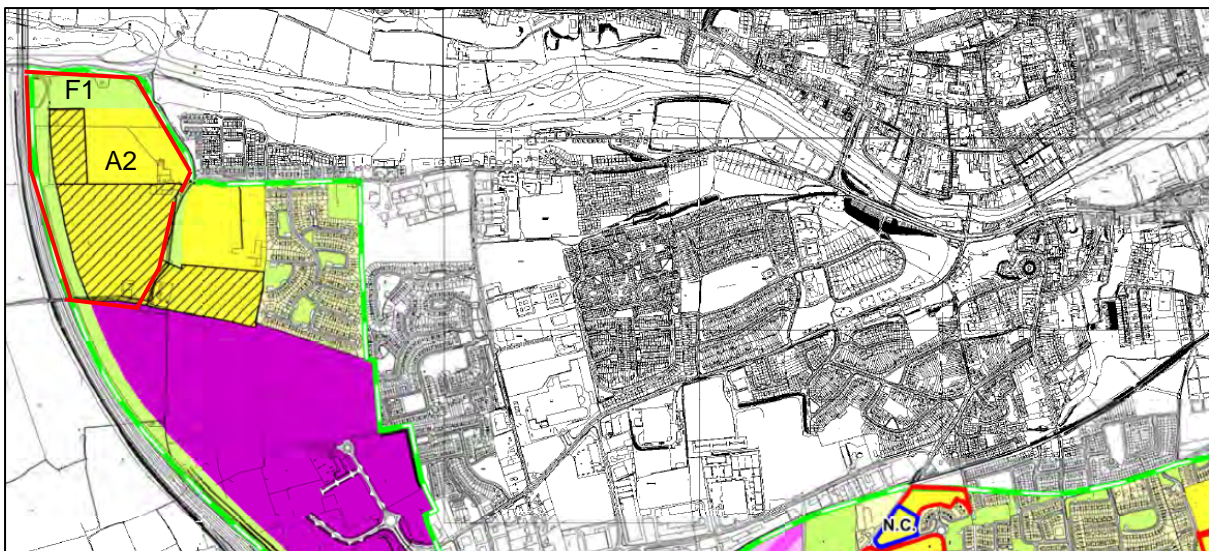


Figure 1.0 Extract from the Drogheda Southern Environs Land Use Zoning Objectives Map included in Volume 5 of the Meath County Development Plan 2013-2019, with the development site (red outline)

In relation to the 'A2 – New Residential' zoned land specifically, the majority of the 'A2' zoned lands are earmarked for Residential Phase II (post 2019) development. It is the inclusion of this Phase II land in

the proposed development scheme that requires justification pursuant to Item No. 1 of the Board's Notice of Pre-Application Consultation Opinion.

Prior to submitting this application, the Applicant had to consider whether the proposed development materially contravened the Meath County Development Plan 2013-2019 in order to comply with the requirement under Section 8 of the Planning and Development (Housing) and Residential Tenancies Act that the statutory newspaper notice state –

*“where the proposed development materially contravenes the said plan other than in relation to zoning of the land, indicating why permission should nonetheless be granted, having regard to a consideration specified in section 37(2)(b)” of the Act of 2000,...*”

The Applicant does not consider the proposed inclusion of 'A2' zoned lands earmarked for Residential Phase II (post 2019) development to be a material contravention to Meath County Development Plan 2013-2019. However, it is a matter for An Bord Pleanála to determine whether the proposed development, including the inclusion of 'A2' zoned lands earmarked for Residential Phase II (post 2019) development in the scheme, in fact materially contravenes the Meath County Development Plan 2013-2019. Therefore, the Applicant has taken a conservative approach to compliance with the above requirement regarding the statutory newspaper notice and the provision of a justification for the proposed inclusion of Phase II lands in the context of the provisions of Section 37(2)(b) of the Planning and Development Act, 2000 (as amended), for the proposed inclusion of Phase II lands.

## 2.0 Legislative Context

Pursuant to Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (2016 Act), where a proposed development is considered to materially contravene the relevant Development Plan or Local Area Plan (other than in relation to the zoning of the land), the Board can determine that permission should, nonetheless, be granted, having regard to a consideration specified in Section 37(2)(b) of the Planning and Development Act, 2000 as amended (the Act). Section 9(6)(c) of the 2016 Act stating that:

*Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.*

Section 37(2)(b) of the Act states that where a proposed development materially contravenes the development plan, the Board may grant permission where it considers that:

- (i) *the proposed development is of strategic or national importance,*
- (ii) *there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- (iii) **permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or**
- (iv) *permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

It is respectfully requested that An Bord Pleanála, should they determine the proposal materially contravenes the Meath County Development Plan 2013-2019, have regard to the justification for inclusion of the Phase II lands provided in the subsequent sections. It is considered that the policies and objectives stated in the Section 28 Government Guidelines, including the National Planning Framework 2040, and the Regional and Spatial Economic Strategy for the Eastern and Midlands Regional Authority provide justification for the inclusion of Phase II lands in the proposed scheme. These policies, among others, are discussed in the below justification section prepared in response to Item No. 1 of the Board's Notice of Pre-Application Consultation Opinion.

### 3.0 Justification in Response to Item No. 1 of An Bord Pleanála's Opinion

The following sets out the justifications for the issues raised Item No. 1 of the Board's Notice of Pre-Application Consultation Opinion to ensure the subject application constitutes a reasonable basis for an application for strategic housing development.

As set out in Section 1.0, the Board required the following in relation to the timing and phasing of the development:

1. *'Further consideration and/or justification of the documents as they relate to the development of phase II residential lands as set out in the statutory county development plan and the possible prematurity of development at this location pending the completion of the review of both the Louth and Meath county development plan process and the more strategic planning policy context in draft Regional Economic and Spatial Strategy which contains an objective RPO 4.8 relating to the preparation of a Joint Urban Plan for Drogheda.*

*An appropriate statement in relation to Section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended by Section 53 of the Act 2018, that outlines consistency with the relevant development plan and that specifically address any a matter that maybe considered to materially contravene the said plan should be provided. In this context, reference should be made to the draft Regional Economic and Spatial Strategy and the Joint Urban Plan which will replace existing statutory plans for the area.*

*Further consideration for these issues may require an amendment to the documents and/or design proposal submitted.'*

Justification is provided under a number of headings below.

### 3.1 Previous Approval on the Subject Site

We would argue that developing these Phase II lands as part of the subject proposal is appropriate as planning permission was previously granted for the entirety of the subject site. The details of this application are outlined below:

**Reg. Ref. SA60260** Planning permission sought from Meath County Council on 20<sup>th</sup> July 2007 for 683 no. houses and apartments, a creche (650m<sup>2</sup>) with associated outdoor play area; a 3.13ha neighbourhood park addressing the River Boyne and a 1.6ha linear park bounding the M1 motorway; related open space and landscape works; traffic and carriageway improvements and reconfiguration to Rathmullan Road and to Sheephaven Road (CR315) including the provision of new vehicular access points to the site at Rathmullan Road (via a new roundabout) and at Sheephaven Road; associated site development and services works including water well compound and secondary borehole facility.

#### Further Information

On foot of a Further Information Request from Meath County Council, a number of changes were made to the site layout including:

- The removal of a number of taller apartment buildings;
- Changes to various public open spaces; and
- The reorganisation of the crèche site and its associated access arrangement.

#### Clarification of Further Information

On foot of a Clarification of Further Information Request from Meath County Council, a number of further changes were made to the site layout including:

- Changes to various public open spaces; and
- The reorganisation of the crèche site and its associated access arrangement.



Figure 2.0 Site layout submitted at application stage (left) in response to the Request for Further Information (centre) and following the Clarification of Further Information (right). Red shading depicts units omitted to allow for the construction of a national school on-site.

Decision to Grant

Following the submission of Clarification of Further Information, a Decision to Grant was issued by Meath County Council on 20<sup>th</sup> July 2007. The Decision to Grant contained conditions requiring the omission of 34 no. units (683 no. units granted) and reservation of land for a national school.

An Bord Pleanála

The above development was subsequently appealed to An Bord Pleanala by third parties, under An Bord Pleanala Ref.: PL 17.224875. Revised plans were submitted as part of the response submission made by the Applicant.



Figure 3.0 Landscape Masterplan submitted with response to An Bord Pleanala Ref.: PL17.224875



Figure 4.0 Site layout plan submitted with response to An Bord Pleanála Ref.: PL 17.224875

We note the following commentary from the Inspector's Report, dated 13<sup>th</sup> March 2008, in relation to the reservation of land for the purpose of providing a national school on-site:

*'Should the Board be minded to grant permission, I recommend that the crèche, together with units 7-25 and 107-121 should be omitted. I note that the terms of Condition 2 of the planning Authority's decision to grant permission also requires the omission of these units. This would allow the applicant to prepare an overall plan which would inform subsequent applications for the crèche, school or residential development, and retail centre.'*

Following the recommendation of the Inspector to grant permission, the decision of Meath County Council was upheld by An Bord Pleanála on 31<sup>st</sup> October 2008 with revised conditions. These revised conditions included the following amendments to the proposal approved by Meath County Council:

- Reduced the development to 556 no. units, comprising 370 no. houses and 186 no. apartment/duplex units;
- The crèche building was omitted from the scheme and a separate application for a crèche requested to be lodged under a separate heading;
- The area occupied by omitted unit Nos. 241-266, 320-367, 483-491, and 505-508 (inclusive) were replaced by an area of public open space; and
- Noise mitigation requirements were set out for houses nearest the M50.

It is noted, with regards to the revised conditions, that the recommendation of Inspector, in respect of the omission of units 7-25 and 107-121, was not pursued by the Board. Moreover, following the conditions outlined in the Board's Order to grant permission contained no further reference to the provision of a national school on the application site.

This previous planning permission is illustrative of the subject site's suitability for a residential development such as that proposed.

### 3.2 Timing/Phasing of the Subject Development

The inclusion of Phase II lands in the subject application is appropriate in this instance given the timing of the application, being over halfway through 2019, the 10-year permission sought and the phasing of the proposed development. If granted permission, the proposed development will be constructed in 5 no. phases (as illustrated in Figure 5.0 below). These phases will be constructed in numerical order over the course of the 10-year permission.

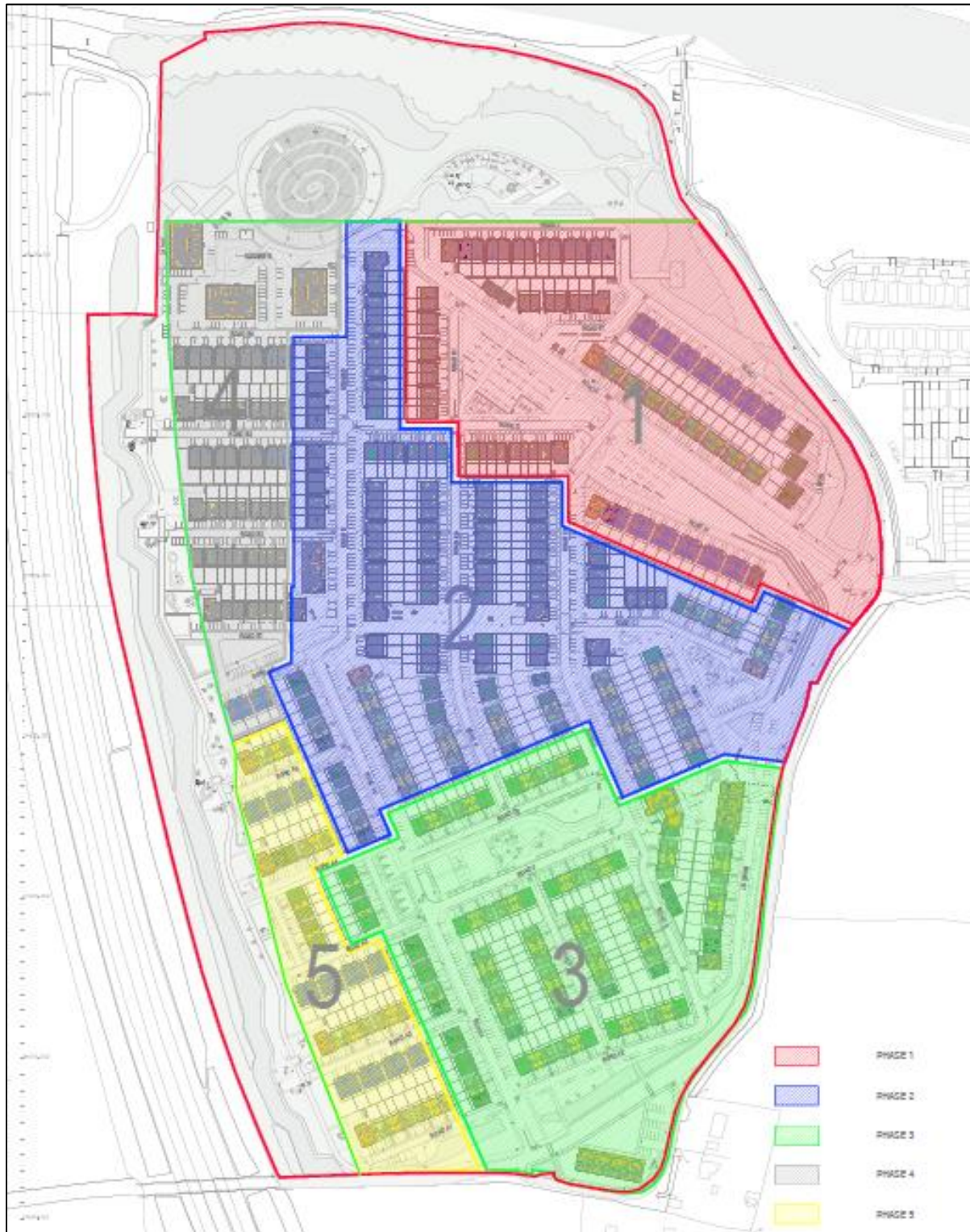


Figure 5.0 Proposed phasing of development for the proposed residential development

Phase 1 of the development will comprise of the north-eastern corner of the development. This part of the subject site generally encompasses the part of the site zoned 'A2 - Residential' and not earmarked for Residential Phase II (post 2019) development. By the time Phase 2 (part of which includes Phase II land) and the subsequent phases of development begin construction, it will be post-2019, consistent with the designation afforded to the Phase II land. The phasing of the development has been organised in such a manner that the 'A2 - Residential' zoned land without the Phase II designation will be the first part of the site to be developed and development of the Phase II land will occur in subsequent phases post-2019.

### 3.3 Core Strategy and Settlement Strategy

The inclusion of Phase II lands in the subject application is appropriate in this instance given the strategic context of the settlement of Drogheda. The town of Drogheda has been identified as a Large Growth Town I in the Meath County Development Plan 2013-2019. The development plan acknowledges that Large Growth Towns I represent the primary growth centres of Meath and key destinations within the Greater Dublin Area, the plan seeks to actively promote these towns as economically active towns which support their surrounding environments. The following commentary from Section 3.4.2 'Large Growth Town I – Navan and Drogheda Environs' is noted:

***'The policy is to promote them as economically active towns supporting the surrounding area and maximising their location on multi modal corridors. The functions of these towns are to include acting as regional economic drivers in the GDA whilst also supporting and servicing a wider local economy. They will accommodate significant new investment in transport, in economic and commercial activity and in housing. Planning for Navan and Drogheda Environs should take cognisance of accommodating an ultimate population of 50,000 persons in those towns. This is critical as it will contribute to achieving critical mass in these centres'.***

It is submitted that the proposed residential housing scheme is appropriate within the context of the future development of Drogheda as a regional economic driver within the Greater Dublin Area. The development site is situated within the southern environs of Drogheda Town Centre within close proximity to numerous existing services and will ultimately improve the efficiency of local services through the concept of critical mass.

Moreover, the objective of Meath County Council in respect of 'Large Growth Towns I' is as follows:

**SS OBJ 8** *To develop Navan and the Drogheda Environs as the primary development centres in Meath and to ensure that the settlements grow in a manner that is balanced, self-sufficient and supports a compact urban form and the integration of land use and transport.*

It is considered that the location of the proposed development is appropriate to allow for the compact growth of Drogheda in a manner that reflects the density of existing settlements within the town and will allow for the efficient use of local transport services.

Set out in Chapter 2 of the Meath County Development Plan 2013-2019 is the 'Core Strategy' which outlines the medium to long term strategy for the spatial development for the county by way of policies and objectives, translating the strategic planning framework set out at national and regional levels.

The following policies and objectives set out in the 'Core Strategy' are relevant to the application site:

**Core Principle 1** *To develop Meath's critical role in the Dublin and Mid East Region and its role as part of the Dublin City National Economic Gateway maximising on its proximity to Dublin Airport.*

**Core Principle 2** *To facilitate the development of sustainable and socially inclusive communities which generate pride, a sense of place, and a healthy lifestyle; are safe, well connected, well served, environmentally sensitive, thriving and well designed.*

**Core Principle 6** *To support the creation of a compact urban form in all settlements in Meath.*



**Core Principle 9** *To consolidate population growth and employment in areas best served by public transport and a range of transport modes.*

**Core Principle 10** *To promote and support the integration of land use and transport and a modal shift to greater use of sustainable modes of transport, including public transport, walking and cycling.*

The objective of the 'Core Strategy' is to ensure the medium-long term sustainable development of Meath through focusing residential development within compact urban forms that allow for the greater use of existing services and increased usage and viability of public transport. This form of development supports the long term growth of the Metropolitan Consolidation Towns set out in the Regional Planning Guidelines for the Greater Dublin Area 2010-2022. The 'Core Strategy' makes particular reference to higher residential densities being supported at appropriate locations in close proximity to town centres or high capacity public transport nodes, noting underutilised industrial lands, residentially zoned undeveloped lands and proximity to rail services as priority sites.

The proposed development will provide for the intensification of uses on an undeveloped site which is zoned for residential development and is situated within close proximity to high capacity public transport services, in terms of Drogheda Train Station, which is less than 3.5km to the east of the site. It is submitted that the proposed development is therefore in accordance with the objectives of the 'Core Strategy' as set out in the Meath County Development Plan 2013-2019.

#### Comparison with other Large Growth Towns I

The table below sets out a comparison of the growth of Drogheda with the other Large Growth Town I of Navan during the course of the 2011-2016 intercensal period. Over this period, Drogheda, as a whole, sustained a growth rate of 6.2% with an increase of 2,378 people. The one other Large Growth Town I in Meath sustained a growth of 5.7%, marginally less than Drogheda.

Town	Household Allocation 2013-2019	Population (Census 2011 settlement boundary)	Population (Census 2016 settlement boundary)	Absolute Increase	Percentage Increase
Drogheda*	5,081	38,578	40,956	2,378	6.2
Navan	3,984	28,559	30,173	1,614	5.7

Table 1.0 Household allocations and population change in Large Growth Towns I in County Meath

*\*Includes Drogheda in its entirety in Louth and Meath*

Given the designation of Drogheda as a Regional Growth Centre in the Regional and Spatial Economic Strategy for the Eastern and Midlands Regional Authority (discussed in Section 3.7 below), its recognised strategic importance in the National Planning Framework, and its physical and social infrastructure, it is considered that Drogheda has failed to realise its growth potential to support sustainable growth between 2011 and 2016.

It is therefore considered that the proposed development, constituting a sustainable and considered extension of the town, would provide for a trajectory of population growth over the coming years which is commensurate with the infrastructural capacity of the town.

### **3.4 Current Situation – Permitted and Completed Residential Units and Housing Demand**

The inclusion of Phase II lands in the subject application is appropriate in this instance given the current situation in the Southern Environs of Drogheda, more specifically in relation to permitted/completed residential units and housing demand.

The Core Strategy, included in the Meath County Development Plan 2013-2019 sets out a total housing allocation of 23,940 no. units in the county during the Plan period, including 50% headroom. The total

number of committed units estimated in the county at the time the Development Plan came into being was 10,998 no. Therefore, an additional 12,942 no. units remained to be allocated.

More specifically, a housing allocation of 857 no. units was outlined for the Southern Environs of Drogheda in the Meath County Development Plan 2013-2019, in addition to 1,653 no. committed units with planning permission at the time of the making of the Development Plan. This equated to a total allocation of 2,510 no. residential units over the plan period, including headroom. Not all of the units taken as 'committed' at the time of the preparation of the 2013-2019 Development Plan have or will be delivered. For example, Reg. Ref.: LB170949 for 413 no. units at Bryanstown and Beamore, Drogheda, Co. Meath, has now expired.

According to Meath County Council, in their Preliminary Opinion on the SHD pre-planning application (dated 8<sup>th</sup> February 2019), the quantum of Phase I Residential Lands is c. 58 hectares. The total extant units in these lands currently stands at c. 466 no. units. The total number of units under construction or completed is c. 130 no. units.

The total number of housing units completed, permitted or under construction is 596 no. units. Given the allocation of 2,510 no. units this represents a shortfall of c. 1,914 no. units. It is estimated that, at a density of 35 dpha, the c. 42ha of Phase 1 residential lands that have no extant permissions are capable of providing 1,470 no. of the required units. This leaves a deficit of 444 no. units.

The current development proposes a total of 661 no. units. The inclusion of Phase II land is considered appropriate as construction of units on these lands will address the 444 no. unit deficit discussed above.

We note that the above is based on a best-case scenario, i.e. extant permissions (which have not expired) being built out and all Residential Phase I lands being developed. It has not factored in the likelihood of some of the non-delivery of housing on Phase I lands in the current Development Plan. It is worth noting that Meath County Council, in their 'Planning Authority Preliminary Opinion and Section 247 Consultation Report' on the pre-application submission (dated 8<sup>th</sup> February 2019), acknowledged their satisfaction for An Bord Pleanála to consider both Phase I and II lands due to the national housing crisis, the predicted growth of Drogheda and the non-delivery of housing on Phase I lands in the current LAP. The report included the following commentary in this regard:

*'Meath County Council would also advise that An Bord Pleanála may consider the non-delivery of residential development in Phase I lands during the lifetime of the current LAP to be of relevance in this particular instance and therefore may decide to positively consider the development of Phase II lands now being brought forward through the SHD process.'*

### **3.5 Proposed Situation – Draft Meath County Development Plan 2019-2025**

The inclusion of Phase II lands in the subject application is appropriate in this instance given the proposed re-zoning of the Phase II lands on the subject site. Meath County Council, in their 'Planning Authority Preliminary Opinion and Section 247 Consultation Report' on the pre-application submission (dated 8<sup>th</sup> February 2019), included the following commentary regarding the proposed rezoning of these lands:

*'In the preparation of the Draft County Development Plan 2019-2025, given the elevated status of Navan, Southern Environs of Drogheda and Dunboyne in the Settlement Hierarchy of County Meath, it is proposed by the Executive of Meath County Council to retain all A2 zoned residential lands (including Phase II lands) within these settlements for development during the period of said CDP.'*

Given the fact that the drafting of Meath County Development Plan 2019-2025 was paused pending the completion of the Regional Spatial and Economic Strategy for the area, and having regard to the objectives of Rebuilding Ireland, the ongoing under supply of housing and rising housing need it is considered appropriate, in the interest of timely housing delivery, to bring forward a comprehensive, masterplan led, high-quality residential development on these Phase II lands. Meath County Council, in their 'Planning Authority Preliminary Opinion and Section 247 Consultation Report' on the pre-application submission (dated 8<sup>th</sup> February 2019), included the following commentary in this regard:

*'...due to the national housing crisis, the prioritisation of the delivery of fast track residential schemes through the SHD process and the elevated position of Drogheda as an identified growth centre in the National Planning Framework, An Bord Pleanála may consider it appropriate to positively consider both Phase I and Phase II for the delivery of much needed residential development in Drogheda.'*

Meath County Council further added:

*'Meath County Council would also advise that An Bord Pleanála may consider the non-delivery of residential development in Phase I lands during the lifetime of the current LAP to be of relevance in this particular instance and therefore may decide to positively consider the development of Phase II lands now being brought forward through the SHD process.'*

In light of the above mentioned permission, it is submitted that the development of Phase II lands is justified at this moment in time.

### 3.6 Southern Environs of Drogheda Local Area Plan 2009-2015

As illustrate in Figure 6.0 below, the subject site is located within the Southern Environs of Drogheda Local Area Plan area. This Local Area Plan (LAP) was first adopted in 2009 (it was subsequently amended following the adoption of the Meath County Development Plan 2013 – 2019) to provide the statutory and strategic framework for the orderly and sustainable development of the Drogheda Environs area situated in the administrative area of Meath County Council.

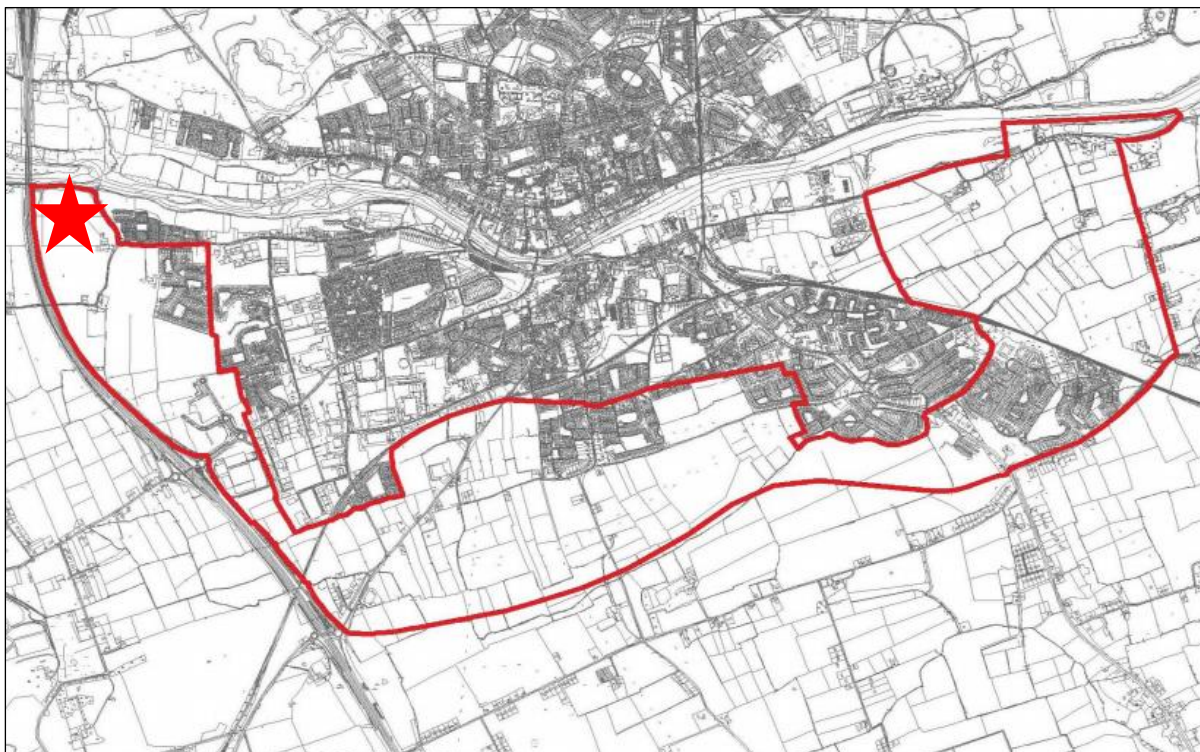


Figure 6.0 Site Context Map illustrating area included in the Drogheda Southern Environs Plan area (subject site identified with a red star)

The LAP covers a 690 hectare area of land which wraps in a horseshoe shape around the southern Drogheda town boundary (which is in the administrative area of Louth County Council). It aims to set out a framework for how the southern environs of the town can contribute to Drogheda fulfilling its role as a 'Large Growth Town I'.

The LAP sets out the context, goals, objectives and structure for future development of the South Drogheda Environs area. Although expired, this LAP provides some strategic direction for the development of the South Drogheda area in the absence of a current LAP or the Joint Urban Area Plan,

which Louth County Council and Meath County Council will be required to prepare in response to the requirements of the Regional and Spatial Economic Strategy for the Eastern and Midlands Regional Authority (discussed further in Section 3.7 below).

The Meath County Development Plan 2013–2019 identified 1,653 no. units with planning permission in the Drogheda Southern Environs area (this was revised downwards to 1,132 units as two separate planning permissions were not implemented and lapsed since the preparation of the Meath County Development Plan 2013-2019). In light of an excess of residentially zoned land contained in Southern Environs LAP area of Drogheda as adopted in 2009 being identified in the Meath County Development Plan 2013 – 2019, an evaluation (in the form of a variation to the LAP) was carried out of residentially zoned land in order to establish which lands should be prioritised for release in the short term. Nine sites were evaluated, including the subject site which was identified as Site 9 - Lands at western end of Rathmullan Road (see Figure 7.0 below).

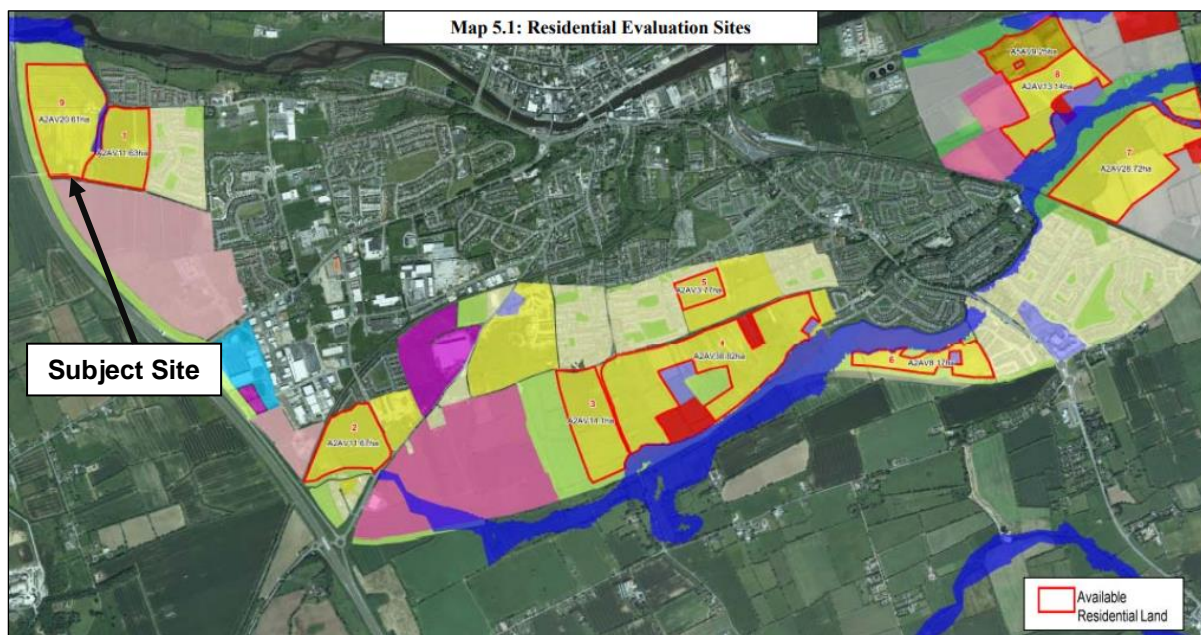


Figure 7.0 Residential Evaluation Sites Map included in the Drogheda Southern Environs Plan

In evaluating the residentially zoned lands, the following factors were considered:

- *Proximity to the town centre: maximise the utility of existing and proposed future infrastructure including public transport options.*
- *Environmental constraints: Proximity to and potential impact on the qualifying interests of the adjoining Natura 2000 sites;*
- *Availability of public transport: To maximise public transport investment, it is important that land use planning underpins its efficiency by sustainable transport patterns;*
- *Availability of community and social infrastructure facilities with particular regard to the proximity to educational facilities.*
- *The need to provide new roads infrastructure to facilitate development, and;*
- *Consistency with sequential approach to urban expansion and contribution to a compact urban form. The development of infill sites makes a significant contribution in this regard. Leapfrogging beyond other available sites will not be considered favourably.*

Following the evaluation, it was found that Site 5 scored the highest, followed by Sites 1, 2 and 9 (the subject site) which achieved the same score. All of Site 5 is indicated for release in Phase I as it scored the highest. As the other 3 sites were tied at second place, an equal quantity of land in each is included in Phase I (6.7 hectares). All other sites are included in Phase II. The timeline for the release, if appropriate, of these lands will be considered post-2019 in accordance with the relevant Meath County Development Plan in place at that time.

Development of the subject site is considered appropriate given where it ranked when evaluated. It is considered appropriate that the proposed development include the Phase II - post 2019 land given we are entering into 2019 and in light of the current housing crisis.

The overall plan area has been subdivided into a number of smaller character areas, each of which has some defining characteristics relating to existing zoning, existing roads and other landscape features and natural barriers. The subject site is located within the Rathmullan Area (see Map 6.1 included in Figure 8.0 below).

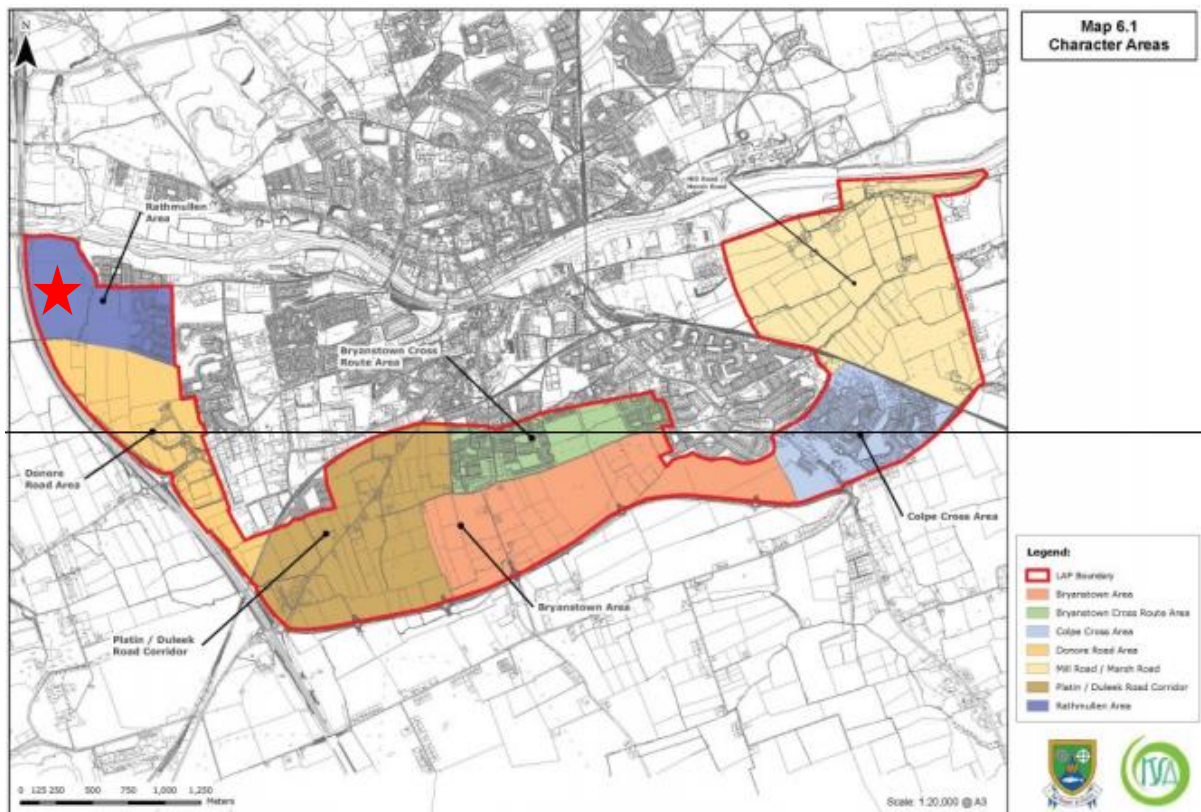


Figure 8.0 Character Areas Map included in the Southern Environs of Drogheda Local Area Plan 2009-2015 (subject site identified by a star)

The key issues, outlined in Section 6.2.3, that need to be taken into consideration for the future of the Rathmullan Area are as follows:

- To safeguard any future development in terms of impact on Boyne Valley, Battle of the Boyne site and Brú na Bóinne world heritage site.
- To build on the tourist potential provided by the amenity of the Boyne Valley and in particular to liaise with Drogheda Tourism to facilitate a walkway along the Boyne.
- To address the current access constraints that exists in the area in terms of the substandard road infrastructure.

Further to this the following Policy Objectives are set out for the Rathmullan Area:

- RM1** To ensure orderly development of the Rathmullan area and to integrate future residential development with the existing built form. To provide adequate permeability and pedestrian linkages with adjoining residential areas.
- RM2** To ensure that new development in the area does not impact on the natural, built and archaeological heritage of the area. In order to achieve this, new development must be screened from the Battle of the Boyne site, and care must be taken to ensure that any new sewage treatment facilities do not impact upon the River Boyne and River Blackwater SAC.

*RM3 To ensure that the existing road network in the area is upgraded as part of any future development. A new access arrangement to the Rathmullen area from the Donore Road via the existing IDA business park should be explored*

The proposed development appropriately responds to these issues and policy objectives by being sensitively designed having regard to the Boyne Valley, Battle of the Boyne site and Brú na Bóinne world heritage site, improving the existing road infrastructure by realigning part of the existing Rathmullen Road and also providing footpaths and cycle paths adjacent to Rathmullen Road as well as in close proximity to the River Boyne; and water and sewage infrastructure being proposed on site being designed having regard to natural, built and archaeological heritage features and in a manner that ensures the River Boyne and River Blackwater SACs are not negatively impacted upon.

The development framework, included in Section 6.2.4 of the Plan, anticipates that the Rathmullen area will provide for the immediate residential expansion of Drogheda, subject to all requirements and safeguards for the sustainable development of the area, in particular the upgrading of the existing road network.

### **3.7 Regional and Spatial Economic Strategy for the Eastern and Midlands Regional Authority, 2019**

The Regional and Spatial Economic Strategy for the Eastern and Midland's Regional Assembly (RSES) was published on 28<sup>th</sup> June 2019. It is a strategic plan and investment framework to shape future development and to better manage regional planning and economic development throughout the Region to 2031 and beyond. It identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. The RSES builds on the foundations of Government policy in Project Ireland 2040 and replaces the current Regional Planning Guidelines (RPGs).

The RSES states that Drogheda is the fastest growing town in the Country in the most recent inter-census period. Drogheda is identified as a Regional Growth Centre in the plan. The role of these Regional Growth Centres within the RSES is *'to serve as focal point to gain critical mass and to deliver positive impacts to their surrounding areas and enhance overall regional and national growth.'*

The RSES predicts that Drogheda will have a population of 50,000 by 2031 and will be a major economic centre in the region. The objective is to *'provide for the regeneration of the town centre, the compact planned and co-ordinated growth of the town's hinterland along with enhancing Drogheda's role as a self-sustaining strategic employment centre on the Dublin-Belfast Economic Corridor.'*

Under the RSES, the following relevant objectives have been set for Drogheda:

**RPO 4.11** *A cross-boundary Joint Urban Area Plan (UAP) shall be prepared by Louth County Council and Meath County Council to provide a coordinated planning framework to identify and deliver strategic sites and regeneration areas for the future physical, economic and social development of Drogheda to ensure it achieves targeted compact brownfield / infill growth of a minimum of 30% and ensure a co-ordinated approach is taken to the future growth and development of the town to ensure that it has the capacity to grow sustainably and secure investment as a Regional Growth Centre on the Dublin – Belfast Corridor. The Joint UAP shall identify a boundary for the plan area and strategic housing and employment development areas and infrastructure investment requirements to promote greater co-ordination and sequential delivery of serviced lands for development.*

**RPO 4.15** *Promote Drogheda as an urban tourism destination while protecting its natural and built heritage resources with a particular focus on capitalising on the following assets:*

- *The town's role as a gateway to the Boyne Valley heritage sites and World Heritage site at Brú Na Bóinne*
- *Amenity potential of the River Boyne including the Boyne Greenway*
- *Fáilte Ireland's Ireland's Ancient East designation*

In tandem with the requirements outlined in the Implementation Roadmap for the National Planning Framework the joint UAP for the Regional Centre of Drogheda should endeavour to support and provide for the following:

- *Provide for the sustainable, compact, sequential growth and urban regeneration in the town core by promoting the regeneration of underused, vacant or derelict town centre lands for residential development to facilitate population growth.*
- *Support the regeneration of the Westgate area of Drogheda's historic town centre to address vacancy and dereliction in the town core and as an alternative option to new development on green field sites.*
- *Facilitate the regeneration of lands at McBride Station to capitalise on existing and planned public transport infrastructure, including the DART Expansion Programme whilst avoiding development that detracts from the town centre.*
- *Provide for redevelopment or renewal of obsolete areas on lands at Mell / North Road.*
- *Support the sustainable development of existing zoned lands in the northern and southern environs of the town with a particular emphasis on the promotion of the IDA Business Park as a location for economic investment and the creation of compact, residential communities in key locations in proximity to established residential areas and transport hubs.*
- *Support the implementation of the Urban Design Framework Plan for the Heritage Quarter.*

Given Drogheda's position as a Regional Growth Centre and economic centre for the northeast and the population projections for the area, the inclusion of Phase II lands in the subject application is appropriate in this instance. It is anticipated that the subject site will be earmarked for development in the Joint Urban Area Plan, particularly given the ranking afforded the subject site in the Southern Environs of Drogheda Local Area Plan 2009-2015 (as discussed in Section 3.6 above).

### **3.8 National Planning Framework 2040**

The National Planning Framework 2040 (NPF) seeks to influence the location of new housing development and future population growth and targets the location of 40% of new housing development within and close to the existing 'footprint' of built up areas over the lifetime of the framework. The NPF plans and provides for growth of 490,000 to 500,000 people in the Eastern and Midlands region.

The NPF, under National Policy Objective 9, recognises that there is potential in each Regional Assembly Area for significant growth in some settlements (i.e. 30% or more above 2016 population levels). Subject to criteria including the provision of adequate infrastructure and amenities to support such growth, and concurrent employment provision. It is considered that the lands at Rathmullan, Drogheda, constitute an opportunity for planned, compact and sustainable growth, via the expansion of the Drogheda urban area in a planned manner which has strong physical and social infrastructure and potential for significant employment growth. The proposed development will provide for the phased delivery of housing over a 10-year period, which will occur concurrently with employment growth in the town, including employment provision on the lands to the south of the subject site which are zoned 'E1 - Strategic Employment Zones (High Technology Uses) the objective of which is *'to facilitate opportunities for high technology and major campus style office based employment within high quality and accessible locations'*.

The lands are located on the M1 economic and transport corridor, with convenient and direct links by public and private transport modes to rapidly expanding employment nodes in Dublin, and expanding employment provision in Drogheda and other parts of Meath and Louth.

National Policy Objective 4 of the NPF seeks to *"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"*. The proposed development will constitute an urban area comprising a high standard of design and ensuring a liveable and attractive environment for future residents.

National Policy Objective 27 of the NPF seeks to *'ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages'*.

The proposed development incorporates a high standard of pedestrian and cycle permeability and provides for new linkages with the Boyne River Walk and Cycle Path linking the subject site to Drogheda town centre. This will encourage cycling and walking for shorter trips, both within the proposed development and to access amenities and facilities in the town of Drogheda.

In summary, the NPF supports the provision for planned growth at locations which are equipped to sustain such development. The NPF favours compact development within urban areas and provides that where the expansion of settlements takes place it should be delivered in a sustainable, compact manner. The proposed development constitutes an efficient use of lands which are zoned for residential development in Drogheda, a town which accommodates strong physical and social infrastructure to support growth. Therefore, the inclusion of Phase II land is considered appropriate in this instance.

### **3.9 Local Employment – Encouraging Sustainable Travel Patterns**

The Meath Economic Development Strategy is set out in Chapter 4 of the Meath County Development Plan 2013-2019. The overall strategy identifies 5 no. Core Economic Areas where specific employment growth is to be channelled during the Development Plan period. The goal of the Economic Development Strategy is:

*‘To build on and enhance the competitiveness and attractiveness of County Meath in order to make it one of Ireland’s prime locations for indigenous and foreign economic and employment generating investment in accordance with the objectives and recommendations of the Economic Development Strategy for County Meath 2014-2022.’*

The subject site is located in Drogheda which is identified as one of the Core Economic Areas. Drogheda is identified as a prime location for employment growth because of its infrastructure, and proximity and access to Dublin.

The development plan seeks to develop the Drogheda IDA Business and Technology Park on the Donore Road, immediately south of the subject site. The Development Plan also seeks to provide employment opportunities for the of Drogheda and specifically should promote the provision of employment opportunities locally for the population of Laytown/Bettystown.

It is noted that there are currently several international companies located in Drogheda including Coca Cola, State Street and Yapstone as well as indigenous businesses such as Irish Breeze and Boyne Valley Group.

In Meath County Council’s submission to the Draft Regional Spatial and Economic Strategy (RSES), which was published on the 5<sup>th</sup> November 2018, concerns were raised about the lack of acknowledgment about the importance of the LAP area in the growth of Drogheda. The Councils stated:

*‘The Southern Environs of Drogheda are an example of a well-planned area with a balanced mix of residential, employment, community and recreational land uses. Furthermore, circa 120ha of lands are available to accommodate employment generating uses (including IDA park) to ensure a continuation of the already established balanced approach to development in the area when taken into conjunction with residential development.’*

Meath County Council recognise the importance of the Southern Environs of Drogheda as an area to drive growth and employment in Drogheda in the years to come. The Regional and Spatial Economic Strategy for the Eastern and Midland’s Regional Assembly (RSES), published on 28<sup>th</sup> June 2019, has taken this aspect of their submission on board and the contribution of the southern environs to Drogheda’s future population growth is acknowledged, at pages 59 and 60.

### **3.10 Precedent Development on Phase II lands**

We note the following recent approvals of Strategic Housing Developments on Phase 2 residentially lands at Halfstraddle, Ballygaddy Road, Tuam, Co. Galway (under ABP Ref. 300560-18), Lands to the north of R147/Dublin Road, Dunshaughlin, Co. Meath (under ABP Ref. 303433-19) and Old Golf Links Road and Tuite’s Lane, Blackrock, Dundalk, Co. Louth (under ABP Ref. 303253-18).



The Inspectors Report pertaining to the development at Halfstraddle, Ballygaddy Road, Tuam, Co. Galway (dated 29<sup>th</sup> March 2018) includes the following commentary regarding the development of Phase 2 lands:

*'Having regard to the location of the site, existing permitted pattern of development along Ballygaddy Road and availability of good footpath connections including public lighting to the town centre, I consider that the subject lands can be considered for development. The applicant has demonstrated that the development of phase 1 lands has not been forthcoming within the lifetime of the current LAP. There has been a total of 2 no. housing units granted permission during the lifetime of the LAP on phase 1 lands. I also draw the board's attention to the draft LAP where the development site in question is now identified as Phase 1 residential zoned lands. I am satisfied that a justification for the consideration of developing these phase 2 lands can be sustained having regard to the provisions of Policy RN3.'*

Similarly, the Inspectors Report pertaining to the development at Lands to the north of R147/Dublin Road, Dunshaughlin, Co. Meath (dated 8<sup>th</sup> April 2019) includes the following commentary re the development of Phase II lands:

*'Taking a realistic approach based on the planning policy environment currently in place, I am of the view that development on Phase II lands could proceed post 2019. In support of this, all the information on file from both the applicant and the planning authority point to the suitability of bringing the entire site forward for development in a coordinated and phased manner. There is wastewater treatment capacity, impact on the road network appears acceptable and the provision of future educational and sporting facilities seem to be planned for. The underlying zoning is for residential purposes, with the proviso that a significant portion be held back until the end of this year, 2019. Given the scale of development proposed, the coordinated and frontloaded approach to supporting infrastructure detailed in the phasing plan submitted by the applicant, I see no reason to restrict development until such time as a new plan is adopted. I am satisfied that the phasing plan devised by the applicant is reasonable and logical and would not conflict with the aims and objectives of the current plan and exploits available infrastructural capacities in the area.'*

In light of the above decisions and having regard to the foregoing justification, the delivery of housing on the portion of the subject site which is earmarked for Residential Phase II (post 2019) development is merited and justified. The subject development will allow for the growth of Drogheda on lands close to lands zoned for future employment opportunities. The subject site is well connected to Drogheda town centre as well as transport links connecting Drogheda to Dublin, Belfast and regional towns such as Navan and Dundalk.

#### **4.0 Conclusion**

This Statement of Response has sought to address in detail the first item of the Opinion of An Bord Pleanála in respect of the current proposed Strategic Housing Development of 661 no. units and associated facilities and infrastructure at Lands at Rathmullan Road, Rathmullan, Drogheda, Co. Meath. Item No. 1 of the Board's Opinion was concerned in particular with the timing and phasing of development in Drogheda and sought justification for the delivery of the proposed development on lands which are partially designated for development post-2019.

As has been set out herein, the proposed development will see the first phase of housing being delivered on Phase 1 lands, with the remaining residential units and other associated uses to be delivered on the Phase II lands, from c. late 2019 onwards, in accordance with the phasing of these lands, and over the lifetime of the next County Development Plan.

Meath County Council have acknowledged the suitability of the subject lands for development of this nature both within the 'Planning Authority Preliminary Opinion and Section 247 Consultation Report' on the pre-application submission submitted, and during the course of the pre-application meeting with An Bord Pleanála. It is the intention of Meath County Council that the Phase II lands within the subject site will maintain its residential zoning in the next County Development Plan.

Having regard to the foregoing, including the precedents for SHD development on Phase 2 lands as referenced above, it is considered that the proposed timing and phasing of development on the SHD site, including the delivery of housing on Residential Phase II lands is justified in this instance. It is submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and is consistent with all relevant national, regional and local planning policies and guidelines.

It is respectfully submitted that should An Bord Pleanála consider the proposed development a material contravention of the Meath County Development Plan 2013-2019 that an appropriate justification is set out within this statement demonstrating that the inclusion of Phase II lands is appropriate having regard to the policies and objectives set out within the Section 28 Guidelines.



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Kevin Hughes MIPI MRTPI  
Director  
for HPDC.