



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311619-21

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<b>Development</b>	Construction of 28 residential units.
<b>Location</b>	Donore Road, Drogheda, Co Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	201165
<b>Applicant(s)</b>	Bayview Contracts Limited
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Anthony & Tracy Farrell.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> May 2022.
<b>Inspector</b>	Lucy Roche

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## 1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.55ha and is located on the Donore Road, one of the main access routes serving the settlement of Drogheda. The Donore Road connects Drogheda Town Centre to the M1 Motorway at Junction 9 which is located c400m to the southwest of the appeal site.
- 1.2. The appeal site was formerly occupied by a single dwelling house but is now vacant and overgrown. It is roughly rectangular in shape and is relatively flat. It is bounded by the residential development of Cedarfield to the north and northeast, by detached housing to the east and a car showroom the west. The site benefits from c39m of road frontage with the Donore Road which borders the site to the south.
- 1.3. The area to the south is characterised by a mix of industrial buildings and commercial developments. The area is well served by commercial and community facilities with a range of schools /childcare facilities, shops, restaurants, and sports / recreation facilities within 1km radius. There are two bus stops within 200m of the site providing regular access to the town centre as well as to Dundalk and Dublin.

## 2.0 Proposed Development

- 2.1. The proposed development comprises of the following:
  - The construction of 28 residential units in five three storey blocks consisting of 14 no. 3 bed duplex units over 14 no. 2 bed ground floor apartments
  - A new entrance off the Donore Road,
  - Car and bicycle parking,
  - landscaping, public / communal open space, new boundary treatments including retaining wall,
  - alterations to site levels and all associated site works.
- 2.2. Significant Further Information was received on 29/07/2021. The further information submitted included revisions to the design / layout of the two proposed residential blocks on the northern boundary (accommodating units 17/18 to 21/22 and 22/23 to

27/28) and their curtilage along with proposals for the provision of the proposed pedestrian / cycle link to Cedarfield.

2.3. Table 1 below provides a summary of the key site statistics:

<b>Table 1: Key Figures</b>			
<b>Site Area</b>	0.55ha		
<b>No. Of Residential Units</b>	28		
<b>Housing Mix</b>	14no. 3 bed duplex units 14 no. 2 bed ground floor apartments		
<b>Density</b>	51units/ha		
<b>Height</b>	3 storey – c10.89m		
<b>Parking</b>	Car Parking	19	
	Cycle Parking	Resident	70 (40 within ground floor private amenity spaces)
		Visitor	14
		Total	84
<b>Open Space</b>	Public	678sqm (12% of site area)	
<b>Surface Water Drainage</b>	Public mains via attenuation tank and petrol interceptor. Test results indicate that the infiltration rate is very low and thus surface water disposal on site is not feasible.		
<b>Water supply</b>	Public main connection on the Donore Road		
<b>Foul Drainage</b>	Public main connection on the Donore Road		

## 3.0 Planning Authority Decision

### 3.1. Decision

Louth County Council by order dated 16<sup>th</sup> September 2021 decided to grant permission for the proposed development subject to 28no conditions. The majority of the conditions are relatively standard for residential schemes of this nature, the following are noted:

Condition 2: Requires the submission of detailed drawings in respect of

- the pedestrian and cycle link
- External finishes (reduction of plaster finish and more extensive use of brick)
- Bicycle and waste storage facilities

Condition 3: Requires a minimum of 2 communal car parking spaces with functioning electric vehicle charging points

Condition 13: Relates to the payment of development contributions

Condition 14: Relates to the payment of a cash security deposit

Condition 17: requires the submission of a construction and demolition waste plan

Condition 18: requires the submission of revised details in respect of surface water drainage

Condition 26: Relates to archaeological monitoring

Condition 28: Relates to Part V

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Initial Planners Report: February 2021

- The applicant has engaged in considerable consultations which have focused on achieving a quality site layout and connections to the site

- Due to outstanding matters pertaining to the proposed surface water management and in the absence of confirmation from Irish Water that a feasible connection to the foul sewer, they were unable to rule out that the development would not have a significant negative effect on any European Site.
- They consider that the residential use of the site would be permissible in principle and that the proposed development would be consistent with the objectives of the National Planning Framework in terms of making stronger urban places and planning for urban growth
- They have no concerns in relation to the layout and orientation of the proposed buildings or in relation to their three-storey height.
- They consider that the position of the buildings and separation distances between the established residential areas will not give rise to overlooking or overshadowing
- They note the lack of connectivity and permeability in the proposed scheme and consider this a concern
- They assess the proposed development in terms of compliance with Sustainable Urban Housing: Design Standards for New Apartments, Dec. 2020 and identify a number of issues
- They note the issues raised in the technical reports from Irish Water and Infrastructure Department
- In relation to Building Life cycle - they note that extensive areas of plaster finish (as proposed) would be expensive to maintain
- They recommend that further information be requested on the issues raised in the report as following
  - Item 1:           Requests further information to ensure compliance with Sustainable Urban Housing: Design Standards for New Apartments
  - Item 2:           Relates to connectivity / permeability with surrounding areas

- Item 3: Requests further detail in relation to the proposed Landscaping plan
- Item 4: Requests design details in relation to bicycle and waste storage
- Item 5: Relates to the provision and design of public footpaths and requires the submission of swept path analysis for bin collection
- Item 6: Relates to the sale of parking spaces
- Item 7: Requests details on bus services in the area
- Item 8: Relates to Surface Water Management
- Item 9: Relates to finished floor levels and invert levels
- Item 10: Relates to the provision of an owner's management company
- Item 11: Relates to proposals for public lighting design and layout
- Item 12: Refers to the need for pre-connection enquiry with Irish Water

#### Final Planners Report (Sept 2021)

- They consider the applicants response to the further information request, and they have regard to the technical reports and third-party submissions received.
- They consider that the applicants have adequately address the issues raised in the further information request with any outstanding issues capable of being addressed by way of condition.
- They note the applicant's proposal to provide a pedestrian link to the adjoining Cedarfield development and consider that such proposals would be acceptable however they consider it appropriate that the boundary wall between the application site and Cedarfield be lowered to maximise views and surveillance of the access. While noting the concerns of third parties, they consider that this proposal would enhance amenities and connectivity while satisfying the requirements of the Urban Design Manual for Urban Areas.

- They screen the development for appropriate assessment and Environmental Impact Assessment and conclude that no appropriate assessment issues would arise and that EIA is not required.
- They consider that the proposed development, subject to condition, would be in accordance with the proper planning and development of the area and would contribute to the regeneration of this site and help to consolidate the urban fabric of Drogheda in line with national and local planning policies.
- They recommend that permission be granted subject to conditions.

### 3.2.2. Other Technical Reports

Infrastructure: Feb. 2021: Further information requested  
 Aug 2021: Recommends a grant of permission subject to condition

### 3.3. Prescribed Bodies

Irish Water: Feb 2021 – Requests the submission of a pre-connection enquiry to determine the feasibility of connection to public water/wastewater infrastructure

Aug 2021: No objection

An Taisce: Feb 2021 – Recommends that further information is sought on transport impacts of the proposal, the existing pedestrian and cycle infrastructure in the area and how the proposal would contribute to reducing car dependence. They also consider that the issue of safe pedestrian and cycle access from the subject site across Donore Road to services in Drogheda Retail Park needs to be addressed and note the importance of a safe access to bus stop near junction with Cedarfield Road



Recommended that pre-development testing, be carried out on site and included as a condition in the granting of any planning permission

### **3.4. Third Party Observations**

- 3.4.1. A number of third-party submissions were received by the planning authority in response to the significant further information lodged by the applicants on the 29<sup>th</sup> July 2021 in response to the issues raised by the planning authority in the further information request. The majority of the submissions received were from residents of the adjoining Cedarfield development and from local councillors.

The issues raised are similar to those outlined in the grounds of appeal, they have been grouped and are summarised as follows:

- The proposed pedestrian access to Cedarfield is unnecessary, will have a negative impact on the residential amenities of houses in the cul-de-sac, will lead to anti-social behaviour and will create a traffic hazard
- The height and scale of development is excessive and will have a negative impact upon the amenities of the area
- The proposed scheme would contravene the zoning objective for the area (existing residential development under the Drogheda Borough council Development Plan 2011) as it would not enhance the amenities of existing residents
- The impacts of the development on wildlife and designated sites have not been adequately assessed. Query the adequacy of a Single field visits in May 2019.

- The proposed development would impact upon the residential amenities of adjoining properties by way of overlooking, overshadowing, overbearing, physical intrusion, devaluation of property and loss of light/sunlight

## 4.0 Planning History

19/868          Permission for development to consist of 20 residential units.  
Application withdrawn

## 5.0 Policy Context

### 5.1. Project Ireland 2040 - National Planning Framework

5.1.1. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018 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.

5.1.2. Relevant Policy Objectives include the following:

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, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### 5.2. Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031:

5.2.1. Drogheda is identified as a Regional Growth Centre within the Core Region of the Eastern and Midland Region and was the fastest growing town in the most recent

inter census period. An element of the growth strategy for the Eastern and Midland Region is to target growth of the regional growth centres, including Drogheda, as regional drivers and to facilitate the collaboration and growth of the Dublin-Belfast Economic Corridor, which connects the large towns of Drogheda, Dundalk and Newry.

5.2.2. 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.

5.3. **Urban Housing, Design Standards for New Apartments, Guidelines (DoEHLG, 2020):**

5.3.1. The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term.

5.4. **Development Plan**

5.4.1. The application was assessed by Louth County Council in accordance with the policies and objectives of the Drogheda Borough Council Development Plan 2011-2017 and the Louth County Development Plan 2015-2021. The Louth County Development Plan 2021-2127 was adopted by Louth County Council on the 30th of September 2021 and came into effect on the 11th of November 2021. The Louth County Development Plan incorporates the functional area of the entire County including the areas formerly within Drogheda Borough Council, Dundalk Town Council and Ardee Town Council. In terms of the status of the Plan, Section 1.1 outlines that:

*“When adopted, the County Development Plan will replace the Drogheda and Dundalk Development Plans, and Urban Area Plans / Local Area Plans will be prepared for these towns during the lifetime of this Plan”,*

I have assessed the proposal in accordance with the policies and objectives of the operative Development Plan namely the Louth County Development Plan 2021-2027

Zoning:

5.4.2. The subject site is zoned A2: New residential development Phase 1 with and objective “To provide for new residential neighbourhoods and supporting community facilities”. Residential is listed as a “generally permitted use” on lands zoned for A2 purposes

5.4.3. The Development plan set out the following guidance for the development of A2 lands: This is the primary location for new residential neighbourhoods. Any development shall have a high-quality design and layout with an appropriate mix of housing and associated sustainable transport links including walking, cycling, and public transport to local services and facilities. The density of the development shall be reflective of the location of the lands, with higher densities required on more centrally located areas close to employment or services, or in strategic locations along public transport networks. In addition to residential development, consideration will also be given to community facilities, retail services and uses that would support the creation of a sustainable neighbourhood; provided such development or uses are appropriate in scale and do not unduly interfere with the predominant residential land use

Chapter 2 - Settlement Hierarchy / Core Strategy

5.4.4. Table 2.4 of the County Development Plan sets out the settlement hierarchy for County Louth. Drogheda and Dundalk are designated as Regional Growth Centres. The Plan set out the following guidance for these centres:

*“Regional Growth Centres are 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 wide catchment area”.*

5.4.5. The following policies are of relevance

- Policy Objective CS 2: To achieve compact growth through the delivery of at least 30% of all new homes in urban areas within the existing built-up footprint of settlements, by developing infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.
- Policy Objective CS10: Direct and consolidate the majority of the County’s future population growth into the strong and dynamic Regional Growth Centres of Drogheda and Dundalk in line with the objectives of the Regional Spatial and Economic Strategy and in accordance with the Core and Settlement Strategies of the Development Plan.
- Policy Objective SS4: To support high density sustainable development, particularly in centrally located areas and along public transport corridors and require a minimum density of 50 units/ha in these locations.
- Policy Objective SS5: To support increased building heights at appropriate locations in Drogheda, subject to the design and scale of any building making a positive contribution to its surrounding environment and streetscape

### Chapter 3 Housing

5.4.6. The Following Objectives are Noted:

- Policy Objective HOU 15 To promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas, which will be appropriate to the local context and enhance the local environment in which it is located.

- Policy Objective HOU 16 To support increased building heights in appropriate locations in the Regional Growth Centres of Drogheda and Dundalk

### Chapter 13- Development Management

5.4.7. Chapter 13 of the County Development Plan sets out Development Management Guidelines. The following are of relevance:

- Section 13.8.4 relates to Density and Plot Ratio.

Recommended densities and maximum plot ratios are set out within Table 13.3 as follows: - Recommended Density: Town/ Village Centre: 50 units per ha, Edge of Settlement: 35 units per ha - Maximum Plot Ratio: Town/Village Centre: 2, Edge of Settlement: 1

- Section 13.8.9 relates to Residential Amenity.

In terms of privacy, the Development Plan sets out the following guidance: “Residential developments shall be designed to take account of the amenities of existing residents in the locality of a development area, in addition to the amenities of future residents of the subject development. Whilst some degree of overlooking between properties is likely to occur in urban areas, efforts shall be made to minimise the extent of this overlooking where this is possible. A minimum of 22 metres separation between directly opposing first floor habitable rooms in residential properties shall generally be observed. This separation distance is not required for windows in non-habitable rooms such as bathrooms, stairwells or landings” There may be instances where a reduction in separation distances may be acceptable. This is dependent on the orientation, location, and internal layout of the development and its

relationship with any surrounding buildings. Any applications for such developments will be assessed on a case-by-case basis”.

- Section 13.9.15 outlines that Public Open Space within a development shall normally equate to 15% of the total site area.
- Table 13.11 sets out Car Parking Standards. This sets out a requirement of 1 unit per apartment in Areas 1 and 2. Section 13.3.18 of the Plan outlines that a reduction in the car-parking requirement may be acceptable in certain circumstances such as where the Planning Authority is satisfied that public transport links available would reduce the demand for car parking.

## 5.5. Natural Heritage Designations

No natural heritage designations apply to the subject site.

The following sites are located within the wider area:

Designated Site	Site code	Distance
River Boyne and River Blackwater SAC	002299	c1.1km to the north
River Boyne and River Blackwater SPA	004232	c2km to the northwest
Dowth Wetland pNHA	001861	c3km to the west
Boyne Estuary SPA	004080	5km to the northeast
Boyne Coast and Estuary pNHA and SAC	SAC – 001957 pNHA - 001957	5km to the northeast
Boyne River Islands pNHA	001862	c1.5km to the northwest
River Nanny Estuary and Shore SPA	004158	c8km to the southeast
Laytown Dunes /Nanny Estuary pNHA	00554	c8km to the southeast

## 5.6. EIA Screening

- 5.6.1. An Environmental Impact Assessment Screening report was not submitted with the application. The proposed development falls within the categories of ‘Infrastructural Projects’, under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances: 10(b) (i) Construction of more than 500 dwelling units. (iv) 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.

- 5.6.2. The proposal is for 28no. residential units on a site of 0.55ha. The proposed development falls below the development threshold and mandatory EIA is therefore not required.
- 5.6.3. Having regard to the scale of the proposed development comprising only 28 no. residential units and the location of the site outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. I therefore consider that the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This is a third-party appeal, submitted on behalf of Anthony and Tracy Farrell, residents of Cedarfield, Donore Road, against the decision of the planning authority to grant permission for the proposed residential development at, Donore Road, Drogheda, Co Louth. The issues raised in the grounds of appeal have been grouped and are summarised as follows:

#### Legal Interest:

- The applicants do not have sufficient legal interest in the lands to carry out the proposed works. The redline boundary extends into the boundary wall with Cedarfield lands is not in the ownership of the applicants, and they do not have a letter of consent for the carrying out of such development.

#### Pedestrian Connectivity:



- The opening up of a pedestrian connection to Cedarfield is unnecessary and is not appropriate at this location and would give rise to potential anti-social behaviour and pedestrian safety concerns

#### Impact on Residential Amenity / Adjoining Properties:

- The proposed development would give rise to concerns for privacy and security to the rear of the appellants property in particular the proposed development would give rise to overlooking of the appellants rear garden
- The applicant is keen to ensure that the void space between the appeal site and the appellants boundary wall will be maintained. This area is within the appellants ownership and is required for maintenance purposes.

#### Excessive Height and Scale:

- The height and scale of the proposed development fails to respect the established character of the area and would appear visually overbearing and incongruous

#### Devaluation of Property:

- The proposed development would if permitted result in devaluation of the appellants property.

## **6.2. Applicant Response**

The applicant's response to the issues set out in the grounds of appeal have been set out below.

#### Insufficient Legal Interest / Pedestrian Connectivity

- The application boundary was extended to facilitate the introduction of the pedestrian /cycle link to Cedarfield in response to a request for further information issued by Louth County council on the 23<sup>rd</sup> February 2021.
- The applicant corresponded with Louth County Council and was assured that the works involved the public road and that consent was not required
- The applicant has no objection to the omission of the pedestrian/cycle link and is aware that under the provision of section 34(13) of the Planning and

Development act 2000 as amended that the granting of permission does not confer a right to carry out development.

#### Impacts on Residential Amenity

- They submit that the proposed development is adequately distanced from the appellants property and that no undue overlooking will occur.
- The proposed landscape plan will provide increased privacy for the appellants property
- There are no directly opposing windows between the appellants property and the proposed development
- They confirm that the void area referred to by the applicant will not be affected by the proposed development

#### Height and Scale

- Reference is made to national policy which seeks to increase densities and to achieve a high proportion of new development on brownfield lands within built up areas
- While acknowledging that the proposed development is of a higher density and building height than the adjoining Cedarfield development they strongly contend that the proposed development maintains a reasonable level of residential amenities for surrounding dwellings including the appellants property

#### Devaluation of property:

- The proposed development accords with all development management criteria and Section 28 guidance
- The appellants provide no evidence to support their assertion that the proposed development will devalue their property.
- The applicant contends that the proposed development will enhance the value of the property by providing a development on a disused brownfield site that is

the subject of anti-social behaviour and by the construction of a high quality residential development on this brownfield and underused site.

### 6.3. **Planning Authority Response**

The Planning Authority's response to the issues raised in the grounds of appeal are set out below:

- The Cedarfield development has been taken in charge by Louth County Council as such the Planning Authority is satisfied that the works proposed to provide for a pedestrian connection may be undertaken
- They consider that the proposed development would not give rise to undue overlooking, loss of privacy to residential properties or result in the devaluation of property
- The provision of pedestrian connection is desirable, will encourage sustainable modes of transport and is in the interest of proper planning and sustainable development of the area. Subject to agreed design they are satisfied a sense of safety for users and adjacent residents will be promoted
- They consider the scale and height of the scheme to be appropriate in the context of the urban area and that the design and layout has cognisance of existing properties within the vicinity of the site
- A void is not proposed between the boundary wall to the west of No.53 Cedarfield and the proposed scheme
- They consider that the planners reports on file have addressed all other matters in the appeal and respectfully request that the Board uphold the decision to grant permission subject to conditions 1-28

### 6.4. **Observations**

- None

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development – Density and Height
- The provision of a Pedestrian Linkage to Cedarfield
- Residential Amenity of Proposed Apartments
- Technical Issue - Discrepancies in Drawings
- Impact on Adjoining Properties
- Appropriate Assessment

### 7.2. Principle of Development – Density and Height

7.2.1. The subject site is zoned for new residential development (A2) in the Louth County development Plan 2021-2027 with an objective “*To provide for new residential neighbourhoods and supporting community facilities*”. The development of this site for residential purposes would accord with this zoning objective.

#### *Density*

7.2.2. Planning permission has been sought for the construction of 28 residential units on a site area of 0.55ha, this equates to a density of c51units / hectare. The Louth County Development Plan 2021-2027 (LCDP) promotes densities of 50 units per hectare in Drogheda town centre and 35 units per ha in edge of centre locations, while Policy Objective SS4 of the plan seeks to support high density sustainable development, particularly in centrally located areas and along public transport corridors, requiring a minimum density of 50 units/ha in these locations. The guidance set out in the Sustainable Residential Development in Urban Areas (2009), states that public transport corridors should be defined by walking distances from public transport nodes and recommends that increased densities should be promoted within 500m walking distance of a bus stop. While the appeal site is located outside of Drogheda

Town Centre, towards the edge of the built -up area, it is located on the Donore Road one of the main arterial routes to the town centre and in an area that is served by public transport with a bus stop, located within 200m of the appeal site. I am satisfied that this area could support higher residential densities and that the density of development proposed would accord with the objectives of the County Development Plan and overarching policy including the National Planning Framework and the Regional and Economic Strategy for the Eastern and Midland Region 2019-2031 which both support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.

#### *Height and Visual Impact*

- 7.2.3. The appeal site is located on the Donore Road, approximately 2km to the southwest of Drogheda Town Centre, existing development within the immediate vicinity of the site comprises a mix of commercial, industrial, and residential uses. While existing residential development in the area consists largely of two -storey houses, I am satisfied having to the characteristics of the site and the surrounding area that the site can accommodate three-storey development as proposed.
- 7.2.4. The appellants property, 52 Cedarfield, is located to the northeast of the appeal site, adjacent to a proposed three storey apartment block (Building Type C) comprising units 23 to 28 and directly northeast of the proposed pedestrian / cycle link. The appellants are of the opinion that this proposed residential block would, due to height and location, appear visually overbearing and incongruous with the surrounding area.
- 7.2.5. The residential block in question (Building Type C -Units 23-28) incorporates a recessed at first floor level and mono-pitched roof. It is to be constructed forward of the building line established by existing residential development within Cedarfield and, due to a level difference between Cedarfield and the appeal site, its height

would exceed that of the appellants property by between 1.4m and 3m. While I do not consider it necessary to continue the building line established within Cedarfield into the application site, I am of the opinion that this residential block, due its location, height and design (which incorporates a large blank façade to its eastern boundary) does have the potential to appear incongruous and visually intrusive when viewed from Cedarfield. I am however of the opinion that the negative impacts arising from this aspect of the proposed development could be adequately mitigated through appropriate redesign, for example through the introduction of additional detailing and fenestration to the structure's eastern elevation. I consider this issue could be addressed by way of condition. In addition, I refer the Board to condition 2 of the planning authority's notification of decision to grant permission for the development which requires a reduction in the quantum of plaster finish and the more extensive use of brick and I note that the applicants have agreed, as outlined in their response to the grounds of appeal, to extend the use of brick to the gable ends. Such a proposal would in my opinion also help to improve the appearance and visual dominance of this residential block when viewed from Cedarfield.

### **7.3. The provision of Pedestrian Connectivity to Cedarfield**

- 7.3.1. One of the main issues raised in the grounds of appeal and third-party submissions relates to the creation of a pedestrian / cycle connection from the appeal site to the adjoining residential development of Cedarfield. The appellants are concerned that this link will create a security risk, reduce the privacy of their home and attract anti-social behaviour. They are also concerned that pedestrians and cyclists would be at risk from vehicles reversing from their property.
- 7.3.2. The applicants note in their response to the grounds of appeal that the provision of the proposed pedestrian / cycle link to Cedarfield was a specific request from Louth County Council and while they have no objection to the removal of the connection from the scheme, they wish to reassure residents that that the layout of the scheme allows for adequate passive surveillance. The planning authority in their response to the grounds of appeal reiterate their desire for the provision of pedestrian

connectivity to encourage sustainable modes of transport in the interest of proper planning and sustainable development.

7.3.3. In principle I would support the provision of a pedestrian / cycle link between the appeal site and the adjoining residential development of Cedarfield as I consider that such a proposal would provide an alternative route for pedestrians and cyclists in the area and accord with the guidance set out in the Urban Design Manual (2009). Following consideration of the plans submitted I am satisfied that the design and layout of the proposed scheme is sufficient to ensure that the proposed link is adequately overlooked thus reducing the risk of anti-social behaviour. In relation to the traffic safety concerns raised by the appellant, I refer the board to condition 2 of the planning authority's notification of decision to grant permission for the development which requires the lowering of the block wall across the hammerhead through which the link is proposed and the provision of adequate lighting. I am satisfied that such works would result in improved visibility and adequately address safety concerns.

7.3.4. In addition to the concerns raised above, the appellants note that the provision of the proposed pedestrian / cycle link will necessitate works to the boundary wall with Cedarfield and they query whether the applicant has sufficient legal interest to carry out these works. I note however that planning authority have confirmed that Cedarfield has been taken in charge which I consider sufficient to ensure that the proposed works are feasible. any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal.

#### 7.4. **Technical Issue- Discrepancies in Drawings:**

The appellants are of the opinion that the site layout plans submitted are contrary to the requirements of the Planning and Development Regulations as they do not show the distances to the site boundary. Following a review of the site layout plans submitted I note that while separation distances were detailed on the original site layout plan, Drawing No. 2331-2/102) submitted to the planning authority on the 22<sup>nd</sup> December 2020 they were not shown on the revised layout plan (Drawing No. 2331-2/102/Rev1) submitted to the planning authority on the 29<sup>th</sup> July 2021. I also not

however that the applicants have confirmed in their response to the grounds of appeal the position and dimensions of buildings on site was not changed during the course of the application. I am therefore satisfied that the information provided is adequate for assessment purposes.

## 7.5. Impact on Adjoining Properties

### Overlooking

- 7.5.1. The appellants property, No.52 Cedarfield, comprises an 'L' shaped plot located to the northeast corner of the appeal site. The garden area extends to the rear of the appeal site and to the north of proposed units 27 and 28. The appellants are concerned that the proposed development, due to its height and proximity to site boundaries will overlook their back garden and result in a loss of privacy.
- 7.5.2. In terms of privacy, the development plan states that whilst some degree of overlooking between properties is likely to occur in urban areas, efforts shall be made to minimise the extent of overlooking where this is possible. The Plan recommends a minimum 22 metres separation between directly opposing first floor habitable rooms in residential properties, this normally equates to a separation distance of 11m between a proposed development and the opposing site / plot boundary. A reduction in this standard is however permissible subject to the orientation, location, and internal layout of the development and its relationship with any surrounding buildings. Any applications for such developments will be assessed on a case-by-case basis.

In this case, proposed Units 27/28 are to be located a minimum distance of 7.9m from the northern site boundary (the party boundary with No.52 Cedarfield), while there are no opposing windows, the height and design of these units and limited separation distance between them and the adjoining site boundary is likely to result in overlooking of the adjoining private amenities areas. Following consideration of the plans submitted I am however of the opinion that it would be possible to reduce the extent of overlooking / loss of privacy through the redesign of these units for



example though the omission of the first and second floor windows to habitable rooms in the rear elevation of Units 27/28 and their replacement with new windows in the side (east) elevation.

### Devaluation of Property

7.5.3. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusions set out in this report, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

### **7.6. Residential Amenity of Proposed Apartments**

7.6.1. Having regard to the nature of the proposed residential development I consider it necessary to assess the design details of the proposed apartment units having regard to the requirements of both local planning policy and the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020. In this respect it is of relevance to note that specific planning policy requirements set out in the Guidelines take precedence over any conflicting policies or objectives contained in the development plan. With regard to the above I proposed to assess the subject scheme under the following headings:

- Apartment mix
- Floor Areas
- Dual Aspect Ratios
- Floor to ceiling height
- Apartments to stair / lift core ratios
- Storage
- Amenity spaces
- Security considerations
- Parking Facilities

7.6.2. Apartment Mix:

The proposed development provides for the construction of 14 No. three-bedroom duplex apartments and 14 No. two-bedroom (4 person) ground floor apartments. Having regard to the relatively small scale of the development proposed, I am satisfied that this scheme achieves a suitable mix of unit sizes / types in accordance with Specific Planning Policy Requirement No. 1 of the Guidelines.

### 7.6.3. Floor Areas

#### *Apartment Floor Areas*

It is a specific planning policy requirement (SPPR3) of the Guidelines that the minimum apartment floor areas previously specified in the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2007’ continue to apply. As set out in the table below, each of the proposed units has a stated floor area which exceeds the minimum requirements of the Guidelines.

<b>Apartment Type:</b>	<b>Policy / Requirement</b>	<b>Proposed</b>
2-bedroom apartment	73sqm	74 or 79sqm
3-bedroom apartment	90sqm	100 to 128sqm

Furthermore, in the interest of safeguarding higher standards of accommodation by ensuring that apartment schemes do not provide for units being built down to a minimum standard (in reference to Section 3.8 of the Guidelines which states that the majority of all apartments in any proposed scheme of 10 or more apartments should exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types by a minimum of 10%), from a review of the submitted details, I am satisfied that the subject proposal accords with the applicable requirements.

#### *Aggregate Floor Areas / Dimensions for Certain Rooms:*

Having reviewed the submitted drawings, I am satisfied that the overall design of the proposed apartment units generally accords with the required minimum floor areas

and standards (including the dimensions of certain rooms) as appended to the Guidelines.

#### 7.6.4. Dual Aspect Ratios

The amount of sunlight reaching an apartment significantly affects the amenity of its occupants and therefore it is a specific planning policy requirement (SPPR4) that in more central and accessible urban locations the minimum number of dual aspect apartments to be provided in any single apartment scheme will be 33% whereas in suburban or intermediate locations the foregoing requirement is increased to 50%. Within the proposed scheme, all units will be dual aspect, therefore exceeding the required standards.

#### 7.6.5. Floor to Ceiling Height

Specific planning policy requirement (SPPR5) requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7m. The ground level apartments within the proposed scheme have a floor to ceiling height of 2.8m the proposal therefore satisfies the requirements of SPPR5.

#### 7.6.6. Apartment to stair /Lift Core Ratios

Specific planning policy requirement (SPPR6) requires a maximum of 12 apartments per floor per core may be provided in apartment schemes. Given the design & scale of the development proposed which comprises 24no residential units across 5 blocks, the proposal satisfies the requirements of the Guidelines in this regard.

#### 7.6.7. Storage

##### *Internal Storage*

The Guidelines set out minimum requirements for storage areas within apartments. as follows:

<b>Apartment Type:</b>	<b>Policy / Requirement</b>	<b>Proposed</b>
2-bedroom apartment	6sqm	6sqm
3-bedroom apartment	9sqm	9 to 9.7sqm

As a rule, no individual storage room within an apartment should exceed 3.5 square metres

Each of the proposed residential units has been provided with storage areas meeting or exceeding the required quantitative standard. While Type A ground floor apartments have been provided with storage areas of 4.2sqm, exceeding the recommended 3.5sqm, I note that these storage areas are internal spaces with no windows and therefore unlikely to be utilised for habitable / non-storage purposes however should the Board consider it appropriate, I note that these storage areas could be sub-divided with access to part provided from the adjoining bedroom.

#### *Additional Storage*

Section 3.32 of the Guidelines states that apartment schemes should provide for the storage of bulky items such as bicycles, children's outdoor toys or buggies, outside of individual units (i.e. at ground or basement level). However, whilst planning authorities are to be encouraged to seek the provision of such space in addition to the minimum apartment storage requirements, this would not appear to be mandatory. Within the proposed scheme, I note that the upper floor duplex units Type B and C have been provided with additional storage of c1.3sqm at ground floor level (within the entrance hall), in addition provision has been within the scheme for bicycle storage for each units and communal refuse / bin storage.

#### *Refuse Storage:*

Section 4.8 of the guidelines relates to the provision of adequate refuse storage within apartment schemes. Refuse facilities shall be accessible to each apartment stair/lift core and designed with regard to the projected level of waste generation and types and quantities of receptacles required. Adequate provision for the temporary storage of segregated materials should be available within apartments prior to deposition in communal waste storage

I note that three separate communal refuse storage areas have been provided within the proposed scheme and I am satisfied that these storage areas are adequate in terms of their accessibility however further details would be required in order to ensure that storage areas have been designed and sized with regard to the projected level of waste generation by the proposed residential units and types and quantities of receptacles required. This issue may be addressed by way of condition / compliance. In addition to the above I am satisfied that the proposed apartments units are adequately sized /designed to accommodate the temporary storage of segregated materials should be available within apartments prior to deposition in communal waste storage

7.6.8. Amenity Spaces

<b>Apartment Type:</b>	<b>Private Open Space Requirement</b>	<b>Communal Open Space Requirement</b>
2-bedroom apartment	7sqm	7sqm
3-bedroom apartment	9sqm	9sqm

*Private Amenity Space:*

It is a policy requirement of the Guidelines that adequate private amenity space (in accordance with the above table) be provided in the form of gardens or patios / terraces for ground floor apartments and balconies at upper levels. Consideration must also be given to certain qualitative criteria including the privacy and security of the space in question in addition to the need to optimise solar orientation and to minimise the potential for overshadowing and overlooking.

From a review of the submitted drawings, it can be confirmed that the overall private open space provision for each of the apartment units exceeds the minimum requirements of the Guidelines.

*Communal Amenity Space:*

The Guidelines state that the provision and proper future maintenance of well-designed communal amenity space is critical in meeting the amenity needs of residents, with a particular emphasis being placed on the importance of accessible,

secure and usable outdoor space for families with young children and for less mobile older people. The minimum requirements for communal open space provision are set out in the above table, based on these standards the proposed scheme would necessitate the provision of 224m<sup>2</sup> of communal open-space..

However, in accordance with Section 13.8.5 'Public Open Space', the proposed development would necessitate the provision of 825m<sup>2</sup> Public Open Space' based on 15% of the site area. Communal open space to serve the proposed apartment units is detailed on the site layout plan as purportedly amounting to 678m<sup>2</sup> which would equate to c12% of the overall site area. While this would far exceed the standard set out in the guidelines, it would result in a shortfall of c147sqm in respect of County Development Plan standards.

Notwithstanding, I am satisfied that the overall quality of the space proposed within this scheme would provide for a sufficiently high level of amenity for the users of same and is suitably overlooked and secure in terms of passive surveillance and as such I would not recommend that permission be refused on this basis.

#### 7.6.9. Security considerations

As per the guidelines, apartment design should provide occupants and their visitors with a sense of safety and security, by maximising natural surveillance of streets, open spaces, play areas and any surface bicycle or car parking. Entrance points should be clearly indicated, well-lit and overlooked and particular attention should be given to the security of ground floor apartments.

Following consideration of the plans and particulars submitted I am satisfied that the design and layout of the proposed scheme would satisfy the secure requirements set out within the guidelines.

#### 7.6.10. Parking Facilities

##### *Car Parking*

In accordance with County Development Plan standards the proposed scheme would require 28no car parking spaces (1 space / unit). The proposed scheme allows for the provision of 19no car parking spaces, resulting in a shortfall of 9no spaces. It is noted however that the apartment guidelines support a reduction in parking standards for development on sites such as this (i.e., sites in urban locations

close to public transport etc). I therefore consider that a reduced standard for parking provision is justifiable in this instance and that the quantum of parking proposed would be sufficient to meet the requirements of the scheme.

I refer the Board to the requirements of Condition no. 3 of the planning authority's notification of decision to grant permission for the development which outlines that 2-no. communal car parking spaces shall be provided with functioning electric vehicle charging stations/points. I consider the requirements of this condition to be appropriate in the instance that the Board is minded to grant permission for the development.

#### *Bicycle Parking*

The guidelines require that cycling as a transport mode is fully integrated into the design and operation of all new apartment development schemes with the provision of high-quality cycle parking and storage facilities for both residents and visitors.

In accordance with the details submitted, the proposed scheme allows for the provision of 70no parking spaces for residents, 40no of which are located within ground floor private amenity areas. An additional 14no spaces for visits have also been provided within the scheme. I consider proposals in this regard to be adequate.

#### 7.6.11. Overall Design of the Proposed Apartment Scheme:

On the basis of the foregoing, it is my opinion that the design of the submitted proposal accords with the minimum requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020' and provides for a satisfactory level of residential amenity for the future occupants of the proposed units and does not amount to an overdevelopment of the site.

#### 7.7. **Appropriate Assessment:**

- 7.7.1. A report for the purposes of Appropriate Assessment screening, prepared by Roger Goodwille & Associates has been submitted with the application. This document provides a description of the site and proposed development and identifies European

Sites within a possible zone of influence of the development as well as an identification / assessment of the likely effects on the identified sites etc.

7.7.2. The following table provides a list of European sites identified within a possible zone of influence:

European Site	Site Code	Distance
River Boyne and River Blackwater cSAC	002299	1.3km
River Boyne and River Blackwater SPA	004232	1.7km
Boyne Estuary SPA	004080	4km
Boyne Coast and Estuary SAC	001957	4.2km
River Nanny Estuary and Shore SPA	004158	8.2km
Clogher Head SAC	001459	14.5km

7.7.3. The screening report concludes that:

*There is no likelihood that this development will have significant impacts on the integrity and functioning of the Natura 2000 site network, in particular on the nearby site, the River Boyne and River Blackwater SAC and the Boyne Estuary SPA. This is a finding of no significant effects. this being the case there is no possibility of cumulative effects. The further, more detailed stages of appropriate assessment at not required.*

7.7.4. As the appeal site does not support any of the habitats or species for which the Natura sites are designated it can be determined that there will be no direct effect on same.

7.7.5. I note the designated area of sites within the inner section of Boyne Estuary, namely the Boyne Coast and Estuary SAC, Boyne Estuary SAP and the River Boyne and River Blackwater SAC, are proximate to the outfall location of the Drogheda WWTP. In addition, there are potential impacts arising from contaminated surface waters reaching the River (the appropriates assessment screening document identifies the



possible location of an outfall between St. Dominick's and St. Mary's Bridges, c1.8m to the northwest of the appeal site). Therefore, I consider it reasonable to determine that an indirect pathway exists from the site to these designated sites via the surface water/foul water networks. I would however consider that the distance between the appeal site and designated sites / outfall locations would be sufficient to ensure that any pollutants or silt are adequately dispersed or have undergone treatment in the WWTP.

- 7.7.6. With regard to the above, I note the Planning Authority in their initial assessment (Feb 2021) were unable to rule out significant effects on the conservation objectives of designated sites due to the lack of detail provided in relation to the management of surface water on site and the lack of clarity in respect of the feasibility of a connection to public water / wastewater infrastructure (this issue was raised by Irish Water). Further information received from the applicants on 29<sup>th</sup> July 2021 confirmed the poor infiltration qualities of the soil and included proposals to connect to the public water drainage system via attenuation tank and petrol interceptor. Revised proposals were generally considered acceptable by the planning authority subject to the provision of additional SuDS measures in lieu of the proposal to connect a 150mm land drain to the existing surface water system. Following the submission of a pre-connection enquiry, Irish Water confirmed that connection to public mains water and wastewater infrastructure was feasible. In receipt of this information the planning authority considered it reasonable to conclude that the proposed development would not adversely affect the integrity of European Sites.
- 7.7.7. It is my view that, having regard to the nature and scale of the development, the sites location in a serviced urban area and the nature of existing development which separates the appeal site from the designated sites and to the nature of the qualifying interests, lack of biodiversity corridor link to conservation sites and the treatment of surface runoff and foul water in Drogheda WWTP, that the proposed development would not be likely to have a significant effect on any European site.
- 7.7.8. I consider it reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects

would not be likely to have a significant effect on any designated European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following: nature and scale of the proposed development, the nature of the receiving environment which comprises a built-up urban area, the capacity within the Drogheda WWTS to treat the additional loading from the proposed development, the distances to the nearest European sites and the hydrological pathway considerations.

## 8.0 Recommendation

- 8.1. I recommend that planning permission for this development be granted subject to condition.

## 9.0 Reasons and Considerations

Having regard to the objectives of the Louth County Development Plan 2021-2022, the location of the proposed development, the pattern of development in the area and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area, and would be acceptable in terms of the safety and convenience of pedestrians and road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 27th of November 2020 and as amended by further plans and particulars received on the 29th of July 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such
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	<p>details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) All first and second floor windows serving habitable rooms in the rear elevation of units 27 and 28 shall be omitted and replaced with new windows in the side (east) elevation.</p> <p>(b) The external finishes to the proposed buildings shall be amended to include a reduction in the area of plaster finish and the more extensive use of brick, in particular brick shall be introduced as an external finish to the side elevations of the proposed residential / apartment blocks.</p> <p>Prior to the commencement of development, the developer shall submit to and for the written agreement of the Planning Authority revised proposals including revised plans and particulars to demonstrate how the requirements of this condition are to be complied with.</p> <p><b>Reason:</b> In the interests of visual amenity</p>
3.	<p>Prior to the commencement of development details of the materials, colours and textures of all the external finishes to the proposed buildings, surface materials and public realm finishes shall be submitted for written agreement of the planning authority.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>The developer shall facilitate the provision of a new pedestrian / cycle link between the application site and the adjoining residential development of Cedarfield. Prior to the commencement of development, the developer shall submit to and for the written agreement of the planning authority detailed design proposals for the pedestrian / cycle link.</p>

	<p><b>Reason:</b> In the interests of residential amenity and permeability.</p>
5.	<p>A minimum of two (2) communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtillage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has 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.</p> <p><b>Reason:</b> To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles</p>
6.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities, for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
7.	<p>The landscaping scheme shown on drawing No.01 (Rev 4), as submitted to the planning authority on the 29<sup>th</sup> day of July 2021 shall be carried out in during the first planning season following the commencement of</p>

	<p>development and shall be completed prior to the sale of any of the proposed residential units.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interests of residential and visual amenity</p>
8.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting of the proposed pedestrian /cycle link with Cedarfield, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
9.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).</p> <p><b>Reason:</b> In the interests of amenity and of pedestrian and traffic safety.</p>
10.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity</p>

11.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health</p>
12.	<p>The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
13.	<p>Proposals for a naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and apartment numbers, shall be provided in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
14.	<p>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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>

15.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of traffic management, intended construction practice for the development, including noise management measures and off-site disposal of construction / demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
16.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of this development</p>
17.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(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.</p>

	<p><b>Reason:</b> In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
18.	<p>Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
19.	<p>Prior to commencement of development, the applicant 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.</p>



	<p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
20.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the 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.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development.</p>
21.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p>

	<p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Lucy Roche  
Planning Inspector

23<sup>rd</sup> June 2022