



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-305110-19

Strategic Housing Development

450 no. residential units (81 no. houses and 369 no. apartments), 8 neighbourhood units for uses such as shops, café, and restaurant, 1 x office building, a crèche and associated site works. Vehicular access is provided from an access roadway onto the Marsh Road permitted under PA Ref 17-387 for which LIHAF funding has been granted. The development also provides for works to McGrath's Lane/Railway Terrace.

Location

Newtown, Marsh Road & McGraths Lane Railway Terrace, Drogheda, Co. Louth.

Planning Authority

Louth County Council

Applicant

Ravala Ltd.

Prescribed Bodies

Irish Water

TII

Development Applications Unit

Irish Rail

Coras Iompair Eireann

Observer(s)

Alfred O' Dowd

Anne and Kevin Smith

Bernadette Kelly

Bernard and Finola McDonald

Brian O'Brien

Conor and Fiona Rock

Cormac and Hylde Freeman

Coreet Limited

Eamonn and Margaret Furlong

Elizabeth and Patrick Hickey

Finbar and Brenda Callan

Project East Meath Limited

Frank and Richenda Byrne

Ged Nash

Ingrid Mangan

James and Janet Gargan

James Byrne

Joanne Mallon and Simon Gregory

Johnny and Grainne Dunne

Kevin Proctor

Laetitia Mac Mahon

Liam Clarke
Marie McKeown
Martin and Barbara Pepper
Nicholas Reilly and Others
Nigel Patrick Curtin
Patrick Smith
Pio Smith
Residents of McGrath's Lane
Richard and Catherine Crowley
Robert Hilliard
Sandra Jordan
Sara Bencekovic and Djura Veinovic
Seamus Milne and Thomas
McGettigan
Thomas Mahon
Tom and Noeleen Dunne

Date of Site Inspection 30th October 2019

Inspector Una O'Neill

Decision

Contents

1.0 Introduction.....	5
2.0 Site Location and Description	5
3.0 Proposed Strategic Housing Development	6
4.0 Planning History.....	10
5.0 Section 5 Pre Application Consultation.....	11
6.0 Relevant Planning Policy	14
7.0 Third Party Submissions.....	19
8.0 Planning Authority Submission	23
9.0 Prescribed Bodies.....	26
10.0 Assessment.....	28
11.0 Appropriate Assessment	50
12.0 Environmental Impact Assessment.....	64
13.0 Recommendation	88
14.0 Reasons and Considerations	88
15.0 Conditions	89

1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1.1. The subject site, 9.68 ha in area (7.25 ha net), is located on lands to the east of Drogheda town centre (within the town boundary), County Louth. Adjoining the southern boundary of the site is McGrath's Lane, adjoining which is the Dublin to Belfast railway line. Drogheda Train Station, a high quality public transport network, is located approx. 300m to the southwest as the crow flies. . The site is c. 1.5km to the southeast of Scotch Hall shopping centre, a significant retail development within Drogheda. The site is currently accessed from the R150/Marsh Road to the north, along a hardcore track relating to a permitted access road at this location (which was permitted to serve a proposed development to the southeast). Informal access to the site is possible through gaps in the existing hedgerow from the south from McGrath's Lane. McGrath's Lane comprises two dwellings (one at either end of the lane) and an access to an Iarnrod Eireann maintenance yard alongside the railway track. McGrath's lane connects over a railway bridge to Railway Terrace and on to the main R132/Dublin Road, providing access to the train station and town centre as well as surrounding residential area, schools etc. Railway Terrace serves approx. 27 dwellings, with a limited number of additional pedestrian accesses onto Railway Terrace from the rear gardens of some of the dwellings from Wheaton Hall.
- 2.1.2. The site, which is approximately rectangular in shape, is in farming use and comprises two large fields with hedgerow/tree lines defining the outer boundaries of the fields. A drainage ditch exists to the west of southeastern field, which terminates at a small pond/swampy ground within the eastern field and this pond is surrounded by trees and shrubs. ESB powerlines cross the site.
- 2.1.3. South of the railway line/proximate to McGrath's Lane and on the opposite side of the development is Wheaton Hall residential development, comprising detached and semi-detached dwellings and southwest are dwellings along Railway Terrace. Drogheda Waste Water Treatment facility is located approx. 100m to the east of the

site on the opposite side of the proposed access road from Marsh Road, and to the west are undeveloped lands, with the same zoning as the application site (Drogheda Transport Development Area). North of the site are undeveloped greenfield lands (zoned as an employment generating zone, with a smaller area zoned residential existing), which are bounded by the R150/Marsh Road. To the northeast is a small residential development called Weirhope, approx. 115m from the boundary of the site. The access road off which the site will be accessed has been previously permitted to serve a development to the southeast. It traverses the undeveloped employment generating lands, and runs partially within/adjoining the eastern edge of the site.

- 2.1.4. In terms of topography, the site rises steeply up from the R150/Marsh Road to the northern boundary of the site, where it slopes up to the centre of the site and plateaus across the central/southern section of the site. There is a level difference of approx. 12m between the northern and southern boundaries of the site, with approx. 30m difference between the northern boundary and the R150/Marsh Road. There are number of key views towards the town to the north and west from the central section of the site and north-eastwards to the River Boyne and out to the Irish Sea. Views to the northeast are dominated by industrial buildings along the River Boyne and the neighbouring large wastewater treatment plant. Views to the north/northwest look over the town with vistas of the large viaduct and church spires in the distance. Opposite the proposed entrance from Marsh Road is an access to Inver Copla rowing club and Boyne Fishermen's Rescue and Recovery Service boathouse; and adjoining that site is the Flogas LPG property (SEVESO site). These sites adjoin the River Boyne, which is approx. 192m to the north of the R150/Marsh Road and 330m from the application site. The River Boyne comprises a number of European site designations.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises the construction of 450 no. residential units (81 no. houses and 369 no. apartments) in buildings ranging from 3 – 5/6 storeys; 8 ground floor neighbourhood centre units (1277.8 sqm), a 4 storey office building (1902.87 sqm), a 3 storey crèche (919.8sqm/120 children) and

associated site works. An EIAR and an NIS have been submitted with the application.

3.2. The following tables set out some of the key elements of the proposed scheme:

Key Figures

Site Area	9.68 ha gross; 7.25 ha net (LIHAF funded road and embankments excluded from site area, as well as area of McGrath's Lane/Railway Terrace).
No. of Residential Units	450 units (81 houses; 369 apartments, across 10 blocks and of which 24 are duplex units in two terraces of 12 units).
Density	62 dwellings per hectare.
Other Uses	<ul style="list-style-type: none"> • Ground floors of Block 9 and 10: 1278 sqm gross floor area of neighbourhood centre uses - 8 no. units (indicative uses of convenience store, hairdresser, dry cleaners and café/restaurant labelled). • Office Block: 4 storeys, 14.9m high, 2 units per floor, gross floor area of 1902.8 sqm.
Childcare Facility	3 storeys, 10.6m high, 919.8 sqm gfa, catering for 120 children, with garden area of c. 287 sqm adjoining the west of the building.
Public Open Space	13349 sqm – green landscaped and hard surfaced civic space.
Height	3 to 6 storeys; 16m-19m high.
Part V	46 units proposed.

Unit Mix

	1 bed	2 bed	3 bed	Total
Apartments/Duplexes	91	247	31	369
Houses		29	52	81
Total				450
As % of total	20.2%	61.3%	18.4%	100%

Parking Provision

Car Parking	740 spaces: 2 per dwelling and 1 visitor space per 8 dwellings; 1.3 per apartment and 1 visitor space per 8 dwellings; 1 per 29 sqm of NC uses; 1 per 28 sqm office space; 1 per 5.5 children, plus 10 drop-off on-street and 22 at basement level.
Bicycle Parking	853

- 3.3. The primary vehicular access to the site is from Marsh Road via an access road, previously permitted under PA reg ref 17-387 as part of an application for 133 houses to the southeast of the site (not yet constructed). There are two access points off this permitted access road into the site. This access road was granted funding in 2017 under the Local Infrastructure Housing Activation Fund (LIHAF). LIHAF is a fund established under the government's Rebuilding Ireland: An Action Plan for Housing and Homelessness (Pillar 3), with the objective to provide funding for public off-site/enabling infrastructure to relieve critical infrastructural blockages in delivering housing on key development sites in urban areas of high demand for housing.
- 3.4. I note from site inspection that hard core has been laid for the first section of the permitted LIHAF access road from Marsh Road up to the boundary of this application site. This LIHAF funded access road is within the boundary of this SHD application as it is required to construct two accesses from this site onto this proposed road.

This application does not assess the road as it has already been permitted separate to this application. Of the two vehicular accesses from this access roadway into the site, one leads directly into the underground car park and the other to the southeast serves the surface level area of the site. A pedestrian/cycle access will be provided to the site from McGrath's Lane/Railway Terrace to the south. McGrath's Lane/Railway Terrace is proposed to be widened and improved as part of this application. It is stated in a letter submitted by Louth County Council with the application that the upgrade works to Railway Terrace and McGrath's Lane have been agreed with Louth County Council and will be completed within the next 12 months or prior to the occupation of the first dwelling of this SHD application.

- 3.5. It is stated in a letter submitted from Louth County Council that LCC consents to a portion of their lands, ie those relating to a portion of the LIHAF road, being included in the application. It is stated that the LIHAF road design is completed and construction will commence on 1st October 2019 and will be completed by 31st March 2020. I note that upon site inspection, the hard core of the first section of the road up to the application site boundary was laid, but no construction works were underway relating to the road.
- 3.6. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer and public surface drainage network. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that subject to a valid connection agreement being put in place and conditions listed, the proposed wastewater connection to the Irish Water network can be facilitated.
- 3.7. In addition to the architectural and engineering drawings, the following reports and documentation have been submitted:
- Schedule of Accommodation
 - Statement of Response to Opinion Issued by ABP
 - Statement of Consistency
 - Statement of Compliance with DMURS
 - Building Lifecycle Report
 - Architects Design Statement

- Photomontages and 3D images
- Landscape Plan and Rationale
- Archaeological Assessment
- Geophysical Archaeological Testing
- Test Trenching Report
- Flood Risk Assessment
- Engineering Assessment Report
- Traffic Impact Assessment
- Mobility Management Plan
- Road Safety Audit
- Sunlight, Daylight and Overshadowing Study
- Draft Construction Management Plan
- Factual Ground Investigation Report
- Childcare Demand Assessment
- Tree Survey
- Bat Assessment
- Daylight Sunlight and Overshadowing Survey
- Site Investigation Report on LIHAF Road
- Part V provisions
- COMAH Land Use Planning Report/risk modelling of the nearby Flogas site, which is a SEVESO site.

4.0 Planning History

Site to southeast of application site and including proposed access road:

12/510037 - Extension of duration of permission for access road off Marsh Road and 260 units (06510052), granted 16/07/2012.

17/387 – Permission granted for access road / LIHAF funded road off Marsh Road, and 133 houses.

5.0 Section 5 Pre Application Consultation

5.1. Pre-Application Consultation

5.1.1. A section 5 pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 17th September 2018, file ref ABP-302215-19 in respect of a proposed development for 456 residential units a crèche and an office block units on a 7.4ha site. The main topics discussed at the meeting were –

- Vehicular Access – LIHAF, consents, and detailed design.
- Layout – road hierarchy, distribution/design and quantum of surface car parking.
- Detailed design – underground car park access, bin and bike storage.
- Open space – distribution and configuration.
- Pedestrian linkages.
- Phasing and distribution of land uses.
- Nearby land uses – Seveso, wastewater treatment and railway.
- EIA screening.
- Any other matters.

Copies of the record of the meeting, the Inspector's Report, and the Opinion are on available for reference on this file.

5.2. Notification of Opinion

5.2.1. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development, which should have regard to the following issues:

1. LIHAF funded Road
2. Pedestrian Connectivity

3. Car Parking and Layout

4. Phasing

The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application which can be summarised as follows –

- A Traffic and Transport Assessment, including a mobility management plan.
- A report on proposed materials and finishes.
- A schedule of accommodation and a life cycle report, in accordance with section 6 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2018.
- Photomontage Report.
- An assessment in relation to site's location proximate to an Upper Tier COMAH establishment (SEVESO site) in response to report from the Health and Safety Authority.
- An Archaeological Impact Assessment, which responds to comments received from the Development Applications Unit.
- Report on residential amenity, addressing overlooking and overshadowing, with cross sections showing neighbouring residential uses, and adjoining traffic and rail routes. Noise impact and mitigation also to be addressed.
- Consideration in relation to the requirement for an EIAR. A screening report should have regard to the LIHAF road and permitted 133 houses associated with this road.
- A Childcare Demand Report.

5.3. Applicant's Statement

- 5.3.1. A statement of response to the Pre-Application Consultation Opinion, as issued by the Board, was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016, which is briefly summarised as follows:

Item 1 LIHAF Funded Road:

- The application site boundary has been amended to include the LIHAF road.
- Implementation is not dependant on the implementation of any other permissions.

Item 2 Pedestrian Permeability:

- The application site boundary has been amended to include McGrath's Lane/Railway Terrace from the application site to the Dublin Road (R132).
- Detailed drawings of the works, including a landscaping scheme, have been included. The works are DMURS compliant and a Road Safety Audit with regard to the works has been undertaken.
- No vehicular link is proposed from the application site to Dublin Road via McGrath's Lane/Railway Terrace.
- The applicant suggests a condition requiring the works to be completed as part of Phase 1 of the development, in accordance with a programme to be agreed in writing with the Planning Authority prior to the commencement of development.

Item 3 - Car Parking:

- Overall level of car parking has been reduced to total of 740. A rationale for car parking proposed is contained in the TTA and Mobility Management Plan.
- The provision of 38% of the parking as basement/undercroft car parking reduced the overall impact of car parking on the quality of the built environment and enables the provision of a high quality urban environment including public open spaces. 60% of all parking is off street.
- A car park allocation drawing accompanies the application.
- Cycle parking is provided throughout the site with 853 spaces proposed.

Item 3 – Layout:

- A Landscape Rationale has been prepared, which illustrates clearly the hierarchy of open spaces and a landscape rationale for the treatment and primary intended use of each open space.
- There are five main open spaces representing 18% of the site – 2 civic squares (1095 sqm and 3390 sqm in area each) connected by a green route with cycle path and seating; a large public open space to the east of the site (3465 sqm) with natural

playground; central green open space (4070 sqm) with kickabout area, level grass and seating; open space to the north connecting the apartments to the civic plaza and pedestrian spine (2760 sqm).

- Communal amenity space is provided next to the apartment buildings (2556 sqm).
- Incidental/unusable open space of the embankments to the LIHAF road are not included in the calculations.
- The development is DMURS compliant. The layout prioritises pedestrian and cyclists. There is a clear hierarchy of streets.
- The entrance to the underground car park has been redesigned.
- The route, line and levels of the LIHAF road have been fixed. There is an existing permission for the road and it is intended that a contractor will be appointed on 1st September 2019 to construct the road, with completion by 31st March 2020.

Item 4 Phasing:

- The application site boundary has been amended to include the LIHAF road. The phasing proposed, dwg no. PL04, will ensure a successful mix of uses and provide for the required number of residential units to support LIHAF funding.

The specific information required in the Opinion issued to the applicant has also been submitted.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 - National Planning Framework

- 6.1.1. The NPF recognises the key role of Drogheda-Dundalk-Newry cross-border network with respect to building stronger regions and accessible centres of scale. It states that 'it will be necessary to prepare co-ordinated strategies for Dundalk and Drogheda at both regional and town level to ensure they have the capacity to grow sustainably and secure investment as key centres on the Drogheda-Newry cross-border network'. It is a key future planning and development and place making priority to have a focussed approach to compact, sequential and sustainable development of the larger urban areas along the Dublin-Belfast economic and

transport corridor, where there are settlements of significant population such as Dundalk and Drogheda.

6.1.2. The NPF seeks to capitalise on and further support the economic potential of the Dublin-Belfast corridor by:

Effectively planning and developing large centres of population and employment along the main economic corridor, including in particular Drogheda and Dundalk.

6.1.3. In addition to objective 7, which seeks to apply a tailored approach to urban development with a particular focus on *inter alia* Drogheda, the following key policy objectives are noted as follows:

- National Policy Objective 2b: The regional roles of Athlone in the Midlands, Sligo and Letterkenny in the North-West and the Letterkenny-Derry and Drogheda- Dundalk-Newry cross-border networks will be identified and supported in the relevant Regional Spatial and Economic Strategy.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.1.4. **Section 28 Ministerial Guidelines**

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2018)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

6.2. **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031**

- 6.2.1. Drogheda is identified as a Regional Growth Centre within the Core Region of the Eastern and Midland Region and was the fastest growing town in the most recent inter-census period. An element of the growth strategy for the Eastern and Midland Region is to target growth of the regional growth centres, including Drogheda, as regional drivers and to facilitate the collaboration and growth of the Dublin-Belfast Economic Corridor, which connects the large towns of Drogheda, Dundalk and Newry.
- 6.2.2. The RSES aims to enable Drogheda to realise its potential to grow to city scale, with a population of 50,000 by 2031 through the regeneration of the town centre, the compact and planned growth of its hinterland and through enhancement of its role as a self-sustaining strategic employment centre on the Dublin-Belfast Economic

Corridor. It is anticipated Drogheda will accommodate significant new investment in housing, transport and employment generating activity. The RSES also identifies key transport infrastructure investment, including the provision of electrified lines to Drogheda as part of the DART expansion programme. A Joint Urban Area Plan is to be jointly prepared by Louth and Meath County Councils (given the town lies within the functional area of these two local authorities), in collaboration with EMRA, as a priority.

6.3. **Louth County Development Plan 2015-2021:**

6.3.1. Chapter 2, Core Strategy and Settlement Hierarchy – The development lands are located within Drogheda, which is a Primary Development Centre and designated Large Growth Town 1. Table 2.4 indicates that Drogheda and Environs is expected to have a population growth of 2571 persons by 2021, which equates to 952 residential units.

- Policy CS1 seeks: To promote the household and population growth in the County in accordance with Table 2.5 and 2.6 of the Core Strategy.
- Policy SS1 seeks: To maintain the settlement hierarchy within the County and to encourage residential development within each settlement that is commensurate with its position in the hierarchy and the availability of public services and facilities.

6.3.2. Section 2.16.4 of the development plan refers to Policy SS4, to review the Drogheda Borough Council Development Plan 2011-2017 and to prepare a Local Area Plan for Drogheda and Environs, which will be consistent with the County Plan. The development plan states that the Louth County Development Plan 2015 – 2021 will be an over-arching Development Plan for the entire county including Drogheda.

6.4. **Drogheda Borough Council Development Plan 2011-2017 (as varied, and extended):**

6.4.1. The application site is zoned 'Drogheda Transportation Development Area' (DTDA), with the objective 'To protect and expand the existing Transport Hub around the train station and facilitate the development of Public Transport facilities including Residential, Retail and Office Development'.

6.4.2. Section 5.3 of the Drogheda Plan sets out detailed guidance in relation to the future development of DTDA zoned lands, highlighting key principles and objectives. The following are the general principles listed:

1. Development Proposals must prioritise access arrangements other than by private car and should therefore demonstratively contribute to the DTDA sustainable transportation aims.
2. Mixed Use Developments with significant residential elements will be considered within or adjacent to the DTDA Areas.
3. Higher Residential Densities will normally be permitted within the DTDA Areas.
4. Developments incorporating “Live / Work” principles will be encouraged.
5. All Development Proposals must be of a High Qualitative Nature.
6. Priority must be given to the requirements of Pedestrians, Cyclists and those with Restricted Mobility in the design and layout of the Development.

6.4.3. The following policy is particularly relevant:

- Policy TR 9

To implement the general principles outlined above associated with the Drogheda Transport Development Area.

To explore the feasibility in conjunction with Meath County Council, to producing a Master Plan for those lands east of McBride Station bounded to the south by the rail line, to the north by the River Boyne and to the east by the Borough boundary.

6.4.4. Section 2.8 of Variation 1 of the DBCDP states in relation to the ‘Drogheda Transportation and Development Area’ zoning:

The DTDA lands are zoned for mixed use and can accommodate residential development. A Master Plan is to be produced in conjunction with Meath County Council and major infrastructural works are required. It is anticipated

that it will be a number of plan cycles before these lands come on stream therefore these lands are not included in the overall land availability figure.

The core strategy map of the DBCDP does not include the application site and the site is not identified on the phasing map of that plan. I note the access road is identified on the phasing map along with the permitted housing scheme to the southeast as 'residential phase 2'.

6.5. Designated sites

The site is not located within or adjoining a European Site. The following European Sites are located within proximity of the site: The River Boyne and River Blackwater SAC (approx. 330m north of the site); Boyne Estuary SPA (approx. 440m to the northeast) and Boyne Coast and Estuary SAC (001957) (1.6km to the northeast).

6.6. Applicant's Statement of Consistency

- 6.6.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the relevant Development Plan.

7.0 Third Party Submissions

- 7.1. In total 40 submissions were received, including submissions from Irish Rail, CIE, Irish Water, TII and DAU of Department of Culture, Heritage and the Gaeltacht. The submissions were primarily made by or on behalf of local residents.
- 7.2. The submissions received may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

Impact on McGrath's Lane and Railway Terrace / Impact on Adjoining Residential Amenity

- Proposed upgrade works to McGraths Lane would severely restrict and impede on residents parking on Railway Terrace / McGrath's Lane and would impact on pre-existing legal rights.
- The existing Lane is so narrow that one waste collection service provider refuses to collect from individual houses.
- The Lane allows for single lane vehicular access only.

- The proposal for a 2.7m footpath, reducing the carriageway to 3.5m will further restrict access for emergency vehicles. Residents of older properties have no option but to park outside their properties.
- The upgrade works would feed bicycles onto the Dublin Road on which there is no bicycle lane or provisions for a lane. Pedestrians/cyclists should be directed to Marsh Road.
- This access route will create a back alley and will increase the likelihood of anti-social behaviour in the area.
- Concerns raised that Railway Terrace will be used as a drop-off/collection point for taxis/take aways and will be used as a general shortcut, causing a hazard and
- No traffic surveys on Railway Terrace have been undertaken.
- The Road Safety Audit proposes widening McGrath's Lane, thereby removing an element of privacy from residents. This would create a hazard for residents of Wheaton Hall stepping out directly onto the roadway.
- The proposed new site entrance would affect 'on street' parking used by residents for over 50 years.
- Alternative options for cycle/pedestrian routes has not been considered.
- Proposal will give rise to anti-social behaviour, including increased risk to trains as more people use the lane.
- Proposal could obstruct emergency exit to the train station and railcar service depot, thus creating a health and safety issue.
- Proposed development will result in loss of privacy to 15 Harvest Way. Opening up of the access will affect security and privacy, and proposed lighting will impact on the property.
- The character and use of McGrath's Lane will change. It is a designated ACA. Regard was not had for the ACA designation of McGrath's Lane.

Traffic and Transportation

- Meath County Council has identified Drogheda as contributing to a worsening of traffic in Julianstown, which lies to the south of the development between Drogheda

and Junction 7 of the motorway. The EIA has not assessed the impact of traffic on Julianstown and is therefore deficient and does not adhere to Annex IV of the EIA Directive.

- Funding of the road by LIHAF does not create a justification for the proposed development being permitted in contravention of a plan led strategy and the imminent commencement of a joint Urban Area Plan.
- The design has resulted in an over dominance of car parking.
- There is minimal variation in the design of the proposed units.
- The design is inappropriate when viewed from views 2, 3, 8 and 9.

Newtown Bridge and Railway Line

- This bridge passes over the railway line and was not constructed for high number of pedestrians and cyclists. Concern raised in relation to current design and safety of the bridge for pedestrians and potential conflict with vehicles. The Road Safety Audit is questioned, in that it recommends no action in relation to tight blind spot after crossing the bridge caused by high bridge abutment walls.
- Anti-social behaviour already exists on Newtown Bridge, resulting in danger to trains, and has been reported to the gardai on a number of occasions.
- It is not clear that the planning authority or applicant have obtained the necessary consents for works from Iarnrod Eireann.

Legal Issues

- The Drogheda Borough Development Plan is an expired plan and has not been subject to updated SEA and AA.
- An Urban Area Plan has not yet been developed and proposal should be refused until it is in place. An UAP is required to be jointly prepared by Lough and Meath County Councils in collaboration with EMRA for the regional growth of Drogheda. The proposed development is premature.
- The applicant or planning authority do not have consent to carry out works on McGrath's Lane and Railway Terrace, which is private property.

- The applicant does not have consent of Iarnród Éireann to carry out any works to the bridge.
- Level of residential development proposed is not in accordance with DDTA zoning and will significantly conflict with achievement of ensuring that the area surrounding McBride Station is an employment generating zone.
- No assessment of impact on ACA has been undertaken.

Natural Heritage and EIAR

- Proposal will result in significant habitat loss, particularly hedgerows.
- Information provided about Boyne Estuary SPA and the bats is deficient. Concerns raised in relation to bats feeding, foraging and roosts. It is requested that an independent assessment should be carried out.
- A significant portion of the development has not been subject to the EIAR or NIS.
- Potential impact on mudflats and estuary from pollution. Mitigation measures in NIS are reliant on contractor/developer and there is a lack of detail in the engineering report and on the drawing to provide sufficient evidence that this can be achieved.
- The site is identified as being 330m from the Boyne Estuary SPA, the second most important estuary for wintering birds on the Louth/Meath coastline.
- Concerns over permanent reduction of feeding capacity of the site for bats. Proposal would be in breach of article 12 of the habitats directive.
- No over wintering bird survey has been completed.
- No survey details submitted in relation to disturbance from walkers or cyclists generated from the proposed development. The loss of habitats, particularly hedgerows is likely to be detrimental on the wildlife population.
- Concern over loss of natural habitats and hedgerows.

Archaeology

- Extent of archaeological investigations was limited.

Phasing

- There is a lack of social infrastructure planned for phase one, resulting in families having to move by car outside the area.
- School capacity not addressed.

8.0 Planning Authority Submission

8.1. Overview

8.1.1 In compliance with section 8(5)(a) of the 2016 Act, Louth County Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 3rd October 2019. The report notes the policy context, site description, summary of submissions/observations submissions, summary of views of the relevant elected members of Louth County Council and Chief's Executive's view on the effects on the proposed development, having regard to the development plan in place. The Chief Executive's Report concludes that it is recommended that permission be granted.

8.1.1. Summary of Inter-Departmental Reports

- Housing Department: An agreement has been reached on Part V obligation. 46 no. apartments are proposed for Cluid Housing Association which are to be used for social housing.
- Infrastructure Report: This report assesses roads, traffic, surface water and flooding. Conditions recommended.
- Heritage Officer: The four ecological reports of the AA Screening Report, NIS, Tree Survey and Report, and Bat Assessment have been reviewed. Four mitigation measures proposed in the NIS should be included as conditions. The Tree Survey and Bat Assessment have been reviewed. Most of the trees growing on the site are over 100 years old and are in fairly good condition. It is unclear which trees are to be retained (the CE report subsequently comments that having reviewed all the documents it is clear what is to be retained). The Bat Assessment proposed four mitigation measures to try to avoid or minimise impacts on bats, which should be addressed by way of condition. As the pond is located within a proposed green area, it is suggested that it could be conserved as an attractive feature of the development if managed properly. It is noted that there is no proposal for additional bat surveys.

8.1.2. **Summary of Views of Elected Members:**

- Concern in relation to widening of McGrath's Lane and impact on residents/traffic.
- Impacts on traffic movements.
- Query in relation to whether consent of Louth County Council is required to works to roads.
- Query as to whether CIE has been contacted in relation to the proposed works to the lane / access bridge.
- What are the implications of the development on the bridge.
- Finding of human remains on the site as set out in the EIAR needs to be addressed.
- Potential for conflict with pedestrians and cyclists on Railway Terrace.
- Proposal may contribute to anti-social behaviour in the area.
- Query as to whether archaeological monitoring will be part of conditions.
- Query over the number of bicycle spaces to be provided given only 70 bicycle spaces exist in and around the town of Drogheda.
- Query as to whether CCTV will be provided on the lane to allay fears of anti social behaviour.

8.1.3. **Planning Analysis**

- The PA is of the view that the applicant has the relevant consents in place to carry out the proposed development, with specific reference to proposed works to McGrath's Lane and Railway Terrace. Notwithstanding this opinion, the planning system is not designed as a mechanism for resolving disputes, and section 34(13) of the Planning and Development Act (as amended) is referred to.
- Appropriate assessments have been undertaken in relation to the site. An NIS has been submitted. The Heritage Officer is satisfied that provided mitigation measures as proposed are implemented, the proposal will have no significant effects either alone or in combination with other plans or projects.
- A bat assessment has been submitted which has informed the biodiversity chapter of the EIAR and the proposed landscaping plan. Trees along the

northwestern boundary are to be retained as the tree survey highlighted these trees as having potential for bat roosts. Mitigation measures as identified in the Bat Assessment will be incorporated into the landscaping plan and also as conditions.

- With regard to pedestrian/cyclist permeability along McGrath's Lane and Railway Terrace, while objections are noted, the issue of permeability is a key component of the Design Manual – A Best Practice Guide May 2019. The site is in direct proximity to Drogheda Train Station and provides for a pedestrian link to Dublin Road via McGrath's Lane/Railway Terrace, where the largest primary school in Drogheda is located. Reference is made to policies RES10 and RES15.
- The improvement works to Railway Terrace do not encroach on the Railway Terrace ACA. McGrath's Lane has been on the local road register in 2004 and 2011 and is therefore understood to be a public road.
- An enclosure has been discovered on the site. A licence has been obtained from the department to record and excavate the archaeological feature prior to construction. Conditions are recommended in this regard.
- It is the opinion of the Chief Executive, having regard to the submission from Iarnród Éireann (IE), that the applicant does not appear to have the relevant consents in place from IE to carry out works as illustrated in the SHD.
- The community audit analysis accords with development plan policy.
- The statement of consistency is in line with relevant guidelines and policies. The mix of uses proposed across the site will provide a successful new urban neighbourhood in proximity to the town centre and McBride Train Station. The layout has been designed to integrate into surrounding lands for future development, should they be identified by the future Joint Urban Area Plan. The Mobility Management Plan proposed together with the DMURS compliant layout prioritises pedestrians and cyclists and will assist in achieving a change in behaviour towards more sustainable modes of transport.

8.2. Statement in accordance with 8 (3) (B) (II)

Louth County Council Chief Executive's Report recommends a grant of permission, subject to a number of conditions, including the following:

- C4: Development contribution.

- C5: Cash deposit as security.
- C7: Section 96 agreement.
- C8: Construction hours.
- C11: Findings of road safety audit to be implemented and a Stage 2 and 3 to be undertaken and implemented.
- C12: Hammerhead provisions at duplexes 186-189 and at block 3 to be omitted.
- C13: Landscaping plan to be implemented.
- C16: Access ramps and civic space between crèche and office block to be omitted from taking in charge drawing.
- C17: Swale design to be amended.
- C23: Archaeology.
- C24: Applicant required to survey the small pond for amphibians under licence from the Department.
- C28: Details of proposed public art between blocks 9 and 10 to be submitted for written agreement.
- C29: Detailed phasing plan for construction and operation of the overall site.
- C30: Lighting measures to protect bats.

9.0 Prescribed Bodies

The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
 - Health and Safety Authority
 - Transport Infrastructure Ireland
 - Minister for Culture, Heritage and the Gaeltacht
 - Coras Iompair Éireann
 - Commission for Railway Regulation

- Louth County Childcare Committee

Five of the bodies have responded and the following is a summary of the points raised.

- Irish Water: IW issued a Confirmation of Feasibility to the applicant in 2018, which noted significant water network upgrades are required, which are to be paid for by the developer. The upgrades include replacing 150m of 4" watermains with 150mm NB mains extending to the site 370m in total, which includes a rail crossing (applicant will be required to engage with the 3rd party owning the rail network). A further 250m of 6" watermains along the Dublin Road/the Avenue will be required to be replaced with 200mm NB mains. With regard to the wastewater network, a sewer extension will be required across third party lands. IW's external network has the capacity to cater for this development. The Board should note there is a significant IW operational wastewater treatment works 100m from the northeast boundary of the proposed development site. As such additional odour controls may be required due to the close proximity of this development.
- Iarnrod Eireann: The submission states the applicant has not submitted details of the proposed alterations to railway overbridge OBB80 to Iarnrod Eireann and has not sought the consent of Iarnrod Eireann for the proposed cycle/pedestrian route over railway overbridge OBB80, which is a private access road on CIE lands. The following is specifically noted:
 - The applicant has not submitted details for the installation of the proposed lighting columns and cable routes on railway overbridge OBB80 for approval from Iarnrod Eireann, which are identified in the submitted road safety audit as causing a potential hazard to the railway underneath if struck.
 - If a footpath is introduced on the railway overbridge, the parapet height wall would be reduced and this would have negative safety implications.
 - The Road Safety Audit, ref 2.1.9 response from designer, does not recognise that maintenance vehicles use railway overbridge OBB80 en route to a designated railway access point north of the railway.

- The applicant has not provided details of the forecasted use of the proposed cycle/pedestrian route and the impacts this would have on the junctions at Marsh Road and Dublin Road.
- The development proposes trees along the southern perimeter of the development, these should be non-deciduous to avoid rail adhesion issues.
- The applicant did not consult IE.
- The above points, along with other points made in the submission, should be addressed by way of condition should the application succeed.
- Coras Iompair Eireann: The submission from CIE states that they support the submission by Iarnród Eireann and in particular would reiterate that the applicant does not have the necessary legal rights across railway overbridge OBB80 to allow the construction of the proposed development.
- Transport Infrastructure Ireland: The works shall be undertaken in accordance with the requirements of the TTA and Road Safety Audit, which should be incorporated as conditions in the permission, if granted. Any additional works required by the TTA and Road Safety Audit should be funded by the developer.
- Development Applications Unit, Minister for Culture, Heritage and the Gaeltacht: The proposed mitigation measures (EIAR report S.13.14; Archaeological Assessment Report, S7, pg 32) should be made conditions of any grant of planning permission. With regard to Nature Conservation, it is stated that given the level of hedgerow and scrub removal, a condition should be attached to any grant of permission that clearance of vegetation should only be carried out in the period September to February inclusive, ie outside the main bird breeding season. It is also required by condition that a survey of the pond on site be undertaken under licence from the Department and any mitigation/compensatory measures required in relation to the protection of the common frog and smooth newt be implemented prior to the commencement of any construction work.

10.0 Assessment

10.1. Introduction

10.1.1. I have examined all the documentation before me, including, inter alia, the Record of Section 5 Consultation Meeting, Inspector's Report at Pre-Application Consultation stage and Recommended Opinion, the Notice of the Pre-Application Consultation Opinion, the Chief Executive report from the Planning Authority and all submissions received. I have also had regard to a report received from the internal An Bord Pleanála Ecologist, which addresses primarily points in relation to the Boyne Estuary SPA. This report is attached to the file. I have visited the site and its environs.

10.1.2. I have carried out a planning assessment, an Environmental Impact Assessment and Appropriate Assessment in respect of the proposed development. Each section of the report is structured to guide the Board to the relevant section of the EIAR, AA, relevant policy, substantive issues raised in the submissions/observations, and the applicant's submission, as appropriate. Where there is overlap, I have cross-referenced sub-sections of the report as appropriate.

10.1.3. I consider the main issues relating to this application are as follows:

- Principle of Development
- Density and Housing Mix
- Layout and Design
- Open Space and Landscaping Strategy
- Residential Amenity
- Impact on Amenities of Neighbouring Properties
- Landscape and Visual Impact
- Traffic, Transportation and Access
- Water Services Infrastructure
- Social Infrastructure, Crèche and Schools
- Directive 2012/18 EU (Seveso III) Considerations

These matters are considered separately hereunder.

10.2. Principle of Development

- 10.2.1. The site is located within the Drogheda Borough Council boundary area. As noted in the CE Report, the statutory development plan is the Drogheda Borough Council Development Plan (DBCP) 2011-2017, which has been varied and extended under Electoral Local Community Planning and Development Act 2013 Section 28 11 (c), (a) and (b). The Louth County Development Plan is the overarching strategic plan for the county including Drogheda, and according to the zoning map legend for the county the site is indicated as being within the category 'Dundalk/Drogheda/Ardee/Dunleer Urban Areas'.
- 10.2.2. The site is zoned 'Drogheda Transportation Development Area (DTDA) in the Drogheda Borough Council Development Plan (DBC DP) 2011-2017 (extended). I note third party submissions question the legality of the DBCP 2011-2017. I note that the plan has been extended and is valid, as is the zoning objective on the site.
- 10.2.3. The area of the DDTA zoning is identified as 11ha, with the development site being approx. 7.25ha. The objective of this zoning is 'To protect and expand the existing Transport Hub around the train station and facilitate the development of Public Transport facilities including Residential, Retail and Office Development'.
- 10.2.4. Residential, office, crèche and neighbourhood centre type uses are permitted uses within this zoning, as per the zoning matrix. The DBCP states that mixed uses with significant residential elements will be considered within or adjacent to the DDTA areas.
- 10.2.5. I note a number of third party submissions raise concerns in relation to the scale of residential development proposed against the low level of commercial development.
- 10.2.6. I have examined the zoning of the site against the policies and objectives of the development plan for the area. I note in particular the general principles applied by the DBCDP to this area (section 5.3.1 of the plan and section 6.3 of my report above) include a provision which states that mixed use development with significant residential elements will be considered. The plan does not state a percentage or optimal mix of uses within the lands. I am satisfied that the proposed development is generally in accordance with the stated principles of the DBCDP. The site is a serviced zoned site, at a strategic location proximate to a high quality public transport route, with a permitted LIHAF funded road designed to allow access into this site and the surrounding lands for development purposes. The site can connect

into water supply and foul drainage networks. The application site is an appropriate place for both office/employment generating uses and residential development and I am satisfied that the residential component in addition to the office and neighbourhood centre is of an appropriate scale and density to support rail services adjoining the site. Overall the proposal is in my view in accordance with the zoning objective and general principles applied to these DTDA zoned lands.

- 10.2.7. The northern section of the access road is located within lands zoned 'Employment Generating Zone' and further south it's alignment traverses both the DTDA zoned land and the CCI zoned land (Civic Community and Institutional Zoning, which relates to the existing wastewater treatment plant). This access road/street opens up access to the lands in this area and its location does not hinder the development of the lands within the different zonings. I do not consider the road infrastructure and improvements proposed to service the land are contrary to any zoning objective, as raised in third party submissions.

Core Strategy and Phasing

- 10.2.8. Drogheda Borough Council Development Plan 2011-2017 was varied in December 2011 to incorporate a core strategy within the plan. Section 2.8 of Variation 1 of the DBCDP states in relation to the 'Drogheda Transportation and Development Area' zoning:

The DTDA lands are zoned for mixed use and can accommodate residential development. A Master Plan is to be produced in conjunction with Meath County Council and major infrastructural works are required. It is anticipated that it will be a number of plan cycles before these lands come on stream therefore these lands are not included in the overall land availability figure.

- 10.2.9. I note that the DBCDP has not been updated since 2011, but has been extended. I note a LIHAF funded access road was permitted in 2017, therefore there are no infrastructural constraints to the development of the land. The Louth County Development Plan (LCDP) 2015-2021 postdates the DBCDP and the LCDP states under chapter 2 on Core Strategy that phasing of housing lands will be provided for in the core strategy for Drogheda, as will be set out within the proposed local area plan for Drogheda (as per policy SS4 of the LCDP). This LAP has not, to date, been prepared. The LCDP notes that the overarching strategic policy framework for the

area is the Louth County Development Plan 2015-2021, which provides an up-to-date assessment of the future population growth and allocation of population within the settlement hierarchy of the county. The population allocation, as set out in the Louth County Development Plan, has not been imported into the core strategy of the Drogheda Borough Council Development Plan 2011-2017 (extended), however following the finalisation of the RSES it will be reviewed, as per DHPLG circular FPS04/2018. The population increase between 2016 and 2021 for Drogheda and Northern Environs is identified as 2571 (from 35,373 to 37,944), which equates to 952 residential units. As submitted by the applicant and supported by CSO figures, Drogheda is not meeting the requirements of the development plan with regard to population and housing delivery.

10.2.10. I note it is a strategic aim of the core strategy of the Louth County Development Plan to 'prioritise sustainable development at appropriate locations within the towns of Dundalk and Drogheda as economic drivers for the County' and to 'Encourage mixed use development forms and sustainable centres, in which employment, housing and community services are located in close proximity to each other and to strategic public transport corridors'.

10.2.11. In this policy context and having regard to the identification of Drogheda as a designated Large Growth Town, and the associated strategic aims of the core strategy as set out in the Louth County Development Plan, I consider that the proposed development of this strategic site adjoining a high quality public transport corridor is sequential in relation to the extension of the existing town core and its development is supported at a strategic level by the Louth County Development Plan 2015-2021, by the national policy context as established by the NPF and the government's Rebuilding Ireland plan, as well as by the RSES for the EMRA, which indicates the growth potential of Drogheda needs to be supported through compact and planned growth of the town centre and hinterland in order to realise Drogheda's potential to grow to city scale, with a population of 50,000 by 2031.

RSES and joint Urban Area Plan

10.2.12. Third party submissions contend that the proposed development is premature pending the development of a Joint Urban Area Plan for Drogheda, which is a

requirement of the Regional Spatial and Economic Strategy (RESE) for the Eastern and Midlands Region (EMR).

- 10.2.13. While it is a priority of the recently adopted RSES for the EMR to collaborate with Louth and Meath County Councils to deliver a Joint Urban Area Plan for Drogheda, there is no timeline on the delivery of this plan. The application site is located within the town of Drogheda, proximate to the existing railway station and is zoned for development purposes, with permitted LIHAF funded road infrastructure and services available in the area. The existing statutory context and zoning is clear for this site and the development as proposed does not hinder development opportunities for surrounding sites, therefore it would not in my view be reasonable to restrict development of this strategic site on the basis of prematurity.

Conclusion

- 10.2.14. I am satisfied that the proposed mixed use development is compatible with the stated policies and objectives of the Louth County Development Plan 2015-2021, Drogheda Borough Council Development Plan 2011-2017 (as varied and extended) and the Drogheda Transportation Development Area zoning objective applicable to the site. The principle of the proposed development is overall acceptable.

10.3. **Density and Housing Mix**

- 10.3.1. Under national guidance as set out in the guidelines Sustainable Residential Development in Urban Areas (2009), minimum net densities of 50 dwellings per hectare apply to the site, given it's location along a public transport corridor, being within 1km of a high quality rail station. The Apartment Guidelines identify types of locations in intermediate urban locations where apartments are suitable, which includes sites within 800-1000m of a principal town and within walking distance (1000-1500m) of a high capacity urban public transport stop (including a commuter rail). The application site is within such distances.
- 10.3.2. The DBCDP 2011-2017 identifies a minimum density of 50 units per hectare for residential development within the DTDA zoning and states that residential development in excess of this will be considered.
- 10.3.3. The total site area is a stated 9.68ha gross and the site has a net area of 7.25ha (excluding the LIHAF funded access road and its embankments), which I consider

reasonable and in accordance with national guidance for determining net areas for development. The total net density is therefore 62 units/ha. This density is appropriate within the national and local policy contexts and is overall acceptable.

10.3.4. The dwelling mix caters for a range of 1, 2, 3 and 4 bed units in a range of unit types, from semi-detached/terraced houses, to duplex units and apartment blocks. It is indicated that unit mix is as follows: 20% x 1 bed units, 61% x 2 bed and 18% x 3 bed. However, I note that of the two house types proposed (house type A and A1) the layout and scale of the houses are the same, with the gross floor area of all houses 138.6 sqm. The difference between the two house types relates to the labelling of one of the rooms at the first floor level as a bedroom in house type A (3 bed unit) and as a study in the type A1 house (2 bed unit). I do not consider that the relabelling of one room from a bedroom to a study provides for a variety of unit type to the market and in my view all the houses are in essence three bed units. Given their layout and scale is identical, the market value of both would be indistinguishable and they do not cater for different household formations. I have therefore recalculated the unit mix proposed on the basis that all of the 81 houses are three bed units (not 29 x 2 bed and 52 x 3 bed). The development overall, therefore, provides for the following unit mix: 20% x 1 bed units; 55% x 2 bed and 25% x 3 bed.

10.3.5. While variety does not exist within the scale of house proposed, the proposed development overall does provide for a mix of unit sizes across the scheme, which is reasonable and will enhance the housing mix of the area. Should the Board wish to cater for more variety within the house types proposed, it would be possible to omit the dormer from the attic level of house type A by condition, thereby providing for a smaller two bed unit type, distinguishable from the three bed house in size, that can cater for smaller family units/different lifecycle stages. However, as indicated previously, on balance, I consider the overall mix of units to be acceptable.

10.4. **Layout and Design**

Overall Development Strategy

10.4.1. The site is accessible for pedestrian via a proposed pedestrian/cyclist only connection from the southern boundary, connecting into an existing laneway/McGraths Lane, directly opposite Newtown Bridge (railway bridge). This

existing lane connects the railway bridge to Railway Terrace and onto the Dublin Road/R132, providing for a direct pedestrian link to McBride railway station.

- 10.4.2. Vehicular access to the site is from its eastern edge, from an approved road, designed and funded under the LIHAF scheme. This LIHAF funded road rises up from Marsh Road to the north of the site, with two accesses into the site, one directly into an underground car park serving the northern half of the development and one into the southern half of the scheme, serving the surface street network. This access road continues past the site to the southeast where it is proposed to serve a permitted residential development of 133 units. There is a central north-south pedestrian/cyclist only route through the site, connecting the neighbourhood centre and associated hard landscaped/civic space at the southern end of the site (in proximity to the junction with McGrath's Lane and the bridge over the railway line), with the employment and crèche buildings and associated hard landscaped/civic space to the north of the scheme.
- 10.4.3. Two large green public open space areas are proposed, one located centrally (bounded by three streets and overlooked by two apartment blocks and duplex units) and the other located to the east (bounded by an embankment to the LIHAF road and two residential housing streets). Two hard landscaped civic spaces are also proposed.
- 10.4.4. As noted previously, the neighbourhood centre is proposed to the south/southwest of the site, opposite the proposed pedestrian entrance at the junction of Newtown railway bridge and Mc Grath's Lane. The neighbourhood centre comprises two x 4 storey blocks, with retail units at the ground level and apartments over.
- 10.4.5. 81 houses (2.5 storeys in height) are proposed to the south-east / lower-density section of the site. Houses are also proposed along the southwest boundary adjoining the existing detached dwelling at this location, with 24 duplex units in two blocks of 12 along the mid-western boundary.
- 10.4.6. The northern/central portion of the site is to comprise eight apartment blocks, in addition to the civic space bounded by a three storey crèche (919 sqm in area) opposite a four storey office block, with two office units per floor, 133sqm and 266sqm in area. The eight apartment blocks are all 5 storeys in height (one being 6

given the change in topography) and are of similar design, as are the two neighbourhood centre blocks, with subtle variation in materials proposed.

- 10.4.7. In compliance with the general principles relating to this DTDA zoned land, the development layout has prioritised pedestrian and cyclist movement across the site and connections into the surrounding areas. The most direct route through the site is a pedestrian route, with ease of access to the south toward the train station. A significant element of the parking is proposed at basement/undercroft level, contributing to the quality of the public realm for the pedestrian/cyclist. The Neighbourhood Centre is located along the southern section of the site, proximate to existing residential areas and is accessible by vehicles from the southeast. The location of the crèche and office block at the northern end of the scheme off the access road is also acceptable. I consider the permeability across the site and proposed pedestrian connectivity into the adjoining street network, specifically to the south, is important to the success of this development in terms of sustainable movement patterns, and to ensure connectivity to the existing railway station in support of this high quality public transport service.
- 10.4.8. Basement parking is provided for on the northern section of the site where levels rise significantly from the LIHAF road up to the site. The lands are not graded down to the access road but rather the level change/embankment area is utilised for basement level parking. While this results in a dramatic positioning of the crèche/apartment block and office block at a significant height above the entrance from the access road, this overall design and layout also maximises upon views out toward the River Boyne and having regard to the landscaping plan submitted and having considered the photomontages, I consider the visual impact to be acceptable and the positioning of buildings on the site has had sufficient regard to the topography.
- 10.4.9. The layout across the scheme has resulted in a pedestrian friendly environment through the removal of a significant level of parking to the basement/undercroft level and the overall layout supports a high level of permeability and connectivity for pedestrian/cyclists to the train station to the south, as well to the R150/Marsh Road to the north, providing for two potential routes to the town centre, with the most direct being for pedestrians. The street network proposed is permeable with few cul-de-sacs, however, I do note that the street network comprises a large number of 6m

wide streets across the site, which I consider unnecessary and non-compliant with DMURS. This issue could be addressed by way of condition. The location of the neighbourhood centre at one end of the scheme and the crèche/office development at the opposite end provides for focal accessible employment generating opportunities at either end of the scheme with good accessibility. Overall, I consider the design and layout of the scheme to be acceptable on this zoned and serviced site.

10.5. Open Space Strategy and Landscaping

10.5.1. The development strategy proposes two large green areas as well as two hard landscaped areas around the proposed mixed use areas of the neighbourhood centre to the south and the office/crèche development to the north. Three communal areas are proposed to serve the apartments - one is located between Blocks 4 and 5; one is located south of Block 2; and the third is located to the north of Block 1.

10.5.2. A landscape strategy has been submitted. It is proposed to retain the most significant tree line on the site which is along the northwestern and western boundaries. A series of uses/layouts have been designed for the different open spaces across the site.

10.5.3. I note that the ground floor neighbourhood centre units within Blocks 9 and 10 comprise two entrances to each unit, one from the east and one from the west. It is important that new units at this location maintain an entrance onto the proposed civic space between the buildings, if this civic space is to be successfully animated and utilised and provide for passive surveillance of people traversing the site to/from the train station. This issue can be addressed by way of condition.

10.5.4. I am satisfied that the landscape and open space strategy proposed meets the requirements of the site.

10.6. Residential Amenity

Design Standards for New Apartments

10.6.1. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2018 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. Schedules were submitted to demonstrate compliance with the standards.

10.6.2. The development provides for 450 units, of which 369 are apartments laid out in eleven blocks and two terraces of 24 duplex units.

- Blocks 1-4 - 38 apartments per block of 10 x 1 bed, 26 x 2 bed, 2 x 3 bed. 5-6 storeys high (comprises an undercroft/part basement); 16m to 19m high; 51m wide x 17.35m deep.
- Blocks 5-7 – 38 apartments per block, of 10 x 1 bed, 26 x 2 bed. 2 x 3 bed. 5 storeys (surface level parking); 16m high; 51m wide x 17.35m deep
- Block 8 - 19 apartments; 5 x 1 bed, 1 x 2 bed; and 13 x 3 bed. 5 storeys, 16.55m high; 25.9m wide x 17.35m deep.
- Blocks 9-10 (Neighbourhood Centre) – each block comprises ground level neighbourhood uses with 3 floors of apartments above and 30 apartments in each block; 8 x 1 bed, 20 x 2 bed and 2 x 3 bed. 16.35m high; 51m wide x 17.35m deep.
- Duplex Units: 2 terraces of 12 units. The ground floor units are 2 bed x 3 person units (85 sqm), of which there are 12. The upper floors are 2 bed x 4 person units (126 sqm).

10.6.3. The apartment blocks have been designed to comply with the Design Standards for New Apartments, and the floor areas meet or exceed the required provision in all instances, therefore complying with SPPR 3. The majority of the units are dual aspect and are therefore in compliance with SPPR 4, where 50% are required to be dual aspect. Any units with a single aspect are south facing. There are no north facing single aspect units. SPPR 5 states ground level apartment floor to ceiling heights shall be a minimum of 2.7m, which is the case in the apartment blocks proposed. There are a maximum of 8 apartments per core, which is in accordance with SPPR 6, where a maximum of 12 apartments per core may be provided.

10.6.4. A Building Lifecycle Report, as required by the guidelines, has been submitted.

10.6.5. The statement of consistency indicates that all the proposed units are in compliance with the ministerial guidance, Sustainable Urban Housing: Design Standards for New Apartments, 2018.

10.6.6. Car parking provision is considered acceptable.

10.6.7. The proposed development overall would provide an acceptable standard of amenity for the occupants of the proposed apartments.

House Designs

10.6.8. The development proposes 81 houses with the majority located to the southeast of the development and a small number (6) located along the southwestern boundary with an existing neighbouring two storey residential dwelling. The dwellings are two and a half storey in design, with a dormer and attic level bedroom in each dwelling. There are stated to be two unit types, A and A1. The design and layout of these units are identical except for the labelling of a room at first floor level in house type A1 as a study instead of a bedroom. The gross floor area of all the houses is 138.6 sqm.

10.6.9. The proposed houses appear adequate in size and have a sufficient level of internal accommodation and private rear garden space. Generally back to back distances of 22m are achieved where windows are directly opposing. Two parking spaces are proposed per dwelling.

10.6.10. The dwellings, where there are located on corners, do not have a dual aspect design to maximise overlooking and surveillance on the streetscape, with a 2m high boundary wall to the side elevations for the full depth of the dwelling. This is particularly the case in relation to dwelling numbers 64, 65, 52, 75, 34, 35, 16, 51, 8, and 179, with the opposing houses no. 51 and no. 8 of particular note. This issue could be addressed by way of condition.

10.6.11. Overall, subject to conditions, I consider the proposed dwellings are adequately designed and would provide an acceptable level of amenity for future occupants.

10.7. Impact on the Amenities of Neighbouring Properties

Existing Dwellings to Southwest and Southeast

10.7.1. There are two detached dwellings adjoining the southwest and southeast boundaries of this site. I consider the separation provided for by the positioning of the semi-detached/terraced dwellings and associated gardens along these boundaries will ensure the proposal will not seriously injure the residential amenities of the existing neighbouring properties in terms of overlooking, overshadowing or loss of outlook.

10.7.2. Concerns are raised by residents in relation to loss of outlook, privacy and amenity as a result of the proposed development, including concerns in relation to potential damage of the treeline along the open space boundary as well as loss of natural habitat.

Impact on Dwellings on McGraths Lane/Railway Terrace

10.7.3. A large number of submissions raise concerns in relation to the impact on residential amenity and safety as a result of the proposal for pedestrians/cyclists to use McGrath's Lane/Railway Terrace, with fears that such a connection will give rise to anti-social behaviour, increased level of traffic on the road as a short cut for drops off/pick ups, increased risk to the railway, and potential traffic hazard with conflict between pedestrians and vehicles. Concern is also raised in relation to the impact of works to the roadway on the ACA designation along a section of the street, It is contended that there should be no pedestrian/cyclist access from the SHD application site through McGrath's Lane/Railway Terrace and that the boundary to Railway Terrace should be secured.

10.7.4. The application site is a centrally located site in terms of its proximity to the town centre and to the railway station. In order to promote sustainable travel patterns and to create a positive public realm, it is important that permeability and pedestrian routes and connections are prioritised in new developments in order to create sustainable connected communities. This is strongly supported in national policy and ministerial guidance. I note that the DTDA zoning objectives for this site require that any development within this zone prioritise access arrangements other than by private car and should therefore demonstratively contribute to the DTDA sustainable transportation aims. Given the proximity of the site to the railway station, it is imperative that direct pedestrian/cyclist connections via McGrath's Lane/Railway Terrace are facilitated and this pedestrian/cyclist connection is prioritised as part of phase 1 of the development, which is proposed within the phasing strategy submitted by the applicant. I note that the level of traffic movement along the cul-de-sac of McGrath's Lane/Railway Terrace is low due to the limited number of dwellings served and it is a low speed environment. I do not consider a traffic hazard will arise through the addition of pedestrians/cyclists to this route from the application site. I note the concerns raised that an increase in pedestrians/cyclists using the existing street network at McGrath's Lane/Railway Terrace will result in anti-social behaviour,

however I do not agree that additional population will automatically result in antisocial behaviour and I consider that increased movement in this area will result in increased passive surveillance. The proposed upgrades to the laneway will further support this with additional lighting proposed. The proposal in terms of the upgrades works to McGraths Lane/Railway Terrace are discussed further hereunder.

Works to McGrath's Lane and Railway Terrace

- 10.7.5. The works proposed along McGraths Lane and Railway Terrace to the south-east of the site are aimed to improve sustainable modes of walking/cycling from the application to the surrounding area, specifically given it will be a direct desire line to Drogheda Train Station. Louth County Council has stated that works to McGraths Lane and Railway Terrace have been approved by them and the council has given permission to the applicant to undertake these works.
- 10.7.6. It is proposed to widen McGraths Lane from its current width of c.2.75m to a shared surface width of 5.8m. The shared surface will consist of a 1.8m wide pedestrian strip and a 4m wide carriageway. On Railway Terrace it is proposed to widen the existing footpath to 2m, with the road carriageway reducing below 5m as a result. This is a low speed environment with low traffic volumes. Public lighting is proposed along the extents of the route.
- 10.7.7. A number of issues are raised by third parties along Railway Terrace in relation to the proposed works, particularly in relation to the loss of parking spaces, reduction in privacy due to the works proposed, reduced access for bin companies, impact on emergency vehicles. It is contended that the Local Authority do not have the proper consents to carry out works on Railway Terrace as it is private property.
- 10.7.8. I note the planning authority has stated in a letter submitted with the application that the upgrade works to Railway Terrace and McGrath's Lane have been agreed with Louth County Council and will be completed within the next 12 months or prior to the occupation of the first dwelling of this SHD application. I am satisfied that the level of works proposed will improve the public realm and will not give rise to a traffic hazard in this low speed and low traffic volume environment. I do not consider the works proposed will impact negatively on the existing ACA which relates to a section of Railway Terrace or on the amenities of the area.

10.7.9. I note having regard to the submission from Iarnrod Eireann that further discussions with Iarnrod Eireann in consultation with the applicant and the planning authority will be required to ensure that all the proposed works can be delivered and the appropriate consents received.

10.7.10. With regard to issues raised in relation to title, I note that the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about title to land or rights over land and these are ultimately matters for resolution in the Courts. I also note Section 34(13) of the Planning and Development Act 2000, as amended, states, a person is not entitled solely by reason of a permission to carry out any development.

10.8. **Landscape and Visual Impact**

10.8.1. Chapter 14 of the submitted EIAR addresses the landscape and visual impacts of the proposed development, which is assessed in section 12.15 of my report hereunder. The applicant has submitted 3D images and photomontages of the proposed development.

10.8.2. Third party submissions raises concerns in relation to the visual impact of the proposed development.

10.8.3. The subject site is located to the east of Drogheda, within the town boundary. The subject lands are zoned for development as are the undeveloped lands surrounding the application site. This is an evolving urban area, which is part of the planned urban expansion of Drogheda. To the northeast/east of the site, are a number of industrial buildings and a large WWTP. Residential areas are visible to the north/northwest and to the south/southwest. The River Boyne lies to the north and flows north-eastwards out to the sea. The site itself is currently characterised by agricultural land and a network of hedgerows. The site is elevated. The topography rises steeply up from Marsh Road and plateaus across the central/southern area of the site. In terms of landscape effects, the landscape character will change from agricultural to a mixed use, predominantly residential character.

10.8.4. The landscape character of this area will change, irrespective of the proposed development. The site is located within an area zoned for development. Serviced land is a scarce resource and as such needs to be developed in a coherent and sustainable manner from the town out. I am satisfied that the impact of this

sequentially located development can be sustained and while on an elevated and visible site, the development when complete will read as an urban extension to the existing town, with mitigation through the proposed landscape strategy and retention of trees and hedgerows to the north/west of the site. In time the proposed development will be absorbed into the existing landscape which will become more urban. Overall, I do not consider the visual impact would be detrimental given the context of the site.

10.9. Biodiversity

- 10.9.1. A number of submissions have raised concerns in relation to the overall impact of the development on the biodiversity of the area, with the loss of trees and hedgerows. The submitted bat survey is questioned with concerns in relation to the permanent loss of the feeding capacity of the site for bats. It is contended that the submitted information in relation to the Boyne Estuary SPA is deficient, no overwintering bird survey has been conducted and no survey details in relation to disturbance from walkers or cyclists generated from the proposed development have been submitted.
- 10.9.2. Chapter 5 of the EIAR addresses biodiversity, which I have assessed in section 12.6 of my report hereunder. A NIS has been submitted with the application, and I refer the Board to section 11 of my report hereunder in relation to issues raised with regard to the Boyne Estuary SPA.
- 10.9.3. With regard to biodiversity loss, while trees and hedgerows will be lost as a result of development, it is proposed to retain the most significant tree line along the northwestern boundary of the site and also the tree hedgerow line along the western boundary. A Landscape Masterplan has been submitted which sets out details in relation to planting across the scheme to mitigate loss of existing natural habitats, including planting along the embankment to the permitted LIHAF access road. I note the site is zoned for development and in my view the landscape plan proposed in addition to measures in relation to the northern and western boundaries satisfactorily mitigates losses to the existing habitat.
- 10.9.4. The bat assessment was undertaken by a suitably qualified person. I am satisfied with the level of information presented within this report and with the mitigation

measures proposed, which relate to the timing of felling of trees, planting of vegetation, provision for bat boxes, and lighting.

10.10. Traffic, Transportation and Access

10.10.1. In relation to Transport, the relevant section of the EIAR is Chapter 10 which details the methodology in relation to the Traffic and Transport Assessment undertaken based on TII's 'Traffic and Transportation Assessment Guidelines (2014)' and the findings of the TTA. The existing road network, public transport routes and pedestrian/cycle facilities were assessed and baseline data was gathered based on junction surveys at four junctions outside of the site.

10.10.2. The LIHAF funded access road, off which the site will be accessed at two points, has been designed and permitted as part of a separate application. Hardcore along the first section of the access road from Marsh Road to the application site has been laid. The proposed connections/junctions from the proposed development onto the access road are based on the permitted design of the access road and are acceptable.

Traffic and Transport Assessment – Operational Impacts

10.10.3. The total vehicle movements generated by the proposed development will be 75 arrivals and 130 departures in the AM peak (total of 205). In the PM peak, it is estimated there will be 166 arrival and 125 departures (total 291 vehicle movements). It is assumed that 80% of traffic will travel westwards towards Drogheda town centre and 20% will travel eastwards along the R150/Marsh Road. Trip distribution percentages for the remaining junctions assessed outside of the site were generally calculated using the base survey flows and associated turning movements.

10.10.4. Traffic modelling was undertaken on four junctions within the surrounding road network: Junction 01: Dublin Road (R132)/Shop Street (Signalised); Junction 02: South Quay (R150)/Shop Street (Signalised); Junction 03: Marsh Road (150)/Mill Road (Priority); and Junction 04: R150 Marsh Road/LIHAF Access Road (Priority).

10.10.5. Third party submissions contend that the TTA is deficient as it does not assess the impact of the proposed development on Julianstown to the east, which has the potential to increase peak time traffic in Julianstown, given this route acts as

an alternative route to traffic travelling to junction 7 of the M1 to access the Drogheda-Dublin corridor. I note the location of Julianstown is approx. 8.5km to the south/southeast of the application site. I am satisfied with the assumptions made in relation to the modal split, whereby 20% of traffic will travel eastwards, which I do not consider significant. I note the planning authority do not raise any issues with the scope of the TTA or the assumptions made.

10.10.6. Junction 1 and 2 are located close to each other. Louth County Council has advised that the existing junctions operate close to capacity during both peak periods. TRANSYT analysis was undertaken with regard Junction 1 and Junction 2 to optimise the movements at the signalised junction. Added developments traffic, in addition to optimised phases, results in a Degree of Saturation of 96% during the AM and 92% during the PM, and therefore will be operating close to capacity during both peak periods. It is stated that Junction 3 will operate within capacity during the 2037 plus proposed plus committed developments scenario with the highest Ratio of Flow to Capacity (RFC) at 19% during the AM peak period and 21% during the PM peak period. Proposed Junction 4 is anticipated to operate well within capacity during the 2037 plus proposed plus committed developments scenario with the highest Ratio of Flow to Capacity (RFC) at 25% during the AM peak period and 28% during the PM peak period.

10.10.7. The PA Engineer Infrastructure Report states that the traffic study submitted concludes that the Bullring Junction and the junction of Marsh Road and St. Mary's Bridge will be at capacity in the design year with the development in place. Further developments will require alternative access arrangements to be in place such as the Bryanstown Cross Route and works are required to optimise traffic signals at these junctions to facilitate this development.

10.10.8. This is an urban area, where growth is to be expected in accordance with national and RSES estimates and it is the management of this growth into the future through the development of sustainable communities which will support the sustainable development of this land as part of Drogheda. The site is strategically located within reasonable walking distance of Drogheda train station and services within Drogheda. Employment opportunities on the site as well and in the future on the adjoining lands will support a sustainable mix of uses within this highly accessible site, supported by a layout which prioritises pedestrian/cyclist

permeability and connectivity within the site and to the adjoining area, while supporting the existing train station. I consider the proposed development in terms of traffic generation to be acceptable.

Internal Street Design and Parking

10.10.9. With respect to the layout of the scheme, it is stated that it is being developed in accordance with DMURS. The proposed lay out prioritises pedestrian movement and permeability within the site and pedestrian/cyclist movement toward the railway station, enhancing connectivity with the wider area. I note there are a number of 6m wide streets within the scheme, which appears excessive and non-compliant with DMURS. This issue can be addressed by way of condition.

10.10.10. In terms of parking provision, one space per apartment is proposed, with one additional space for every eight units for visitor parking. Two spaces are proposed per dwelling, with one additional space for every eight units for visitor parking. In terms of retail, one space is provided per 20 sqm; 1 per 48 sqm of office space; and 1 per 5.5 children, with 10 additional one street drop-off spaces. In total 740 parking spaces are proposed. I consider the level of parking to be sufficient for the site.

10.10.11. A Road Safety Audit has been undertaken. Issues raised can be addressed by way of condition.

Construction Traffic

10.10.12. An outline construction management plan has been submitted by the applicant. The EIAR has addressed construction phase impacts of the development in terms of traffic and noise. Potential construction impacts will be short term and temporary in nature and I am satisfied that they can be appropriately mitigated through good construction management and practice.

Conclusion

10.10.13. Overall, I consider that a development of the scale proposed at this site can be accommodated within the existing road/street network and I do not consider the proposal would give rise to a traffic hazard or be seriously injurious to the residential amenity of those in the immediate area of the site.

10.11. Water Services Infrastructure

Water and Wastewater

10.11.1. It is proposed to connect the development to the public water and foul sewer network in the area. The foul sewerage from the site will drain via gravity and outfall to the existing 225 mm diameter foul sewer on Marsh Road to the north of the subject site. The connection to this sewer will require c. 430 m of a new 225 mm diameter sewer to be constructed as part of the LIHAF access road (reg. ref. 17/387). Ultimately, the foul water will drain to the existing Irish Water Pump Station on Marsh Road where it is pumped via a rising main to the nearby Drogheda Wastewater Treatment Plant. Monitoring of the receiving environment indicates that the discharge from the treatment plant 'does not have an observable negative impact on the water quality'. There is a treatment capacity of 101,600 population equivalent (P.E.) while the mean loading in 2016 was 52,612 P.E. This indicates that sufficient capacity exists to successfully treat the expected additional loading from this development. IW has confirmed that there is sufficient capacity. IW notes that given the proximity of the site to a large wastewater treatment plant, additional odour controls may be required.

10.11.2. A proposed new connection to the watermain, located to the north of the site on Marsh Road will provide potable water for the development. Irish Water have advised of the upgrade works required to facilitate a connection to the proposed development from the Marsh Road watermain. Irish Water have assessed the proposed water supply design and issued a statement of design acceptance, subject to network improvements being undertaken by the applicant.

Surface Water Management

10.11.3. The surface water network for the proposed development is divided into three catchments, with each catchment having an outfall (with permissible outflow calculated in accordance with the GSDSDS) to the proposed sewer to be constructed under the LIHAF access road, as granted planning under reg. ref. 17/387. Surface water will from here outfall to the existing surface water sewer on Marsh Road, adjacent the wastewater treatment plant, before discharging to the River Boyne. Surface water from the LIHAF road will be attenuated in an underground storage tank ($V=80 \text{ m}^3$) as approved under Reg. Ref. 17/387. Each surface water network within the development will discharge via a hydrobrake installed at the outfall manhole of each catchment with excess storm water attenuated in separate underground systems. The three attenuation areas serving the three catchments are

designed for a return rainfall period of 100 years, including an additional 20% for anticipated climate change. If the runoff exceeds the allowable discharge rate, the surface water runoff shall back up into the underground attenuation system provided. Once the storm flow has passed the attenuation system shall drain via gravity through the proposed flow control device. The attenuation system also allows the excess runoff to permeate into the ground.

10.11.4. Excess storm water from each catchment will be attenuated in separate underground storage tanks. It is proposed to store excess storm water up to the 1 in 100-year storm event, with 20% climate change factored in to facilitate climate change. If the runoff exceeds the allowable discharge rate, it is stated that the surface water runoff shall back up into the underground attenuation system provided. Once the storm flow has passed the attenuation system shall drain via gravity through the proposed flow control device. The attenuation system also allows the excess runoff to permeate into the ground.

10.11.5. The storage tank for catchment A is proposed under public open space to the east of the site; for catchment B, it is under the garden area to the west of the proposed crèche; and for catchment C, it is under the car parking area to the east of the proposed office building.

10.11.6. The proposed surface water drainage system proposes the following SuDS features:

- Water Butts – utilised within each residential unit
- Filter drains – within private paved and rear garden areas
- Swales - utilised in grass verges alongside estate roads
- Underground Attenuation Tank – below the open space, crèche garden and car-parking areas
- Flow control device (e.g. hydrobrake) – installed at the outfall manhole of each catchment
- Petrol Interceptor – installed downstream of each flow control device manhole

10.11.7. I am satisfied that the applicant has adequately addressed the issue of surface water management in relation to the site.

10.12. **Social Infrastructure, crèche and schools**

10.12.1. Concerns are raised in submission in relation to social infrastructure and shortages of school places.

10.12.2. A crèche is included as part of the development. The Childcare Facilities Guidelines for Planning Authorities recommends a minimum provision of 20 childcare places per 75 no. dwellings. The applicant has submitted a Childcare Provision Assessment which indicates that the proposed childcare facility will cater for 120 children. It is noted that the permitted scheme for the 133 houses to the southeast does not provide for a crèche. I consider the crèche provision acceptable.

10.12.3. With regard to schools and other social infrastructure, the applicant has submitted a Social Infrastructure Capacity Study. I am satisfied that school provision has been considered and there is an adequate provision within Drogheda.

10.12.4. The proposal provides for sufficient open space for various age groups.

10.12.5. The applicant has included proposals for Part V, which are acceptable to the Local Authority.

10.12.6. I am of the opinion that there is sufficient social infrastructure.

10.13. **Directive 2012/18 EU (Seveso III) Considerations**

10.13.1. Directive 2012/18 EU ("Seveso III") was transposed into Irish law on 1 June 2015 under the Chemicals Act (Control of Major Accident Hazards involving dangerous substances/COMAH) Regulations 2015, known as the 2015 COMAH Regulations. The COMAH regulations set out the requirements to prevent major accidents involving dangerous substances and to limit the consequences of such accidents on human health and the environment. Seveso/COMAH apply to industrial sites where dangerous substances are used or stored in large quantities, mainly in the chemicals, petrochemicals, storage, and metal refining sectors. The Health and Safety Authority is identified as the central competent authority under the regulations.

10.13.2. The development site is located approximately 225 metres south west of Flogas LPG Terminal. The LPG terminal is an Upper Tier COMAH establishment,

and is subject to the provisions of the European Communities (Control of Major Accident Hazards Involving Dangerous substances) Regulations, S.I. 209 of 2015 (2015 COMAH Regulations). This is due to the presence of quantities of LPG above the threshold quantity specified in the 2015 COMAH Regulations (> 200 tonnes for Upper Tier establishments).

- 10.13.3. The COMAH Regulations provide for an integrated approach to planning decisions concerning such establishments. This includes provision of technical advice by the HSA to planning authorities, including, where appropriate, An Bord Pleanála.
- 10.13.4. A COMAH Land Use Planning assessment was completed by AWN Consulting Ltd. (report ref. MMcK/17/9757RR01) in accordance with guidance published by the HSA (HSA, 2010). The COMAH Land Use Planning assessment is attached as Appendix 4.1 to the submitted EIAR. It is stated that the proposed development is located at a sufficient distance from the Flogas LPG Terminal, such that no fatalities are expected to arise in the event of failure of an LPG vessel accompanied by Boiling Liquid Expanding Vapour Explosion and fireball. The land use planning zones for the Flogas LPG terminal do not extend to the proposed development site and the level of societal risk at the proposed development is stated to be negligible.
- 10.13.5. The applicant consulted the HSA who had no objections to the proposed development.
- 10.13.6. Having regard to the above and the information on file and noting the submission made by the HSA, I am satisfied that from a planning and land use perspective, the issue of major accidents is well understood and has been adequately considered in relation to human health.

11.0 Appropriate Assessment

11.1. Introduction

- 11.2. This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the European sites considered to be at risk and the significance of same.

The assessment is based on the submitted Natura Impact Statement (NIS), prepared by Openfield Ecological Services, NPWS documents relating to the European sites in the area of the application site and a 'Note to Inspector' from An Bord Pleanála Ecologist which has been received in relation to the Boyne Estuary SPA. This is attached to my report.

11.2.1. Having reviewed the NIS, and the supporting documentation available to me, I am overall satisfied that there is adequate information available in respect of baseline conditions to clearly identify the potential impacts on any European site and I am satisfied that the information before me is sufficient to allow for appropriate assessment of the proposed development.

11.3. **Appropriate Assessment - Screening**

11.3.1. The application site is not located within a European Site, however, the lower stretch of the River Boyne flows north of the site, c. 330m. The Boyne River and Estuary comprises three European designations, which are discussed further hereunder. The application site itself is characterised by agricultural land and a network of hedgerows. There are no known watercourses associated with the proposed development site and no direct connections into the River Boyne. The Stagrennan Stream is located c. 960m to the southeast. There is a stream along a ditch within the site which terminates at a pond within a field to the southeast of the site. No outfall has been identified from this pond and it is indicated that water discharges to the ground, however, as indicated in the screening assessment submitted, the possibility of a connection to the Stagrennan Stream cannot be excluded. It is stated the drainage ditch is unlikely to support significant fish life. This ditch and pond is proposed to be infilled during construction.

11.3.2. The screening report submitted with the application identifies the following European sites as being within the zone of influence of the site:

- Boyne Estuary SPA (004080)
- Boyne Coast and Estuary SAC (001957)
- River Boyne and River Blackwater SAC (002299)

11.3.3. The zone of influence has been determined based on the proximity to and the presence of ecological pathways between the site and the SACs or SPAs. There is

no evidence of a direct hydrological link between the site and the SACs or SPA listed above, however, I note indirect links via groundwater, surface water outfall and treated wastewater outfall to SACs and SPAs in the Boyne Estuary are likely.

11.3.4. No other European site in the wider area requires assessment given the separation distances involved and given the lack of a substantive linkage between the proposed works and any other European site.

11.3.5. The following European sites are within the zone of influence of the site and their relevant qualifying interests and separation distances from the application site are listed:

Name of Site	Conservation Objective	Qualifying Interests	Distance
Boyne Estuary SPA (004080)	<p>Objective 1: To maintain the favourable conservation condition of the non-breeding waterbird Special Conservation Interest species listed for Boyne Estuary SPA.</p> <p>Objective 2: To maintain the favourable conservation condition of the wetland habitat at Boyne Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p>	Shelduck (Tadorna tadorna) [A048] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144]	<p>c. 440m from the main body of the site.</p> <p>I note the road works proposed on Marsh Road (relating to water services) are permitted as part of a separate application. The permitted road does not form part of this application, however it is within the site boundary as the application site proposes to</p>

		<p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Wetland and Waterbirds [A999]</p>	connect to this permitted road.
<p>Boyne Coast and Estuary SAC (001957)</p>	<p>Objective: To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in the Boyne Coast and Estuary SAC, which is defined by the following list of attributes and targets.</p> <p>Target 1 The permanent habitat area is stable or increasing, subject to natural processes.</p> <p>Target 2 Conserve the following community types in a natural condition: Intertidal estuarine mud and fine</p>	<p>Salicornia and other annuals colonising mud and sand (1310)</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) (ASM) (1330)</p> <p>Mediterranean salt meadows (<i>Juncetalia maritima</i>) (MSM) (1410)</p> <p>Embryonic shifting dunes (2110)</p> <p>Shifting dunes along the shoreline</p>	c. 1.6km from the SAC.

	<p>sand with Hediste diversicolor and Corophium volutator community; and Fine sand dominated by bivalves community complex.</p> <p>Objective: To maintain the favourable conservation condition of Estuaries in the Boyne Coast and Estuary SAC, which is defined by the following list of attributes and targets.</p> <p>Target 1: The permanent habitat area is stable or increasing, subject to natural processes.</p> <p>Target 2: Conserve the following community types in a natural condition: Intertidal estuarine mud and fine sand with Hediste diversicolor and Corophium volutator community; and Subtidal fine sand dominated by polychaetes community.</p>	<p>with Ammophila arenaria (white dunes) (2120)</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) (2130)*</p>	
--	---	--	--

River Boyne and River Blackwater SAC (002299)	Objective: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected	[7230] Alkaline Fens – Annex I habitat [91E0] Alluvial Forests – Annex I priority habitat [1099] River Lamprey (<i>Lampetra fluviatilis</i>) – Annex II [1106] Atlantic Salmon (<i>Salmo salar</i>) – Annex II [1355] Otter (<i>Lutra lutra</i>) – Annex II	c. 330m north of the site.
--	--	---	----------------------------

11.3.2. A brief description of the European sites and their conservation objectives are set out as follows:

Boyne Estuary SPA

11.3.3. This moderately-sized coastal site is situated east of Drogheda Town on the border of Counties Louth and Meath. The site comprises the estuary of the Boyne River, from downstream of the town of Drogheda, flowing eastwards towards Baltray where it narrows behind a sand and shingle spit bounded by sand dunes, before entering the sea. A stretch of sandy coastline north and south of the estuary mouth is included in the designated site. Apart from one section which is over 1 km wide, the estuary width is mostly less than 500 m. The river channel, which is navigable and regularly dredged to allow passage to the port of Drogheda, is defined by training walls which are breached in several places. Intertidal flats occur along both sides of the channelled river. The estuary sediments vary from fine muds in the sheltered areas to sandy muds or sands towards the mouth while the linear stretches of

shoreline north and south of the estuary mouth are composed mostly of sand (sand flats). Eelgrass (*Zostera* spp.) was known to occur in the estuary (but not recorded during recent intertidal surveys) and several intertidal areas are fringed with salt marsh.

11.3.4. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for a number of species, which are listed in the table above. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds. The site is of considerable ornithological importance for wintering waterfowl, with Black-tailed Godwit occurring in internationally important numbers and nine other species having populations of national importance. Of particular significance is that two of the wintering species, Golden Plover and Bar-tailed Godwit are listed on Annex I of the E.U. Birds Directive. Little Tern is also listed on Annex I of this directive.

11.3.5. The following are the conservation objectives listed for Boyne Estuary Special Protection Area, the overarching objective being to ensure that the winter bird populations and their wetland habitats are maintained at, or restored to, favourable conservation condition:

- **Objective 1:** To maintain the favourable conservation condition of the non-breeding waterbird Special Conservation Interest species listed for Boyne Estuary SPA.
- **Objective 2:** To maintain the favourable conservation condition of the wetland habitat at Boyne Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

11.3.6. Factors that can affect the achievement of this objective include (from NPWS Boyne Estuary SPA Conservation Objectives Supporting Document 2012):

- **Habitat modification:** activities that modify discrete areas or the overall habitat(s) within the SPA in terms of how one or more of the listed species use the site (e.g. as a feeding resource) could result in the displacement of these species from areas within the SPA and/or a reduction in their numbers.

- Disturbance: anthropogenic disturbance that occurs in or near the site and is either singular or cumulative in nature could result in the displacement of one or more of the listed waterbird species from areas within the SPA, and/or a reduction in their numbers
- Ex-situ factors: several of the listed waterbird species may at times use habitats situated within the immediate hinterland of the SPA or in areas ecologically connected to it. The reliance on these habitats will vary from species to species and from site to site. Significant habitat change or increased levels of disturbance within these areas could result in the displacement of one or more of the listed waterbird species from areas within the SPA, and/or a reduction in their numbers.

Boyne Coast and Estuary SAC (001957)

11.3.7. Boyne Coast and Estuary SAC encompasses the tidal sections of the River Boyne as far upriver as Drogheda. The qualifying interests related to this European site are as set out in the table above.

11.3.8. It is stated within the Screening Report that estuaries are among the most productive habitats on earth as great quantities of sediment and nutrients are deposited from their feeding rivers. The abundance of invertebrate life living within these sediments provides resources for large flocks of wetland and wading birds, some of which use estuaries on a seasonal basis. Dynamic coastal habitats meanwhile are important in buffering inland areas from storms as well as potential future impacts from climate change.

11.3.9. The following conservation objective applies to Boyne Coast and Estuary SAC (from NPWS Boyne Coast and Estuary SAC Conservation Objectives Supporting Document 2012):

- **Objective:** To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in the Boyne Coast and Estuary SAC, which is defined by the following list of attributes and targets.

- Target 1 The permanent habitat area is stable or increasing, subject to natural processes.
- Target 2 Conserve the following community types in a natural condition: Intertidal estuarine mud and fine sand with *Hediste diversicolor* and

Corophium volutator community; and Fine sand dominated by bivalves community complex.

- **Objective:** To maintain the favourable conservation condition of Estuaries in the Boyne Coast and Estuary SAC, which is defined by the following list of attributes and targets.

- Target 1: The permanent habitat area is stable or increasing, subject to natural processes.
- Target 2: Conserve the following community types in a natural condition: Intertidal estuarine mud and fine sand with Hediste diversicolor and Corophium volutator community; and Subtidal fine sand dominated by polychaetes community.

River Boyne and River Blackwater SAC

11.3.10. This site comprises the freshwater element of the River Boyne as far as the Boyne Aqueduct, the Blackwater as far as Lough Ramor and the Boyne tributaries including the Deel, Stoneyford and Tremblestown Rivers. These riverine stretches drain a considerable area of Meath and Westmeath, and smaller areas of Cavan and Louth. The River Boyne and River Blackwater are important salmonid rivers and are home to a range of aquatic and riparian species.

11.3.11. The qualifying interests related to this European site are as set out in the table above.

11.3.12. The conservation objective for this SAC is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or Annex II species for which the SAC has been selected.

Screening Conclusion

11.3.13. There is no known watercourse on the subject site. Small water courses in the vicinity join the River Boyne to the north. The Stagrennan Stream is the nearest such water course, located approx. 960m to the southeast of the site, and from that point is c. 2.5km to the Boyne Estuary, and associated European sites. There is no obvious connection between the application site and the Stagrennan Stream. The EIAR (chapter 5, Biodiversity) states that investigations by project engineers have shown that the drainage ditch and pond within the site is not connected to any large

water course and has no point of outfall, appearing to discharge to the ground. The Screening Report, however, states there is a potential connection to the Stagrennan Stream and this stream is linked to the Boyne Coast and Estuary SAC and Boyne Estuary SPA.

11.3.14. The Stage 1 Screening Report states that significant effects have been ruled out to the Boyne Estuary SPA and the River Boyne and River Blackwater SAC.

11.3.15. I note that there is no direct hydrological link between this site and the European sites in question and there is no identified ecology on the site to support species listed as features of interest. I note the nature of the qualifying interests relating to the Boyne Estuary SPA and the River Boyne and River Blackwater SAC.

11.3.16. With regard to the Boyne Estuary SPA, I note the following factors can affect the achievement of the site conservation objectives (from NPWS Boyne Estuary SPA Conservation Objectives Supporting Document 2012):

- Habitat modification: activities that modify discrete areas or the overall habitat(s) within the SPA in terms of how one or more of the listed species use the site (e.g. as a feeding resource) could result in the displacement of these species from areas within the SPA and/or a reduction in their numbers.
- Disturbance: anthropogenic disturbance that occurs in or near the site and is either singular or cumulative in nature could result in the displacement of one or more of the listed waterbird species from areas within the SPA, and/or a reduction in their numbers
- Ex-situ factors: several of the listed waterbird species may at times use habitats situated within the immediate hinterland of the SPA or in areas ecologically connected to it. The reliance on these habitats will vary from species to species and from site to site. Significant habitat change or increased levels of disturbance within these areas could result in the displacement of one or more of the listed waterbird species from areas within the SPA, and/or a reduction in their numbers.

11.3.17. Having regard to the first bullet point above, the proposed development will not result in any likely habitat modifications within the SPA site and can be excluded from further consideration.

11.3.18. With regard to the second bullet point above, possible disturbance of waterbirds should be a key consideration for any examination of potential impacts on a SPA site within a zone of influence of a development. The distribution of birds within the SPA is influenced by the range, timing and intensity of use of areas. Human activities can cause disturbance to birds and thereby affect their distribution and use of the area. The potential for anthropogenic disturbance to wintering birds for which the SPA is designated is examined in this screening for AA as follows and as referred to in the internal support note from the An Bord Pleanála Ecologist:

- The development of 450 housing units could result in increased numbers of people seeking safe areas for recreational walking including dog walking. In an examination of disturbance (NPWS, 2013) the most common activity recorded was walking, including with dogs with greatest levels of disturbance from these activities recorded in Baltray and at Ladys Finger, which are not located in proximity to the proposed housing development.
- The sub areas of the SPA in closest proximity to the proposed development and which may be vulnerable to disturbance include areas known as *The Arp* and *Port to Beaulieu* are located to the north of the R150 and along the mouth/Estuary area of the River Boyne. These areas were not characterised with such disturbance issues including walking with dogs in the 2011/2012 assessment. This may be due in part to the fact that the road does not have a pedestrian footpath and there is no direct access to the wetlands area. Due to road safety issues, the area is unlikely to be used by numbers of recreational walkers or new residents walking dogs that could have any measurable effect on the adjacent SPA.
- With regard to ex-situ factors, some waterbird species make use of a range of habitats, some of which may occur outside of the area for which the SPA is designated. Grassland habitats close to SPA sites such as Estuaries can act as ex-situ support feeding sites. No evidence of wintering birds using the proposed development site has been presented, however, it's unclear if this was considered at all in the screening or biodiversity assessment. The majority of the special conservation interest species listed for this SPA favour intertidal muds and sand flats for feeding with species such as Golden Plover and Lapwing using alternative habitats adjacent to the site such as grasslands occasionally. An examination of the wider area shows that there are extensive agricultural grasslands available to

wintering birds east of the proposed development and it is unlikely that the loss of this area of (zoned) land could affect the ex situ movements and feeding areas for bird species associated with the SPA. Significant effects can therefore be screened out in relation to this issue.

11.3.19. The internal support note from the An Bord Pleanála Ecologist states, for the avoidance of doubt, there will be no impacts on the area of wetland habitats covered by the SPA designation and therefore significant effects on the permanent area of wetland habitat can be screened out with confidence for this habitat objective.

11.3.20. I note the hydrological links from the application site to the River Boyne and Blackwater SAC and Boyne Estuary SPA are indirect from the development site and related to an existing surface water outfall and treated wastewater outfall. I note that the discharge point is downstream of any of the habitats for which the SAC is designated and species for which water quality is an issue are all upstream of the site and thus won't be affected. I do not, therefore, consider it likely that any suspended solids or pollutants that enter the watercourse in the vicinity of the application site as a result of the proposed development are likely to reach the Boyne Estuary SPA and the River Boyne and River Blackwater SAC in sufficient quantity or concentration so as to be likely to result in a significant effect on the European sites in light of their Conservation Objectives.

11.3.21. The screening report states that SuDS measures are proposed, which it is stated will ensure the quantity and quality of run-off is maintained at greenfield rates with no negative effects on water quality, however, I note such design features are utilised as a matter of good practice for connection to the public network, regardless of the presence of a designated site downstream and, as indicated above, I do not consider there to be any likely significant effects on European sites as a result of this development with or without the SuDS design in place.

11.3.22. With regard to groundwater, I note that on the basis of soil conditions, geology and hydrogeology and having regard to separation distances, that the proposed development is not likely to have a significant effect on any European site. With regard to the wastewater, this will be treated at the municipal treatment plant at Drogheda. Monitoring of the receiving environment indicates that the discharge does not have an observable negative impact on the water quality and there is sufficient

capacity in the treatment plant to successfully treat the expected additional loading from this development. I therefore do not consider that there is likely to be an indirect significant effect on any European site in terms of the treated wastewater outfall.

11.3.23. In combination effects have been considered and I am satisfied that the proposed development in combination with other permitted developments in the area, which in themselves have been screened in terms of AA, would not be likely to have a significant effect on any European site.

11.3.24. The Screening Report submitted with the application states that significant effects cannot be ruled out on the Boyne Coast and Estuary SAC (1957) due to location of the site within the catchment of the Stagrennan Stream. There is a small drainage ditch and associated pond on site which is likely to connect to the Stagrennan Stream hydrologically and this stream is connected to the River Boyne and Boyne Estuary, c. 2.5km to the east of the stream. It is stated in the Screening Report submitted that this ditch is not of salmonid status due to its small size, limited extent, and obstructions to fish passage. However, pollution during construction is identified as a possibility. While temporary, it is stated that construction pollutants to the estuary could result in impacts to invertebrate communities within the estuary and mudflat habitats. The screening report states that significant effects to the Boyne Coast and Estuary SAC cannot therefore be ruled out and a Stage 2 assessment has been undertaken.

11.3.25. I am of the view, that given the location of the site c. 961m from the Stagrennan stream and a further c. 2.5km to the Boyne Estuary; given the carrying capacity for suspended solids from the site is limited; and given the distance involved would likely result in a significant dilution effect with opportunity for materials to drop out of suspension, I overall do not consider it likely that any suspended solids or pollutants that enter the watercourse in the vicinity of the application site as a result of the proposed development are likely to reach the Boyne Coast and Estuary SAC in sufficient quantity or concentration so as to be likely to result in a significant effect in light of the site's conservation objectives. However, having regard to the proposed use of mitigation methods, as detailed below, a Stage 2 assessment has been undertaken in relation to the Boyne Coast and Estuary SAC.

11.4. Potential Adverse Impacts

- 11.4.1. Section 5.1.4 of the NIS lists the main area of concern in relation to the Boyne Coast and Estuary SAC, which relates to pollution during construction, which could result in impacts to invertebrate communities within estuary and mudflat habitats.
- 11.4.2. Pollution during operation is addressed and it is stated that SuDS techniques applied to the design of the project will ensure that negative effects to water quality do not arise. It is further stated that capacity exists at the Drogheda wastewater treatment plant to accept the likely additional loading from this development, with no significant effects on Natura sites likely to arise in this regard.

Mitigation Measures

- 11.4.3. It is stated that construction will follow guidance from Inland Fisheries Ireland for the protection of fish habitat. Surface run off from the site will only be discharged to local drains via a settlement pond so that only silt free water will enter the environment.
- 11.4.4. Dangerous substances such as oils, fuels, etc will be stored in a bunded zone. Emergency contact numbers for the Local Authority Environment Section, Inland Fisheries Ireland, the EPA, and the NPWS, will be displayed in a prominent position within the site compound. These agencies will be notified immediately in the event of a pollution incident. Site personnel will be trained on the importance of preventing pollutions and the mitigation measures described to ensure same. The site manager will be responsible for the implementation of these measures. They will be inspected on at least a daily basis for the duration of the works and a record of these inspections will be maintained. The Preliminary Construction Management Plan addresses this area.

11.5. Cumulative and In-Combination Effects

- 11.5.1. Cumulative and in combination effects are considered in the context of the wider development of the town and the permitted development of 133 dwellings to the southeast of the application site. No likely significant effects on European sites are raised.

11.6. Appropriate Assessment Conclusions

- 11.6.1. Having regard to the works proposed during construction and operational phases, and subject to the implementation of best practice construction methodologies and the proposed mitigation measures, I consider it reasonable to conclude on the basis

of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site 001957 (Boyne Coast and Estuary SAC) or any other European site, in view of the sites Conservation Objectives.

12.0 Environmental Impact Assessment

12.1.1. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the planning authority, prescribed bodies, appellant, observers and applicant has been set out at Section 7.0 of this report. The main issues raised specific to the EIA can be summarised as follows:

- Material Assets – Traffic and Transport
- Landscape and Visual Impact
- Biodiversity
- Land and Soils
- Surface water drainage

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation.

12.1.2. The EIAR is laid out in one volume including a non-technical summary, with appendices at the end of each chapter relating to that chapter. The introductory chapters establish the legislative context, detailed description of the proposal, construction programme and phasing. Alternatives have been considered in chapter 3 and a do nothing scenario has been considered in each chapter. Cumulative impacts have been assessed within each chapter, with specific regard to the permitted access road to the east of the site (which also forms part of this application) and the associated 133 houses to the southeast, permitted under local authority reference 17/387. A summary of impacts and interactions is considered in chapter 15. Mitigation measures are addressed within each section, with a summary of mitigation and monitoring measures presented in chapter 16.

12.1.3. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR adequately identifies and describes and the direct, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2001, as amended.

12.1.4. This EIA has had regard to the application documentation, including the EIAR, and the observations received, as well as to the assessment of other relevant issues set out in section 10 of this report above.

12.2. **Vulnerability of Project to Major Accidents and/or Disaster**

12.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned.

12.2.2. The site is located approx. 225m from the Flogas Terminal, which is regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO, as noted under section 4 on population and human health hereunder, which comprises a report by AWN Consulting outlining risk contours based on consequence assessment and risk modelling of an LPG Boiling Liquid Expanding Vapour Explosion event at the Flogas site.

12.2.3. Having regard to the information set out within section 4 of the EIAR (as assessed hereunder under section 12.5), I am satisfied that the risk of major accident is low.

12.3. **Alternatives**

12.3.1. The submitted EIAR does not include any specific consideration of alternative sites. Given the zoning of the site for development, which underwent SEA, I consider it reasonable that alternative sites were not considered. The subject site is an appropriately zoned and serviced site. The applicant has considered alternatives in terms of layouts proposed within the existing site constraints, having regard to the fixed road alignment permitted under 17/387 and site topography. The reasons for selection of the proposed development layout and design is set out within chapter 3. It is considered that the issue of alternatives has been adequately addressed in the application documentation, which is to be considered by ABP as the competent authority in the EIA process.

12.4. Assessment of the Likely Significant Direct and Indirect Effects

12.4.1. The likely significant direct and indirect effects of the proposed development on the environment are considered under the headings below which follow the order of the factors as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and human health
- Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- Land, soil, water, air and climate
- Material assets, cultural heritage and the landscape;
- The interaction between the factors referred to in points (a) to (d).

12.5. Population and Human Health

12.5.1. Chapter 4 of the EIAR addresses population and human health and also addresses risks of major accidents and disasters. The methodology for assessment is described as well as the receiving environment.

12.5.2. It is noted that human health is inter-related with other environmental topics within the EIAR and addressed within other chapters, with this chapter specifically addressing issues related to land use and settlement patterns, population and housing supply, employment, community infrastructure capacity, and human health and well-being.

12.5.3. The land is appropriately zoned and serviced to cater for the development proposed. To secure the funding for the permitted LIHAF funded road, which will serve the proposed development, it is required to construct an additional 260 units by 2021, which this development supports. The land use zoning of DTDA (Drogheda Transport Development Area) supports high density mixed use development as proposed within this development.

12.5.4. Drogheda has grown in population from 2011 to 2016, as indicated by the CSO, with Drogheda identified as the fastest growing town in the country. Drogheda is at Level 1 in the County settlement hierarchy and Drogheda has been designated as a Regional Growth Centre by the NPF and RSES, set to achieve a population of 50,000 by 2031 (population of 40,959 in 2016). The Louth County Development Plan

2015-2021 has allocated 952 residential units to Drogheda and its environs for the period 2016-2021. CSO figures, which are based on the county level, indicate 1354 new dwellings were completed in County Louth between 2016 and 2019, which equates to 44% of new units required within the County to meet projected need.

- 12.5.5. The change in land use is considered to have a permanent moderate impact, but will be positive as it will consolidate the urban area where there exists a 'wedge' of undeveloped serviceable lands.
- 12.5.6. The proposal would result in a potential population of 1260 persons, which would assist in achieving population target of c. 50,000 for Drogheda, in addition to providing additional housing stock in this identified Rent Pressure Zone, and would support public transport services, including the extension of the DART to Drogheda. The proposal in terms of population and housing supply is stated to have a moderate positive impact on the human health.
- 12.5.7. Employment uses, as supported by the land use zoning, are proposed within the development. Additional employment as a result of this development is stated to have a moderate positive impact in the creation of jobs, reduction in unemployment, and increase of the resident workers to job ratio. The location of the site proximate to the train station, the town centre and Scotch Hall shopping centre, in addition to the development layout proposed is stated to support sustainable modes of transport, will result in a permanent moderate and overall positive impact on employment and commuting patterns.
- 12.5.8. A wide range of existing amenities and services including public transport, schools, recreation, medical and retail facilities are available in the area to support the proposed development. The proposed additional population of 1260 will be supported by a crèche, neighbourhood shops and open space. The population will result in c. 250 school places, with sufficient capacity stated to be within the existing school network. Sustainable modes of transport are supported and car parking spaces for the apartments are located to be accessible but at a remove to discourage their use as a 'first thought'. The overall impact on community infrastructure is considered to be slight to moderate.
- 12.5.9. Human health and well being has been assessed in the area against the Pobal HP Deprivation Index, whereby the electoral divisions relevant are all marginally below

average. As per the census 2016, 87% of respondents from the St. Laurence Gate ED indicated there were in very good or good health. The development of the lands, including the improvements proposed to McGrath's lane/Railway Terrace will increase security in the area and public safety. The location and design will encourage walking/cycling and public transport, which is stated will contribute to public health and well-being.

12.5.10. It is stated that no mitigation is required for the operational phase with regard to population and human health and it is stated that mitigation with regard to noise, dust and air quality during construction will ensure that impact is minimal.

12.5.11. I note that human health is addressed further within the chapters relating to landscape and visual impact, biodiversity, archaeology, cultural heritage, air quality and climate, noise and vibration, water, land and soils, and material assets including traffic and transport.

Risk of Major Accidents and Disasters

12.5.12. Risk of Major Accidents and Disasters have been considered with specific regard to the Flogas site, which is a designated SEVESO site. The development site is located approximately 225 metres south west of Flogas LPG Terminal. The LPG terminal is an Upper Tier COMAH establishment, and is subject to the provisions of the European Communities (Control of Major Accident Hazards Involving Dangerous substances) Regulations, S.I. 209 of 2015 (2015 COMAH Regulations). This is due to the presence of quantities of LPG above the threshold quantity specified in the 2015 COMAH Regulations (> 200 tonnes for Upper Tier establishments).

12.5.13. During the operational phase the principal human health concern will arise due to the proximity of the proposed development to the Flogas Ireland Ltd. LPG Terminal at Marsh Road, Drogheda, Co. Louth. A COMAH Land Use Planning assessment was completed by AWN Consulting Ltd. (report ref. MMcK/17/9757RR01) in accordance with guidance published by the HSA (HSA, 2010). The COMAH Land Use Planning assessment is attached as Appendix 4.1. The proposed development site is located at sufficient distance from the Flogas LPG Terminal such that no fatalities are expected to arise in the event of failure of an LPG vessel accompanied by a BLEVE and fireball.

12.5.14. The Health and Safety Authority has been consulted as part of the pre-application consultation phase (Case Ref. ABP-302215). The HSA had no objection and does not recommend any mitigating measures.

Conclusion

12.5.15. I have considered all of the written submissions made in relation to population and human health. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

12.6. **Biodiversity**

12.6.1. Chapter 5 of the EIAR addresses biodiversity. It is noted that a Natura Impact Statement has been submitted as part of the application and a Stage 2 Assessment has been submitted relating to the Boyne Coast and Estuary SAC.

12.6.2. In terms of the receiving environment, it is stated that the site does not contain any Annex I or II habitats, there are no record of rare or protected plants, there are no alien invasive plant species, and overall the habitats are of low ecological value while boundary treelines and hedgerows can be considered to be of high local value. There was no evidence of badger activity on the site and no sett was recorded. No direct evidence of any of the potential mammals listed for this type of area were recorded. There was no evidence of bats roosting on the site while three species, Leisler's Bat, Common & Soprano Pipistrelle were noted to be feeding along hedgerows and treelines. The Bat Assessment submitted states that it is anticipated that this development will have no direct impact upon the conservation status of any bat species.

12.6.3. A broad drainage ditch can be found to the south and accompanies a hedgerow before veering into the centre of the eastern field. It is stated that investigations by the project engineers have shown that the ditch is not connected to any larger water course and has no point of outfall. However, whilst the ditch terminates in the eastern field, due to the site's location within the catchment of the Stagreenan Stream which discharges to the Boyne Estuary, there is a possibility of a hydrological link between the site and the Boyne Estuary and there is a pathway via surface

water and treated wastewater to SACs and SPAs in the Boyne Estuary. The drainage ditch provides suitable habitat for breeding Common Frog *Rana temporaria* and Smooth Newt. Common Lizard is considered widespread. The drainage ditch is unlikely to support significant fish life and is unsuitable for migratory salmonid species or species of high conservation value. The most significant treeline/hedgerow being retained on the site is to the northwest, along the boundary and comprises large Beech with Ash, Hawthorn and Horse Chestnut.

12.6.4. I note a submission from the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht, states in relation to the drainage ditch to be filled, that it provides a suitable habitat for breeding common frog and smooth newt. The report states it was evident during a site visit by the local Conservation Ranger that a small pond has developed at the northern end of this drainage ditch which may also provide suitable habitat for the above species. No assessment of the impacts of the development proposal to fill in the ditch and pond has undertaken an assessment of the impacts on the protected common frog and smooth newt. A condition is therefore suggestion for inclusion in any grant of permission, given these species are protected under the Wildlife Act 1976, requiring a survey of the pond under licence from the department and any mitigation/compensatory measures required should be undertaken prior to commencement of works on site.

12.6.5. An Ecological Impact Assessment identifies the likely significant ecological effects (during construction & operational phase). Section 5.5 and table 9 provides a thorough and detailed assessment of potential ecological impacts. Mitigation measures are proposed for construction and operational phases, as set out in Section 5.6.1, which includes reference to a Preliminary Construction Management Plan (CEMP) submitted as part of the application. Landscaping and replanting are detailed as mitigation. All site vegetation clearance is to be outside of the bird nesting season, from February to September inclusive where possible. Where this is not possible, a qualified ecologist must first inspect the vegetation and where a nest is found works must stop until such time as the nesting has ceased, otherwise a derogation licence must be sought from the NPWS. Suitable roost sites for bats in mature trees will not be affected. All trees with roost potential shall be felled between September and November to protect any bats breeding or hibernating and nesting birds.

- 12.6.6. It is concluded that with the recommended mitigation, significant negative effects are not anticipated to other wildlife or habitats.
- 12.6.7. Cumulative effects of the permitted road (which is included in this application) and 133 houses to the southeast of the site have been considered, with the main impact identified being the additional loading to the wastewater treatment plant in the area, however as there is capacity within the plant, this effect is not considered significant. With regard to impacts on surface water, SUDS measures are proposed. It is noted that this project will result in additional loss of high local value hedgerows and treelines, which is proposed to be mitigated through compensatory tree and supplementary planning, as set out in the submitted landscape plan.
- 12.6.8. I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts on biodiversity would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity.

Land, Soil, Water, Air and Climate:

12.7. Land, Soils, Geology and Hydrogeology

- 12.7.1. Chapter 6 of the EIAR addresses Land, Soils, Geology and Hydrogeology.
- 12.7.2. The topography of the proposed development site generally slopes from south to north, approximately +32mAOD at the south western boundary of the development site to approximately +21.5mAOD at the northern boundary of the development site. Marsh Road is approximately 3.0 mAOD. The proposed road levels range from c.23.50m to 33.40m OD Malin and the finished floor levels of buildings proposed range from 24m to 33.50m OD Malin. Basement levels range from 15.80 to 26.75 OD Malin.
- 12.7.3. Geology maps and soil maps are provided. A Ground Investigation Survey was undertaken in 2018 and 2019, with in total three boreholes and nineteen trial pits dug across the site and a number of geotechnical tests were carried out. The site has historically been used for agricultural purposes as confirmed by historical mapping. No areas of concern were identified with respect to potential contamination. The site

is within the catchment of the Boyne River. The soil is identified as low permeability Irish sea tills from Lower Palaeozoic shale and sandstones. The bedrock is identified as dark limestone and calcareous shales and part of the Mornington Formation. The bedrock aquifer is identified as a Locally Important Aquifer (Lm) with Bedrock which is Generally Moderately Productive, with a Low Vulnerability status. It is stated that it can be assumed bedrock groundwater flow direction is north-northeast.

- 12.7.4. With respect to potential impacts, it is noted that all boreholes were installed to 10 mbgl during site investigations with none identifying bedrock. Development of the site will not require any significant dewatering considering the depth to the bedrock aquifer and the prevalence of >10m of low permeability clays. It is stated that the final floor level of the basement will be between 15.8m AOD and 23.30m AOD (Malin). The current ground level of the area where the car park is proposed is c.24m AOD. Bedrock is believed to be >10 mbgl. Removal of bedrock should not, therefore, be necessary for excavation and construction of the underground carpark.
- 12.7.5. It is stated that a review of the hydrogeology and geology in the surrounding region indicates that there are no groundwater source protection area in the vicinity of the site. There are a number of Special Protected Area and Special Areas of Conservation to the north and east of the proposed site but impacts from proposed development are not predicted to occur due to the separation distance between the site and these areas. The proposed development has been subject to Stage 2 Appropriate Assessment and a Natura Impact Statement accompanies the application. There are no sensitive receptors such as groundwater-fed wetlands, Council Water Supplies/ Group Water Schemes or geological heritage sites which could be impacted by this development.
- 12.7.6. SuDs measures have been designed into the scheme, which will prevent risk of contamination from surface water to the underlying soil/bedrock/aquifer during the operational stage.
- 12.7.7. Potential for contamination during construction is described, including accidental fuel leaks, however given the depth of subsoil there is significant natural protection. It is confirmed that a project specific CMP will be in operation during the construction phase.

- 12.7.8. Potential for cumulative impacts of the surrounding area, having regard specifically to the permitted road and 133 houses to the southeast, is deemed to be not significant.
- 12.7.9. It is considered that implementation of the mitigation measures during the construction phase will result in imperceptible impacts, short term in duration, with a neutral effect on quality. Once operational, residual impacts are predicted to be long term, imperceptible with a neutral effect on quality.
- 12.7.10. I have considered all of the written submissions made in relation to land and soils. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soils.

12.8. **Water**

- 12.8.1. Chapter 7 of the EIAR addresses water. This chapter describes the surface water and groundwater regime.
- 12.8.2. I refer the Board to section 10.13 of this report above.
- 12.8.3. Separately a Flood Risk Assessment has been carried out. It is stated that the OPW CFRAM Mapping shows the proposed development site has an extremely low risk of flooding from both fluvial and costal events. The site lies outside (above) the 1 in 1000-year flood event. In accordance with the OPW Flood Risk Management Guidelines the site is located in Flood Zone C – where the probability of flooding from rivers and sea is low (less than 1 in 1000 or less than 0.1%). The risk from groundwater flooding is also stated to be low due to the lack of shallow groundwater within the overburden.
- 12.8.4. The nearest designated sites to the proposed development are the River Boyne and River Blackwater SAC (Site Code 002299) at c.550m to the north site and the Boyne Coast and Estuary SAC (Site Code 001957) c.2km to the northeast. The Boyne Estuary SPA is c.480m to the north east.
- 12.8.5. River Boyne estuary is located c. 540m to the north of the proposed site with the Stagrennan Stream located c. 1.1 km to the south, which drains east 2km to the

River Boyne. There is a drainage ditch within the site, which is to be infilled as part of the development. There is no notable surface water course onsite. The drainage ditch to the south is to be infilled as part of the initial construction works. It is stated in Chapter 5 that investigations by the project engineers have shown that the ditch is not connected to any larger water course and has no point of outfall. However, this chapter of the EIAR states it is possible that the small drainage ditch onsite drains into the Stagrennan Stream which joins the River Boyne Estuary 2km downstream of the proposed site, therefore it is possible that the site is hydraulically linked to the Boyne Estuary. For this reason, it is stated that a Stage 2 Appropriate Assessment has been undertaken and a Natura Impact Statement accompanies this application under separate cover. There are no sensitive fisheries habitats downstream as the River Boyne in this location is tidal in nature.

- 12.8.6. Potential impacts during construction and operation phases are set out including potential for accidental fuel leaks and contamination of surface water run off during construction, and potential operational impacts of increased surface water runoff from increased hard standing area, contamination of run off, increase of foul water discharge and increased water demand.
- 12.8.7. It is proposed that the foul sewerage from the site will drain via gravity and outfall to the existing 225 mm diameter foul sewer on Marsh Road to the north of the subject site. The connection to this sewer will be via c. 430m of new 225mm diameter sewer to be constructed as part of the LIHAF access road. The public foul sewer system has sufficient capacity in the area.
- 12.8.8. The proposed development will result in an increased demand for water of 200 m³/day. Irish Water has confirmed this resource is available within the existing network.
- 12.8.9. Mitigation measures are described, which are in the main related to best practice construction methods and adherence to all relevant legislation. A project specific Construction Management Plan is to be implemented, including measures to address potential run off during construction, including drainage and settlement ponds/tanks systems, silt traps and settlement tanks, with all oils and fuels etc to be stored in temporary bunded areas during construction. In terms of potential operational impacts related to surface water, it is noted that the proposed drainage

system is designed in accordance with the GSDS. Three attenuation tanks are proposed with hydrocarbon interceptors and hydrobrake flow control mechanisms. Roof water will be directed into filter drains. Run off from car park areas and access roads will be treated via filter drains and swales, permeable paving, and the underground attenuation tanks (location below the open space, crèche garden and car parking areas).

12.8.10. Following the implementation of mitigation measures detailed in Section 7.5, the predicted impact on the surface water environment during construction phase is considered to be Likely, Neutral, Imperceptible and Short-term. It is further stated that the predicted impact on the surface water environment is considered to be Likely, Neutral, Imperceptible and Long-term. Greenfield runoff rate will be maintained and there will be no impact to the quality of local watercourses given the SuDS measures proposed.

12.8.11. I have considered all of the written submissions made in relation to water. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on water.

12.9. Air and Climate

12.9.1. Air and climate is addressed in chapter 8 of the EIAR. The methodology and receiving environment are addressed.

12.9.2. The Boyne Estuary SPA (site code 004080), Boyne Coast and Estuary pNHA (site code 001957) and River Boyne and River Blackwater SAC (site code 002299) are located within 200m of a number of road links which will be directly impacted by the proposed development. As such an assessment of the impact with regards to nitrogen deposition was conducted. The sensitivity of the habitats to NO_x was assessed by the project ecologist and impacts were determined to be insignificant as according to the ecologist: "the SAC/SPA are intertidal habitats with sparse terrestrial vegetation. No evidence exists that air pollution in the form of NO_x is affecting the conservation objectives for the habitats or species using these areas". The contribution to the NO₂ dry deposition rate along the 200m transect within the pNHA

was also considered. It is stated that the impact from air quality on the designated sites is long term negative, but overall not significant.

- 12.9.3. During the construction stage the main source of air quality impacts is indicated to be as a result of fugitive dust emissions from site activities, with emissions from construction vehicles and machinery having the potential to impact climate. The primary sources of air and climatic emissions in the operational context are deemed long term and will involve the change in traffic flows or congestion in the local areas which are associated with the development and overall impact is deemed to be imperceptible. It is stated that the levels of traffic-derived air pollutants from the proposed development will not exceed the ambient air quality standards either with or without the proposed development in place.
- 12.9.4. The impact of odour as a result of the nearby WWTP has been assessed as part of the operational phase. These impacts would be considered negative and brief in nature as they are unlikely to last for prolonged periods of time. However, it is the overall responsibility of Irish Water, the operators of the WWTP to ensure no odour nuisance impacts are occurring at any nearby sensitive receptors such as the proposed development.
- 12.9.5. Climate and human health is also considered, and the impact is deemed to be imperceptible and not significant.
- 12.9.6. Cumulative impact is not considered to cause significant impacts.
- 12.9.7. Mitigation measures during construction are detailed, including in Appendix 8.3 a 'Dust Minimisation Plan' to ensure dust will not be an issue, in addition to site-specific mitigation during the construction phase, for example the prevention of on-site or delivery vehicles leaving engines idling and minimising waste of materials due to poor timing or over ordering on site. No additional mitigation measures are required for the operational phase of the proposed development as it is predicted to have an imperceptible impact on ambient air quality and climate.
- 12.9.8. When dust minimisation measures are implemented, residual fugitive emissions of dust would be insignificant. The results of the air dispersion modelling study indicate that the residual impacts on air quality and climate are predicted to be imperceptible for most parameters. Recommendations are made to conduct dust monitoring during construction. There is no monitoring requirement during the operational phase.

12.9.9. I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

12.10. Noise and Vibration

- 12.10.1. Chapter 9 of the EIAR evaluates noise and vibration associated with the construction and operational phases of the development.
- 12.10.2. Baseline noise monitoring was undertaken across the development and noise sensitive receptors were identified, including two individual residential properties, one to the south-western and the other to the south-eastern boundaries at distances of approximately 5 - 10m from the red line boundary of the site. Additional noise sensitive areas external to the site are residential properties to the north-west at a distance of approximately 130m. It is noted that the existing railway line contributes to the noise along the southern boundary and while audible intermittently it is stated that the overall contribution to the noise environment from the railway line was low. A baseline vibration survey was also undertaken to assess impact of the railway line, the results of which indicated a negligible contribution from the rail line and station.
- 12.10.3. Mitigation measures are detailed for construction, such as selection of quiet plant, noise control at source, screening, liaison with the public, phasing, and noise monitoring. It is considered that there will be no negative impact at sensitive receivers off site during operation. There are no expected cumulative impacts as a result of the development, when considering adjoining developments permitted and zoned lands.
- 12.10.4. Residual impacts during construction are addressed. Construction noise impacts are stated to be short-term, negative, and slight to moderate. Vibration impacts during construction will be short-term and negligible. Noise or vibration monitoring is not required once the development is operational.
- 12.10.5. A further inward assessment has been undertaken of the proposed development, examining the impact of noise from the new elevated road along the eastern boundary and the railway line on the internal noise environment of the

proposed dwellings. An acoustic/noise model of the site was undertaken, which was overlain on the proposed site layout. A two stage approach for evaluating noise exposure on prospective sites for residential development was undertaken in accordance with the Professional Guidance on Planning and Noise (ProPG, May 2017) document. This assessment concluded that no specific noise mitigation is required. The highest noise levels were calculated at the terrace houses along the southern boundary, along the east façade of Apartment Block 7, and at the terrace houses along the east and north-east overlooking the new access road. A solid blockwork wall or acoustic timber screen at height of 2.5m is proposed to the south of the site, in addition to enhance acoustic glazing and vents at these properties and at windows to the east of Apartment Block 7.

- 12.10.6. I have considered all of the written submissions made in relation to noise. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise.

Material Assets, Cultural Heritage and the Landscape

12.11. Traffic and Transport

- 12.11.1. Chapter 10 details the Traffic and Transport assessment.
- 12.11.2. The Board is referred to section 10.12 of my report above in respect of impacts on traffic and transport.
- 12.11.3. With respect to the proposed development it is stated that it is being developed in accordance with DMURS.
- 12.11.4. Baseline traffic data was gathered based on junction surveys at four junctions outside of the site, ie at Dublin Road/Shop Street (signalised); South Quay/Shop Street (signalised); March Road/Mill Road (priority); and Marsh Road two way flows (at proposed new connection onto Marsh Road).
- 12.11.5. Potential impacts are described both during construction and operational stages. It is stated that all construction activities will be managed in accordance with a detailed Construction Management Plan (CMP) and a detailed Traffic Management

Plan (TMP). It is stated that existing pedestrian and cycling routes will be suitably maintained or appropriately diverted as necessary during the construction period, and temporary car parking will be provided for within the site for contractor's vehicles.

12.11.6. During the operational phase, TRICS was used to determine trip generation. Traffic modelling was carried based on an analysis of four junctions (including the proposed junction with Marsh Road) within the surrounding road network. The analysis of road network surrounding the subject site has shown that the existing junctions will operate within capacity for the design year 2037, including the proposed development and committed development, with acceptable queue lengths. It is stated that this has been achieved by updating the traffic control signals at Junction 1 and Junctions 2 so that they operate in tandem. Details of the signal phasing are provided in the Traffic and Transport Assessment Report. The impact is determined to be moderate on the surrounding roads network. A Mobility Management Plan is included and it is determined that the provision of linkages to public transport and adequate pedestrian and cyclist facilities will result in a positive effect on sustainable transport modes.

12.11.7. Mitigation measures during construction are considered will be addressed in a CMP, with residual impacts predicted to be temporary in nature and slight in terms of impact.

12.11.8. Interactions are considered and it is stated the effects of these will be mitigated through the implementation of measures within the CMP.

12.11.9. I have considered all of the written submissions made in relation to traffic and transport. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets.

12.12. Material Assets – Waste Management

12.12.1. Chapter 11 of the EIAR addresses waste management.

12.12.2. A site-specific Construction and Demolition Waste Management Plan (C&D WMP) has been prepared to deal with waste generation during the construction phase of the project and an Operational Waste Management Plan (OWMP) has also been prepared for the operational phase of the development.

12.12.3. Construction phase impacts include waste from construction materials and also an estimated c. 70,000m³ of surplus soils and stones from excavations. The surplus excavated material will require removal from site for offsite reuse, recovery and/or disposal. Based on soil investigations, it is anticipated that the surplus material will be suitable for acceptance at inert soil recovery facilities/landfills in Ireland. Operational phase impacts are also considered, specifically the proposed networks of waste collection, treatment, recovery and disposal infrastructure for the houses, apartments and commercial premises.

12.12.4. Mitigation measures are proposed to minimise the effect of the proposed development on the environment, to promote efficient waste segregation and to reduce the quantity of waste requiring disposal, as set out within Section 11.6 of the EIAR. A site-specific Construction and Demolition Waste Management Plan (C&D WMP) has been prepared to deal with waste generation during the construction phase of the project and an Operational Waste Management Plan (OWMP) has also been prepared for the operational phase of the development. The predicted effect of the construction phase on the environment is determined to be short-term, imperceptible and neutral. The predicted effect of the operational phase on the environment will be long-term, imperceptible and neutral.

12.12.5. I have considered all of the written submissions made in relation to Material Assets – Waste Management. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on waste management.

12.13. **Material Assets – Built Services (surface water drainage, water supply, ESB, gas and telecommunications)**

12.13.1. Chapter 12 of the EIAR evaluates the impacts of built services required to facilitate the development.

12.13.2. Sources used to collate information are noted as being ESB, EIR, Virgin Media, and available information from Louth County Council and Irish Water.

Surface Water Drainage

12.13.3. Surface water from the proposed development area currently drains via a network of ditches and culverts and outfalls to the River Boyne to the north of the site. Mitigation measures relating to the avoidance of potential impact on the European Site network are contained in the NIS.

12.13.4. Potential impacts in terms of surface water drainage are described for the construction and operational phases. Mitigation measures are proposed for the construction phase as detailed in section 12.3.6 of the EIAR, including provisions for cut off trenches with a settlement pond/silt trap and regular testing of surface water discharges. For the operational phase, mitigation measures include design elements of flow restrictors to attenuation storage areas, implementation of SuDS such as filter drains, permeable paving, rainwater harvesting, swales etc, and petrol interceptors. The impact following the construction stage mitigation measures outlined above is not significant. The impact following the operation phase mitigation measures is stated to be slight.

Water Supply

12.13.5. There is an existing water main located in Marsh Road to the north of the proposed development, which the proposed development will connect into via a 150mm connection to Marsh Road which will be laid under the LIHAF access road. Irish Water has indicated upgrade works will be required by the developer and that there is capacity to meet the water needs of the development.

12.13.6. The potential impacts of development in terms of water supply are indicated for the construction and operational phases and a 'do nothing' scenario is considered. Mitigation measures for the construction phase include replacement and repair of the existing water supply network and for the operational phase, it is stated that no remedial or reductive measures are required. Overall, the impact on the water supply infrastructure during the construction phase of the proposed development is considered to be slight and during the operational phase the impact on water supply demand is considered moderate.

Foul Water

- 12.13.7. There is an existing foul sewer located in Marsh Road to the north of the proposed development. The foul sewer drains to the Marsh Road pumping station where it is pumped via a rising main to the Drogheda Wastewater Treatment Plant (located east of the application site).
- 12.13.8. Foul sewerage from the site will drain via gravity and outfall to the existing 225 mm diameter foul sewer on Marsh Road to the north of the subject site. The connection to this sewer will be via c. 430 m of new 225 mm diameter sewer to be constructed as part of the LIHAF access road (reg. ref. 17/387). The foul water will drain to the existing Irish Water Pump Station on Marsh Road where it is pumped via a rising main to the nearby Drogheda Wastewater Treatment Plant.
- 12.13.9. Potential impacts of the construction and operational phases have been assessed. Subject to the connections being constructed in accordance with best practices as set out in section 12.5.6, the impact is considered to be short-term due to disruption caused by construction. Irish Water has confirmed that there is capacity in the existing waste water treatment plant to accommodate the development.

ESB Infrastructure

- 12.13.10. There are two high voltage (38 KV) overhead cables traversing the site in an east-west direction. There is in addition a single overhead Medium Voltage Line (10 KV/20KV) which traverses the site in an east-west direction. There is also a Low Voltage (400V) line near the southern boundary. These lines will need to be undergrounded and/or diverted to facilitate the development of the site.
- 12.13.11. The EIAR states there is also extensive ESB infrastructure within the roads and neighbouring developments to the west and south of the subject site including a network of Medium & Low voltage underground lines in the Mornington and Railway Terrace Estates.
- 12.13.12. It is proposed to underground and divert the overhead lines, with the proposed diversions to be agreed with ESB networks at the design stage of the project. A new Medium Voltage below ground network will be provided which will connect to the existing ESB Networks infrastructure. Up to 5 new “unit sub-stations” will be provided throughout the site to meet the electrical demands associated with

the new houses, apartments, offices and creche. The exact extent and location of the connections will be agreed with ESB Networks during the design stage of the project. All works on the power supply infrastructure will be carried out in accordance with ESB Networks Ireland relevant guidelines. All power infrastructure will be below ground.

- 12.13.13. Potential impacts at the construction and operational phases are considered. Mitigation during the construction phase includes the provision for, where possible, a backup network supply to any services should the need for relocation or diversion or existing services be required otherwise relocation or diversion works will be planned to incur minimal impact, with users notified in advance of any works. For the operational phase, no mitigation measures are required. There are no predicted cumulative impacts arising from the construction or operation phase related to the provision of power services.

Gas

- 12.13.14. There is an existing 180mm medium-pressure gas main (4 bar) in the Marsh Road to the north of the development area.
- 12.13.15. If gas is adopted as the fuel source of choice for the heating systems in the scheme, a new gas connection can be made at the northern boundary of the site at the Marsh Road. The exact extent and location of these connections will be agreed with Gas Networks Ireland during the design stage of the project.
- 12.13.16. It is stated that all works on the gas supply infrastructure will be carried out in accordance with Gas Networks Ireland relevant guidelines. All gas infrastructure will be below ground with the possible exception of a gas pressure reduction station if required by Gas Networks Ireland.
- 12.13.17. In terms of mitigation during construction, possible backup network supply to any services will be provided should the need for relocation or diversion or existing services be required otherwise relocation or diversion works will be planned to incur minimal impact, with users notified in advance of any works. No further mitigation measures are required for the operational phase.

Telecommunications

- 12.13.18. There are existing Eir services on the Marsh Road. There are existing Virgin Media services on the Marsh Road as far as the Weirhope housing estate.
- 12.13.19. It is stated that a new connection will be made to the existing Eir network at the northern boundary of the site at the junction of the Marsh Road and the LIHAF Road. The exact extent and location of these connections will be agreed with Eir during the design stage of the project. A new connection will be made to the existing Virgin Media network on Marsh Road adjacent the Wierhope housing estate. The exact extent and location of these connections will be agreed with Virgin Media during the design stage of the project.
- 12.13.20. Where possible backup network supply to any services will be provided should the need for relocation or diversion of existing services be required otherwise relocation or diversion works will be planned to incur minimal impact, with users notified in advance of any works. No further mitigation measures are required for the operational phase.

Conclusion on Material Assets – Built Services

- 12.13.21. Cumulative impacts have been considered and no significant impacts have been identified.
- 12.13.22. Interactions have been considered relating to water (Hydology and Hydrogeology), population and human health, and traffic and transport.
- 12.13.23. I have considered all of the written submissions made in relation to Material Assets. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on material assets.

12.14. Cultural Heritage

- 12.14.1. Chapter 13 of the EIAR addresses cultural heritage.
- 12.14.2. Field inspections, geophysical surveys, and a programme of archaeological test trenching were carried out as part of the archaeological assessment of the site.
- 12.14.3. There are no recorded monuments within the application site, however, the site is located within the Boyne Valley, close to the south bank of the River Boyne

and the overall landscape is considered to be of archaeological significance. The archaeological test trenching carried out identified a number of areas of archaeological interest. It is stated that due to site constraints (planted crops and overhead wires), the test trenching was not exhaustive and further areas of interest may exist.

12.14.4. Potential impacts are identified relating to the construction stage. Where archaeological material/features have been shown to be present on site, mitigation should involve either preservation in situ (avoidance) or preservation by record (excavation). In this instance given the features uncovered on the site and their locations, preservation by record (excavation) is the preferable option. A licence (19E0433) for this work has been granted by the National Monuments Service. This impact is considered imperceptible

12.14.5. In terms of residual impacts on the archaeological landscape, Archaeological monitoring of all topsoil removal associated with the development is required, in addition to consultation with the Licensing Section of National Monuments Service should further archaeological sites or features be uncovered. This impact is considered to be slight.

12.14.6. In terms of operational impact, no mitigation is stated to be required.

12.14.7. I have considered all of the written submissions made in relation to cultural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts on cultural heritage.

12.15. Landscape and Visual Impact Assessment

12.15.1. Chapter 14 of the EIAR addresses Landscape and Visual Impact. The EIAR notes the policy context and existing visual character. The applicant has submitted 3D images and photomontages of the development.

12.15.2. The Board is referred to section 10.8 above in respect of landscape and visual impact.

- 12.15.3. The predicted visual impact during the construction phase is examined and during the operational phase. The existing boundary hedgerows to the northwest and west are being retained and augmented by the introduction of new trees and planting throughout the site as part of a landscape masterplan, with significant planting along the proposed embankments of the access road. It is noted the existing overhead lines will all be undergrounded which will reduce the visual impact of the existing site. The predicted impact during construction shall be moderate – significant in the short term and moderate in the medium term. With regard to the operational phase, it is stated that the visual impact on the surrounding landscape shall be significant in the short term, however with maturity of the trees, hedges and plants it shall be neutral to positive in the long term.
- 12.15.4. A Visual Impact Assessment incorporating photomontages has been submitted to assess the impact on specific viewpoints. All impacts are considered to be neutral in the long term, with no negative visual impacts on any protected views or the setting or character of protected buildings or the general setting and character of the town of Drogheda, including the medieval centre or Millmount.
- 12.15.5. Mitigation measures for the construction phase include protection of trees and hedges to be retained, which are primarily located along the western, southern and most of the northern boundaries; implementation of an Environmental Management Programme; and employment of an arborist during works. With regard to the operational phase it is noted that 38% of parking is underground the operational phase, it is stated that the site will have an established landscape, having followed the extensive landscape programme designed for the scheme that will be integrated around the houses, which will have an overall positive visual impact.
- 12.15.6. Interactions are addressed with reference to chapter 15. No cumulative impacts are considered to combine to generate significant cumulative impacts.
- 12.15.7. I have considered all of the written submissions made in relation to landscape and visual impact. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, the proposed mitigation measures, and through suitable conditions. I am therefore satisfied that the proposed development would not have

any unacceptable direct, indirect or cumulative effects on the Landscape or on visual impact.

12.15.8. Significant Interactions

12.15.9. Chapter 15 of the EIAR comprises a matrix of significant interactions between each of the disciplines. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.

12.15.10. In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

12.16. Reasoned Conclusion on the Significant Effects

12.16.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- 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
- 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.
- 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.

- 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.
- Water impacts are proposed to be mitigated by construction management measures and implementation of SUDS measures.
- 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.
- Cultural heritage impacts, which will be mitigated by a programme of archaeological investigations undertaken prior to the commencement of the construction phase.
- Impacts on air quality and climate which will be mitigated by measures set out in the EIAR.

Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed and I consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

13.0 Recommendation

13.1. I recommend a **grant** of permission subject to conditions set out hereunder.

14.0 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,

It is 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.

15.0 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.
----	--

	<p>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>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>
3.	<p>The mitigation measures contained in the Natura Impact Statement which was submitted with the application shall be implemented in full.</p> <p>Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites.</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 at 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 (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</p>

	<p>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>
7.	<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>
8.	<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 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>
9.	<p>Details of all external shopfronts and signage to the ground floor units of Block 8 and Block 9 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All the ground floor units shall maintain an entrance onto the civic plaza, unless otherwise agreed in writing with the planning authority.</p>

	Reason: In the interest of the visual amenities and good urban design.
10.	<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>
11.	<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>
12.	<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> <p>Reason: In the interests of sustainable development and proper planning.</p>
13.	<p>No apartment units within the proposed development shall be sold separately, independent from the associated car parking provision. All 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>
14.	<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>
15.	<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>
16.	<p>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. 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>
17.	<p>The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
18.	<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</p>

	<p>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>
19.	<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>
20.	<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>
21.	<p>The site shall be landscaped in accordance with a revised landscaping plan which shall include, inter alia, any requirements stipulated by Iarnrod Eireann 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> <p>Reason: In the interest of residential and visual amenity.</p>
22.	<p>Prior to the commencement of any works on site, the applicant shall ascertain and comply with the requirements of Iarnrod Eireann in relation to this development.</p> <p>Reason: In the interests of safety and to ensure an orderly form of development.</p>
23.	<p>Site development and building works shall be carried out only between the hours of 0800 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</p>

	<p>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. 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,</p>

	<p>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 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>
--	---

Una O'Neill
Senior Planning Inspector

7th November 2019

Decision Quashed