



An
Bord
Pleanála

Board Direction
BD-005016-20
ABP-305552-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/01/2020.

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

In coming to its decision the Board had regard to the following:

- a) The site's location adjoining the built up area of Drogheda on lands with a zoning objective for residential development in Meath County Development Plan 2013-2019 and the Local Area Plan for the Southern Environs of Drogheda 2009-2015;
- b) Nature, scale, layout and design of the proposed development;
- c) The site context;
- d) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- e) 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;
- f) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

- g) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- h) The Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018;
- i) Section 37(b)(2) of the Planning and Development Act 2000 whereby the Board is not precluded from granting permission for development which materially contravenes a Development Plan;
- j) Submissions and observations received;
- k) The report of the inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on the River Boyne and River Blackwater Special Area of Conservation (site code 002299), the River Boyne and River Blackwater Special Protection Area (site code 004232), the Boyne Coast and Estuary Special Area of Conservation (site code 001957) and the Boyne Estuary Special Protection Area (site code 004080), taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application, the Inspector's report and the submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on the above European sites or on any other European site in view of the sites' conservation objectives and that a Stage 2 Appropriate Assessment is not required. In doing so, the Board disagreed with the conclusions of the Appropriate Assessment Screening Report submitted with the application

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the prescribed bodies and the public in the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board completed an environmental impact assessment in relation to the proposed development and, in doing so, agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report, associated documentation submitted by the applicant, and submissions made in the course of the planning application, and adopted the Inspector's assessment in this regard.

The board considers that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant positive effects with regard to population and material assets due to the increase in housing that it would provide in the town
- A significant effect on land and the landscape by the change in the use and appearance of a relatively large site from agricultural and to residential. Given the location of the site between the built up area of the town and a motorway, this effect would not have a significant negative impact on the environment.

- Potential effects on air during construction due to the emissions of dust and noise which would be mitigated by appropriate measures

The proposed development is not likely to have significant effects on human health, biodiversity, soil, water, air, climate or on cultural heritage. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

The Board concluded that, subject to the implementation of the mitigation measures proposed, as set out in Chapter 14 included in Volume 2 of the environmental impact assessment report, 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.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the cultural or natural heritage of the area or the amenities of property in the vicinity, would provide an appropriate extension to the built up area of the town and an acceptable level of residential amenity for its occupants, would not be at undue risk of flooding and would be acceptable 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. 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, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. The appropriate period of this permission shall be 5 years from the date of this order. The development shall be completed within that period in accordance with a revised phasing plan that shall be submitted and agreed in writing with the planning authority prior to the commencement of development. The revised phasing plan shall specify when the authorised works to upgrade the Oldbridge and Sheephouse Roads shall be completed.

Reason: To ensure the timely and orderly development of the site for housing in accordance with national and local policy

3. The mitigation and monitoring measures identified in Chapter 14 of Volume 2 of 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.

Reason: To protect the environment

4. The proposed works to the Sheephouse Road to the south of the proposed signalised junction on the Rathmullan Road shall be amended as follows-
 - a. The carriageway shall be no more than 6m wide
 - b. A footpath at least 2m wide shall be provided along the side of the road adjacent to the authorised housing
 - c. Cycle lanes shall conform to the standards set out at section 4.3.2.1 of the National Cycle Manual and which shall be segregated from the pedestrian footpath, maintain priority over minor roads at junctions and bring cyclists across the junction at the Rathmullan Road integrated with traffic.

Revised plans showing compliance with these requirements and showing the works in relation to the authorised development on the land on the other side of the Sheephouse Road shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS and the National Cycle Manual

5. The treatment of the land adjacent to the authorised apartment buildings shall provide the ground floor apartments with adequate privacy in accordance with the advice at section 3.41 of the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government in March 2018. Each of the apartment buildings shall have bin storage and bicycle parking facilities in accordance with the advice at section 4 of those standards that are accessible, sheltered and secure with adequate storage for at least 1.5 bicycles per apartment. Prior to the commencement of development revised plans shall be submitted and agreed with the planning authority which illustrate how these requirements will be met.

Reason: To provide a proper standard of residential amenity for the occupants of the permitted apartments

6. The proposed house type 3-10 on plots K0-1, K02, K-23 and K-24 shall be revised to provide adequate overlooking of the adjoining open space from the side elevations of the houses on those plots. Revised plans demonstrating compliance with this requirement shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

Reason: To provide adequate levels of security and amenity in one of the proposed open spaces

7. Final details of roads and traffic arrangements serving the site (including signage) shall be agreed and shall include the integration of all works at the

junction of the development at Sheephouse Road, and at the junction of the development with Rathmullen Road/Sheephouse road/Oldbridge Road with any local authority works.

Revised drawings/reports 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.

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

8. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of sustainable travel.

9. All planting/landscaping required to comply with the specification of the landscaping scheme submitted to An Bord Pleanála shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity

10. The materials, colours and finishes of the authorised buildings, the treatment of boundaries within the development and the landscaping of the site shall generally be in accordance with the details submitted with the application, unless the prior written agreement of the planning authority is obtained to minor departures from those details

Reason: In the interests of visual amenity

11. Proposals for street names, house 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 numbers shall be provided in accordance with the agreed scheme. The proposed names 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).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

13. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health

14. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

15. 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 details of intended construction practice for the development, including:

- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;
- (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (d) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

Reason: In the interest of amenities, public health and safety

16. 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

17. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management

18. 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, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. No additional development shall take place above roof parapet level, 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.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

20. 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. Membership of this company shall be compulsory for all purchasers of apartments and duplex units 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.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

21. 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 -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (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.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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.

22. 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 provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

23. Prior to commencement of development, the applicant 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.

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

24. 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.

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

Board Member

Date: 27/01/2020

Michelle Fagan