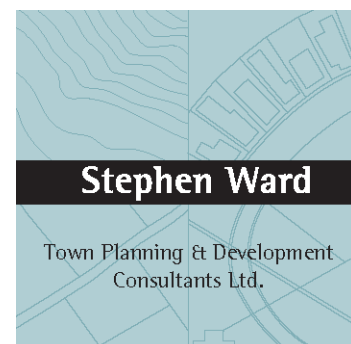


Applicant's A.22(2A)(b) Response Statement to Louth County Council LRD014 Notice of Opinion

Old Slane Road, Drogheda, Co.Louth



Prepared on behalf of
Lagan Homes Tullyallen Ltd



CONTENTS

1.0 Introduction	4
1.1 Legal Opinion	5
1.2 Proposed Variation No. 2 to the Louth County Development Plan 2021-2027	5
2.0 Response of the Applicant to S.32D Issues Raised	6
2.1 Appropriate Assessment.....	6
2.1.1 Response of the Applicant	6
2.2 Material Contravention of the Louth County Development Plan 2021-2027 (CDP).....	7
2.2.1 Response of the Applicant	8
2.3 Public Open Space	8
2.3.1 Response of the Applicant	8
2.4 Daylight and Sunlight Assessment	9
2.4.1 Response of the Applicant	9
2.5 Noise Levels	10
2.5.1 Response of the Applicant	10
3.0 Response of the Applicant to Information Specified under Article 16A.....	12
3.1 Statement of Consistency (SOC)	12
3.1.1 Response of the Applicant	12
3.2 Separation Distances	12
3.2.1 Response of the Applicant	12
3.3 Boundary Treatment.....	13
3.3.1 Response of the Applicant	13
3.4 Phasing.....	13
3.4.1 Response of the Applicant	13
3.5 Contiguous Elevations	13
3.5.1 Response of the Applicant	13
3.6 Carparking.....	14
3.6.1 Response of the Applicant	14
3.7 Traffic and Transport, including layout of internal streets	14
3.7.1 Response of the Applicant	15
3.7.2 Response of the Applicant	15
3.7.3 Response of the Applicant	15
3.7.4 Response of the Applicant	15
3.7.5 Response of the Applicant	16
3.7.6 Response of the Applicant	16
3.7.7 Response of the Applicant	16
3.7.8 Response of the Applicant	17

3.8 Irish Water 18

 3.8.1 Response of the Applicant 18

3.9 Department of Housing, Local Government and Heritage 18

 3.9.1 Response of the Applicant 18

1.0 INTRODUCTION

An LRD Meeting in accordance with section 32C of the Planning and Development Act 2000 (as amended) was held between the prospective applicant Lagan Homes Tullyallen Ltd and Louth County Council on the 31st of January 2024 (Ref.LRD014). This statement is prepared in accordance with Article 22 (2A) (b) of the Planning and Development Regulations 2001 (as amended) in response to the Notice of Opinion (NOP) issued under Section 32D of the Planning and Development Act 2000 (as amended) by Louth County Council dated the 21st of February 2024.

The notice of opinion highlights issues to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for the Large Scale Residential development. These issues are listed under five headings as follows-

1. Appropriate Assessment
2. Material Contravention of the Louth County Development Plan 2021-2027 (CDP)
3. Public Open Space
4. Daylight and Sunlight Assessment
5. Noise Levels

Article 16A (7) provides that when issuing an opinion in accordance with section 32D of the Act a planning authority, may, in addition to the requirements of section 32D, notify the prospective LRD applicant that specified information in addition to the requirements of Article 23, should be submitted with any LRD application for permission for the proposed development. These additional requirements are listed under the following headings-

- Statement of Consistency
- Separation Distances
- Boundary Treatments
- Phasing
- Contiguous Elevations
- Car Parking
- Traffic and Transport, including layout of internal streets
- Irish Water
- Department of Housing, Local Government and Heritage

This response statement will follow the same order as the Notice of Opinion.

1.1 LEGAL OPINION

Following receipt of the Notice of Opinion from Louth County Council, the applicant sought legal opinion on the potential material contravention identified in relation to private open space and the application of the Specific Planning Policy Requirements as contained in the Sustainable and Compact Settlement Guidelines 2024 (“the 2024 Guidelines”).

A copy of the legal opinion of Mr. Niall Handy Senior Counsel is provided under separate cover. It is observed the 2024 Guidelines were issued under Section 28 of the Planning and Development Act 2000 (as amended) and contains several specific planning policy requirements (SPPRs). The Opinion notes that the law in respect of the application of SPPRs is well settled. A planning authority, or the Board, is required to apply any relevant SPPR to a given planning application. As stated at paragraph 12 of the Legal Opinion *“That this is the case arises from the 2000 Act itself, and from jurisprudence of the Superior Courts”*.

On this basis, the applicant’s response is based on the application of the SPPRs contained within the 2024 Guidelines. The application of the new development management criteria required by the SPPRs is not considered a material contravention of the Louth County Development Plan 2021-2027 (as amended) and is not considered premature pending a variation of the LDCP.

1.2 PROPOSED VARIATION NO. 2 TO THE LOUTH COUNTY DEVELOPMENT PLAN 2021-2027

Proposed Variation No. 2 was placed on public display Wednesday 27th March 2024 with submissions accepted until 4pm on Friday 26th April 2024. The purpose of Variation No. 2 is stated as follows; *“To update the County Development Plan to take account of the Guidelines ‘Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities’ published by the Department of Housing, Local Government and Heritage in January 2024 and issued under Section 28 of the Planning and Development Act 2000 (as amended)”* (para. 1.1 Variation Document, March 2024). An Appropriate assessment (AA) Determination and Strategic Environmental Assessment (SEA) Determination accompany the proposed Variation No. 2. The AA Determination states any potential for a significant effect to any European site as a result of implementing Proposed Variation No. 2 can be ruled out. According to the SEA Determination, *“Taking into account the measures that have already been integrated into the Plan and relevant alterations that provide for and contribute towards environmental protection, environmental management and sustainable development, any potential effects arising from Proposed Variation No. 2, would either: be present already (beneficial) and would be further contributed towards, but not to a significant extent; an/or would be mitigated so as not to be significant (adverse).”* It has been determined by Louth County Council that SEA is not required to be undertaken for the proposed variation No.2

In line with the legal opinion outlined above and provided under separate cover, the making of this planning application is not considered to be premature pending the adoption of Proposed Variation No.2 to the Louth County Development Plan 2021-2027 (as amended). The SPPR contained within the Sustainable Residential Development and Compact Settlements Guidelines can be applied with immediate effect.

2.0 RESPONSE OF THE APPLICANT TO S.32D ISSUES RAISED

For ease of referencing, the individual sections of the Notice of Opinion issued by Louth County Council are restated (*italic in text below*) with the response of the applicant to each item directly following.

2.1 APPROPRIATE ASSESSMENT

The extant SHD scheme (APB-311678-21) was the subject of a Natura Impact Statement (NIS) due to a hydrological pathway identified connecting the project site to a number of European Sites and the potential to convey pollutants from the project site to those European Sites. The proposed modification to the extant permission has been the subject of a AA Screening Report which has found that the proposed amendments are minor in scale and represent minor changes to the consented SHD project that will not result in the potential for any additional impacts to European Sites over and above those that have already been identified in the Natura Impact Statement for the planning-approved SHD project and subject to Appropriate Assessment. While the findings of the AA Screening report are not disputed, it is recommended that such findings are included as part of an updated NIS for the entire development as opposed to an AA screening report on the modified portion of the overall scheme. In the absence of an updated NIS it is not possible to determine the potential impacts of the proposed development on any SAC or SPA.

2.1.1 RESPONSE OF THE APPLICANT

The applicant has submitted an NIS as requested by Louth County Council. There are no changes to the mitigation measures from those in the NIS submitted with the approved SHD scheme (ABP-311678-21). In completing the Appropriate Assessment as part of the consideration of ABP-311678-21, An Bord Pleanála concluded that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European sites in view of the sites' conservation objectives. This conclusion was based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Condition No. 2 of the decision ABP-311678-21 issued by An Bord Pleanála states;

“The mitigation measures contained in the Natura impact statement which was submitted with the application shall be implemented in full”.

Reason: In the interests of clarify and the proper planning and sustainable development of the area and to ensure the protection of the European sites”.

A screening assessment was undertaken for the modifications proposed to the permitted development. This screening report identified six European Sites occurring within the wider area surrounding the project site that required examination for the potential for the project to result in likely significant effects. This includes the North-West Irish Sea cSPA which has been established after the permitted SHD was approved. This NIS identifies *“Of these six European Sites five were identified as occurring within the zone of influence of the project. These are the Boyne River and Estuaries European Sites and the River Nanny Estuary and Shore SPA. The likely significant effects to these European Sites, as identified during the Screening Report, relates to the presence of a hydrological pathway linking the project site to the River Boyne (which itself forms part of the River Boyne and River Blackwater SAC & SPA, and which in turn drains to the Boyne Estuary European Sites. Figure 1.4 shows the hydrological pathway connecting the project site to these European Sites.”*

As stated at section 7.0 of the NIS *“It has been concluded that, provided all mitigation measures that aim to avoid the discharge of contaminated surface drainage waters are implemented, the potential for this impact to occur will be eliminated and associated adverse impacts to the Boyne River and Estuaries European Sites will not arise.*

Based upon the information provided in this NIS, it is the considered view of the authors of this NIS that it can be concluded by Louth County Council/ the competent authority that the project will not, alone or in-combination with other plans or projects, result in significant adverse effects to the integrity and conservation status of European Sites in view of their Conservation Objectives and on the basis of best scientific evidence and there is no reasonable scientific doubt as to that conclusion.”

2.2 MATERIAL CONTRAVENTION OF THE LOUTH COUNTY DEVELOPMENT PLAN 2021-2027 (CDP)

It is recognised that the quantitative standards for private open space for houses as set out in the CDP do not align with the quantitative standards as prescribed under SPPR 2 in the new “Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities” (2024). Specifically, the CDP requires a minimum standard of 60sqm private amenity space for 1-2 bedroom dwellings and a minimum standard of 80sqm private amenity space for 3+ bedroom dwellings, whereas the new Guidelines require a minimum standard of 30sqm private amenity space for a 2 bedroom dwelling, a minimum standard of 40sqm private amenity space for a 3 bedroom dwelling and a minimum standard of 50sqm private amenity space for 4 bedroom dwelling.

The prospective applicant has submitted a Housing Quality Assessment (HQA) in Appendix D of the Statement of Consistency. The HQA indicates that all houses meet or exceed the minimum requirement for private open space, in accordance with SPPR 2 of the “Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities”. However, in terms of compliance with the CDP it is noted that the proposed private open space standards for all 2 bed and 3 bed houses are significantly below the minimum standard as set out in Section 13.8.7 of the CDP and as such to permit such standards would constitute a material contravention of the CDP and would be premature, pending a variation to the CDP to aligning it with SPPR 2 of the “Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities”.

2.2.1 RESPONSE OF THE APPLICANT

Please refer to the Legal Opinion of Mr. Niall Handy SC under separate cover. The application of the new development management criteria required by the SPPRs contained within the 2024 Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended) are not considered a material contravention of the Louth County Development Plan 2021-2027 (as amended) and are not considered premature pending a variation of the LDCP.

The Housing Quality Assessment prepared by project architects JFOC under separate cover details all private garden areas which all meet the minimum size required by SPPR 2 of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities.

2.3 PUBLIC OPEN SPACE

While the proposed Public Open Space provision of 14% of net site area is compliant with SPPR 3 of the “Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities” (2024) it does not take into account Section 13.8.15 of the CDP which seeks a higher standard of 15%. The prospective applicant shall amend the Public Open Space provision to comply with Section 13.8.15 of the CDP.

2.3.1 RESPONSE OF THE APPLICANT

Section 13.8.5 of the Louth County Development Plan 2021-2027 states, *“Public open space within a development shall normally equate to 15% of the total site area. In developments where the standard of the open space is of a high quality due to its location, functionality and any additional detailing proposed e.g. paving, landscaping or surfaced play areas and equipment, a reduced rate of open space may be acceptable. Such a reduction will be assessed on a case-by-case basis.”*

The permitted SHD with modifications proposed in place will have 9,150ha of public open space equating to 15% of the net site area (all of the SHD site excluding the ravine and buffer zone). The SHD as permitted has 0.92ha of public open space equating to 14.9% of the net site area. The calculation of public open space does not include the 20-meter riparian corridor which extends from the western bank of the Mell Stream and provides significant visual amenity and a sense of openness to the site while protecting an important Karst landscape feature. It is submitted that the permitted SHD with modifications as proposed is fully in keeping with section 13.8.15. The distribution of public open space has also been improved with four pocket parks provided in addition to the central public open space adjoining the riparian corridor. This facilitates a park within a short walking distance of all residents.

2.4 DAYLIGHT AND SUNLIGHT ASSESSMENT

The Daylight and Sunlight Assessment undertaken by IES does not examine the entirety of the proposed modification to the extant permission, rather the assessment includes only a sample of 18 units out of the proposed 207 units in the development. The sample identifies that only 11 out of the 18 sample units receive the minimum recommended 2 hours of sunlight on 21st March over at least 50% of their garden/amenity areas. The IES assessment appears to suggest that the development meets the minimum sunlight standards as set out in the BRE Guide (3rd Edition) but this is at odds with the results included in Section 5.2.1 to 5.2.3 of that assessment. It is recommended that further analysis is undertaken with regard to the sunlight assessment and that the assessment is extended to all 207 units within the site to ensure compliance with the BRE Guide (3rd Edition). It is further recommended that the IES assessment is extended to all units for assessment of daylight, view out and glare.

2.4.1 RESPONSE OF THE APPLICANT

The daylight and sunlight assessment undertaken by EIS and submitted with the prospective applicants request for an LRD meeting provided a sample of results based on the worst case scenario e.g. north facing gardens. Further to the Notice of Opinion, the IES assessment submitted with this planning application has been widened to include all garden amenity areas, and public open space. The assessment also tests all housing and apartments in terms of access to daylight and sunlight.

The IES assessment of daylight submitted under separate cover provides a detailed analysis of the results for all 207no. dwellings proposed, by house type and room analysed. Results demonstrate 100% compliance for daylight across the application site.

All 165no. private gardens have been assessed against the recommendations outlined in Section 3.3.17 of the BRE Guide (3rd Edition), for a space to appear adequately sunlit throughout the year, at least half of the garden or amenity area should receive at least 2 hours of sunlight on March 21st. On March 21st, 83% (137 out of 165) of the proposed rear garden amenity spaces within the development site will receive at least 2 hours of sunlight over their total area. According to IES, achieving in excess of 80% of private amenities above the recommendations of 2 hours of sunlight during March 21st is a high standard to achieve. When compared against the minimum area required for each dwelling the compliance rate increases to 95% (157 out of 165).

96% of the combined proposed public open amenity area situated within the SHD site will receive at least 2 hours of sunlight over their total area, far exceeding the recommendation of 50%.

The assessment of “view out” known as a “no skyline assessment” and the assessment of glare recommended by the Planning Authority is normally applied to offices and not domestic settings as occupants can change their position whereas in an office environment there is not the same flexibility with fixed seating locations. This is not necessary to ensure a high level of residential amenity which is more accurately demonstrated by the assessments which have been undertaken.

2.5 NOISE LEVELS

The acoustic design statement prepared by Amplitude Acoustics has concluded that acoustic screening will significantly reduce the external noise level on-site to largely below the 50-55dB threshold for amenity spaces, though the statement does identify that there will be a limited area between 55-60dB LAeq 16 hours. The acoustic design statement also reports that future noise levels are expected to rise by between 1-2dB over the next 10 years.

The prospective applicant is recommended to investigate additional noise reduction measures on site to take account of those areas where the external noise level exceeds the 55dB LAeq 16 hours threshold. The prospective applicant is also recommended to investigate additional noise reduction measures factoring in expected future noise level increases of 1-2dB over the next 10 years.

2.5.1 RESPONSE OF THE APPLICANT

The applicant has undertaken an iterative design process with advice and analysis by Amplitude Acoustics to investigate additional noise reduction measures for the area at the south west corner of the site that exceeded the external noise level of 55dB LAeq 16 hours. The assessment provided under separate cover includes for the 10-year forecast increase in traffic volume and associated increase in noise levels outlined in the TII document Project Appraisal Guidelines Unit 5.3 'Travel Demand Projections'. The revised assessment continues to demonstrate an improvement across the site in terms of noise intrusion.

Based on the results of the assessment, the boundary treatment at the south west corner has been increased in height. As detailed at Table 9 of the report by Amplitude Acoustics and the landscape general arrangement plan, a 2-metre high berm and 3-metre high acoustic fence is proposed along the eastern boundary of the public open space in this location. In order to ensure the private gardens of house Nos. 93 and 94 achieve noise levels below 55dB LAeq 16 hours, a 3-metre boundary wall is proposed along the south of these plots. As illustrated by figures 2 and 3 below, even with the expected increase in future road noise over the next 10 years, all garden areas are protected from noise intrusion.

There are areas of public open space that exceeds 55dB LAeq 16 hours. Guidance on noise levels for external amenity areas is provided by BS 8233:2014 and ProPG 2017. ProPG 2017 refers to the BS8233:2014 guidance which states that while noise levels should ideally not be above the range 50-55dB LAeq,16hr, "*These guideline values may not be achievable in all circumstances where development might be desirable. In such a situation, development should be designed to achieve the lowest practicable noise levels in these external amenity spaces but should not be prohibited.*" Every effort has been made to reduce noise intrusion into the site to the lowest practicable external noise level. Even with the expected increase in future road noise over the next 10 years, the results demonstrate an improvement over the development as permitted.

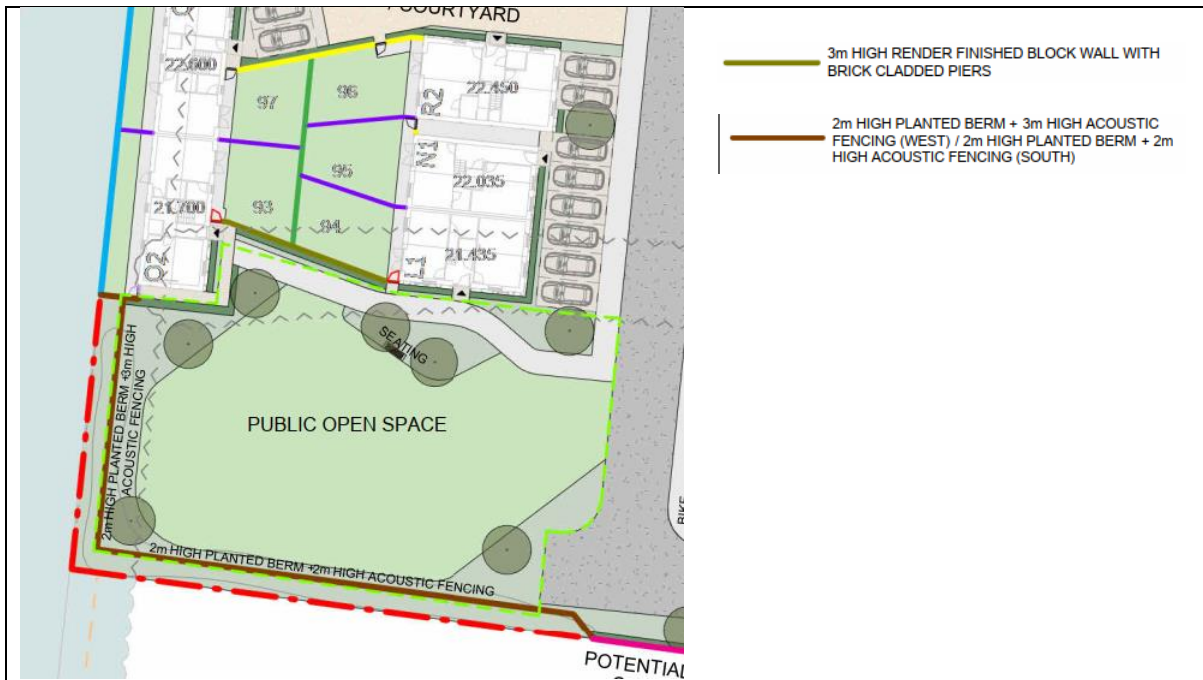


Figure 1: Boundary Treatments in the south west corner of the application site



Figure 2: LRD Meeting Stage Lday road traffic noise contour bands



Figure 3: Revised Assessment - Lday road traffic noise contour bands with 10-year traffic increase.

3.0 RESPONSE OF THE APPLICANT TO INFORMATION SPECIFIED UNDER ARTICLE 16A

3.1 STATEMENT OF CONSISTENCY (SOC)

The SOC by Stephen Ward Town Planning and Development Consultants Limited needs to be updated to reflect the new “Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities”.

3.1.1 RESPONSE OF THE APPLICANT

The statement of consistency prepared by Stephen Ward Town Planning and Development Consultants Limited has been updated to reflect the coming into effect of the “Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities” in January 2024.

3.2 SEPARATION DISTANCES

Proposed minimum separation distances of 16m have been generally observed between directly opposing first floor habitable rooms in accordance with SPPR 1 of the “Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities” (2024) but do not take into account Section 13.8.9.1 of the CDP which seeks a higher standard of a minimum of 22m separation between directly opposing first floor habitable rooms. The prospective applicant is advised to justify the reduction in the CDP minimum separation distance standard on design grounds, irrespective of the standard as prescribed in SPPR 1, to ensure compliance with CDP standards. Alternatively, the prospective applicant shall increase the proposed separation distances to 22m as per Section 13.8.9.1 of the CDP.

3.2.1 RESPONSE OF THE APPLICANT

According to Section 13.8.9.1 of the Louth County Development Plan 2021-2027, “A minimum of 22 metres separation between directly opposing first floor habitable rooms in residential properties shall generally be observed. This separation distance is not required for windows in non-habitable rooms such as bathrooms, stairwells or landings.

There may be instances where a reduction in separation distances may be acceptable. This is dependent on the orientation, location, and internal layout of the development and its relationship with any surrounding buildings. Any applications for such developments will be assessed on a case-by-case basis.”

The LCDP provides flexibility with regard to separation distances. The design of the new house types proposed minimises the number of opposing first floor windows to create a compact settlement pattern that will provide a medium density residential development in line with the Sustainable and Compact Settlements Guidelines (2024) and SPPR 1. The proposed modifications to the permitted SHD seek to reduce the back-to-back separation distances between two storey housing to 16m where there are first floor opposing windows and 14m where there are no opposing first floor windows.

The Guidelines were issued under Section 28 of the Planning and Development Act (as amended). As such, planning authorities and An Bord Pleanála are required to have regard to the guidelines and apply any specific planning policy requirements (SPPRs) of the Guidelines. Accordingly, where SPPRs are stated, they take precedence over any conflicting policies and objectives of development plans. In order to demonstrate the design grounds for the reduced separation distances in response to the Written Opinion, a more detailed examination is provided within the Residential Amenity Report under separate cover.

3.3 BOUNDARY TREATMENT

The prospective applicant is advised to amend the proposed boundary treatment at the rear of residential properties from 2m high concrete post and concrete panel fencing to 2m high block wall. The prospective applicant is advised to amend the proposed side boundaries between properties from 1.8m high concrete post and timber panel fencing to 2m high concrete post and timber panel fencing.

3.3.1 RESPONSE OF THE APPLICANT

As detailed by NMP drawing no. P-L2-100 the boundary treatments have been updated in accordance with Section 13.8.11 of the LCDP and take into account the mitigation measures outlined by Amplitude Acoustics in their Acoustic Design Statement under separate cover.

3.4 PHASING

The prospective applicant shall amend the proposed phasing strategy outlined in Drawing No. 22.127.PP2002, bringing forward the proposed crèche building from Phase 3 into Phase 1 or early Phase Two to facilitate early delivery of key infrastructure associated with this large residential development.

3.4.1 RESPONSE OF THE APPLICANT

A revised phasing strategy is submitted under separate cover which places the creche building in phase 1 of the subject application site (Phase 2 of the SHD) (JFOC drawing no. 22.127.PD2009).

3.5 CONTIGUOUS ELEVATIONS

The prospective applicant shall amend Contiguous Elevation No.3 so that it is consistent with the site layout plan.

3.5.1 RESPONSE OF THE APPLICANT

Contiguous elevations prepared by JFOC Architects are provided as part of the planning application package under separate cover. All drawings are consistent with the site layout plan (JFOC drawing no. 22.127.PD1003).

3.6 CARPARKING

This site would be considered as “Area 3” Lands – 2 spaces per Unit (apt or dwelling) as per 13.16.12 of the CDP. The prospective applicant has provided carparking for the houses as per SPPR 4 of the “Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities” (2024), i.e. 1 parking space per 2 bedroom house and 2 parking spaces for each house with 3 or more bedrooms, but has not factored in the carparking requirements as out in 13.16.12. This has resulted in a shortfall of 28 spaces in relation to the 28 no. 2-bed dwellings. The CDP does allow for a reduction in parking provisions where it is supported by a Transport Mobility Management Plan (TMMP), but there is no such TMMP submitted. The prospective applicant is recommended to either provide 2 parking space per 2 bedroom house or justify the reduction in carparking to 1 space for this units type by way of a TMMP.

3.6.1 RESPONSE OF THE APPLICANT

In accordance with Section 13.16.12 of the Louth County Development Plan 2021-2017 (as amended) a Transport Mobility Management Plan has been prepared for the permitted SHD as proposed to be modified, supporting the proposed reduction in car parking for two bedroom housing from two spaces per house to one as required by Table 13.11 of the LCDP.

It is submitted this reduction in car parking provision is fully in keeping with SPPR 3 of the Sustainable and Compact Settlement Guidelines (2024) which state, *“In intermediate and peripheral locations, the **maximum** rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2no. spaces per dwelling”* (p.58).

The application site is well located and connected too surrounding services and facilities to encourage a modal shift.

3.7 TRAFFIC AND TRANSPORT, INCLUDING LAYOUT OF INTERNAL STREETS

- 1. To support the retrospective provision of walking and cycling infrastructure in existing settlements, where feasible, to achieve growth in sustainable mobility and strengthen and improve the walking and cycling, the prospective applicant shall provide for a sterile section of land(s) on the boundary adjoining the public road for the provision of footpath(s) and cycle path(s) that comply with the widths outlined in section 2.6 & Table 2.2 of “The Cycle Design Manual” i.e. footpath width 1.8m, cycle path width 2m and buffer zone of 0.5m i.e. 4.3m. All boundary fences / walls associated with said application shall be set clear of this sterile lands for the future provision of cycle / walking infrastructure. Further development of the plans provided is required.*

3.7.1 RESPONSE OF THE APPLICANT

As illustrated by Waterman Moylan drawing no. OSR-WMC-ZZ-GF-DR-C-3102 there is least 4.3m free from development along the north of the application site to allow for any future provision of cycle/walking infrastructure as requested by Louth County Council. It is noted that a shared footpath is permitted between the subject site and the M1 Retail Park that would not prejudice or prohibit the future provision of pedestrian and cycle infrastructure.

2. *Details are required to demonstrate road centreline radii including chicanes are designed in accordance with DMURS.*
-

3.7.2 RESPONSE OF THE APPLICANT

As detailed by Waterman Moylan in the Engineering Assessment Report provided under separate cover the road centreline and corner radii are in accordance with DMURS with a minimum centre line curvature of 11m radius, suitable for a 20km/hr design speed.

3. *Autotracking details are required for large self-loading bin lorries and service vehicles throughout the modified development.*
-

3.7.3 RESPONSE OF THE APPLICANT

Waterman Moylan drawing no. OSR-WMC-ZZ-GF-DR-C-3103 and 3104 provide autotracking for a refuse vehicle (Phoenix 2 Duo). This is regarded as the largest regular visiting vehicle to the site and fire tender are generally smaller than the vehicle used in the assessment.

4. *Layout plans are required demonstrating road gradients in accordance with DMURS.*
-

3.7.4 RESPONSE OF THE APPLICANT

As detailed by Waterman Moylan in the Engineering Assessment Report provided under separate cover, public roads throughout the development have been designed with a maximum gradient of 1:20 and a minimum gradient of 1:150 in accordance with DMURS.

5. *Sightline details are required in accordance with DMURS, parking and planting on current plans will need to be amended to comply with this.*

3.7.5 RESPONSE OF THE APPLICANT

Waterman Moylan has reviewed sightlines with regard to parking and planting. Please refer to Waterman Moylan drawing nos. OSR-WMC-ZZ-GF-DR-C-3103 and 3104 which demonstrate adequate sightlines are achieved in accordance with DMURS.

6. *Junction radii shall be provided in accordance with DMURS.*

3.7.6 RESPONSE OF THE APPLICANT

This standard is complied with throughout the development proposed. The road centreline and corner radii are in accordance with DMURS, with minimum corner radii of 3m as detailed by Waterman Moylan in the Engineering Assessment Report provided under separate cover.

7. *Turning bays shall be incorporated to avoid long reversing movements by large vehicles. Turning bay opposite house number 74 shall be in accordance with Recommendations for Site Development Works for Housing Areas figure 2.2 type (ii) Published by the Department of Environment.*

3.7.7 RESPONSE OF THE APPLICANT

The site layout plan has been updated to take account of the Opinion. The number of cul-de-sacs has been minimised with only two turning bays required for large vehicles. Swept path analysis drawings demonstrate that a refuse vehicle can adequately manoeuvre throughout the site.

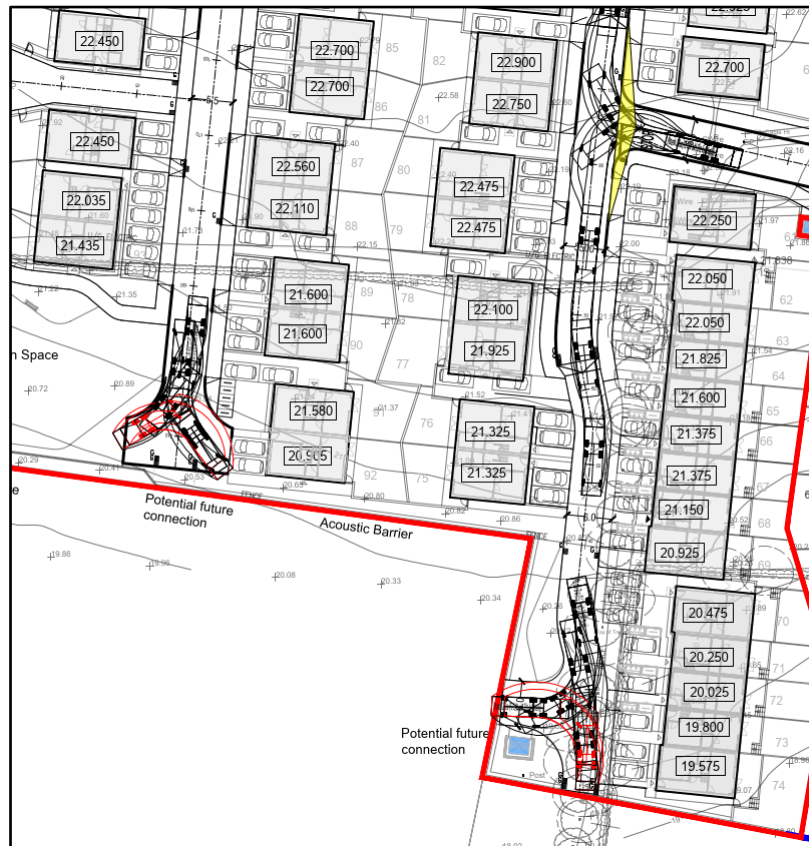


Figure 4: Extract from Waterman Moylan Drawing No. 3103

8. *The proposed 4.8m wide shared space provides a narrow corridor between the houses at the west and those at the east. Where there are links between streets these must be adequately designed in width to facilitate 2-way traffic (minimum 5.5m wide) and provide for footpath on both sides of the street particularly on the main pedestrian desire lines.*

3.7.8 RESPONSE OF THE APPLICANT

The site layout plan has been updated to take account of the Opinion. Road widths throughout the development are generally 5.5m on the main pedestrian desire lines, with road widths of 4.8m at shared surfaces in accordance with Section 4.4.1 of DMURS. Please refer to Waterman Moylan drawing nos. 3101 and 3102 for the Road General Arrangement, layout and levels.

3.8 IRISH WATER

The prospective applicant should submit a new Pre-Connection Enquiry (PCE) to Irish Water as the existing Confirmation of Feasibility (COF) dated July 2023. A valid COF is required with any LRD planning application.

3.8.1 RESPONSE OF THE APPLICANT

Confirmation of Feasibility was issued by Irish Water by letter dated 26th of April 2024. Design Acceptance was received by letter dated 9th of May 2024. Please find copies attached to the Engineering Assessment Report provided under separate cover.

3.9 DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND HERITAGE

It is noted that there does not appear to be any mention that the Mell or Kenny Stream on the eastern boundary of the development site, and the ravine through which it runs south towards the River Boyne, form part of the Waterunderbridge-Dry Bridge County Geological Heritage Site. The Department considers it would be desirable that the prospective applicant reflect as to whether appreciation of the karstic nature of the Mell Stream bed and ravine might require revision of their conclusions within the EIA Screening Report, the AA Screening report and NIS Statement, the EclA and the Engineering Assessment report as to the possible ecological impacts of the development proposed and the treatment of the surface water drainage from the development which is to be directed to an outfall on this stream. It is also recommended that the prospective applicant should request the opinion of the Geological Survey of Ireland as to whether the proposed development as modified might detrimentally affect the scientific value of the Waterunderbridge-Dry Bridge County Geological Heritage Site and how any potential detrimental effects on the latter site might be mitigated.

3.9.1 RESPONSE OF THE APPLICANT

The principle of residential development has been established on site under SHD ABP Ref. 311678-21. The geological heritage of the site was thoroughly assessed as part of the preparation of the permitted SHD including a Natura Impact Statement, Ecological Impact Assessment, a sub-soil hydrological assessment report as well as a preliminary Karst Risk Assessment by IE Consulting by a Chartered Environmental Engineer. The proposed modifications to the permitted SHD do not affect any aspect of the geological heritage of the site. Mell Stream and its associated ravine including a 20m buffer area is not within the application site for the proposed modifications to the permitted SHD.

In accordance with Section 34(3C) of the Planning and Development Act 2000 (as amended), the planning authority is restricted in its determination of this application to modify the permitted SHD by way of an LRD application to only considering the modifications proposed to the previously permitted development.