



An  
Bord  
Pleanála

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

## Inspector's Report ABP-305703-19

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### Strategic Housing Development

357 no. residential units (169 no. houses and 188 no. apartments), a childcare facility and associated site works.

### Location

Colp West, Drogheda, Co. Meath.  
([www.colpwestshd.ie](http://www.colpwestshd.ie))

### Planning Authority

Meath County Council

### Applicant

Shannon Homes Drogheda Ltd.

### Prescribed Bodies

An Taisce,  
Development Applications Unit of the  
Dept. of Culture, Heritage and the  
Gaeltacht,  
Department of Education,  
Irish Water,  
National Transport Authority,

Transport Infrastructure Ireland

**Observer(s)**

Protect East Meath Ltd.

Richard O'Connor & Liza Manuzon

Louth County Council

**Date of Site Inspection**

20/12/2019

**Inspector**

Gillian Kane

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## **1.0 Introduction**

- 1.1.1. 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 development site with a stated site area of c.13.44 ha is located approx. 3 kms south-east of Drogheda town centre on the eastern side of the Dublin-Belfast railway line and immediately east of the existing Grange Rath residential development. The lands extend east towards Mill Road, to the north a rural local road which connects Colp Road with the Marsh/Mornington Road and to west to Gaelscoil an Bhradáin Feasa. The River Boyne, SAC is located immediately north of the Mornington Road.
- 2.1.2. South Gate shopping centre adjacent to the Grange Rath development contains office and retail space serving as a neighbourhood centre to the area. There is a nursing home located west of the roundabout at Colp Cross. The immediate lands surrounding the subject site are in agricultural use with one-off rural housing on the Mill Road.

## **3.0 Proposed Strategic Housing Development**

- 3.1.1. The proposed development, as per the submitted public notices and documentation, comprises 357 no. residential units made up of 169 no. houses, 52 no. duplex units and 136 no. apartments and a two-storey childcare facility of 439sq.m.
- 3.1.2. The proposed development also comprises road infrastructure in the form of a link road of 652m, a link road of 246m to the existing Gaelscoil on Mill Road and the realignment of a section of the Colp Road and the Mill Road. A proposed footpath with cycle path will tie in with the existing shared footpath / cyclepath to the south-west of the railway line. It is proposed to construct a pedestrian bridge to cross the railway line that forms the eastern boundary of the site, thereby creating a pedestrian link to the adjoining Grange Rath housing estate. The proposed development on a site of 13.44ha. (net site area of 9.07ha) with 1.35ha of open space, provides a density of 39units per ha.

3.1.3. In terms of car parking provision, 592 no. spaces are proposed (two spaces per 3 and 4 bed houses, one space per all other units and 58 no. visitor spaces). Bicycle parking is proposed at 532no. spaces, including those for the proposed creche. The unit mix is as follows:

**Table 1: Unit Mix**

	<b>Apartments</b>	<b>Houses</b>	<b>Duplex</b>	<b>Total Units</b>	<b>%</b>
1 bed	58				16.25
2 bed	78				21.85
3 bed		104	52		43.7
4 bed		65			18.21
<b>Total</b>	<b>136</b>	<b>169</b>	<b>52</b>	<b>357</b>	<b>100%</b>

3.1.4. The application was accompanied by the following:

- Planning Cover Letter
- Landowners letter of consent
- Statement of Consistency
- Statement of Response
- Material Contravention Statement
- Urban Design Framework Plan
- EIAR and Non-Technical Summary
- Architectural, Landscape and Engineering Drawings
- Building Lifecycle Report
- Part V proposal with drawings
- Tree Survey and Arboricultural Impact Assessment
- AA Screening Report and NIS
- Infrastructure Design Report
- Site-Specific Flood Risk Assessment
- Traffic and Transport Assessment
- CEMP

- DMURS Consistency Statement
- Ground Investigation Report
- Road Quality Audit
- Energy Statement and Utilities Layout
- Sunlight and Daylight Assessment
- Construction Waste Management Plan and Operational Waste Management Plan
- Irish Water pre-connection Enquiry

## 4.0 Planning History

- 4.1.1. **SA 900622/PL.17.235818** Shannon Homes (Drogheda) Ltd. and others, Refused permission for construction of a road of total overall linear length approx. 1550m and width of 19.3m containing two traffic lanes, with grass margins, footpaths, cycle tracks and junctions including roundabout. The road subject to this application was to connect the Marsh Road (R150) with Colp Road (L-1611-0- formerly CR330). Reasons for refusal pertained to prematurity pending the approval of an urban framework plan and the determination of a road layout for the area and Board not satisfied that an appropriate assessment of the impacts of the proposed development on Natura 2000 sites has been carried out.
- 4.1.2. **File Ref. No. LB/180620** 10-year permission for a commercial development at Colp Road, Colp West, Drogheda. Proposal involves demolition of habitable house and construction of 4 storey office building consisting of 2 no. blocks providing a total floor area of 11,205sq.m. Road infrastructure includes a link road approx. 720m in length, including 3 roundabout junctions and 230m long connection of the link street to the west to facilitate a connection to the existing school on the Mill road. The road infrastructure permitted in this application appears to correspond with the southern section of the overall road that was previously refused under File Ref. No. 235818.
- 4.1.3. **File Ref. No. SA 130927** Permission for removal of all existing temporary school buildings, construction of a new two storey primary school of 16 classrooms, 4 resource rooms, 1 general purpose hall, 1 base classroom special needs unit and all other associated infrastructure.

## 5.0 Section 5 Pre-Application Consultation

- 5.1.1. A section 5 pre-application consultation with the applicants and the Planning Authority took place in the offices of An Bord Pleanála on the 4<sup>th</sup> February 2019, file ref. ABP-303309-18. The development as presented comprised 352 no. residential units (176 no. houses and 176 no. apartments) and a childcare facility.
- 5.1.2. The main topics discussed were:
1. Possible prematurity having regard to strategic planning context and the Order of Priority in the Meath County Development Plan
  2. Road and transportation infrastructure to include strategic context, DMURS and connectivity to adjoining lands and community facilities
  3. Development strategy for site to include urban design and layout, public realm, legibility and creation of sense of place
  4. Location and distribution of public open space including interface of development with adjoining lands
  5. Surface water management to include comments contained in the Planning Authority's opinion
  6. EIA screening
  7. Flood Risk
  8. Archaeology
- 5.1.3. Copies of the record of the meeting, the Inspector's Report, and the Opinion are available for reference on this file.

### 5.1. Notification of Opinion

- 5.1.1. 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 Timing and Phasing of Development
  - 2 Development Strategy and Design Rationale
  - 3 Enabling Road Infrastructure and Access to Site
  - 4 Connections and Legibility
  - 5 Surface Water Management and Risk of Flooding

5.1.2. 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:

1. A masterplan which contains the zoning objectives for this area super-imposed to determine consistency with land use zoning objectives. All proposed/intended land uses, temporary or otherwise should be clearly identified in the interests of clarity.
2. Having regard to the local road network serving the immediate area and its ability to accommodate additional traffic and/or accesses, the prospective applicant should demonstrate the suitability of the proposed vehicular access arrangements for the subject site and impact on the Colp and Mill Roads in the absence of the link road from the site to the Marsh Road, and to consider or address any issues in respect of access to adjoining lands, in particular ensuring that the proposed development subject of this SHD pre-application does not unduly prejudice the future development of adjoining zoned lands particularly to the north.
3. A site layout plan which clearly illustrates the overall movement and transportation hierarchy for the proposed scheme.
4. Photomontages and cross sections showing how the development will interface with adjoining lands including the railway line to the west.
5. Details of existing and proposed levels across the development site relative to adjoining lands.
6. All existing watercourses that traverse the site including any proposal to culvert/re-route existing drains should be clearly identified on a site layout plan.
7. Landscaping proposals including an overall landscaping masterplan for the development site and a site layout plan indicating the full extent of tree retention and removal. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted.



8. A Building Life Cycle Report in respect of the proposed apartments as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018).
9. A construction and demolition waste management plan.
10. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces, surface water management proposals having regard to sub-catchments within the scheme and Part V provision.
11. A site layout plan indicating all areas to be taken in charge.
12. Appropriate assessment screening report and if appropriate a Stage 2 Natura Impact Statement.
13. A revised Archaeological Assessment Report to reflect the comments from the Department of Culture, Heritage and the Gaeltacht which addresses the method of preservation of the archaeological sites and their conservation and presentation within the context of the proposed development.

5.1.3. The applicant was advised that they needed to satisfy themselves and the Board in the event of making an application that the proposed development is not mandatory for the purposes of Environmental Impact Assessment particularly having regard to any changes in the red-line boundary consequent to the consideration of matters raised in the Opinion. In the event, that the development is considered sub-threshold, the information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted.

## 5.2. Applicant's Statement

5.2.1. 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. This can be briefly summarised as follows, under the 5 no. headings advised by the Board within their opinion.

### Timing and Phasing of Development

- Subject site is an appropriate location for new development given the land use zoning, proximity to existing employment and retail development, community infrastructure and rail infrastructure. Proposed development builds on the permitted commercial development and the adjoining school.

- The existing Phase I lands have failed to deliver the targets set out in the core strategy. It is evident that the subject lands would score more favourably in the residential land evaluation that will be undertaken for the County development plan review. The post-2109 phase A2 zoned lands will be A2 lands in the new development plan, as confirmed by the Planning Authority. Development is likely to commence in Q2 2020.
- The Board has granted permission for Phase II lands under ABP-303799-19, ABP-3030433-19, ABP-300560-18 and ABP-303253-18. The Inspector for a permitted SHD on phase II lands Bryanstown (303799) considered a refusal based on prematurity of the Joint Urban Plan for Drogheda would unduly delay necessary housing development.
- The majority of the site is zoned A2 New Residential, subject to a phase II objective in the Meath County development Plan. Notwithstanding this objective, there is no obstacle to granting permission as the proposed development accords with the zoning objective.
- Phase 1 lands have delivered only 254 no. of the allocated 857 no. units and committed 1174no., a shortfall of 1366. The consequence of this is that the town has failed to support sustainable growth. Approx. 12,942 units remain to be developed in accordance with the Core Strategy. A total of 2,031 units is allocated to the Drogheda Environs. The Drogheda Southern Environs LAP identified lands to accommodate the 857 no. units provided for in the core strategy. The lands were identified through a residential land evaluation and the subject lands are site no. 7. Phase I lands comprising site no.s 1,2 and 9 (856 no. units over 23.9ha) were to be realised during the lifetime of the development plan (2013-2019).
- The subject site which ranked 6<sup>th</sup> in the evaluation was designated Phase II. The development of these lands is justified for the following reasons:
  - the lack of development of Phase 1 lands,
  - the core strategy is out of date,
  - the subject lands will be zoned for immediate housing delivery in the new development plan,
  - compliance with national and regional planning policy,

- the designation of Drogheda as a major growth centre in the RSES for the EMRA
  - the current housing shortage within which residential developments of scale can be considered to be of strategic and national importance,
  - the permitted infrastructure serving the site and the permitted development in the area,
  - the schools and retail facilities serving the area and lastly the location and characteristics of the site.
- The proposed development of 357 no. units is justified.

### **Development Strategy and Design Rationale**

- An Urban Design Framework Plan (UDFP) has been prepared for the Mill Road / March Road area, including the subject site. The plan area comprises 17 no. development areas, with the subject lands forming Development Area no. 5. The plan provides for a new link street through the subject lands, linking Colpe Road with March Road.
- The proposed development has been designed in accordance with the UDFP. The proposed development provides the third stage of the plan, building on the permitted commercial and residential development in the area, including road infrastructure, employment development and a new school.
- An indicative masterplan for the framework area has been prepared. It provides a coherent structure and layout for individual land parcels and demonstrates that the proposed development does not prejudice the development of adjoining lands.
- The masterplan demonstrates how the overall area integrates into the built form of the town, connecting to the urban centre and key community facilities. The plan includes a short-term and long-term linkage plan, showing transport options and a movement framework. The plan shows the proposed development as an expansion of Drogheda.
- The proposed development will set a high standard for the framework area and will provide important infrastructure, such as the pedestrian & cycle bridge across the railway.

- Construction of the enabling road permitted under LB/180620 commenced in July 2019. It is proposed to omit the permitted 2 no. roundabouts and provide priority junction arrangements.
- The proposed development provides a 230m spur road to the east, linking to the Gaelscoil on Mill Road. Condition no. 3 of the permission permitting the adjoining (PL17.243331) required the preservation on the southern section of the site to join into the spur road. When the spur is connected, the existing access onto Mill Road must be closed as per condition 3.
- The Architectural Design Statement demonstrates compliance with the criteria of the Urban Design Manual – DMURS, connectivity, open space, streetscapes, unit mix & typology, public realm, phasing of development.

### **Enabling Road Infrastructure and Access**

- The enabling road infrastructure to the Colpe Road has been included within the subject red-line boundary, to ensure delivery. 2 no. roundabouts have been omitted and a priority junction has been proposed.
- The proposed development is DMURS compliant: strong sense of street enclosure, active management of on-street car parking, promotion of on-street activity, protection of vulnerable road users, placemaking, minimisation of cul-de-sacs and use of street trees as a buffer on the link street.

### **Connection and Legibility**

- Proposed development includes a pedestrian and cycle bridge over the Dublin-Belfast railway line. This follows consultation with Irish Rail and provides linkage to Grange Rath.
- The bridge provides a link from the town to the schools on Mill Road, reducing the travel time by 1km.
- The proposed bridge will be passively overlooked by adjoining houses which will be provided in the initial phase.

### **Surface Water Management and Risk of Flooding**

- The proposed surface water management has been prepared in the context of a detailed flood risk assessment.

## **Response to Specific Information**

The applicant has responded to the Boards request for specific information as follows:

- 1 – Masterplan showing land-use zoning consistency
- 2 – Traffic and Transport Assessment, demonstrating that the proposed development can be accommodated on the road network
- 3 – Site layout plan illustrating overall movement and transport hierarchy
- 4 – Detailed cross-sections and photomontages
- 5 – Site survey plans showing site levels
- 6 – Watercourse details
- 7 – Landscape proposals
- 8 – Building Life Cycle report
- 9 – Construction and Demolition Waste Plan
- 10 – Phasing Plan
- 11 - Site Layout plan showing areas to be taken in charge
- 12 – AA Screening Report and NIS
- 13 – revised Archaeological Assessment Report
- 14 – EAIR

- 5.2.2. The applicant’s response concludes that all issues raised by the Board have been addressed. The report includes two appendices, 1: Analysis of Phase 1 lands in the Drogheda Southern Environs and 2: Analysis of Phase 1 lands in Drogheda and Norther Drogheda Environs.

## **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 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.

## 6.2. Section 28 Ministerial Guidelines

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’
- Urban Design and Building Heights, Guidelines for Planning Authorities
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

## 6.3. Regional Policy

6.3.1. The Eastern and Midland Regional Assembly, Draft Regional Spatial and Economic Strategy, sets out a Settlement Strategy in Chapter 4, People and Places.

Drogheda and Dundalk are identified as regional growth centres. It is set out that “in order to enhance co-ordination of development in Drogheda where the town and its environs lie within the combined functional area of two Local Authorities, the preparation and adoption of a Joint Urban Area Plan (UAP) shall be a priority for Louth County Council and Meath County Council following the adoption of the RSES, to provide a coordinated planning framework to identify and deliver strategic sites and regeneration areas so that a minimum of 30% compact growth can be achieved.

6.3.2. Regional Policy Objective **RPO 4.8** refers to the preparation of the UAP. This Joint UAP shall identify a boundary for the plan areas and strategic housing and

employment development areas and infrastructure investment requirements to promote greater co-ordination and sequential delivery of serviced lands for development.

#### 6.4. Local Policy

##### **Meath County Development Plan 2013-2019**

- 6.4.1. Drogheda is designated as growth town in the CDP. The subject lands are zoned “A2 – To provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy.” These lands are also identified as Phase II Residential lands in the Variation no. 2 to the CDP. The lands immediately south east of the lands are zoned “WL- to protect strategic land from inappropriate forms of development which would impede the orderly expansion of a strategic urban centre”.

##### **Drogheda Southern Environs Local Area Plan**

- 6.4.2. **SP 1:** To operate an Order of Priority for the release of residential lands in compliance with the requirements of CS OBJ 6 of the County Development Plan as follows:
- i) The lands identified with an A2 'New Residential' land use zoning objective corresponds with the requirements of Table 2.4 Housing Allocation & Zoned Land Requirements in Volume I of this County Development Plan and are available for residential development within the life of this Development Plan.
  - ii) The lands identified with an A2 'New Residential' land use zoning objective but qualified as 'Residential Phase II (Post 2019)' are not available for residential development within the life of this Development Plan.
- 6.4.3. **FR POL 3:** Any future planning applications lodged with respect to area bounded by Mill Road / Marsh Road / Dublin Belfast rail line shall be accompanied by an appropriately detailed Flood Risk Assessment. The Flood Risk Assessment shall clearly assess flood risks, management measures and demonstrate compliance with the “The Planning System and Flood Risk Management Guidelines for Planning Authorities” (November 2009). The Flood Risk Assessment shall consider the Sequential Approach within the subject site and would typically involve allocating



water compatible development within Flood Zones A and Zone B. Buildings should be sited at an appropriate finished floor level, which should be above the 1 in 100-year flood level, with an allowance for freeboard and climate change.

**Flood Risk FR OBJ:** The Framework Plan required pursuant to objective MMA1 in the Drogheda Local Area Plan for the area bounded by Mill Road / Marsh Road / Dublin Belfast rail line shall determine the overall roads layout for this area supported by an appropriately detailed Traffic Impact Assessment which shall demonstrate the capacity in the wider road network from the R132 in Drogheda and Colp Cross. During the environmental assessment of alignments of overall roads layout for this area, a Justification Test will need to be applied if alignments interact with Flood Zone A/B. A detailed Flood Risk Assessment will be required to manage the risk and to demonstrate there will be no impact on adjacent lands. The detailed design of the road layout shall also be subject to an Appropriate Assessment pursuant to the Habitats Directive.

**Movement and Access MA OBJ 2:** To provide for a link road through the Mill Road/ Marsh Road District providing access to the lands and functioning as a local distributor road.

**MA OBJ 3:** To upgrade the Mill Road and Marsh Road to provide for pedestrian footpaths and to provide on-street cycle tracks along the entirety of these roads. Further to this, a Transport Study should be carried out to ascertain the appropriate size, specification and location of a new river crossing to link the proposed distributor road with the proposed Northern Port Access Route provided on the Northside of Drogheda in Co. Louth (in line with the recommendations of the Planning Strategy for the Greater Drogheda Area).

## 6.5. Designated sites

- 6.5.1. 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. 1km north of the site); Boyne Estuary SPA (approx. 1km to the north) and Boyne Coast and Estuary SAC (001957) .

## 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.
- 6.6.2. The statement provides a site context and description, relevant planning history, details of the pre-application consultation, a description of the proposed development and details of how the proposed development complies with national and regional policy. It is the submission of the applicant that the subject site is an appropriate location for residential development, having regard to the following:
- Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness,
  - Drogheda's status as a regional centre in the NPF,
  - Drogheda's strategic location on the Dublin-Belfast economic corridor and the cross-border network of Drogheda-Dundalk-Newry,
  - Drogheda's status as a Regional Growth centre within the RSES for the EMRA and the only regional growth centre within the hinterland of the GDA.
  - Drogheda's status as a Large Growth Town 1 in the Meath County Development Plan, alongside Navan as the top of the settlement hierarchy,
  - Drogheda's string town centre, capacity in services and infrastructure and in social facilities and amenities,
  - Drogheda's potential for employment growth which can occur concurrently with sustainable compact residential growth and
  - That the town is well served by public transport including rail and public & private buses.
- 6.6.3. The subject site is zoned for new residential, is proximate to employment and retail development, social and community infrastructure, public transport, is contiguous to the built-up area of Drogheda and other residential developments.
- 6.6.4. The applicant notes the zoning of the subject site as Phase II New Residential and the order of priority and refers to the applicant's statement regarding material contravention. Regarding the Urban Design Framework, the applicant submits that

their masterplan builds on the high-level guidance of the framework and illustrates the site and wider area development within the plan.

6.6.5. The applicant provides detailed analysis of how the proposed development is consistent with the following:

- National Planning Framework Ireland 2040
- The National Development Plan
- The RSES for the EMRA
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual
- Design Standards for new Apartments 2018
- Urban Development and Building Heights Guidelines 2018
- DMURS 2013
- Transport Strategy for the Greater Dublin Areas
- Guidelines for Planning Authorities on Childcare Facilities 2001 and the
- The Planning System and Flood Risk Management 2009

6.6.6. In terms of compliance with the **Meath County Development Plan**, the applicants statement provides detailed analysis of compliance with the following sections of the plan:

- Core Strategy and Settlement Hierarchy
- Zoning, Phasing and Site-Specific Objectives
- Order of Priority, Housing Allocation, and the Drogheda Southern Environs – Residential Land Evaluation
- Core Principles for Housing, social and community infrastructure
- Transport, Waste Management and Childcare Facilities
- Development Management standards for car parking and cycle parking

6.6.7. The Applicant notes that the new Meath County Development Plan 2019-2025 is being prepared. It is submitted that there is a strong case for bringing the subject

lands forward for development and notes that the Planning Authority have indicated their intention to do same.

- 6.6.8. In terms of compliance with the **Southern Environs of Drogheda LAP**, the applicants statement provides detailed analysis of compliance with the following sections of the plan: Development Framework and Specific Policies for Character Areas
- 6.6.9. Regarding Part V, the applicant states that they have entered into discussions with the housing department of the Council and have provided a Part V site layout.
- 6.6.10. In conclusion, the applicant states that the proposed development is consistent with the proper planning and sustainable development of the area and complies with all relevant national, regional and local planning policies. The Board is requested to grant permission.

#### 6.7. **Applicants Statement Regarding Material Contravention**

- 6.7.1. Following from opinion of the Board that the applicant should specifically address any matter that may be considered to materially contravene the County Development plan, the Applicant has submitted a 'Statement of Material Contravention of the Meath County Development Plan 2013-2019'.
- 6.7.2. The Board is requested to have regard to the applicant's justification for a material contravention of the development plan, having regard to the compliance of the proposed development with national planning policy and section 28 guidelines, to the significant shortfall of housing in the Drogheda southern environs over the development plan lifetime and the pattern of development in the vicinity of the site.
- 6.7.3. Section 6 of the Planning and Development (Housing) and Residential Tenancies Act 2016 provides that where the Board considers that section 37(2)(b) of the 2000 Act were to apply, a grant of permission can issue if an SHD development materially contravenes a development plan or an LAP. Section 37 provides for a material contravention where the proposed development is of strategic or national importance, where there are conflicting objectives in the development plan, where the proposed development should be granted having regard to section 28 guidance and the pattern of development in the area.

- 6.7.4. In the Meath County Development Plan the subject site is zoned A2 New Residential, with a separate phasing objective stating that the lands are subject to a Phase II, post 2019 designation. Objective SP1 of the development plan refers to an order of priority for the release of residential lands in compliance with the requirements of CS OBJ 6 of the development plan. As the development plan is at the end of its identified life and as the development will occur post 2019, the Board is invited to consider that the development is not a material contravention. Further, it is noted that the subject lands have been taken into account in the SEA's conducted for the development plan and subsequent variations.
- 6.7.5. The subject site is strategically located contiguous to the built-up area of Drogheda. The proposed development will link the development to the area west of the rail line, is proximate to several schools and commercial development. It is submitted that the proposed development is a logical, considered and sustainable expansion of Drogheda.
- 6.7.6. The proposed development, being an SHD, is by definition, of strategic importance. The Rebuilding Ireland Action Plan and the 2016 Act recognise the strategic importance of larger residential development in addressing the ongoing housing crisis. The proposed development can be further justified as the phasing strategy for the residentially zoned lands in the Southern environs of Drogheda clearly conflicts with the housing delivery goals in the core strategy of the development plan. The proposed development complies with the Meath County Development Plan and the LAP for the southern environs of Drogheda. The proposed development will achieve the targets set in the core strategy. It is noted that the Board accepted this reasoning when granting permission for phase II lands in Bryanstown (PL17.303799). There is a significant shortfall in Phase 1 land development. It is submitted that this is a clear indication that Phase I lands have not delivered and therefore there is a mismatch between the LAP and the core strategy. The proposed development with a link road provides for the delivery of a key objective of the development plan.
- 6.7.7. The proposed development is supported by the NPF, the RSES for the EMRA, section 28 guidelines and other planning policies. The proposed development would deliver housing as per the National Planning Framework objective 9. It is submitted that the subject lands are Tier 1 (appendix 3 of the NPF). The proposed development accords with the Implementation Roadmap of the NPF. The proposed

development accords with NPF objectives 2b, 2c, 7, 11, 13 and 33. The proposed development constitutes an efficient use of lands which are zoned for residential development, with strong physical and social infrastructure in a designated regional growth centre (RSES for the EMRA). The proposed medium density development on zoned lands is compliant with the policies and objectives of the RSES. In terms of other planning policies, the proposed development accords with Rebuilding Ireland in the provision of housing, the National Development Plan in the expansion of a Dart rail service to Drogheda, and Circular PL8/2016 regarding the provision of housing.

- 6.7.8. The pattern of development in the surrounding and wider area supports the proposed development: LB/180620 office development and road infrastructure, PL17.243331 provision of a school at Mill Road, and a temporary school on Mill Road under LB190739. In the wider area permission has been granted for 250no. SHD units (ABP-303799-18) on phase II lands. In Meath permission was granted for 913 no. SHD units (ABP-348680-18) and in Louth permission was granted (17/387) on Phase II lands.
- 6.7.9. In conclusion, the Board is requested to grant permission notwithstanding that the proposed development is a material contravention of the development plan.

## **7.0 Third Party Submissions**

### **7.1. Louth County Council Planning Report**

- 7.1.1. The subject lands while zoned A2 are designated Phase II lands (post 2019) in the Meath County Development Plan. The lands are not identified as priority lands in Variation no. 2 of the development plan. Policy SP2 of volume 5 of the development plan provides for an order of priority and states that Phase II lands are not available for residential development within the life of this development plan. It is not appropriate to develop the lands prior to 2019 and post 2019 only if the proposed development accords with regional policy.
- 7.1.2. The importance of Dundalk and Drogheda is recognised in the NPF. The NPF shows that getting the physical form and location of future development offers the best prospects for unlocking regional potential. Given that the fastest growing areas are presently edge of town, infrastructure and services are engaged in catch-up. This results in high levels of car dependence and a difficulty in providing good public transport. Development must be compact, sequential and sustainable. The

Drogheda Borough Council Development Plan 2011 -2017 is required to be replaced by the strategic Drogheda Urban Plan.

- 7.1.3. The development of the subject lands is premature pending the review of the Louth County Development Plan and the Meath County Development Plan. The subject site is a greenfield site in the southern environs of Drogheda, the development of which would result in a sprawl into the countryside, contrary to National Policy Objective 70.
- 7.1.4. The subject site is 2km south-east of Drogheda train station, which is set to be a Dart expansion station under the NPF. The site is 2.5km from the bus station and 2.9km from the town. As Drogheda is the fastest growing town in Ireland, some of the growth is predicated on good public transport links.
- 7.1.5. The development of these Phase II lands is considered premature pending the preparation and adoption of the Joint Urban Plan. It is the opinion of Louth County Council that any development will result in additional traffic on the R132 and on Marsh Road to the Bull Ring junctions.
- 7.1.6. The Planning Strategy for the Greater Drogheda Area 2007 was jointly prepared by County Meath and Louth. An urban design framework has been prepared in accordance with policy objective BA1 but as this was not included in a variation of the development plan, it has no statutory basis.
- 7.1.7. The Drogheda Borough Council Development Plan 2011-2017 will be replaced by the Strategic Drogheda urban plan. The subject lands, as Phase II are not available for development. Notwithstanding that the review of both the Louth and the Meath County Development Plan have commenced, the proposed development is premature pending the preparation of a joint plan for the regional growth of Drogheda.

## 7.2. **Louth County Council Engineering Report**

- 7.2.1. The proposed development will result in additional traffic on the R132 along the Marsh Road to the Bull Ring junctions. This will result in significant demands on the capacity of these roads. The applicant should be required to contribute towards the implementation of an adaptive traffic light system along the R132, at a cost of €125,000.

### 7.3. **Protect East Meath Limited**

- 7.3.1. The proposed development will increase traffic on the main street of Julianstown (R132). The volume of traffic on the road is already in excess of its design capacity. Noise levels exceed the WHO guidelines and air pollution in the village is significant. The developer should be required to monitor the air in Julianstown. The proposed development will lead to permanent adverse environmental effects in Julianstown. An EIA is required to assess the impact of the proposed development on Julianstown.
- 7.3.2. The applicants EIAR is defective and does not meet the requirements of Annex IV as it does not include impacts on Julianstown. Bats are insufficiently assessed, in breach of article 12 of the Habitats Directive. It is unlawful for the Board to grant permission for a development in material contravention of the development plan without reopening the SEA procedure.
- 7.3.3. Meath County Council have acknowledged the traffic situation in Julianstown. It is submitted that the TTIA does not comply with TII guidelines as it does not assess the impact of traffic in Julianstown. The TTIA concentrates on junction capacity and ignores the wider network.
- 7.3.4. The subject site is 1km from the Boyne Estuary SPA. The information relating to overwintering birds is insufficient: it took place outside the relevant period, was in the correct location and no detail of the surveyor was presented. No evidence has been given for the implicit assumption that the SPA and the subject site are not linked. NPWS recommends that ex-situ habitats be assessed. In ABP-302948-18 the Board refused permission on the grounds that significant effects on the Boyne Estuary SPA could not be ruled out. It is submitted that the Board cannot rule out significant effects from the proposed development.
- 7.3.5. The proposed development cannot guarantee protection of bats and the Board cannot grant permission. There has been no scientific assessment of the efficacy of the proposed mitigation measures or the conservation status of any bat species.
- 7.3.6. The proposed development materially contravenes the development plan as it is Phase II. Permission cannot be granted unless a new or updated SEA is carried out.



#### 7.4. **Richard O'Connor & Liza Manuzon**

7.4.1. The Observers state that they do not object to the proposed development but request the Board to note the following:

- The 4m wide footpath and cycle path in the existing Grange Rath housing development that will link to the proposed development. It is submitted that immediately after crossing the bridge the footpath / cycle lane, the two lanes run parallel, doubling the space taken from the forest. This was not in the original planning application made for Grange Rath.
- The lanes will completely take over the current greenway and turn it into a concrete mass. The area supports wild animals, insects, foxes, rooks, blackbirds, and magpies.
- The 4m footpath / cyclepath will create noise and access to the rear of the Observers property. Any illumination of the path will change the area and the houses. Increased traffic will increase disturbance / burglary of the residential area. The Observers rear windows look onto the proposed path.
- The path runs close to the well-used football pitch. Public lighting was removed from the pitch to discourage late night and early morning disturbance.
- The proposed path will increase anti-social behaviour in this area.
- The proposed paths will inhibit tree growth.

### 8.0 **Planning Authority Submission**

8.1.1. The report of the Chief Executive of Meath County Council, made in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by the Board on the 10<sup>th</sup> December 2019. The report provides a description of the proposed development, details of the pre-application consultation, the planning history of the site and adjoining lands. The conclusion of the report is a recommendation that permission be granted by An Bord Pleanála.

#### 8.2. **Planning Authority Submission**

8.2.1. Planning Authority comment on local **planning policy**:

The Draft Meath County Development Plan will go on display in December 2019. The core strategy recognises the need for a Joint Urban Plan prepared for and by

Meath and Louth County Councils. Any amendments to the land use zoning strategy for the southern Drogheda environs would be premature pending the preparation of the plan. The Phase II designation on A2 lands has been removed with these lands being made available for development. Drogheda is one of three regional growth centres in the EMR in the NPF. The RSES requires the preparation of a joint urban plan.

In accordance with the Southern Environs of Drogheda LAP, in 2017 the Applicants urban design framework was considered acceptable by the Planning Authority. Objective MAOB12 of the LAP requires a link road through the Mill Road / March Road district. This has been partially provided as part of LB/180620.

The subject lands will be designated as Phase I lands in the Draft Meath County Development Plan.

8.2.2. Planning Authority comment on **key planning considerations:**

The lands are zoned Phase II A2 New Residential. The Planning Authority submit that the proposed development may materially contravene Objective SSOBJ1 of the development plan in terms of phasing. However, there is a shortfall in the quantum of Phase 1 units ( 44.5ha of the 58ha of Phase 1 lands have no extant permission) and the core strategy numbers expire in 2019. The Planning Authority note that the Board have granted permission on Phase II lands in Drogheda, Dunshaughlin and Enfield. The subject lands will be designated as Phase I lands in the Draft Meath County Development Plan.

The Planning Authority consider the subject site to be suitable for residential development having regard to the zoning of the land, its location proximate to permitted employment and social & retail facilities. The site is contiguous to an existing built up area and the proposed pedestrian bridge will create between the two.

The proposed bridge is in accordance with the F1 Open Space land use zoning on this section of the site. The proposed roadway, temporary pumping station and open space are in accordance with the WL zone on the eastern portion of the site.

8.2.3. Planning Authority comment on **density, design, layout and residential amenity**:  
The proposed development has a net density of 39 units per hectare. This is acceptable at this location. The Planning Authority consider that the proposed development provides a good mix of dwelling types / design, the central streetscape with apartment development is impressive and the open space and linear park integrates well into the overall masterplan area. The proposed link to Grange Rath is well overlooked and will provide excellent links to Southgate and local schools.

With regard to open space provision, the Board is requested to consider whether a formal playground should be conditioned as part of the development. The proposed dwellings and apartments appear to have the required amount of private open space. The proposed provision of communal open space is acceptable.

With regard to boundary treatments the Board is requested to condition that same are agreed prior to the commencement of development.

The Board is requested to attach a condition requiring the retention of existing vegetation and natural screening where appropriate.

8.2.4. Planning Authority comment on **traffic**: Refers to the internal Transportation Department report and the submissions from the NTA and TII. Planning Authority consider the NTA request for a bus stop to the south of the site on the Colp Road / Mill Road to be reasonable as long as it does not create a traffic hazard. Planning Authority requests the Board to consider delivery of same via condition. Regarding public lighting, the Board is requested to attach a condition requiring compliance with the requirements of the Public Lighting Section of the Council.

8.2.5. Regarding inter-departmental reports from **Water Services, Environment, Housing Social and Community Infrastructure, and Heritage** Sections of Meath County Council, the Planning Authority invites the Board to consider attaching conditions as recommended by said departments.

8.2.6. Planning Authority comment on **Childcare and School Places**: Planning Authority invites the Board to consider the requirements of policy SOC POL 25 and sections 11.3 and 11.9 of the development plan.

- 8.2.7. The Board is requested to apply a condition requiring compliance with policy SOC POL 53 of the development plan regarding the **incorporation of art works** into the development.
- 8.2.8. The Board is requested to allow Meath County Council to approve the **name of the estate** and to attach a condition ensuring the appropriate level of **broadband** infrastructure.
- 8.2.9. Regarding **cultural heritage**, the Board is requested to apply conditions as per the advice of the National Monuments Service. Noting that the Conservation Officer recommends that permission be refused, the Board is requested to consider the comments of the report and the response to the issues raised. The Planning Authority note that the submission of the Department of Culture, Heritage and the Gaeltacht substantially rebuts the Conservation Officer report. It is the submission of the Planning Authority that the proposed development would not have a negative impact on the character of the protected structures. The Visual Impact Assessment in the EIAR addresses this issue comprehensively.
- 8.2.10. Planning Authority comment on **AA and EIA**: Notes the report of the Heritage Officer regarding AA screening and the NIS that “sufficient information has not been submitted to adequately assess impacts on birds including the species of conservation interest qualifying interests of the Boyne Estuary SPA.” The Planning Authority invites the Board to consider the above in respect of AA.
- 8.2.11. Planning Authority comment on **Observations**:  
The Planning Authority have responded to the issue of material contravention.  
The Council seeks to ensure there is sufficient land available for residential and economic development to facilitate growth whilst recognising the need for a joint urban plan.  
The impact of the proposed development on transport has been adequately assessed.  
The Planning Authority support the proposed bridge over the railway line.  
The Board, as the competent authority will assess the EIAR.

8.2.12. The report concludes with a request that it be considered in respect of the proposed SHD application.

### 8.3. **Elected Members**

8.3.1. **Appendix 3** of the Chief Executives Report is an extract from the Minutes of the Laytown / Bettystown Municipal District Meeting. **Matters raised by Councillors** are stated to be:

- Acknowledge housing need in the area.
- Acknowledge the merits of the road proposals, but a timeline must be provided. Entire road to Southgate should be upgraded and cycle lanes provided.
- Concern regarding the capacity of schools.
- Concern regarding impact on road network. Proposed development is premature pending road improvements.
- Need to improve public transport options.
- Adequacy of public open space queried.
- Concern regarding scale and density
- Lack of playground criticised. Should be considered in landscape strategy.
- Need for a community facility for teenagers.
- Phasing of development important.
- Query regarding linkage with Louth SHD.
- Queried the provision of social housing, provision of parking and the timing of such applications prior to the new development plan.
- Expressed disappointment that proposals no longer go before the Local Authority for decision.

### 8.4. **Inter-Departmental Reports**

8.4.1. **Transportation Department:**

- Colp, Mill Road and Marsh Road have high traffic volumes and limited pedestrian or cycle facilities.
- The site is not currently well served by public transport, being over 1km from the existing bus stops on the R132.
- The NTA's Cycle Network Plan proposes a greenway along the Boyne and an inter-urban route along the R132 which would connect Drogheda with Colp Road.

The link road provided under LB180620 will tie in with Marsh Road, then tie in with a new bridge location (unconfirmed) connecting with the Port Access Northern Cross Route.

- No certainty regarding alignment of the link road extension or delivery timeframe,
- Objective in the Southern Environs LAP to provide a link road from Junction 8 of the M1 to the Southgate roundabouts on the R132.
- The proposed development does not align with the approved 2017 Transportation Study undertaken for the entire lands on Mill Road / March Road. The applicant should therefore revise the study, revise the application or demonstrate that trip generation is of a comparable order to the 2017 Study.
- The applicant's assumption that only 121 no. units and a creche will be operational by 2021 is not accepted. The applicant should be requested to address the traffic impact of the full development for an opening year of 2021.
- The applicant's predictions regarding traffic increase and junction capacity for 2036 are assumed to be made on the basis that the link road and bridge to the Port Access Northern Cross Route will be operational.
- No concerns regarding traffic impacts.
- The applicant should be requested to agree details of the proposed traffic signal junction along the Link Road, prior to the commencement of development.
- The replacement of this junction (previously a roundabout) raises a concern of junction consistency. The Planning Authority would not be in favour of a mixture of junction types along the Link Road. The applicant should be requested to consult with the Planning Authority regarding a junction strategy along the entire Link Road route.
- The proposed development will improve pedestrian and cycle facilities. Access to the train station is proposed via the bridge over the railway line, through Grange Rath and on to the R132. While this will not reduce journey time, it will provide a safe alternative. This link will also connect to the all-weather pitches and tennis courts.

- The applicant should be requested to provide a pedestrian link to from the proposed access road towards the Mill Road along the southern boundary of the Gaelscoil. A levy should be requested to provide for a footpath from the Gaelscoil to the Grammar School.
- A phasing plan should require the provision of pedestrian & cycle links along the Link Road to the Colpe Road Roundabout to Grange Rath, a link from the access road to the Gaelscoil and the overbridge, all prior to the occupation of any units.
- The recommendations of the Stage 1/2 Road Safety Audit should be implemented.
- The internal road layout is well set out, with an appropriate hierarchy of street types. Permeability is good. The proposed junction types are appropriate.
- The proposed car parking provision is acceptable. No dedicated cycle parking has been proposed. The applicant should be requested to clarify if it is intended that bicycles are to be stored in rear gardens and if so, is there is a means of access. The applicant should be requested to amend the proposed bike parking for the apartments. The applicant should be requested to provide drawing details for the proposed bike storage units.
- In conclusion, 11 no. conditions recommended.

#### 8.4.2. **Heritage Officer**

- 4 no. conditions recommended.
- Regarding the AA screening report and NIS, sufficient information has not been submitted to adequately assess impacts on birds including the species of conservation interest, qualifying interests of the Boyne Estuary SPA.

#### 8.4.3. **Water Services Section**

- 6 no. conditions recommended should permission be granted.
- No fluvial flood risk.

#### 8.4.4. **Environment Section**

- Householders will be required to separate food waste from the regular waste stream.

- Applicant should be requested to submit a site-specific Construction and Demolition Waste Management Plan and a Construction Environmental Management Plan.
- Environment has no objections to the proposed development subject to 15 no. conditions.

#### 8.4.5. **Architectural Conservation**

- 3 no. recorded and registered monuments on the subject site, 3 on the masterplan site. Adjacent to 5 no. protected structures and 6 no. recorded monuments.
- Applicants should be refused due to insufficient information on the impact on the built heritage of the area.
- Masterplan proposes to remove or build on Me021-011002/ME01067 Colp West Enclosure and Burial Area.

### 9.0 **Prescribed Bodies**

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

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Development of Culture, Heritage and the Gaeltacht
5. The Heritage Council
6. An Taisce – National Trust for Ireland
7. Meath County Childcare Committee
8. Louth County Council

#### 9.2. **Department of Culture, Heritage and the Gaeltacht**

9.2.1. There are no archaeological objections to a grant of planning permission, subject to the implementation of the proposed mitigation measure at pre-construction and construction phase, as conditions of any such grant. It is recommended that a suitably qualified archaeologist is engaged to ensure the continued preservation of objects of interest.



### 9.3. **Department of Education and Skills**

- 9.3.1. The Department has identified an emerging need for a post primary school in the relevant school planning area. This school formed part of the 2018 Ministerial announcement of new schools. Consultation regarding the location of a post primary school on adjacent lands is ongoing. The Department requests that the impact of the population increase generated be considered in the assessment of this and other residential planning applications.

### 9.4. **An Taisce**

- 9.4.1. It is imperative that new residential development is sited and phased in ways that reduce reliance on private car travel and promote a modal shift to sustainable transportation. In evaluation the proposed development the Board must have regard to Ireland's obligations at UN and EU level as per the Climate Action and Low Carbon Development Act 2015 and to 'Smarter Travel – A New Transport Policy for Ireland'. It is submitted that notwithstanding the proposed cycling and pedestrian permeability, the existing public transport, pedestrian and cycling infrastructure is inadequate. Any plan upon which sustainable transport accessibility is predicated should be in place prior to the development of the site, section 2.3.1 and 2.3.2 of the TTA refer. Section 2.3.4 of the TTA highlights the lack of public transport from the site to the town centre. The bus route proposed in the Southern Drogheda Environs LAP should be in place prior to implementing residential development on the subject site.

### 9.5. **National Transport Authority**

- 9.5.1. The subject site is not well-served by bus-based public transport. The inclusion of bus stops in the proposed development is welcomed. The inclusion of a bus-stop on the Mill Road / Colpe Road to serve the existing 910/912 route should be required by way of condition. The upgrading of Mill Road for walking and its link to nearby Donacarney should be undertaken within the short-term. The proposed pedestrian bridge is required to access the neighbourhood centre. In the absence of a segregated cycle link to Drogheda Train Station, a segregated pedestrian cycle link should be requested by way of condition.

## 9.6. Irish Water

9.6.1. Subject to a valid connection agreement the proposed connections to the Irish Water Network can be facilitated.

## 9.7. TII

9.7.1. No observations to make.

## 10.0 Assessment

10.1.1. I have examined all the documentation before me, including 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 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.

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
- Residential Amenity
- Open Space and Landscaping Strategy
- Traffic, Transportation and Access
- Water Services Infrastructure
- Social Infrastructure, Crèche and Schools

## 10.2. Principle of Development

10.2.1. The subject site is zoned for residential development in the Meath County Development Plan 2013-2019. The lands are subject to the A2: New Residential zoning, which has the stated objective "to provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy". As noted in section 6.4 above, the site is also subject to Strategic Policy SP1 in the Drogheda Southern Environs LAP. In brief, policy SP1 provides an order of priority

for the release of residential lands. It states that those lands zoned A2 Residential must correspond with the requirements of the Housing Allocation and Zoned land requirements (namely the core strategy) of the county development plan. A specific objective applies to the subject site, which designates the site as being Residential Phase II (post 2019), and not available for development within the lifetime of the plan.

- 10.2.2. The applicants have submitted a statement of Material Contravention in accordance with Section of 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016A and that fact was also referred to in the Newspaper Notice. The applicant's Material Contravention statement submits that policy **SP1** is no longer consistent with the CDP and NPF, and outlines why, in accordance with Section 37(2)(b) of the Planning and Development Act, permission should be granted.
- 10.2.3. The applicant has submitted that the proposed development is of *strategic importance*, the scale and capacity of the development being significantly in excess of 100 units, the locational context of the site, national policy including the NPF and RSES, as well as the failure of planning policy framework and market to deliver units on Phase I lands to date. The applicant states that the Planning and Development (Amendment) Act 2018 has held back the preparation of the review of the new Meath development plan, to allow the plan to tie in with the RSES adoption timescale. I am satisfied that the development is of strategic importance and will deliver a substantial number of dwellings in an area that is well located in terms of employment and education. Having regard to the importance of growth in Drogheda as described in the NPF on the Dublin-Belfast corridor, I am of the opinion that the proposal could be considered to be of strategic importance as required by Section 37(2)(b)(i).
- 10.2.4. With regard to *conflicting objectives*, the applicant submits that the phasing strategy clearly conflicts with the housing delivery goals / the core strategy of the development plan. It is submitted that the lack of development of Phase 1 lands and the significant shortfall in the delivery of housing compared to the targeted growth figures set out in the core strategy during the lifetime of the 2013-2019 development plan. The applicant notes that it has been clearly identified that there remains a significant shortfall (of approx. 1,845 units) in housing delivery. It is submitted that

there is a clear mismatch between the phasing of residential land with the southern environs of Drogheda in the development plan and the core strategy allocations and 'committed development figures' in the development plan.

- 10.2.5. Further to the above, the applicant notes that the subject development if granted permission by the Board will indeed be delivered post 2019 and outside the lifetime of the 2019 development plan and that the Planning Authority have indicated that the draft development plan has designated the subject lands as Phase I. I note that the Planning Authority's submission to the Board confirmed that the lands would be identified as Phase I lands in the draft development plan.
- 10.2.6. I am not satisfied that it has been definitively demonstrated that there are conflicting objectives in the development plan. That Phase 1 lands have not delivered the housing allocated in the core strategy is not a fault of the core strategy, nor does it indicate that the residential land evaluation conflicts with the core strategy. The delivery of housing on zoned lands is not within the gift of development plan policies. The applicant states that the proposed development will help achieve the targets for housing growth in the core strategy. This, however, does not correlate to the core strategy being at odds with the development plan.
- 10.2.7. I note and I concur with the applicant's submission regarding the support for the proposed development having regard to the policies and objectives of the NPF and the RSES for the EMRA.
- 10.2.8. Having regard to the strategic importance of the proposed development, and having regard to the RSES strategy for the EMRA, I am satisfied that the Board can consider granting permission contravening the Meath County Development Plan based on section 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended.
- 10.2.9. I note that Louth County Council have objected to the development of the lands, given the Phase II designation and the lack of a Joint Urban Plan between Meath and Louth County Councils. Regional policy RPO4.8 of the Regional Spatial and Economic Strategy (RESE) for the Eastern and Midlands Region (EMRA) refers to the preparation of a Joint Urban Area Plan for Drogheda by Louth and Meath County Councils. I note that a timeline for the delivery of this document has not been submitted. The application site is zoned for residential development, is part of

Framework Masterplan for the wider area, and is proximate to a range of social services and public transport options. 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. I note that the Board has granted permission for an SHD development (ABP-305110-19) on lands which are subject to the same policy.

10.2.10. In conclusion I am satisfied that the proposed development is compatible with the stated policies and objectives of the Meath County Development Plan 2013-2019. The proposed development is acceptable in principle.

10.2.11. The application seeks permission for an appropriate period of 10 years. The board may grant permission with such a longer period under section 41 of the act, having regard to the nature and extent of the proposed development and any other material consideration. I note that while the covering letter submitted with the application refers to the provisions of section 41 of the Act, no justification or reason for requesting a ten-year permission has been stated.

10.2.12. I note that the Traffic and Transport Assessment undertaken for the application assumed a full occupation of all 357 no. units by 2026. Given the applicants submission regarding the non-delivery of housing on Phase I lands, and their justification for leap-frogging over the order of priority in the development plan, this does not marry with their request for a ten-year permission. As noted by the applicant, unimplemented permissions on land can frustrate and complicate the coherent development of zoned land. The scale of the proposed development, at 357 no. units is not exceptionally large in relation to the planned growth of the town and the immediate Masterplan area. The success of the Masterplan relies to a certain extent of the provision of link roads and streets which form part of the proposed development. Notwithstanding that they are proposed to be delivered in the first phase of the development, the first phase of a five-year life-lifetime is the more appropriate timeframe. I am satisfied that the nature and extent of the proposed development would not justify a permission of longer than 5 years. Nor would any other material consideration. Having permissions with lifespans longer than those set down in the planning act for developments plans and local area plans reduces the extent to which new or reviewed plans can influence development on

the ground, and so reduces the effectiveness of the planning system. Having regard to the spirit and intent of SHD procedures to bring about a more rapid delivery of housing, rather than to allow undeveloped land to retain the benefit of planning permission for a longer period, should the Board decide to grant permission, it is recommended that a 5-year timeframe apply.

### **10.3. Density and Housing Mix**

- 10.3.1. The proposed development has a density of 39no. units per hectare. This is based on a net site area of 9.07ha (see drawing no. 19-001-P-0.16). Under national guidance as set out in the guidelines Sustainable Residential Development in Urban Areas (2009), densities of 30-50 apply depending on the proximity of the site to services, public transport and the built-up area of a town. The subject site, being greater than 3km walking distance from the MacBride train station, to the south of the town centre of Drogheda, can be classified as an outer-suburban / greenfield location. In such areas, a density of 35-50 is recommended.
- 10.3.2. Public bus routes are available on the adjoining R132 (walking distance of approx. 550m) and a pedestrian / cycle link is proposed from the subject site, across the Belfast- Dublin railway line and to the Grange Rath housing development to the west of the site. Existing development to the east of the subject site is predominantly one-off rural housing. Therefore, while the proposed density of 39 is on the lower side of the recommended range, I am satisfied that this is an appropriate density for the subject site.
- 10.3.3. Drawing no. 19-001-P-1.012 shows the overall density of the subject site with the highest density apartment development in the centre, on either side of the central road, moving to lower density semi-detached and detached dwelling as the site moves east and west.
- 10.3.4. In terms of housing mix, the proposed 357 no. residential units comprise 169 no. houses, 52 no. duplex units and 136 no. apartments. 18% of the units are four-bed 44% are three-bed, 22% are two-bed and 16% are one-bedroom apartments. It is considered this mix, whilst also providing for a variety of house types (houses, duplex and apartments) provides a number of choices to different household formations. This will also allow for the creation of a diverse neighbourhood and community.

#### 10.4. **Layout and Design**

- 10.4.1. It is proposed to create three character-areas (see drawing no. 19-001-P-01.014), roughly corresponding with the west, central and eastern sections of the site. A central spine road (partially implemented as part of Planning Authority reg. ref. LB/180620 and proposed to be amended as part of this application) runs through the site in a north-south direction, connecting the subject site to the wider Framework Masterplan area.
- 10.4.2. As described in the applicants Design Statement, character area 1, in the west of the site comprises mainly detached, semi-detached and terraced dwellings. The majority of the area comprises demi-detached and detached house types A and B, with four terraces of house type B. The eastern boundary of character area 1 facing the linear park, is a row of semi-detached dwellings book-ended at the top and bottom with three storey duplex blocks 11 and 12. The prevailing height is two storey and the area is bound to the east and west by open space. The proposed 4m wide combined pedestrian / cycle path runs along the southern boundary of the site, through the open space to the west, across the railway line forming the western boundary of the site and into the adjoining Grange Rath housing development.
- 10.4.3. Character area 2, in the centre of the site is defined by the linear park. Forming the other half of the linear park, it has a row of semi-detached two-storey house type A's with two bookend duplex four storey blocks (no. s10 and 13). The area moves towards higher density as it approaches the central part, which is dominated by the main distributor road. Either side of the road are six three-storey apartment blocks with gateway blocks 1 and 6 creating the main entrance to the site. The design aesthetic proposed for area 2 is grey engineering brick. Car parking for the proposed blocks is surface spaces, distributed around a series of home zones with communal open space.
- 10.4.4. The final character area is area 3, in the north-eastern section of the site. The southern part of the site accommodates blocks 7 and 8. Block 7 is a part-two, part three storey block of duplex apartments. Block 8 has a creche on the ground floor and part of the first floor, with 4 no. apartments on the remainder of the first floor. Duplex blocks 4 and 5 face the central link road and the northern corner accommodates semi-detached A and B type homes and two detached A type

homes. As with area 1, car parking for the dwellings is within the curtilage and the duplex blocks have parking and communal open space around home zones.

10.4.5. In terms of layout, the three character-areas create three distinct neighbourhoods.

The use of materials and colour to define each character area will create an identity specific to each area. I note the applicant's statements regarding road hierarchy and design attributes; however, I retain a concern about the long straight sections of internal roads. The use of the roads within the subject lands to access framework lands to the north and south of the subject site could encourage high speeds and large volumes of traffic on the subject site roads. This would hinder the use of the open spaces by children and other vulnerable road users. I acknowledge that the scheme complies with DMURS however.

10.4.6. The proposed combined pedestrian and cycle path from the subject site to the adjoining Grange Rath housing development is welcomed in principle. I note the objection of O'Connor & Manuzon to the proximity of the proposed path to their home and their submission that the path will increase usage of the undisturbed forested walk beside the trainline. Contrary to their submission, given that the majority of it is not overlooked, I consider the usability of the path to be heavily dependent on its being a safe space. It takes a rather convoluted path due to the fact that it needs to address different ground levels. Should the Board decide to grant permission, they may wish to attach a condition requiring the applicant to liaise with the Planning Authority regarding implementation of the path in phase I.

10.4.7. Drawing no. 19-001-P-5.300 shows the provision of car parking across the proposed development. A total of 592 no. spaces are proposed, broken down as: two spaces in the curtilage of the 169 no. houses, totalling 338 no., and one space for each of the apartments, totalling 188 no., eight spaces for the proposed creche and 58 no./ visitor spaces throughout the site. This provision complies with the standards of the development plan (section 11.9) and is acceptable.

10.4.8. I note the concern of the Planning Authority regarding the location of bicycle parking to the rear of the proposed dwellings. The Planning Authority state that it is unreasonable for residents to have to store bicycles within their homes or to carry a bicycle through the dwelling to store it in the rear garden. This concern is reasonable. However, I note that it will affect a very small number of dwellings



(approx. 15 no.) and therefore it is not significant enough to require a revision to the site layout.

## **10.5. Residential Amenity**

- 10.5.1. The subject development being the first of the wider framework area has the opportunity to set the standard in terms of residential amenity. There are no concerns regarding an impact on residential amenity of the wider area given the greenfield nature of the site.
- 10.5.2. A comprehensive breakdown of the floor areas private open space, aspect etc for each of the proposed residential units has been submitted with the application. The statement of consistency indicates that all the proposed apartment and duplex units are in compliance with the ministerial guidance, Sustainable Urban Housing: Design Standards for New Apartments, 2018. I am satisfied that the level of residential amenity for the proposed dwellings, detached, semi-detached and terraced is sufficient.

## **10.6. Open Space Strategy and Landscaping**

- 10.6.1. The open space strategy for the proposed development comprises 1.42ha, / 15% of the site area. This complies with the development management standard of the Meath County Development Plan. A central linear park provides a green corridor through the centre of the subject site, with future links to the Framework lands to the north and south. The location of the park provides for the retention of the existing hedgerow on the site. An additional park of 0.52ha is proposed in the north-eastern corner of the site. This is located on lands zoned WL White lands and is therefore not included in the calculation of open space. A rectangular park is proposed along the western boundary of the site, adjoining the railway line and two smaller parks are proposed flanking the central line of duplex blocks. Existing hedgerows at site boundaries are to be retained and incorporated into site boundary treatments. All areas of proposed open space are overlooked, to provide for passive surveillance.
- 10.6.2. A Design Rationale - Landscape Architecture was submitted with the subject application. It notes the finding of the Arboricultural Assessment that the quality of trees on site is mixed, with more than half in the low / very poor bracket. The central hedgerow is stated not to be in good condition. The proposed strategy is to integrate the public realm, open spaces and traffic routes through the use of landscape

materials. The report states that the landscape strategy has integrated site engineering for utilities, drainage and the siting of buildings. Green corridors will link the subject site to the wider Framework Plan lands, the existing school and the adjoining residential development in Grange Rath.

10.6.3. I note the recommendation of the Planning Authority that a formal playground be requested by way of condition. This is addressed in section 3.5 of the Landscape Rationale report where it notes that secure play areas with play equipment are proposed in the central linear park and the park to the east of the creche.

## **10.7. Traffic, Transportation and Access**

10.7.1. The applicant has submitted a Traffic and Transport Assessment and a Transportation Study from 2017. The 2017 study was prepared for the Urban Framework Plan. The study sought to provide a road network linking Colp Road, Mill Road and Marsh Road to the Drogheda Transportation Development Area (DTDA).

10.7.2. Describing the existing environment, the TTA notes that existing pedestrian and cycle infrastructure is poor, with large sections of road with no footpath or cycle lane. The high level of traffic compromises the safety of pedestrians. In terms of bus provision, the report notes that there are a number of private and public bus operators providing services to Dublin and the north. The closest bus service is a private operator travelling to Dublin from a stop 600m from the subject site. The Dublin-Belfast railway line forms the western boundary of the subject site with the MacBride railway station approx. 5km walk from the site.

10.7.3. The proposed development seeks to provide additional linkages along Colp Road to tie into the existing facilities, two bus stops within 100m of the southern boundary of the site, pedestrian and cycle facilities from the site to Colp Road and a combined pedestrian / cycle bridge over the railway line. The proposed development includes and amends part of the road infrastructure permitted under Planning Authority reg. ref. LB/180620. The permitted road, will run north from the Colp Road, provide access to the permitted office development and continue north into the subject lands. Access to the wider Framework Plan lands has been included in the design of the road network, so that the subject site aligns with the lands to the immediate north and south and as part of a wider masterplan. The road network is stated to be DMURS compliant.

- 10.7.4. The TTA states that a traffic survey was undertaken in May 2017. Figure 5.1 shows the 7 no. junctions at which trips were recorded. Trips from committed developments in the area were included in the trip generation models. Regarding the third-party objection that the impact of the proposed development on traffic in Julianstown has not been assessed, I note the inclusion of the Julianstown area within the geographical catchment for origin and destination trips. This is detailed in Appendix B of the TTA. Julianstown is approx. 6km to the south/southwest of the application site. I note the predicted increase at junctions 2 and 3 (which would accommodate traffic to Julianstown) is less than 5%. This is not considered significant. I note the planning authority do not raise any issues with the scope of the TTA or the assumptions made.
- 10.7.5. An opening year of 2021 is used, with an assumption that 121 no. residential units and the creche will be occupied. Full development and occupation of the 357 units is assumed to be 2026. The analysis looks at four different traffic scenarios – Options A with the through-route and Option B without the through-route. Both options were assessed in a ‘do minimum’ and ‘do something’ scenario’. The conclusion of the TTA is that the proposed development will not cause excessive delays or queuing, nor will junction capacity issues arise. The impact on the surrounding road network by 2036 is stated to be ‘not-significant’ and there will not be a material deterioration of road conditions.
- 10.7.6. I note that in their submission to the Board, the transportation department of Meath County Council take issue with the 2017 Transportation Study being used as a basis on which the TTA is formed. The department notes that they advised the applicant that the 2017 study was approved as a Stage 1 study only, and that as of this application the study has not been updated. The department’s report also notes that as the subject application proposes 175 no. residential units more than that assessed in 2017, the subject application cannot be considered to align with the 2017 study. The transportation department also take issue with only 121 no. units being assumed for the opening year of 2021 and recommends that the full 357 no. units being assumed to be occupied in 2021 as per TII guidelines. I note the departments assumption that the ‘net decrease in traffic volumes’ statement refers to the implementation of the link road and I concur that it is a likely and a reasonable assumption.

10.7.7. I note the comprehensive analysis of the proposed development by the Transportation department of the Planning Authority and I concur with their conclusion that while some elements of the study require clarification or additional information, the basis of the study is robust.

#### **10.8. Water Services Infrastructure and Flood Risk**

- 10.8.1. An infrastructure Design Report is submitted with the application. The report provides details of the existing site, ground conditions, surface water drainage, foul drainage, water supply & distribution and a response to the An Bord Pleanála opinion.
- 10.8.2. Surface water management of the site will be through three catchments, corresponding to each surface water outfall, all of which has been designed utilising SuDs features. I note the internal report from the Water Services department of Meath County Council that the proposed development broadly meets the requirements of their sections with respect to the orderly collection, treatment and disposal of surface water.
- 10.8.3. Foul drainage will also be divided into catchments – 1A and 1B. Catchment B (270 residential units and the proposed creche) will discharge to a new temporary foul pumping station located to the east of the lands. It is proposed to decommission this station once the foul sewer can continue along the link street to discharge into the station on Marsh Road. A copy of the Irish Water Statement of Design Acceptance and Confirmation of Feasibility has been included as Appendix H of the Infrastructure report.
- 10.8.4. In terms of water supply and distribution, it is proposed to connect to the existing 200mm diameter watermain on Colpe Road.
- 10.8.5. I note that Irish Water indicate that they have reviewed the proposal and have no objections to the proposed development.
- 10.8.6. The applicant submitted a site-specific Flood Risk Assessment. It states that the Urban Design Framework Plan was subject to a strategic FRA. This identified the main source of fluvial flood risk being from the River Boyne to the north of the plan lands. The Irish Sea 4km to the east and the Stameen River. The proposed residential use of the subject site is a 'highly vulnerable development' which is suited

a Flood Zone C. The subject site is classified as flood zone C and therefore a site justification test is not required. I note the submission of Meath County Council that that from a fluvial flood risk perspective, there are no objections to the proposed development.

## 10.9. **Social Infrastructure, Crèche and Schools**

- 10.9.1. The proposed development includes a childcare facility (439sq.m.) to be located in character area 3, to the east of the central link road. The two-storey building (Block 8) also proposes 4 no. apartments on the first floor. The U-shaped building provides open space for the childcare facility on the ground floor. There are no first-floor apartment windows facing into the central space. 3 no. drop-off / visitor spaces are proposed for the creche. The applicant has not indicated the number of children to be accommodated in the creche, nor the form of childcare to be provided. Should the Board decide to grant permission, these details can be requested by way of condition.
- 10.9.2. There are a number of existing and planned primary and secondary schools in the immediate area. The applicant has provided a social infrastructure capacity study (Appendix 1 of Planning Report), that demonstrates that sufficient provision exists in the immediate area.
- 10.9.3. The applicant has included proposals for Part V, which are acceptable to the Local Authority.

## 11.0 **Appropriate Assessment**

### 11.1. **Introduction**

- 11.1.1. The application was accompanied by a Natura Impact Statement (NIS) which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that while the Boyne Estuary SPA could be screened out at the initial stage, a Stage 2 Appropriate Assessment was required significant effects to the Boyne Coast and Estuary SAC could not be ruled out.
- 11.1.2. The Applicants screening report screened out the likelihood of significant effects on wetland habitats and special conservation interest bird species for the **Boyne Estuary SPA** based on water quality issues, stating that there is no evidence that

unsatisfactory water quality is negatively affecting wetland habitat or bird populations.

11.1.3. I draw the Boards attention to the Heritage Officers statement that insufficient information has been submitted upon which to assess impacts on birds / qualifying interests in the Boyne Estuary SPA. The NPWS Boyne Estuary SPA Conservation Objectives Supporting Document 2012 states that factors that can adversely affect the achievement of the conservation objective to maintain the favourable conservation conditions of the non-breeding waterbird special conservation interest species include are

- 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.

11.1.4. The screening report prepared by the Applicant does not examine the potential for likely significant effects in relation to these factors. There is no reference to the occurrence at any time of / or potential for SCI birds from the SPA to utilise agricultural land close to but outside of the SPA. While the majority of wading birds for which the SPA is designated forage across exposed tidal flats, species such as Lapwing and Golden Plover are considered to be 'terrestrial waders', typically foraging across grassland and using tidal flats mainly for roosting. When tidal flats are covered a high water, intertidally foraging waterbirds are excluded and many will move to nearby fields to feed (NPWS, 2012.)

11.1.5. The potential for increased anthropogenic disturbance of wintering waterbirds that are SCI for the Boyne Estuary SPA and also the River Nanny Estuary and Shore SPA was also not considered when screening out the SPA and should have be

considered. The proposed increase in housing may result in increased dog walking, a documented source of high disturbance of waterbirds for both SPA sites in this area and on local beaches.

11.1.6. Notwithstanding the fact that the proposed development site is approx. 1km from the SPA boundary and there are a range of agricultural lands potentially available as ex-situ feeding sites in the general area, the absence of any information or reference to ex-situ site use by SCI bird species is a gap in the screening report. The potential for increased anthropogenic disturbance of wintering waterbirds was not referenced in the screening report. Taking the precautionary approach, there is insufficient information submitted to determine if likely significant effects on the Boyne Estuary SPA alone or in combination with any other developments can be excluded.

11.1.7. Having reviewed the NIS and the supporting documentation, I am satisfied that for the Boyne Estuary SAC, the NIS provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in Section 4 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development in relation to the Boyne Estuary SAC (0001957).

## 11.2. **Appropriate Assessment - Screening**

The application site is not located within a European Site. Approx. 1km north of the subject site is the River Boyne, which has three designations: Boyne Estuary SPA (004080), Boyne Coast and Estuary SAC (001957) and the River Boyne and River Blackwater SAC (002299).

11.2.1. The zone of influence has been determined based on the proximity to and the presence of ecological pathways between the site and the designated sites. There are direct hydrological links between the site and the SACs and SPA listed above. 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.

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><b>Objective 1:</b> To maintain the favourable conservation condition of the non-breeding waterbird Special Conservation Interest species listed for Boyne Estuary SPA.</p> <p><b>Objective 2:</b> 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>	<p>Shelduck (Tadorna tadorna) [A048]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Turnstone (Arenaria interpres) [A169]</p> <p>Little Tern (Sterna albifrons) [A195]</p> <p>Wetland and Waterbirds [A999]</p>	c. 1km from the main body of the site.
Boyne Coast and Estuary	<b>Objective:</b> To maintain the favourable conservation condition of Mudflats and	Salicornia and other annuals colonising mud and sand	c. 1km from the SAC.



<p>SAC (001957)</p>	<p>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 sand with Hediste diversicolor and Corophium volutator community; and Fine sand dominated by bivalves community complex.</p> <p><b>Objective:</b> 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</p>	<p>(1310) Atlantic salt meadows (Glaucopuccinellietalia maritimae) (ASM) (1330) Mediterranean salt meadows (Juncetalia maritimi) (MSM) (1410) Embryonic shifting dunes (2110) Shifting dunes along the shoreline with Ammophila arenaria (white dunes) (2120) Fixed coastal dunes with herbaceous vegetation (grey dunes) (2130)*</p>	
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	diversicolor and <i>Corophium volutator</i> community; and Subtidal fine sand dominated by polychaetes community.		
River Boyne and River Blackwater SAC (002299)	<b>Objective:</b> 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. 1km north of the site.

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

**Boyne Estuary SPA (004080)**

11.2.4. 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.

11.2.5. 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.

11.2.6. 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.

**Boyne Coast and Estuary SAC (001957)**

11.2.7. 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.

11.2.8. 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**

11.2.9. 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.

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

- 11.2.11. 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.
- 11.2.12. I note the inter-departmental memo from the Heritage Officer of Meath County Council. She raises two issues – that of the Drogheda WWTP and impacts on birds in the Boyne Estuary SPA. Regarding the WWTP, the report notes that wastewater from the proposed development will be directed to the Drogheda WWTP, which did not meet its requirements under the Urban Wastewater Treatment Directive in 2017. The existing WWTP has been subject to a separate development consent procedure, is subject to environmental licence and discharges to the Boyne are subject to regular monitoring. Irish Water have indicated that there are no objections to the proposed connection.
- 11.2.13. As discussed above, and taking a precautionary approach, I am not satisfied that there is sufficient information on file on which the Board could determine that likely significant effects on the Boyne Estuary SPA alone or in combination with other proposed developments can be excluded. In such instances, the Board is precluded from granting permission.
- 11.2.14. Should the Board disagree with the above assessment and consider the screening out of the SPA reasonable, and in the interest of completeness, a Stage 2 assessment of the proposed development on the Boyne Estuary SAC follows.

### **Stage 2 Appropriate Assessment**

- 11.2.15. The subject site is likely to be within the catchment of the Stagrennan Stream, a short water course that discharges to the Boyne Estuary at the March Road junction between the R150 and R151. There is no known watercourse on the subject site although surface drainage pathways are likely to lead ultimately to the Stagrennan Stream and onwards to the Boyne Estuary. Potential risk to the designated site is the discharge of contaminated water from the subject development, during construction or operational phases. Noting the conservation objective of the SAC – to maintain the invertebrate communities in their natural condition, effects on the qualifying interest of mudflats and estuaries would be significant should they occur.
- 11.2.16. The likelihood of such an impact is low however, given the lack of a hydrological connection between the sites. For a contaminant to reach the estuary it would

require overland flow to the nearest open watercourse – the Stagrennan stream. I note the proposed measures outlined as part of pollution control during normal operations and that SuDS measures are proposed.

11.2.17. 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.

11.2.18. Cumulative effects are either interactive effects between aspects of the project/development or the combination of impacts with those arising from other projects/developments which act on the same ecological receptors.

11.2.19. The NIS describes cumulative effects related to the project and with other projects and developments. It is considered that cumulative effects are only likely to occur during the construction phase via the water environment however none are identified or anticipated. I am satisfied that there is no additive effect for significant cumulative or in-combination impacts when considered in-conjunction with other plans and projects and/or in the context of the background ecological and hydrological condition of the Boyne Estuary. No significant residual effects are identified following implementation of the recommended mitigation measures.

### 11.3. **Appropriate Assessment Conclusion**

11.3.1. 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, 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).

11.3.2. Regarding the Boyne Estuary SPA (004080) the absence of any information or reference to ex-situ site use by SCI bird species is a gap in the screening report. The potential for increased anthropogenic disturbance of wintering waterbirds was not referenced in the screening report. Taking the precautionary approach, there is

insufficient information submitted to determine if likely significant effects on the Boyne Estuary SPA alone or in combination with any other developments can be excluded. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the assessment carried out above, I am not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European site No. 004080 Boyne Estuary SPA, in view of the site's Conservation Objectives. The Board, therefore, cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of the Boyne Estuary SPA (004080), in view of the site's conservation objectives and qualifying interests. The Board is, therefore, precluded from granting planning permission for the proposed development.

## **12.0 Environmental Impact Assessment**

- 12.1.1. As required by Schedule 6 the EIAR submitted to the Board contains a non-technical summary, a reference list detailing the sources for the assessments within the EIAR, and a list of the experts who contributed to the preparation of the report. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d).
- 12.1.2. I have carried out an examination of the information presented by the applicant, including the EIAR. 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 and supplementary information provided by the developer is up to date, adequately identifies and describes the direct and indirect effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.
- 12.1.3. 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.

- 12.1.4. The EIAR is laid out in one volume, with a non-technical summary as a separate document. The introductory chapters establish the legislative context, detailed description of the proposal, construction programme and phasing. Alternatives have been considered in chapter 2. A do-nothing scenario and cumulative impacts are considered in each chapter. Impacts and interactions are considered in chapter 13. Mitigation measures are addressed within each section, with a summary of mitigation and monitoring measures presented in chapter 14.
- 12.1.5. 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.
- 12.1.6. 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. **Alternatives**

- 12.2.1. Section 2.5 of the EIAR sets out the assessment of alternatives. Section 2.5.2 states that alternative sites were not considered due to the zoning of the subject lands, the pattern of development in the wider area, the development of a masterplan for the wider area and the proposed design following the tri-partite meeting. Any alternative use of the subject site is dismissed as being not the best use of the lands. Regarding alternative designs, the EIAR provides details of the evolution of the site design from an initial proposal in August 2018, to December 2018 and on to the currently proposed design and layout. I am satisfied that the issue of alternatives has been adequately assessed.



### 12.3. **Assessment of the Likely Significant Direct and Indirect Effects**

12.3.1. 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).

### 12.4. **Population and Human Health**

12.4.1. Population and human health is assessed in chapter 3 of the submitted EIAR. The methodology of the assessment is presented, noting that several site visits were undertaken to establish the baseline / receiving environment.

12.4.2. This chapter of the EIAR addresses 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. Section 3.3.6 notes that the subject lands are not proximate to any Seveso / COMAH sites, with the closest site being the Flogas facility at Marsh Road. I consider the conclusion that the risk of a major accident is low, to be reasonable.

12.4.3. In terms of potential impacts on population and human health, risks to potable, waste and surface water will be mitigated by best practice and management of the proposed development. Noise and vibration monitoring (chapter 10) will ensure there will be no significant impacts. No significant impacts on air quality and climate are predicted arising from the proposed development. Given that there are no landscape or visual designations on or surrounding the subject site, no effects are predicted. Beneficial impacts for the population will arise from economic activity and social patterns and settlement patterns. Cumulative impacts will be positive with the creation of new housing and new neighbourhoods.

12.4.4. Mitigation measures are outlined in section 3.8, and fully discussed in chapter 13 of the EIAR. No residual impacts are predicted.

12.4.5. I am satisfied therefore that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

## **12.5. Archaeology and Cultural Heritage**

12.5.1. Chapter 4 of the EIAR refers to archaeology and cultural heritage. It states that three recorded monuments are in proximity of the site, that a site survey identified a ridge that may contain archaeological features but that test excavations proved to be non-archaeological (test excavation report included as an appendix to chapter 4). No remains of the medieval church of Colpe (ME021-012004), 500m to the south-east of the site were visible. Colpe House (14317002, RPS number MH021-103) and Colpe Church of Ireland are 500m to the south-east of the site. Excavations undertaken for the Grange Rath housing development to the south and west of the site revealed a large range of archaeological features including a small ringfort and 8 no. enclosures.

12.5.2. Threats to features of archaeological interest arise from construction works. As the proposed development will involve significant ground excavations, significant impacts could occur which would be direct, negative and permanent. Section 4.7 of the EIAR sets out the avoidance, remedial and mitigation measures proposed.

12.5.3. I note the submission of the Department of Culture, Heritage and the Gaeltacht, that states that subject to the implementation of the proposed mitigation measures there are no archaeological objections to the proposed development.

12.5.4. I am satisfied that potential effects would be avoided, managed and mitigated by the proposed mitigation measures and best practice measures. I am satisfied therefore that the proposed development would not have any unacceptable direct, indirect or cumulative effects on cultural or archaeological heritage.

## 12.6. Biodiversity

- 12.6.1. Biodiversity is assessed in chapter 6 of the EIAR. The report states that two site surveys were undertaken – in October 2018 and May 2019. The chapter states that there are no Annex II habitats or alien invasive species on the site, which mostly comprises land of low ecological value. Boundary hedgerows and treelines are considered high local value. Signs of badger activity were recorded. No sign of bat roosts notwithstanding the presence of suitable foraging features and three feeding species recorded. Breeding birds of low conservation were recorded.
- 12.6.2. Impacts that may arise are listed in section 5.5.1 and 5.5.2 of the chapter. They include the direct mortality of species, pollution of watercourses through ingress of silt, oils and other toxic substances, disturbance to the badger setts, compaction of soil within the root zones of trees, pollution from foulwater, pollution from surface water run-off and artificial lighting. Table 5.1.8 rates the significance levels of these impacts, five of which have potentially significant or moderate effects in the absence of mitigation.
- 12.6.3. Five mitigation measures are proposed. Temporary residual impacts on biodiversity are stated to be the removal of individual trees which will result in some mortality to species and habitat loss but this is not considered significant and will be offset as landscaping matures. During the operational phase, on-going disturbance to the badger sett would represent a moderate negative impact. Enhancement measures of a bat box scheme and landscaping are proposed.
- 12.6.4. I am satisfied that the potential effects identified in the EIAR would be avoided, managed and mitigated by the measures which form of the propose scheme, the proposed mitigation measures and best practice measures. While I am satisfied that the proposed development will not have any effects on the biodiversity of the subject site, I draw the Boards attention to the AA section of my report (section 11) where the impact of the proposed development on the designated sites in the area is discussed in greater detail.

## 12.7. Landscape and Visual Impact

- 12.7.1. The landscape and visual impact of the proposed development is assessed in chapter 6 of the EIAR. The site is predominantly grassland with a hedgerow but visual impacts are restricted from all directions. There are three ACA's within 5km of

the site and several protected structures within 1km. The wider area comprises agricultural land, the Dublin-Belfast railway line, a series of one-off housing and a primary school. There are no protected views in the immediate vicinity of the subject site. Visual impacts will arise from the removal of trees, construction works including hoarding and where landscaping is not maintained

12.7.2. Thirteen photomontages are presented, illustrating the visual impact of the proposed development (appendix 6.1). Six of the views (1, 2, 3, 5, 9, and 13) will have a negative and permanent impact, ranging from slight to moderate. When cumulative impacts are taken into account, new development on the LAP lands will further screen the subject site. Mitigation measures largely relate to vegetation protection and maintenance. It is concluded that the overall impact will be significant and positive.

12.7.3. 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.

## 12.8. Land and Soils

12.8.1. Chapter 7 of the EIAR assess the impact of the proposed development on land and soils. The site is currently in greenfield agricultural use with a ditch system on lands to the west. Site investigations found topsoil to 700mm below ground, overlying a firm sandy gravelly clay with occasional cobbles, overlying a firm stiff sandy gravelly clay with occasional cobbles and boulders. The ground was found to be unsuitable for disposal of surface water, with all six soakaway tests failing. Groundwater vulnerability is 'locally important'. Potential impacts are identified as the creation of additional impermeable surfaces, erosion of subsoils leading to sediment laden run-off, the possibility of accidental spills and leaks entering ground water and surface-water run-off entering ground water if SuDS measures are not adequately maintained.

12.8.2. Standard construction mitigation measures are proposed for the construction phase and standard SuDS measures for the operational phase. No residual impacts are predicted. No cumulative impacts are predicted.

12.8.3. 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 lands and soils.

## 12.9. **Water**

12.9.1. Chapter 8 of the EIAR assesses the impact of the proposed development on water. It notes the following waterbodies in the vicinity of the site:

- Stameen River 350m to the north
- Boyne River and Estuary 1km to the north
- Irish Sea Coastline 4km to the east
- Nanny River 5km to the south
- Ditch along the northern boundary of the site running in an easterly direction, crossing Mill Road and continuing north and east to the Stameen River,
- Ditch along the south-eastern boundary of the permitted commercial development adjacent to Colpe Road, ultimately ending up in Stameen River,
- Surface water sewers, including a 1050mm diameter surface water sewer adjacent to the north-west corner of the site.

12.9.2. A site-specific flood risk assessment submitted with the application confirms that the subject lands are Flood Risk C, which are suitable for all types of land use and development. A justification test is not required.

12.9.3. Surface water drainage will be managed to accommodate surface water run-off from the proposed development. SuDS features will be incorporated into the surface water drainage network and a mixture of underground and overground surface water storage in the form of detention basins. Potential impacts are identified for the construction and operational phases. These include silt or contaminated run-off entering the watercourses, ponding in open trenches accidental hydrocarbon leaks and discharge into the piped surface water drainage network and increased

demands on the potable water supply. Mitigation measures are proposed in section 8.7 of the chapter, which are in the main related to best practice construction methods and adherence to all relevant legislation. Monitoring proposals are outlined in section 8.10.

12.9.4. 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.

### **12.10. Air Quality and Climate**

12.10.1. Section 9.5 of the chapter assesses air quality and climate states that during the construction stage the main source of air quality impacts will 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.

12.10.2. The impact of NO<sub>x</sub> on the Boyne Estuary designated site was assessed and found to be long-term and negative but overall not significant. Impact on climate will be imperceptible. The chapter finds that once the mitigation measures outlined in section 9.7 are implemented, there will be no residual impacts. Cumulative impact is not considered to cause significant impacts.

12.10.3. 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 best practice measures. I am satisfied therefore that the proposed development would not have any unacceptable direct, indirect or cumulative effects on air and climate.

## 12.11. Noise and Vibration

- 12.11.1. Chapter 10 of the EIAR assesses the impact of the proposed development on noise and vibration. A noise survey was undertaken, with a receptor placed adjoining the Belfast-Dublin railway line, to the south of the subject site. Noise results were found to be on average  $52L_{Aeq}$ . And inward noise assessment recorded daytime results of  $53dB_{L_{Aeq}}$  and night-time levels of  $47dB_{L_{Aeq}}$ . This classifies the site as low-risk and therefore a stage 2 assessment is not required.
- 12.11.2. Potential impacts of the proposed development are divided into construction and operation phases. The nearest noise sensitive receptors are the houses at Park Green. During construction, there is the potential for significant noise. While a detailed construction plan has not been prepared, standard good practice measures will be implemented. Impacts from vibration will be neutral, imperceptible and short-term. During the operation phase, traffic noise levels will increase but these will be neutral and either imperceptible or not significant. Cumulative impacts could arise if the construction phases of more than one development coincide.
- 12.11.3. Mitigation measures are detailed for construction, such as selection of quiet plant, noise control at source, screening, phasing, and noise monitoring. It is considered that there will be no negative impact at sensitive receivers off site during operation.
- 12.11.4. 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.

## 12.12. Material Assets

- 12.12.1. The EIAR chapter on material assets assesses the impact of the proposed development on surface water, foul drainage, water supply, power, gas, and telecommunications.
- 12.12.2. The proposed management of surface water drainage involves dividing the subject site into three surface water catchments, with small sub-catchments with surface water storage for an 1% AEP or a 1 in 100-year storm event. For foul drainage a new system will also involve catchments. The foul flows from Catchment

1A will discharge by gravity to the existing 900mm diameter foul sewer adjacent to the railway line. Those from Catchment 1B will discharge to the proposed temporary foul pumping subject. In terms of water supply, it is proposed to access the existing 200mm diameter watermain on Colpe Road. Power supply is proposed as per ESB Networks, with two new substations proposed. The existing gas main traversing the site will remain in place with the existing wayleave maintained.

12.12.3. Potential impacts for each of the services are a possible contamination of existing water systems during construction and loss of connectivity / interruption of power supply. These impacts would be temporary and slight or short-term and moderate. During the operational phase, the potential impacts are predicted accidental spills into the groundwater, greater demand on the surface water drainage network, greater loading of the Drogheda WWTP, leakage from damaged foul sewers and greater demands on water supply, power & gas and telecommunications. Two detailed mitigation measures are proposed in section 11.7. For the construction phase, they are based on a detailed Construction Management Plan and standard / best practices. Cumulative impacts are assessed and found to be adverse, slight and temporary during the construction period but permanent during the operational phase.

12.12.4. 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 material assets.

### **12.13. Transportation**

12.13.1. Transportation is assessed in chapter 12 of the EIAR. Traffic surveys were undertaken in May 2017 at 6 no. locations on the surrounding road network. An opening year of 2021 was used with 2026 and 2036 as Future Horizon Years, as per TII guidelines. The modelling undertaken assesses the scenario of the link street to March Road being provided and not provided. All of the local key junctions are forecast to be operating within capacity when compared to the Do-Nothing scenario.

12.13.2. The chapter refers to the traffic and transport assessment prepared for the subject application and the Construction Traffic Management Plan (CTMP). During



the construction phase, the likely impact of the proposed development is stated to be short-term, with an imperceptible effect in Drogheda town centre and key traffic corridors within the town. During the operational phase, minor impacts are predicted for the established junctions surrounding the development site. The Board will note that the details of the TTA are not presented in the EIAR, only a summary of the results.

12.13.3. Cumulative impacts from the five permitted developments surrounding the subject site have been integrated into the modelling assessment for the proposed development. Mitigation measures are presented in section 12.8 and refer to the management of construction traffic and a Mobility Management Plan. Interactions will occur with noise and vibration and air quality.

12.13.4. When read in conjunction with the Traffic and Transport Assessment, 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 material assets.

#### **12.14. Interactions**

12.14.1. Chapter 13 of the EIAR presents a list of interactions between each of the environmental factors assessed. Briefly they comprise an interaction between the following:

- population and human health with transportation, air and climate, water, and noise and vibration,
- biodiversity with water and landscape and visual impact,
- landscape and visual impact with biodiversity, land and soils, and archaeology,
- land and soils with material assets,
- noise and vibration and traffic,
- air quality and climate with traffic and material assets,

12.14.2. 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.

12.14.3. 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.

### **12.15. Reasoned Conclusion on the Significant Effects**

12.15.1. 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 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, particularly from Mill Road. 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 and amendment of the permitted link road from Colpe Road.
- Water impacts are proposed to be mitigated by construction management measures and implementation of SUDS measures.

- Biodiversity impacts on badgers and bats, which will be mitigated on the subject site 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 badgers, 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.

12.15.2. 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 permission be REFUSED for the following reason:

- 1 Having regard to the proximity of the subject site to the Boyne Estuary SPA (004080), the factors that can adversely affect the achievement of the conservation objective to maintain favourable conservation conditions of the non-breeding waterbird special conservation interest species listed for the designated site, namely anthropogenic disturbance and ex-situ factors, and the absence of a Stage 2 assessment on the potential for likely significant effects in relation to these factors, on the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the assessment carried out, the Board, cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of Boyne Estuary SPA, in view of the site's conservation objectives and qualifying interests. The Board is, therefore, precluded from granting planning permission for the proposed development.

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Gillian Kane  
Senior Planning Inspector

23 January 2020