

Response to An Bord Pleanála Pre-Application Consultation Opinion

For Development at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare

on behalf of Glenveagh Homes Ltd.

August 2022



McCutcheon Halley
CHARTERED PLANNING CONSULTANTS

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Prepared by	Aoife Browne	
Checked by	Majella O'Callaghan	
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CORK

6 Joyce House
Barrack Square
Ballincollig
Cork
P31 YX97

T. +353 (0)21 420 8710

DUBLIN

Kreston House
Arran Court
Arran Quay
Dublin 7
D07 K271

T. +353 (0)1 676 6971

www.mhplanning.ie

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1. Introduction

This report addresses the specific information requirements and issues raised by An Bord Pleanála (ABP) in their Notice of Pre-Application Consultation Opinion (Case Ref. 312194-21) issued 18th May 2022 in relation to the proposed Strategic Housing Development (SHD) at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare.

The Opinion issued by the Board was subsequent to a tri-partite meeting which took place on the 25th of April 2022. Following the tri-partite meeting, the Board issued an Opinion in accordance with Section 6(7) of the Planning and Development (Housing and Residential Tenancies Act (as amended) and advised that a number of items (regarding permeability and connectivity) needed to be addressed in accordance with the requirements of Article 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017.

In the Opinion issued by the Board, the following additional information was also requested to be submitted with any application for permission under Article 285(5)(b) of the Regulations:

1. A Phasing Strategy for the roll out/delivery of the development.
2. A detailed landscaping plan.
3. Additional Computer-Generated Images and visualisation/cross section drawings to demonstrate the visual impact of the proposed development.
4. A statement that the proposed development is consistent with the relevant objectives of the development plan for the area.
5. A Sunlight/Daylight/Overshadowing analysis.
6. The information referred to in Article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless an EIAR is submitted at application Stage – please note an EIAR is submitted with the SHD planning application.
7. A material contravention statement and notices clearly indicate which planning authority statutory plan it is proposed to materially contravene.

A response to the above items is provided in Section 2.1 of this report.

The opinion issued by the Board also requested that the following authorities be notified in accordance with Section 8(1)(b) of the Planning and Development (housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. The Relevant Childcare Committee

2. Statement of Response to Specific Information Requirements

The Boards Opinion requested further information/justification of documents to constitute a reasonable basis for the application, this is outlined further in Section 2.1. Our response to the issue raised is set out in detail below and cross referenced to relevant technical reports and other materials, as required. All reports and assessments have been updated, as relevant, to reflect the matters raised in the Boards Opinion.

We will respond to the items requested under Articles 297 and 298 in Section 2.2 (items 1 to 7) and the additional information requested under Article 285(5)(b) of the Regulations.

Section 3 outlines the relevant authorities of the making of the SHD application in accordance with Section 8(1)(b) of the Planning and Development (housing) and Residential Tenancies Act 2016.

2.1 Response to item requiring further information

'Further consideration and/or justification of documents as they relate to the proposed strategy for the development of the site in respect of the permeability and connectivity into the existing housing estate to the south of the site, the N85 and the wider environment. In this regard the applicant shall provide clarity on the movement of pedestrians and cyclists from the site to services, amenities, schools etc. The proposed development should comply with the 12 criteria set out in the Urban Design Manual which accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009), the Design Manual for Urban Streets (DMURS) and the requirements of the National Cycle Manual. '

Response

To promote permeability and connectivity with the existing housing estate to the south and the N85 to the west, two pedestrian connections have been provided to Ballymacaula View housing estate to the south and two pedestrian connections have also been provided on to the existing footpath on the N85 to the west – see site layout drawings by Deady Gahan Architects (Drawing Ref.s 2112/P/003A-C) and Landscape Plans by Doyle O'Troithigh (Drawing Ref. LP-01-PP).

In relation to connectivity to the wider environment, the applicant and the design team has liaised with Clare County Council to optimise the movement of pedestrians and cyclists from the site to services and amenities in the area including schools.

The pedestrian facilities and linkages are illustrated in the Figures 2 to 4 below and are also shown on Drawing 11269-2135 P02 by Tobin Engineers which accompanies this planning application. New and improved footpath linkages are provided to improve safety and reduce walking times from the proposed development to the local schools, shops, medical facilities, amenities etc to improve connectivity to the site and overall area.



Figure 1: Site Context and Connectivity

The site has a direct pedestrian route to the town centre (where the majority of services are located) along Circular Road. As part of the proposed development, improvements/upgrades to the to the pedestrian footpaths along Circular Road including a new pedestrian crossing are provided for and improvements to the footpaths are also proposed along the Drumbiggle and Cahercalla Roads to ensure pedestrian connectivity to services/facilities such as St. Flannan’s Secondary School, Outpatient Clinic hospital, sports facilities etc – see drawing no. 21112-SK-050 by Deady Gahan Architects.

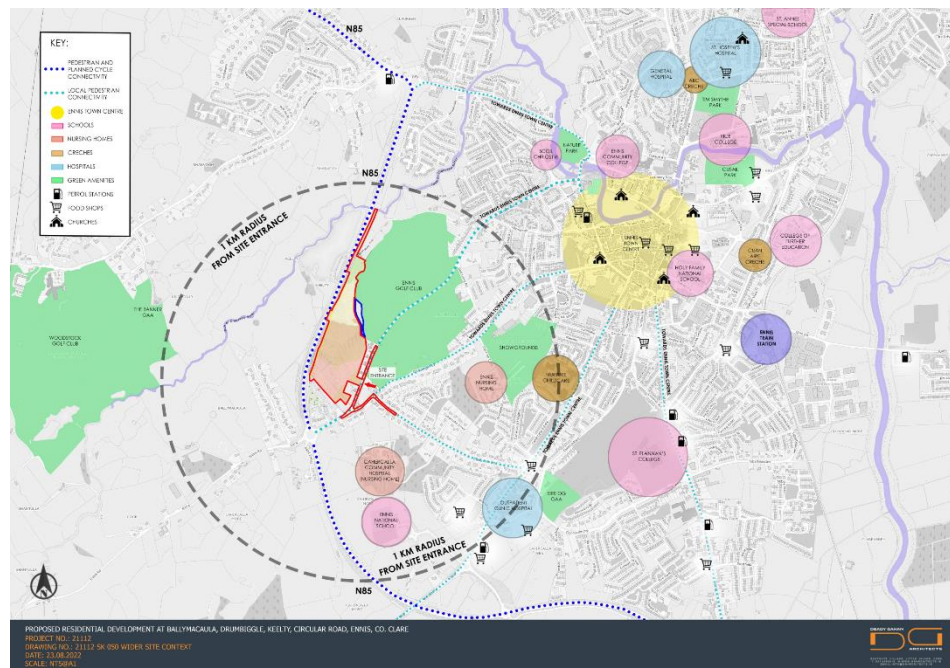


Figure 2: Site Context and Connectivity to Ennis Town Centre and Services/Facilities (A3 copy attached)

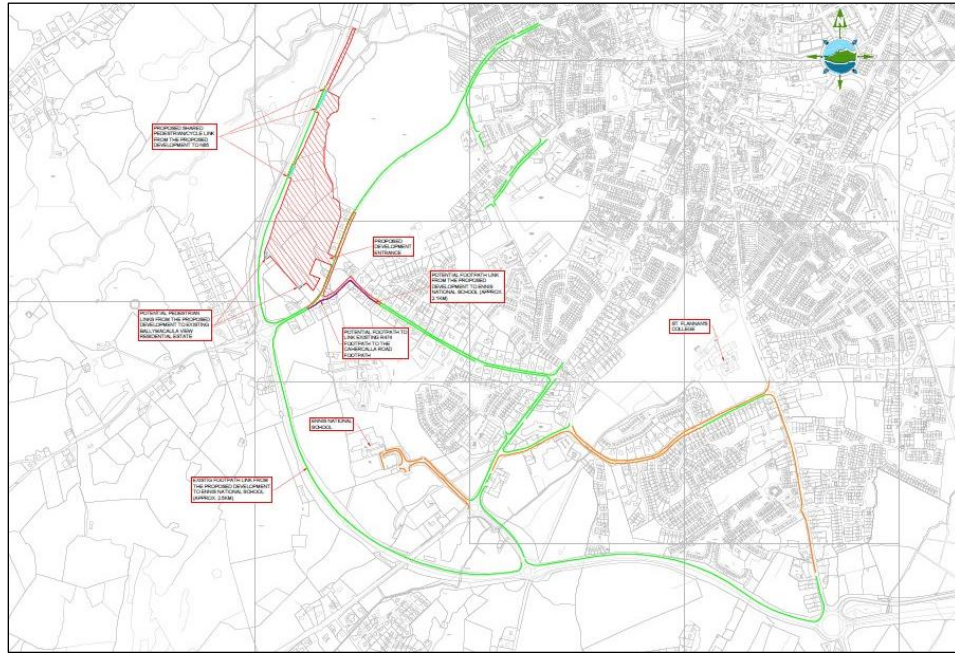


Figure 3: Linkage/Connectivity to the wider area (Dwg Ref. 11269-2135 P02)

In consultation with Clare County Council's Traffic and Transportation Section, the Applicant and Design Team has agreed that a 1.8m wide footpath would be provided along the Circular/Drumbiggle Roads (to tie in with existing footpaths) and a 1.8m footpath and 5.5m carriageway would be provided along a section of the Cahercalla Road (also to tie in with existing footpaths).

An upgrade to a small section of the Drumbiggle Road, where the carriageway is not wide enough to facilitate a 1.8m footpath and carriageway, is currently under consideration by the Local Authority and a plan to upgrade this section of road/footpath will be put in place by the Local Authority. The applicant is happy to continue to liaise with the Local Authority and contribute to this ongoing process by way of special development contribution and/or further design work.

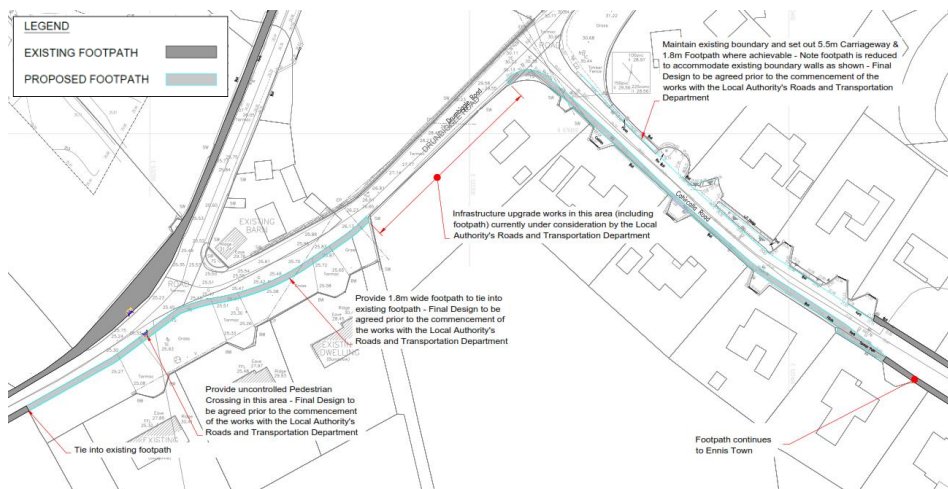


Figure 4: Footpath Linkage/Upgrades along the Cahercalla Road / Drumbiggle Road (Dwg Ref. 11269-2132 P02)

As outlined in the Traffic and Transportation Assessment (TTA) by Tobin Consulting Engineers, currently there is no dedicated cycle network at the site or within the centre of the town and as a result, cyclists will utilise the existing roadway in the short term.

However, while there is no dedicated cycle network adjacent to the site, or within the town centre at present, the proposed scheme is in line with the policies and standards of The National Cycle Manual and has the potential to tie into future cycle network enhancements adjoining the site and/or planned for the town e.g. the proposed Ennis N85 Cycle Facilities and design work on new cycling/walking connectivity in Ennis which was awarded €175,000 funding under the 2022 Active Travel Investment Programme.

In line with the planned cycle improvements and to encourage greater use of bicycles, facilities are provided within the proposed development for secure parking of bicycles onsite and the TTA also includes a number of initiatives to encourage the uptake of cycling (see Section 8.2.2 of the TTA).

As part of the SHD planning application material, a Quality Audit, DMURS Compliance Report and Mobility Management Plan (included as part of the Traffic and Transportation Assessment) has been prepared by Tobin Consulting Engineers. Deady Gahan Architects have also prepared a Universal Design Statement and a Planning and Design Statement which demonstrates compliance with the 12 criteria set out in the Urban Design Manual.

Overall, the proposed development provides a comprehensive set of proposals/material to ensure permeability and connectivity to the proposed development, including pedestrian connections to the existing housing estate to the south of the site and the N85 to the west and improvements to the existing pedestrian facilities along Circular, Drumbiggie and Cahercalla Roads.

2.2 Additional Information Requested Under Article 285(5)(b)

The additional information requested under Article 285(5)(b) of the Regulations is provided under Items 1 to 7 below.

1. *A Phasing Strategy for the roll out and delivery of the proposed development including, inter alia, timescales and delivery of essential infrastructure.*

A Phasing Strategy has been implemented for the rollout of the proposed development. A phasing plan has been prepared by Deady Gahan Architects (Drawing No. 21112/P/010 P1) which is enclosed as part of this application. This drawing illustrates how the proposed development will be delivered in 3 phases. The phasing plan and accompanying material provided by Tobin Engineers, including a

Construction and Environmental Management Plan and Chapter 2 of the EIAR (Project Description) submitted as part of this application, also outlines how the proposed development will be delivered/completed within a c.36-month period from commencement of development, including the delivery of essential infrastructure to facilitate the scheme.

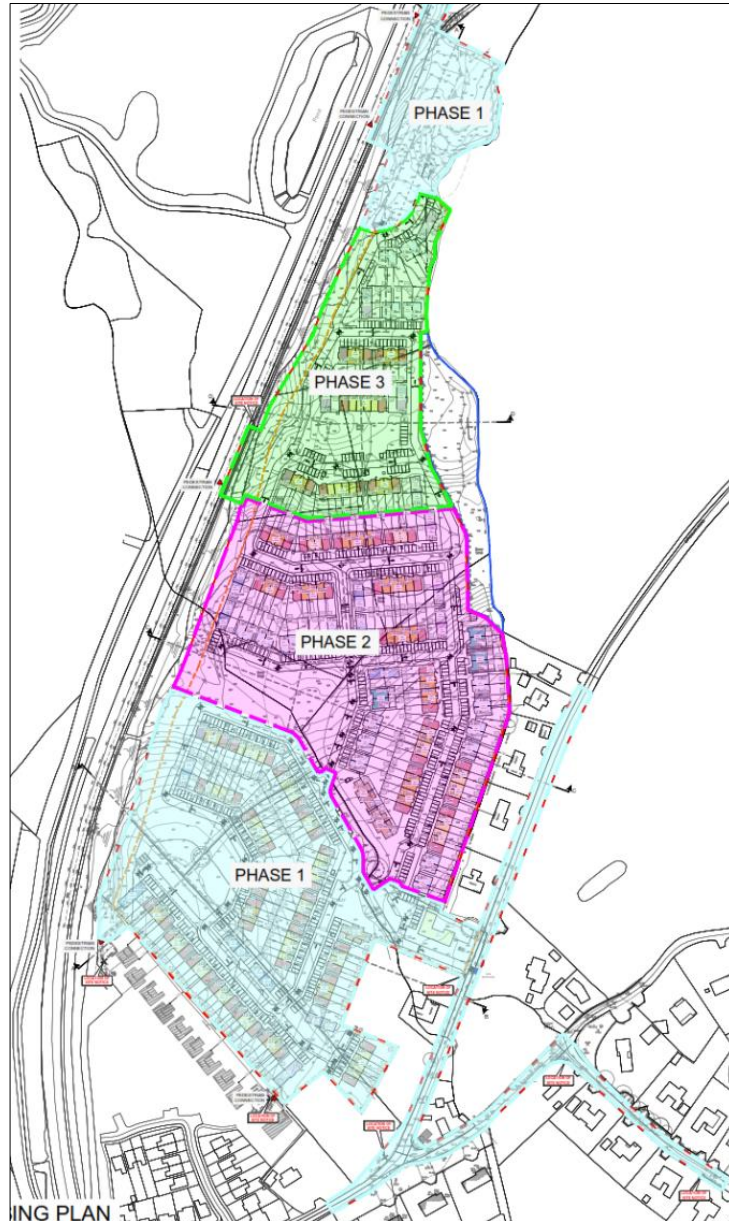


Figure 5: Phasing Plan (Dwg Ref. 21112/P/010 P1)

Phase 1 of construction will take place in the southernmost and the northernmost areas of the site as is indicated on the phasing plan. Phase 1 will consist of the construction of 110 residential units, a 60 childcare facility and the roads, paths, pedestrian connections, the pumping station, watermain and drainage facilities associated with these areas. It is envisaged that Phase 1 will be completed within 15

months and will incorporate the majority of the infrastructure to improve connectivity for the current and future residents.

Phase 2 of construction will take place in the central area of the site as is indicated on the phasing plan. Phase 2 will consist of the construction of 133 residential units, and the roads, paths, watermain and drainage facilities associated with these areas. It is estimated to be completed within 15 months.

Phase 3 the final phase of construction, will take place in the northern area of the site. Phase 3 will consist of the construction of 46 residential units, and the roads, paths, watermain and drainage facilities associated with these areas. Phase 3 is estimated to be completed within 6 months.

Public open space will be delivered as part of each phase.

In relation to wastewater infrastructure/upgrades, a Confirmation of Feasibility and a Statement of Design Acceptance has been received from Irish Water (IW). IW note in their consultation/correspondence with Tobin Consulting Engineers that upgrade works at the WWTP will be carried out by Irish Water as part of the IW Capital Investment Plan (CIP). These minor upgrade works consist of the upgrading of the inlet screen at Francis Street and the forward feed pumps. These works do not impact our current (SHD) residential development (refer to Civil Works Design Report by Tobin Consulting Engineers for further details including the IW Confirmation of Feasibility and Statement of Design Acceptance in Appendix D).

Further information on the phasing and delivery of the scheme plan is provided in the EIAR (including Chapter 2 Project Description) submitted as part of this application.

2. A detailed landscaping plan clearly illustrating the quantum and functionality of all areas designated for public open space. The landscaping details should include, inter alia, the inclusion of useable space for play provision, a detailed tree survey and proposed tree planting scheme and shall clearly indicate the quantum and designated areas of useable for differing age categories.

A detailed landscape design plan (Drawing No LP_01_PP) and report has been prepared to accompany this application prepared by Doyle O'Troithigh Landscape Architects. The landscape design report provides a schedule of the open space, communal/playground facilities within each of the open space areas. The landscape plans clearly delineate public, semi-private, and private spaces useable for differing age categories which are an integral part of this scheme and planting.

A detailed tree survey has also been prepared by Arbor Care and is submitted as part of this application. An Arboricultural Impact

Assessment has been prepared by Arbor Care which assesses the trees, their quality and value in accordance with Bs 5837: 2012 in relation to design and construction. This has been co-ordinated throughout the landscape design report and drawings.

The scheme has been holistically considered and designed to maximize the recreational potential of the site. From an early stage of the design process, there has been an analytical approach taken towards the existing topography and incorporation of existing features to provide different forms of play, circulation, connectivity and ecology.

The Landscaping Plan (Drawing No LP_01_PP) shows the entirety of the proposed landscape, highlighting all the positions of the open spaces and the connectivity between them, particularly through the linear walkway to the west of the site. Drawing No.s LP_02_PP to LP_09_PP describe in detail the functionality of these public open space areas. Retention of as many trees as practicable, as well as proposed new trees and vegetation on site, are all included in the drawings.

The different play areas are shown in further detail in drawings PG_01_PP to PG_03_PP. These drawings include materials, stationary exercise units and playground structures proposed for the open spaces. Boundary details, BD_01_PP to BD_03_PP highlight the perimeter design details in section format. Section drawings (LS-01-PP to LS-03-PP) further illustrate the profiling through various locations throughout the scheme.

3. *Additional Computer-Generated Images (CGI's) and visualisation/cross section drawings should elaborate on the visual impact of the proposed development in the context of the impact of the proposed development in the context of the impact of the residential area to the south and east of the site and the N85 to the west of the site.*

The application is accompanied by a comprehensive set of CGI/visualisations/3D modelling and verified views prepared by GNet3D. The visuals have specific regard to the visual impact of the proposed development of the surrounding area and wider context.

In addition to this, site cross sections have been prepared by Deady Gahan Architects and Doyle O'Troithigh Landscape Architects which outlines the relationship of the proposed development relative to the surrounding area, including the adjoining housing to the south, Circular Road and the N85.

Chapter 4 of the EIAR also includes a comprehensive Landscape and Visual Assessment of the proposed scheme, which demonstrates that through the design and landscaping approach, the proposed scheme will not have an adverse visual impact on the area.

- 4. In accordance with Section 5(5)B of the act of 2016, as amended, my application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinions the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan, or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under Section 4 of the Act.**

A Statement of Consistency has been prepared by McCutcheon Halley Planning Consultants for the proposed application. This assessment of the proposed development consists of relevant materials and planning policy documents at National, Regional and Local levels, including Guidelines for Planning Authorities on Sustainable Development in Urban Areas (Cities, Towns and Villages) the Urban Design Manual at a national level, and the 2017 Clare County Development Plan incorporating the Ennis Municipal District Settlement Plan and Draft Clare County Development Plan 2023-2028.

It is submitted that the proposed SHD is consistent with each of these documents. Any proposed variations to the Local Planning Policy/Documents are discussed within the Material Contravention Statement by McCutcheon Halley Planning Consultants.

- 5. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.**

A Sunlight, Daylight and Overshadowing Report has been prepared by BPC Engineers and forms part of the SHD application. The Report has specific regard to the impact upon adequate daylight and sunlight for the proposed units, public open spaces, courtyards, communal areas, and private amenity areas and any potential impact to neighbouring properties.

The Report also includes an internal daylight analysis and open spaces have been reviewed/analysed in Section 5.5.3 of the report. The impact of skylight (VSC) to the neighbouring dwellings was also considered as part of this analysis.

Overall the Report demonstrates that the proposed development will provide a high standard of residential amenity; will not have an adverse impact on adjoining properties and addresses the requirements of BRE209/BS2011.

6. The information referred to in Article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit and EIAR at application Stage.

The application is accompanied by an Environmental Impact Assessment Report (EIAR) which has been prepared by the EIA Design Team and co-ordinated by McCutcheon Halley Planning Consultants.

7. Where the applicant considers the proposed Strategic Housing Development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in Section 37 (2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292(1) of the Regulation of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which planning authority statutory plan it is proposed to materially contravene.

A Material Contravention Statement has been prepared to form part of this application by McCutcheon Halley Planning Consultants.

Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 makes provision for An Bord Pleanála to grant permission for a development which materially contravenes a Development Plan/Local Area Plan, other than in relation to the zoning of the lands.

In the Clare County Development Plan 2017 and Clare County Draft Development Plan 2023-2029, (Volume 3A – Ennis Municipal District), this site is zoned within a ‘Low Density Residential’ which refers to the use of lands to ‘accommodate a low-density pattern of residential development, primarily detached family dwellings. The underlying priority shall be to ensure that the character of the settlement/area is maintained and further reinforced by a high standard of design. Proposed Developments must also be appropriate in scale and nature to the areas in which they are located’. The Clare County Development Plan 2017-2023 and the Draft Clare County Development Plan 2023-2029 provides a standard of 15 units per hectare on low residential zoned land in Ennis.

The Material Contravention Statement addresses where it is considered the proposed development materially contravenes the 2017 and Draft 2023 Development Plan’s (in relation to residential density) and where national guidelines supersede the standards within the CDP and provides a justification for An Bord Pleanála to grant permission for the proposed development.

3. Notification of Statutory Bodies

Pursuant to Article 285(5)(a) of the Planning and Development (Strategic Housing) Development Regulations 2017 and the Board's Notice of Pre-Application Consultation Opinion, the prospective applicant has notified the following authorities of the making of the SHD application in accordance with Section 8(1)(b) of the Planning and Development (housing) and Residential Tenancies Act 2016.

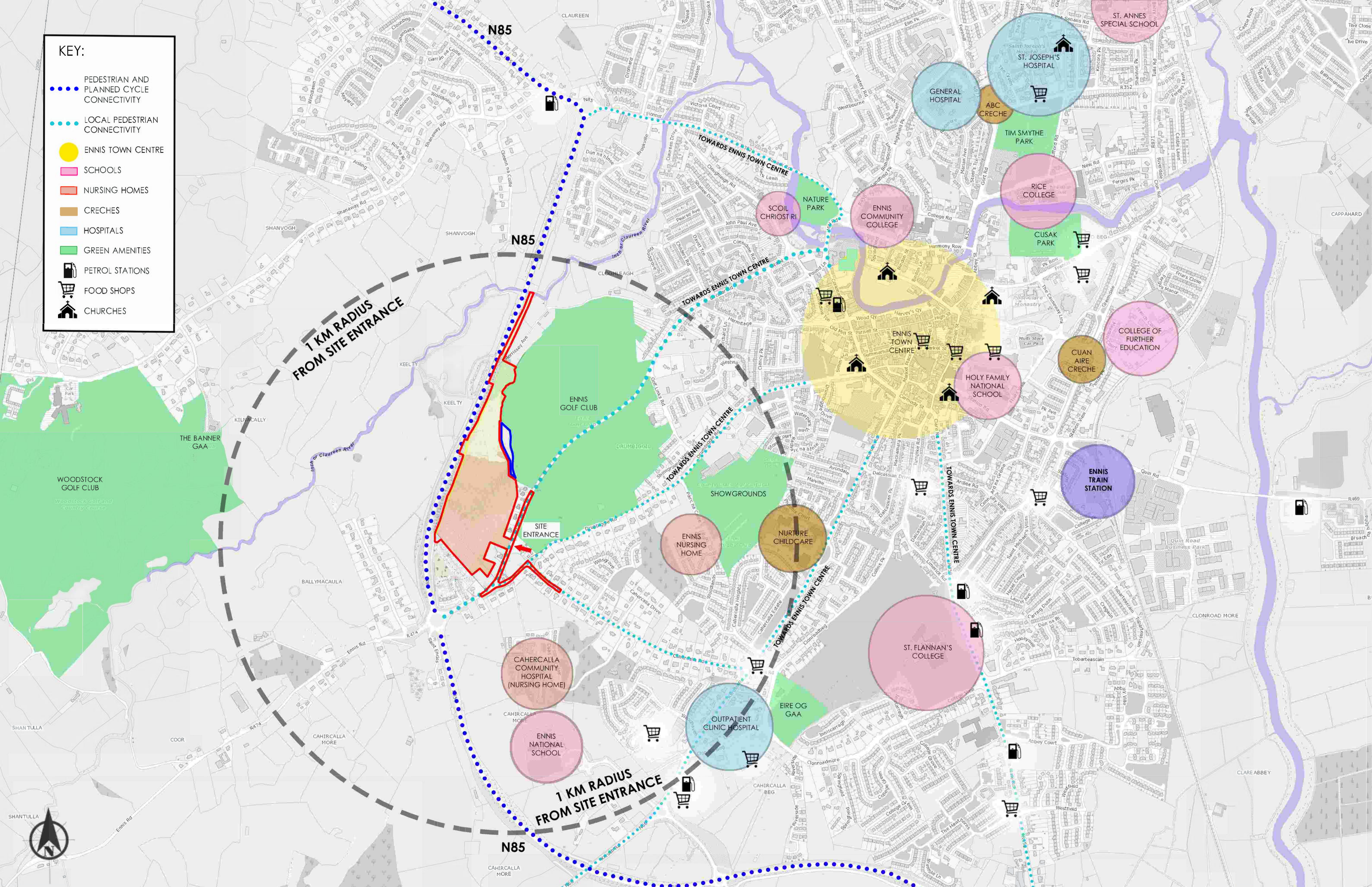
1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. The Relevant Childcare Committee

Response:

A copy of the full planning application and EIAR has been submitted to the prescribed bodies as request by An Bord Pleanála.

KEY:

- PEDESTRIAN AND PLANNED CYCLE CONNECTIVITY
- LOCAL PEDESTRIAN CONNECTIVITY
- ENNIS TOWN CENTRE
- SCHOOLS
- NURSING HOMES
- CRECHES
- HOSPITALS
- GREEN AMENITIES
- 🛢 PETROL STATIONS
- 🛒 FOOD SHOPS
- ⛪ CHURCHES



PROPOSED RESIDENTIAL DEVELOPMENT AT BALLYMACAULA, DRUMBIGGLE, KEELTY, CIRCULAR ROAD, ENNIS, CO. CLARE

PROJECT NO.: 21112
 DRAWING NO.: 21112-SK-050 WIDER SITE CONTEXT
 DATE: 23.08.2022
 SCALE: NTS@A3