

An  
Bord  
Pleanála

**Board Direction**  
**BD-015098-24**  
**ABP-310837-21**

The submissions on this file and the Inspector's report were considered at Board meetings held on 14/01/2022, 25/07/2023, 08/09/2023 and 17/01/2024.

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

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Meath County Development Plan 2021- 2027 and the Southern Environs of Drogheda Local Area Plan 2009-2015 (as extended);
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2004;

- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Housing, Planning and Local Government, Community and Local Government (June 2019);
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2022;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009; and
- n. The Inspector's Report; and
- o. Submissions and Observations receive.

It is considered that, subject to compliance with the conditions set out below, the proposed development 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 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.

### **Appropriate Assessment Screening**

Having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises residentially zoned lands in the Southern Environs of Drogheda, the distances to the nearest European sites, and in the absence of either a direct or indirect surface water hydrological connection to the River Boyne or any other watercourse such as would constitute a source-pathway-receptor link, it is reasonable to conclude that on the basis of the information on the file, the Board considered that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' conservation

objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not, therefore, required.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 4th day of May 2021, 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.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - a) Duplex Block no. 1 shall be omitted, and the resultant space shall be incorporated into the landscaping plan as public open space and additional parking area to be provided for the creche facility.
  - b) Duplex Blocks nos. 2 and 3 shall be moved northwards by 2m respectively.
  - c) Privacy screens shall be included for the balconies in the side elevations facing each other of the apartments in Blocks A and B. These shall be agreed with the planning authority and these shall be permanently fitted with obscure glazing prior to the first occupation of the units and, thereafter, shall be maintained.

Revised drawings showing compliance 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 visual and residential amenity.

3. A schedule of all materials to be used in the external treatment of the development to include a variety of high quality brick finishes, roofing materials, windows and doors 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 interest of visual amenity and to ensure an appropriate high standard of development.

4. The proposed road through the development shall be a through road connecting southeast of Duplex 3 to the eastern end of the existing road serving the Overwent Village estate and shall not be a cul-de-sac.

**Reason:** In the interest of clarity.

5. The operational hours of the proposed creche, including details of sessional care shall be agreed in writing with the planning authority prior to the first occupation of the unit.

**Reason:** In the interest of protecting the residential amenities of adjoining properties.

6. The site shall be landscaped in accordance with the landscaping details submitted with the application and the Landscape Masterplan Drawing Number 20122\_LP\_01\_M submitted to the planning authority on the 4th day of May, 2021. This scheme shall include the following revisions to be agreed in writing with, the planning authority, prior to commencement of development:-

- a) Details of the incorporation of the additional open space/landscaping to be included as a result of the omission of Duplex Block no.1 and the relocation of Duplex Blocks nos. 2 and 3.
- b) The areas of open space shown on the submitted drawings shall be reserved for such use and shall be landscaped in accordance with the detailed requirements of the planning authority. The open space areas indicated shall be laid out and landscaped prior to the making available by the developer for occupation of any of the units.
- c) Existing trees and hedgerows shall as far as possible be retained along the site boundaries and measures shall be put in place for their protection.

- d) Appropriate screening/boundary treatment details to the eastern boundary of the site with McEvoy's Lane shall be agreed.
- e) Details of proposed boundary treatments at the perimeter of the site, including along the western boundary, heights, materials and finishes.
- f) Details of all proposed hard surface finishes, including proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development.
- g) The developer shall retain the services of a suitably qualified landscape architect throughout the duration of the site development works. The developer's landscape architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.
- h) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme, prior to the occupation of the development.

**Reason:** In the interest of residential and visual amenity.

- 7. Bat and bird boxes shall be installed in the proposed development, prior to the occupation of the residential units. The number, type and location of the boxes shall be submitted to and agreed in writing with the planning authority.

**Reason:** To promote biodiversity.

- 8. Prior to the commencement of development on site the developer shall submit details of the following for the written agreement of the planning authority:

- a) The detailed design of the proposed new road east of the existing roundabout. This shall include, but is not limited to, the footpaths, kerbs, fencing, public lighting and drainage.
- b) The roads and traffic arrangements serving the site (including circulation routes, road signage and traffic calming), 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.
- c) The internal road network serving the proposed development, turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
- d) The works along McEvoy's Lane and proposed pedestrian access and public lighting shall comply with the detailed standards of the planning authority for such works.

**Reason:** In the interests of pedestrian and traffic safety.

9. The car parking spaces hereby permitted shall be reserved solely to serve the proposed development and shall not be utilised for any other purpose, unless subject of a separate grant of planning permission. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the site and shall be submitted to and agreed in writing with the planning authority. This plan shall indicate how the car parking spaces will be assigned, including for the creche and how the car park shall be continually managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

10. Prior to the commencement of the development, details of the following shall be submitted for the written agreement of the planning authority:
  - a) Prior to the occupation of the residential units, a Mobility Management Strategy shall be submitted. This shall provide for incentives to encourage the use of public transport, cycling, walking. The mobility

strategy shall be prepared and implemented by the management company for all units within the development.

- b) A pedestrian and cycle link on the desire line between the R152 and internal road at the northwest corner of the site to improve accessibility and integration between the site and the town centre.
- c) A drawing showing the locations of secure, covered bicycle parking within the site.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

11. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

12. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report submitted with the application, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit and shall be designed to avoid light pollution on neighbouring properties.

**Reason:** In the interests of amenity and public safety.

13. 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 interest of public health and surface water management

14. The developer shall enter into water and waste-water connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

15. Prior to the commencement of development, a revised Flood Risk Assessment shall be submitted to, and agreed in writing with the planning authority detailing the following amendment:

In the event of a failure of the surface water management proposals, a detailed appraisal of the residual flood risk to surrounding residential properties and details of appropriate mitigation measures to offset same, including details of flow paths.

**Reason:** To minimise flood risk and in the interest of the proper planning and development.

16. 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.

17. 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. Any existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

18. 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.

19. Proposals for a naming and apartment numbering scheme and associated signage for the blocks shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment 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 place names for new residential areas.

20. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment and duplex units shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of

commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuge storage.

21. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

22. 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.

23. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

24. 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 noise and traffic management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

25. 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.

**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.

26. 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.

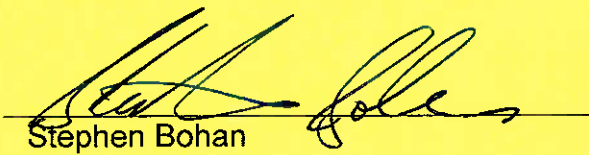
**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge

27. 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.

**[Note:** In relation to the ABP memo dated 9<sup>th</sup> October 2023 the Board noted i) the issues raised in the s.132 and s.137 notices were not matters raised by the parties or observers; ii) the Board did not consider that the responses to the s.132 and s.137 notices contained significant information that would warrant revised public notices, and iii) the Board, noting the Inspectors report and recommendation and the information subsequently received in response to the s.132 and s.137 notices, did not consider that it was necessary to seek further comment from the Inspector.]

**Board Member**

  
Stephen Bohan

**Date:** 17/01/2024

