

**Statement of Material Contravention of the
Louth County Development Plan 2021-2027**

In respect of

Proposed Strategic Housing Development

at

Bridgegate, Ardee

Prepared by

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On behalf of

The Ardee Partnership

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Executive Summary

The proposed development may be considered a material contravention the Louth County Development Plan 2021-2027 in respect of the following:

- Single Storey Housing
- Density
- Car Parking & Bicycle Parking
- Sites of Geological Interest
- Trees Woodlands & Hedgerows
- Green Infrastructure
- Boundary Treatments

The proposal comprises 272 no. residential dwellings, crèche, community building, a c. 3.6 ha public park, series of public open spaces, road infrastructure and all associated works on A2 New Residential Phase 1 lands at Bridgegate, Ardee. Development of Phases 1-3 at Bridgegate (by the applicant) is currently under construction to the west, with Phase 1 completed and Phase 2 commenced. The subject site is a logical extension of the Bridgegate development and can deliver dwellings to contribute to the Core Strategy housing allocations set out in the County Development Plan period 2021-2027.

The proposed development may be considered to be a material contravention of the CDP of the items listed above. In terms of car parking, a total of 1.65 spaces are provided per unit, with 296 bicycle parking spaces included which far exceeds the provisions of the development plan. A bus stop is included within the proposed development, which encourages sustainable modes of travel. The proposed development includes a net density of c. 35.34 units per hectare which exceeds the development plan standard of 25 units per hectare at edge of centre sites. The proposed density is considered to be justifiable in the context of the Sustainable Residential Development in Urban Areas Guidelines 2009 which recommend densities of between 35 and 50 units per hectares at greenfield, edge of settlement sites.

The proposal provides a good mix of 1-4 bedroom dwellings comprising houses and duplex apartments which are either 2 or 3 storeys and considered to meet and respond appropriately to current housing needs. The comprehensive landscaping strategy provides c. 41% of the subject site as public open space, with a linear park and riparian corridor based around a realigned watercourse enhancing the biodiversity on site and complementing the c. 3.6 ha public park at Mulladrillen Hill, benefiting future residents and the wider community of Ardee, with permeable links provided throughout the development. The landscaping strategy retains existing hedgerows at the western and eastern boundaries and will implement a net increase of 446 trees at the site. Boundary treatments proposed contribute to a high-quality landscaping scheme at the development and provide adequate privacy to all units.

For the reasons outlined below, the proposed development is considered justifiable as material contravention of the Louth County Development Plan 2021-2027.

1. INTRODUCTION

- 1.1 On behalf of the applicant, The Ardee Partnership, we hereby submit this Statement of Material Contravention to accompany this application to An Bord Pleanála for a proposed Strategic Housing Development at Phase 4, Bridgegate, Ardee, Co Louth. This statement provides a justification for a potential material contravention of the Louth County Development Plan 2021-2027.
- 1.2 The proposed development, which is the subject of this planning application proposes 272 no. dwellings in a sustainable mix of houses and duplex units including a crèche, community building, a c. 3.6 ha public park and a series of area of public open space throughout the site equating to c. 1.8 ha, all within an overall site of c. 13.03 hectares.
- 1.3 It is respectfully requested that An Bord Pleanála have regard to the following justification having regard to the compliance of the proposed development with publicly available national planning policy and section 28 Guidelines (as set out in detail in the accompanying Statement of Consistency & Planning Report), for a potential material contravention of:

Louth County Development Plan 2021-2027

Single Storey Properties

- *HOU27 – Single Storey Properties*

Density

- *Table 13.3 – Recommended Density & Plot Ratio*

Car Parking

- *Section 13.8.18 and Table 13.11 – Car Parking*

Bicycle Parking

- *Section 16.16.16 – Cycle Parking*

Natural Heritage, Green Infrastructure & Biodiversity

- *Section 8.8 – Sites of Geological Interest (NBG 17)*
- *Section 8.11 – Trees, Woodlands and Hedgerows*
- *Section 8.14 – Green Infrastructure (NBG 44 & NBG 57)*

Boundary Treatment

- *Section 13.8.11 – Boundary Treatment*

- 1.4 It is considered that the proposals may contravene the Louth CDP relative to non-provision of single storey dwellings, density, car parking and boundary treatments. The justification for the development is provided herein, and includes the content of National Planning Framework (hereafter referred to as the NPF) – Ireland 2040, the Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly Area (RSES) 2019 and relevant section 28 guidelines.

Legislative Context

- 1.5 The Planning and Development (Housing) and Residential Tenancies Act, 2016, provides that An Bord Pleanála may grant permission for a development which is considered to materially contravene a Development Plan or Local Area Plan, other than in relation to the zoning of land, is as follows:

'(6) (a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under Section 4 even where the proposed development, or part of it, contravenes materially the development plan or local area plan relating to the area concerned.

(b) The Board shall not grant permission under paragraph (a) where the proposed development, or part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of land.

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'.

- 1.6 The scheme is also submitted with regard to Section 37(2)(b) of the Planning and Development Act 2000 (as amended) which states:

'2) (a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) 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'.

- 1.7 In the event that the Board were to grant permission, the Board's "reasons and considerations" would have to reference the matters under Section 37 (2)(b) of the 2000 Act upon which it relies to justify the granting of permission in material contravention of the Development Plan. It is apparent from section 10 (1)(3)(b) of the 2016 Act that such reasons and considerations must appear in the Board decision itself. Section 10(3) provides as follows:

"3 A decision of the Board to grant a permission under 9 (4) shall state-

(b) where the Board grants a permission in accordance with section 9(6)(a), the main reasons and considerations for contravening materially the development plan or local area plan, as the case may be."

- 1.8 Having regard to the analysis set out below of the compliance with the proposed development with national planning policy and guidelines and having considered the strategic nature of the site and the pattern of development in the area, it is considered that there is sufficient justification for An Bord Pleanála to grant permission for the proposed development, notwithstanding any material contravention of the County

Development Plan, by reference to sub-paragraphs (i) and (iii) of Section 37(2)(b) for the reasons set out below.

Figure 1.1 – Overall Masterplan



Source: Darmody Architecture

2. LOUTH COUNTY DEVELOPMENT PLAN 2021-2027

- 2.1 As noted above the proposed development may be considered to contravene various policies of the Louth CDP 2021-2027. These are dealt with in turn below, with justifications provided for each.

1. Single Storey Properties

HOU27 – Single Storey Properties

To require the provision of single storey properties in residential developments in excess of 100 units at a rate of at least 1% single storey units per 100 residential units unless it can be demonstrated by evidence-based research carried out by an appropriately qualified professional that there is no demand for this type of accommodation.

2. Density

Table 13.3 – Recommended Density & Plot Ratio

Table 13.3: Recommended Density and Plot Ratio

Settlement Category	Recommended Minimum Density per Hectare		Plot Ratio	
	Town/Village Centre	Edge of settlement	Town/Village Centre	Edge of settlement
Regional Growth Centres	50	35	2	1
Dundalk and Drogheda				
Self-Sustaining Growth Town	35	25	1	0.5
Ardee and Dunleer				

Justification for Material Contravention with Louth CDP 2021-2027

- 2.2 Having regard to the above, it is considered that the proposed development may constitute a material contravention of the CDP as the proposals do not include single storey dwellings in accordance with policy HOU27 and exceeds the recommended density per hectare at edge of settlement locations, proposing c. 35.34 units per hectare.
- 2.3 A justification for the potential material contravention of the Louth County Development Plan 2021-2027 in terms of Single Storey Properties and Density is set out below, under the relevant parts of section 37(2)(b) of the 2000 Act.

Part (i): the proposed development is of strategic or national importance

- 2.4 The proposed development of 272 no. dwellings and apartments is of strategic importance with respect to the delivery of urban housing and implementation of the current. 'Housing for All - A new Housing Plan for Ireland', the Government's Action Plan for Housing and Homelessness – Rebuilding Ireland 2016, as well as urban housing related objectives in the National Planning Framework: Ireland 2040.
- 2.5 The Rebuilding Ireland Action Plan, and consequently the 2016 Act which refers to the plan, recognise the strategic and national importance of larger residential

developments in addressing the ongoing housing and homelessness crisis, which affects communities across the country in an effort to increase housing supply. The proposed development will also provide housing in accordance with the Housing for All Plan published in September 2021 which sets ambitious targets for housing delivery up to 2030 and is supported by various national policies and section 28 guidelines which support the implementation of housing and compact growth at urban locations set out in the NPF and RSES as discussed below and in the accompanying JSA Statement of Consistency.

- 2.6 The full title of the Planning and Development (Housing) and Residential Tenancies Act 2016 is as follows:

“An Act to facilitate the implementation of the document entitled “Rebuilding Ireland – Action Plan for Housing and Homelessness” that was published by the Government on 19 July 2016, and for that and other purposes to amend the Planning and Development Acts 2000 to 2015, the Residential Tenancies Acts 2004 to 2015 and the Housing Finance Agency Act 1981, to amend the Local Government Act 1998 in relation to the Local Government Fund and to provide for connected matters.”

- 2.7 Due to the national and strategic importance of larger housing developments designated as SHDs, the Government moved to introduce legislation under the 2016 Act, which would see such developments assessed in a similar manner to Strategic Infrastructure Developments.

- 2.8 In addition to this, the site’s A2 New Residential Phase 1 zoning in the Louth CDP 2021-2027 confirms that the development of the subject site for the implementation of housing development in accordance with the objectives of the Core Strategy and Housing Allocation and is therefore considered to be of strategic importance in a Louth County Council and Ardee context. The subject site is strategically located on the southern edge of the settlement immediately adjacent to existing and permitted residential development and suitable for the sustainable growth of Ardee sequential to adjoining lands.

- 2.9 The significant shortfall in housing output to address current and projected demand is a national problem, with lack of housing delivery in the Eastern Midland Region having social and economic implications for sustainable national growth. The proposed development will enhance the housing choice in Ardee and County Louth and contribute valuable social housing to the community following a period of restricted housing supply having regard to the construction industry shutdowns as a result of the Covid-19 pandemic. Recent figures published by the Parliamentary Budget Office provides a snapshot of the housing market in 2021. This notes a cumulative shortfall in housing delivery of 41,000 dwellings in respect of the targets set out in the Government’s Rebuilding Ireland Plan over the course of 2016 to 2021¹.

- 2.10 Having regard to this policy, legislative and local context, the proposed development is considered to be of strategic importance for the purposes of section 37(2)(b)(i) of the 2000 Act.

Part (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

¹ https://data.oireachtas.ie/ie/oireachtas/parliamentaryBudgetOffice/2021/2021-12-06_snapshot-of-the-housing-market-in-2021-part-1_en.pdf

- 2.11 It is respectfully submitted that the provisions of the National Planning Framework, the Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Area (EMRA) and guidelines published under section 28 of the Act support the proposed development density and mix of 2 and 3 storey dwellings at the location.

Sustainable Residential Development in Urban Areas 2009

- 2.12 These Section 28 Guidelines support a plan-led approach to development as provided for in the Planning and Development Act 2000, as amended. Section 2.1 of the Guidelines note that *'the scale, location and nature of major new residential development will be determined by the development plan, including both the settlement strategy and the housing strategy'*.
- 2.13 The subject site is located in Ardee, which is identified as a *'Self-Sustaining Growth Town'* in the extant Louth County Development Plan 2021-2027 and can be considered as an *'outer suburban, greenfield site'* as set out at Section 5.11 of the Guidelines.
- 2.14 These sites *'may be defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities'*.
- 2.15 The Guidelines state that *'the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally'*.
- 2.16 The Guidelines requires a development density of 35-50 units on *'outer suburban / greenfield'* lands such as the subject site.
- 2.17 The Development for Housing, Planning & Local Government issued a Circular in April 2021 (NRUP 02/2021) in relation to the interpretation of *'Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009'*. The Circular states that within large town (population in excess of 5,000) locations *'net densities of 30-35 dwellings per hectare may be regarded as acceptable'* and *'although generally discouraged'* does not preclude net densities of less than 30 dwellings per hectare at *'outer suburban/ greenfield'* location.
- 2.18 It should be noted that the RSES states that there should be a graded reduction in residential densities for Self-Sustaining Growth Towns that are commensurate to the existing built environment. The proposal also places emphasis on the biodiversity environment which benefits residential amenity at the location. Notwithstanding this the proposals comply with the requirements of the SRD Guidelines in respect of density.
- 2.19 The proposals equate to a net density of c. 35.34 units per hectare, whilst also including c. 18% of the site as public open space (excluding the c. 3.6 ha public park) and optimising the watercourse through the site, providing a riparian corridor and linear park at this location.
- 2.20 The proposal includes 272 no. residential units of 2 and 3 storey houses and duplex apartments comprising 6.3% one-bedroom; 27.2% two-bedroom; 62.5% three-bedroom; and 4% four-bedroom dwellings. This unit mix has been informed by research undertaken by KPMG Future Analytics who have prepared a Socio-Economic

and Housing Supply Assessment which accompanies this submission. The report notes that '*forecasted growth in the segment of the population [in the period 2016-2026] most commonly supporting dependants results in a requirement of additional family sized homes. Ardee thus requires dwellings that are two- or three-bedroom in size to accommodate the projected household composition of the area*'. Furthermore, it is noted that '*the age profile projections indicate that the age cohort of 25-64 years will account for the greatest proportion of the total population, therefore an adequate provision of suitable properties for the primary age cohort will be imperative*'.

- 2.21 The Future Analytics report proceeds to consider that '*The predominance of multi-person households will require suitable housing. It is projected that 64.2% of households will comprise of two, three or four persons, and as is characteristic of Ardee, these will largely be formed of family units i.e. a pre-parenting couple or a couple/individual, with one or two children, or other dependent. Households could also be formed of individual single people, although this type of household is less typical in Ardee than family compositions*'. Single storey, bungalow type dwellings are associated with single person households, which is recognised as less typical in Ardee.
- 2.22 The report considers that the proposed dwelling mix '*is ideally configured to meet future household demand*'. On this basis, it considered that there is no current need for single storey houses at the location, with population projections forecasting strong demand for primarily 3-bedroom units in the period to 2026 arising from the 25-65 years cohort. The provision of single storey 3-bedroom dwellings will occupy a greater footprint and contribute to a lower overall density to that set out in the SRD Guidelines.

Urban Development & Building Height Guidelines 2018

- 2.23 The development is also considered to comply with the content of SPPR4 of the Urban Development & Building Height Guidelines 2018 by achieving required density and proposal includes for a mix of building heights. SPPR 4 states:

It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

- 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;*
- 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*
- 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.*

- 2.24 The development comprises 2 and 3 storey houses and 3 storey duplex units. In addition, the proposal avoids mono-type building typologies, and includes a range of 14 no. dwelling types, comprising 17 or 6.3% 1-bedroom units, 74 or 27.2% 2-bedroom units, 170 or 62.5% 3-bedroom units and 11 or 4% 4-bedroom units.
- 2.25 The proposed development provides an appropriate density in compliance with the Sustainable Residential Development in Urban Areas (2009) at c. 35.34 units per hectare (net) for an 'Outer Suburban / Greenfield' site and in accordance with SPPR 4 of the Building Height Guidelines in terms of providing a greater mix of heights and typologies. The inclusion of single storey dwellings would decrease density and may fail to achieve minimum densities set out in the SRD Guidelines.

National Planning Framework

- 2.26 The proposed development accords with the provisions of the National Planning Framework, which prioritises the delivery of new housing on lands which are within or continuous to existing urban areas, and which have access to the relevant services.
- 2.27 The NPF takes cognisance of Ireland's historically low density of housing development and notes that increased residential densities are required in urban areas to avoid urban sprawl and the pressure that it puts on environment and infrastructure demands.
- 2.28 **National Strategic Outcome No. 1** notes that *'carefully managing the sustainable growth of compact cities, towns and villages will add value and create more attractive places in which people can live and work'* in order to achieve effective density and consolidation as a solution to additional urban sprawl.
- 2.29 To achieve this outcome, the NPF sets out a range of objectives. **National Policy 3b** seeks to *'Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprint'*.
- 2.30 In accordance with **Objective 32**, the proposed development will contribute to the delivery of 550,000 additional households by 2040. The subject site within the settlement boundary of Ardee and contiguous with the built-up area of the town constitutes an opportunity for planned, compact and sustainable growth, via the expansion of Ardee in a planned manner, on an appropriately zoned site, which has strong physical, social and green infrastructure features and potential for significant employment growth in the vicinity. This is compliant with **Objective 32** which prioritises the provision of new homes at locations which can support sustainable development at an appropriate scale and suitable to the locality.
- 2.31 **National Policy Objective 35** *'Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'*.
- 2.32 The proposed development at Bridgewater seeks to consolidate and facilitate the sustainable growth of Ardee by the provision of much needed housing on zoned residential lands which are sequential to established and permitted residential development. In accordance with the principles of the NPF, the proposal includes amenities and facilities in the form of a public park, crèche and community building, additional public open space and linear park, as well as road infrastructure providing links to adjacent lands in accordance with the policies and objectives of the Louth CDP.
- 2.33 In this respect, the proposed development is consistent with the provisions of the NPF and will prevent urban sprawl whilst implementing a residential development with appropriate public amenities and infrastructure which makes optimal use of the subject lands through appropriate compact growth.

Regional Spatial and Economic Strategy for the EMRA

- 2.34 The Regional Economic and Spatial Strategy (RSES) notes that the preferred spatial strategy for the Eastern and Midland is the consolidation of Dublin plus the Regional Growth Centres of Athlone, Dundalk and Drogheda, supported by planned focused growth of a limited number of self-sustaining settlements (Tier 4 towns), as set out at Table 4.3 of the RSES: Settlement Typologies and Policy Responses.

2.35 The Core Strategy of the Louth CDP is required to have regard to the settlement typology of towns in the Region and carefully consider the phasing of development lands to ensure that towns grow at a sustainable level appropriate to their position in the hierarchy.

2.36 The development is considered to be supported by the following Regional Policy Objectives:

Compact Growth

RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

Recreation and Open Space

RPO 9.14: Local authorities shall seek to support the planned provision of easily accessible social, community, cultural and recreational facilities and ensure that all communities have access to a range of facilities that meet the needs of the communities they serve.

2.37 The proposals are considered to help implement increased density within the existing settlement envelope of Ardee and provide residential units and community infrastructure at an accessible location. The provision of a riparian corridor and significant public open space equating to 41% of the gross site area will enhance the residential amenity of the site and have wider benefits to the settlement in accordance with Regional Objectives.

2.38 The Louth County Development Plan 2021-2027 classifies Ardee as a 'Self-Sustaining Growth Town'. These are towns 'with a moderate level of jobs and services – includes sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining'.

2.39 The RSES states the following in this respect:

'Towns in the lower tiers should provide for commensurate population and employment growth, providing for natural increases and to become more economically self-sustaining, in line with the quality and capacity of public transport, services and infrastructure available.'

2.40 Relative to residential density, the RSES notes that 'there should be a graded reduction in residential densities for Self-Sustaining Growth Towns, Self-Sustaining Towns, towns and villages that are commensurate to the existing built environment'.

2.41 The subject development seeks to provide for medium density residential development on zoned lands within the Ardee town boundaries. The proposed development, at 35.34 units per hectare, therefore, is compliant with the overall policies and objectives of the RSES in this regard. The provision of single storey dwellings is likely to reduce overall unit numbers at the site which may result in a shortfall in achieving Core Strategy housing allocations for Ardee in the period to 2026.

2.42 On the basis of the above, the proposed density and provision of 2 and 3 storey dwellings is considered to be acceptable and in accordance with the provisions of

national policy guidelines and accordingly, the provisions set out under section 37(2)(b)(iii) of the 2000 Act are applicable.

3. Car Parking

Section 13.8.18 and Table 13.11 – Car Parking

The car and cycle parking requirements for residential properties are set out in Tables 13.11 and 13.12 in this chapter.

Table 13.11: Car Parking Standards

Development Type	Area 1	Area 2	Area 3
Residential Dwelling	1 per unit	1 per unit	2 per unit
Apartment	1 apartment	1 per apartment	2 per apartment

- 2.43 A total of 446 car parking spaces will be provided for residential units, equating to 1.64 spaces per unit. This falls below the development plan standards of 2 no. car parking spaces per residential unit in Area 3 and may be considered a material contravention in this respect.

4. Bicycle Parking

13.8.18 Car and Cycle Parking

A secure and conveniently located cycle parking area shall be provided in apartment developments. This cycle parking area shall be covered.

- 2.44 Visitor parking for duplex units is provided adjacent to the 2 no. bike stores which are located between Duplex Blocks A & B and Duplex Blocks C & D, with additional stands located in close proximity to each Block. Visitor bicycle parking in the form of Sheffield stands is located throughout the development at convenient locations within public open spaces and in close proximity to the community hub and dwellings. Short stay visitor cycle parking is external. Long term cycle parking is facilitated within bike stores adjacent to the community hub and between duplex Blocks A & B and duplex Blocks C & D. A total of 296 no. cycle parking spaces are provided throughout the development (excluding the on-curtilage/rear garden parking at dwellings) which significantly exceeds the development plan standards at Table 13.12. It may be considered a material contravention that short term visitor cycle parking is not sheltered.

Justification for Material Contravention

- 2.45 A justification for the potential material contravention of the Louth County Development Plan 2021-2027 in terms of Car Parking and Bicycle Parking is set out below, under the relevant parts of section 37(2)(b) of the 2000 Act.

Part (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

- 2.46 It is considered to be consistent with national policy objectives no: 13, 27 and 33 of the **NPF** in promoting sustainable forms of transport.
- 2.47 **Objective 13:** states that: *'In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected'*.
- 2.48 As noted in the accompanying Traffic & Transport Assessment prepared by CS Consulting, parking has been allocated to dwellings based on the dwelling type and number of bedrooms. 2-bed houses have been allocated 1no. space while 3-bed and 4-bed houses have been allocated 2no. spaces. Parking for 1-bed duplex units has been provided at a rate of 1 no. space per unit while parking for 2-bed and 3-bed duplex units has been provided at a rate of 1.2 no. and 1.5 no. spaces per unit respectively.
- 2.49 This is considered justifiable in the context of 2016 CSO census data which indicate that the average rate of car ownership in established residential areas surrounding the subject site varies between 1 and 1.5 and having regard to the number of 1 and 2 bed units at the site proposed which will typically be occupied by single persons or couples relying on a single vehicle.
- 2.50 Furthermore, the site provides good access to sustainable forms of transport in the form of walking and cycling links to local bus stops on the N2 Drogheda Road and Ardee town centre approximately 1 km north. The development includes a bus stop on Bridgegate Avenue which can be utilised by a local service, with bicycle lanes also provided, greatly enhancing the accessibility of the development and improving the local cycle network.
- 2.51 **Objective 27** of the NPF seeks to ensure the integration of safe and convenient alternatives to the car into the design of communities by prioritising walking and cycling to proposed developments. The 'Guiding Principles for the Integration of Land Use and Transport' set out in the **RSES** (page 183) require that adequate cycle parking be appropriately designed into the urban realm.
- 2.52 The proposed development provides a total of 296 no. bicycle parking spaces to serve duplex units, commercial uses, open space and visitors. Long and short stay bicycle parking at dwellings is provided on-curtilage. Long term bicycle parking for duplex units is provided for within secure, covered stores located between Blocks A & B and Blocks C & D, with a bicycle store located adjacent to the north of the community hub providing secure parking for employees. Long term cycle parking for corner duplex apartments (D7 & D8) in the southern part of the site are provided for within rear gardens and internal circulation areas.
- 2.53 All short-term visitor bicycle parking is provided in the form of Sheffield stands which are distributed across the site within public open spaces and adjacent to duplex units and community facilities. Bicycle parking areas are easily accessible and benefit from passive surveillance being located conveniently to each destination. Public lighting is provided throughout the development.
- 2.54 The proposed bicycle level significantly exceeds the requirement of 188 (for duplex and community uses) set out by Table 13.12 of the CDP and promotes sustainable modes of travel and provide an alternative to the private car. Cycle lanes are provided

to the south of Bridgewater Avenue which links to the initial phases of development at Bridgewater and beyond to the N2 Drogheda Road.

- 2.55 In this respect, the proposed car parking levels and provision of external visitor bicycle parking is considered acceptable. Please refer to the CS Consulting TTA and Darmody Architecture Car & Bike Parking Schedule for further details. In this respect the proposed level of car and cycle parking is considered appropriate and accordingly, the provisions set out under section 37(2)(b)(iii) of the 2000 Act are applicable.

5. Natural Heritage, Green Infrastructure & Biodiversity

- Section 8.8 – Sites of Geological Interest (NBG 17)

***NBG 17** In consultation with the Geological Survey of Ireland, protect from inappropriate development and maintain the character, integrity and conservation value of those features or areas of geological interest listed in Table 8.4 of the Plan.*

- Section 8.11 – Trees, Woodlands and Hedgerows

Other than in exceptional circumstances, there will be a presumption against the removal of trees and hedgerows.'

- Section 8.14 – Green Infrastructure (NBG 44 & NBG 57)

***NBG 44** To protect, maintain, and enhance the natural and organic character of the watercourses in the County, including opening up to daylight where safe and feasible. The creation and/or enhancement of riparian buffer zones will be required where possible. All proposed coastal walkways will be required to comply with the Habitats, EIA and SEA Directives.*

***NBG 57** To ensure that no development, including clearing or storage of materials, takes place within a minimum distance of 10m measured from each bank of any river, stream or watercourse.*

- 2.56 The proposed development may be considered a material contravention of policy NBG 17 in respect of the Ardee-Newtown Bedform Field site of geological interest as identified by Section 8.8 of the CDP. This is referred to in the accompanying EIAR Chapter 5 – Land and Soils.

- 2.57 The proposed development requires the removal of 7 trees and 7 hedgerows which may be considered to contravene Section 8.11 of the CDP. The removal of hedgerows and trees are associated with the proposed realignment of the Rathgory Tributary which requires development within 10 metres of the watercourse to provide a riparian corridor. The proposed realignment is discussed in greater detail in the accompanying SDA Landscape Design Report and drawings, the JBA SSFRA and the CS Consulting drawings and Engineering Services Report.

Justification for Material Contravention

- 2.58 A justification for the potential material contravention of the Louth County Development Plan 2021-2027 in terms of Section 8.8, 8.11 and 8.14 is set out below, under the relevant parts of section 37(2)(b) of the 2000 Act.

Part (i): the proposed development is of strategic or national importance

- 2.59 The proposed development of 272 no. dwellings and apartments is of strategic importance with respect to the delivery of urban housing and implementation of the current. 'Housing for All - A new Housing Plan for Ireland', the Government's Action Plan for Housing and Homelessness – Rebuilding Ireland 2016, as well as urban housing related objectives in the National Planning Framework: Ireland 2040.
- 2.60 The Rebuilding Ireland Action Plan, and consequently the 2016 Act which refers to the plan, recognise the strategic and national importance of larger residential developments in addressing the ongoing housing and homelessness crisis, which effects communities across the country in an effort to increase housing supply. The proposed development will also provide housing in accordance with the Housing for All Plan published in September 2021 which sets ambitious targets for housing delivery up to 2030 and is supported by various national policies and section 28 guidelines which support the implementation of housing and compact growth at urban locations set out in the NPF and RSES as discussed below and in the accompanying JSA Statement of Consistency.
- 2.61 The full title of the Planning and Development (Housing) and Residential Tenancies Act 2016 is as follows:
- “An Act to facilitate the implementation of the document entitled “Rebuilding Ireland – Action Plan for Housing and Homelessness” that was published by the Government on 19 July 2016, and for that and other purposes to amend the Planning and Development Acts 2000 to 2015, the Residential Tenancies Acts 2004 to 2015 and the Housing Finance Agency Act 1981, to amend the Local Government Act 1998 in relation to the Local Government Fund and to provide for connected matters.”*
- 2.62 Due to the national and strategic importance of larger housing developments designated as SHDs, the Government moved to introduce legislation under the 2016 Act, which would see such developments assessed in a similar manner to Strategic Infrastructure Developments.
- 2.63 In addition to this, the site's A2 New Residential Phase 1 zoning in the Louth CDP 2021-2027 confirms that the development of the subject site for the implementation of housing development in accordance with the objectives of the Core Strategy and Housing Allocation and is therefore considered to be of strategic importance in a Louth County Council and Ardee context. The subject site is strategically located on the southern edge of the settlement immediately adjacent to existing and permitted residential development and suitable for the sustainable growth of Ardee sequential to adjoining lands.
- 2.64 The significant shortfall in housing output to address current and projected demand is a national problem, with lack of housing delivery in the Eastern Midland Region having social and economic implications for sustainable national growth. The proposed development will enhance the housing choice in Ardee and County Louth and contribute valuable social housing to the community following a period of restricted housing supply having regard to the construction industry shutdowns as a result of the Covid-19 pandemic. Recent figures published by the Parliamentary Budget Office provides a snapshot of the housing market in 2021. This notes a cumulative shortfall in housing delivery of 41,000 dwellings in respect of the targets set out in the Government's Rebuilding Ireland Plan over the course of 2016 to 2021².

² https://data.oireachtas.ie/ie/oireachtas/parliamentaryBudgetOffice/2021/2021-12-06_snapshot-of-the-housing-market-in-2021-part-1_en.pdf

- 2.65 Having regard to this policy, legislative and local context, the proposed development is considered to be of strategic importance for the purposes of section 37(2)(b)(i) of the 2000 Act.

Part (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

- 2.66 It is respectfully submitted that the provisions of the National Planning Framework, the Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Area (EMRA) and guidelines published under section 28 of the Act support the proposed development.

Sustainable Residential Development in Urban Areas 2009

- 2.67 These Section 28 Guidelines support a plan-led approach to development as provided for in the Planning and Development Act 2000, as amended. Section 2.1 of the Guidelines note that *‘the scale, location and nature of major new residential development will be determined by the development plan, including both the settlement strategy and the housing strategy’*.
- 2.68 The subject site is located in Ardee, which is identified as a ‘Self-Sustaining Growth Town’ in the extant Louth County Development Plan 2021-2027 and has been zoned as ‘A2 New Residential Phase 1’ lands for the provision of residential development during the Plan period in order to achieve Core Strategy targets and the housing allocation of 584 new dwellings in Ardee by 2027. In zoning the subject site, the Planning Authority has undertaken a comprehensive evaluation of lands in Ardee as set out in Appendix 2 of the CDP and determined that the site is suitable for residential development. The proposed development aligns with the provisions of the Housing Strategy at Appendix 3 of the CDP and will contribute to the growth of Ardee as a ‘Self-Sustaining Growth Town’.
- 2.69 The subject site can be considered as an ‘outer suburban, greenfield site’ as set out at Section 5.11 of the Guidelines.
- 2.70 These sites *‘may be defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities’*.
- 2.71 The Guidelines state that *‘the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally’*.
- 2.72 The Guidelines requires a development density of 35-50 units on ‘outer suburban / greenfield’ lands such as the subject site.
- 2.73 The proposed development includes the provisions of substantial elements of green infrastructure and a linear corridor with a riparian corridor which will open the watercourse and create a focal point of the development. The proposals equate to a net density of c. 35.34 units per hectare, whilst also including c. 18% of the site as public open space (excluding the c. 3.6 ha public park).

- 2.74 Notwithstanding this the proposals comply with the requirements of the SRD Guidelines in respect of density. The realignment of the watercourse is a necessary design feature in order to achieve a legible and quality site layout in accordance with the principles of DMURS. Adopting a development layout informed by the current orientation of the watercourse would result in the inefficient use of the lands and an irregular site and roads layout. The proposed realignment of the Rathgory Tributary will ensure that the requirements of the SRD Guidelines are achieved and an optimum level of residential accommodation is implemented at the site in accordance with the Core Strategy housing allocations for Ardee under the current Louth CDP 2021-2027.

Urban Development & Building Height Guidelines 2018

- 2.75 The development is also considered to comply with the content of SPPR4 of the Urban Development & Building Height Guidelines 2018 by achieving required density. SPPR 4 states that:

'It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

- 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines; ...'*

- 2.76 The proposed development provides an appropriate density in compliance with the Sustainable Residential Development in Urban Areas (2009) at c. 35.34 units per hectare (net) for an 'Outer Suburban / Greenfield' site and in accordance with SPPR 4 of the Building Height Guidelines in terms of density. The retention of the watercourse in its current orientation would have implications for the overall development density within the proposed development and may result in this falling below the requirements of SPPR 4 of the Building Height Guidelines and the SRD Guidelines.

National Planning Framework

- 2.77 The subject site is zoned A2 New Residential Phase 1 within the current Louth CDP, having been subject to assessment in the preparation of the Plan. This assessment has been guided by the content of Appendix 3 of the National Planning Framework which set outs a methodology for a two-tier approach to land zoning. The Council's evaluation has taken consideration of roads, footpath, public lighting, water and wastewater in determining that the subject site is suitable for residential development and either has services available or can become available within the lifetime of the Plan.

- 2.78 In this respect, the proposed residential development is considered appropriate for the location and is therefore appropriate in respect of the Ardee-Newtown Bedform Field site of geological interest as identified by Section 8.8 of the CDP. Chapter 5 of the accompanying EIAR - Land and Soils provides further details of the accompanying Geotechnical Survey Report prepared by Ground Investigations Ireland which notes that the material sampled across the site can be classified as non-hazardous and uncontaminated. In relation to the site of geological interest, Chapter 4 of the EIAR states:

"The 'Ardee-Newtown Bedform Field' CGS is extensive and the subject site is located in a peri-urban area at its northern extremity. The proposed development of the site is not considered to pose any threat to this CGS, given that the subject site includes

significant elements of made ground and that no geological features have been recorded on site within 3m of the existing ground level.”

- 2.79 In this regard the proposed development accords with the provisions of the National Planning Framework, which prioritises the delivery of new housing on zoned residential lands which are within or continuous to existing urban areas, and which have access to the relevant services.
- 2.80 **National Strategic Outcome No. 1** notes that *‘carefully managing the sustainable growth of compact cities, towns and villages will add value and create more attractive places in which people can live and work’* in order to achieve effective density and consolidation as a solution to additional urban sprawl.
- 2.81 To achieve this outcome, the NPF sets out a range of objectives. **National Policy 3b** seeks to *‘Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprint’*.
- 2.82 The subject site within the settlement boundary of Ardee and contiguous with the built-up area of the town constitutes an opportunity for planned, compact and sustainable growth, via the expansion of Ardee in a planned manner, on an appropriately zoned site, which has strong physical, social and green infrastructure features and potential for significant employment growth in the vicinity. This is compliant with **Objective 32** which prioritises the provision of new homes at locations which can support sustainable development at an appropriate scale and suitable to the locality.
- 2.83 **National Policy Objective 35** *‘Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’*.
- 2.84 The proposed development at Bridgegate seeks to consolidate and facilitate the sustainable growth of Ardee by the provision of much needed housing on zoned residential lands which are sequential to established and permitted residential development.
- 2.85 **National Policy Objective 58** *‘Integrated planning for Green Infrastructure and ecosystem services will be incorporated into the preparation of statutory land use plans.’*
- 2.86 **National Policy Objective 64** *‘Improve air quality and help prevent people being exposed to unacceptable levels of pollution in our urban and rural areas through integrated land use and spatial planning that supports public transport, walking and cycling as more favourable modes of transport to the private car, the promotion of energy efficient buildings and homes, heating systems with zero local emissions, green infrastructure planning and innovative design solutions.’*
- 2.87 In accordance with the policy objectives of the NPF, the proposal includes amenities and facilities in the form of a public park, crèche and community building, additional public open space, riparian corridor and linear park, as well as road infrastructure providing links to adjacent lands in accordance with the policies and objectives of the Louth CDP. The proposed development consists of over 40% public open space, promotes walking and cycling and will provide valuable elements of green infrastructure at the public park at Mulladrillen Hill in the northern part of the site and around the realigned Rathgory Tributary. This will benefit the overall biodiversity and natural ecosystem at the site and assist with the reduction of travel by private car with

public open space and community facilities provided at the location and a public transport bus stop within the development.

- 2.88 In this respect, the proposed development is consistent with the provisions of the NPF and will prevent urban sprawl whilst implementing a residential development with appropriate public amenities and infrastructure which makes optimal use of the subject lands through appropriate compact growth.

Regional Spatial and Economic Strategy for the EMRA

- 2.89 The Regional Economic and Spatial Strategy (RSES) notes that the preferred spatial strategy for the Eastern and Midland is the consolidation of Dublin plus the Regional Growth Centres of Athlone, Dundalk and Drogheda, supported by planned focused growth of a limited number of self-sustaining settlements (Tier 4 towns), as set out at Table 4.3 of the RSES: Settlement Typologies and Policy Responses.
- 2.90 The Core Strategy of the Louth CDP is required to have regard to the settlement typology of towns in the Region and carefully consider the phasing of development lands to ensure that towns grow at a sustainable level appropriate to their position in the hierarchy.
- 2.91 The development is considered to be supported by the following Regional Policy Objectives:

Compact Growth

RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

Recreation and Open Space

RPO 9.14: Local authorities shall seek to support the planned provision of easily accessible social, community, cultural and recreational facilities and ensure that all communities have access to a range of facilities that meet the needs of the communities they serve.

Riparian Setbacks

RPO 7.26 Support the development of guidance for assessment of proposed land zonings in order to achieve appropriate riparian setback distances that support the attainment of high ecological status for waterbodies, the conservation of biodiversity and good ecosystem health, and buffer zones from flood plains.

- 2.92 The proposals are considered to help implement increased density within the existing settlement envelope of Ardee and provide residential units and community infrastructure at an accessible location. The provision of a riparian corridor and significant public open space equating to 41% of the gross site area will enhance the residential amenity and biodiversity of the site and have wider benefits to the settlement in accordance with Regional Objectives. The proposal includes a net increase of 446 trees on the site incorporated within a comprehensive landscaping scheme (refer to accompanying SDA drawings) and will ensure that the Rathgory Tributary provides a focal point to the development to the benefit of the wider biodiversity of the site and the

implementation of a high quality public open space. Existing hedgerows at the eastern, northern and western boundaries of the site will be retained within the proposal.

- 2.93 On the basis of the above, the proposed development is considered to be acceptable and suitable for sites of geological interest as well as in respect of green infrastructure and tree and hedgerows. In this respect the proposal is considered appropriate and accordingly, the provisions set out under section 37(2)(b)(iii) of the 2000 Act are applicable.

6. Boundary Treatment

Section 13.8.11 – Boundary Treatment

Boundary treatments in residential developments shall consist of the following:

- i) The rear boundary shall consist of a 2-metre-high block wall;*
- ii) Side boundaries between properties shall be 2 metres in height. If timber boundaries are to be used, they must be bonded and supported by concrete posts;*
- iii) Walls bounding any public areas shall be rendered and capped on both sides; and*
- iv) Front boundaries along the estate road and between properties shall be agreed as part of the planning application. They can be open plan, planted, consist of a low-level wall or railing, or as otherwise agreed with the Planning Authority.*

- 2.94 The accompanying SDA Landscape Design Report provides details of proposed boundary treatments. These consist of 1.8m high timber fencing with concrete posts between dwellings and 1.8m rear boundary walls to public areas. Front boundaries between dwellings are provided by a 1m high hedge. Existing hedgerows to the eastern and western boundaries will be retained and incorporated into the proposed development.

Justification for Material Contravention

- 2.95 A justification for the potential material contravention of the Louth County Development Plan 2021-2027 is set out below, under the relevant parts of section 37(2)(b) of the 2000 Act.

Part (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

- 2.96 In respect of Personal Safety, Section 4.22 of the Sustainable Residential Development in Urban Areas Guidelines 2009 states that:

‘The ability to live with a feeling of comfort and safety in the residential area is an essential component of sustainable communities. Good design is essential in a residential area in giving a sense of personal safety, e.g. by providing:

- for the passive surveillance of the street and roads by residents and passers-by; blank facades and areas that are not overlooked should be avoided;*

- *a clear demarcation between private and public/communal spaces through appropriate boundary treatment; and*
- *clear and direct routes through the area for pedestrians and cyclists with safe edge treatment, maintaining clear sight lines at eye level and clear visibility of the route ahead.'*

2.97 In respect of Privacy and Security, Section 7.5 of the Sustainable Residential Development in Urban Areas Guidelines 2009 states that:

'Designers can also contribute towards better safety by:

- *ensuring clear definition of private, communal and public spaces,*
- *preventing unauthorised access to rear gardens by means of suitable boundary treatment,*
- *maximising natural surveillance of the street from windows, and*
- *avoiding blank facades to the public domain.'*

2.98 The Design Standards for New Apartment Guidelines 2020 notes that in respect of Private Amenity Space:

'Where provided at ground level, private amenity space shall incorporate boundary treatment appropriate to ensure privacy and security'.

2.99 As detailed within the accompanying Stephen Diamond Associates Landscape Design Report and associated drawings, the proposed boundary treatments have been considered throughout the design process and are *'in keeping with the surrounding landscape'*. A mix of existing and proposed hedgerow characterises the eastern perimeter, with proposed hedgerow at the southern boundary. 1.8m high concrete post (and base) and timber panel fencing is provided between rear gardens, with 1.8m wall provided between rear gardens and public areas. 1m high hedgerows are included at the front of dwellings. Please refer to Section 4.0 of the SDA Landscape Design Report and drawing no. 20-547-SDA-PD-DR-001 for further details.

2.100 The proposed boundary treatments are considered to be consistent with the requirements of relevant section 28 guidelines and are entirely suitable to the development. The boundary treatments selected will contribute to a safe and secure environment whilst protecting and enhancing amenity. In this respect the proposal is considered appropriate and accordingly, the provisions set out under section 37(2)(b)(iii) of the 2000 Act are applicable.

3 CONCLUSIONS

3.1 In accordance with Section 9(6) of the 2016 Act, the Board may decide to grant a permission for a proposed strategic housing development even where the proposed development, or a part of it, contravenes materially the development plan where it considers that, if section 37(2)(b) of the 2000 Act were to apply, it would grant permission for the proposed development.

3.2 Pursuant to Section 37(2)(b), the Board may grant permission for a development that materially contravenes the development plan 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.

- 3.3 It is respectfully submitted that should An Bord Pleanála consider the proposed development a material contravention of the Louth County Development Plan 2021-2027, an appropriate justification is set out within this statement demonstrating that the proposed development should be considered acceptable having regard to the consistency of the proposed development with national planning policy, the zoning objective of the subject site and the site's location contiguous to the built up area of Ardee and proximity to public transport.
- 3.4 It is considered that there is justification for An Bord Pleanála to permit any material contravention of the Louth County Development Plan having regard to the strategic importance of the proposed development and the policies and objectives outlined in the NPF, the Implementation Framework for the NPF, the RSES for the EMRA and other Ministerial and Government policies and having regard to Section 37(2)(b)(i) and (iii) of the Planning and Development Act, 2000 (as amended).
- 3.5 It is respectfully requested that An Bord Pleanála have regard to the justification set out within this statement for a potential material contravention of the Louth County Development Plan 2021-2027 an appropriate justification is set out within this Material Contravention Statement.
- 3.6 In the event that the Board were to grant permission, the Board's "reasons and considerations" would have to reference the matters under Section 37(2)(b) of the 2000 Act upon which it relies to justify the granting of permission in material contravention of the Development Plan. It is apparent from section 10(1)(3)(b) of the 2016 Act that such reasons and considerations must appear in the Board decision itself.
- 3.7 Section 10(3) provides as follows:
- '(3) A decision of the Board to grant a permission under section 9(4) shall state-
.....
(b) where the Board grants a permission in accordance with section 9(6)(a), the main reasons and considerations for contravening materially the development plan or local area plan, as the case may be.'*
- 3.8 Having regard to the justification set out within this statement, it is respectfully submitted that this is an appropriate case for the Board to grant permission for the proposed development in accordance with national policy and guidelines.