



An
Bord
Pleanála

Board Direction
BD-004554-19
ABP-305110-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/11/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the following:

- (a) the zoning of the site and the policies and objectives of the Drogheda Borough Council Development Plan 2011-2017,
- (b) the policies and objectives in the Louth County Council Development Plan 2015 to 2021,
- (c) the National Planning Framework and RSES which identifies the importance of Dundalk along the Dublin-Belfast corridor,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (e) the nature, scale and design of the proposed development,
- (f) the availability in the area of a wide range of social infrastructure,

- (g) the pattern of existing and permitted development in the area,
- (h) the planning history within the area,
- (i) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009,
- (j) the provisions of the Urban Design Manual – A Best Practice Guide, 2009,
- (k) the Sustainable Urban Housing: Design Standards for New Apartments, 2018,
- (l) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013,
- (m) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018,
- (n) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009,
- (o) the submissions and observations received,
- (p) the report of the inspector,

Stage 1 Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be

affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European sites, in view of the site's Conservation Objectives other than the Boyne Coast and Estuary SAC (Site Code: 001957) which is the European site for which there is a likelihood of significant effects.

Stage 2 Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Boyne Coast and Estuary SAC (Site Code: 001957) is a European site for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the nearby Boyne Coast and Estuary SAC (Site Code: 001957), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied 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..

Environmental Impact Assessment

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account:

- The nature, scale and extent of the proposed development;
- The Environmental Impact Assessment Report and associated documentation submitted in support of the application;
- The submissions from the applicant, Planning Authority, the observers and the prescribed bodies in the course of the application; and
- The Planning Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the EIAR, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- (a) A positive impact with regard to population and material assets due to the increase in the housing stock that would be available in the town.
- (b) The proposed development is not likely to have adverse effects on population and human health nor is it likely to increase the risk of natural disaster.
- (c) Landscape and Visual Impacts: The development will present as a new development in the landscape. There will also be changed views for some viewers from various locations. The lands are zoned for residential development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting. The potential impact will be mitigated by the design, retention of specified trees and hedgerows, and phased boundary planting and screening.
- (d) Traffic and transportation impacts: These will be mitigated by the phasing of the development and by the completion of a package of local road improvement measures.

- (e) Water impacts are proposed to be mitigated by construction management measures and implementation of SUDS measures.
- (f) Biodiversity impacts, which will be mitigated by a range of measures identified in the EIAR, including construction management measures, protection of trees to be retained, landscaping, measures to avoid disturbance to bats, and provision of bat boxes.
- (g) Cultural heritage impacts, which will be mitigated by a programme of archaeological investigations undertaken prior to the commencement of the construction phase.
- (h) Impacts on air quality and climate which will be mitigated by measures set out in the EIAR.

The Board concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of stormwater management, as well as in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The period during which the development hereby permitted may be carried out shall be five years from the date of this order.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
4.	<p>The proposed development shall be amended as follows:</p> <p>(a) The side elevation of the following dwellings shall be redesigned to provide for a dual aspect with additional windows provided on the side elevations toward the streets they adjoin: 8, 51, 16, 64, 65, 52, 75, 34, 35, 151, and 179. The side boundary walls at the street edge of these plots shall be lowered toward the front section of the plot.</p>

	<p>(b) Privacy screens of 1.5 metres minimum height shall be provided between balconies of the apartments.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to provide a satisfactory standard of residential accommodation.</p>
5.	<p>Prior to first occupation of any of the units, the pedestrian/cyclist connection along the southern boundary of the site onto McGrath's Lane shall be satisfactorily completed at the developer's expense and available for public use.</p> <p>Reason: In the interests of pedestrian, cyclist and traffic safety.</p>
6.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:</p> <p>(a) The roads and traffic arrangements serving the site (including sightlines, footpath connections and signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.</p> <p>(i) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths, corner radii and pedestrian crossings.</p> <p>(ii) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works.</p>

	<p>(iii) A Mobility Management Plan shall be prepared and submitted to the planning authority for approval prior to the commencement of development.</p> <p>(iv) The developer shall carry out a Stage 2 Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.</p> <p>(b) Within six months of substantial completion of the development a Stage 3 Quality Audit (including Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), of the constructed development shall be submitted to the planning authority for approval.</p> <p>(c) All car parking spaces shall be ducted for future electric vehicle charging points.</p> <p>(d) Clearly designated spaces for car share use shall be provided.</p> <p>(e) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interests of pedestrian, cyclist and traffic safety.</p>
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7.	<p>The following car parking spaces shall be omitted and the spaces integrated within public/communal open space. A revised landscape masterplan for these changes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:</p> <ul style="list-style-type: none"> a) Omit 6 car parking spaces to the south of Block 4 eastwards from the adjacent communal open space. b) Omit 6 car parking spaces to the north of Block 3 eastwards from the adjacent communal open space. c) Omit 6 car parking spaces to the south of Block 1 westwards from the adjacent crèche garden area. d) Omit 6 car parking spaces to the north of Block 2 westwards from the adjacent crèche garden area. e) Omit 8 car parking spaces east of the Office Block (i.e. the two rows of 4 perpendicular parking spaces facing each other on the northern end of the cul-de-sac street between Block 7 and the Office Block). <p>Reason: In the interests of promoting sustainable transport modes and to encourage cycling, walking and the use of public transport.</p>
8.	<p>Details of all fencing and/or walling along the perimeter of the site, including at the vehicular and pedestrian entrances to the scheme, and along common boundaries, including proposed heights, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential and visual amenities.</p>
9.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings and detailed public realm finishes to the civic</p>

	<p>plazas shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
10.	<p>Details of all external shopfronts and signage to the ground floor units of Block 9 and Block 10 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All of the ground floor units shall maintain an entrance onto the civic plaza, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of the visual amenities and good urban design.</p>
11.	<p>(a) Commercial units shall not be amalgamated or subdivided, unless authorised by a further grant of planning permission.</p> <p>(b) No external security shutters shall be erected for any of the commercial premises (other than at services access points) unless authorized by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: To prevent unauthorized development.</p>
12.	<p>All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.</p> <p>Reason: In the interest of residential amenity.</p>
13.	<p>Each dwelling shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.</p>

	Reason: In the interests of sustainable development and proper planning.
14.	<p>No apartment units within the proposed development shall be sold separately, independent from the associated car parking provision. All of the proposed car parking spaces shall be for occupants of the dwelling units and shall be sold with the units and not sold separately or let independently from the residential development.</p> <p>Reason: In the interest of orderly development.</p>
15.	<p>No additional development shall take place above roof parapet level of the apartment buildings, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.</p>
16.	<p>Proposals for a development name, office/commercial unit identification and dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
17.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located

	<p>underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
18.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
19.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Within 6 months of substantial completion of the development, a Stage 3 Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for approval.</p> <p>Reason: In the interest of public health and surface water management.</p>
20.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p>

	<p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
21.	<p>The applicant is required to survey the small pond at the northern end of the drainage ditch for amphibians under licence to be issued by the Department of Culture, Heritage and the Gaeltacht and in accordance with any licence conditions, including any mitigation/compensatory requirements, prior to the commencement of any construction work. All amphibian survey work should be undertaken in accordance with the methodologies set out in the National Roads Authority (NRA) Guidelines document 'Ecological Surveying Techniques for Protected Flora and Fauna during the Planning of National Road Schemes'.</p> <p>Reason: To protect common frog and smooth newt, protected under the Wildlife Acts 1976, as amended, from destruction.</p>
22.	<p>The site shall be landscaped in accordance with a revised landscaping plan which shall include, inter alia, any requirements stipulated by Iarnród Éireann in relation to planting proximate to the railway line. Detail shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.</p>

	Reason: In the interest of residential and visual amenity.
23.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p>
24.	<p>Prior to commencement of development the developer shall submit and obtain the written agreement of the planning authority, a plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
25.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide a demolition management plan, together with details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
26.	<p>Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company.</p>

	<p>Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.</p> <p>Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.</p>
27.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
28.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed</p>

	<p>between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
29.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Note: Please include, in the letters notifying the parties of the decision, a reminder of the provisions of Section 34 (13) of the Act.

Board Member

Date: 20/11/2019

Stephen Bohan