

An
Bord
Pleanála

Board Direction
BD-018942-25
ABP-318758-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/02/2025.

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

Reasons and Considerations

The Board made its decision consistent with the:

- Climate Action and Low Carbon Development Act 2015, as amended;
- Climate Action Plan 2024,

and in coming to its decision, the Board had regard to the following:

- (a) the European Union Directive (2014/52/EU),
- (b) the European Union Habitats Directive (92/43/EEC),
- (c) the European Communities (Birds and Natural Habitats) Regulations 2011, as amended,
- (d) National Legislation including in particular:
 - Section 175 and section 177AE of the Planning and Development Act 2000, as amended, which sets out the provisions in relation to local authority projects which are subject to environmental impact assessment and appropriate assessment.

- (e) National, Regional Policy and Guidance including in particular:
- Project Ireland 2040 National Planning Framework which supports the compact development and the regeneration of town centres,
 - The Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 which promotes the urban renewal of the Westgate area of Drogheda,
 - the objectives and targets of the National Biodiversity Action Plan 2023-2030.
 - Town Centre First - A Policy Approach for Irish Towns, Department of Housing, Local Government and Heritage and the Department of Rural and Community Development, 2022,
 - The Design Manual for Urban Roads and Streets, Department of Housing, Local Government and Heritage, 2019, which provides guidance on how to approach the design of urban streets in a more balanced way, and,
 - Architectural Heritage Protection: Guidelines for Planning Authorities, Department of Arts, Heritage and the Gaeltacht, 2011.
- (f) the policies and objectives of the Louth County Development Plan 2021-2027,
- (g) the nature and extent of the proposed works as set out in the application for approval,
- (h) the documentation submitted, including the Environmental Impact Assessment Report, the Natura Impact Statement and associated documentation submitted with application and the range of mitigation and monitoring measures proposed,
- (i) the submissions and observations made to An Bord Pleanála in connection with the application,
- (j) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- (k) the conservation objectives, qualifying interests and special conservation interests for the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299); Boyne Estuary Special Protection Area (Site Code: 004080); Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232), and,

- (l) the report and recommendation of the Inspector.

Appropriate Assessment: Stage 1:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299); Boyne Estuary Special Protection Area (Site Code: 004080); Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957) and River Boyne and River Blackwater Special Protection Area (Site Code: 004232) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the additional information submitted to the Board, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299); Boyne Estuary Special Protection Area (Site Code: 004080); Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) in view of the Sites' 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 integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

Environmental Impact Assessment

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

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions from the observers and the prescribed body during 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 identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the 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 during the course of the application.

Reasoned Conclusion on the Significant Effects:

The Board considered, and agreed with the Inspectors reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows:

Population and Human Health: The potential for significant adverse impacts on human health during the construction and operational phases can be avoided, managed, and mitigated by the measures that form part of the proposed development, the proposed mitigation measures and through suitable conditions. In addition, positive impacts on population and human health will include health and

social/wellbeing benefits associated with the provision of a new public/open space in the town centre and the provision of a highly permeable layout within the project area which encourages walking and cycling.

Biodiversity: The proposed development will result in the permanent loss of the dry meadow habitat on the bridge embankment (the eastern side of George's Street). When considered in isolation, this will have a negative impact on this habitat of local importance. However, the proposed development will involve substantial landscape planting both along the riverfront and within the Medieval Wall character area (including trees, shrubs and groundcover) and this will enhance the biodiversity value of the site and will result in a moderate positive effect. Overall, it is considered that potential impacts on biodiversity will be mitigated by the application of best practice construction methodologies and the application of the proposed mitigation measures, such that no significant adverse effects arise.

Land, Soil, Water, Air and Climate: In terms of water, there is potential for a deterioration of water quality of the River Boyne to the south of the site, arising from silt, dust and petrochemical pollution. However, the implementation of mitigation measures and compliance with suitable conditions will ensure that the potential impacts on the ground and surface water environment do not occur during the construction and operational phase of the proposed development and the residual impact will be imperceptible. Therefore, no significant adverse direct, indirect, or cumulative effects on the water environment, water quality or Water Framework Directive (WFD) objectives will arise as a consequence of the proposed development.

In terms of impacts on air quality, it has been demonstrated that the risk of dust impacts on human health during the construction phase has been identified as ranging from negligible to low and no significant, adverse direct, indirect, or cumulative effects will arise as a consequence of the proposed development. Noting the scale and duration of the construction phase, the predicted traffic movements during the operational phase and the mitigation measures proposed, the effect of the proposed development on national greenhouse gas (GHG) emissions will be

insignificant in terms of Ireland's obligations under the Kyoto Protocol. The proposed development promotes active travel through the provision of cycle infrastructure and the creation of pedestrian permeability through the site. In addition, the level of car parking to be provided on site has been reduced overall which promotes a shift away from private vehicle trips.

Material Assets, Cultural Heritage, and the Landscape: Potential direct impacts on Protected Structures, Recorded Monuments and unknown features of archaeology may arise during the construction and operational phase of the proposed development. However, these impacts will be mitigated by archaeological monitoring of groundworks and compliance with the various mitigation measures and conditions detailed below. Therefore, no negative residual impacts in the context of archaeology, cultural heritage and architectural heritage are anticipated. There will be residual significant positive impacts on the site of the Abbey, the Medieval Town Wall and many of the Protected Structures within the project area due to the fact that the heritage assets will form part of a publicly accessible townscape. In the context of landscape, the predicted effects on the receiving environment range from 'Negligible Neutral' to 'Substantial Positive'. The design of the proposed public realm interventions are considered to be sympathetic to the architectural and archaeological assets of the site and wider surrounds and will provide for a significant enhancement of the public realm.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures referred to above, including proposed monitoring as appropriate, 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 set out in the Inspector's report.

Proper planning and sustainable development:

The proposed development will provide regeneration works within the Westgate area of Drogheda which will, complement and celebrate the area's rich architectural and archaeological heritage, enhance the riverfront area through the creation of shared spaces, and integrate and improve public access and permeability throughout the overall project area. The proposed development accords with the relevant provisions, including the zoning objectives, of the current Louth County Development Plan 2021-2027, and with all relevant local through to national policy. The proposed public realm works will contribute towards place-making and will generate a positive impact on the amenities of the area. Subject to the conditions set out below, it is considered that the proposed development would constitute an acceptable form of development at this location and would therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars, submitted except as may otherwise be required in order to comply with the following conditions. Where any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the application shall be carried out in full. Prior to the

commencement of development, a schedule of mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interests of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. The mitigation and monitoring measures identified in the Natura Impact Statement shall be implemented in full.

Reason: In the interest of protecting the environment, and the protection of European Sites.

4. Prior to the commencement of any works associated with the development hereby permitted, the local authority shall prepare a finalised Construction Environmental Management Plan (CEMP) which shall be placed on file and retained as part of the public record. A suitably qualified ecologist shall be retained by the local authority to oversee the site set-up and construction of the proposed development and the implementation of mitigation measures relating to ecology set out in the CEMP, the Natura Impact Statement and the Environmental Impact Assessment Report. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of environmental protection.

5. Prior to commencement of development, a Construction Traffic Management Plan shall be prepared and retained as part of the public record. 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. Stockpiles of

mud, sand or other fine sediments shall not be stored in any areas of the site that are susceptible to flooding.

Reason: In the interest of sustainable transport and safety and environmental protection.

6. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: In the interest of proper planning and sustainable development

7. Archaeology and Built Heritage

- (a) Prior to the commencement of development, the local authority shall engage the services of a suitably qualified archaeologist and Grade 1 Conservation Architect to carry out more detailed archaeological and architectural assessments of the development on all proposed works associated with Recorded Monuments Town defences (LH024-041014) and Old Abbey (LH024-041011).
- (b) Detailed method statements in relation to all proposed works associated with Recorded Monuments Town defences (LH024-041014) and Old Abbey (LH024-041011) shall be submitted to the Department for comment, with a record of same being placed on the public file.
- (c) No sub-surface developmental work, including geotechnical test pits, should be undertaken until such further archaeological assessment has been completed and commented on by the Department.
- (d) As part of the assessment, a programme of test excavation shall be carried out at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings and the Department.
- (e) Having completed additional assessments works, the archaeologist shall submit a written report stating their recommendations to the local authority and to the Department. Where archaeological material/features are shown

to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

- (f) All ground works and structural conservation works associated with Town defences (LH024-041014) and Old Abbey (LH024-041011) shall be monitored under Ministerial Consent by a suitably qualified archaeologist and Grade 1 Conservation Architect.

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.

8. Design

- (a) Prior to the commencement of development, detailed design specifications for the Corten steel canopy proposed for the Old Abbey (LH024-041011) shall be prepared with a record of same being placed on the public file. The finalised design shall ensure that the canopy and its support structures shall in no way impede access to existing properties along Old Abbey Lane.
- (b) A revised Site Layout Plan shall be prepared which omits the proposed street tree which impedes access to the side of Barlow House.

Reason: In the interests of built heritage and orderly development.


- 9. Prior to the commencement of development on site, a Stage 2 Road Safety Audit shall be carried out and all recommendations provided within the Stage 1 Road Safety Audit shall be implemented in full. A revised Site Layout Plan incorporating the recommendations shall be placed on file and retained as part of the public record.

Reason: In the interest of the proper planning and sustainable development of the area.

10. Construction operating hours shall be between 0700 hours and 1900 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. In the event that a deviation to the hours of construction is required, a formal record of each deviation shall be placed on the public file in advance, so as to ensure that residents are adequately informed.

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

Board Member



Chris McGarry

Date: 17/02/2025