

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1

20<sup>th</sup> March 2022

Dear Sir / Madam,

**RE: STRATEGIC HOUSING DEVELOPMENT APPLICATION ON LANDS AT BRIDGEGATE, RATHGORY & MULLADRILLEN, DROGHEDA ROAD, ARDEE, COUNTY LOUTH**

**PLANNING & DEVELOPMENT (AMENDMENT) (NO.3) REGULATIONS 2015 PART V**

The proposal is for planning permission for a residential apartment development including crèche and community building comprising 206 no. dwellings and 66 no. duplex apartments, access, landscaping, public open space and all associated infrastructure. This Part V proposal letter accompanies this application for Strategic Housing Development to An Bord Pleanála under Section 4 of the Strategic Housing Development Regulations 2017.

In order to meet the 10% Part V requirement, the applicant has identified the possible provision of 28 no. units comprising of the following:

- 10 no. 1 bedroom apartments
- 2 no. 2 bedroom duplex
- 8 no. 3 bedroom duplex
- 7 no. 2 bedroom houses
- 1 no. 3 bedroom house

These proposals are based on initial costings prepared by the applicant and submitted within a letter to Louth County Council at Appendix 1 of this letter. The Planning Authority has issued an Agreement in Principle Letter in response, which is submitted at Appendix 2 of this letter.

In accordance with the Planning and Development (Amendment) (No.3) Regulations 2015 and the guidance provided in Circular PL10/2015, please find the following information enclosed with the application on behalf of the applicant:

Managing Director: John P. Spain BBS MRUP MRICS ASCS MRTPI MIPI

Executive Directors: Paul Turley BA MRUP Dip Environmental & Planning Law MIPI RORY KUNZ BA (MOD) MScERM MAT&CP Dip EIA Mgmt. MIPI

Stephen Blair BA (Mod) MRUP MIPI MRTPI Mary Mac Mahon MSc TCP Pg Dip MSP Pg Dip Env Eng Dip Env Plg Law Dip Mgmt Dip EIA & SEA B Soc Sc MIPI

Blaine Cregan B Eng BSc MSc

Senior Associate Directors: Luke Wymer BA MRUP Dip Plg & Env Law Dip PM Prof Cert Env Mgmt MIPI

Meadhbh Nolan BA MRUP MRTPI Kate Kerrigan BA MSc MRTPI

Associate Director: Ian Livingstone MA Town & Regional Planning, MSc. Spatial and Regional Planning. RTPI

John Spain Associates Ltd. trading as John Spain Associates. Directors: J. Spain, S. Spain.  
Registered in Ireland No. 396306. Registered Office: 39, Fitzwilliam Place, Dublin 2. VAT No. IE 6416306U

- (i) Part V drawing (PA-006 Part V Provision) prepared by Darmody Architecture of the site layout plan and, illustrating the location within the scheme of the proposed Part V units and a schedule of accommodation;
- (ii) Applicant's Estimated Table of Costs, including Estimated Total Cost to the Planning Authority and Estimated Cost Per Unit prepared by the applicant (Appendix 1).

The exact details of the Part V agreement will be required to be agreed as a condition of planning permission.

The applicant purchased the subject site on 20<sup>th</sup> July 2018. Under the provisions of Section 96(3)(j)(ii) of the Planning and Development Act 2000, as amended, the 10% requirement is considered to apply in this instance. Please refer to Appendix 3 of this letter for details.

In preparing this information we have had regard to Circular PL 10/2015 and Housing Circular 36/2015 issued by the Department of Environment, Community and Local Government.

Please note that the details submitted in respect to compliance with Part V are indicative and are subject to future discussions and agreement with the Planning Authority.

We trust that this is satisfactory in the context of this application to An Bord Pleanála. We would be happy to provide further clarification on any aspects of this application if required.

Yours faithfully,



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John Spain Associates

**Appendix 1 – Applicant Letter to Louth County Council****THE ARDEE PARTNERSHIP**

Embassy House  
Ballsbridge  
Dublin 4

An Bord Pleanála  
64 Marlborough St  
North City  
Dublin 1  
D01 V902

9 July 2021

**Subject to Agreement/Without Prejudice**

**RE: COMPLIANCE WITH S96 (PART V) PLANNING AND DEVELOPMENT ACT, 2000 AS AMENDED (“THE ACT”) APPLICATION BY THE ARDEE PARTNERSHIP FOR PLANNING PERMISSION FOR DEVELOPMENT OF 272 UNITS AT BRIDGEGATE, ARDEE, CO LOUTH.**

Dear Sir/Madam,

We refer to the above-mentioned proposed planning application and set out herewith, pursuant to SI No. 387 of 2015, further details of the proposal to satisfy and comply with the requirements of s. 96 (Part V) of the Act.

Please note that the content of this letter is purely indicative and is intended to provide a reasonable estimate of the costs and values of the units based on construction costs and values prevailing at the time of the application.

Please also note that the information set out herewith is purely for the purposes of facilitating the making of a planning application. The proposed development may ultimately be subject to amendment and further formal agreement with Louth County Council after planning permission is granted.

The financial data contained herein is provided to the level of detail commensurate with this stage of the Part V process having regard to Circular Letter 10/2015.

We note under the recent Amendment to the Act and its accompanying Regulations that the ultimate agreement with regard to Part V is dependent upon: a) receipt of a final grant of permission; and, b) a site value at the time the Permission is granted. Neither is available at this time.

**Preferred Option to Comply with Part V**

Without prejudice to the above, it is proposed to provide the equivalent value of 10% of the site in the form of units on site in order to comply with Part V.

### **Identification of Units**

In the context of the proposed development of 272 no. residential units at Bridgegate, Ardee, Co Louth it is proposed, without prejudice, to provide up to 28 no. units on site in total to comply with Part V of the Act. It is proposed to provide:

10 no. 1 bedroom apartments  
 2 no. 2 bedroom duplex  
 8 no. 3 bedroom duplex  
 7 no. 2 bedroom houses  
 1 no. 3 bedroom house

The above is subject to change depending upon the nature of any final grant of permission, including Conditions of such permission, and the assessment by the Housing Authority of the ultimate proposal.

### **Estimated Cost to the Local Authority**

The overall estimated cost to the Local Authority at this time is €7,915,341 on the basis of the Council acquiring 28 no. units.

### **Methodology of Calculation of Costs**

We confirm that the methodology for estimating the costs set out below follows that set out in Table 2 of Circular Letter 10/2015. The breakdown of costs is: -

| <b>Cost of Units to Council</b>             |                |                |                |                |                  |
|---|----------------|----------------|----------------|----------------|------------------|
|   | 1 bed apt      | 2 bed duplex   | 3 bed duplex   | 2 bed house    | 3 bed house      |
| Size (sqm)                                  | 63             | 88             | 116            | 88             | 111              |
| Size (sqft)                                 | 674            | 947            | 1,243          | 946            | 1,194            |
| Construction Cost                           | 145,807        | 204,902        | 268,934        | 146,680        | 185,060          |
| Development Cost                            | 31,977         | 44,938         | 58,981         | 44,887         | 56,632           |
| Profit                                      | 14,581         | 20,490         | 26,893         | 14,668         | 18,506           |
| Land Cost                                   | 1,775          | 1,775          | 1,775          | 1,775          | 1,775            |
| VAT @ 13.5%                                 | 26,209         | 36,734         | 48,139         | 28,081         | 35,366           |
| <b>Total Estimated Unit Cost</b>            | <b>220,348</b> | <b>308,840</b> | <b>404,722</b> | <b>236,091</b> | <b>297,340</b>   |
| No. of Units                                | 10             | 2              | 8              | 7              | 1                |
| Sub-total                                   | 2,203,485      | 617,679        | 3,237,779      | 1,652,637      | 297,340          |
| Net monetary value of 10% shortfall         |                |                |                |                | 57,578           |
| <b>Total Estimated Cost of Part V Units</b> |                |                |                |                | <b>7,951,341</b> |

Finally, we would wish to highlight that the above information is being provided on a wholly without prejudice basis in order to comply with the Planning & Development Regulations in force at this time. The final details of any agreement with the Council regarding compliance with Part V, including agreements on costs will not be arrived at until after planning permission has been secured as is provided for under the Planning & Development Act 2000, as amended.

We trust the above is in order.

Yours faithfully,

**For THE ARDEE PARTNERSHIP**

**Appendix 2 – Louth County Council Agreement in Principle Letter**

Comhairle Contae Lú  
Louth County Council

Mr Ciaran Shields  
Embassy House,  
Ballsbridge,  
Dublin 4  
D04 H6Y0

Date 28th October 2021

**Re: Pre-planning for phase 4  
Part V Ref: 373, Planning Permission 10/174 extended.**

*SUBJECT TO AGREEMENT / AGREEMENT DENIED  
SUBJECT TO CONTRACT / CONTRACT DENIED*

**Ref: Agreement in Principle for development Bridgegate, Rathgory,  
Mulladrillen Ardee, Co Louth on behalf of developer The Ardee  
Partnership.**

Dear Sir,

I refer to recent ongoing correspondence regarding the Part V requirements at the above development.

I hereby advise that an Agreement in Principle has been reached for Part V compliance element for phase 4 of development Bridgegate, Rathgory, Mulladrillen Ardee, Co Louth on behalf of The Ardee Partnership subject to amended planning.

The units are subject to location, unit type and unit costs to be confirmed in conjunction with Louth County Council to fulfil the Part V requirements.

A minimum of 10% of each completed phase will include the delivery of Part V units if applicable.

Yours sincerely,

*Mary G. Reilly*

**Mary G Reilly,  
Senior Staff Officer  
Housing**

Comhairle Contae Lú  
Ionad Cathartha  
Sráid an Aonaigh  
Droichead Átha  
Contae Lú  
A92 P440

Louth County Council  
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Fair Street  
Drogheda  
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*Cuirfear fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome*

**Appendix 3 – Eversheds Sutherland Letter**

EVERSHEDS  
SUTHERLAND

One Earlsfort Centre  
Earlsfort Terrace  
Dublin 2  
Ireland

T: +353 1 6644 200  
F: +353 1 6644 300  
E: info@eversheds-sutherland.ie  
DX 146 Dublin  
Eversheds-sutherland.ie

**Your Ref:**  
**Our Ref:** 40645-0139  
**Date:** 13 December 2021

To whomever it may concern.

**The Ardee Partnership**

**Site at Bridgegate, Rathgory & Mulladrillen, Drogheda Road, Ardee, County Louth.**

Dear Sir/Madam

We are writing to confirm that Earlstone DAC acquired the site at Bridgegate, Rathgory & Mulladrillen, Drogheda Road, Ardee, County Louth by Deeds of Transfer dated 20 July 2018.

Earlstone DAC is one of the partners of The Ardee Partnership. Earlstone DAC holds the property for and on behalf of The Ardee Partnership, and has done so since its acquisition on 20 July 2018.

The Ardee Partnership is the applicant in this application for a strategic housing development at Bridgegate, Rathgory & Mulladrillen, Drogheda Road, Ardee, County Louth. Earlstone DAC is the legal owner of the lands the subject of the planning application and the application is made by The Ardee Partnership on behalf of and with the consent of Earlstone DAC.

Section 96(3)(j) of the Planning and Development Act, 2000 provides that:

*"Where—*

*i) the permission is granted before 1 August 2021, or*

*ii) the permission is granted during the period beginning on 1 August 2021 and ending on 31 July 2026 and the land to which the application for permission relates was purchased by the applicant, or the person on whose behalf the application is made, during the period beginning on 1 September 2015 and ending on 31 July 2021,*

*the reference to "20 per cent of the land" in paragraph (a) shall be read as "10 per cent of the land" and the reference in paragraph (bb) to "at least half of the aggregate of the net monetary value" shall be read as "all of the aggregate of the net monetary value."*

As the land to which the application relates was acquired on 20 July 2018, the provisions of section 96(3)(j) of the Planning and Development Act, 2000 will apply in the event that permission is granted to The Ardee Partnership before 31 July 2026.

The result of section 96(3)(j) applying is that an agreement under section 96 of the Planning and Development Act, 2000 shall provide for the transfer to the planning authority of the ownership of 10 per cent of the land that is subject to the application for

EVERSHEDS  
SUTHERLAND

permission for the provision of housing referred to in section 94(4)(a) of the Planning and Development Act, 2000.

Yours faithfully

*Sent by email and accordingly bears no signature*

**Eversheds Sutherland**