



An  
Bord  
Pleanála

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

## Inspector's Report ABP-311028-21

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### Strategic Housing Development

201 no. apartments and associated site works.

### Location

Site to the Northeast of the Dublin Road, to the North of the existing Southgate Centre, and to the southwest of the existing Grange Rath residential development in Drogheda, Co. Meath. ([www.southgateshd.ie](http://www.southgateshd.ie))

### Planning Authority

Meath County Council

### Applicant

Rockmill Limited

### Prescribed Bodies

Department of Housing, Local  
Government and Heritage

Irish Water

Transport Infrastructure Ireland

<b>Observer(s)</b>	Anthony Fogarty Deepforde Residents Association Elaine McGinty and Ged Nash Emer Campbell and Niall Kinsella Evelyn Gough Gerard and Jacqui Cusack and others Grange Rath CLG Joan and Michael Courtney Karl and Sinead Garavan Louise and Aidan Crawford Maeve and Declan Connell Orlagh Yore Protect Meath East Limited Rachel Birdwisa Rory Scott Fergus O'Dowd
<b>Date of Site Inspection</b>	20 <sup>th</sup> October 2021
<b>Inspector</b>	Elaine Power

## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The site is located c. 3km south of Drogheda town centre. It is bound to the south by the existing Southgate mixed use development, to the west by the R132 (Dublin Road), to the east by 'Park Heights' an internal estate road associated with Grange Rath residential estate and to the north by a childcare facility and a detached dwelling. The surrounding area is suburban in character.
- 2.2. The site has a stated area of 1.74 ha. It is irregular in shape and slopes gently from south to north. The site appears to have been previously disturbed and was in use as a compound for the construction of the Grange Rath residential estate. There is a spoil heap in the north west corner of the site and soil fill in the south east portion of the site.
- 2.3. There is a small, paved area along the sites northern boundary which accommodates a surface car parking area. There is an existing vehicular access to this surface car park from the roundabout within Grange Rath to the north east of the subject site. The site boundaries include trees, vegetation and wire mesh fencing.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises 201 no. residential units in 5 no. blocks. All blocks are 5 no. storeys in height over basement. The proposed apartment units comprise 53 no. (26%) 1 beds, 132 no. (66%) 2-beds and 16 no. (8%) 3-beds.
- Block 1 is five storeys in height, and accommodates 53 no. apartment (18 no. 1 bedroom, 31 no. 2 bedroom, and 4 no. 3 bedroom)

- Block 2 is five storeys in height and accommodate 37 no. apartment units, (8 no. 1 bedroom, 26 no. 2 bedroom, and 3 no. 3 bedroom).
- Block 3 is five storeys in height and accommodates 37 no. apartment units, (9 no. 1 bedroom, 25 no. 2 bedroom, and 3 no. 3 bedroom).
- Block 4 is five storeys in height and accommodates 37 no. apartment units, (9 no. 1 bedroom , 25 no. 2 bedroom, and 3 no. 3 bedroom).
- Block 5 is five storeys in height and accommodates 37 no. apartment units, (9 no. 1 bedroom, 25 no. 2 bedroom, and 3 no. 3 bedroom).

3.2. A single basement level is proposed beneath Blocks 1 and 2, to accommodate car parking, bicycle parking areas, bin stores, and circulation areas.

3.3. The development includes associated site and infrastructural works including all associated road infrastructure, bicycle and pedestrian facilities including a bicycle and pedestrian route through the site resulting in alterations to the existing Southgate Centre car park, foul and surface / storm water drainage, surface water management features, 181 no. car parking spaces, public and communal open space, bin and bike stores, lighting, landscaping and boundary treatments, 1 no. ESB substation, services, access arrangements, and all ancillary works.

3.4. The information submitted includes the following: -

- Planning Report and Statement of Consistency
- Architectural Design Statement
- Statement of Response to Pre-Application Opinion
- Material Contravention Statement
- Housing Quality Assessment
- Daylight, Sunlight and Overshadowing Report
- EIA Screening Statement
- Relevant Assessments Regulation 299B Statement
- Ecological Impact Assessment Report
- Appropriate Assessment Screening Report
- Traffic and Transport Assessment Report
- Infrastructure Design Report

- DMURS Design Statement
- Quality Audit
- Parking Strategy
- Site Specific Flood Risk Assessment
- Design Rationale – Landscape Architecture
- Landscape and Visual Impact Assessment
- Arboricultural Report
- Archaeological Impact Assessment
- Social and Community Infrastructure Audit
- Operational Waste Management Plan
- Construction and Demolition Waste and By-Product Management Plan
- Construction Management Plan
- Energy and Sustainability Report
- Proposed Site Lighting
- Building Lifecycle Report
- Proposed Part V allocation
- Photomontages

## 4.0 Planning History

### ***Subject Site***

***PL17.238119, Reg. Ref. SA100928:*** Permission was granted in 2011 for 80 no. surface car parking spaces on part of the subject site and retention of alterations to the internal access arrangements to the Southgate shopping centre via the R132 as permitted under PL17.212344.

***Reg. Ref. LB171243:*** Permission was granted in 2017 for 80 no. surface car parking spaces with accessed via the R132 Dublin Road on part of the subject site. The car park would serve the existing Southgate shopping centre.

***Reg. Ref. 211001:*** Current application for an overflow car parking with 100 no. spaces on part of the subject site, to be restricted to employees of Businesses within the Southgate District Centre. Further Information was requested in July 2021.

### **Surrounding Sites**

**PL17.212344, Reg. Ref. SA/40196:** Permission was granted in 2005 for a mixed use development (Southgate Shopping Centre) comprising 60 no. residential units, a leisure centre, pub, restaurant, retail units and creche with 562 no. car parking spaces.

**ABP-305703-19 Strategic Housing Development:** Permission was refused in 2020 for 357 no residential units (169 no. houses and 188 no. apartments) and a childcare facility at a site 1km north east of the subject site. The reason for refusal related to the absence of an NIS, therefore, the Board could not be satisfied, beyond a reasonable scientific doubt, that the proposed development would not adversely impact on the Boyne Estuary SPA.

**ABP 303799-19 – Strategic Housing Development:** Permission was granted in 2019 for 250 no. dwellings (94 no. houses and 156 no. duplex / apartments) and a creche at a site 2.5 km west of the subject site.

## **5.0 Section 5 Pre Application Consultation**

5.1. A Section 5 pre-application consultation took place on the 18<sup>th</sup> December 2019 in respect of development of 201 no. apartments. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

1. Meath County Development Plan zoning objective and core strategy.
2. Relevant policies and objectives under the current development plan and draft plan
3. Residential design and layout
4. Roads and traffic impacts
5. Site Services and Flood Risk

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion dated 16<sup>th</sup> January 2020 (ABP-305869-19). An Bord Pleanála stated that it was of the opinion that the documents

submitted constituted a reasonable basis for an application for strategic housing development. The opinion also stated that the following specific information should be submitted with any application for permission.

1. Rationale for the proposed entirely residential development on C1 zoned lands to address the housing need in the area, residential density, housing mix and adjacent land uses in the context of local and national policy objectives for the development of Drogheda and the overall development of the C1 zoned lands at this location.
2. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances and boundary treatment/s. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The report should also demonstrate that the development provides the optimal architectural solution and sustainable development of the site and in this regard, the proposed development shall be accompanied by an architectural report and accompanying drawings which outlines the design rationale for the proposed height and design strategy having regard to inter alia, national and local planning policy, the site's context and locational attributes.
3. A site layout plan that clearly indicates pedestrian connectivity from the subject site to and through the site to the Southgate Shopping Centre, indicating pedestrian routes including through the adjacent lands outside the development site boundary.
4. Housing Quality Assessment with regard to relevant national and local planning policy on residential development.
5. A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.
6. Rationale for proposed public open space provision with regard to national and local planning policy on residential development.

7. Comprehensive landscaping proposals to include details of hard and soft landscaping, play equipment (if provided), boundary treatments, delineation of public and communal open space provision, pedestrian and cycle facilities, public lighting, Arboricultural Impact Assessment, tree protection measures, car and cycle parking areas and refuse storage areas.
8. Topographical survey of the site and detailed cross sections to indicate existing and proposed ground levels across the site, proposed FFL's, road levels, open space levels, drainage infrastructure, landscaping, etc. relative to each other and relative to adjacent lands and structures including public roads.
9. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development. The analysis should also consider potential overshadowing impacts on adjoining residential areas.
10. Rationale for proposed parking provision with regard to development plan parking standards and to the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to consider the existing and proposed car parking provision in the context of the available car parking at the Southgate Centre and the existing and projected demand for same with regard to current and proposed land uses at the Centre, also details of car parking management.
11. Landscape and Visual Impact Assessment with photomontages, to include, inter alia, consideration of visual impacts on the Dublin Road, the Colpe Road and surrounding residential areas.
12. Traffic and Transport Impact Analysis, to be prepared in consultation with Louth County Council.
13. Road Safety Audit and Quality Audit
14. Archaeological Impact Assessment to be prepared in consultation with the National Monuments Service.
15. Rationale for proposed childcare provision (or omission of same) with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to



provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.

16.AA Screening Report

17.Water infrastructure proposals to meet the requirements outlined in the submission on file of Irish Water dated 12th December 2019.

5.3. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Department of Culture, Heritage and the Gaeltacht
- An Taisce-the National Trust for Ireland
- The Heritage Council
- Failte Ireland
- An Comhairle Ealaíonn
- Meath and Louth County Childcare Committees
- Louth County Council

#### 5.4. ***Applicant's Statement***

5.4.1. A statement of response to the Pre-Application Consultation Opinion was provided in Section 9 of the Planning Report and Statement of Consistency submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. The applicant addressed the items that required consideration and specific information to be submitted with the application.

5.4.2. The following specific information was also submitted with regard to items 1 – 17 outlined above: -

1. Section 8 of the Statement of Consistency and Planning Report provides a rationale for the proposed residential development on C1 zoned lands. It

demonstrates how the overall development of the applicant's landholding / site at Southgate meets the objectives and guidance associated with the C1 zoning objective, while also allowing a Strategic Housing Development, delivering much needed housing for the town of Drogheda, which is designated for growth to proceed, and ensuring that an appropriate use mix is provided in the masterplan area to meet the C1 zoning objective requirements.

2. A document was submitted which details the materials and finishes proposed within the development. The scheme includes a carefully selected range of finishes, which respond to the setting and context of the new buildings. Ground floor levels are finished in limestone cladding, with brick selected for the upper floors. Both of these materials are high quality and are highly durable. An in-depth architectural design statement was also submitted which justifies the design of the scheme with reference to relevant policy and the site's context and attributes. Further policy justification can also be found within the Statement of Consistency and Planning Report. In terms of the treatment of the landscape areas, full details are set out in the Design Rationale – Landscape Architecture and associated drawings.
3. A site a layout plan clearly indicates pedestrian connectivity to the adjacent Southgate Shopping Centre. The Traffic and Transport Assessment report provides further rationale and also includes a local layout linkages plan (Drawing no. 190081-2003). The proposed design ensures strong connections and permeability between the subject site and the existing Southgate Centre, while also avoiding the creation of unsafe routes through a car park which would be of negligible benefit in terms of accessing the Shopping Centre.
4. A detailed housing quality assessment (HQA) has been submitted. The HQA addresses the relevant policy provisions and standards, with an emphasis on the Specific Planning Policy Requirements (SPPRs) of the 2018 Apartment Guidelines. Section 6 of the Statement of Consistency and Planning Report also summarises the findings of the HQA and provides a quantitative and qualitative assessment of the scheme in the context of the relevant standards.
5. A Building Lifecycle Report has been submitted.
6. A Landscape Design Statement has been submitted. Public open space is provided at a rate of 16% of the application site area within the applicant's

ownership (i.e. excluding public realm upgrades), which accords with the requirements of Section 11.2.2.3 of the Meath County Development Plan 2013-2019. This also exceeds the highest standard of 15% under the 2009 Guidelines for Sustainable Residential Development in Urban Areas, although under these Guidelines the site would likely be considered an infill site where a standard of 10% would apply. A drawing delineating the breakdown of public and communal open space is included in the Architectural Design Statement. Further rationale for the quantum and design of open space within the development is provided within the Landscape Design Statement

7. The Landscape Design Rationale Statement and associated drawings provide details of hard and soft landscaping, play equipment, boundary treatment, pedestrian and cycle facilities and refuse storage areas. This is supported by the Architectural Design Statement which provides further detail on the landscape strategy and open space, including a drawing delineating the breakdown of public and communal open space. The application is also supported by detailed Arboricultural inputs including tree impact assessment and tree protection measures, and public lighting inputs including a detailed site lighting plan. Details of refuse stores are provided within the architectural drawing pack, and the operational waste management plan.
8. A topographical survey drawing and a series of site sections which indicate existing and proposed levels across the site, including the level of proposed buildings, adjoining lands and structures, and proposed areas of open space have been submitted.
9. A Daylight and Sunlight Analysis which demonstrates compliance with BRE Standards, with an acceptable level of residential amenity for future occupiers of the proposed development has been submitted.
10. A Parking Strategy was submitted which provides a detailed rationale for the proposed parking provision with regard to the development plan parking standards and to the 'Sustainable Urban Housing Design Standards for New Apartments - Guidelines for Planning Authorities' (2018). The Parking Strategy considers the existing and proposed car parking provision in the context of the available car parking at the Southgate Centre and the existing and projected demand for same with regard to current, proposed and potential future land

uses at the Centre. The Parking Strategy also provides details of car parking management and initiatives for sustainable travel.

11. A Landscape and Visual Impact Assessment report and photomontages / verified views have been submitted.
12. A Traffic and Transport Assessment (TTA) includes an impact assessment for Drogheda Town was submitted.
13. A Stage 1 Quality Audit carried out in accordance with the Design Manual for Urban Roads and Streets was submitted.
14. An Archaeological Impact Assessment was submitted.
15. A Social and Community Infrastructure Audit, which provides a rationale why it is considered of the provision of a separate childcare facility is not required as part of the development was submitted.
16. An AA Screening Report was submitted.
17. Section 6 of the Infrastructure Design Report provides details of proposed water infrastructure.

## 6.0 Relevant Planning Policy

### 6.1. *National Planning Framework*

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

***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 Policy Objective 13:*** In urban areas, planning and related standards, including in particular building 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 33:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

**National Policy Objective 35:** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

**National Policy Objective 57:** Enhance water quality and resource management by ... ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities...

## 6.2. ***Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 – 2031***

Drogheda is identified as a Regional Growth Centre within the Core Region of the Eastern and Midland Region and was the fastest growing town in the most recent inter-census period. An element of the growth strategy for the Eastern and Midland Region is to target growth of the regional growth centres, including Drogheda, as regional drivers and to facilitate the collaboration and growth of the Dublin-Belfast Economic Corridor, which connects the large towns of Drogheda, Dundalk and Newry.

6.2.2. The RSES aims to enable Drogheda to realise its potential to grow to city scale, with a population of 50,000 by 2031 through the regeneration of the town centre, the compact and planned growth of its hinterland and through enhancement of its role as a self-sustaining strategic employment centre on the Dublin-Belfast Economic Corridor. It is anticipated Drogheda will accommodate significant new investment in housing, transport and employment generating activity. The RSES also identifies key transport infrastructure investment, including the provision of electrified lines to Drogheda as part of the DART expansion programme. A Joint Urban Area Plan is to be jointly prepared by Louth and Meath County Councils (given the town lies within the functional area of these two local authorities), in collaboration with EMRA, as a priority.

### 6.3. ***Meath County Development Plan 2021-2027***

The South Drogheda Environs are located within the administrative boundary of Meath County Council. Drogheda is identified as a Regional Growth Centre in the Plan. The settlement hierarchy describes Regional Growth Centres as large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wider catchment.

The subject site is zoned C1: Mixed Use with the associated land use objective to provide for and facilitate mixed residential and employment generating uses. Section 11.16.7 of the development plan further states that it is an objective on these lands to provide opportunities for high density mixed use employment generating activities that also accommodate appropriate levels of residential development thereby facilitating the creation of functional 'live work' communities. These areas are generally located in proximity to high frequency public transport corridors. In order to achieve balanced development, the percentage of residential development in C1 zones shall generally not exceed 50% of the quantum of development.

Objective CS OBJ 8 states that *the existing Southern Environs of Drogheda Local Area Plan 2009 (The LAP) shall remain the statutory plan for the Southern Environs of Drogheda until such a time as it is replaced with a Joint Urban Plan for Drogheda in conjunction with Louth County Council having regard to the requirements of the Report of the Drogheda Boundary Review Committee (February 2017), the National Planning Framework, and the Eastern and Midland Region Regional Spatial and Economic Strategy. This plan shall be read together with the County Development Plan 2020-2026. The County Development Plan 2020-2026 shall take precedence if a conflict arises between the Plans and the conflicting provision of the LAP shall cease to have effect.*

Pending the completion of the Joint Urban Area Plan for Drogheda, as required by the RSES, a written statement and land use zoning map has been provided in Volume 2 of the development plan, to provide a basis for continued operation of the development management plan. The plan notes that c. 178 ha of land in the southern environs of Drogheda is zoned for residential development. The population of Drogheda is envisioned to increase by 3,300 from 6,527 in 2016 to 9,827 in 2026 with a housing

allocation of 1,631 for the period 2020-2026. Approx. 113 residential units were completed between 2016-2019 with an additional 572 no. units with planning permission not yet built. The plan recommends a density of 35-45 units per ha for future developments. Specific policies and objectives for Drogheda are outlined below:

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***STH DRO POL 1:*** *To support the continued development of Drogheda as an attractive, vibrant and accessible Regional Growth Centre that functions as a focal point for economic investment and population growth along the Dublin - Belfast Economic Corridor.*

***STH DRO OBJ 2:*** *To support the sustainable development of existing zoned lands in the Southern Environs of Drogheda with a particular emphasis on the promotion of the IDA Business Park as a location for strategic economic investment and the creation of compact, residential communities in key locations in proximity to established residential areas and transport hubs.*

Other relevant policy and objectives are outlined below: -

***DM POL 6:*** *'To require that the unit typologies proposed provide a sufficient unit mix which addresses wider demographic and household formation trends. The design statement required at DM OBJ 11 shall set out how the proposed scheme is compliant with same.'*

***DM OBJ 12:*** *'To encourage a minimum density of 45 units/ha in the town centre of Regional Growth Centres and Key Towns and on lands in proximity to existing and future rail stations only on lands with an A2 residential land use zoning objective or as part of a mixed use development on B1(Town Centre)/C1(Mixed Use) zoned lands. To encourage a density of up to 35 units per/ha elsewhere in these centres.'*

***DM OBJ 16:*** *'As a general rule, the indicative maximum plot ratio standard shall be 1.0 for housing at edge of town locations with an indicative maximum plot ratio of 2.0 in town centre/core locations'*

***DM OBJ 17:*** *'Site coverage shall generally not exceed 80%. Higher site coverage may be permissible in certain limited circumstances such as adjacent to public transport*

*corridors; to facilitate areas identified for regeneration purposes; and areas where an appropriate mix of both residential and commercial uses is proposed.'*

**DM OBJ 21** *'A minimum of 22 metres separation distance of between opposing windows will apply in the case of apartments/duplex units up to three storeys in height'.*

**DM OBJ 22:** *'Any residential development proposal which exceeds three or more storeys in height shall demonstrate adequate separation distances having regard to layout, size and design between blocks to ensure privacy and protection of residential amenity.'*

**DM OBJ 24:** *'To ensure that all residential developments are of a high design quality, incorporating a suitable mix of unit types, high quality, durable external finishes and make a positive contribution to the visual amenities of the area.'*

**DM OBJ 33:** *'In assessing planning applications for increased height the following criteria will be taken into account:*

- The design of the proposed development should take privacy and overlooking into account.*
- The height of the proposal should not interfere with the scale, amenities or visual quality of existing development.*
- In general, there should be a gradual transition between high rise buildings and low rise buildings.*
- Where proposals occur on areas of architectural sensitivity the proposal should integrate and enhance the character of the area. While also taking note of the topography, cultural context, locations of key landmarks and the protection of key views. A landscape and visual assessment for such development proposals shall be undertaken by a suitably qualified practitioner.*
- When planning the redevelopment on larger sites the proposed developments should play a positive role in placemaking, incorporating new streets and public spaces. While also responding to its overall natural and built environment.*



- *The design of the proposal should be carefully modified to maximise access to natural daylight and to minimise overshadowing and loss of light.'*

**DM OBJ 34:** *'Public open space shall be provided for residential development at a minimum rate of 15% of total site area. In all cases lands zoned FI Open Space, G1 Community Infrastructure and H1 High Amenity cannot be included as part of the 15%. Each residential development proposal shall be accompanied by a statement setting out how the scheme complies with this requirement.'*

**DM OBJ 37:** *'Narrow tracts of open space, (less than 10 metres in width), incidental pieces of land at road edges and areas of archaeological interest are not generally acceptable as functional open space'.*

**DM OBJ 55:** *'All proposals for residential developments above 75 units shall incorporate works of public art into the overall scheme or make a financial contribution to the Council to provide the piece of public art in order to enhance the amenities of the local environment (Refer to Chapter 7, Community Building).'*

**DM OBJ 56:** *'Daylight and sunlight levels should, generally, be in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011), and any updates thereof.'*

**DM OBJ 161:** *Car parking shall be provided in accordance with Table 11.4 and associated guidance notes.*

**SH OBJ 15:** *To apply a 10% social housing requirement, pursuant to Part V of the Planning and Development Act 2000, as amended, to land zoned for residential use, or for a mixture of residential and other uses, except where the development would be exempted from this requirement.*

#### 6.4. **Southern Environs of Drogheda Local Area Plan 2009 – 2015 (as amended)**

Core Strategy Objective 8 (CS OBJ 8) of the development plan states that the Southern Environs of Drogheda Local Area Plan 2009 shall remain in place until it is replaced with a Joint Urban Plan for Drogheda and that the Development Plan takes precedence if a conflict arises.

The plan subdivides the area into character areas. The subject site is located within the Colpe Cross Area. the plan states that the Colpe Cross Area is largely developed, and no development land remains in the locality. The plan does not set out any specific policy objectives for the subject site.

Relevant policy are set out below: -

**DF1:** *‘All new development should be set in/ be mindful of the context of the existing built up area of Drogheda town and needs to demonstrate how it integrates with the town proper, both in terms of linkages and integration with the existing built form.’*

**DF2:** *‘The sequential approach shall apply to all new residential development in that those areas closest to the existing built up area should be developed first.’*

#### 6.5. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions 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 Area, 2009
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

#### 6.6. **Applicants Statement of Consistency**

The applicant has submitted a Statement of Consistency (as part of the Planning Report) 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.

## 6.7. **Material Contravention Statement**

- 6.7.1. The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of car parking standards as set out Section 11.2.2.7 and 11.9 of the Meath County Development Plan 2013 – 2019 and Variation 1 of the Southern Environs of Drogheda LAP.
- 6.7.2. Section 11.2.2.7 of the Development Plan states that car parking should be provided in accordance with the standards set out in 11.9. Section 11.9 requires the provision of 1.25 no. car parking spaces per 1-2 bedroom units and 2 no. spaces per 3-4 bedroom units and 1 no. visitor space per 4 no. apartments. This results in a requirement of 313 no car parking spaces to serve the proposed development. Variation 1 of the LAP states that car parking spaces shall be provided in accordance with the Meath County Development Plan.
- 6.7.3. It is acknowledged that the proposed 181 no. car parking spaces would not be consistent with the Development Plan requirements, however, the proposed parking provision is considered justified in the context of the 2020 Apartment Guidelines and based on the parking analysis of the adjoining Southgate Centre, which is a mixed use development with a significant commercial retail area and includes office space and residential units. The Parking Strategy Report has been provided with the application in support of the proposed car parking provision.
- 6.7.4. It is considered that there is ample justification to permit a material contravention (if considered such) of the Development Plan having regard to the policies outlined in the NFP, and other Ministerial and Government policies, and having regard to Section 37(2)(b) (iii), and (iv) of the Planning and Development Act, 2000 (as amended).

## 7.0 **Third Party Submissions**

16 no. third party submission were received. The concerns raised are summarised below: -

### ***Principle of Development / Zoning***

- In the absence of the proposed Joint Urban Framework for South Drogheda, the proposed development is premature.

- There is a requirement that lands zoned C1 must provide 30% commercial (non-retail) uses. The approach taken by the applicant to include lands outside of the red line boundary to achieve 30% commercial uses is questionable.
- Permission cannot be granted where the development would contravene the zoning objective. It is clear that the application proposes a material contravention of the zoning objective for the subject site.
- The applicant is incorrect in stating that compatibility with the zoning objective must be looked at in the aggregate across the entire C1 zoned area. In this regard the Southgate development was granted permission in 2005 and opened in 2008 long before the development plan was adopted.

### ***Design Approach***

- The proposed scheme would result in overdevelopment of the site and would seriously detract from the existing residential and visual amenities of the area.
- The density of the scheme is excessive.
- The proposed scale and height is out of character with the surrounding area.
- The proposed scheme is not of a sufficiently high architectural form or quality for such a prominent site at the entrance to Drogheda.
- The 5 no. 5 storey blocks are generic in nature and the design prioritises the number of units over the quality of design.
- Safety implications as the creche play area would be overlooked by the proposed residential units.
- Particular concerns regarding the impact of Block 2 on the adjacent Copse House to the north west, which has not been included in the Landscape and Visual Impact Assessment or any contiguous elevations.

### ***Open Space and Landscaping***

- It is proposed to remove existing trees and hedging that were planted and paid for by the residents of Grange Rath. The removal of these trees and hedging and replacement with the proposed development is not in keeping with Grange Rath.
- The scheme relies on existing open space within Grange Rath. No play spaces are provided within the development.

- There is a requirement that 16% of the total site area be provided as public open space.

### ***Ecology***

- The proposed development would result in the loss of a natural habitat for birds, rabbits and other wildlife. Over the past 20 years the building in this area of east Meath has destroyed hedgerows, trees, insects and a wildlife population has been displaced with very little place to go with field after field being eliminated to make way for more housing.
- The flourishing natural habitat established would be eliminated by any development in this site. It has developed over time into a verdant space where wild animals and insects live safely and can contribute to the wellbeing of society by their pollination of our plants and thus food production.

### ***Residential Amenity***

- The proposed 5 storey height would result in undue overshadowing of existing residents.
- The design and layout would result in undue overlooking of existing residential properties.
- The development would have an overbearing impact on adjacent properties and would have an adverse impact on the existing visual amenities of those properties.
- The proposed development would devalue existing properties.
- The proximity of the vehicular entrance to existing houses in Grange Rath estate will cause undue noise disturbance to residents.
- The proposed development would have a significant negative impact on existing residential amenities due to undue noise and light.
- Increased carbon emissions generated by the development would reduce air quality for existing residents.
- The Daylight and Sunlight Assessment is selective and incomplete.
- The proposed development would overshadow the adjacent school classrooms.
- The proposed development is too close to existing houses.

## ***Transportation***

- A technical note on the Traffic and Transport Assessment was included in the submission from Fred Logue on behalf of Gerard and Jacqui Cusack and others.
- Photographic evidence of congestion and queue lengths have been submitted with the submission from EHP Services on behalf of Grange Rath CLG (Management Company).
- Access is proposed from common areas within Grange Rath that are controlled by a private management company. There is no provision for the applicant to gain access via these lands.
- The surrounding road network is currently at capacity, with delays at peak times during the morning and the evening. The proposed development would lead to further traffic congestion and longer delays.
- Insufficient car parking is provided to serve the proposed development which would result in overspill car parking on the surrounding road network.
- The under provision of car parking spaces is a material contravention of the development plan.
- Increased vehicular movements would pose a safety risk to children walking to school.
- The information submitted by the applicant fails to mention the current planning application with Meath County Council for a surface car park (100 no. spaces) to serve the Southgate Shopping Centre.
- Information provided by the applicant regarding car ownership is misleading. The CSO data indicates a car ownership rate of 1.12 cars per household in Southgate. Therefore, the expected car ownership would be higher than the number of spaces proposed.
- Under provision of cycle parking spaces. Concerns regarding the location, quantity and design of cycle parking spaces.
- There is no provision for drop off or deliveries within the site.
- E-charging points should be provided within the scheme.
- Concerns that the trip generation data utilised from TRICS may not be comparable to the proposed development. Trip generation data utilised for a recent SHD application (ABP 305703) for 375 no. residential units in Colpe

West indicated a 75% higher trip rate than that estimated for the proposed development. A more realistic representation would be 85 no. trips in the AM peak and 106 no. trips in the PM peak. Which is 50% more than that adopted in the applicants Traffic and Transport Assessment.

- It is considered that the trip generation rates utilised within the applicants TTA are low and do not provide a robust assessment of the impact of the proposed development.
- Concerns that the TTA did not fully assess the impact of the development on Junction 2 (Park Gate / Colpe Road).
- Insufficient consideration of alternative access arrangements to the site, including access from the existing roundabout serving the Southgate centre.
- Clarification is required regarding vehicular access during the construction phase.
- The surrounding area has poor quality pedestrian and cycle connectivity. No further housing should be provided until footpaths and cycleways are provided.
- There is very serious congestion on the R132, particularly in Julianstown and the R132 is arguably not fit for purpose. Traffic flows are far in excess of the recommended maximum operating levels for this road. The exclusion of Julianstown from the transport assessment based on an assumption that there is no traffic congestion in the village and the erroneous application of a 5% traffic flow increase threshold is incorrect.

### ***Social Infrastructure***

- Existing schools are at capacity. The proposed development would generate demand for additional school and childcare places which would exacerbate the existing problem.
- There is a severe lack of amenities and facilities in the area for existing families and children. The continued approach of granting permission for houses and apartments without first considering and investing in facilities must stop.
- The local Garda Station does not operate on a 24-hour basis.
- The Social and Community infrastructure Audit Report is incomplete and inaccurate and is completely devoid of any indication of the capacity of local services such as education and childcare.

### ***Water Services***

- There is no capacity in the water and wastewater systems to accommodate a development of this scale. Clarity is required from Irish Water in this regard.

### ***AA Screening***

- The screening report erroneously states that there is no hydrological connection between the proposed development and the Boyne Estuary SPA and Boyne Estuary and Coast SAC. This is a serious omission in the report.
- Surface water drainage impacts are dismissed as the hydrological connection with the Boyne was not identified.
- The description of the existing baseline environment omits entirely any discussion of the baseline environment within or affecting the identified Natura 2000 sites. Equally there is no identification of the best scientific knowledge in relation to the applicable Natura 2000 sites.
- The screening report identifies surface water drainage from the site and increased human presence as potential impacts yet contains no quantitative or qualitative analysis or characterisation of these potential impacts.
- The treatment of impacts from human activity is incomplete and non-scientific. Disturbance impacts on winter birds is the only impact considered.
- Overall the appropriate assessment screening report does not provide a basis for a lawful appropriate assessment screening determination as proposed by the applicant.

### ***EIA Screening***

- While the applicant has provided a statement in accordance with 299B(1)(b)(ii)(II)(C) in purported compliance with this Regulation, it does not meet the standard set down by the High Court.
- There is a deficiency in relation to the Environmental Noise Directive where the available results are not identified and have not been taken into account.
- There is a serious noise issue and, therefore, a certain significant effect on the environment arising from the proposed development. The significant effect is the exposure of residents and visitors to the proposed development to noise



levels in excess of limits above which the WHO considers noise to be harmful to human health.

- The EIA Screening Report is materially incorrect in relation to the hydrological connection between the site and the Stameen Stream. There is in fact a hydrological connection via the discharge of attenuated storm water to the existing sewer which outfalls to the Stameen Stream. The development is also hydrologically connected with the Boyne River (and therefore the Boyne Estuary SPA and Boyne Estuary and Coast SAC) via this stream since it flows into the Boyne at Mornington bridge. Given that the above hydrological connections have not been identified, the EIA Screening Report is incomplete and does not comply with Regulation 299B(1)(b)(i)(II) of the 2001 Regulations. The Board is required to refuse to handle an application which is not accompanied by the information specified in this Regulation.
- The exclusion of an analysis of traffic impacts on Julianstown also affects the EIA Screening Report since very heavy traffic has significant adverse effects on a number of relevant environmental factors including noise, air quality, risk to human health, and so on. Based on the information presented in this submission there will be a certain permanent significant adverse effect on the environment in Julianstown from the increased traffic flows caused by the new development and therefore an EIAR is required.

### ***Material Contravention***

- The CDP requires 16% provision for Part V housing yet only 10% is identified in the application. While it is true that the 2015 amendments to the 2000 Act reduced the mandatory component for social affordable housing to 10%, this did not affect pre-existing housing strategies. Therefore, under the CDP there remains a requirement that 16% of units should be for social and affordable housing. The site has been in the applicant's ownership since before 2015 and therefore it cannot suffer any prejudice in relation to the greater Part V provisions required. The application therefore involves an unidentified material contravention of section 3.6.4 of the CDP. Given that this policy is based on a statutory obligation the contravention is clearly material. The Board also does not have discretion to grant permission with a lower rate of social and affordable housing given the statutory nature of the policy.

- The actual public open space falls below the 15% requirement specified in section 11.2.2.3 of the CDP when low quality open space is excluded. In particular there is public open space above a large attenuation tank of approximately 750 sqm which should be excluded. With this excluded there is only 2,056sqm of public open space which is below the 15% minimum required.
- The application fails to provide a childcare facility in material contravention of SOC POL 5, SOC POL 25 and Section 11.3 of the CDP. The applicant cannot demonstrate compliance with these policies on the basis that there might be spare capacity if a nearby facility is expanded. Equally the Grange is identified by the applicant<sup>9</sup> (which is its owner) as only accepting children 0-1 up to 5 years of age. Therefore, The Grange does not meet the definition of “childcare” in the 2001 Childcare Guidelines.
- The application fails to comply materially with the 2020 Apartment Guidelines in relation to cycle storage and car sharing and therefore also materially contravenes section 11.2.2.3 of the CDP which requires compliance with these guidelines which have replaced the earlier 2007 guidelines.
- The application also materially contravenes points 1 and 2 of section 11.2.2.3 of the CDP in that it proposes access through a family occupied housing estate, i.e. Grange Rath and it is not being developed as part of that estate. In addition, the proposed development seriously interferes with the scale, amenities and visual quality of the existing Grange Rath estate and does not propose any transition as required by the CDP.
- An application which involves unidentified material contraventions of the development plan is automatically invalid and the Board lacks jurisdiction to handle it. The Board does not have the capacity or jurisdiction to impose conditions aimed at removing or avoiding material contravention.
- The purported justification for material contravention of sections 11.2.2.7 and 11.9 of the CDP fails to satisfy the criteria in section 37(2)(iii) and (iv) of the 2000 Act for the reasons set out below.
- The proposed development would be in material contravention OBJ 33 of the development plan which states that there should be a gradual transition between high rise buildings and low rise buildings.

## ***Legal Issues***

- It is not for the Board to make a determination on material contravention as the Board has no way of giving the public notice of identified material contraventions. The material contravention statement, therefore, fails to comply with the 2016 Act because it does not identify a material contravention in relation to car parking and at the very least is confusing since it is hedging its bets by essentially leaving it to the Board to decide whether this is a material contravention.
- The project for the purposes of the EIA Directive must include the proposed relocation of the permitted carpark from the subject site to the site to the south of the Colpe Road given the relationship between the two proposals.
- The Stagrennan Stream has not been assigned a WFD status by the EPA. However, there is an identified hydrological link between the proposed development and this water body. Given that there is no WFD status for this water body and it is subject to anthropogenic pressure, the Board is not in a position to assess whether the proposed development is compatible with Ireland's WFD obligations and, therefore, must refuse to grant permission.
- The Irish Water letter dated 12 December 2019, (presumably included in respect of Regulation 285(2)(g)) confirms that the water network did not have capacity to service the development at the pre-application stage. Therefore, the pre-application consultation was invalid, and the Board should have refused to handle it. The invalidity of the pre-application procedure automatically renders the present application invalid.
- The applicant has not provided an updated letter from Irish Water in satisfaction of Regulation 297(2)(d) which also invalidates the application for not complying with the mandatory requirements for an application. It is clear that the same confirmation cannot be used to satisfy both Regulation 285(2)(g) and 297(2)(d) and that an updated capacity confirmation is required at the application stage.

## **8.0 Planning Authority Submission**

- 8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 29<sup>th</sup> September 2021. The report includes a summary of the proposed development, the site location and

description, pre-application consultation, relevant planning history, policy context and submissions from third party and prescribed bodies. Appendix 1 includes internal reports and Appendix 3 provides a summary of the views of the elected members at the Laytown / Bettystown Municipal District meeting. The elected members acknowledged the need for housing, however, it was considered that this site is suitable for low rise family homes. The concerns raised facilities and amenities to serve the development, traffic congestion and the requirement for a bypass of Julianstown, access arrangements and safety implications, Part V provision and the requirement for family homes, consistency with the Draft Development Plan, under provision of car parking and potential for haphazard parking, negative impacts on existing residential amenities, contravenes the development plan in relation to scale and removal of trees.

- 8.2. The key planning considerations of the Chief Executive's report are summarised below.

***Principle of Development:*** It is considered that the proposal within the wider C1 lands and in the control of the applicant, broadly complies with the requirements of the C1 zoning objective.

***Density, Design, Layout, Phasing and Residential Amenity:*** The proposed density can only be considered acceptable if the assessment of individual merits of the scheme in terms of residential amenity, capacity in infrastructure, integration with the surrounding area etc are positive.

The 3 no. blocks closest to Grange Rath, and in particular Grange Crescent, are sufficiently distanced across the road to the south west and are not considered to cause issues of overlooking or loss of light and their height or positioning would not detrimentally impact on the private amenity of Park Crescent residents.

The proposed density is considered appropriate for the subject site due to its location along a main public transport corridor adjoining a bus stop and adjacent to extensive neighbourhood facilities at Southgate.

The overall siting, design and layout of the development is considered appropriate at this location and would complement existing land uses in the area.

There are no phasing restrictions on the delivery of the development.

There will be no additional impact on the operation of Southgate or on the Grange Rath residents due to the proposed development.

It is considered important to note that since the introduction of the current development plan core strategy, there has been very limited housing delivery in the Southern Environs of Drogheda. Furthermore, the core strategy took into account a significant number of units which were subject to active planning permissions at the time. A significant number of those 'committed' units were never delivered, with the permissions now expired. On that basis, there is considered to be a considerable shortfall in the delivery of housing in the southern environs of the town at present. A similar situation prevails in the northern area of the town, which falls under the jurisdiction of Louth County Council. This failure to meet the housing allocations militates in favour of the proposed development in a mixed use setting on lands zoned for development.

The draft Development Plan is set to allocate further growth to the town of Drogheda, in the context of the town being targeted for significant growth under the NPF and the RSES. The UAP for Drogheda will require that brownfield and infill sites contribute to meeting the ambitious targets of 40% growth on infill sites within the existing built up area. The current proposal represents an opportunity to further the achievement of this goal.

***Open Space, Landscaping and Play Areas:*** The total quantum of public open space to be provided within the development is 0.28ha. Public open space is provided centrally and is passively overlooked by the proposed development. The open space provision equates to 16% which exceeds the development plan standard of 15%.

Private open space is in accordance with the Apartment Guidelines.

The proposed communal open space significantly exceeds the Apartment Guidelines requirement of 1,333sqm, with a total provision of 2,210sqm provided.

***Traffic Impact, Access and Car Parking:*** The following comments from the planning authority's Transportation Department are noted.

The applicant should consider collecting local trip rate data from apartments surrounding Drogheda to validate the results of the trip generation rate identified from the TRICS database.

The proposed traffic distribution and assignment does not appear to match the recorded traffic turning movements.

The applicant has identified only one location (Junction 1) where the percentage of traffic impact on the local road network would exceed the 10% threshold. However, there is concern with regard to the capacity of the Park Gate / Colpe Road junction given that this junction is a priority junction, which inherently limits its capacity, and the fact that this junction accommodates the majority of traffic generated by Grange Rath, the proposed development and associated committed developments. The applicant should submit for agreement the detailed design of improvement works, including traffic lights, to provide safe access for vehicles, pedestrians and cyclists. These works should be carried out prior to occupation of any of the proposed residential units.

The provision of a fourth arm on the existing Park Heights / The Boulevard 3-arm roundabout junction to accommodate the proposed development would result in new pedestrian desire lines across the roundabout and as such, crossings on some or all of the arms of the junction should be considered.

There are no proposals to facilitate east bound cyclists, inbound to Drogheda. The applicant should consider how cyclists can be facilitated to access the cycle land on the southern side of the R132 Dublin Road to travel inbound to Drogheda.

There are cycle track facilities required eastbound and it is considered that it is unlikely that these will be provided for in the future. Therefore, it is recommended that the one-way cycle track and footpath be combined into a shared two-way pedestrian and cycle path facility this will adequately cater for all projected movements and associated volumes.

Internal footpaths should be 3m in width.

The key desire line from the proposed development to the Southgate Shopping Centre is not catered for and pedestrians are not provided with a designated safe route. The

applicant should be requested to consider the appropriate location and crossing type to ensure this key desire line is adequately catered for.

The applicant does not appear to have addressed all the items in the Road Safety Audit. The applicant should be requested to submit for agreement details of works required to address all the recommendations of the audit.

Measure to prevent unauthorised use of the emergency and refuse access route are required.

The location of the bin store on the western side of the proposed development would result in people pedestrians stepping onto the street, which may cause a hazard. A footpath and uncontrolled crossing should be provided near the bin store to facilitate safe access and egress.

The layout should allow for access by 11m service vehicles.

The site is considered to be located in a peripheral and / or less accessible urban area. As such, the car parking requirement is 252 spaces comprising 201 long stay and 51 no. visitor spaces. The proposed 181 no. spaces represents a significant shortfall and is likely to result in overspill of parking onto adjacent streets.

The Parking Strategy Document suggests that the adjacent public car park associated with the Southgate Shopping Centre could be used to alleviate the parking demand. This area is outside of the redline boundary and the applicant does not appear to have any formal arrangement in place that would protect, and ensure unhindered future access to, the existing car parking spaces for the use by visitors to the proposed development.

The applicant has recently applied (reg. Ref. 211001) for overflow car parking facilities (100 no. spaces) for employees of Southgate Shopping Centre. This in addition to the extant permission for 80 no. additional car parking spaces(LB171243), would suggest that the existing parking provision at Southgate Shopping Centre is inadequate to service the site, without taking into consideration the increased parking demand created by the proposed development. The lack of parking is compounded by the loss of 12 no. existing space required to create the footpath and cycleway.

The proposal to rent car parking spaces could result in residents parking their vehicles on the surrounding road network to avoid the financial charge. This could result in a traffic hazard and is not considered an acceptable strategy.

The applicant has not demonstrated that adequate car parking has been provided within the development.

It is considered that 1 no. cycle parking space is required per bedspace and 1 no. visitor space per 2 units, in this regard 464 no. spaces.

The proposed cycle parking in terms of number of spaces, location and design does not comply with the design standards. The applicant should submit for agreement a revised layout. Cycle spaces should be sheltered, secure and with an accessible racking system.

**Public Lighting:** A report from the planning authority's public lighting section. It is recommended that a condition be attached to any grant of permission that the final details be agreed with the planning authority.

**Water Services:** The submission and recommended conditions from Irish Water are noted.

The surface water treatment and disposal broadly reached the requirements of the planning authority's water services section. However, it is recommended that conditions be attached that the final details of surface water management be agreed with the planning authority.

The report from the planning authority's Environmental Section is noted which includes standard conditions.

**Part V:** The report of the planning authority's Housing Department states that no discussions took place regarding Part V prior to submitting this application and clarification is required. It is recommended that a condition be attached to any grant of permission that Part V compliance be agreed with the planning authority.

**Taking in Charge:** It is assumed that the development would be managed by a management company. Any areas to be taken in charge should be clearly indicated and in accordance with Meath County Councils taking in charge policy document.



**Childcare Facilities:** Having regard to the significant number of existing childcare facilities in the area, one of which is adjacent to the site and has the potential to accommodate an additional 50 no. children, it is considered that the provision of an additional childcare facility within the proposed development would not be commercially viable and is not necessary.

**Schools:** It is considered that the existing primary education infrastructure can accommodate the potential increase in demand generated by the development.

There is a temporary secondary school at the junction of Colpe Road and Mill Road that has recently opened. This site has also been sanctioned and approved by the Department of Education and Skills for a permanent secondary school on site.

It is considered that there are sufficient educational facilities in the area surrounding the subject site.

**Art Work:** Policy SOC POL 53 requires that public art be incorporate public into new residential schemes. Therefore, it is recommended that a condition be attached in this regard.

**Estate Name:** It is requested that the naming of the scheme be approved by Meath County Council

**Broadband:** The report of the Broadband Officer is noted and a condition is recommended with regard to infrastructure.

**Archaeology:** The applicants Archaeological Impact Assessment is noted, which recommends that archaeological testing be carried out.

The planning authority's Conservation Officer has no objection to the proposed development.

**Architectural Heritage:** No objection from the Conservation Officer

**Natural Heritage:** The Heritage Officer is noted.

It is noted that the site was cleared and covered in concrete c. 10 years ago and that no trees of hedgerow habitat would be removed as part of the development.

All mitigation measures outlined in the Ecological Impact Assessment should be implemented.

Appropriate protective measures should be detailed within the CEMP to ensure that non-native invasive species are not introduced to the site.

**Flood Risk:** The report from the planning authority's Environment Section (Flooding) is noted. From a flood risk perspective there is no objection.

**Appropriate Assessment:** The report of the planning authority's Heritage Officer is noted. The planning authority is satisfied that based on the scientific data provided, the lack of hydrological connection to Natura 2000 sites and man-made ground conditions, that it can be concluded that there will be no significant effects (direct or indirect) on the qualifying interest of any Natura 2000 sites (European Sites), either individually or in combination with other plans or projects.

**Environmental Impact Assessment:** The development does not meet the thresholds as set out in Schedule , Part 2 of the Planning and Development Regulations 2001 – 2021. The applicants EIA Screening report is noted.

The planning authority also provided a response to third party submissions, which in general reiterates the comments outlined above.

The planning authority refer the Board to the comments in their report, however, they do not provide a recommended decision or any recommended conditions.

## 9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant was advised to notify prior to making the SHD application was issued with the Section 6(7) Opinion and included the following: -

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Department of Culture, Heritage and the Gaeltacht
- An Taisce-the National Trust for Ireland
- The Heritage Council
- Failte Ireland
- An Comhairle Ealaíonn
- Meath and Louth County Childcare Committees

- Louth County Council

The applicant notified the relevant prescribed bodies listed in the Board's Section 6(7) opinion. The letters were sent on the 5<sup>th</sup> August 2021. A summary of the comments received are summarised below:

### **Development Applications Unit, Department of Housing, Local Government and Heritage**

**Nature Conservation** Having considered the documentation submitted in support of the present application it is desirable that no removal of vegetation from the development site is carried out during the bird breeding season as this could be expected to lead to the direct destruction of eggs and nestlings. Landscape planting within the proposed development will include semi-mature trees and whips, as well as hedging, and should provide potential new nest sites in the long run to compensate to some extent for nest sites lost as a result of scrub clearance.

A bat survey of the development site in June 2020 located no bat roosts in the tree line along the site's western boundary but recorded foraging by four bat species over the proposed development site. Three of the species identified are those most frequently recorded in Ireland. The fourth species identified, the long-eared bat, is also a common species but is sensitive to light pollution. As recommended in the EclA the installation of bat friendly lighting would be appropriate to minimise the impacts of the development proposed on all four species.

In the light of the above it is therefore recommended that conditions be attached to any grant of permission relating to (1) the clearance of vegetation outside of the main bird breeding season and (2) that the external lighting scheme be designed in accordance with guidance contained in Institution of Lighting Professionals (ILP). (2018). Guidance Note 08/18: Bats and artificial lighting in the UK and signed off on by a bat specialist.

**Archaeology:** On the basis of the information in the assessment and the proposed archaeological mitigation it is recommended that the conditions pertaining to pre-development testing be included in any grant of planning permission.

### **Irish Water**

**Water:** In order to facilitate a connection for the proposed development c. 350m of existing 150mm watermain is required to be upgraded to 200ID. A cross connection is also required between the existing 150mm and 400mm watermains on R132. Currently there are no plans to extend the water network in this area, therefore, the applicant will be required to fund these upgrades / works as part of a connection agreement with Irish Water.

**Wastewater:** Based on the details provided there is sufficient capacity to discharge to the 900mm Foul network, to the north of the site and railway line. Please note that the connection to the network is via third party infrastructure, therefore, the applicant is required to provide the following at connection application stage:

- As-built drawings for the adjacent estate confirming discharge to the 900mm Foul Sewer north of the railway line
- Capacity/condition report for the 3rd party infrastructure in the estate between the premise and the 900mm IW Foul Sewer
- Permission from the 3rd party to connect to this infrastructure and vesting of the Arterial Route to Irish Water

**Design Acceptance:** The applicant has engaged with Irish Water in respect of design proposals within the redline boundary of their proposed development site and has been issued a Statement of Design Acceptance for the development.

**Transport Infrastructure Ireland:** No observations.

No submissions were received from the National Transport Authority, the Department of Culture, Heritage and the Gaeltacht, An Taisce-the National Trust for Ireland, The Heritage Council, Failte Ireland, An Comhairle Ealaíonn, Meath County Childcare Committee, Louth County Childcare Committee or Louth County Council.

## 10.0 Assessment

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and local plan and has full regard to the chief executive's

report, third party observations and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Principle of Development / Zoning
- Design Approach
- Density
- Height
- Open Space
- Residential Amenity
- Transport
- Water Services
- Ecology
- Social Infrastructure
- Housing Tenure / Part V
- Material Contravention

#### 10.1. ***Principle of Development / Zoning***

10.1.1. The subject site is zoned C1: Mixed Use with the associated land use objective to provide for and facilitate mixed residential and employment generating uses. Section 11.16.7 of the Meath County Development Plan 2021 - 2021 further states that it is an objective on these lands to provide opportunities for high density mixed use employment generating activities that also accommodate appropriate levels of residential development thereby facilitating the creation of functional 'live work' communities. These areas are generally located in proximity to high frequency public transport corridors. In order to achieve balanced development, the percentage of residential development in C1 zones shall generally not exceed 50% of the quantum of development.

10.1.2. The subject site forms part of a larger landholding within the applicant's ownership. The overall landholding can be divided into 3 areas. In this regard the Southgate Mixed use development, the Grange Childcare Facility and the subject site. The Southgate Mixed use development site equates to 59% of the overall landholding. This site is located immediately south east of the subject site and comprises non-retail

commercial use (10,899sqm), retail uses (5,600sqm) and residential uses with associated car parking. The Grange childcare facility is located immediately north west of the subject site and comprises 7% of the overall landholding. The subject site comprises 34% of the overall landholding. The report states that incorporating the proposed development the overall landholding would comprise 45% residential uses and 65% retail / commercial uses. The applicant further states that there is potential for the future expansion of the existing Southgate shopping centre site to accommodate an aparthotel and office use, which would further increase the percentage of non-retail commercial uses within the overall landholding.

10.1.3. Concerns are raised by third parties that the quantum of residential use is not in accordance with the zoning objective. It is noted that the particular concerns raised relate to an objective under the previous development plan that required 30% of the site area of lands zoned C1 be provided as commercial uses. As outlined above the current development plan states that the percentage of residential development in C1 zones shall generally not exceed 50% of the quantum of development. Having regard to the existing uses on lands immediately adjacent to the subject site, which are within the ownership of the applicant and also zoned C1, it is my view that an appropriate mix of uses is provided within the overall landholding and the proposed development would be in accordance with the provisions of the development plan and the zoning objective. The planning authority raised no concerns regarding the mix of uses and noted that residential uses are permissible on lands zoned C1.

10.1.4. Third parties also raised concerns that the proposed use would be a material contravention of the development plan. As noted above, the development plan requires that residential uses shall generally not exceed 50% of the quantum of development on lands zoned C1. As the overall landholding would result in a provision of 45% residential and 65% retail / commercial it is in accordance with the provisions of the development plan. While the overall landholding is within the parameters of the zoning objective it is also noted that there is some flexibility in the wording of the development plan which states that 'generally' the residential element should not exceed 50% of the quantum of development. Therefore, it is my view that each site should be assessed on its merits. The planning authority raised no concerns regarding a material contravention of the zoning objective.

- 10.1.5. Concerns are also raised by third parties that in the absence of the proposed Joint Urban Framework for South Drogheda, the proposed development is premature. The planning authority state that discussions and preliminary background work has commenced on the preparation of a Joint Urban Area Plan for Drogheda. Core Strategy Objective 8 (CS OBJ 8) of the development plan states that the Southern Environs of Drogheda Local Area Plan 2009 shall remain in place until it is replaced with a Joint Urban Plan for Drogheda and that the Development Plan takes precedence if a conflict arises.
- 10.1.6. The Southern Environs of Drogheda LAP which incorporates Variation 1 sets out housing allocation and zoned land requirements for the LAP area which was consistent with the core strategy of the Meath County Development Plan 2013 – 2019 (as extended). The housing allocation for the plan period was 857 no. units. The plan also notes that permission was granted for 1,132 no. units. The planning authority state that there has been very limited housing delivery in the Southern Environs of Drogheda since the making of the plan as a significant number of those ‘committed’ units were never delivered, with the permissions now expired. The current development plan states that approx. 113 no. residential units were completed between 2016-2019 with an additional 572 no. units with planning permission not yet built.
- 10.1.7. In the context of targets set out in the NPF and the RSES the current development plan allocates further growth to the southern environs of Drogheda. In this regard the population of Drogheda is envisioned to increase by 3,300 from 6,527 in 2016 to 9,827 in 2026 with a housing allocation of 1,631 for the period 2020-2026.
- 10.1.8. The planning authority note that the Urban Area Plan for Drogheda will require that brownfield and infill sites to contribute to meeting the ambitious targets of 40% growth on infill sites within the existing built up area and it is considered that the current proposal represents an opportunity to achieve this goal.
- 10.1.9. While the importance of the Joint Urban Plan is acknowledged it is my opinion that having regard to the targets set out in the current development plan and limited number of residential developments completed over the lifetime of the previous development plan that the development of the subject site, which is zoned, serviced and would

support the sustainable growth of Drogheda and is, therefore, in accordance with national, regional and local policy and objectives.

## 10.2. ***Design Approach***

- 10.2.1. The proposed development comprises 201 no. residential units in 5 no. blocks (Blocks 1, 2, 3, 4 and 5) located to the north of the existing Southgate development. The existing Southgate development comprises a high quality mixed use scheme incorporating retail, commercial and residential uses at a visually prominent location, on the R132 (Dublin Road). In my opinion the Southgate development provides a landmark building at the entrance to Drogheda and the proposed development represents the continuation of this contemporary scheme. The submitted drawings indicate the potential future development of the Southgate Shopping Centre would include an aparthotel, retail and office which would be located immediately south of the subject site.
- 10.2.2. Blocks 1 and 2 are located at the sites western boundary with the R132 - Dublin Road and a detached dwelling (Copse House) and Blocks 3, 4 and 5 are located at the site's eastern boundary with Grange Rath residential estate. Blocks 3, 4 and 5 are separated from Blocks 1 and 2 by an internal access road and an area of public open space. An additional area of communal open space is located between Blocks 1 and 2.
- 10.2.3. Block 1 is L-shaped and accommodates 53 no. apartments. In my opinion Block 1 forms the focal point of the scheme, as it provides direct frontage onto the Dublin Road and the internal access Road to the Southgate Shopping Centre. Blocks 2, 3, 4 and 5 have a similar design approach, these blocks are rectangular in shape and accommodate 37 no. apartments each. Blocks 3, 4 and 5 can be accessed directly from the proposed new footpath on Park Heights (public road) to the east and from within the scheme on the proposed new internal access road. It is my opinion that the provision of direct pedestrian access from Park Heights provides an appropriate active frontage onto this residential estate road.
- 10.2.4. Blocks 3, 4 and 5 are positioned at a slight angle to each other and follow the alignment of the public road, Park Heights. There is a minimum separation distance of c. 6m between the blocks, which increases to 14m. In my view the provision of individual blocks breaks up the mass and scale of the proposed development and allows for



visual connectivity through the site and between the areas of open space. The slight angling of the blocks also allows for visual interest along Park Heights.

- 10.2.5. It is noted that concerns were raised by third parties that having regard to the visually prominent location of the site that the architectural form was not of sufficiently high quality. It is my opinion that the proposed design and layout provides for an appropriate scale and massing which creates a visually interesting high quality scheme on this highly visible site within the environs of Drogheda. It is also considered that the development successfully integrates with the adjacent Southgate development.
- 10.2.6. The proposed apartment units comprise 53 no. (26%) 1 beds, 132 no. (66%) 2-beds and 16 no. (8%) 3-beds. The units range in size from 50sqm 1-bed to 115sqm 3-bed. The development plan does not set out standards for housing mix. However, policy DM POL 6 and objectives DM OBJ 24 and DM OBJ 59 require that an appropriate mix of uses be provided. The applicants Housing Quality Assessment states that the housing mix has been designed to response to the market demand in the area. I have no objection to the proposed mix and consider it appropriate at this urban location. It is noted that the planning authority and third parties raised no concerns in this regard.
- 10.2.7. The proposed number of dual aspect (57%) units is significantly above the 33% standard set out in SPPR4 of the Apartment Guide. It is noted that there are no single aspect north facing units. In addition, all units are provided with private amenity space / balconies in accordance with the standards set out in the Apartment Guidelines 2020.
- 10.2.8. The external materials include a reconstituted limestone cladding at ground floor level, brick cladding at first to third floor level and the fourth floor level is set back and finished in a metal cladding with glazed features. The materials are similar to those in the surrounding area, in particular the Southgate shopping centre. However, having regard to the visually prominent location of this site, in particular Block 1, it is my opinion that the predominant external material of the development should be a high quality, robust and durable material such as brick, which is reflective of the existing dwellings in Grange Rath. It is considered that this could be addressed by way of condition.

- 10.2.9. The layout includes a direct pedestrian link from the site to the Southgate Shopping Centre via the public car park. The scheme also includes a new public pedestrian and cycle route along the site's southern boundary with Southgate Shopping Centre which provides improved connectivity between the Grange Rath estate and the Dublin Road. The proposed connectivity is welcomed.
- 10.2.10. The concerns raised by third parties are noted, however, I have no objection to the proposed design and layout of the scheme and consider that the development of this underutilised site would provide a positive contribution to the changing context of the area. It is also noted that the planning authority considered that the overall siting, design and layout of the development is considered appropriate at this location and would complement existing land uses in the area.

### 10.3. ***Density***

- 10.3.1. The proposed scheme has a density of 115 no. units per ha. Objective DM OBJ 12 of the development plan aims to encourage a minimum density of 45 units per ha in to town centre of Regional Growth Centres. Section 11.7.2 also states that the plan seeks to promote the development of 'live work' communities by promoting sustainable development by creating compact, high quality developments. Higher residential densities will be encouraged within walking distance of town centres and public transport infrastructure.
- 10.3.2. Concerns are raised by third parties that the proposed density is excessive and would result in overdevelopment of the site. Plot ratio seeks to control the mass and bulk of buildings to prevent the adverse effect of over-development whilst ensuring the efficient and sustainable use of serviced land. Plot ratio is calculated as the gross building(s) floor area divided by the gross site area. Objective DM OBJ 16 sets out an indicative maximum plot ratio of 1 for housing at the edge of town locations and 2 in town centre / core locations. In my opinion the proposed scheme is located in a core location, therefore, a maximum plot ratio of 2 is permissible. Site coverage standards seek to avoid adverse effects of over-development particularly in urban areas thereby safeguarding sunlight and daylight within or adjoining a proposed layout of buildings. Objective DM OBJ 17 of the development plan states that site coverage shall generally not exceed 80%. The scheme also has a stated plot ratio of 1:1 and a 23% site

coverage and is, therefore, in accordance with the provisions of the development plan and in my opinion indicates that the proposed scheme would not result in overdevelopment of this underutilised site.

- 10.3.3. Objectives 4, 13, 33 and 35 of the National Planning Framework, and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments. Section 4.5 Regional Growth Centres of the RSES states that growth of these towns (Athlone, Drogheda and Dundalk) will realise a more consolidated urban form that will optimise the use of existing and planned services by increasing population and employment density in a sustainable fashion. The Strategy sets out a strategic development framework for their future growth to allow them to reach sufficient scale to be drivers of regional growth.
- 10.3.4. In addition, Chapter 2 of the Design Standards for New Apartments Guidelines, 2020 notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. The Apartments Guidelines identify intermediate urban locations as sites within or close to i.e reasonable walking distance of a principle town or suburban centres or employment locations and/ or sites within reasonable walking distance of high frequency urban bus services. Having regard to the site's location immediately adjacent to the Southgate Shopping Centre and bus stops on Dublin Road and Colpe Road it is my opinion that the proposed scale of the development complies with national guidance and, therefore, is suitable for higher density.
- 10.3.5. In conclusion, it is my opinion that the proposed density is appropriate at this location and would support the consolidation of the urban environment, which is welcomed. It is also noted that the planning authority consider that the proposed density is appropriate for the subject site due to its location along a main public transport corridor adjoining a bus stop and adjacent to extensive neighbourhood facilities at Southgate and raised no objections regarding overdevelopment of the site.

#### 10.4. **Height**

- 10.4.1. The scheme has a maximum height of 5-storeys (16.7m). Objective DM OBJ 32 states that there is a presumption against buildings in excess of 6 storeys. Therefore, the proposed scheme is considered to be in accordance with the provisions of the development plan.
- 10.4.2. Third parties raised concerns that the proposed development would be a material contravention of Objective OBJ 33 of the development plan as the scheme does not provide a gradual transition between high rise buildings and low rise buildings. Objective DM OBJ 33 of the development plan sets out a number of criteria when assessing height. In particular it states that there should be a gradual transition between high rise and low rise buildings. As noted above, the site is located immediately north of the existing Southgate Development which ranges in height from 4 – 6 storeys. The submitted context elevations indicate that the Southgate Shopping Centre has a maximum height of 21m. The Southgate development site is elevated above the subject site by c. 2m. therefore, the proposed development would appear c. 6.3m lower than the existing Southgate development site. The site is also located adjacent to the Grange pre-school development, which is 2-storeys in height. The submitted elevations indicated that this building and the existing dwellings within Grange Rath are c. 8m in height. It is my view that the height and scale of this development provides an appropriate transition from the existing Southgate development and the adjacent 2-storey residential dwellings in Grange Rath and is, therefore, in accordance with the provision of DM OBJ 33 and it is noted that the planning authority raised no concerns in this regard.
- 10.4.3. Concerns are also raised by third parties that the height is out of character with the surrounding area and would have a negative impact on the visual amenities of the area. A booklet of photomontages is included with the application and provides a comparison of the existing site and the proposed development. It is my view that the submitted photomontages provide a reasonable representation of how the proposed development would appear. The applicants Landscape and Visual Impact Assessment assessed the impact of the development from 14 no. viewpoints. The report found that of the 14 no. views assessed there would be no impact on 7 no. views. While the development would be visible from the remaining views its impact was considered to

be neutral, slight and permanent at 5 no views and neutral, moderate and permanent at 2 no. views. The moderate impact is considered to be at views 13 and 14. View 13 is from the Grange Rath residential development and view 14 is from the R132 (Dublin Road). While the proposed development would alter the existing view it is considered to be appropriate in its context and having regard to the proximity of the site to the Southgate mixed use development, which includes apartments, it is my opinion that the proposed development would not be out of character with the area.

10.4.4. In conclusion, it is my view that the proposed height, design, scale and massing of the development is reflective of the adjacent Southgate development and provides an appropriate transition from the relevantly low density housing in Grange Rath and fronting onto the R132 (Dublin Road) to the high density development at Southgate. I am satisfied that the proposed height would not negatively impact on the visual amenities or character of the area and would be a positive contribution to the urban landscape and that the proposed development represents an appropriate response to its context. It is noted that the planning authority raised no objection to the proposed height.

#### 10.5. ***Open Space***

10.5.1. It is proposed to provide 2,806sqm of public open space, which equates to 16% of the total site area. Objective DM OBJ 34 of the development plan requires that 15% of the total site area be provided as public open space and objective DM OBJ 37 states that narrow spaces, less than 10m in width are considered incidental and are generally not acceptable as functional open space. Concerns are raised by third parties that the proposed public open space is low quality and does not accord with the provisions of the development plan and that future residents would be reliant on green spaces within the Grange Rath estate.

10.5.2. The public open space is centrally located within the scheme as indicated in Section 1.07 of the applicants Architectural Design Statement. Public open space also appears to be provided in the areas between Blocks 3, 4 and 5, varying in width from 6m to 15m. These spaces allow for access to the public open space and permeability through the site towards the Dublin Road. A tree lined linear strip, with a minimum width of 3m, is also proposed along the site's eastern boundary with Grange Rath and

a proposed new footpath. These spaces do not appear to be included in the calculation in the quantum of public open space.

- 10.5.3. I have no objection to the quantity of public open space and consider it to be in accordance with the provisions of the development plan and it is noted that the applicants Daylight, Sunlight and Overshadowing Report demonstrates that the area of public open space achieves the BRE Recommendation of that at least half of the amenity areas should receive at least 2 hours of sunlight on 21<sup>st</sup> March. The planning authority raised no objection to the quantity or the quality of the public open space and noted that its central location ensures that it is passively overlooked from the proposed apartments.
- 10.5.4. With regard to the quality of the public open space, the drawings submitted indicate that the area of public open space would be landscaped and planted, however, it does not appear to include any areas of public seating or features to allow for passive recreation. To enhance the public open space, it is recommended that a condition be attached that the final details of the landscaping be agreed with the planning authority to ensure the public open space is of high quality and offers opportunities for passive recreation. In addition, in accordance with objective DM OBJ 55 it is also recommended that a piece of public art be provided within the public open space to enhance the visual interest of the scheme.
- 10.5.5. Concerns are also raised by third parties regarding the loss of trees and hedging that were planted and paid for by the residents of Grange Rath. Drawing no. 190830 – Tree Removal Plan indicates that 26 no. trees and 4 no. groups of hedging would be removed to facilitate the proposed development. This area is shown within the applicants red line boundary. The applicants Arboricultural Impact Assessment considers that these trees are of low quality and value (category C). It is proposed to retain the existing trees and hedgerows along the sites northern and western boundary. Full details of these are provided in the Arboricultural Impact Assessment and a Tree Protection Plan (drawing no. 190830-P-12). Having regard to the nature of the trees to be removed and the high quality landscape and planting proposals I have no objection to the loss of trees within the site to facilitate the proposed development. It is also noted that the planning authority raised no objection to the loss of these trees.

- 10.5.6. The development plan does not set out standards for communal open space. Appendix 1 of the Apartment Guidelines set out a standard of 5sqm per 1-bed, 7sqm per 2-bed (4 person) and 9sqm per 3-bed for communal open space. Therefore, there is a requirement for 1,333sqm of communal open space to serve the scheme. The development incorporates 2,210sqm of communal open space, which is in excess of the Apartment Guidelines standards. The communal open space is provided between Blocks 1 and 2, and the sites western boundary, and incorporates a children's play space. To enhance the area of communal open space it is recommended that a condition be attached that final details of the landscaping proposals be agreed with the planning authority to ensure formal and informal seating areas are provided within the communal open space to allow for passive recreation. The applicants Daylight, Sunlight and Overshadowing Report demonstrates that the area of communal open space associated with apartments achieve the BRE Recommendation of that at least half of the amenity areas should receive at least 2 hours of sunlight on 21<sup>st</sup> March. I have no objection to the proposed quantity or quality of the proposed communal open space and consider that it would provide sufficient amenity for future occupants. It is noted that no concerns have been raised in this regard by the planning authority.
- 10.5.7. The development plan and the Apartment Guidelines also set out standards for private open space, in this regard 5sqm per 1-bed, 7sqm per 2-bed (4 person) and 9sqm per 3-bed. It is noted that each apartment has been provided with a balcony which reaches or exceeds these standards.

## 10.6. ***Residential Amenity***

- 10.6.1. The subject site is bound to the east and west by public roads, to the south by the Southgate Shopping Centre and to the north by a 2-storey detached dwelling and a 2-storey commercial childcare facility. Concerns are raised by third parties that the proposed development would have a negative impact on the residential amenities of existing residents, in particular on Colpe House to the north and residents of Grange Rath to the east.

### *Overlooking / Overbearing Impact*

- 10.6.2. As noted above, the scheme comprises 5 no. blocks with a height of 5 storeys. Block 2 is located c. 22m from the site's northern boundary with Copse House and c. 33m

from the rear elevation of the existing dwelling. While it is noted that the proposed development would be visible from the existing dwelling Copse House having regard to the separation distances, the limited height of the scheme and the proposed boundary treatments and landscaping which includes appropriate screening it is my view that the proposed development would not result in undue overlooking or have an overbearing impact on Copse House.

10.6.3. At the sites eastern boundary, Block 3 is located a minimum of 25 m from the gable (side) of no. 1 The Boulevard. Blocks 3, 4 and 5 are also in excess of 35m from the front elevation of existing dwellings on Park Crescent. Having regard to the separation distances provided, the orientation of the existing dwellings and the proposed development and the limited height of scheme, it is considered that the proposed development would not result in any undue overlooking or having an overbearing impact on existing dwellings located to the east of the subject site within Grange Rath. At the sites western boundary, Block 1 is located a minimum of c. 46 m from the gable (side) elevation of existing 2-storey dwelling at 22a Colpe Crescent, on the opposite side of the R132 – Dublin Road. The proposed scheme does not directly oppose any dwellings fronting onto the R132. At the sites southern boundary, Block 5 is located c. 120m from the existing apartments in the Southgate development. Having regard to the separation distances provided and the limited height of scheme, it is considered that the proposed development would not result in any undue overlooking or having an overbearing impact on existing dwellings located to the west of the subject site, within the Colpe Residential estate or to the south of the site within the existing Southgate apartments.

10.6.4. Objective DM OBJ 22 of the development plan states that any residential development proposal which exceeds three or more storeys in height shall demonstrate adequate separation distances having regard to layout, size and design between blocks to ensure privacy and protection of residential amenity. The separation distances between the blocks varies, with a maximum separation distance of 34m provided between Block 1 and 4 and a minimum separation distance of c. 6 m between Blocks 3 and 4 and Blocks 4 and 5. It is proposed to provide louvres on windows of Blocks 3, 4 and 5 to prevent direct overlooking of opposing windows. It is noted that these units are all dual aspect. I have no objection to the provision of louvres to prevent undue



overlooking and consider them an appropriate design feature in this instance. It is my opinion that the design and layout of the blocks provides for a hierarchy of spaces within the scheme and that the proposed separation distances achieves a balance between protecting the residential amenities of future occupants from undue overlooking and overbearing impact and achieving high quality urban design, with attractive and well connected spaces that ensure a sense of enclosure and passive overlooking of public / communal spaces. It is, therefore, my opinion that the proposed layout is in accordance with Objective DM OBJ 22.

- 10.6.5. Concerns were also raised by third parties regarding overlooking the childcare facility. Block 2 is located c. 22m from the northern boundary with the childcare facility. Windows and balconies are provided on the northern elevation of Block 2, which directly oppose the outdoor play space. Having regard to the separation distances, the limited height of the scheme and the proposed boundary treatments and landscaping which includes appropriate screening it is my view that the proposed development would not result in undue overlooking or have any negative impact on the operation of the childcare facility.

*Daylight / Sunlight*

- 10.6.6. Objective DM OBJ 56 of the development plan states that daylight and sunlight levels should, generally, be in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011). The Building Height Guidelines also seeks compliance with the requirements of the BRE standards and associated British Standard (note that BS 8206-2:2008 is withdrawn and superseded by BS EN 17037:2018), and that where compliance with requirements is not met that this would be clearly articulated and justified. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.
- 10.6.7. The applicant's assessment of daylight, sunlight and overshadowing relies on the standards in the BRE Report "Site Layout Planning for Daylight and Sunlight";
- 10.6.8. I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for

daylighting). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK) I am satisfied that this document / updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines.

*Internal Daylight, Sunlight and Overshadowing*

- 10.6.9. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does, however, state that where a room serves a dual purpose the higher ADF value should be applied.
- 10.6.10. The proposed apartment layouts include a combined kitchen/living/dining room. As these rooms serve more than one function the 2% ADF value was applied to the apartments. The applicant has stated that 100% (560 no.) of habitable rooms assessed achieve the minimum recommended ADF target of 1% for bedrooms and 2% for LKD. The report also includes an assessment of Daylight Distribution (also referred to as No Sky Line) within the habitable rooms, which indicates the extent of light penetration into the room. The analysis indicates that 98% (548 no.) habitable rooms assessed would achieve the recommended Daylight Distribution of 80% or more. A detailed assessment of each block has been provided in Section 6 of the Daylight, Sunlight and Overshadowing Report.
- 10.6.11. An Annual Probable Sunlight Hours (APSH) assessment has also been undertaken for 480 no. windows relevant for the assessment, in this regard windows orientated 90 degrees of due south. The assessment indicates that 76% (363 no.) windows reach

or exceed the BRE winter APSH of 5% and 49% (233 no.) reach or exceed the APSH of 25%.

- 10.6.12. The analysis notes that 106 no. windows that fall below the annual APSH criteria and 14 no. that fall below the winter APSH serve bedrooms, which the BRE guidelines consider less sensitive than kitchens. With regard to KLD windows the analysis indicates that 103 no. windows fall below the recommended winter APSH and 141 no. fall below the APSH. It is stated that these windows are orientated east or west and, therefore, have limited access to the sun and are also located beneath balconies, which further limits available sunlight hours.
- 10.6.13. Having regard to the information submitted I am satisfied that all of the rooms within the scheme would receive adequate daylight and sunlight and that the shortfalls outlined above are not significant in number or magnitude. I would also note, that in urban schemes there are challenges in achieving the recommended standards in all instances, and to do so would unduly compromise the design / streetscape.
- 10.6.14. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21<sup>st</sup> March. Appendix III of the applicant's analysis indicates that 95.9% of shared amenity spaces would receive 2 hours of sunlight on the 21<sup>st</sup> March. The analysis also assessed 16 no. sample balconies at a variety of locations within the scheme. The illustration in Appendix III indicates between 75% and 100% of private open space would receive 2 hours of sunlight on the 21<sup>st</sup> March. This indicates that the areas of open space provided within the scheme would receive good quality access to sunlight.

*External Daylight, Sunlight and Overshadowing*

- 10.6.15. The Daylight, Sunlight and Overshadowing report also assessed the potential impact of the development at 7 no. neighbouring residential properties, in this regard 1 -7 Park Crescent to the north east of the subject site and Copse House and the Grange Pre-School to the west and north west of the subject site with regard to Vertical Sky Component, Daylight Distribution and Annual Probably Sunlight Hours (APSH). The

report states that the scope of the adjacent buildings assessed was determined as a reasonable zone having regard to proximity to the subject site and orientation relative to the proposed development. I have no objection to the number of neighbouring properties assessed and consider it adequate having regard to the criteria outlined above.

- 10.6.16. The analysis indicates that numbers 1-6 Park Crescent would comply with the BRE recommendations in relation to Vertical Sky Component, Daylight Distribution and Annual Probably Sunlight Hours (APSH) and, therefore, the impact of the proposed development would be negligible.
- 10.6.17. The assessment indicates that of the 14 no. windows at no. 7 Park Crescent 1 no. window would experience an alteration of 21% in VSC due to the proposed development. It is noted that this is below the recommended 27% VSC set out in the BRE guidelines. The report notes that the internal layout of this house is assumed. It is considered that the room affected would also be served by an additional window and that the room as a whole would retain a daylight distribution of over 97%. While the reduction in VSC is noted it is my opinion that this is a minor change and that the existing room would receive adequate daylight. All windows assessed met the recommended criteria for APSH. Therefore, it is also considered that the rooms would receive adequate sunlight.
- 10.6.18. With regard to Copse House and the Grange Childcare facility to the north of the subject site the report notes that it was not possible to determine the exact location of windows on the facades of these buildings. The analysis states that the majority of the facades facing the subject site would retain between 35% - 40% VSC which is in excess of the 27% recommended by the BRE Guidelines, this is illustrated in Figure 8 of the assessment. This indicates that high levels of daylight would be retained at windows within Copse House and The Grange Childcare Facility with the proposed development in place.
- 10.6.19. The majority of Site facing facades will also retain 40%+ APSH, which is in excess of the 25% recommended by the BRE Guidelines, this is illustrated in Figure 9 of the assessment. This indicates that high levels of sunlight will be retained by windows within Copse House and The Grange Childcare facility with the proposed development in place.

10.6.20. The report also assessed the impact of the development on adjacent amenity spaces. The BRE guidelines recommend that at least half of the amenity areas should receive at least 2 hours of sunlight on 21<sup>st</sup> March. Figure 10 of the assessment indicates that all adjacent amenity spaces would be in excess of the BRE Guidelines.

10.6.21. While it is acknowledged that the proposed development would be visible from adjacent properties. Having regard to the information submitted, which is robust and evidence based, it is my view that it would not result in any undue overshadowing of the adjacent properties. It is also noted that the planning authority raised no concerns regarding any potential overshadowing of adjacent properties.

## 10.7. **Transportation**

10.7.1. The subject site is located at Southgate c. 3km southeast of Drogheda Town Centre. It is located to the west of the R132 Dublin Road. The R132 is a heavily trafficked routed that links the subject site to Drogheda. There is a footpath on both sides of the R132 Dublin Road with a cycle track on the eastern side, immediately adjacent to the site. The cycle track and footpath are segregated from the carriageway by a grass verge and guardrail. To the east the site is bound by Park Heights, which is an internal estate road associated with Grange Rath residential estate. There is a footpath on the opposite side of Park Heights and a grass verge immediately adjoining the site.

10.7.2. Concerns are raised by third parties that the surrounding area has poor quality pedestrian and cycle connectivity, and that further housing should not be approved until footpaths and cycleways are provided. Having carried out a site visit on the 20<sup>th</sup> October 2021 it is my view that the pedestrian environment is of high quality with continuous connectivity to Drogheda town centre and environs and to the adjacent Southgate shopping centre.

10.7.3. The site is also served by public transport in the form of bus with a bus stop located on the Dublin Road c. 180m from the subject site. Details of routes serving the site are provided in table 2.1 of the applicants Traffic Impact Assessment. The site is also located c. 2km south of Drogheda Rail Station. Having regard to the above, it is my view that the subject site is highly accessible by public transport.

- 10.7.4. Vehicular access to the site is proposed from the sites north eastern boundary. There is an existing vehicular access to a surface car park from the roundabout on Park Heights / The Boulevard. It proposed to create a new entrance (as the fourth arm of the existing roundabout) and remove the existing access arrangements to the site. Concerns were raised by third parties that the surrounding road network is currently at capacity and that the proposed development would lead to further traffic congestion and longer delays.
- 10.7.5. The TRICS database was used to estimate the number of trips potentially generated by a development of 201 no. apartments. TRICS estimated that a development would generate 57 no. trips (19 no. arriving and 38 no. departing) in the AM peak and 71 no. trips (44 no. arriving and 27 no. departing) in the PM peak. This indicates a very low level of trips generated by the development which would be insignificant on the surrounding road network. Concerns are raised by the planning authority and third parties that the trip generation data utilised from TRICS may not be comparable to the proposed development. Details of the TRICS output are provided in Appendix B of the applicants Traffic Impact Assessment. Having regard to the nature and scale of the proposed development, the number of car parking spaces provided within the scheme, its proximity to public transport and to Drogheda town centre (2km), which provides a wide range of amenities and services, it is my opinion that the number of estimated trips provides a reasonable representation of the number of trips that would be generated by the proposed development.
- 10.7.6. Counts were undertaken at 3 junctions within close proximity of the proposed development. In this regard Junction 1: Park Gate / Colpe Road Priority Junction . the counts were undertaken on Thursday 23<sup>rd</sup> May 2019 between the hours of 07.00 – 10.00 and 16.00-19.00. Junction 2: R132 Dublin Road / Colpe Road Roundabout and Junction 3: R132 Dublin Road / Beamore Road Roundabout. The counts for Junctions 2 and 3 were carried out on Thursday 25<sup>th</sup> May 2017 between the hours of 07.00 – 10.00 and 16.00-19.00. The counts indicate that the peak periods are 08.15 – 09.15 and 17.30 – 18.30. It is noted that these traffic counts were carried out in 2017 and 2019, however, having regard to the impact of Covid related travel restrictions it is my view that these figures provide an accurate representation of traffic movements at the junctions.

- 10.7.7. The Traffic and Transport Assessment analysed 4 no. junctions,
- Junction 1: Proposed Site Access / Park Heights / The Boulevard Roundabout;
  - Junction 2: Park Gate / Colpe Road;
  - Junction 3: R132 Dublin Road / Colpe Road Roundabout; and
  - Junction 4: R132 Dublin Road / Beamore Road Roundabout.
- 10.7.8. Table 5.7 of the applicants TTA provides a breakdown of the impact of the development at the 4 key junctions during the peak periods for 2022, 2027 and 2037 and figure 5.6 indicates the likely increase in vehicular trips generated by the development in 2037 at all 4 no. junctions. The modelling indicates that the proposed development would have a material impact on Junction 1 as the level of traffic generated by the development would increase the vehicular movements at the junction by more than 10%. This is the threshold set out by TII 'Guidelines for Traffic Impact Assessments'. Therefore, further assessment of Junction 1 is required. It is considered that the impact at all other junctions would be immaterial and further assessment was not carried out.
- 10.7.9. The information provided in the TTA indicates that all arms of junction 1 work within capacity with and without the development for peak periods during 2022, 2027 and 2037. The worst case was noted at the Park Gate with a maximum RFC of 0.19 and queue lengths of 0.3 PCU in the PM peak (2027). While it is acknowledged that the proposed development would increase traffic movements on the roundabout / Junction 1 the information submitted indicates that this junction works well below capacity and that the proposed development would not impact on traffic flows or congestion at this junction.
- 10.7.10. Third parties have raised concerns that the applicants TTA did not fully assess the impact of the development on Junction 2 (Park Gate / Colpe Road). The modelling indicates that the proposed development would increase the number of vehicular trips by 5.01% at Junction 2 in the PM peak in 2022, which is significantly below the 10% threshold set out in TII Guidance. The Guidance also states that were an existing network experiences congestion during the peaks, an increase above 5% of existing trips generated by a new development should be modelled. Details of Ratio Flow

Capacity or Queue lengths for Junction 2 have not been provided. However, having regard to the assessment carried out for Junction 1, which is linked to Junction 2 and the traffic count data and distribution shown on diagrams provided in Appendix 1, in particular Figure 2, it is my opinion that Junction 2 does not experience traffic congestion and, therefore, in accordance with TII guidance there is no requirement for the applicant to model this junction, as the proposed development would not generate above 10% of existing traffic at the junction.

10.7.11. The planning authority's Transportation Department also raised concerns regarding the capacity of the Park Gate / Colpe Road junction (Junction 2) given that this junction is a priority junction, which inherently limits its capacity, it is recommended that the applicant submit for agreement detailed design of improvement works, including traffic lights, to provide safe access for vehicles, pedestrians and cyclists and that these works should be carried out prior to occupation of any of the proposed residential units. As noted, Junction 2 is a priority junction (Colpe Road). Therefore, queuing may be experienced on Park Gate, and it is noted that photographic evidence of queuing on Park Gate has been submitted with third party submissions. I would agree with the planning authority's Traffic Department that to increase capacity for Park Gate infrastructural improvement works would be required at this junction. However, it is my view that the traffic generated by the proposed development in the peak periods would have an insignificant impact at this junction and that any improvements to the junction, including traffic lights would be to improve pedestrian and cyclist safety at this junction and would not be required to accommodate the increased number of vehicular trips generated by the proposed development.

10.7.12. Third parties raised concerns regarding the impact of traffic generated by the proposed development on Julianstown, which is located to the south of Drogheda and currently experiences high volumes of commuter traffic. The third party submission from Fred Logue (Protect Meath East) includes a copy of 'Julianstown R132: Preliminary Business Case report (2018)' which was prepared on behalf of Meath County Council. From the information submitted it would appear that traffic congestion is experienced in Julianstown, and it is noted that Meath County Council are investigating potential new road infrastructure in the area. Options include a new distributor road to the south



of Drogheda, a by-pass of Julianstown or a new link road from the M1 to the R132 north of Julianstown.

- 10.7.13. The applicants TTA acknowledged traffic congestion in Julianstown and refers to the Julianstown R132: preliminary Business Case report (2018). The TTA utilised traffic count data from the TII traffic counter (TMU R132 090.0N) which is available on their website. The modelling indicates that the proposed development would increase vehicular trips at Julianstown by 2.07% in the AM peak and 1.67% in the PM peak in 2037. Therefore, in accordance with TII guidance a detailed assessment is not required. The concerns of the third parties regarding the potential impact on congestion in Julianstown are noted, however, having regard to the information submitted it is my opinion that the proposed development would have a negligible impact on the capacity of the surrounding road network and is not dependant on the provision of new road infrastructure to accommodate the proposed development. It is also noted that the planning authority and TII raised no concerns regarding the impact of the development on the capacity of the road network within Julianstown.
- 10.7.14. It is noted that the TTA also carried out an assessment of the potential impact of the proposed development on the capacity of the road network (James Street / John Street Junction and R167 Shop Street / South Quay Junction) in Drogheda Town Centre. The results of this assessment indicate that there is an insignificant impact on the capacity of the network within Drogheda.
- 10.7.15. While the concerns raised by third parties and the planning authority are noted, it is my view that having regard to the information submitted, which is evidence based and robust, the proposed development would have a negligible impact on the capacity of the surrounding road network. It is also noted that TII raised no objections to the proposed development.
- 10.7.16. Concerns were raised by third parties that the increased number of vehicular trips associated within the proposed development would pose a safety risk to children walking to school. A Social and Community Infrastructure Audit was submitted with the application which indicates the location of schools and a variety of services and amenities in the vicinity of the site. It is noted that there is an extensive high quality footpath network between the site and these services and facilities. The Quality Audit

submitted with the application also indicates that there were only 2 minor road traffic incidents in the vicinity of the site in a 12 year period (2005 – 2016). It is my opinion that the proposed development would not result in an increased risk to pedestrians.

10.7.17. Concerns are raised by third parties that insufficient consideration was given to alternative access arrangements to the site, including access from the existing roundabout serving the Southgate centre. The information provided in the applicants TTA indicates that the proposed access arrangements would have an insignificant impact on the capacity of the surrounding road network. A DMURS Design Statement has also been submitted indicating that the proposed layout is in compliance. In addition, a Quality Audit was submitted which raises no safety concerns regarding the proposed access arrangements. Having regard to the information submitted, which is robust, and evidence based I have no objection to the location of the proposed vehicular access / egress and it is noted that the planning authority raised no objection to the access arrangements

10.7.18. The submissions from third parties state that the vehicular access is proposed from common areas within Grange Rath residential estate, that are controlled by a private management company. Therefore, there is no provision for the applicant to gain access via these lands. Drawing no. 17007 submitted by the applicant indicates that the redline boundary and lands within the ownership of the applicant extend to the public road at Park Crescent and, therefore, does not require any third party agreements. Section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. It should be noted that under section 10 subsection 6 of the Planning and Development (Housing) and Residential Tenancies Act 2016 a person shall not be entitled solely by reason of a permission to carry out any development. Therefore, I consider that the disputes between the parties in relation to land ownership or rights of way are ultimately civil / legal issues that would be dealt with more appropriately outside of the planning process.

## *Car Parking*

- 10.7.19. Objective DM OBJ 161 of the development plan requires that car parking be provided in accordance with Table 11.4 and associated guidance notes. Table 11.4 requires 2 no. car parking spaces be provided per apartment. Therefore, there is a requirement for 402 no. car parking spaces to serve the proposed development. It is proposed to provide 181 no. car parking spaces or 0.93 no. spaces per unit, which is below the standard set out in the plan. The planning authority state that the proposed development is located in a peripheral and / or less accessible urban area and consider that there is a car parking requirement of 252 no. spaces to serve the proposed development, comprising 201 long stay and 51 no. visitor spaces. This figure does not relate to the current or previous development plan standards. However, it would appear that the planning authority are requesting 1 no. space per unit and 1 no. visitor space per 4 no. units.
- 10.7.20. Concerns are raised by third parties regarding an under provision of car parking and the planning authority state that the proposed 181 no. spaces represents a significant shortfall and is likely to result in overspill of parking onto adjacent streets. The applicant carried out a car parking survey of the existing apartments within the Southgate mixed use development. The survey found that these units currently have a ratio of 0.7 no. vehicles per household, which is below the ratio of 0.93 no. spaces per unit proposed in the subject scheme. It is my view that the proposed development would generate a similar requirement for car parking as the existing adjacent scheme, and, therefore, it is considered that sufficient car parking has been provided to serve the proposed scheme and would not result in overspill car parking onto the surrounding road network.
- 10.7.21. In addition, it is noted that the development plan includes a caveat relating to car parking standard. This caveat references the Design Standards for New Apartments in relation to reduce car parking requirement for developments adjacent to existing and future rail stations and also notes that minimum requirements in peripheral/or less accessible urban locations are required. The subject site is located immediately adjacent to the Southgate shopping centre, c. 2km from the rail station, 3km from Drogheda town centre and is in close proximity to a number of bus stops along the Dublin Road and Colpe Road. In my opinion that the site is located within an urban

area that is well served by public transport and in close proximity to a variety of services and amenities and is not located in a peripheral or less accessible urban location and, therefore, in accordance with the plan as the minimum car parking standards are not required in this instance.

10.7.22. In addition, Section 11.11.1 of the plan states that one of the cross cutting themes of the development plan is to encourage a shift to more sustainable forms of transport. The provision of sufficient car parking is important particularly in areas of the County which are currently poorly served by public transport networks. Therefore, the rationale for the application of car parking standards is to ensure that consideration is given to the accommodation of vehicles in assessing development proposals while being mindful of the need to promote a shift towards more sustainable forms of transport. As outlined above, it is my opinion the proposed development is located in an urban area and it is my view that sufficient car parking has been provided within the scheme, therefore, the proposed level of car parking is considered to be in accordance with the provisions of Section 11.11.1 of the plan.

10.7.23. Having regard to the above it is my opinion that the proposed level of car parking is appropriate at this location to serve the proposed development and would not result in overspill onto the surrounding road network and is in accordance with the provisions of the development plan.

10.7.24. Concerns are also raised by third parties that the proposed level of car parking is a material contravention of the car parking standards as set out in the previous development plan. The applicant submitted a material contravention statement with regard to car parking standards as set out in the previous development plan. In this regard section 11.9 of the Meath County Development Plan 2013 – 2019 (as extended) set out the following Car Parking Standards for flats / apartments as follows 1.25 no. spaces per 1 and 2 bedroom units; 2 no. spaces per 3-4 bedroom units and 1 no. visitor space per 4 apartments. This results in a requirement of 315 no car parking spaces to serve the proposed development. Variation No. 1 of the LAP for the Southern Environs of Drogheda also states that car parking spaces shall be provided in accordance with the Meath County Development Plan. It is noted that the current development states that while the LAP remains in place if there are any inconsistencies the new development plan takes precedence. Having regard to the

caveat included in the car parking standards in the new development plan which provide a reference to the standards in the Apartment Guidelines it is my view that the proposed level of car parking is not a material contravention. It is also noted that the planning authority did not raise any concerns regarding a material contravention of car parking standards. The issue of material contravention in Section 10.12 below.

10.7.25. The planning authority also raised concerns regarding the proposal to rent the car parking spaces to future occupants. The Parking Strategy report submitted with the application notes that all car parking spaces would be reserved for the residential units, however, they would not be assigned to any of the units as the spaces would be available to rent from the management company. While I consider that sufficient car parking is provided within the site to serve the proposed development, I agree with concerns raised by the planning authority regarding the renting of car parking spaces. It is, therefore, recommended that a condition be attached to any grant of permission that car parking be solely reserved for the proposed residential units.

10.7.26. Concerns were also raised by third parties regarding the lack of e-charging points provided within the scheme. I would agree with the concerns raised and considered that this issue could be addressed by way of condition.

#### *Southgate Shopping Centre*

10.7.27. The subject site is located north of the existing Southgate Shopping Centre. Permission was granted (PL17.238119, Reg. Ref. SA100928) in 2011 and in 2017 (Reg. Ref. LB171243) for 80 no. surface car parking spaces on a portion of the subject site to serve the existing Southgate shopping centre. It is noted that these spaces have not been constructed to date. There is also a current application (Reg. Ref. 211001) for an overflow car park with 100 no. spaces located to the south of Colpe Road on lands within the ownership of the applicant. This car park would be restricted to employees of Businesses within the Southgate District Centre. Further Information was requested in July 2021.

10.7.28. The planning authority and third parties note the current application (Reg. Ref. 211001) for overflow car parking facilities (100 no. spaces) for employees of Southgate Shopping Centre on a site located to the south of the shopping centre on the opposite side of Colpe Road and that this is in addition to the extant permission for 80 no.

additional car parking spaces (LB171243) on the subject site. It is considered that this would suggest that the existing parking provision at Southgate Shopping Centre is inadequate to service the site, without taking into consideration the increased parking demand created by the proposed development. The lack of parking is compounded by the loss of 12 no. existing space required to create the footpath and cycleway.

10.7.29. Appendix 1 of the applicants TTA includes a technical note to assess the level of car parking capacity at the Southgate Shopping Centre. The applicant carried out residential car parking surveys and traffic counts to ascertain the car parking requirement for the existing Southgate mixed use development. The technical note also states that the proposed additional 100 no. car parking spaces are intended to serve the future expansion of the Southgate shopping centre, in this regard an aparthotel, retail use and commercial office space. It is noted that there is no planning permission relating the expansion of the shopping centre.

10.7.30. There are 5 no. separate car parking areas within the Southgate development, in this regard 2 no. public car parking areas with a total of 459 no. spaces, a 192 no. staff car park and 2 no. residential parking areas with a total of 78 no. spaces. Public car parking is provided in 2 no. separate areas. Area 1 is located to the front of the shopping centre and accommodates 89 no. spaces, 79 of which were surveyed. The surveys indicate that these spaces have a high occupancy rate with a maximum of 69 no. spaces (87%) occupied during the survey period. Area 2 is located to the rear of the shopping centre and accommodates 370 no. spaces. The level of occupancy for these spaces is relatively low with a maximum of 213 no. vehicles (58%) during the survey period. The turnover rate for both Area 1 and 2 is high with an average stay of between 0 – 1 hour. With regard to the staff car park the survey indicates long term car parking with an average stay of 8-9 hours. A maximum of 132 no. vehicles (69%) were recorded during the survey period . Having regard to the survey results it would indicate that there is spare car parking capacity within the shopping centre and that it is not reliant on the subject site for overflow car parking or on the proposed 100 no. space car park to the south of Colpe Road.

10.7.31. It is also noted that the previously approved 80 no. spaces located on a portion of the subject site have not been constructed to date. It is, therefore, my opinion that that loss of the previously approved car parking would not impact on the continued

operation of the shopping centre. It is also noted that car parking within Southgate shopping centre is unrestricted for visitors and staff and in the future should car parking capacity become an issue that this could be managed by the introduction of pay and display parking or other restrictive measures.

- 10.7.32. The survey also reviewed car parking for the existing apartments with the Southgate development. There are currently 78 no. dedicated spaces to serve 64 no. residential units. During the survey period there was a maximum of 47 no. vehicles which indicates a car parking ratio of 0.7 vehicles per unit. It is assumed that this represents the maximum occupancy of the residential car park and indicates that there is spare capacity within the residential element of the development.
- 10.7.33. In the interest of clarity, it is also my opinion that the current application for 100 no. car parking spaces to the south of the Southgate shopping centre does not form part of the subject site and having regard to the information submitted with the application it would appear that the existing car parking is underutilised and that the proposed development or the existing Southgate development are not reliant on these potential future car parking spaces for its continued or future operation, therefore, it is not considered relevant in the assessment of the proposed development.
- 10.7.34. The planning authority also raised concerns that the Parking Strategy Document suggests that the adjacent public car park associated with the Southgate Shopping Centre could be used to alleviate the parking demand. This area is outside of the redline boundary and the applicant does not appear to have any formal arrangement in place. It is my opinion that sufficient car parking has been provided to serve the proposed development and that the scheme is not reliant on car parking within adjacent sites.

#### *Delivery / Servicing*

- 10.7.35. Third parties raised concerns regarding a lack of delivery / service vehicles set down area within the scheme. It is my opinion that short term stay can be accommodated on the internal east – west route and in the surface car parking areas. It is also noted that the planning authority raised concerns regarding insufficient circulation area for

refuse trucks and that the scheme should be designed to accommodate 11 m trucks. Bin storage areas are proposed at the site's eastern and western boundaries. No auto track drawings have been submitted. However, it is noted that there is potential for refuse collection from both the vehicular access from Park Crescent or from the internal roundabout associated with the Southgate Shopping Centre. It is my opinion that the collection of refuse can be co-ordinated by the management company to ensure it does not cause an obstruction to future residents and that there is no requirement to redesign the internal road layout of the scheme.

### *Cycle Parking*

- 10.7.36. Policy DM OBJ 168 requires the provision of cycle parking facilities in accordance with Table 11.6. Table 11.6 of the development plan sets out a cycle parking standard of 1 no. space per bedspace for residential developments and 1 no. visitor space per 2 no. apartments. Therefore, there is a requirement for 365 no. long stay cycle parking spaces and 100 no. visitor / short stay spaces. It is noted that the standards in the development plan reflect the cycle parking standards as set out in the Apartment Guidelines, which are considered to be overly generous.
- 10.7.37. The proposed development includes 300 no. cycle parking spaces, in this regard 236 no. spaces at basement level and 64 no. spaces at surface level. It is intended that the surface level spaces would be for short term / visitor use. Concerns are raised by third parties and the planning authority regarding the under provision and quality and design of the cycle parking spaces. While it is noted that the provision of cycle parking is below the standards set out in the development plan it is my opinion that the quantity and quality of cycle parking storage is adequate to serve the proposed development.
- 10.7.38. The quantum of cycle parking relates to a standard in the development plan. In addition, the standards in the Apartment Guidelines do not relate to a Specific Planning Policy Requirement (SPPR). No concerns were raised by third parties or the planning authority regarding a material contravention of the plan and it is my opinion that the quantum of cycle parking would not be a material contravention.

### *Construction Phase*

- 10.7.39. Third parties state that clarification is required regarding vehicular access during the construction phase. The applicants Construction Management Plan provides details



of the proposed construction management arrangements and states that all construction traffic would access the site from the north western boundary. I have no objection to the proposed construction arrangements as outlined. It is noted that a detailed Traffic Management Plan would be prepared as part of the Construction Safety Plan for the development. It is recommended that a condition be attached to any grant of permission that final details be agreed with the planning authority.

#### 10.8. **Water Services**

- 10.8.1. Concerns are raised by third parties that there is no capacity in the water and wastewater systems to accommodate a development of this scale and that clarity is required from Irish Water in this regard. Irish Water acknowledged that the applicant has engaged with them in respect of the design proposal and has been issued with a Statement of Design Acceptance for the development.
- 10.8.2. The applicants Infrastructure Design report states that it is proposed to discharge foul water from the site by gravity to the existing 300mm diameter foul sewer in the north west corner of the site. It is noted from figure 2 that this is an error, and the sewer is located to the north east of the site, under the Grange Rath residential estate. The existing foul sewer extends to the site boundary. It is located under The Boulevard and is within the ownership of the applicant. The submission from Irish Water notes that based on the details provided there is sufficient capacity to discharge to the foul network. The submission also notes that the connection to the network is via third party infrastructure. However, having regard to the information submitted in Appendix G of the Infrastructure Design Report it would appear that the infrastructure is within the ownership of the applicant.
- 10.8.3. In respect of water availability, the submission from Irish Water notes that in order to facilitate connections for this proposed development local upgrade works will be required, at the applicant's expense.
- 10.8.4. The applicants Infrastructure Design Report that the scheme incorporates SuDS and that surface water would be attenuated on site. Attenuated surface water would be discharged to the existing sewer to the north east of the site under the roundabout within the Grange Rath residential estate. This sewer flows to the Stameen Stream c. 1km north of the subject site. Information submitted in Appendix G of the Infrastructure

Design Report indicates that the existing surface water drainage infrastructure is within the ownership of the applicant. The report of planning authority's Water Services Section raised no objection in principle to the proposed development, however, it is recommended that the final details of surface water management be agreed with the planning authority. It is my opinion that this could be addressed by way of condition.

- 10.8.5. Having regard to the information submitted and the submission from the Irish Water and the planning authority, I am satisfied that there is sufficient capacity within the system to accommodate the proposed development and are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.
- 10.8.6. The subject site is located within Flood Zone C. The OPW maps indicate that there is no record of historic flood on the site, however, pluvial flooding occurred to the south of the subject site, at the Southgate Shopping Centre on low lying lands. A Site-Specific Flood Risk Assessment (FRA) was submitted to consider pluvial flood risk to the proposed development.
- 10.8.7. The FRA identifies the potential risks as pluvial flooding from a blockage in the drainage system or from exceeding the design capacity. Surface water would be limited to greenfield run off rates which would be achieved through a combination of SuDS and traditional drainage. The FRA outlines SuDS proposals for the site, which includes green roofs, permeable paving, swales, hydroflow brake controls and attenuation. It is also noted that the potential for climate change has been allowed for in the design of the surface water drainage network and storage system. In the event of surface water exceeding the storage capacity, water would run towards open spaces, where controlled flooding would occur, away from the residential units.
- 10.8.8. Specific mitigation measures are outlined in Section 4.6 of the FRA and include regular maintenance of the drainage system and ensuring the system is designed in accordance with national guidelines and best practice.
- 10.8.9. Having regard to the sites location in Flood Zone C and to the information submitted I am satisfied that the proposed development would not result in a potential flood risk within the site or to any adjoining sites and I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.

## 10.9. ***Ecology***

- 10.9.1. Concerns are raised by third parties that the development of subject site would result in the loss of a natural habitat for wildlife.
- 10.9.2. A habitat survey was carried out on the 18<sup>th</sup> November 2020. The applicants EclA notes that the subject site originally formed part of a larger agricultural landholding that included the Grange Rath residential estate and the Southgate Shopping Centre. The site was cleared and covered in gravel hardcore during the construction of Grange Rath c. 10 years ago and has been closed off and fenced since then. At present there are no natural habitats remaining at the subject site. A stockpile of stone and soil remains in the northern side of the site. Treelines and hedgerows along the sites boundaries potentially provides shelter and nesting habitat for birds, small mammals and bats. The EclA concludes that the habitats are highly modified and disturbed and are considered of low ecological value.
- 10.9.3. The submission from the DAU raised no objection in principle to the proposed development, however, it recommended that no vegetation be removed from the development site during the bird breeding season, as this could be expected to lead to the direct destruction of eggs and nestlings. It is my view that this could be addressed by way of condition.
- 10.9.4. The proposed development also includes extensive landscaping proposals. The submission from the DAU notes that planting within the proposed development should provide potential new nest sites to compensate for some nest sites lost as a result of scrub clearance.
- 10.9.5. The site was surveyed for bat activity and roost potential in June 2020. No bat roosts were found in the trees however, bat foraging activity was noted during the survey. A total of 4 no. species were recorded at the site, in this regard common pipistrelle, Soprano pipistrelle, Brown Long eared bat and Leisler's Bat. Full details of the Bat Assessment are included in Appendix V of the EclA. It is noted that the proposed development would not result any tree loss. The submission from the DAU raised no objection in principle to the proposed development, however, they agreed with the recommendation in the EclA that the installation of bat friendly lighting would be

appropriate to minimise the impacts of the development proposed on all four species. It is my view that this could be addressed by way of condition.

- 10.9.6. The EclA also addressed the potential impacts on mammals, fish, amphibians, invertebrates and other species and considered that due to the characteristics of the site and the nature of the species that they were not likely to be at risk and no further assessment was required.
- 10.9.7. Section 7 of the EclA sets out a number of mitigation measures to protect ecology within the site. The measures include retention of vegetation and trees where possible, incorporation of bat friendly lighting, no removal of vegetation during nesting season and the appointment of an ecological Clerk of Works during the construction phase.
- 10.9.8. The concerns of the third parties are noted, however, having regard to the contents of the Ecological Impact Assessment, which is evidence based and robust, and the submission from the DAU, it is my view that sufficient information has been submitted to fully assess the impact of the development and it is considered that the proposed development would not have a significant negative impact on the biodiversity of the site.

#### 10.10. **Social Infrastructure**

- 10.10.1. In accordance with Policy SOC POL 6 of the development plan the applicant submitted a Social Infrastructure Assessment to determine if social and community facilities in the area are sufficient to provide for the needs of the future residents. Concerns are raised by third parties that the applicants Social and Community infrastructure Audit Report is incomplete and inaccurate and that there is inadequate social infrastructure in the vicinity of the site to accommodate the additional population generated by the proposed development.
- 10.10.2. The proposed development does not include a childcare facility. Figure 8 of the applicant's assessment identifies existing childcare facilities in the vicinity of the site, including the adjacent Grange childcare facility. This existing facility is in the ownership of the applicant and was developed part of the Grange Rath residential estate. This facility provides services for children up to 5 years of age and has a staffing level of 16 no. employees. The childcare facility has a capacity of 98 spaces. It is stated that

there is an additional 156sqm of floor space within the facility which is not currently being used. This space has capacity for c. 50 no. additional childcare spaces and would accommodate the demand generated by the proposed development. A letter from the owner of the childcare facility the extent of unused area within the facility which could be expanded into subject to the demand arising from the proposed development is included an appendix to this report, confirming. The proposed development includes 148 no. 2 and 3 bedroom apartments, which would generate a demand for 39 no. childcare space, based on 20 no. spaces per 75 no. units. Having regard to the proximity of the existing childcare facility to the proposed development and the available capacity I am satisfied that that there is sufficient capacity in the adjacent facility to accommodate demand generated by the proposed development. It is noted that the planning authority considered that the provision of an additional childcare facility within the proposed development would not be commercially viable and is not necessary.

- 10.10.3. The assessment included an analysis of primary and secondary educational facilities in the area, which indicates that there is sufficient capacity in the existing schools to accommodate demand generated by the proposed development. It is also noted that the planning authority considered that there is sufficient capacity within the existing schools.
- 10.10.4. The assessment also identified religious, sport and recreation and health services and facilities in the vicinity of the site. Having regard to the information submitted it is my opinion that there is sufficient social infrastructure within the immediate vicinity of the site to accommodate the future population generated by the proposed development. It is noted that the planning authority raised no concerns regarding social infrastructure to serve the proposed development.
- 10.10.5. Third parties also raised concerns that the proposed development would materially contravene SOC POL 5, SOC POL 25 of the development plan. SOC POL 5 requires, as part of all new large residential and commercial developments, and in existing developments, where appropriate, that provision is made for facilities including local/neighbourhood shops, childcare facilities, schools, and recreational facilities, and to seek their provision concurrent with development. Having regard to the site's proximity to the Southgate shopping centre and Grange Childcare facility, all within the

ownership of the applicant, it is my opinion that the proposed development is in accordance with the provisions of SOC POL 5.

10.10.6. SOC POL 25 aims to encourage the integration of healthcare facilities within new and existing communities and to discourage proposals that would cause unnecessary isolation or other access difficulties, particularly for the disabled, older people and children. Having regard to the wording of this objective and the sites proximity to health facilities within Drogheda town centre, c. 3km from the site, it is my opinion that the proposed development does not represent a material contravention of SOC POL 25 as it would not cause unnecessary isolation or other access difficulties, particularly for the disabled, older people and children.

10.10.7. Having regard to the above, it is my opinion that the proposed development would not materially contravene SOC POL 5, SOC POL 25 of the development plan and it is noted that the planning authority raised no concerns in this regard.

#### 10.11. ***Housing Tenure / Part V***

10.11.1. It is proposed to provide 21 no. units, which equates to 10% of the total number of units, under Part V. Section 9 of the Planning Report notes that the applicant has entered discussions with the Housing Department of Meath County Council. However, the report of the planning authority's Housing Department states that no discussions took place regarding Part V prior to submitting this application and clarification is required.

10.11.2. Concerns are raised by third parties that the development plan requires 16% provision for Part V housing and, therefore, the proposed development represents a material contravention of section 3.6.4 of the development plan. Objective SH OBJ 15 of the development plan requires that 10% of housing provision be provided under Part V. The proposed development is, therefore, considered to be in accordance with development plan. Notwithstanding this, the Affordable Housing Act, 2021 requires that land purchased on or after the 1<sup>st</sup> of August 2021 or prior to September 2015 must have a 20% Part V requirement. In this regard at least half of the Part V provision must be used for social housing. The remainder can be used for affordable housing, which can be affordable purchase, cost rental or both. The concerns of the third parties

regarding Part V obligations are noted. It is my view that the details of the Part V provision could be addressed by way of condition.

## 10.12. **Material Contravention**

- 10.12.1. The applicants Material Contravention Statement referenced Sections 11.2.2.7 and 11.9 of the previous Meath County Development Plan 2013 – 2019 (as extended), which required the provision of 1.25 no. car parking spaces per 1-2 bedroom units and 2 no. spaces per 3-4 bedroom units and 1 no. visitor space per 4 no. apartments which resulted in a requirement of 313 no. car parking spaces to serve the proposed development. It is noted that the applicants Material Contravention Statement does not address a potential material contravention of the new Meath County Development Plan 2021 – 2027 which came into effect on the 3<sup>rd</sup> November 2021 and was a draft plan when the application was lodged with An Bord Pleanála on the 5<sup>th</sup> August 2021.
- 10.12.2. With regard to the current plan, Objective DM OBJ 161 of the Meath County Development Plan 2021 – 2027 requires that car parking be provided in accordance with Table 11.4 and associated guidance notes. Table 11.4 requires 2 no. car parking spaces per apartment. Therefore, there is a requirement for 402 no. car parking spaces to serve the development. Variation No. 1 of the LAP for the Southern Environs of Drogheda also states that car parking spaces shall be provided in accordance with the Meath County Development Plan. It is noted that the current development states that while the LAP remains in place if there are any inconsistencies the new development plan takes precedence.
- 10.12.3. The proposed scheme includes 181 no. car parking spaces, which is below the standard set out in the current development plan. While it is noted that the quantum of car parking is below the standard set out in the plan it is my opinion that this is not material, as it does not relate to a specific policy of the development plan and there is flexibility in the wording of the plan with regard to car parking standards. It is also noted that the planning authority did not raise the issue of material contravention of car parking standards. In this regard the planning authority recommended that 252 no. car spaces be provided to serve the development, comprising 201 no. long stay spaces and 51 no. visitor spaces, which does not accord with the standards set out in the current or previous development plan.

- 10.12.4. The current development plan also allow for flexibility with regard to standards. In this regard it includes a caveat relating to car parking standards, which refers to the Apartment Guidelines, to reduce car parking requirements for schemes adjacent to existing and future rail station and also notes that minimum requirements in peripheral/or less accessible urban locations are required. The subject site is located immediately adjacent to the Southgate shopping centre, c. 2km from the rail station, 3km from Drogheda town centre and is in close proximity to a number of bus stops along the Dublin Road and Colpe Road. In my opinion that the site is located within an urban area that is well served by public transport and in close proximity to a variety of services and amenities and is not located in a peripheral or less accessible urban location. Therefore, the proposed scheme is in accordance with the provisions of the development plan as the minimum car parking standards are not required in this instance.
- 10.12.5. In addition, Section 11.11.1 of the current development plan also states that one of the themes of the development plan is to encourage a shift to more sustainable forms of transport and states that the rationale for the application of car parking standards is to ensure that consideration is given to the accommodation of vehicles in assessing development proposals, while being mindful of the need to promote a shift towards more sustainable forms of transport. Having regard to the site urban location and proximity to services and amenities it is my opinion that the proposed scheme is in accordance with Section 11.11.1 as sufficient car parking has been provided to serve the development which has been addressed above in Section 10.7.
- 10.12.6. Having regard to the above, it is my opinion that the proposed level of car parking (181 no. spaces) is appropriate at this location to serve the proposed development and is in accordance with the provision of the current development plan and, therefore, would not be a material contravention of the car parking standards set out in the Meath County Development Plan 2021 – 2027 of the Southern Environs of Drogheda Local Area Plan.

## 11.0 **Environmental Impact Assessment**

- 11.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within an EIA Screening Statement , and I have had regard to same in this screening



assessment. This report contained information to be provided in line with Schedule 7 of the Planning and Development Regulations 2001. The EIA screening report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

11.2. Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

11.3. Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

11.4. It is proposed to construct a 201 no. residential units on a site with a stated area of 1.74ha. The site is located on a greenfield site contiguous to the urban area of Drogheda (other parts of a built up area). The site is, therefore, below the applicable threshold of 10ha. There no demolition works proposed. There are limited excavation works with a basement level proposed under Blocks 1 and 2, fronting onto the R132 - Dublin Road. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural recourses, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Irish Water and Meath County Council, upon which its effects would be marginal. An Appropriate Assessment Screening Report was submitted with the application which noted that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites can be excluded and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out.

11.5. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. Section 3 of the EIA Screening Statement directly addresses the criteria set out in Schedule 7A. It is my view that sufficient information has been provided within the EIA Screening Report to determine whether the development would or would not be likely to have a significant effect on the environment.

11.6. Section 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Architectural Design Statement
- EIA Screening Statement
- Relevant Assessments Regulation 299B Statement
- Ecological Impact Assessment Report
- Appropriate Assessment Screening Report
- Infrastructure Design Report
- Site Specific Flood Risk Assessment
- Landscape and Visual Impact Assessment
- Operational Waste Management Plan
- Construction and Demolition Waste and By-Product Management Plan
- Construction Management Plan

- Energy and Sustainability Report

11.7. Section 299B (1)(b)(ii)(II)(C), requires the applicant to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. In this regard the applicant submitted a Section 299B Statement.

11.8. The list below relates to assessment that I have taken account of -

- The Birds Directive (Directive 2009/147/EC) and Habitats Directive (Council Directive 92/43/EEC) through the Appropriate Assessment Screening Report and Ecological Impact Assessment.
- The Water Framework Directive (WFD) (Directive 2000/60/EC) and The Groundwater Directive (Directive 2006/118/EC). The EIA Screening Report and Appropriate Assessment Screening Report have been informed by the water quality status.
- The Floods Directive (Directive 2007/60/EC) Risk Assessment through the Site-Specific Flood Risk Assessment (FRA) and the implementation of the Meath County Development Plan which undertook a Strategic Flood Risk Assessment (FRA).
- The Strategic Environmental Assessment (SEA) Directive 2001/42/EC through the zoning of the land for residential use, in accordance with the Meath County Development Plan which was subject to SEA.
- The Environmental Noise Directive 2002/49/EC. Meath County Council's Noise Action Plan 2019 was considered under the EIA Screening Report and AA Screening Determination.
- The Clean Air for Europe (CAFE) Directive 2008/50/EC was considered in the EIA Screening Statement.
- The Waste Framework Directive 2008/98/EC thorough the design of the proposed development and the mitigation measures set out in the Construction and Waste Management Plan and the Operational Waste Management Plan and the EIA Screening Statement.

- The Seveso Directive (Directive 82/501/EEC, Directive 96/82/EC, Directive 2012/18/EU). The proposed development site is not located within the consultation zones, therefore, this does not form a constraint to the proposed development at this location.
- Southern Environs of Drogheda Local Area Plan 2009 – 2015 (as extended).

11.9. The applicants EIA Screening Statement, under the relevant themed headings, considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening.

11.10. I have completed an EIA screening determination as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's EIA Screening Report.

11.11. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## 12.0 **Appropriate Assessment**

12.1. The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites.

12.2. The applicants AA Screening report notes that there is no direct hydrological connection to any designated sites.

- 12.3. The following 6 no. European sites are located within a 15km radius of the site and separation distances are listed below.

<b><i>European Site</i></b>	<b><i>Site Code</i></b>	<b><i>Distance</i></b>
Boyne Coast and Estuary SAC	001957	1.9km
River Boyne and River Blackwater SAC	002299	1.8km
Clogher Head SAC	001459	10.8km
Boyne Estuary SPA	004080	1.6km
River Boyne and River Black Water SPA	004232	4.3km
River Nanny Estuary and Shore SPA	004158	5.8km

- 12.4. The designated area of sites within the inner section of Boyne Estuary, namely the Boyne Coast and Estuary SAC and the River Boyne and River Blackwater SAC, are proximate to the outfall location of the Drogheda WWTP and could therefore reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

- 12.5. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the separation distances between the European sites and the proposed development site, the nature and scale of the proposed development, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological and hydrological pathways and to the conservation objectives of the designated sites which are detailed in Section 3.4 of the applicants Appropriate Assessment Screening Report.

12.6. ***Screening Assessment***

The Conservation Objectives and Qualifying Interests of sites in inner Boyne Estuary are as follows:

**Boyne Coast and Estuary SAC (001957)** - c 1.9km from the subject site

**Conservation Objective** - To maintain the favourable conservation condition of Estuaries in Boyne Coast and Estuary SAC

**Qualifying Interests/Species of Conservation Interest:**

Estuaries; Mudflats and sandflats not covered by seawater at low tide; Salicornia and other annuals colonizing mud and sand; Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*); Mediterranean salt meadows (*Juncetalia maritimi*); Embryonic shifting dunes; Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes'); \*Fixed coastal dunes with herbaceous vegetation ('grey dunes')

**River Boyne and River Blackwater SAC (002299)** - c. 1.8km from the subject site.

**Conservation Objective** – To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

**Qualifying Interests/Species of Conservation Interest:**

Alkaline fens; Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*); *Lampetra fluviatilis* (River Lamprey); *Salmo salar* (Salmon); *Lutra lutra* (Otter)

12.7. **Consideration of Impacts on Boyne Coast and Estuary SAC and the River Boyne and River Blackwater SAC**

It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.

Concerns are raised by third parties that potential hydrological links to the Boyne Estuary SPA and Boyne Estuary and Coast SAC have been dismissed by the applicant. Attenuated surface water from the proposed development would discharge

via new connection to the existing public sewer to the north east of the site and discharge to the Stameen Stream c. 1km north of the subject site which runs to the Boyne Estuary. Therefore, surface water run off could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of the Boyne Estuary.

During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Boyne Estuary from surface water run off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in the Boyne Estuary (dilution factor).

The foul discharge from the proposed development would drain, via a private sewer in the control of the applicant, under Grange Rath residential estate, to the Drogheda WWTP for treatment and ultimately discharge to Boyne Estuary. Therefore, there is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in the Boyne Estuary due to the wastewater pathway.

Concerns are also raised by third parties regarding the potential for disturbance on wintering birds from increased human activity. The site has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.

The subject site is identified for development through the land use policies of the Meath Development Plan 2021 - 2027. This statutory plan was adopted in 2021 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also

note the development is located on serviced lands in an urban area. The proposal includes SuDS / attenuation measures which will restrict surface water run-off into the public network. As such the proposal will not generate significant demands on the existing municipal sewers. It is also noted that the submission from the Department of Housing, Local Government and Heritage, the planning authority and Irish Water raised no concerns in relation to the proposed development.

The AA Screening Report notes that the Drogheda WWTP has a design capacity of 101,600 population equivalent (P.E.) In 2019, the Annual Environmental Report submitted to the EPA reported a collected load (peak week) of 75,062 P.E. The 2019 AER also stated that capacity is not likely to be exceeded within the next three years. This indicates that there is sufficient capacity within the existing WWTP to treat the additional loading from the proposed development.

It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the Boyne Coast and Estuary SAC and the River Boyne and River Blackwater SAC or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

#### 12.8. ***AA Screening Conclusion:***

It is reasonable to conclude that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the Boyne Coast and Estuary SAC and the River Boyne and River Blackwater SAC or any European Site in



view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### 13.0 Recommendation

Having regard to the above assessment, I recommend that Section 9(4)(a) of the Act of 2016 be applied, and that permission is granted for the reasons and considerations and subject to the conditions set out below.

### 14.0 Reasons and Considerations

Having regard to

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Meath County Development Plan 2021- 2027 and the Southern Environs of Drogheda Local Area Plan 2009-2015 (as extended);
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i. The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020 ;

- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009; and
- n. Chief Executive's Report; and
- o. Submissions and observations received.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 15.0 Recommended Order

**Application:** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 5<sup>th</sup> day of August 2021 by John Spain Associates , on behalf of Rockmill Limited.

**Proposed Development:** The construction of 201 no. residential units in 5 no. blocks (Blocks 1, 2, 3, 4 and 5). All blocks are 5 no. storeys in height. A single basement level is proposed beneath Blocks 1 and 2, to accommodate car parking, bicycle parking areas, bin stores, and circulation areas.

The development includes associated site and infrastructural works including all associated road infrastructure, bicycle and pedestrian facilities including a bicycle and pedestrian route through the site resulting in alterations to the existing Southgate Centre car park, foul and surface / storm water drainage, surface water management features, 181 no. car parking spaces, public and communal open space, bin and bike stores, lighting, landscaping and boundary treatments, 1 no. ESB substation, services, access arrangements, and all ancillary works.

## **Decision:**

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

- a) The site's location on lands with a zoning objective for residential development;
- b) The policies and objectives in the Meath County Development Plan 2021-2027 and the Southern Environs of Drogheda Local Area Plan 2009 - 2015 (as extended);
- c) Nature, scale and design of the proposed development;
- d) Pattern of existing development in the area;
- e) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f) Housing for All – A New Housing Plan for Ireland, 2021,
- g) The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h) Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- j) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

- k) Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020 ;
- l) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m) The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009; and
- n) Chief Executive's Report;
- o) Submissions and observations received and
- p) Inspectors Report.

***Appropriate Assessment:***

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, ex-situ site considerations and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

***Environmental Impact Assessment***

The Board completed a screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Statement submitted by the applicant, identifies, and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- nature and scale of the proposed development, which is below the threshold in respect Class 10(b)(i) and Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- the location of the site on lands zoned for residential development in the Meath County Development Plan 2021-2027 and the Southern Environs of Drogheda Local Area Plan 2009 – 2015 (as extended) which were subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site contiguous to the existing built up urban area of Drogheda, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Operational Waste Management Plan, Construction and Demolition Waste By-Product Management Plan, Construction Management Plan, Site Specific Flood Risk Assessment, Appropriate Assessment Screening and Ecological Impact Assessment.

In conclusion, having regard to the absence of any significant environmental sensitivity in the vicinity and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development and that the preparation and submission of an environmental impact assessment report would not therefore be required.

### ***Conclusions on Proper Planning and Sustainable Development:***

The Board considered that the proposed development is compliant with the provisions of the Meath County Development Plan 2021-2027 and the Southern Environs of Drogheda Local Area Plan 2009 – 2015 (as extended) and would therefore be in accordance with the proper planning and sustainable development of the area.

Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **16.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

3. A schedule of all materials to be used in the external treatment of the development to include a variety of high quality brick finishes, roofing materials, windows and doors shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

4. The boundary planting and open spaces shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application and all incorporate formal and informal seating areas, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the units are made available for occupation. Access to roof areas shall be strictly prohibited unless for maintenance purposes.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

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

**Reason:** To promote biodiversity.

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

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

7. Prior to the occupation of the residential units, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

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

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

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

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

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -



- a. notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- b. employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- c. provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

12. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

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

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

14. The internal road network serving the proposed development, turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

15. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public health and surface water management

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

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

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

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

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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

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

21. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development

Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

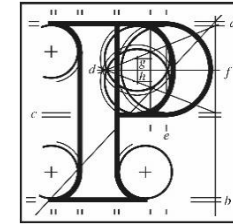
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Elaine Power

Senior Planning Inspector

11<sup>th</sup> November 2021



**An  
Bord  
Pleanála**

## **Appendix 1:**

### **EIA - Screening Determination for Strategic Housing Development Applications**

<b>A. CASE DETAILS</b>		
<b>An Bord Pleanála Case Reference</b>		<b>ABP-311028-21</b>
<b>Development Summary</b>		The construction of 201 no. apartments in 5 no. 5-storey blocks.
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	Stage 1 AA Screening Report submitted with the application
<b>2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	No
<b>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>	<b>Yes</b>	SEA undertaken in respect of the Meath County Development Plan 2021-2027 and the Southern Environs of Drogheda Local Area Plan 2009 - 2015 (as extended). Please refer to Section 11.7 of the Inspectors Report for full details of relevant Directives.

<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>	<b>Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain</b>
		(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	

		Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			
<b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b>	<b>No</b>	The development comprises the construction of 201 no. apartments on lands zoned for a mix uses including residential. The nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.	No
<b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b>	<b>Yes</b>	The proposed development is located within the urban area of Drogheda. The proposed development is not considered to be out of character with the pattern of development in the surrounding area.	No
<b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b>	<b>Yes</b>	Construction materials will be typical of such urban development. Redevelopment of this brownfield site will not result in any significant loss of natural resources or local biodiversity.	No



<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan, significant operational impacts are not anticipated.</p>	<p>No</p>

<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified.</p> <p>Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services. No significant emissions during operation are anticipated.</p>	<p><b>No</b></p>
<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	<p><b>No</b></p>

<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature.</p>	<p><b>No</b></p>
<p><b>1.10 Will the project affect the social environment (population, employment)</b></p>	<p><b>Yes</b></p>	<p>Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	<p><b>No</b></p>
<p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p>	<p><b>No</b></p>	<p>This is a stand-alone development and is not part of a wider large scale change. There are no permitted / proposed development on immediately adjacent lands. Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>	<p>No</p>
<p><b>2. Location of proposed development</b></p>			
<p><b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b></p> <p style="padding-left: 40px;"> <b>1. European site (SAC/ SPA/ pSAC/ pSPA)</b>  <b>2. NHA/ pNHA</b> </p>	<p><b>No</b></p>	<p>No European sites located on the site. An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European Sites.</p>	<p>No</p>

<p>3. Designated Nature Reserve  4. Designated refuge for flora or fauna  5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>This site does not host any species of conservation interest.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p><b>No</b></p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p><b>No</b></p>	<p>No such features arise in this urban location.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p><b>No</b></p>	<p>No such features arise in this urban location.</p>	<p>No</p>

<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>No</b></p>	<p>The site is not traversed by any watercourses or drains and there are no direct connections to watercourses in the area.</p> <p>The development will implement SuDS measures to control surface water run-off.</p> <p>The site is not at risk of flooding.</p>	<p>No</p>
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>No risks identified in this regard.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road network. There are sustainable transport options available to future residents. 181 no. car parking spaces are proposed on the site. No significant contribution to such congestion is anticipated.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>The development would not be likely to generate additional demands on educational or community facilities in the area.</p>	<p>No</p>

<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	<b>No</b>	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	<b>No</b>
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>	No	<b>No</b>

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	EIAR Not Required	EIAR Not Required
<b>Real likelihood of significant effects on the environment.</b>	<b>No</b>	No	

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands zoned C1: Mixed Use with the associated land use objective to provide for and facilitate mixed residential and employment generating uses in the Meath County Development Plan 2021 – 2027. The current development plan and Development Plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built up urban area of Drogheda, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Operational Waste Management Plan, the Construction and Demolition Waste and By-Product Management Plan and the Construction Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

**Inspector:** Elaine Power

**Date:** 11<sup>th</sup> November 2021